

An Evaluation of Restorative Justice Services to Persons Harmed in Perth and Kinross

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Restorative Justice in Scotland

The field of Restorative Justice and Practice has become ~~more and~~ more prominent over the last 20 years and Scotland has seen an increased recognition of the value of this approach in areas such as youth justice and education sectors. There has subsequently been a significant growth of Restorative Justice Services across Scotland since 2008 as a consequence of Government strategies and policies to prevent address and reduce behaviour by children and young people that causes harm to individuals and communities. In June 2008 the Scottish Government published national guidelines regarding the use of Restorative Justice Services by agencies including schools, the police, anti-social behaviour teams, residential child care settings, social workers and restorative justice service providers, such as Sacro*.

Restorative justice is a unique approach, and so all of the agencies involved need to have a shared understanding of what it is and how to ensure that it is used in a way that is safe, effective and contributes to positive outcomes. Other agencies need to know why and when to engage Restorative Justice Services, and what should be expected from this process. Best Practice guidance documents were produce to provide a resource for agencies that wish to make use of Restorative Justice Services, and to ensure that Restorative Justice Services are delivered with the necessary consistency and quality, (<http://www.scotland.gov.uk/Publications/2008/06/10143757/0>). In addition to these, National Occupational Standards for Restorative Justice were finalised in 2011.

The growth in Restorative services within Scotland can be seen from the Sacro evaluation which charts a rise from one specialist youth justice service in 1999 to 31 in 2008, (National Evaluation of Restorative Justice Youth Services in Scotland, Viewpoint 2009 http://www.sacro.org.uk/RJ_Evaluation_Report_2008-2009.pdf). Indeed the Scottish Government commitment to the value of Restorative Justice Services specifically in relation to youth justice was confirmed in the publication in June 2008 of Preventing Offending by Young People: A Framework for Action (<http://www.scotland.gov.uk/Publications/2008/06/17093513/0>). Wider governmental support was confirmed directly by Scotland's Justice Secretary Kenny Macaskill who stated whilst addressing the Lothian Borders Police/Sacro conference "*Restorative Practices*" (23/3/2010) that: "*the full weight of the Scottish Government is behind the introduction of restorative policies*".

*Sacro is an NGO that aims to promote community safety across Scotland through providing a range of services to reduce conflict and offending (<http://www.sacro.org.uk/>).

Restorative Justice Services in Perth and Kinross

Perth and Kinross has an estimated population of 144,180, spread across 5 main population centres within a geographically diverse area of a largely rural land, comprising 528, 581 hectares with a population density of 0.26 (*General Register Office for Scotland, 2007/8; estimates based on the 2001 Census*). This represents the 13th largest population in Scotland. In 2004 the Perth and Kinross Youth Justice Partnership was established as a result of successful interagency planning that had been in place since 2002. The authority

had initially set up the inter-agency planning team on youth justice issues in order to meet the requirements of the National Standards. In 2004, this group, with a full-time co-ordinator, reconstituted itself as the Perth and Kinross Youth Justice Partnership.

From its inception the approach of the Youth Justice Partnership has been informed by the belief that the reduction of youth crime should be pursued by a combination of prevention, diversion and early intervention with young people who have already offended or who are at risk of offending (*Perth and Kinross Youth Justice Partnership, Strategic Plan 2010/12*). In keeping with the 2008 national framework (Preventing Offending by Young People) the Perth and Kinross Youth Justice Partnership placed a strong emphasis upon restorative initiatives. Since 2002 Sacro has been involved in delivering Restorative Justice Services in the authority (*Sacro Annual Report to Perth and Kinross Youth Justice Services, 2009/10*). The Crown Office and Procurator Fiscal Service, Scottish Children's Reporter Administration, Tayside Police, the Youth Referral Group and the Children's Panel make referrals to the service.

Compared with other parts of Scotland, Perth and Kinross has a relatively low crime rate (*Recorded Crime in Scotland, Table 6 – Number of crimes recorded by police and percentage cleared up by council area, 2009-10*). Figures available from Perth and Kinross Youth Justice Partnership, (Youth Justice Strategic Plan 2010/12) detail a 20% decrease in crimes committed by young people under the age of 16 compared to the previous year (data comprised by police and SCRA). This is a welcome trend but not an isolated one, as this pattern is also seen in other areas of Scotland. Various initiatives are cited in the Strategic Plan as making a difference to youth offending rates, specifically the Early Intervention and Right Track Programmes. It is also claimed that Restorative Justice has been:

"A central feature of the work of the Youth Justice Partnership over the past few years and has made a telling contribution to the reduction in the rate of offending." (Perth and Kinross Youth Justice Partnership – Strategic Plan, 2010-12; p.6)

Healing the Victim

A central feature of Restorative Justice has been the premise that it is focussed on the offender, that he/she is less likely to re-offend after a restorative intervention, and a great deal of time and effort has gone into substantiating and quantifying recidivism rates to prove the value of restorative justice on this basis (*McCold, 2004, 'Protocols for Evaluating Restorative Justice Programmes in a European Context'*). It has been claimed by Victim Support in the UK and the American Center for Victims of Crime that the growth in victim – offender mediation has been largely championed by penal reformers, offender groups and academics who believe that offenders are mistreated. This suggests that advancements in restorative justice are predominantly focussed around attempts to improve the way in which offenders are treated rather than victims (Rock, 2004, p. 291).

As Howard Zehr writes, fundamental to Restorative Justice is a desire to repair the wrong done to the victim (person harmed) (*Zehr, 1990, p. 26-7*). Zehr and Mika (1998) list the needs of victims of crime as:

- Information
- Validation
- Vindication

- Restitution
- Testimony
- Safety
- Support

(Zehr, H. & Mika, H. 1998:47-55)

In the UK, a key piece of consultation carried out by the Criminal Justice System in 2005, 'Rebuilding Lives – Supporting Victims of Crime' stated that the emotional needs of victims must be attended to, along with providing financial compensation and practical support. As part of that 'emotional support' restorative justice was identified as providing 'healing'.

"Many victims of crime benefit from having someone to talk to about their experience. Victims need to be treated with respect and to be listened to. We want to ensure that victims receive a compassionate, understanding and friendly response. We want to provide emotional support such as:

- Reassurance that the crime was not their fault;
- Help in understanding the feelings they are experiencing;
- Support in the choices they make;
- Support in participating in a restorative justice programme where appropriate;
- Professional counselling where appropriate including help with post-traumatic stress."

(Rebuilding Lives – Supporting Victims of Crime (2005))

To talk of needs leaves it unclear exactly *how* and *by whom* that need is going to be catered for. Bennett suggests that restorative interventions would be better placed to address, rather than the 'shopping list of needs', the moral aspect of 'what one party owes the other' (*Bennett, C. 2007:247-264*). If a crime is harm caused to someone deliberately by another, then the person responsible for the harm must be involved in the vindication. Victims also talk of 'being wronged' as well as harmed. The sense of being wronged comes from the feeling of moral injury – their right as a human being to basic respect has been violated. Bennett (*2007:254*) argues that the offender's admission of wrongdoing is essential to righting the wrong and restoring the relationship between the offender and person harmed. There have been criticisms of restorative justice from within the victim support movement, claiming that it is more concerned with reforming and reintegrating the offender, than prioritising meeting the needs of victims (persons harmed) (*Johnstone, 2002: 64*). To refute such a criticism practitioners are keen to show the value of their services to persons harmed, as well as to the offenders.

Perth and Kinross Youth Justice Partnership commissioned this evaluation of Restorative Justice Services to Persons Harmed in February 2010. The aims of the evaluation were to:

- Evaluate the experience of Restorative Justice Services as used by Persons Harmed.
- To gather independent, qualitative data on the experience of Persons Harmed who access the Restorative Justice Services.

Methodology

The choice of the most appropriate research method to be used in a piece of social science research depends upon what it is we are trying to find out. No method of research, qualitative or quantitative, is intrinsically better than any other. Qualitative research is concerned with the study of things in their natural settings, and attempts to make sense of, or interpret, phenomena in terms of the meanings people bring to them. In other words it attempts to capture the way in which the people being studied understand and interpret their social reality (*Ritchie, J. and Lewis, J. 2003:7*). Most qualitative research has been associated with the belief that perception relates to not only the senses (what has happened) but to how we interpret what our senses tell us; and that our knowledge of the social world is based on understanding, which arises from thinking about what happens to us, not just from having had a particular experience. In this study, the social reality being evaluated is the experience of a) a person having been harmed by a crime and b) their experience of a restorative service that aims to repair or address that harm. What was required of this research was to evaluate the experience of a restorative intervention from the perspective of the Persons Harmed. The evaluation is not simply of a 'tell me what happened' nature; but seeks to capture more 'tell me what you now think about what happened' data. The interviews all took place some considerable time after the initial crime event and in many cases, a long time since they experienced the restorative intervention.

In order to capture the rich and complex data required to discover how people have interpreted their experience, the initial aim was to carry out face-to-face interviews with all Persons Harmed in the sample. This proved more difficult than originally anticipated as some were suspicious when contacted by phone and chose not to participate other than to speak on the phone or by email. The level of distrust evidenced was somewhat of a hindrance to the researchers and their original methodology. A pragmatic decision had to be made half way through the year (2010) to adapt the data collection methods used, and include telephone interviews and email responses to complete the (semi-structured) questionnaire. It was decided that to gather some data, rather than none was the preferable option. It was also necessary for the researchers to contact in writing all persons in the sample, on Perth College UHI headed paper introducing ourselves, giving names and contact details, explaining the nature of our research. It was hoped that this formal, introductory letter would facilitate a better reception when we contacted them by phone. This resulted in more participants agreeing to take part.

*In this document the 'Person Harmed' refers to a person who has been harmed by the offender's action, and who has been offered, and accepted, Restorative Services by Sacro. This is the favoured term (rather than 'victim') as recommended by the Restorative Justice Services national guidelines (<http://www.scotland.gov.uk/Publications/2008/06/10143757/0>).

Sample Data

The sample was drawn from Sacro client data between 01/04/2008 – 26/03/2010. From a sample of 47 referrals to Sacro for Restorative Services, all of which had been successfully completed, 20 were selected at random, from which it was proposed that 18 interviews would be gathered. All selected cases were formally contacted by Sacro, asking for permission for them to be approached by the researchers. Those who did not refuse were deemed to consent. Some reselection was necessary, after some people refused to participate. Great care was taken to gain consent as all parties involved (Perth and Kinross

Youth Justice Co-ordinator; Sacro; researchers) were sensitive to the possibility of 're-victimisation' by approaching people who simply wanted to put the events behind them.

Of the original 20 cases selected from the Sacro data base, it was discovered after repeated attempts to make contact that 3 people had left their place of employment (only their work contact address or phone number was recorded); 3 phone numbers were no longer available or in use; 2 people were not traceable as a contact name had not been recorded (the incidents took place at places of work, both are large organisations and individual Person Harmed could not be identified). Of the remaining 12 cases, 11 Persons Harmed were contacted by the researchers and interviewed, using a choice of three methods of data collection.

The following 5 pages provide a summary of the data gathered.

Summary Table of Data:

Question 1. Who are you?

Question 2: Can you describe the original event that brought about your involvement with the restorative justice intervention? (what happened to you?)

Question 1					Question 2	
Subject	Age	Gender	Contact By:	Occupation	Original Event	Date of Offence
1	under 18	M	Face to Face Interview	Student	Assault	2010
2	under 18	M	Telephone Interview	Student	Assault	2009
3	26-35	M	Telephone Interview	Volunteer	Culpable and Reckless Conduct	2008
4	36-45	M	Telephone Interview	Business Owner (Cars)	Vandalism	2010
5	36-45	M	Face to Face Interview	Farm Manager	Vandalism	2008
6	46-55	M	Face to Face Interview	School Janitor	Breach of the Peace	2009
7	46-55	F	E-mail Questionnaire	Retail Manager	Theft (shoplifting)	2009
8	46-55	M	E-mail Questionnaire	Teacher	Theft	2009
9	46-55	M	Telephone Interview	No Comment	Petty Assault	2008
10	56-65	M	Telephone Interview	Landscape Contractor	Vandalism	2008
11	56-65	F	Telephone Interview	Unemployed – (defined self as 'disabled')	Vandalism	2008

Question 3: Why did you agree to participate in the restorative intervention?

Question 4: How did the restorative intervention take place?

Question 3	Question 4
Participation Codes¹:	Intervention Type
2 and 4	Shuttle dialogue.
Decided not to participate in the end.	Sacro suggested face to face meeting* but PH decided not to participate.
1	Shuttle dialogue.
1,5 and 6	RJ Conference* arranged through Sacro with all parties present.
5	Shuttle dialogue with restorative work carried out.
Just agreed.	RJ Conference arranged through Sacro with all parties present (parent of PH included).
1,4,5 and 6	Shuttle dialogue and letters exchanged.
6	RJ Conference arranged through Sacro with all parties present.
Could not remember Intervention or participation.	Could not remember participating in any intervention.
Did not participate.	Did not participate in intervention of any type - not worthwhile and would do nothing for either PH or offender.
2 and 5	Shuttle dialogue with restorative work carried out.

*Sacro differentiate between (i) 'face to face meeting' that involves PH and PR (offender) with Sacro facilitator *and* (ii) RJ Conference that includes PH and PH support person; PR and PR support person; Sacro facilitator and co-facilitator.

¹ **Codes:** 1 - To find answers to my questions about the crime, 2 - To help me 'get over' the crime (aid to recovery), 3 - To challenge my 'fear of further crime', 4 - To get an apology from the offender, 5 - To do something that may prevent it from happening to others, 6 - To help the offender in some way.

Question 5: Were you satisfied with the outcome of the restorative intervention?

Question 6: Would you consider participating in this kind of restorative response to offending again?

Question 5	Question 6
Satisfied with outcome?	Participate again?
Yes	Yes
Yes	Yes
Yes	No - Shouldn't think I would need to.
Yes	Yes - To make offenders think twice next time.
Yes	Yes - Same type of crime.
Yes	Yes - Definitely.
Yes	Yes - Deterrent/Impact.
Yes	Yes - Positive outcome and effective.
N/A	N/A
N/A	N/A
Yes	Depends on type of crime.

Question 7: Would you change anything if you went through the process again (Question 6 – a). If so, what?

Question 8: Overall, do you consider restorative intervention involving offenders and their victims, useful?

Question 7	Question 8
Change process?	Restorative Intervention useful?
No - Fine as it was, Helpful advocate.	Yes - Don't involve the police, deal with it by talking - that's better as it stops it becoming really serious.
No	Yes
Ok - But would want more interaction with Sacro people and room to expand on questions asked.	Yes
No - Everything was structured well with positive outcome (well run process).	Yes - I would say so.
No - Everything seems to work fine.	Yes
Don't know - Depends on the crime.	Yes
No	Yes
No	Yes - For minor offences, serious offences - may not be appropriate.
N/A	N/A
N/A	N/A
Would depend, different for serious crime.	Yes - Don't want it to happen again.

Question 9: If you have anything further to add about your experience of restorative justice, please feel free to comment here.

Question 9
Anything further?
Helped a lot - Schools could use this more - when dealing with bullies.
No
No - Straightforward experience.
More serious crime - may change thoughts on Restorative Intervention.
No - Agree with it, think it is good and hope it works.
No
No comment given.
No comment given.
N/A
N/A
No

Data Capture and Identification of Issues Arising

Subject	Age	Gender	Occupation	Original Event
1	under 18	M	Student	Assault
2	under 18	M	Student	Assault
3	26-35	M	Volunteer	Culpable and Reckless Conduct
4	36-45	M	Business Owner (Cars)	Vandalism
5	36-45	M	Farm Manager	Vandalism
6	46-55	M	School Janitor	Breach of the Peace
7	46-55	F	Retail Manager	Theft (shoplifting)
8	46-55	M	Teacher	Theft
9	46-55	M	No Comment	Petty Assault
10	56-65	M	Landscape Contractor	Vandalism
11	56-65	F	Unemployed – (defined self as 'disabled')	Vandalism

This page reminds readers how the sample was comprised showing age, gender, occupation and the nature of the original crime event. The number for each participant is the same number used to indicate individual responses listed on the following pages.

Qualitative Participant Indicators

▪ Reasons for Participation

- 1: "I didn't want to get involved at first but Mum told me it would help...to get over the bullying."
- 2: "...thought it was a good idea to participate at the time."
- 3: "...this person barged into the house and held us hostage...I wanted to know why he chose us."
- 4: "If I was young and in trouble, [I] would want this chance to apologise and would make me realise the harm caused. We were all young once!"
- 5: "I don't have a lot of faith in the law...I believe this is a better way of doing things ...it gave him a chance to repay...I think he was genuinely upset about it."
- 6: "...you lot (Sacro) came round and said we'll get him and his parents to give you an apology and all this carry on, so I said, yeah, why not? He's got to learn."
- 7: "I feel that if I can point out to the children stealing the impact it has on all aspects of my job and the implications for them over a pathetic chocolate bar, I can deter them."
- 8: "I felt that it may have been helpful to the offender."
- 9: Interviewee could recall crime but could not recall any contact with Sacro or a restorative intervention.
- 10: Interviewee claimed to have refused offer to participate in a restorative intervention as "it would not have made a difference".
- 11: "...wanted to make them realise that a small crime can go on to larger crimes that can affect their whole lives."

▪ **Type of Participation and Comments on the Process**

- 1: "...Sacro lady spoke to him and me, not together. He wrote a letter saying he'd stop. He agreed the terms and he apologised and said he wouldn't do it again."
- 2: "...Sacro lady came to the house to talk...they went to the offenders house to do the same. A meeting (conference) was offered but didn't want the hassle to meet face to face."
- 3: Shuttle dialogue took place but "...not much came of it".
- 4: "...met with the young person and his Mum. A staff member was there (Sacro) who held it together."
- 5: "...it was all done by letters, I had no contact with the lad himself."
- 6: "...it went on for about $\frac{3}{4}$ of an hour, yeah, I met the (Sacro) lady, then she got in touch with the boy and his Mum, and had to get back to me and arrange a meeting."
- 11: "...had a discussion with that person."

▪ **Indicator of Satisfaction with Restorative Justice Process**

- 1: "It worked because it didn't involve the police...it's better to deal with it by talking...stops it getting really serious."
- 2: "It did help to talk to Sacro and each other about it...we talked about it at school...."
- 3: Expressed satisfaction but with qualification: "...I got some answers, but there could've been more information given back".
- 4: Expressed satisfaction with outcome (apology received; may prevent future offending; useful to the young person) "... (it would) make him think twice in future"; "...he apologised to me and his own Mum, she was mortified by the child's behaviour"; "...it was a good outcome".
- 5: "...it was great for us and it gave him a chance to repay it as well, I think he was genuinely upset about it."
- 6: Expressed satisfaction with outcome "... (I) basically got apologies from him and I put my views over; what he shouldn't be doing...his mother was lovely, she was quite disgusted what he was doing".
- 7: Expressed satisfaction with the outcome of the restorative intervention (questions answered; apology received; may stop further offending; helpful to offender).
- 8: Expressed satisfaction with the outcome of the restorative intervention (helpful to offender).
- 9: Could not recall.
- 11: Expressed satisfaction but with qualification: "...should be made to do more than that work in community...they helped a wee bit to clear up the mess in the garden".

▪ **Willingness to Participate Again**

- 1: "I don't think it could be better, it helped me a lot. Schools could use this more to deal with bullies."
- 2: "I liked being able to talk to someone about what happened."
- 3: Affirmative, but with the qualification "...I wanted more details".
- 4: "Yes, if it makes people think twice before doing something else, then it's worthwhile."
- 5: "If it happened again, I would do exactly the same thing...."
- 6: "Yeah, yeah, I would like to help as much as I could...."
- 8: "Restorative practice informs all of the work we do in school as members of the Pupil Support Team. Our experience tells us that it is effective and that it is more likely to have a positive outcome than other approaches to indiscipline."
- 11: Affirmative, specifically because "...it helped to prevent further crime" Again with the qualification that it also would "...depend on the crime" meaning that for a more serious crime, a restorative intervention would not be appropriate.

▪ **Overall Views on Value of Restorative Justice Process**

- 1: "...its good because it makes you talk about it."
- 3: "...it was OK but wanted to have more interaction with the Sacro people"
"...wanted room to expand on questions asked, (they) could have explained a little more and given more information."
- 4: "...think it's great, it should continue, but for more serious crimes I might change my mind."
- 5: "I think it's good and I hope it works. I think it is a better benefit to the offender and for the victim as well, I do... Now if he was 22, I'd lock him up!"
- 6: "Well, hopefully, that did them a world of good, a wee bit telling off."
- 8: "For reasons outlined above ("Restorative practice informs all of the work we do in school...), although I would restrict it to relatively 'minor offences'. For more serious offences, I am not sure that it would always be appropriate."
- 10: Interviewee expressed the view that it would be a waste of his time.
- 11: Clear view expressed that restorative intervention is a good idea but only for lesser crimes "...depends what it was, breaking into a home or some other crime, I would have a different reaction".

Issues Arising from the Data

Following up service users for interview purposes was not possible in several instances due to the fact that only the workplace address and/or phone number had been recorded (people had moved on; or no contact name was recorded). In a small number of cases information was out of date (phone numbers). This made tracking PH's for research purposes difficult. Since the data was gathered Sacro have started asking PH's who use their service if they would agree to being contacted at a later date, for research purposes.

A clear distinction was made by persons harmed when the seriousness of the offences were discussed. There was a consensus opinion expressed that, respondents would be much less well inclined towards the value of restorative interventions if they were victims of more serious crimes, in particular crimes of violence.

The youth of the offenders was commented on in many cases. This was clearly a major consideration in the person's harmed evaluation of the suitability of Restorative Justice. The view was expressed that for older (and presumably 'more hardened') offenders, a punitive response was more appropriate.

A significant number of people in the sample were associated with schools or education establishments (teacher, school janitor, school pupils). This suggests that they have a familiarity with young people and may even have undergone Restorative Practices training (in the case of the teacher interviewed). This may predispose some respondents towards having a more positive attitude to Restorative interventions.

Summary of Key Findings

- The overall response to the Restorative Justice Service from participants was positive, all save 2 expressed satisfaction with the intervention. This is in keeping with existing research and criminal justice and victim support policies, eg *Rebuilding Lives - Supporting Victims of Crime (2005) Criminal Justice System, HMSO: 26*. It can, therefore, be concluded from these data that most of the participants interviewed expressed satisfaction with the process and outcome of the Restorative intervention provided by Sacro. In only one case, extreme resistance to the service was expressed.
- In terms of 'repairing the wrong' done to the persons harmed, the evidence gathered indicates that their needs were met.
- A range of Restorative interventions was experienced (shuttle dialogue; letters exchanged; face-to-face meetings and full Restorative Justice Conferences). The data indicates that the more information given, the happier participants were.

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