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**Community-based Restorative Justice
in Northern Ireland**

Harry Mika, Phd

**December 2006**

**Foreword**

**QUB Preface**

**Author's Background**

## *Foreword*

The Atlantic Philanthropies is a limited life foundation dedicated to bringing about lasting changes in the lives of disadvantaged and vulnerable people. Since 2004, we have focused on four critical social issues: Ageing, Disadvantaged Children and Youth, Population Health and Reconciliation and Human Rights. Programmes funded by Atlantic operate in Australia, Bermuda, Northern Ireland, the Republic of Ireland, South Africa, the United States and Viet Nam. At year end 2005, Atlantic had awarded $3.5 billion since its inception in 1982 and had approximately $3.9 billion of funds in its endowment. Atlantic is committed to spending its endowment before 2020 and completing active grantmaking by approximately 2016.

Atlantic has been making grants in Northern Ireland since the early 1990s and previous programmes supported work in higher education, youth, equality justice and reconciliation. Between then and 2004, $230m was invested across these programme areas. Since 2005, in Northern Ireland close to $50m has been invested in new programme areas of Reconciliation and Human Rights, Disadvantaged Children and Young People and Ageing.

An important thread of our work in Northern Ireland has been to promote initiatives across the community designed to support reconciliation, address the legacy of the past and assist communities to move away from violence. One particular aspect of this had been a concern to do something to end the appalling punishment beatings and shootings meted out by paramilitaries. Short of condemnation, there appeared to be little official response to bringing about an end to this shocking phenomenon. It was in this context that Atlantic decided to support a small number of pilot projects designed to address this problem.

Between 1999 and 2005, we provided over $4m to support work that sought to supplant paramilitary punishment violence, threat and exclusion through the promotion of non-violent alternatives in specific loyalist and republican communities. In 2003, following a positive evaluation of the work supported in this area, we provided funding directly to 'Community Restorative Justice Ireland' (CRJI) and 'Northern Ireland Alternatives' (NIA). This investment sought to bring about the following outcomes:

- decreased levels of punishment attacks, leading to the end of punishment violence directed at alleged anti-social behaviour in eight areas; and

- increased levels of reintegration into specific communities.

Atlantic places considerable value on evaluating our investments and this report represents the culmination of an independent evaluation study on the work of

CRJI and NIA carried out by Professor Harry Mika from Central Michigan University and the Queen's University of Belfast. We are grateful to Professor Mika for his work on this evaluation. The evaluation shows that the work of CRJI and NIA has produced positive outcomes. Notably, the interventions have contributed to decreased levels of paramilitary punishment attacks for alleged anti-social behaviour in each of the eight areas where projects have been funded by Atlantic. Paramilitary beatings and shootings have been reduced to zero in seven of the eight sites. At the preventative end, nearly 500 cases that, without intervention, would have ended in beatings, shootings and/or exclusions were resolved peacefully via these projects. The case studies in this report highlight the real benefits of work supported. There is now an increased willingness within areas supported to use non-violent responses to conflict. This finding is not lost on local service providers, including statutory bodies, who throughout the evaluation, have consistently recognised the value and contribution made by both groups.

While we are aware that there are some who have grave misgivings about the work of community-based restorative justice projects, Atlantic is encouraged that our investment has brought about positive benefits. We are also pleased that the wider political context looks much more hopeful. We would like to congratulate both groups on what they have achieved to date. We take the view that this important work should be mainstreamed by Government. We concur with the view expressed by Lord Clyde in recent evidence to the Northern Ireland Affairs Committee (November 2006) on the benefits of these schemes. We hope that the results of this independent evaluation of the day to day work of the projects will help to demonstrate the valuable contribution that locally based community restorative justice can make.

*The Atlantic Philanthropies*

## QUB Preface

Professor Harry Mika has been a visiting Professor at the Queen's University of Belfast School of Law for several years while he has been conducting these evaluations. Professor Mika has a well deserved international reputation as a scholar and evaluator of restorative justice initiatives. I am delighted to welcome this evaluation as a significant contribution to the ongoing discussions concerning restorative justice. In recent years, largely as a result of political wrangling concerning policing in Northern Ireland which is well beyond the control of the groups involved, the public debate concerning restorative justice has been characterised by more heat than light. At last, here is a cold eyed, analytical and pragmatic assessment of the practical work of the projects. This report relates only to a small percentage of their work – interventions to prevent punishment violence – but it is undoubtedly the most difficult and challenging. It underlines the highly significant impact these programmes have had on reducing levels of punishment violence. I commend it to all who have a genuine interest in developing restorative justice in Northern Ireland, transforming cultures of violence and creating real partnership between community and statutory justice organisations.

*Professor Kieran McEvoy PhD, Director of the Institute of Criminology and Criminal Justice, School of Law, Queens University Belfast.*

## *Authors Background Harry Mika, Ph.D.*

Harry Mika is Professor of Sociology at Central Michigan University (USA), and Professor (Honorary) in the School of Law, Queens University of Belfast (Northern Ireland). An applied researcher and practitioner, he has worked closely with more than seventy-five community-based justice initiatives on programme design, implementation and evaluation themes. He teaches advanced courses in social justice, community development, peace-building, and child welfare.

Between 1997 and 2005, Harry Mika was extensively involved with the development of community-based alternatives to paramilitary punishment violence in Loyalist and Republican working class areas of Northern Ireland. He is presently engaged in comparative international research and practice on the roles of former combatants and ex-prisoners in community peace-building processes. He provides evaluation and monitoring of innovative justice investments in the United States, Northern Ireland and South Africa for several philanthropies, foundations and trusts.

Harry Mika received his Ph.D. from Michigan State University, and has held post-doctoral fellowships at Yale University, the Hague Academy of International Law (Netherlands), and has been a recipient of a Fulbright New Century Scholars award for the study of sectarian conflict.

# EXECUTIVE SUMMARY

The purpose of this report is to present independent evaluation findings regarding the work of Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives (NIA) in facilitating and promoting non-violent community alternatives to paramilitary punishment attacks and exclusions relating to alleged localised crime and anti-social behaviour.

A continuing legacy of the conflict in Northern Ireland (NI) has been the use of beatings, shootings and exclusions by paramilitary organisations as a response to local crime and anti-social behaviour. Over the period 1998/99 to 2004/2005, more than 1,800 paramilitary-style shootings and assaults have been recorded in NI.

This report focuses exclusively on the work supported by Atlantic Philanthropies (1999-2005), particularly during the period 2003 to 2005 (Phase II) which was restricted to eight identified sites and the achievement of decreased levels of punishment attacks, leading to the end of punishment violence directed at alleged anti-social behaviour, and increased levels of reintegration into communities.

## QUANTITATIVE ANALYSIS

- Between 1999 and 2005, a total of 498 formal case interventions were reported. Of these, 327 cases were reported in Phase II (2003-2005, 61% by CRJI, and 39% by NIA);

- CRJI/NIA interventions used a blend of activities, including facilitated meetings and negotiations, community programming, community therapeutic activities, and referral and liaison with statutory organisations. Negotiated resolution of cases very often included apology and agreement to desist, personal reversal of damage suffered, agreement to participate in community, therapeutic and/or personal development programmes, and other case-specific community service;

- Across Phase II, CRJI activity stopped some 82% of potential paramilitary punishments in its impact area from happening. The comparable figure for NIA is 71%. Beatings and shootings also fell to zero in all but one project site by 2005;

- The acceptance of community restorative justice solutions by armed groups increased significantly throughout Phase II of the projects. In the case of NIA, in 2003 its case load represented only 40% of the potential paramilitary punishments in its impact area, but this rose to 90% in 2005. The comparable figures for CRJI are 78% rising to 94%;

- Official statistics, despite some limitations, would suggest that NIA & CRJI have caused a noticeable drop in the number of beatings and shootings compared to what was happening in the neighbourhoods outside of their service catchments; and

- Across Phase II, 84-91%[1] of interventions resulted in the client contract or agreement being fully completed.  By case close, most cases (87%) required no modification of original intervention plans.  Case monitoring, at six and twelve months, revealed that about three-quarters of case clients had experienced no further problems within their respective communities.

QUALITATIVE ANALYSIS

- In addition to the case analysis, several hundred interviews were conducted to assess the work of the projects, most of these during Phase II. Interviewees included community leaders, armed groups, community organisations, victims, offenders, staff and volunteers, statutory workers and senior officials, and political parties;

- Community leaders noted that the projects had become, in a short period of time, essential community assets.  Community organisations valued partnerships with the projects, and noted their responsiveness to critical community needs.  Victims and offenders emphasised, first and foremost, the respect and fairness experienced in their dealings with the projects. Statutory workers in the project areas commented frequently about the organisational skills of NIA and CRJI, and their standards of practice. Senior officials in statutory organisations generally felt unable to formally engage with these community-based projects until political issues, such as policing and protocols, were resolved;

- A special consultation with key representatives of political parties, senior officials of statutory organisations and prominent non-Governmental organisations (NGOs) highlighted the necessity of working partnerships between statutory organisations, Government and community-led initiatives to reduce crime, violence and anti-social behaviour;

- Interviewees noted that both NIA and CRJI are often overwhelmed with the work local areas expect of them.  They are too dependent upon volunteers, and they are in need of more paid and professional staff.  More rapport with local community groups is needed.  Efforts to demonstrate effective options to violence will need to be constantly renewed and ongoing.  Critical needs remain, pertaining to victims of crime and anti-

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[1] Please note that multiple outcomes were recorded which account for a percentage range

social behaviour, twenty four hour crisis management of conflict, and more prevention and aftercare work with offenders and youth at risk; and

- Potential limitations for NIA and CRJI, interviewees noted, are perceptions of their paramilitary links, continual political criticism, inadequate levels of programme staffing and financial resourcing, and expansive service areas.

## SUMMARY FINDINGS AND CONCLUSIONS

CRJI and NIA are important catalysts for developing community and local organisational capacities and local peace-building, by creating and promoting non-violent responses to crime and anti-social behaviour. They have trained hundreds of community volunteers across Northern Ireland in conflict resolution theory and skills, and have collaborated with a range of statutory and community organisations and initiatives to build the service infrastructure of local areas.

Both projects contributed to increasing tolerance in local areas for marginalised members of the community, including delinquent youth and former combatants. Local organisations and community groups, through their efforts to create responsive and responsible restorative justice programming, have become more aware and attentive to rights and rights protection, rights entitlement, access to rights, and redress.

In conclusion, NIA and CRJI projects are having a measurable and significant impact. Although faced with a variety of challenges, the models work - without the support of Atlantic Philanthropies, the community-based projects would have been unable to prevent some 500 instances of punishment and exclusion.

In the final analysis, punishment violence, threat and exclusion cannot end solely because of the existence of community-based restorative justice projects. There is little debate amongst the broad spectrum of individuals consulted over the course of this evaluation, that what is desperately needed in all working class areas of Northern Ireland is cooperation and collaboration between Government, statutory organisations, and properly resourced community counterparts.

# 1    INTRODUCTION

The purpose of this report is to present independent evaluation findings regarding the work of Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives (NIA) in facilitating and promoting non-violent community alternatives to paramilitary punishment attacks and exclusions relating to alleged localised crime and anti-social behaviour.

The report focuses exclusively on the work supported by Atlantic Philanthropies (1999-2005), particularly during the period 2003 to 2005 (Phase II). This section of the report examines:

- background and need for community-based interventions;
- development of Atlantic's involvement in promoting efforts to reduce and end paramilitary beatings, shootings and exclusions; and
- evaluation methodology and analytical constraints.

## 1.1    DEFINITION OF COMMUNITY RESTORATIVE JUSTICE

The term community restorative justice is one that has evolved over time and has different nuanced meanings in different parts of the world. Northern Ireland is no exception.

For purposes of this report, restorative justice is:

- both a framework and a vision of a just and peaceful society. Where conflict, crime and anti-social behaviour create harms to people and relationships, restorative justice seeks to maximise the involvement of all stakeholders - offenders, victims, families, support networks, community representatives, and justice professionals - in the collective tasks of responding to the needs of victims, holding offenders to account, and creating the conditions for reducing and preventing future harms.

Restorative approaches are:

- strictly non-violent and voluntary and pursue multiple justice aims and goals: victim service and support; restoration and healing; offender accountability; rehabilitation and re-integration; community safety; crime prevention and general community responsibility, welfare and peace. Restorative justice makes use of facilitative techniques, including negotiation and mediation.
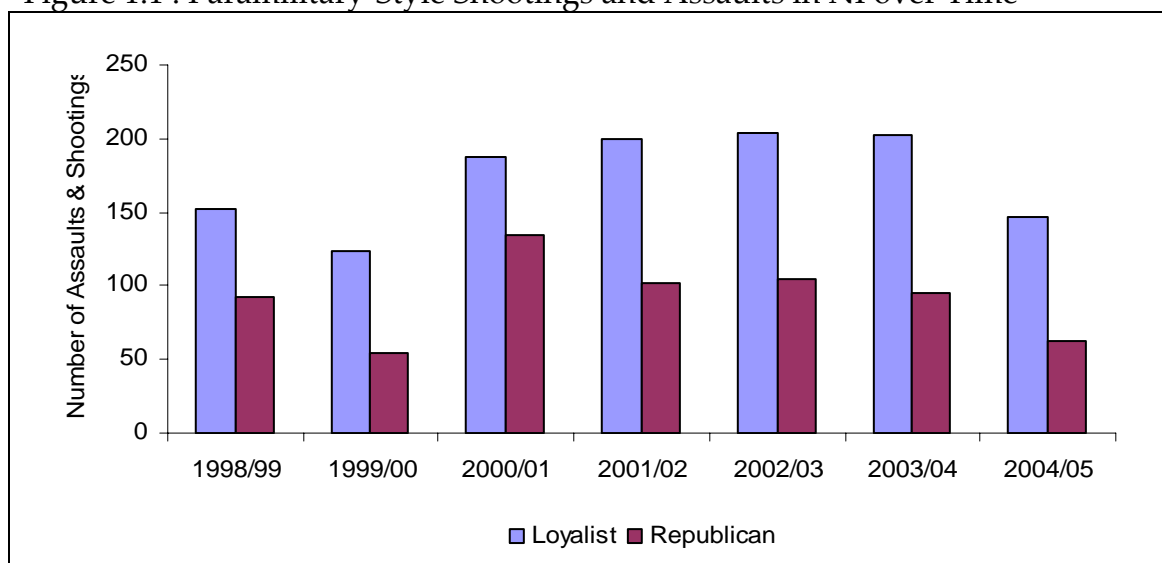
Restorative justice reflects:

- diverse religious and tribal traditions found throughout the world. Its international profile reflects a broad range of applications, from crime and delinquency, to societal conflict transformation and reconciliation. Its models of delivery are varied as well, including church ministries, organic community initiatives, and statutory programmes. Strategic partnerships involving state and community are often the most challenging type of restorative justice framework, requiring as a minimum, complementary division of justice labours, a high degree of co-operation, collaboration and respect, adequate resourcing, and shared control and responsibility.

## 1.2 BACKGROUND AND NEED FOR COMMUNITY-BASED INTERVENTIONS

One feature of the conflict in Northern Ireland (NI) has been the use of beatings, shootings and exclusions by paramilitary organisations as a response to local crime and anti-social behaviour. Figure 1.1 serves to highlight the number of punishment attacks by paramilitary groups in Northern Ireland since the signing of the Belfast Agreement. Over the period 1998/99 to 2004/2005, more than 1,800 paramilitary-style shootings and assaults have been recorded in NI.

Figure 1.1 : Paramilitary-Style Shootings and Assaults in NI over Time



*Source : PSNI Central Statistics*

The above data provides a sense of scale in relation to the need for intervention to address punishment attacks. The data tells one part of the story and considerable additional research has been conducted on the reasons, rationale and role of paramilitary groups in the provision of informal justice. Perspectives are diverse and Table 1.1 below summarises these.

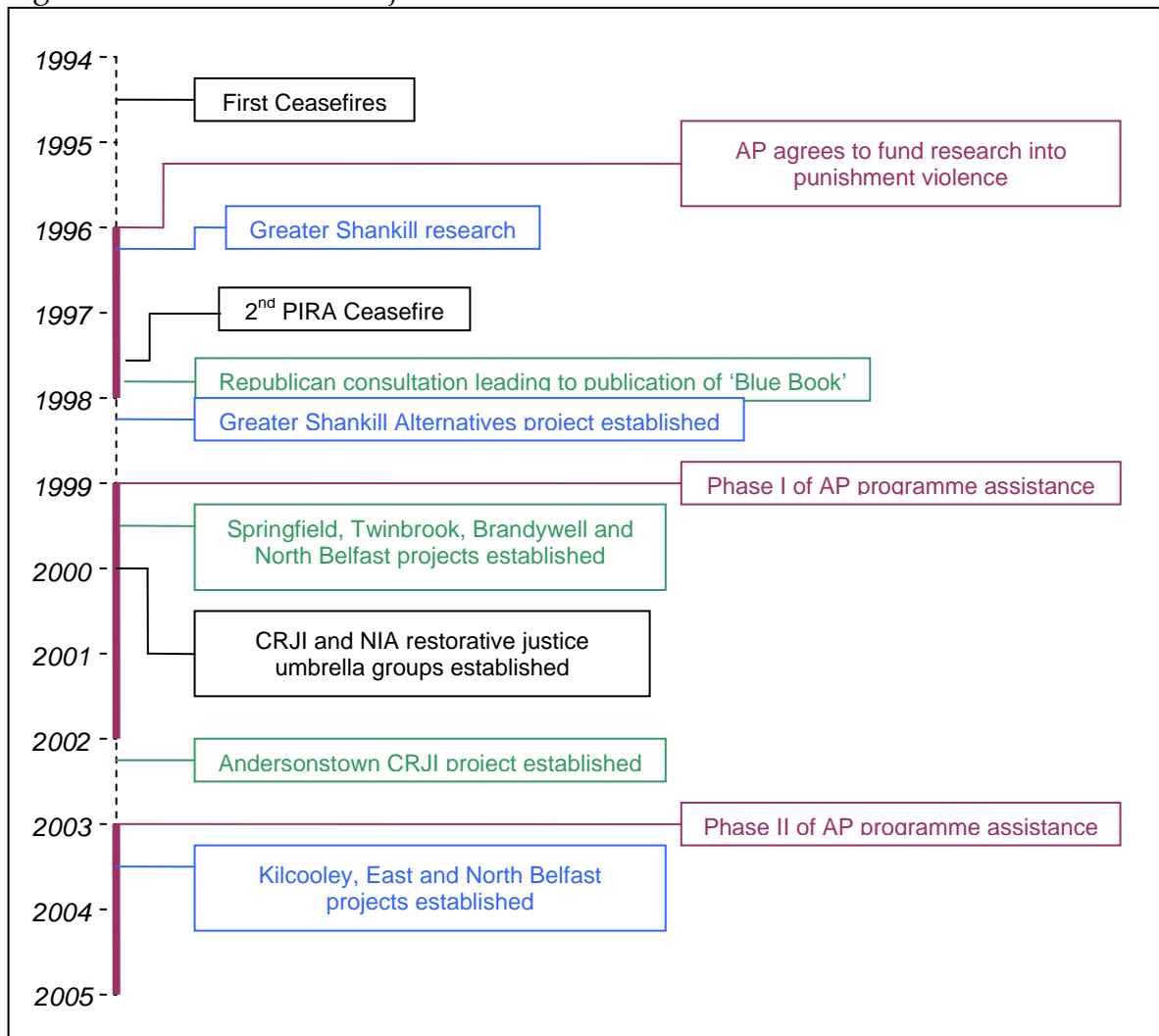| **Table 1.1 : Some Key Perspectives on Paramilitary Role[2]** |
|---|
| Different community stakeholders have expressed the following opinions at different times in the course of this research : <br><br> • given a perceived absence of legitimate policing, communities have had no option other than to turn to paramilitaries to police their areas and mete out 'justice' by whatever means necessary to control crime and anti-social behaviour; <br><br> • Government tolerates paramilitary violence because it doesn't want to upset the peace process or exclude groups from this process; <br><br> • no concerted effort has been made by Government to confront paramilitary violence or intervene, even after the Belfast Agreement; <br><br> • statutory bodies appear to be indifferent to victims who reside in working class areas; <br><br> • paramilitary policing is merely a means for controlling communities. |

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[2] For extensive review of literature, see British Journal of Criminology, Volume 42, Number 3, Summer 2002

### 1.2.1 Addressing Need and Developing Local Responses

Figure 1.2 presents a timeline charting the emergence of the community restorative justice organisations supported by Atlantic Philanthropies between 1996 and 2005. Community Restorative Justice Ireland (CRJI) operates in Nationalist/Republican communities and Northern Ireland Alternatives (NIA) operates in Unionist/Loyalist areas.

Figure 1.2 : Timeline of Projects[3]



Funding from Atlantic Philanthropies to support the work of the restorative justice projects was provided in two distinct phases (1999-2002 and 2003-2005). It is important to note the 'macro' environment within which these projects were working during these periods, (particularly the fragility of the paramilitary ceasefires and the uncertain impact of the continuing political process on the projects' existence).

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[3] For detail on 'Blue Book', see McEvoy and Mika in British Journal of Criminology, Volume 42, Number 3, Summer 2002

### 1.2.2  Phase I (1999-2002)

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**Sites Supported[4]**

*Nationalist/Republican*   -   Upper Springfield, Twinbrook/Poleglass,
                                 Brandywell and North Belfast

*Unionist/Loyalist*         -   Greater Shankill

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Phase I represented the early development stage of community restorative work by the projects and involved primarily engaging their communities to consider alternatives to paramilitary violence.  While the overarching objective of Phase I was to implement a local alternative to paramilitary punishment violence and exclusion, the focus and thrust of these early initiatives (particularly in Republican areas) tended to be *generalist*, with caseloads reflecting a broader spectrum of community conflict.  The evaluation findings from Phase I provided Atlantic with information that resulted in a re-focusing of support towards work specifically targeted at reducing paramilitary attacks and exclusions relating to alleged criminal activity and anti-social behaviour.

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**KEY ELEMENTS OF PHASE I EVALUATION**

*Case data indicated that:*

- A relatively small number of individuals caused a disproportionately large amount of crime and anti-social behaviour in any given service area;

- A relatively small number of individuals received a disproportionately large element of total punishments and threats;

- A small number of individuals were responsible for recruiting even younger people to prey upon more vulnerable elements of the community (i.e. the old and the very young);

- A total of 565 incidences were examined, but of these only 171 related to verified threats of violence or exclusion by local armed groups (115 by the four Republican projects and 56 by Greater Shankill Alternatives).

*Consultation found that:*

- The projects had credibility in their service areas, resulting in immediate and high levels of case referral;

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[4] Although a number of other restorative justice projects emerged in Nationalist/Republican areas during this time these were not funded by Atlantic Philanthropies and therefore were not included in the formal evaluation.

- The reputation of staff enhanced programme credibility and legitimacy in local areas, including the efforts of former combatants and ex-prisoners;

- Increasingly, the projects became normalised in local areas, where members of the community began to approach them directly as their preferred option (as opposed to approaching paramilitary groups).

*Implications for Phase II*
- The evidence strongly suggested that careful targeting of community restorative justice intervention (and relatively small caseloads) would produce unexpectedly high results in the efforts to reduce crime, anti-social behaviour and punishment violence.

### 1.2.3 Phase II (2003-2005)

**Sites Supported**

| | | |
|---|---|---|
| *Nationalist/Republican* (CRJI) | - | Upper Springfield, Twinbrook/Poleglass, Derry, North Belfast[5] and Andersonstown |
| *Unionist/Loyalist* (NI) | - | Greater Shankill, Kilcooley, East Belfast and North Belfast |

In line with Phase I findings, Atlantic's support during Phase II was restricted to eight identified sites and the achievement of the following outcomes:

- decreased levels of punishment attacks, leading to the end of punishment violence directed at alleged anti-social behaviour; and

- increased levels of reintegration into specific communities.

For Phase II, the evaluation became singularly focused on monitoring and assessing only those cases that involved specific and verifiable threat of punishment violence or exclusion arising in response to alleged criminal activities or anti-social behaviour (and not the more generic community conflict resolution interventions considered in Phase I). However, drawing on important findings of Phase I, two additional categories of activity were added to expand the remit of the projects during Phase II.

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[5] The CRJI North Belfast project closed part way through Phase II

The first of these targeted members of the community who were *"at-risk"* of punishment or threat.  Every case in this category had to certify that the individual in question could satisfy *each* of the following four characteristics:

- their anti-social and criminal activities were well known to the community;

- their anti-social and criminal activities were well known to paramilitary organisations;

- their households had prior experience of social and human services intervention and/or had family members previously threatened, punished or excluded by paramilitary organisations;

- if left unattended, it was reasonably certain that within the following six months such an individual and/or their household would come under punishment threat and pressure.

A second new category targeted individuals previously excluded by paramilitary groups, who sought to be reintegrated in their former communities/estates.  Every case in this category described one of three "reintegration" circumstances:
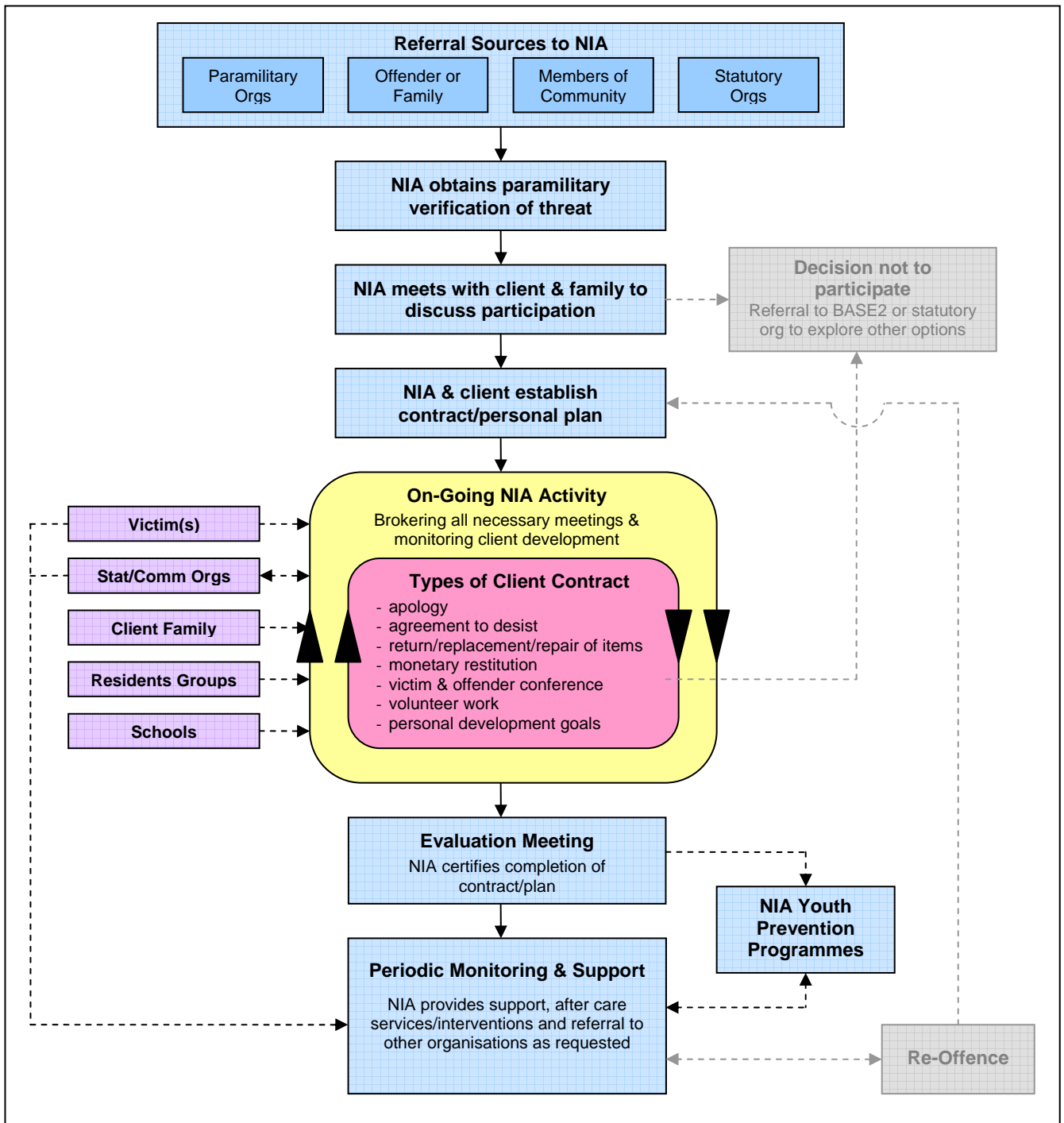
- where an individual or family/household had been previously excluded from an area and seeks to return;

- where an individual or family/household who have experienced difficulty with a paramilitary group in one area has been relocated to a new area by the Housing Executive;

- where an individual or family/household has not been formally excluded from an area, but live at the periphery of the local community (in other words, for a number of possible reasons, they are very marginal to the local area).

Hence for Phase II, only verified threats, at risk cases and re-integration requests were registered as formal 'cases' (for the purposes of this evaluation).

## 1.3    MODELS OF INTERVENTION

The following section models the practices employed by CRJI and NIA and although both share basic restorative justice values and facilitative methods, it is useful to distinguish between their respective approaches to their casework.
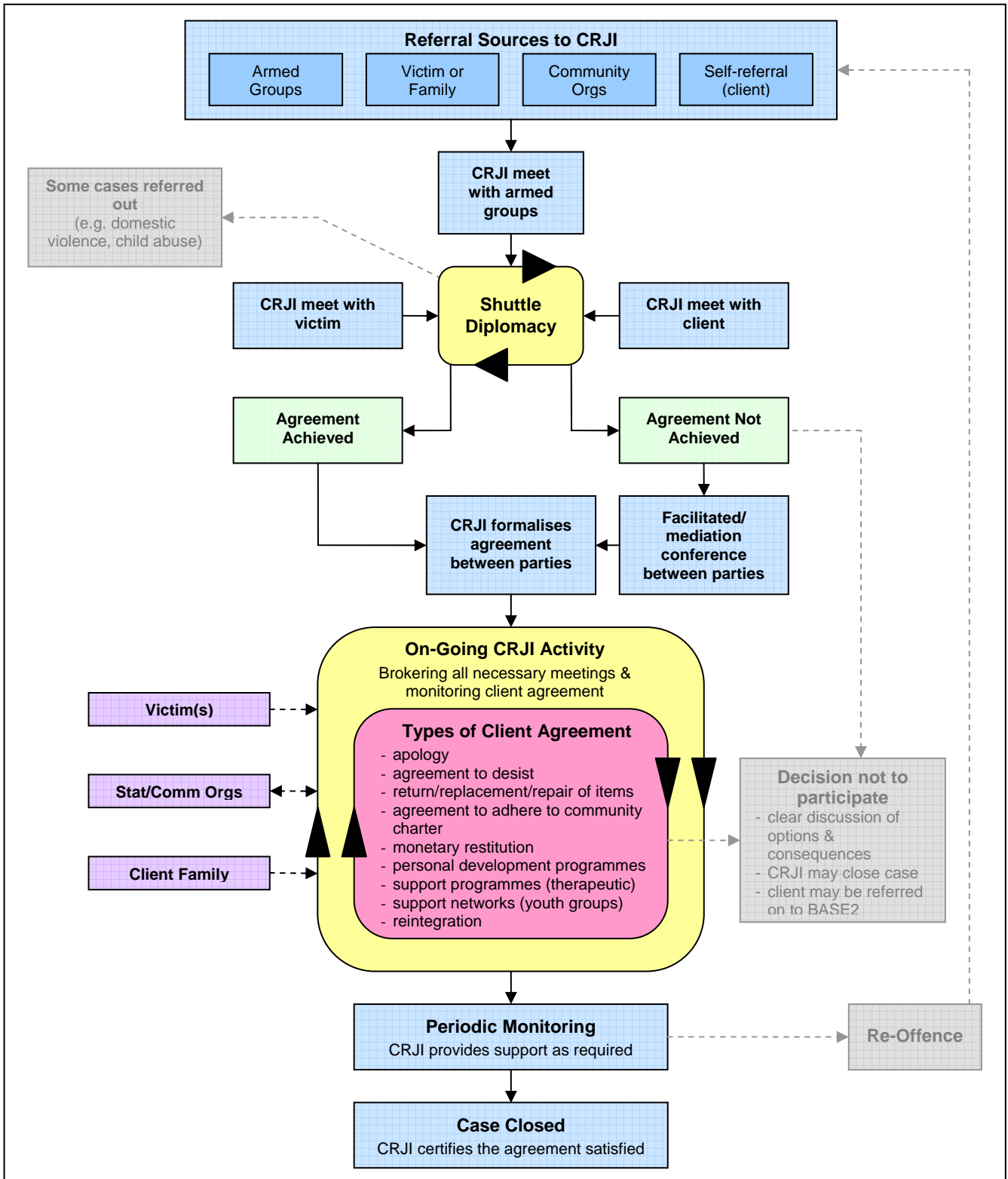
Figure 1.3: NI Alternatives Project Model[6]



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[6] Base 2 is a project run by the Northern Ireland Association for the Care and Resettlement of Offenders(NIACRO) which relocates and supports individuals under threat from paramilitaries

In conducting its work, Northern Ireland Alternatives subscribes to published principles of good practice, including an inclusive approach, non-violence, confidentiality, responsiveness to community needs, child protection, voluntary participation, accountability and transparency, a holistic approach, rights of the individual, value of the individual, a person-centred approach, human rights, working within the rule of law, and evaluation.
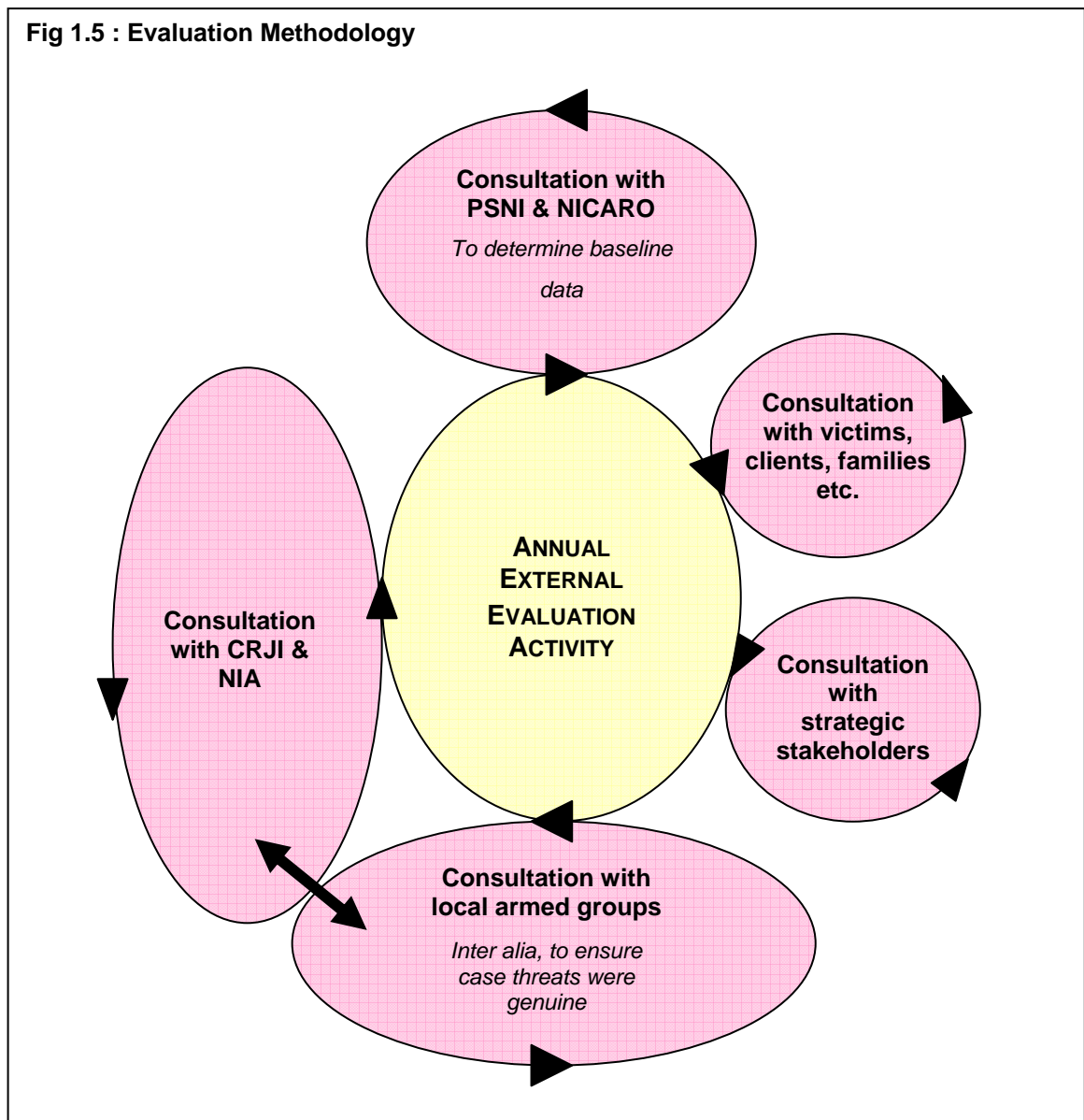
Figure 1.4 : CRJI Project Model

**Referral Sources to CRJI**

| Armed Groups | Victim or Family | Community Orgs | Self-referral (client) |

**CRJI meet with armed groups**

**Some cases referred out**
(e.g. domestic violence, child abuse)

**CRJI meet with victim** → **Shuttle Diplomacy** ← **CRJI meet with client**

**Agreement Achieved**

**Agreement Not Achieved**

**CRJI formalises agreement between parties**

**Facilitated/ mediation conference between parties**

**On-Going CRJI Activity**
Brokering all necessary meetings & monitoring client agreement

**Victim(s)**

**Stat/Comm Orgs**

**Client Family**

**Types of Client Agreement**
- apology
- agreement to desist
- return/replacement/repair of items
- agreement to adhere to community charter
- monetary restitution
- personal development programmes
- support programmes (therapeutic)
- support networks (youth groups)
- reintegration

**Decision not to participate**
- clear discussion of options & consequences
- CRJI may close case
- client may be referred on to BASE2

**Periodic Monitoring**
CRJI provides support as required

**Re-Offence**

**Case Closed**
CRJI certifies the agreement satisfied

Through the development of its project approach, CRJI has promulgated a comprehensive set of practice standards that address the character of the restorative justice programme terms of participation and relationship to the community.

## 1.4    EVALUATION METHODOLOGY & ANALYTICAL CONSTRAINTS

Monitoring and evaluation arrangements have been detailed and extensive and the formative methodology adopted is illustrated below in Figure 1.5.

**Fig 1.5 : Evaluation Methodology**

Consultation with PSNI & NICARO

*To determine baseline data*

Consultation with victims, clients, families etc.

ANNUAL EXTERNAL EVALUATION ACTIVITY

Consultation with CRJI & NIA

Consultation with strategic stakeholders

Consultation with local armed groups

*Inter alia, to ensure case threats were genuine*

Key evaluation activities included:

- Annual interviews with key stakeholders including community leaders, representatives of community and voluntary organisations with referral relationships to projects, local representatives of statutory organisations, volunteer mediators and project workers, members of management committees, local youth workers, clients, victims and programme staff. In total, 295 such interviews were conducted and the key organisations consulted are listed at Annex I;

- Analysis of case data which involved the verification of each case put forward by the community-based projects, an examination of the detail and content of each case file, and selective recording of information for analysis. For Phase I, 565 cases were examined from four projects and 327 cases were analysed from eight projects in Phase II;

- Documentary analysis, including review of literature and reports that pertained to project activities, their objectives, or the broader political context;

- The evaluator's responsibilities were also extended to include a strategic role to assist in developing organisational capacities through a range of training and consultation, including support for programme design and implementation, public education, technical assistance, and restorative justice, mediation, and group facilitation skills training.

### 1.4.1 Data Issues

There are inherent limitations regarding data on paramilitary shootings and assaults, and verification of cases is complex. Therefore caution is required when comparing data. Table 1.2 below highlights comparative issues relating to the Police Service for Northern Ireland (PSNI) data, information gathered by CRJI and NIA and verification checks undertaken on data gathered during this evaluation.

| Table 1.2 : Data Limitations |
|---|
| • PSNI reports include 'paramilitary styled' assaults and shootings, which may be unrelated to paramilitary activity |
| • Data refers to 'Republican' and 'Loyalist' groups which include many paramilitary groups. CRJI cases include PIRA exclusively, and NIA cases include UVF and RHC exclusively; |
| • PSNI data refer to shootings and assaults that have occurred, and do not include threats or exclusions. CRJI and NIA case data refers to threats of violence and exclusion; |
| • PSNI reports refer to 'shootings and assaults', which include different types of violence: NIA and CRJI cases include only threats related to crime and anti-social behaviour, and do not include matters related to paramilitary internal disciplinary violence or personal vendettas; |
| • Aggregate police data is based upon geographic District Command Units which do not correspond (and are often much larger than) than the service catchments of NIA and CRJI projects. |

# 2 ANALYSIS

The purpose of this section is to present an analysis of information gathered through the evaluation. The section brings together quantitative and qualitative information from a range of sources including case review, findings from interviews and it also draws on a number of external sources. As noted in Section 1, the primary focus of the report is on Phase II (2003-2005) although some information is presented from Phase I. The section starts with an analysis of case data and concludes with a summary of stakeholder perspectives. A number of case studies are also presented throughout this section and they serve to supplement the data with a qualitative understanding of the types of cases dealt with.

## 2.1 OVERVIEW OF CRJI AND NIA ACTIVITY LEVELS[7]

Before analysing information on case data relating to the reduction of beatings, shootings and expulsions, it should be noted that during Phase II, Community Restorative Justice Ireland reported that it handled 4,849 community cases (not related to punishment beatings) through a network of 310 volunteers. During the same period, Northern Ireland Alternatives reported that it had formal contact with 2139 young people and 1,719 engagements with victims and this work was supported through a network of 268 community volunteers. The following section is therefore focused on only 4% and 3% of respective CRJI and NIA workloads (i.e. those concerned with paramilitary punishment attacks).

## 2.2 CASE DATA - TYPES OF CASES, INTERVENTIONS AND OUTCOMES ACHIEVED

Across both phases of the programme, a total 498 verified 'cases' were reported (i.e. paramilitary groups confirmed that a threat either had been made or was about to be). Of these, 327 cases[8] were reported in Phase II, (61% by CRJI, and 39% by NIA). In addition to the matters that resulted in formal cases, both organisations performed a significant amount of consultation on other community matters (engagements) involving the potential for paramilitary punishment threat that were resolved quickly, without becoming a formal 'case.' Workload analysis completed during the evaluation suggests that for every query that rose to the level of a 'case' requiring a formal intervention by the projects, between 7 and 10 other incidents and concerns were dealt with informally.

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[7] This work was not funded by Atlantic Philanthropies

[8] Paramilitary groups verified 84% of all threats, with other third parties verifying a further 14%. Less than 2% of reported cases were not verifiable.

Table 2.1 : Project Workloads

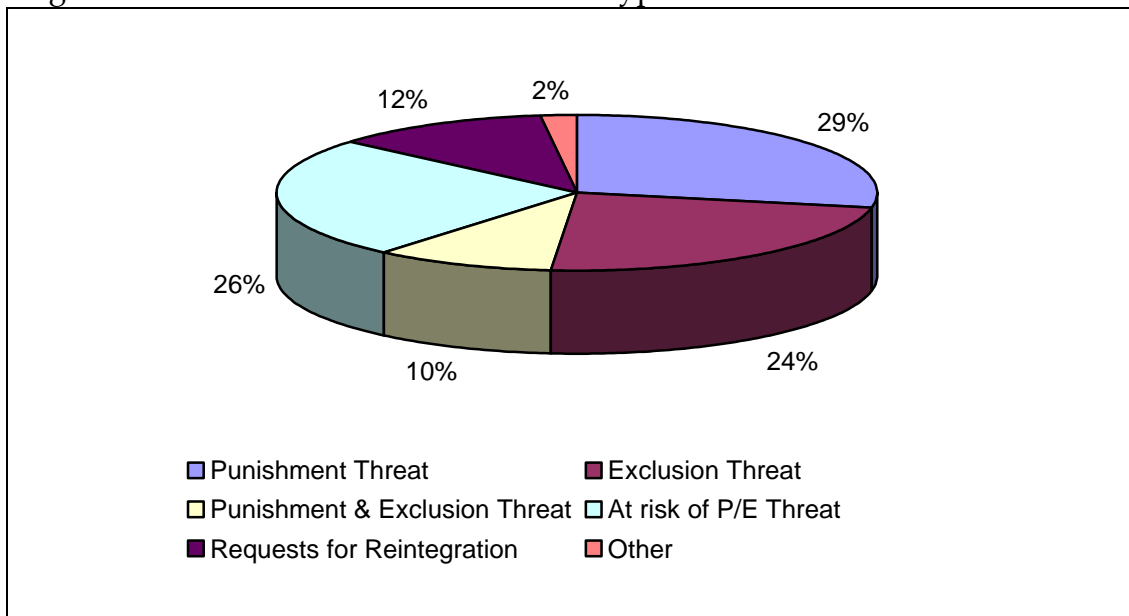|  | Actual 'Cases' | Total Engagements |
|---|---|---|
| **Phase I** | 171 | 1197 – 1710 |
| **Phase II** | 327 | 2289- 3270 |
| **Total** | 498 | 3486-4980 |

*Source : CRJI & NIA monitoring data*

This suggests that actual recorded 'case' activity during some periods considerably understates the amount of actual paramilitary activity that came to the attention of the projects, (although follow-up assessment of such informal activities suggests that they declined precipitously over the course of Phase II). Arguably, this informal activity contributed significantly to the overall reduced levels of punishment violence and threat.

### 2.2.1   Types of Cases

The 327 verified cases in Phase II can be categorised as illustrated in Figure 2.1 below.

Figure 2.1 : Distribution of Phase II Case Types
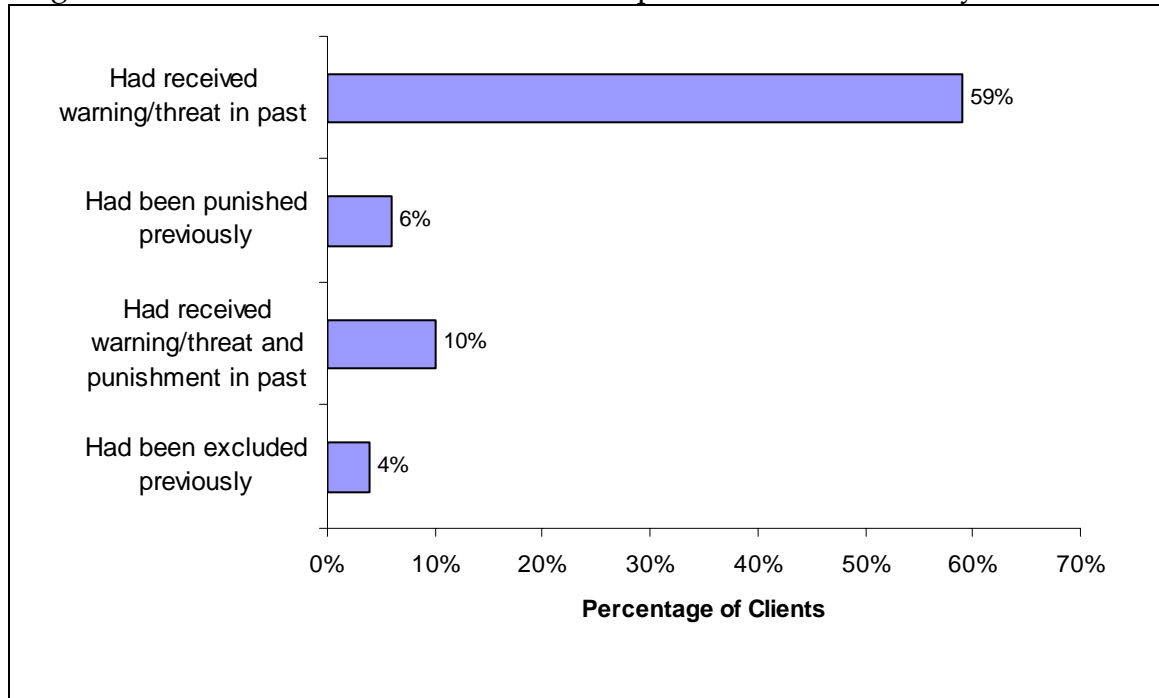


*Source : CRJI & NIA monitoring data*

Some 62% of cases were referred to CRJI/NIA by paramilitary organisations, with 18% coming from the client or their family and the reminder coming from the rest of the community (15%) or statutory organisations (5%).

With respect to previous offences, project staff classified 56% of clients as having an extensive (serious and chronic) offence background, while 29% of clients had

some offence background; the remaining 15% had no known offence background.

Some 35% of clients had previously come into contact with the statutory justice system, and 25% had come into contact with social services, while 53% had come into contact with neither. Only 26% had prior experience of community programmes, while 79% had had some previous experience of paramilitary punishment, and that experience is illustrated below in Figure 2.2.
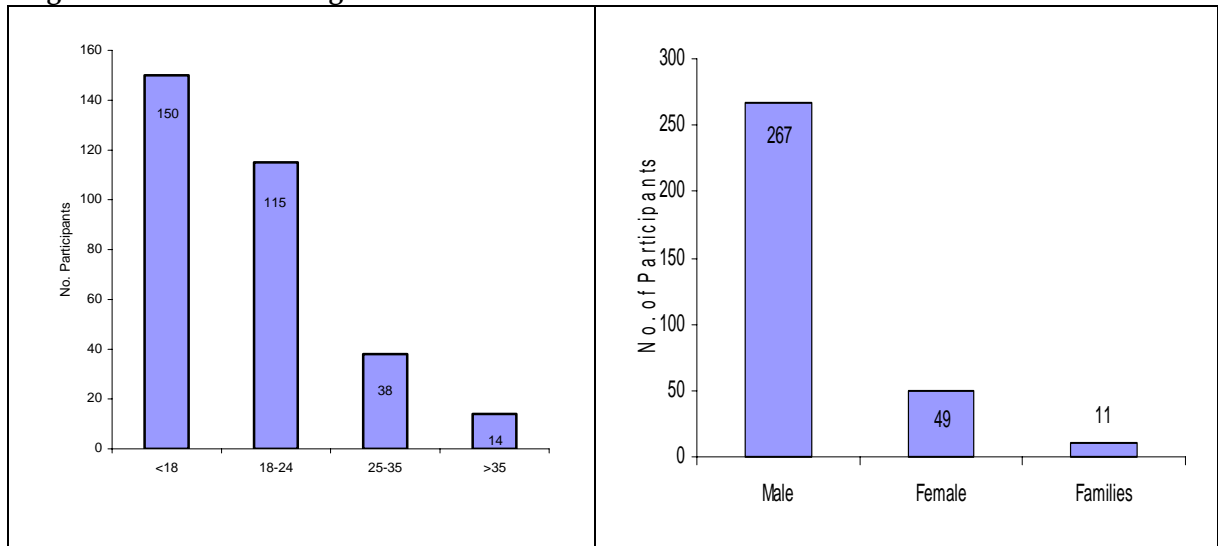
Figure 2.2 : Distribution of Clients' Prior Experience of Paramilitary Punishment



*Source : CRJI & NIA monitoring data*

The age and gender profile of Phase II clients is illustrated below:

**Figs 2.3 and 2.4 : Client Age and Gender Profile**



*Source : Combined NIA & CRJI Data*

Females made up 15% of the client base, with families accounting for a further 3%. Some 61% of all clients were in the 14-19 year old age group.

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**CASE STUDY 1**

A youth had been involved in various types of anti-social behaviour, including vandalism. Amongst other things he had seriously damaged a local pensioner's property, and after repeated warnings, paramilitary action was set to take place. However, referral to NIA meant that violence was avoided, and instead the youth was assigned a support worker who agreed a contract with him. This involved writing an apology to the pensioner and tidying up his garden. However, a relationship developed with the youth beginning to run errands for the pensioner who rewarded the youth with sweets and shared stories about his life in the army and his internment in 1973. The youth was fascinated and attended exhibitions relating to the Troubles, and the support work even extended to assistance with school work to bring the youth 'back on track'.

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### 2.2.2    Types of Intervention

CRJI/NIA interventions used a blend of the following types of activity:

- **Facilitated meetings/negotiations** - meetings, group conferences and mediations involving a variable range of parties including the victims, clients, families, armed groups, community groups, schools and businesses;

- **Community programme activity** – arranging for clients to participate in local youth groups, parent groups, community groups and regeneration projects;

- **Community therapeutic activity** – arranging for clients to receive drug and alcohol awareness and misuse counselling, anger management counselling, mentoring and mental health awareness counselling;

- **Liaison/negotiation with statutory organisations** – making representations on behalf of clients to the Probation Board NI, Housing Executive, Social Services, Education and Library Boards and Youth Justice Agency (and in the case of NIA, the PSNI).

In cases where only one type of activity was required, 43% of these involved meetings between project staff and paramilitary groups, and 42% involved meetings of project staff with other parties. However, nearly all cases required more than one type of activity (93%), more than two-thirds required three (68%) and just under a third required four (31%). Overall, more than a third of cases required liaison with other statutory or community organisations.

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**CASE STUDY 2**

In the course of a break-in, the victim recognized some of the offenders and approached a local paramilitary group to recover the items stolen. The paramilitary group approached the individuals and discovered that this group of six 15-17yr old boys and girls had committed 16 other break-ins in the area. At this point the paramilitary group referred the case on to CRJI, who contacted the victims, the offenders and their families ultimately leading to a series of meetings between all of these groups. The first such meeting lasted 3 hours, with 21 people in attendance and delivered a wide range of outcomes including assurances of the future safety of both the victims and the offenders, agreement to replace items, money stolen and the cost of repairs within a set timescale, agreement to not commit such offences again, a greater understanding and commitment on the part of parents to help their children pursue more positive pursuits, and a greater understanding by the children of the impact of their actions on others.

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### 2.2.3  Types of Outcome Achieved

The types of negotiated resolution that cases achieved can be categorised as follows:

- Apology and agreement to desist;

- Personal reversal of damage suffered;

- Agreement to participate in community, therapeutic and/or personal development programmes;
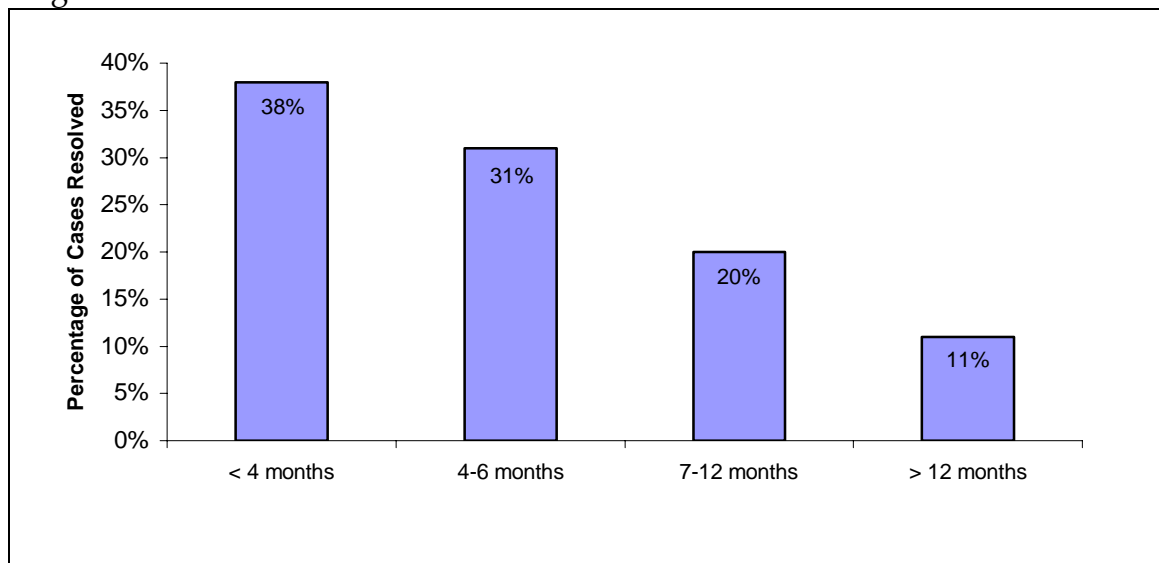
- Case-specific community service.

Across all the Phase II case work 84-91%[9] of interventions resulted in the client contract or agreement being fully completed, with the remainder not completing all elements of the contract or agreement, or the client refusing to participate.

For the one-third of cases that involved a referral to outside organisations, 86% had the desired outcome, with 10% experiencing some difficulties.

By case close, most cases (87%) required no modification of original intervention plans, while 9% required an increased level of intervention, and 3% of cases were terminated by project staff (for example where clients refused to complete intervention components).

At December 2005, when the evaluation of Phase II ended, 74% of reported cases had been closed.  Less than 6% of closed cases had been re-opened at any point due to additional or persistent difficulties.  The length of time required to resolve each case is illustrated below in Figure 2.5.

Figure 2.5 : Time Taken to Resolve Cases



*Source : CRJI & NIA monitoring data*

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[9] multiple interventions  account for range of percentages.

### 2.2.4 Follow Up Monitoring

Closed cases were revisited by projects at two different points – at least six months after closure (99% of all cases), and at least twelve months after closure (96% of all cases).

At the six-month mark, 73% of cases had experienced no problems, 13% experienced problems but the case was not re-opened[10], 2% experienced significant problems and the case was reopened, and in 12% of cases follow-up was not possible (mainly as clients had moved out of the area). At the twelve-month mark, 75% of cases had experienced no problems (in the prior six months), 9% experienced problems but the case was not re-opened[6], 1% experienced significant problems and the case was reopened, and in 15% of cases follow-up was not possible (mainly as clients had moved out of the area).

For the small number of overall cases re-opened for the first time (5%) and the smaller number of cases re-opened for the second time (1%), the majority of those clients had committed new offences, while the remainder did not comply with agreements (due to both circumstances within and outside of their control). More than half of the interventions for re-opened cases involved facilitated meetings and negotiations between project staff and paramilitary groups or facilitated meetings and negotiations with other parties to the conflict, with generally (67-100%[11]) favourable results.

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**CASE STUDY 3**

A group of young people had begun to hang around on a particular street corner, drinking and playing loud music late at night. Residents were unhappy with the situation, particularly as they were often verbally abused by the group. Parents of some of the youths became aware that paramilitaries had approached the group and they therefore alerted CRJI to avert violence. Two CRJI staff observed the corner over a number of evenings to assess the situation and found that the allegations were accurate. They approached the group and convinced them to attend a meeting to discuss the problems they were causing. CRJI also arranged a separate meeting of local residents to discuss their issues. Finally, both residents and youths met together and agreed a course of action where the youths could still congregate on the corner, but would keep the area clean, keep the noise down and treat the residents with respect. In addition, both sides agreed to participate in a range of local environmental projects which allowed positive relationships and deeper understanding of differing perspectives to be built over time.

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[10] Project staff would only re-open a case if they could not informally resolve new or persistent difficulties.
[11] multiple interventions account for range of percentages.

**2.3    IMPACT OF INTERVENTIONS**

There are a range of metrics that relate to the impact of the Phase II interventions and in the interests of clarity we provide some definitions below, and then go on to lay out the relevant data in Table 2.2.

(a) **Beatings/Shootings** – despite the existence of the CRJI and NIA projects, some paramilitary beatings still occurred in those impact areas during Phase II.  Some of these were carried out by paramilitary organisations that did not participate in the projects (i.e. not PIRA, UVF or RHC).  Some of these beatings and shootings were carried out by PIRA, UVF and RHC, but were nothing to do with crime and anti-social behaviour in the community, but were instead internal disciplinary punishments or personal vendettas (and therefore fall outside the projects' scope and this evaluation).  However, in some cases PIRA, UVF and RHC did carry out punishment beatings and assaults in response to crime and anti-social behaviour (despite the existence of the projects).  CRJI and NIA were able to provide figures that relate solely to this last scenario – i.e. the figures cover only beatings/shootings carried out by PIRA, UVF and/or RHC in the project impact areas relating solely to crime and anti-social behaviour.  These figures were verified by armed groups, local PSNI officers and community groups, and are contained in column (a) of Table 2.2;

(b) **Exclusions** – as for beatings/shootings above, CRJI and NIA were able to provide figures that cover only exclusions dictated by PIRA, UVF and/or RHC in the project impact areas relating solely to crime and anti-social behaviour.  These figures were verified by armed groups and community groups, and are contained in column (b) of Table 2.2;

(c) **Total Actual Paramilitary Punishments** – Column (c) of Table 2.2 simply adds together columns (a) and (b) to arrive at a total of relevant actual punishments carried out (by PIRA, UVF and RHC).

The projects are obviously trying to reduce the prominence of violence and exclusion in these circumstances, and therefore all other things being equal, we would expect the figures in columns (a) and (b) to reduce as a result of project activity.

(d) **NIA/CRJI Cases** – when NIA/CRJI take on a new case, it automatically means that at least one verified incidence of planned violence or exclusion has been avoided.  For the purposes of this analysis it is assumed that one case equals one incidence where verified planned violence or exclusion was avoided.  The number of CRJI/NIA cases are contained in column (d);

(e) **Total Potential Paramilitary Punishments** – if the number of *actual* beatings, shootings and exclusions that occurred is added to the number of CRJI/NIA cases (i.e. incidences where planned violence or exclusion was avoided), this gives us an idea of the total potential paramilitary punishments that were likely to have occurred in the impact areas if the projects had not existed. This figure is contained in column (e) and is calculated by adding together columns (c) and (d).

Fully disaggregated project-level data is detailed in Annex II.

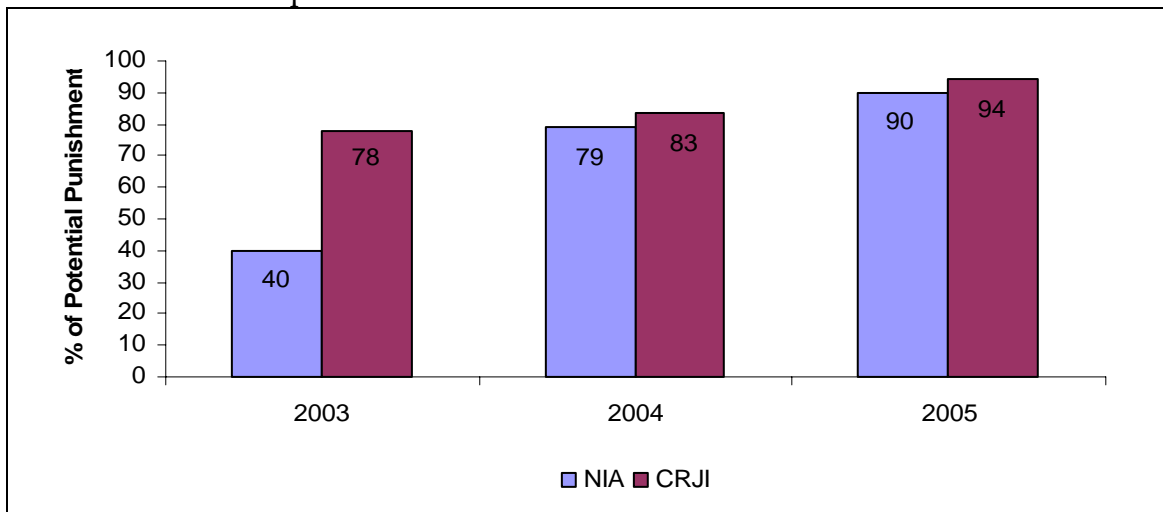Table 2.2 : Incident and Case Numbers in Phase II

|  |  | (a)<br>Beatings/<br>Shootings | (b)<br>Exclusions | (c)<br>Total *Actual*<br>Paramilitary<br>Punishments | (d)<br>NIA/CRJI<br>Cases | (e)<br>Total<br>*Potential*<br>Paramilitary<br>Punishments |
|---|---|---|---|---|---|---|
| **CRJI** | 2003* | 22 | 9 | 31 | 107 | 138 |
|  | 2004 | 6 | 11 | 17 | 86 | 103 |
|  | 2005 | 0 | 2 | 2 | 34 | 36 |
| **NIA** | 2003* | 30 | 3 | 33 | 22 | 55 |
|  | 2004 | 10 | 5 | 15 | 57 | 72 |
|  | 2005 | 4 | 2 | 6 | 54 | 60 |
| **Total** | 2003* | 52 | 12 | 64 | 129 | 193 |
|  | 2004 | 16 | 16 | 32 | 143 | 175 |
|  | 2005 | 4 | 4 | 8 | 88 | 96 |

*\* : data for 2003 related to only 9 months of the year, and have therefore been extrapolated up to full year figures to allow direct year on year comparison.*

In the case of CRJI, across 2003-06, project activity stopped some 82% of potential paramilitary punishments in its impact area from happening *[taking column (d) as a percentage of column (e)]* and the comparable figure for NIA is 71%.

The trends over time from this data are considered below in Figure 2.6.

Figure 2.6 : NIA/CRJI Cases as a Percentage of Total Potential Paramilitary Punishments in Impact Areas
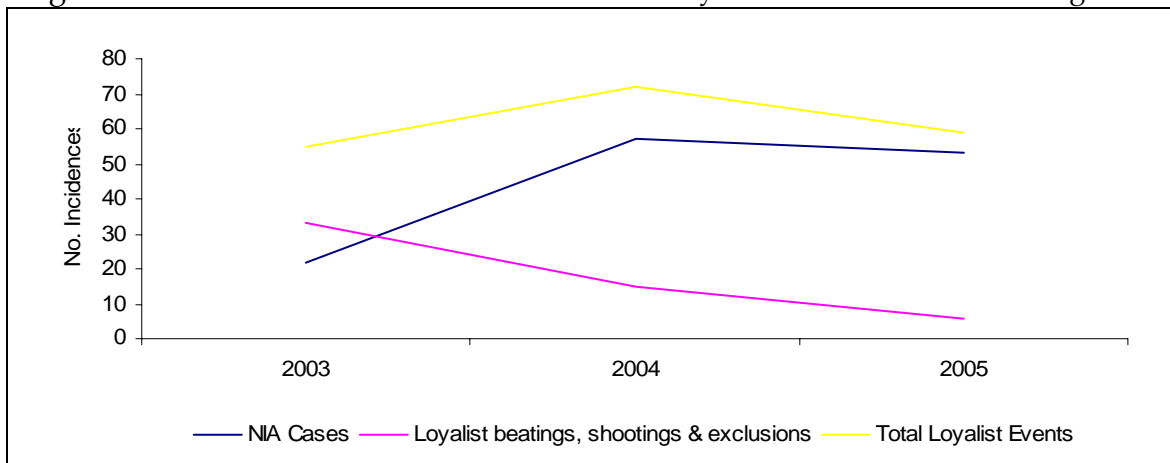


*Source : CRJI & NIA monitoring data*

Figure 2.6 suggests that in the case of CRJI, at the outset of Phase II, its projects were successfully tackling 78% of potential paramilitary punishments in their areas. Although the comparable figure for NIA was 40%, its projects quickly increased their level of influence and by the end of 2005 they were successfully tackling 90% of potential paramilitary punishments in their areas (and the comparable figure for CRJI had risen to 94%).

### 2.3.1   Relationship Between Caseload and Actual Punishments

If the overall number of potential paramilitary punishments (and the reliance on non-statutory resolution) remained relatively constant in the impact areas over time, we would expect the number of actual shootings, beatings and exclusions to fall proportionally as the number of NIA/CRJI cases rose. This would appear to have happened in NIA areas, as illustrated in Figure 2.7 below.

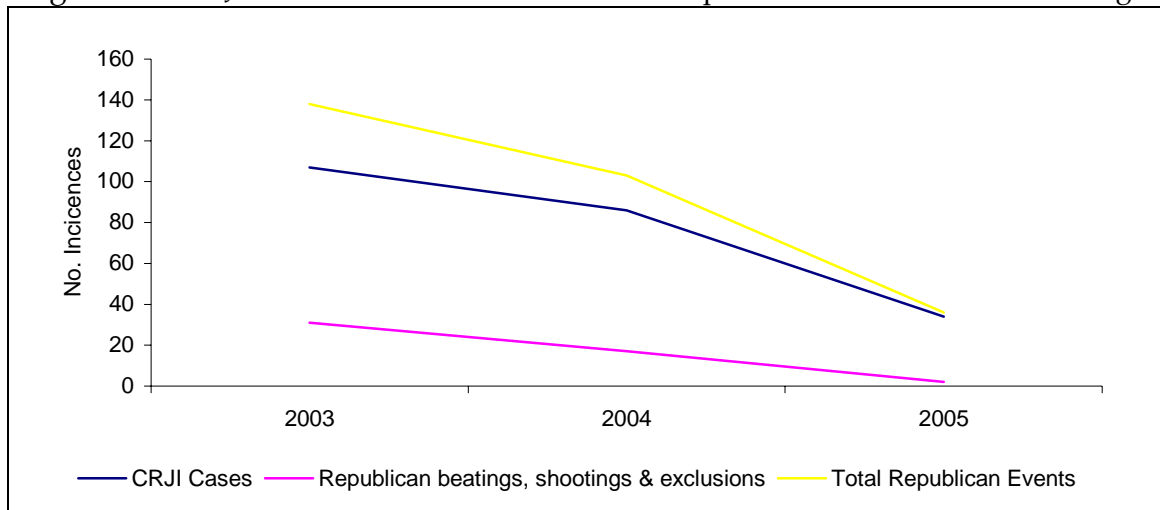Figure 2.7 : NIA Case Numbers Versus Relevant Loyalist Punishments Occurring

In NIA areas, the overall number of potential paramilitary punishments has remained relatively constant between 2003 and 2005, and the number of actual shootings, beatings and exclusions has indeed fallen broadly proportionately as the number of NIA cases has risen.

However, a different dynamic is evident for CRJI as illustrated below in Figure 2.8.

Figure 2.8 : CRJI Case Numbers Versus Relevant Republican Punishments Occurring

In CRJI areas, the overall number of potential paramilitary punishments has fallen by almost two thirds between 2003 and 2005, and CRJI cases have not risen as actual beatings, shootings and exclusions has fallen. Although Figure 2.8 highlights the increasing importance of CRJI intervention, consultees suggested that as PIRA activity winds down in the project areas, although crime and anti-social behaviour levels are not decreasing, offenders are not being threatened, and therefore the number of incidents that qualify as a registered 'case' is falling (as highlighted in Figure 2.8).

The anecdotal evidence also supports this interpretation, with CRJI noting an actual increase in crime and anti-social behaviour and a corresponding increase in community enquiries over the same period. CRJI suggest that the local community still feel unable to rely on the PSNI, and in the absence of PIRA presence they are now turning directly to CRJI for assistance (although these are accordingly not registered cases of paramilitary threat).

### 2.3.2    Broader Comparisons on Beatings and Shootings

Using PSNI central statistics, we can generate a broadly comparable baseline of punishment shootings and beatings that occurred across Belfast (excluding south Belfast), Derry and Bangor (i.e. the entire urban areas, including AP project areas).

Table 2.3 : PSNI DCU Data on Paramilitary-Style Assaults and Shootings

|  |  | Belfast[1] | Derry[2] | Bangor[3] | Total |
|---|---|---|---|---|---|
| Paramilitary-style shootings & assaults by Loyalist groups | 2003 | 69 | - | 12 | 81 |
|  | 2004 | 51 | - | 12 | 63 |
|  | 2005 | 41 | - | 10 | 51 |
| Paramilitary-style shootings & assaults by Republican groups | 2003 | 53 | 8 | - | 61 |
|  | 2004 | 21 | 8 | - | 29 |
|  | 2005 | 12 | 11 | - | 23 |

*1 : combined PSNI data for east, north and west Belfast DCUs;*

*2 : Foyle DCU data – only relevant to CRJI as NIA had no projects in Derry*

*3 : North Down DCU data – only relevant to NIA as CRJI had no projects in Bangor*

If the actual and relevant shootings and beatings that occurred in NIA/CRJI project areas (Table 2.2) are subtracted from the overall Belfast, Derry and Bangor PSNI data for paramilitary-style shootings and assaults (Table 2.3) we can compare trends over time inside and outside the impact spheres (see Figures 2.9 and 2.10 below).

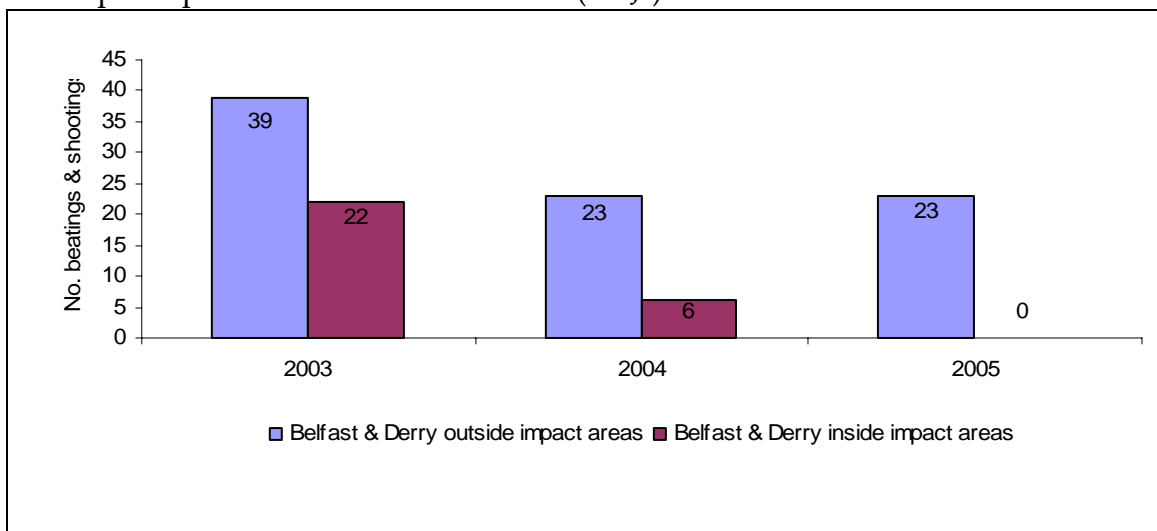Figure 2.9 : Number of Beatings and Shootings Occurring Inside and Outside Impact Spheres in Loyalist Areas (NIA)



*Source : PSNI Central Statistics Unit and NIA monitoring data*

Figure 2.10 : Number of Beatings and Shootings Occurring Inside and Outside of Impact Spheres in Nationalist Areas (CRJI)
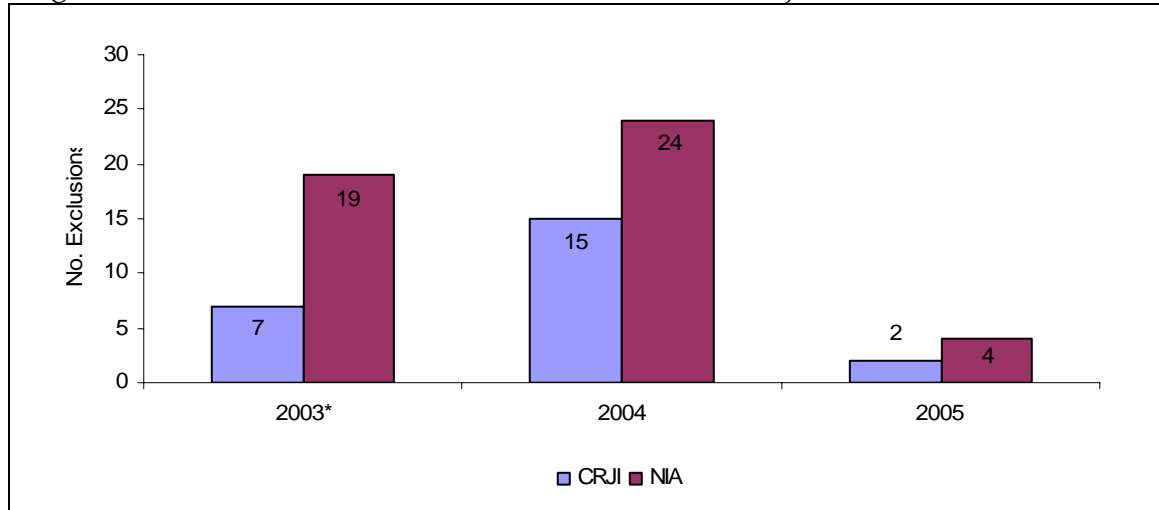


*Source : PSNI Central Statistics Unit and CRJI monitoring data*

It would therefore appear that NIA and CRJI interventions have caused a noticeable drop in the number of beatings and shootings compared to baseline over time. However, it should be noted that if (a) internal disciplinary punishment beatings and shootings, and (b) activity by groups beyond PIRA, UVF and RHC, were removed from the PSNI figures, while the baseline figures would be likely to remain fairly constant between 2003 and 2005, the quantum would be slightly lower than that in Figures 2.9 and 2.10. We would suggest that the *gradient* of decline within NIA and CRJI impact spheres compared to the relatively constant level of beatings and shootings outside the impact spheres would still highlight the additionality of the intervention. Unfortunately it is not possible to obtain the relevant disaggregated data from PSNI Central Statistics Unit to allow this subsequent analysis to be completed.

### 2.3.3 Exclusions

Over the course of Phase II, CRJI and NIA have managed to prevent the following numbers of threatened exclusions[12] from occurring. Exclusion threats were verified in the same manner as threats of violence.

Figure 2.11 : Exclusions Avoided in CRJI and NIA Project Areas



*Source : Verified CRJI & NIA monitoring data (Phase II)*
*\* : figures relate to 9 months of 2003*

### 2.3.4 Re-integrations

Over the course of Phase II, CRJI and NIA have brokered the following numbers of peaceful re-integrations[7] of previously excluded individuals/families into their former communities.

Figure 2.12 : Re-Integrations Brokered by CRJI and NIA in Project Areas



*Source : CRJI & NIA monitoring data (Phase II)*
*\* : figures relate to 9 months of 2003*

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[12] Exclusion/re-integration does not necessarily equate to one individual. Each exclusion/re-integration 'case' can refer to an entire family being allowed to return to or continue living in their community.

### 2.4 QUALITATIVE OBSERVATIONS[13]

Some 150 interviews were conducted at local sites during Phase II and a special round of interviews was undertaken in January 2006.  In this section, we consider key observations arising from all interviews undertaken.  Consultation observations are grouped as follows:

- Community Leaders;
- Armed Groups;
- Community Organisations;
- Victims;
- Offenders;
- Staff and Volunteers;
- Statutory Workers;
- Special Consultation; and
- Limitations and Concerns.

### 2.4.1 Community Leaders

Community and local political leaders provided perhaps the widest lens in assessing the impact of the community-based restorative justice projects in their local communities.  They acknowledged the importance of the option the groups offered and advocated in the community, namely, non-violent conflict intervention.  They noted the importance of direct community involvement and responsibility for local problems.  Decreasing the role of paramilitary punishment, and providing a serious intervention for youth crime and anti-social behaviour were vital developments, in their view.

These leaders were quick to point out that the projects were also involved in broader community efforts to develop local infrastructure and 'build' community.  They noted the participation and even leadership of the projects in various community campaigns (from litter, to youth drinking/off licences) and local festivals.  They participated, and entered into partnerships and collaborations to address a host of acute community problems, such as local feuds, group conflict, joy riding, and ethnic discrimination.  The projects had become, they insisted, essential community assets in a short period of time.

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[13] Qualitative observations tend to be generalist in nature as opposed to being exclusively focused on the work undertaken by CRJI and NIA in relation  to ending paramilitary beatings/shootings and exclusions.

Community and local leaders were quite concerned that there had been a long standing *statutory* policing vacuum in Loyalist and Republican areas that was changing very slowly, if at all. Now, with historic changes to local paramilitary groups, a *community* policing vacuum existed as well. While reductions in paramilitary influence was universally viewed as a positive development, these leaders were concerned that community-based restorative justice groups, embroiled in political controversy and facing an uncertain (funding) future, would be unable to sustain their work in local areas.

### 2.4.2   Armed Groups

In addition to verifying case data from both CRJI and NIA, representatives from UVF, RHC and PIRA made a number of comments about the schemes. Representatives from UVF and RHC stated that no individuals under threat who had participated in NIA interventions had been subsequently threatened further, or subjected to beatings or shootings. PIRA also indicated that the local interventions of CRJI prevented punishment attacks and/or exclusions in areas served. The data shows clearly from about January 2005, PIRA activity stopped in the CRJI service catchments. These armed groups also believed that restorative justice interventions has shifted the internal perspectives of paramilitary organisations and local communities regarding how conflict should and can be resolved.

### 2.4.3   Community Organisations

Community and voluntary organisations, including youth workers, were anxious to highlight their experiences of working with the community-based restorative justice projects. Their perspectives, generally, were very much influenced by the contexts within which they worked, namely significant community needs, poor community resourcing and limited infrastructure, and the reluctance of some statutory organisations (due to lack of capacity or preference) to engage with working class areas. These community and voluntary organisations knew the restorative justice projects intimately, as each refers cases to the others.

The assessment by community organisations was quite uniform. The community projects were competent, predictable and trusted, they followed high standards of practice, made appropriate referrals to other organisations, and asked for assistance and support with their case work as needed. The restorative justice projects also helped to build local capacity, through both their extensive training in local areas generally, and within community organisations specifically. There was no concern regarding service overlap or duplication in

these local areas, but rather, certainty that the restorative justice projects filled a significant void and addressed critical community needs.

### 2.4.4   Victims

Victims emphasised respect and fairness as they described their varied experiences with the community-based restorative justice projects.  Project staff, they pointed out, were patient, listened carefully, were persistent, and offered comfort and safety to victims.  Some projects formed victim support groups, formalised befriending services, and assisted victims with a variety of safety concerns.  Many victims welcomed the opportunity to engage directly with the resolution of their problem, some meeting directly with offenders, others staying in close contact with staff who were working with an errant young person.

### 2.4.5   Offenders

Offenders conceded that expectations were high amongst programme staff. 'Accountability' was difficult, and the direct involvement of their families was itself a source of significant pressure and shame.  But offenders agreed that staff made the critical difference because they were listened to, were taken seriously and were respected.  Indeed, there is impressive anecdotal evidence that some offenders, even the most troubled of offenders, formed significant relationships with programme staff that had lasted well beyond the period of time they were formally engaged with a community project.

### 2.4.6   Staff and Volunteers

The programme staff and volunteers, including members of local management committees, spoke to the sense of urgency for their work, and their frustration. Their experiences had not been what they might have originally imagined.  For example, there was significant unresolved and festering conflict in their communities.   Local communities demanded instant and often violent interventions.  Local intolerance, particularly for youth, was rampant.  Any particular case would always be more complicated and complex than its presenting details.  These considerable challenges paled in comparison to the pride staff and volunteers reported in their work and the contributions they were attempting in their communities.  Many saw their involvements with community-based restorative justice as part of a larger and longer project of developing their local areas.

### 2.4.7   Statutory Workers

Interviews within statutory justice agencies reflected, over the entire duration of Phase I and Phase II, two very distinct conversations. Statutory workers on the ground who routinely engaged with community-based restorative justice projects, and those in senior positions within statutory structures, had often profoundly different perceptions and approaches to the work.

Statutory workers on the ground routinely highlighted the attributes of the local projects with respect to justice intervention. Their approach as a group of interviewees was always highly pragmatic, judging working relationships with the projects in terms of what eased or enhanced their own efforts in the local community. These statutory workers commented frequently about how impressed they were with organisational skills of NIA and CRJI and their standards of practice. They acknowledged, as well, the impressive levels of local consultation and ownership each group enjoys in their respective communities. They looked forward to even greater levels of formal collaboration with the groups once political issues were sorted, and were never short of ideas where partnerships might be especially fruitful.

These types of inputs contrast sharply with the views of senior officials within statutory organisations. Usually quite reserved in their direct judgment of the community-based initiatives, these officials had to contend with the political nature of the debate on community justice generally, and on protocols and policing specifically. As a group, they felt compelled to wait to even contemplate engagement or partnership with the community groups until such weighty political matters were settled.

While local statutory workers consistently aspired to work more closely with CRJI and NIA, pointed directives from senior statutory officials to their workers on the ground late in Phase II discouraged and impeded developing relationships. In fairness, some interviewees cautioned that it was representatives of political parties and Government civil servants who were holding in check effective working relationships between community groups in working class Republican and Loyalist areas, and criminal justice structures.

### 2.4.8  Special Consultation

In early 2006 a special round of interviews involving key representatives of political parties, and executives of statutory organisations and prominent NGOs was conducted.  Participants were quite candid, expressing very mixed opinions and political positions regarding the work of the projects.  Their principal concerns revolved around progress on resolution of the policing issue in the Republican community, and the eventual working guidelines between the community-based groups and statutory criminal justice structures.  Quite significantly, there was relative consensus around number of key propositions:

- There were no formal police or Government responses to the challenge of paramilitary punishment violence and exclusion in local areas, despite acknowledgement by parties to the Belfast Accord that such violence might have a seriously corrosive impact on the peace process;

- The involvement of The Atlantic Philanthropies, and the subsequent development of the community-based restorative justice projects, represented an ambitious and risky intervention that took place in a political vacuum;

- Paramilitary punishment violence appears to have abated in areas where the community projects exist; and,

- Considerable thought has been given at all levels to the *necessity* of working partnerships between statutory organisations, Government, and community-led initiatives to reduce crime, violence and anti-social behaviour.  Such partnerships must include resources for community efforts.

### 2.4.9    Limitations and Concerns

Across the range of interviewees who participated in the evaluation, an 'agenda' of critical concerns took shape.  Interviewees noted that both NIA and CRJI are victims of their own successes, and are often overwhelmed with the work local areas expect of them.  Perhaps they are too dependent upon volunteers, and they may be in need of more paid and professional staff.  Even more rapport with local community groups, including more collaborations and partnerships, is highly desirable.  The community violence mindset is fickle, interviewees noted, and efforts to demonstrate effective options to violence must be constantly renewed and ongoing: NIA and CRJI will need to maintain a high visibility in the community.

Among the more significant limitations in the futures of NIA and CRJI, interviewees identified paramilitary links, continual political criticism, inadequate levels of programme staffing and financial resourcing, and expansive service areas as the most challenging.  Communities still have chronic justice needs that many interviewees feel fall within the remit and responsibility of CRJI and NIA, including significantly more programming needs for victims of crime and anti-social behaviour, twenty four hours crisis management of conflict, and more prevention and aftercare work with offenders and youth at risk.

# 3 SUMMARY FINDINGS

In this section we draw out the key findings from the evaluation and what these mean for the community restorative justice projects moving forward. Findings have been categorised between those which specifically focus on effects of reducing paramilitary attacks and exclusions, and more general findings about the indirect effects of the CRJI and NIA in this area.

## 3.1 CORE FINDINGS (DIRECT IMPACTS)

- Across Phases I & II, CRJI and NIA dealt with between 3,486-4890 queries regarding potential paramilitary threat, and this translated into 498 verified cases of threat or risk that required formal intervention;

- Across Phase II, CRJI activity stopped some 82% of potential paramilitary punishments in its impact area from happening and the comparable figure for NIA is 71%. Beatings and shootings also fell to zero in all but one project site by 2005;

- The acceptance of community restorative justice interventions increased significantly in both impact areas throughout Phase II of the projects. In the case of NIA, in 2003 its case load represented only 40% of the potential paramilitary punishments in its impact area, but this rose to 90% in 2005. The comparable figures for CRJI are 78% rising to 94%;

- In the case of NIA project areas, the number of beatings and shootings in the impact area fell proportionally as the number of NIA cases rose;

- In the case of CRJI, the overall number of potential paramilitary punishments fell dramatically between 2003 and 2005. It is suggested that this is a direct result of the PIRA winding down its activities in these areas. However, anecdotal evidence suggests that the level of crime and anti-social behaviour may have increased in these areas over the same period. Therefore while CRJI's informal workload has increased, the reduced PIRA presence has meant that few if any of these incidents are recorded as cases of verified paramilitary threat;

- Comparative analysis would suggest that NIA & CRJI have caused a noticeable drop in the number of beatings and shootings compared to baseline (i.e. what was happening in the neighbourhoods outside the impact areas);

- Across Phase II 84-91% of interventions resulted in the client contract or agreement being fully completed, with the remainder not completing all elements of the contract or agreement, or the client refusing to participate; and,

- By case close, most cases (87%) required no modification of original intervention plans.

## 3.2  GENERAL FINDINGS (INDIRECT IMPACTS)

- Consultees felt that CRJI and NIA were important catalysts for developing community and local organisational capacities and local peace-building, by creating and promoting non-violent responses to crime and anti-social behaviour, training hundreds of community volunteers across Northern Ireland in conflict resolution theory and skills, and collaborating with a range of statutory and community organisations and initiatives to build the service infrastructure of local areas;

- CRJI and NIA have increasingly become a venue of first resort, where members of the community – families of offending youth, aggrieved victims, and other concerns citizens and community organisations – approach the projects, and not paramilitary organisations as they might have in the past, for conflict intervention and resolution assistance;

- Both projects contributed to increasing tolerance in local areas for marginalised members of the community, including delinquent youth and former combatants.  Local organisations and community groups, through their efforts to create responsive and responsible restorative justice programming, have become more aware and attentive to rights and rights protection, rights entitlement, access to rights, and redress;

- Relationships between statutory workers and community-based restorative justice initiatives are very often *routinised* on the ground, though at this point in time, are rarely *normalised* at administrative levels.  This discrepancy reflects the unfortunate divide between pragmatic and effective collaboration in service of local needs, and political impediments that compound local problems;

- Representatives of statutory organisations routinely consult with CRJI and NIA, and direct various queries and requests their way.  At present, such contacts remain largely "unofficial" and off the record, and neither CRJI nor NIA receive any financial or political considerations for such cooperation;

- Statutory workers on the ground commented frequently about how impressed they were with organisational skills of NIA and CRJI and their standards of practice, and acknowledged the impressive levels of local consultation and ownership each group enjoys in their respective communities;

- CRJI and NIA have become increasingly central to efforts to reintegrate formerly excluded members of local areas.  Negotiating and facilitating pathways back into the community for individuals and families affected by

paramilitary exclusion or community marginalisation generally, draw upon the skill sets and local credibility of the community-based restorative justice projects; and

- The community-based restorative justice projects have, since their inception, been heavily subcribed in local areas, where they are counted upon to make multiple contributions to the community, well beyond a narrow remit of processing verified cases of paramilitary threat. Hence, the work analysed in the evaluation constitutes only a small portion of their overall contribution.

## 3.3    STRATEGIC CONCLUSIONS

By any conventional measure of restorative justice-styled programmes in North America, Europe, South Africa, Australia and New Zealand (that rely upon community referrals), the record of performance of the NIA and CRJI projects in Northern Ireland, both in the sheer quantity of cases and the scope of cases, is impressive.

This evaluation has also proved that the NIA and CRJI projects are having a measurable and additional impact, above and beyond baseline trends in the region. It can therefore be concluded that although faced with a variety of problems, the models work. It is also important to note that without the support of Atlantic Philanthropies, not only would the projects have been unable to prevent the 500 cases of brutal punishment, but the lessons of how to achieve this would have gone unlearnt.

The bulk of restorative justice work in Northern Ireland takes place in working class communities, much of it linked historically to informal justice traditions. It is in these communities that one finds a very significant repository of indigenous expertise in restorative justice in Northern Ireland, not necessarily amongst justice professionals who might occupy marginal roles in an area, but amongst diverse community volunteers who reside there. Models of programme development, implementation and legitimacy, and indeed even emergent ideas about restorative justice exhibit the distinct imprint of their development amongst community initiatives in Northern Ireland, and are distinctive compared to restorative justice practice elsewhere in the world.

A host of characteristics are shared by the community-based projects that intimately affect programme performance. These initiatives operate in areas and estates that are amongst the most deprived in Northern Ireland and in Europe. Local resources and infrastructure often cannot respond to the needs of programme clients that are directly related to their offending behaviour, and least of all, to victim needs. Difficulties in sustaining an active core of

community volunteers to perform difficult and draining work, high levels of referral and case activity, low funding levels and uncertainties about programme survival, a local appetite for violence, and unreasonably high levels of local expectation for programme involvement and success are but a handful of the types of issues that affect the performance and promise of the community-based restorative justice initiatives.

There is little debate amongst the broad spectrum of individuals consulted over the course of this evaluation, that what is desperately needed in all working class areas of Northern Ireland is cooperation and collaboration between Government, statutory organisations, and properly resourced community counterparts. In the time it will take to meet this need, however, there are some ominous signs.

Crime and anti-social behaviour rates are high and continue to spike in some areas. Assistance and aid to victims is very limited, as are supports and pathways for offenders to become productive citizens in their respective communities. A concern remains regarding the appetite for quick and rough justice in some local areas. Paramilitary groups are likely to continue to be pressured locally to remain engaged in such work. There is clear evidence of a rise in vigilantism in some areas, and a growing fear in others of a return to a "hard man" culture, where individuals act with impunity, often in the name of the "community" and increasingly with little regard for any potential paramilitary interference.

The community-based restorative justice initiatives are attempting, under often difficult circumstances, to make headway against the tide of such challenges, by building local institutions, encouraging the local exercise of human rights, providing community safety, confronting the legacies of violence, and encouraging civic participation. They contribute as well to the peace process and to community peace-building, by engaging ex-combatants in peaceful community activism, creating non-violent options for responding to conflict in a local area, and by reducing crime and anti-social behaviour. They stand poised to serve as a conduit, a broker and a bridge between members of their local communities and the State.

The community-based initiatives appear well situated to develop non-violent options that can influence paramilitary groups and contribute to the personal transformation of former combatants - there is convincing evidence that the community-based restorative justice initiatives have had a significant impact on paramilitary practices right across the impact areas. During the course of Phase II, paramilitaries appeared to rely less on violence and threat. Paramilitary groups, including rival and dissident groups, have co-operated with local projects to limit violence, threat and exclusion.

Most significantly, Community Restorative Justice Ireland facilitated the mid 2005 cessation of punishment activities by the Provisional Irish Republican Army. Similarly, the likely and imminent organisational changes within the Ulster Volunteer Force and Red Hand Commando, signalling their intent to move away punishment violence and exclusion, has been attributed to the work Northern Ireland Alternatives. In both cases, the armed groups identify the presence of these non-violent community-based restorative justice initiatives as pivotal to efforts to promote and implement needed organisational transition and change.

In the final analysis, punishment violence, threat and exclusion cannot end solely because of the existence of community-based restorative justice projects. It is much more complicated than that. Paramilitary organisations themselves have a crucial role in committing to an end to violence and resisting the demands from local communities to persist in punishment functions. The range of available and effective options and alternatives to violent responses to local crime and anti-social behaviour will need to be increased. The alienation of some communities from some statutory organisations must dissipate in a new political environment and climate. And perhaps when the time is right, the community-based initiatives may be called upon to broker statutory organisations into the communities they are mandated and resourced to serve.

### 3.4    CHALLENGES FACED BY CRJI AND NIA

The Northern Ireland peace process has presented many challenges for communities, politicians, paramilitary organisations and public bodies to name but a few. Finding ways for resolving community disputes without recourse to paramilitary violence has required organisations and individuals to demonstrate the value in non-violent alternatives. CRJI and NIA have taken up this challenge and the above findings demonstrate the effectiveness of their interventions in reducing and ending paramilitary beatings, shootings and exclusions for crime and anti-social behaviour. Their work has not been without criticism and both organisations have been subject to a high degree of official scrutiny, particularly in relation to developing protocols to govern how they do their work. In the political arena, CRJI and NIA have commanded a significant amount of attention and debate, most notably around the debates on policing.

Official commentary on the practice of community restorative justice has been diverse and at times, contradictory:

### 3.4.1 Criminal Justice Review (Recommendation 168) and Protocols

The *Review of the Criminal Justice System in Northern Ireland* (2000) voiced deep skepticism about the community roots and linkages of restorative justice projects. Recommendation 168 argued that:

- schemes should only receive referrals from statutory criminal justice agencies;

- schemes should be accredited by and subject to standards promulgated by Government; and

- schemes should be subject to regular inspection, and have no role in determining guilt or innocence.

The independent Justice Oversight Commissioner, whose remit was to certify progress on the implementation of the 293 recommendations of the *Review* to the Secretary of State, increasingly brought Government to task for their seeming reluctance to engage with the community groups. Over the period of his six reports (December 2003 to June 2005), the Justice Oversight Commissioner noted that *"These organisations engage in valuable and effect work in their respective communities"* (June 2004) and *"the schemes provide an opportunity for engagement with the community and should not be seen as a threat but as a possible advantage for the whole system."* (December 2004).

In his final report in June 2005, the independent Commissioner had concluded that Recommendation 168 *"is one of the most important, but at the same time one of the most intractable, of all the recommendations. . . . Sadly the tendency has been to regard this recommendation as something which follows political developments rather than enabling them to progress. . . . The delays in pursuit of this recommendation and the failure to consider support for activities undertaken by the current schemes outside of the scope of Recommendation 168 risks the future existence of some at least of the schemes and the resulting vacuum may be a source of additional problems in the future for both the communities which they serve and for the Government."*

The 'intractability' noted by the Justice Oversight Commissioner revolves largely around *protocols* that would specify the formal relationships between community-based restorative justice projects and criminal justice agencies. At least two early sets of guidelines had been agreed (with the police and probation) by NIA, but were subsequently withdrawn due to concerns of Government. By late 2005, a formal *Consultation on Draft Guidelines for Community-based Restorative Justice Schemes* was launched by the NIO, following from Recommendation 168.

In chief, this initial set of guidelines requires: adherence to human rights, equality and criminal law legislation; referrals from statutory criminal justice agencies only; information about offence, offender and victims must be conveyed to the police, or to the police via statutory third parties; the Public Prosecution Service determines whether a case is to be returned to the community scheme, with or without a requirement of a formal warning or caution; certain training requirements, procedural safeguards, and complaints procedures; vetting of persons working in the schemes; and formal inspection for accreditation by the Criminal Justice Inspectorate.

During the consultation period, CRJI and NIA made separate submissions that raise a largely common set of objections and reservations. These include concerns that: victim led services might be excluded, contrary to law; community and victims would be disempowered as they would not be allowed make referrals to the schemes; provisions, such as data sharing requirements, fundamentally violate confidentiality and the confidence of the community; the process is overly complex and inefficient, and delays would become disincentives to participation; resourcing would be required for the schemes to comply with training and inspection requirements; vetting would disadvantage workers convicted of politically motivated offences; criteria are not specified for how the prosecutor would decide on appropriate case referrals; and protocols are not workable until a political settlement on policing is achieved and acceptable policing structures are in place (CRJI only).

Fifty-four additional submissions were received during the consultation period, resulting in a second and revised draft, *A Protocol for Community-based Restorative Justice Schemes: Consultation and Equality Impact Assessment* that was published in late 2005. Significant changes were made in four areas of the guidelines: engagement with the police had to be direct, with no third party routing of information; more oversight of the suitability of persons occupying posts in the schemes; an independent complaints procedure to be coordinated by PBNI; and more demanding safeguards that would apply to the schemes. None of the input of the community-based restorative justice projects is reflected in the revised protocols.

In general, the protocols are a complex architecture that are more responsive to a particular political climate than to the pragmatic needs of communities, community-based restorative justice projects, and statutory justice professions to partner and assist communities to find justice.

### 3.4.2   The Independent Monitoring Commission

The Independent Monitoring Commission (IMC) has commented on community restorative justice schemes on a number of occasions.  In November 2004, the IMC noted that *"the community schemes appear to us at the moment to be able in principle to bear more directly on the prevention of paramilitary violence and intimidation . . . we believe that community restorative justice has its part to play in helping the transition from paramilitarism . . . a means of helping to free people from paramilitarism, not one of preserving it."*

By the fifth report (May 2005) it asserted that "we believe that support for them [community restorative justice programmes] should be forthcoming from the criminal justice agencies."  But by January 2006, commissioners questioned whether the community schemes represented "a deliberate tactic on behalf of paramilitaries to find new means of exerting their control now that violence or other crude threats are less open to them".  In their eighth report (February 2006), after a review of highly negative anecdotal input about alleged activities of some individuals associated with the community-based projects, the commissioners concluded by urging that people bring to their attention *"not only concerns and allegations of difficulties but also instances of good practice."*  This report, including its data-driven findings and conclusions, is responsive to the latter, providing evidence of a consistent pattern of good practice and outcomes.


FINAL COMMENT

The Australian John Braithwaite, a pre-eminent specialist in Government regulatory innovation, and winner of 2005 Stockholm Prize in Criminology, makes this recent, and closing, observation:

> *Northern Ireland actually has a more mature debate on standards and priciples of restorative justice than any society I know.  . . . I suspect this is because Northern Ireland has a more politicized contest between state and civil society models of restorative justice than can be found in other places.  Such fraught contexts are where there is the greatest risk of justice system catastrophes.  But they also turn out to be the contexts with the richest prospects for rising to the political challenges with a transformative vision of restorative justice…I found the retorative justice programmes in both the Loyalist and Republican communities inspiring.  Partly this is because of the courage and integrity of the community leders involved and the reflectiuve professionalism of those in the state who are open to restorative justice.*

## ANNEX I – KEY ORGANISATIONS CONSULTED

The following organizations were consulted, in addition to numerous community organisations and groups, including churches and residents' associations, within service catchment areas;

- Police Service of Northern Ireland;
- Probation Board for Northern Ireland;
- Northern Ireland Housing Executive;
- Public Prosecution Service;
- Northern Ireland Office (Criminal Justice Policy Branch);
- Eastern Health and Social Services;
- Belfast Education and Library Board;
- Alliance Party;
- Women's Coalition;
- Democratic Unionist Party;
- Sinn Fein;
- Progressive Unionist Party;
- Ulster Unionist Party;
- Social Democratic and Labour Party;
- Youth Justice Agency;
- Extern;
- Northern Ireland Association for the Care and Resettlement of Offenders;
- Base 2;
- Victim Support Northern Ireland;
- WAVE Trauma Centre;
- Conflict Trauma Resource Centre;
- Northern Ireland Alternatives;
- Community Restorative Justice Ireland;
- Include Youth;
- Committee on the Administration of Justice;
- Northern Ireland Human Rights Commission;
- Ulster Volunteer Force/Red Hand Commando;
- Ulster Defense Association;
- Irish National Liberation Army; and
- Provisional Irish Republican Army.

# ANNEX II - INCIDENT AND CASE NUMBERS IN PHASE II

| | | | (a) Beatings/ Shootings | (b) Exclusions | (c) Beatings/ Shoot & Exc | (d) NIA/CRJI Cases |
|---|---|---|---|---|---|---|
| **CRJI** | Andersonstown | 2003* | 8 | 0 | 8 | 27 |
| | | 2004 | 1 | 0 | 1 | 18 |
| | | 2005 | 0 | 1 | 1 | 7 |
| | Twinbrook/ Poleglass | 2003* | 3 | 1 | 4 | 42 |
| | | 2004 | 1 | 8 | 9 | 46 |
| | | 2005 | 0 | 1 | 1 | 12 |
| | Derry | 2003* | 4 | 4 | 8 | 27 |
| | | 2004 | 2 | 2 | 4 | 17 |
| | | 2005 | 0 | 0 | 0 | 12 |
| | Upper Springfield | 2003* | 7 | 4 | 11 | 11 |
| | | 2004 | 2 | 1 | 3 | 5 |
| | | 2005 | 0 | 0 | 0 | 3 |
| | **CRJI Total** | 2003* | **22** | **9** | **31** | **107** |
| | | 2004 | **6** | **11** | **17** | **86** |
| | | 2005 | **0** | **2** | **2** | **34** |
| **NIA** | North Belfast | 2003* | 19 | 0 | 19 | 2 |
| | | 2004 | 0 | 0 | 0 | 17 |
| | | 2005 | 0 | 0 | 0 | 14 |
| | Bangor | 2003* | 5 | 0 | 5 | 9 |
| | | 2004 | 0 | 0 | 0 | 11 |
| | | 2005 | 0 | 0 | 0 | 19 |
| | Shankill | 2003* | 5 | 3 | 8 | 11 |
| | | 2004 | 6 | 3 | 9 | 17 |
| | | 2005 | 0 | 2 | 2 | 15 |
| | East Belfast | 2003* | 1 | 0 | 1 | - |
| | | 2004 | 4 | 2 | 6 | 12 |
| | | 2005 | 4 | 0 | 4 | 6 |
| | **NIA Total** | 2003* | **30** | **3** | **33** | **22** |
| | | 2004 | **10** | **5** | **15** | **57** |
| | | 2005 | **4** | **2** | **6** | **54** |
| | **Total** | 2003* | **52** | **12** | **64** | **129** |
| | | 2004 | **16** | **16** | **32** | **143** |
| | | 2005 | **4** | **4** | **8** | **88** |

- *: data for 2003 related to only 9 months of the year*