

# *Restorative Justice Conferencing as a 'Holistic' Process: Convenor Perspectives*

Masahiro Suzuki\* and William R Wood†

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## *Abstract*

Restorative justice conferencing ('RJC') has demonstrated strengths over traditional criminal justice approaches, including victim satisfaction and redress, and offender perceptions of legitimacy and fairness. However, less is known about how and why. This research examines conference convenor perspectives concerning how and why RJC 'works' in terms of such outcomes. The convenor perspective is a poorly investigated area in RJC research, despite the pivotal role that convenors play as 'key' participants in RJC practice. Based on semi-structured interviews with convenors involved in the Youth Justice Group Conferencing program in Victoria, findings highlight that not only face-to-face dialogue, but also preparation and follow-up, play distinct and important roles in the outcomes of RJC. As preparation and follow-up phases are often dismissed or compromised in practice, this article suggests that RJC should be clearly articulated and implemented as a 'holistic' process that requires equal attention to all three phases.

**Keywords:** restorative justice – youth justice – facilitator – convenor – Youth Justice Group Conferencing – Victoria – Australia

## **Introduction**

Utilised in many jurisdictions, restorative justice conferencing ('RJC') involves face-to-face dialogue between victims and offenders with the goals of offender accountability and reintegration, and victim redress and reparation (Suzuki and Hayes 2016). In the last two decades, there have been numerous studies on the effectiveness and outcomes on RJC. When compared to more traditional criminal justice approaches, RJC has strengths over traditional criminal justice approaches, not only in terms of victim satisfaction and redress, but also in terms of offender perceptions of legitimacy and fairness (Shapland et al 2011; Strang et al 2013; Umbreit et al 2008).

While these findings are promising, less is known about how and why RJC can achieve these outcomes compared to more traditional criminal justice practices (Bazemore and Elis 2007;

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\* Doctoral candidate, School of Criminology and Criminal Justice, Mt Gravatt campus, Griffith University Qld 4122, Australia. Email: [masahiro.suzuki@griffithuni.edu.au](mailto:masahiro.suzuki@griffithuni.edu.au).

† Senior Lecturer, School of Criminology and Criminal Justice, Gold Coast campus, Griffith University Qld 4222, Australia. Email: [w.wood@griffith.edu.au](mailto:w.wood@griffith.edu.au).

Bazemore and Green 2007). Bazemore and colleagues have raised doubt as to whether such outcomes can in fact be attributed to RJC, and have suggested they may result from other intervention features such as procedural justice (Bazemore et al 2007; Bazemore and Green 2007; Bazemore and O'Brien 2002). In examining the determinants of RJC outcomes, two distinct approaches have been taken thus far. Some scholars have utilised quantitative analyses to examine 'variability' of RJC; that is, differences within the actual processes of RJC (see Hayes and Daly 2003, 2004; Hipple et al 2014, 2015; Maxwell and Morris 2001). Others have employed qualitative investigations to explore views of participants in RJC (see Abrams et al 2006; Armstrong 2012; Choi et al 2011; Van Camp and Wemmers 2013). This study follows the latter approach. Previous quantitative studies on RJC have been able to ascertain variability in outcomes, or differences in outcomes between RJC and traditional criminal justice approaches. However, such studies have been less able to identify factors or conditions determinate of RJC's strengths, or limitations, when considering the complex dynamics of its processes (Hayes 2006; Umbreit et al 2002).

Specifically, this research examines conference convenors' perspectives on what elements of RJC are important to generate 'successes' such as victim satisfaction and redress, and offender perceptions of legitimacy and fairness. Although convenors play a pivotal role as 'key' participants, there is less research on convenor perspectives as to why RJC works when it does or why it sometimes fails. Exploring this role and the knowledge of convenors may shed new light on mechanisms through which the RJC process 'works'. Hence, the main objective of this research is to broaden the existing knowledge base on perspectives of key participants beyond those of victims and offenders regarding RJC outcomes. For this purpose, this study explored the perspectives of convenors in the Youth Justice Group Conferencing program in Victoria, Australia.

## Literature review

### *Participants' views*

Some scholars have argued that, when discussing RJC, it is necessary to clearly distinguish different forms such as family group conferencing ('FGC') or victim-offender mediation ('VOM') (Walgrave 2012). However, as our purpose is rather to identify common 'restorative' elements of RJC from participants' perspectives (see Bazemore and Schiff 2005), qualitative research on all forms of RJC — conferencing, FGC and VOM — is thus reviewed.

Although victim satisfaction is considered one of the benefits of RJC, what factors lead to satisfaction with RJC remain less clear (Umbreit et al 2002; Vanfraechem and Aertsen 2010). Tyler (1990) and others (see Van Camp 2014) have suggested that the procedural processes of RJC play a large role in the satisfaction of participants in RJC, but to date there remains only a marginal amount of empirical research on this question. Armstrong (2012) interviewed 35 victims who participated in the RJC process in the United Kingdom ('UK') about what factors they perceived to be important. Victims found several factors important, including quality of preparation, active involvement in the dialogue, interactions with offenders, presence of police officers, and an agreement plan to restore the harm caused by crime. Van Camp and Wemmers (2013) examined whether victim satisfaction is attributed simply to procedural justice or to other factors specific to RJC. Based on interviews with 34 victims who participated in FGC or VOMs in Canada and Belgium, they found that victim satisfaction comes not only from procedural fairness, but also from factors specific to RJC, including

flexibility in the process, care provided for victims, dialogue with offenders, and victims' own pro-social motivations.

For offenders' views on how RJC works, Abrams et al (2006) conducted interviews with seven young offenders who attended VOMs in United States ('US'). They reported that, although they felt nervous to meet victims, offenders found it the most meaningful part of the process. By listening directly to victims' stories, offenders felt a sense of closure. Further, through direct communication with victims, when offenders were treated with respect, they reported that they could change their views of victims positively and better understand the impacts of their offences on victims. These findings are congruent with a similar study by Choi et al (2011), who examined experiences of eight young offenders who participated in VOMs in the US. They found that, although young offenders tended to feel that VOM was 'not an easy punishment to take', at the same time they considered it 'a good punishment' because it was an opportunity to: learn the impact of their offences on victims; to see the broader impact of their crimes on people other than victims; to understand victims' perspectives; and to confront victims as real human beings (Choi et al 2011:344).

Within the existing literature it is possible to identify two major elements common to situations in which RJC 'works'. As Umbreit (1997) has argued, RJC may work because it is a *humanistic mediation* approach that is not settlement driven, but dialogue driven. A settlement-driven process is more likely to 'evolve into little more than another impersonal, mechanical and routine social service' because it sacrifices 'understanding and addressing the emotional context of the conflict' for the sake of program efficiency (Umbreit 1995:198). On the other hand, a dialogue-driven process provides opportunities for each participant to recognise the humanity of others (Umbreit 1997). Additionally, what Roche (2003) called *deliberative accountability* may also play an important role in the success of RJC. The RJC process enables participants to develop 'mutual accountability' because verbal accounts provided by participants are 'scrutinized and assessed by other participants, whose own accounts are in turn scrutinized' (Roche 2003:79–80). Participants can feel empowered because '[w]ithin this process of deliberation and mutual accountability truths beyond evidential truths emerge' (Cunneen and Hoyle 2010:64).

### ***Convenors' views***

Research regarding how RJC works has largely focused on victim and offender perception or experiences. Less research exists examining convenors' perspectives on why RJC works or why it sometimes fails, despite the fact that convenors play a variety of significant roles throughout the entire process (Bruce 2013; Choi and Gilbert 2010). Poor facilitation by convenors can negatively influence participants' perceptions of RJC (Choi and Gilbert 2010). Hence, the success of the process may be partly dependent upon convenor roles and skills (Barton 2003; Bolitho 2015; Boyack et al 2004). Due to these characteristics, exploring convenor views yields valuable knowledge of determinants of positive RJC outcomes. Further, convenors are expected to play a neutral role in the RJC process, enabling them to provide new insights from victims and offenders who 'may not be very good observers of what happens in an interaction' because 'they are more focused on their own experience and making sense of what it all means' (Rossner 2013:41).

To our knowledge, there are only two existing qualitative studies that have involved in-depth interviews with convenors that sought to document their views on how RJC works (Miller and Hefner 2015; Rossner 2013).<sup>1</sup> Miller and Hefner (2015) examined how RJC

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<sup>1</sup> Rossner et al (2013) and Bolitho (2015) also examined convenor perspectives on how RJC works. However, we have excluded discussion of these studies because convenor perspectives in both studies were supplementary to

contributes to victims' and offenders' perceived fairness and other positive perceptions. They interviewed five convenors involved in RJC programs in Australia and the US. From the convenors' perspectives, procedural justice elements in the RJC process helped victims feel a sense of fairness because they receive detailed information about how to deal with their crimes. Further, according to the convenors, victims felt empowered because the RJC process gave more attention to their needs. The procedural justice elements in the RJC process also contributed to offender perceptions of fairness. Convenors reported that this perceived fairness among offenders in the process led them not only to help victims' healing, but also to feel legitimacy towards the RJC process and their expected role in it.

Rossner (2013) examined convenors' views based on the theory of interaction ritual. According to that theory, in the RJC process 'the sequence and flow of ... interactions are patterned, ritualized and relatively predictable' so that this theory helps to 'isolate the components of a "good" conference' (Rossner 2011:96). Accordingly, Rossner (2013) interviewed eight police convenors in the UK. Convenors reported key ritual elements that can lead to success, including: building trust between convenors and participants; preparation for emotional intensity of participants for dialogue; emotional responses to physical and emotional harm caused by crime; imaginative agreements to restore the harm; development of rhythm in conversation and interaction between participants; and presence of turning points that create solidarity among participants.

Thus, studies that have examined convenors' views on how RJC works have found a variety of features of RJC that may contribute to positive outcomes. Similar to research on participants' views, they suggest that common and core elements are humanistic interaction between victims and offenders and equal treatment with care. In line with the above two existing studies, the current study aims to add to knowledge regarding convenors' perspectives on how RJC works. However, it takes a different approach. While former studies have involved in-depth interviews with convenors that sought to document their views on specific facets of RJC — procedural justice (Miller and Hefner 2015) and interaction ritual (Rossner 2013) — our study took the original approach of using in-depth interviews with RJC convenors to investigate what they see as the primary mechanisms and drivers of successful conferences.

## Youth Justice Group Conferencing program in Victoria

In Victoria, RJC is delivered by the Youth Justice Group Conferencing program ('YJGCP'). In 2005, the legislative basis for the YJGCP was established in the *Children, Youth and Family Act 2005* (Vic). Currently the YJGCP operates in six regions of Victoria, conducted by six non-governmental organisations accredited by the Victorian Government (KPMG 2010).

The YJGCP serves as one of the diversionary programs in the juvenile justice system in Victoria (Department of Health and Human Services ('DHHS') 2015). The aims of the YJGCP are to:

- 'raise the young person's understanding of the impact of their offending on the victim, their family and/or significant others and the community

- reduce the frequency and seriousness of re-offending by the young person completing the program
- improve the young person's connection to family/significant others and their integration into the community
- negotiate an outcome plan that sets out what the young person will do to make amends for their offending
- increase victim satisfaction with the criminal justice process
- divert the young person from a more intensive sentence' (DHHS 2015:1).

The YJGCP's target group consists of young offenders aged between 10 and 18. Their offences must be serious enough for 'a sentence supervised by the youth justice service including probation, youth supervision order, youth attendance order, youth residential order or youth justice centre order' (DHHS 2015:1). They also need to meet the program's suitability criteria. Young offenders considered suitable for the YJGCP have: been found guilty of offences aside from homicide, manslaughter and sex offences; committed an offence that warrants supervision by youth justice services; and consented to participate (DHHS 2015).

Once young offenders are found suitable, magistrates defer their sentences, and the young offenders are referred to the organisations that operate the YJGCP in each region. At a minimum, the YJGCP requires the presence of the young offender, his or her solicitor, a police officer, and a convenor. Victims are encouraged to attend, but it is not required they do so for the conference to take place.<sup>2</sup> The offender's family members or supporters, victim family members or supporters and others permitted by the convenor may also attend in supporting roles. At the YJGCP process, participants are encouraged to discuss what happened and how to repair the harm caused by crime. At the end of the conference an outcome plan is created to document agreements regarding what young offenders will do. The convenors then report the results to the Children's Court. Magistrates determine sentencing based on the outcome plan and other various factors, such as young offenders' behaviour at the time of referral or the pre-sentence report (DHHS 2015).

## Methodology

This research employed semi-structured interviews with seven YJGCP convenors. Since this study aimed to examine the view of RJC convenors, semi-structured interviews were considered most appropriate (Kvale 2007). The interviewees were asked to answer questions based on their practical experiences and assessments of YJGCP outcomes. Each interview was conducted in person at the location of the six non-governmental organisations accredited by the Victorian Government to operate the YJGCP across Victoria, and took between one and two hours.

To select participants, each organisation was contacted to inquire into the possibility of conducting interviews with convenors, and all six organisations agreed to take part in this research. Although it is unknown whether convenors self-selected or whether they were

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<sup>2</sup> According to the evaluation report by KPMG (2010), at the time of evaluation between September 2009 and September 2010, the victim participation rate in the YJGCP was approximately 50 per cent. When victims chose not to attend, convenors indicated to the researcher that they attempted to include victim input via other means, such as victim impact statements.

nominated, one representative from each of the six organisations that operate the YJGCP was chosen in order to reflect representation across Victoria. While these interviews were scheduled with only one person, when the researcher visited one organisation to conduct an interview two convenors showed up as interviewees. In this case, the interview was conducted for these two convenors at the same time. At the time of this research, there were 25 total convenors working at the YJGCP through Victoria, so while the total number of participants is small, it also represents approximately 30 per cent of all convenors in Victoria (Amelia van Lint, Senior Program Officer of the Youth Justice & Disability Unit at the DHHS, personal communication, 9 February 2016), with approximately 240 conferences completed annually (Productivity Commission 2016). The length of their experiences as convenors ranged from one-and-a-half to 10 years.

The collected interview data was analysed using thematic analysis, which is ‘a method for identifying, analysing and reporting patterns (themes) within data’ (Braun and Clarke 2006:79). This analytical strategy was considered most suitable as it helps to reveal ‘something important about the data in relation to the research question, and represents some level of *patterned* response or meaning within the data set’ (Braun and Clarke 2006:82, emphasis in original). There were four main phases of the thematic analysis (Braun and Clarke 2006). In the first phase, the data from each interview was transcribed and read repeatedly to obtain a detailed picture of the data. In the second phase, the features of the data that were considered relevant to the research question — key elements that can lead to successful outcomes of RJC from the convenors’ perspectives — were coded. In the third phase, overarching themes that provided answers to the research question were identified. In this phase, the codes and transcripts were reread to confirm whether the key overarching themes were consistent with the research question and context of the interviews. This was done by examining both the internal coherence of transcripts and external coherence across the dataset. In the final phase, these themes were defined and classified in named categories to establish the relationships with the research question.

There are two main limitations of this research. First, while approximately 30 per cent of the total convenors for the YJGCP were interviewed, it is not known how representative this sample is of all convenors in terms of age, gender, race or ethnicity, or other possible relevant factors. Second, this research focused on only one type of RJC, which is youth justice (diversionary) conferencing held in one Australian jurisdiction. Even within Australia, where all jurisdictions employ youth justice conferencing, there are technical and practical differences between jurisdictions (Larsen 2014). These differences may be exacerbated in other forms of RJC, for instance VOM or circle sentencing or RJC at different stages, such as post-sentencing. These limitations may make it difficult to generalise from the research findings that focused on practical knowledge of the YJGCP convenors.

## Findings

Thematic analysis of the data revealed four key elements in YJGCP that are essential to generate success from the perspective of convenors. These are adequate preparation, ensuring that the victim’s voice is heard, establishing a realistic outcome plan that reinforces accountability, and follow-up action.

### ***Adequate preparation***

In interviews, all convenors reported that adequate preparation is essential for the YJGCP to work in practice. They recognised this is the reason why they are given preparation time from referrals to the YJGCP process. Convenor D mentioned:

We are given 8 weeks deferrals from court, so that's a pretty good amount of time to meet everyone and fully prepare everyone for what is going to happen in a conference. The reason why the [youth justice] group conference is so good in doing what they have to achieve [is that] everyone is prepared ... Because of the amount of time we are given, we can be quite intensive if we want.

Preparation has further specific dimensions for offenders and victims. For young offenders, four convenors stated that promoting a young offender's understanding of his or her offending is of vital importance:

We spend a lot of time with the young people prior to the conference ... talking about details of their offending, what they're thinking, what they're feeling, what was the context, what was going on, who they think was affected and how. We spend several sessions with the young people mapping this out, so the young person ... comes in with a really good sense of what the harm actually is [and] who was affected ... If you don't know what you're repairing, it's not really effective (Convenor C).

For victims, three convenors reported that preparation is particularly about working on victims' misperceptions based on perceptions of punishment:

It's really important to do that [work on victim's punitive attitudes] in preparation ... It's really hard if victims haven't had that preparation ... because otherwise they might become expecting the kids are gonna buy them a new car or replace the whole fence ... That's not what the expectation is in the Children's Court (Convenor B).

These convenors explained that failure to work with victims on realistic or proportionally appropriate outcomes could lead to failure of the conference. For instance, Convenor C reported one case that did not go well that demonstrated the importance of working on victims' attitudes during the preparation phase:

I probably should have done more work with that victim around talking about the outcome, the purpose of the outcome plan, the purpose of the conference and I should've probably explored his [the victim's] values maybe more ... I took a lot [of time] about the impacts and what happened ... but probably [I] should've spend more time on his attitude.

According to Convenor C, that case ended as a failure because the victim's orientation towards what might be a realistic or proportional punishment for the offender was not well addressed during preparation and that victim stayed punitive throughout the conference. (It is important to note, however, that Convenor C also reported that it is rare for victims to remain punitive throughout the entire YJGCP process.)

### ***Ensuring the victim's voice is heard***

All convenors indicated the significance of the victim's voice being heard in practice. From the convenors' perspectives, this has benefits for both victims and offenders. For victims, 'it [the YJGCP] gives a far greater voice that they [victims] don't normally have in the justice system' (Convenor G). Three convenors stated that this can have both healing and empowering effects on victims. Convenor B noted, '[t]his is the actual chance [for the victims] to say what happened ... to have a say what they would like to see happened to restore the harm or to see justice done in their eyes'. Similarly, Convenor D observed:

The whole [criminal] justice system is disempowering for victims and it's very offender-focused. This process [of the YJGCP] is a chance for them to have ... an equal say in what's happening. They [victims] can actually be involved in making decisions about how this young person can make up for the harm caused, so it's really empowering, and ... [a] common thing that we see is they feel empowered by the process. They get closure from being involved.

For offenders, three convenors noted that hearing directly from victims the impact of crimes helps them understand the effects of their offence:

[F]or a young person to hear a victim say 'I lost my job', 'my marriage broke down' or whatever might be, they [victims] might talk about really powerful impacts on their own life ... It's really surprising for them [young offenders] to learn that their little act, their stupid thing they did, that took a minute, it's totally changed someone's life (Convenor D).

### ***Establishing a realistic outcome plan that reinforces accountability***

Six convenors noted an outcome plan is also one of the essential elements of the YJGCP because it gives a sense of control over cases to both victims and offenders:

The outcome plan helps to just go a step further because ... the victims feel that they're contributing or having more of a say in the justice system, and ... young people feel they have more control over the outcomes. The outcome plan can do something meaningful to them (Convenor C).

Four convenors mentioned that just having an outcome plan is not necessarily enough. They stressed that the outcome plan must be realistic for young offenders to comply with. As mentioned above, in some instances, victims suggested unrealistic plans or ideas that are not proportional to the offence. On these occasions, convenors said they must explain or moderate the conference towards the setting of more realistic agreements:

The whole group in [the] conference has to agree on the outcome plan. We talk about it openly and only if all agree, then it does become a part of the outcome plan. Yes, victims can raise ... their ideas, but [they] don't have to become a part of the outcome plan ... and we can work around ... why it might not be appropriate for a 14-year-old to do a 200-hour community service or donate \$1,000. We can explain to victims why the children's system isn't necessarily punitive in that way (Convenor D).

At the same time, three convenors also reported that the outcome plan must be developed to make offenders as accountable as possible because this is one of the key features of the YJGCP:

It [the YJGCP] is ... quite unique because it does get the young people to take responsibility for their actions [through the outcome plan] ... [It is] quite easy for them to sit in a court and have solicitors advocate for them, but there's nothing more confronting ... I think it's empowering for young people and victims ... particularly for young people to be able to see what they can do for what they have done ... Kids are expected to take responsibility for what they've done (Convenor B).

Therefore, as Convenor E stated, '[in the outcome plan it is important both to] balance expectations around what's realistic in terms of what a young person can do for a victim and ... to hold a young person accountable'. In this way, 'young people who have committed crime are far more accountable ... because [the outcome plan] is more reflective or more directly associated with the crime' (Convenor G).



### ***Follow-up action***

Four convenors explained that conferences can motivate young offenders to complete the outcome plan and lead a life of good behaviour without reoffending. However, two convenors also noticed that because of their complex circumstances many young offenders still need more support after the YJGCP. Convenor B described that situation as follows:

One of the weaknesses of the program [YJGCP], I think, is that some of the young people that we worked with have really complex ... issues, often disability as well, and some horrendous life experiences ... They're serious about ... change ... but [when they] go back into the world they came from, [there are] same pressures and risk factors ... You [convenors and the YJGCP] can give them a tool to make a U-turn, but sometimes it's really hard to see a big change.

Despite this recognition, two convenors stated that in the YJGCP they had not been allowed, until recently, to 'officially' support young offenders post-conference. This was mainly because of funding constraints. One convenor had felt frustrated because this deficit may have undermined the effectiveness of the YJGCP, especially when offenders have not received a sentence supervised by the Youth Justice Service:

The problem is [offenders] ... who don't get supervised orders. Often there's no one following up ... Because no one's ringing all the time, their parents don't push the plan to actualise and young people feel 'I've got away with that.' So, that's an area that I feel we need a bit of work (Convenor C).

According to four convenors, a notable development occurred recently in the YJGCP: funding for follow-up activities. Convenor B said, '[w]e are now funded to do more follow-up after the conference'. Because of this funding, convenors are now allowed to officially engage in working with offenders post-conference. Follow-up roles include monitoring the progress of outcome plans, and reintegrative aspects, such as counselling and education.

## **Discussion**

By examining what convenors see as the primary mechanisms and drivers of successful conferences, our findings emphasise that the phases before and after the face-to-face dialogue — preparation and follow-up — may be equally important because they play distinct and important roles in producing strengths of RJC. In other words, from the convenor perspectives in this research, RJC works best as an integrated whole with three phases: preparation, face-to-face dialogue, and follow-up.

The attributes for successful conferences in the face-to-face dialogue, which are ensuring that the victim's voice is heard and establishing realistic outcome plans that reinforce accountability, have been discussed above and elsewhere (see Hayes et al 2013 for the importance of agreements). However, although the importance of preparation is partly identified in the literature (Armstrong 2012; Rossner 2013; Van Camp and Wemmers 2013), with the exception of Bolitho (2015) and Miller (2011), the importance of both preparation and follow-up have tended to be dismissed in RJC literature (see, for example, Walters 2014) and, particularly, in practice. Available evidence indicates that many conferences lack or compromise preparation (Choi et al 2012; Gavrielides 2007; Hoyle et al 2002; Suzuki and Wood 2017) and follow-up (Campbell et al 2006; Choi et al 2010; Hokwerda and Weijers 2005; Shearar and Maxwell 2012). This can have a negative impact on RJC outcomes. After observing VOM processes, Gerkin (2008:240) suggested that some participants were sceptical toward the program because they lacked a 'restorative vision of justice'. Since many

participants are more familiar with traditional forms of criminal justice, it may be difficult for them to 'view the restorative outcomes that are desired' unless they are 'able to view the situation through a restorative lens' through adequate preparation (Gerkin 2008:242). This is consistent with what Bolitho (2015) found in research on victim-offender conferencing ('VOC') in New South Wales ('NSW'). Bolitho suggested that one of the key features of success in VOC was preparation because VOC could meet victims' needs identified during the preparation (and referral) phase and participants were made 'ready' with preparation for emotionally sensitive dialogues. Also, due to lack of familiarity with restorative justice, there is a need to promote participants' understanding of the principles and practices of RJC (Shapland et al 2011). Studies have demonstrated that victims' unrealistic expectations were associated with dissatisfaction (Morris et al 1993; Vanfraechem 2015). This indicates the importance of providing realistic expectations, particularly for victims, in preparation.

Further, RJC can help offenders address some complex issues such as lack of self-respect or relationship with their families, but it has a limited capacity to address the socioeconomic roots of crime or its underlying issues (Lofton 2004) because it is a one-off interaction during a brief process that lasts only 60–90 minutes (Hayes 2007). This deficit can not only generate difficulty for offenders in completing outcome plans on their own (Shearar and Maxwell 2012),<sup>3</sup> but also hinder the successful reintegration of offenders into society and reduce their willingness to lead prosocial lives (Toews and Katounas 2004). Walgrave (2011:129) therefore suggests that lack of follow-up support to address offenders' complex issues and circumstances may be the reason that RJC 'reduce[s] recidivism less than might theoretically be expected'.<sup>4</sup>

Too much emphasis on only the face-to-face dialogue phase entails the risk of what Umbreit (1999) called 'McDonalization', resulting in omission or compromising of either the preparation or follow-up phases, or both, despite their importance. This can occur in the name of program efficiency, but often takes place at the expense of program effectiveness (Umbreit 1995). The convenor perspectives presented in this research support the position that RJC should be clearly articulated and implemented as a 'holistic' process that requires equal attention to all three phases: preparation, face-to-face dialogue, and follow-up.<sup>5</sup> The preparation phase may facilitate the face-to-face dialogue phase because it helps to promote levels of participants' understanding of RJC aims (Wallis 2014) and realistic expectations for outcomes (Dignan et al 2007), making participants' attitudes more restorative (Rossner 2013; Zernova 2007). The follow-up phase may assist in sustaining positive outcomes because it helps offenders complete the outcome plan and absorb experience of RJC in a positive way, leading to the increased likelihood of their reintegration into communities and society (Hayes et al 2011).

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<sup>3</sup> Some studies have showed that failure for offenders to complete the outcome plans can lead to victim dissatisfaction (Coates and Gehm 1989; Morris and Maxwell 1998).

<sup>4</sup> Although the convenors interviewed in this study only mentioned the need for follow-up for offenders, follow-up for victims is also important. Several studies have showed that lack of notification about offender compliance with outcome plans is associated with victim dissatisfaction (Maxwell et al 2004; Maxwell and Morris 1993; Vanfraechem 2015). Recent research on FGC in NSW suggests that level of victim satisfaction can even be decreased when victims fail to receive notification regarding offender compliance (Wagland et al 2013). More importantly, follow-up, especially the type that goes beyond mere notification about progress towards completion of outcome plans, may be necessary for some victims' protection and safety (Artinopoulou and Michael 2014). As is the case with offenders, for some victims RJC may be a mere short-term process. A process of limited duration may be enough for some victims but not for others in terms of their long-term recovery (Herman 2004).

<sup>5</sup> Lack of follow-up may be partly attributed to lack of resources (Hart and Pirc 2012). Therefore, it may be necessary to allocate resources for follow-up in accordance with the need and sensitivity of the outcome plan, for example the amount of restitution (Umbreit et al 2008).

## Research implications

The last three decades have seen burgeoning research and literature on restorative justice. Some of this has been idealistic (Daly 2002; Thorburn 2005), and driven by assumptions or beliefs about the superiority of restorative justice over traditional criminal justice practices (Van Ness 1989; Zehr 1990). Yet, as discussed above, far fewer studies have investigated the reasons and conditions by which restorative justice does, or does not, 'work' towards a number of goals, such as victim redress and satisfaction, offender perceptions of legitimacy and fairness, and so on.

What is needed is a shift in the research focus from 'what works' in RJC into 'how it works'. This is not the first study to recognise this. Rossner, for example, has argued similarly, and her focus on the role that emotions play at the individual and the group level in RJC (Rossner 2012) suggests that building a more complete theory of how RJC works requires focus also on the 'collective emotions' of participants that may 'lead to emotional and behavioural transformation' (Rossner 2008:1742). For Rossner (2008:1742), such theories remain incomplete 'until we understand the micro-mechanisms that lead to reintegration, the positive acknowledgement of shame, and the feeling of trust and legitimacy'. In other words, without exploring the emotional and interactional dynamics between participants, a more complete theory of RJC will be difficult to establish.

However, the findings in this study suggest it is not sufficient to focus solely on emotional dynamics in the face-to-face dialogue. Our research with convenors finds that preparation and follow-up phases play distinct and perhaps equally important roles in the success of RJC. For example, emotions that need to be explored may be partly evoked through the interaction between participants and convenors in the preparation phase.<sup>6</sup> In addition, emotional dynamics may continue to be brought to light in the follow-up phase. It is possible that offenders' remorse may be produced or enhanced in the follow-up phase through execution of the outcome plan, particularly in relation to reintegrative effects from successful completion of RJC agreements. Thus, participants' emotions may be elicited throughout the entire RJC process or generated through the cumulative effect of the full sequence of activities. Without examining the evolution of these emotional and interactional dynamics, it remains difficult to develop a more complete theory of how RJC works. This, in our estimation, is the most central contribution of our research on convenor perspectives — not only the need to view RJC as a holistic process encompassing preparation, interaction and follow-up phases in light of our findings and those of others, but to investigate the nature of the emotional and interactional dynamics in RJC as a whole, which has not been accomplished to date in existing research.

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<sup>6</sup> Regarding the effect of preparation, it may be important to pay attention to the risk of over-preparation. Too much preparation of participants may undermine the dynamics of RJC because 'it is precisely the unexpected that frequently leads to significant exchanges among participants' (Umbreit et al 2007:32–3). Convenor D in this research also stated that she wondered whether one young offender felt truly remorseful because he just repeated what she had mentioned in the preparation phase.

## Legislation

*Children, Youth and Family Act 2005* (Vic)

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