

## Restorative Justice as an Innovative Response to Violence

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### Introduction

Australian scholars have been at the forefront of debates and research regarding restorative justice and other non-traditional criminal justice responses to violence that have been advocated in recent decades. In her discussion of sexual violence, Daly (2011: 9) distinguishes between ‘conventional’ justice and ‘innovative’ justice responses: the former being concerned with helping victims to ‘cope better’ with the criminal justice processes, the latter with ‘addressing those things that many victims say they want, but rarely experience in the criminal justice system’. She sees the two types of responses as ‘residing on a continuum’ but does not explain what is ‘innovative’ about innovative justice responses. A recent report suggests that innovative justice has a wider focus: ‘improving victim’s access to justice and experience of justice, while also focusing on offender rehabilitation and community repair’, the emphasis being on ‘trying new approaches and creating a “menu” of justice options, recognizing that not all cases require the same justice response’ (Centre for Innovative Justice 2014: 11).

There are many good reasons for criminal justice researchers and policy-makers to be sceptical about initiatives labelled ‘innovative’. ‘Innovative’ is a term often used for marketing to create a sense of novelty and superiority that may or may not be present in the product. It is symptomatic of our commercial culture that the tag ‘innovative’ helps sell not only consumer goods but also public policy. Yet, as we will argue in this chapter, ‘innovative’ can have a tangible meaning in criminal justice. We focus on one of the less well known and rarely promoted ‘innovative justice’ responses in Daly’s (2011) inventory – the post-sentence Victim Offender Conference (VOC) run by the Restorative Justice Unit (RJU) of Corrective Services NSW – and discuss why this form of restorative justice (RJ) practice has the capacity to be a truly innovative response to criminal violence in Australia.

### The Impact of Violent Crime

Violence is a broad term that encompasses many forms of aggression. Bartol and Bartol (2008: 146) define violence as ‘destructive physical aggression

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willingness to invest, the difficulty of replicating this in a less well-resourced organisation, the time it takes to build up the kind of expertise required, and the inherent 'slowness' of the process which does not produce quick fixes or indicators needed in the policy/political cycles. Nevertheless, it is important to recognise that there have been very few true innovations in criminal justice. The aftermath of a violent crime is a space of trauma and chaos for victims and offenders, while there may not be a sure and perfect way to repair this harm, the VOC model of RJ practice provides a rare and valuable process that goes a long way towards meeting their justice needs.

It is important to encourage innovative Australian responses to violence. This means that we should encourage experimentation rather than end it through excessive criticisms focusing on mistakes and failures. Obviously, innovation does not mean 'anything goes'. Initiatives aimed at repairing harm in the aftermath of a violent crime require careful planning as well as attention to the rights and needs of participants (Bolitho 2012a). As Aertsen et al (2013: 308) observe in relation to global trends, RJ 'would not exist as it stands today without the ongoing interplay between practitioners and researchers'. Our own local experience in this research also brought home to us the importance of researchers working with practitioners collaboratively – to help develop better theory as well as more reflective practice.

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