

Street group violence and restorative justice

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Abstract

Despite the impressive literature on restorative justice, the potential of its paradigm with street group violence remain largely unexplored. The financial, political and social implications that recent riots are having on governments across the world spark a new debate on the appropriateness of restorative approaches in relieving the overstretched and costly criminal justice system. The paper uses the case study method to investigate examples in India, Greece, Canada and England, where restorative justice was considered within the context of street group violence. Key issues are identified and recommendations are posited, as new policies, practices and research are being proposed in this grey area of restorative justice.

Key words: Restorative justice, street violence

Introduction:

It is not surprising why restorative justice (RJ) appeals to reformers and researchers craving for more holistic and economical approaches to what we have come to call *inter-personal crime*. The practices that come under the banner of RJ are all characterised with a strong element of parties' empowerment in dealing with the restoration of harm and wrongdoing –to the extent possible.²

It is not the intention of this paper to discuss the dangers, advantages, safeguards and caveats surrounding RJ's application with *inter-personal* incidents of harm. Our focus is RJ with *group violence*. However, we were not interested in incidents of group violence such as genocide and war. There is a rich literature on the contribution, advantages and disadvantages of RJ-based interventions to this type of group violence including the examples of the Truth and Reconciliation Commissions that were established post the genocides and conflicts in Rwanda,³ Sierra Leone,⁴ former Yugoslavia,⁵ Cambodia⁶, sub-Saharan Africa,⁷ Bosnia and Herzegovina and South Africa.⁸

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² Braithwaite, J. "Setting Standards for Restorative Justice", *British Journal of Criminology*, 42, pp. 563-577.(2002).

³ See Kohen, A., M. Zanchelli and L. Drake "Personal and Political Reconciliation in Post-Genocide Rwanda", *Social Justice Research* 24, pp. 85-106. (2011).

The focus of this article is RJ's potential, and indeed viability, with street violence that involves *groups* of victims and offenders. This paper carried out case study research by looking at four street group violence events that provided material for either carrying out an RJ intervention or for requesting one. Identifying these case studies was extremely difficult. Indeed the rhetoric that is being developed following recent riots, such as those in August 2011 in England, is rich and the claims for a better resolution through RJ are plenty. Tracking down actual cases proved more difficult than originally anticipated. What proved impossible was identifying cases that had been measured and evaluated. Partly, this was due to the recent nature of these events, most of which are still being investigated.

From the outset, it has to be accepted that the qualitative findings of this paper are interim and limited. They are merely intended to spark a new debate in this grey area of research and practice. The conclusions should not be taken as universal truths. Furthermore, as many critics of the case study method have pointed out, the study of a small number of focused cases can offer no grounds for establishing reliability or generality of findings.⁹ Some have even dismissed the case study method altogether, as they believe that the intense exposure of a case biases findings.¹⁰

On the other hand, within social science and criminology, case study research is used extensively, and a number of proponents such as Simons (1980),¹¹ Stake (1995)¹² and Yin (1984)¹³ argue that it can provide the perfect tool for examining contemporary real-life situations. It can also allow the drilling down into complex issues, and provide the basis for the application of ideas and extension of methods. Combined with in-depth, semi-structured

⁴ See Park, A. (2010). Community-based restorative transitional justice in Sierra Leone, *Contemporary Justice Review* Vol. 13, No. 1, pp. 95–119.

⁵ See Clark, J.N. (2008) “The three Rs: retributive justice, restorative justice, and reconciliation”, *Contemporary Justice Review* Vol. 11, No. 4, pp. 331–350.

⁶ See Dicklitch, S. and A. Malik Justice, Human Rights, and Reconciliation in Postconflict Cambodia, *Hum Rights Review* 11, pp. 515–530. (2010).

⁷ See Roper, S.D and L.A. Barria “Why Do States Commission the Truth? Political Considerations in the Establishment of African Truth and Reconciliation Commissions, *Hum Rights Review* 10, pp. 373–391. (2009).

⁸ See Valiñas M. and K. Vanspauwen “Truth-seeking after violent conflict: experiences from South Africa and Bosnia and Herzegovina”, *Contemporary Justice Review* Vol. 12, No. 3, pp. 269–288. (2009).

⁹ Hamel, J. *Case study methods*. Newbury Park, CA: Sage. (1993).

¹⁰ Stake, R. E. *The art of case study research*. Thousand Oaks, CA: Sage. (1995).

¹¹ Simons, H. *Towards a science of the singular: Essays about case study in educational research and evaluation*. Norwich, UK: University of East Anglia, Centre for Applied Research in Education. (1980).

¹² See *supra* @ 10

¹³ Yin, R. K. *Case study research: Design and methods*. Newbury Park, CA: Sage. (1984).

expert interviews and desk research, this method provided the tools for the paper’s data collection.

Four recent events of street group violence were selected for investigation. These are the 2011 summer riots in England and Canada (Vancouver), the 2002 riots in India (Gujarat) and the 2010-12 street disturbances in Greece. Although the reasons behind these riots are different, they all fell under our definition of street group violence, as this will later be explained.

The research was conducted in three stages. The first stage involved a preliminary small-scale qualitative survey with unstructured interviews with an expert sample of twelve individuals (three for each country). The experts were selected based on the detailed knowledge that they had developed around the examined disturbances in their respective countries. While some of this expertise was gained through research and policy analysis, the majority of participants were practitioners who had worked or are still working directly with rioters and victims affected by the events. The findings from the first research stage led to the identification of restorative practices that have been, or are being, developed for the investigated four events. These examples varied in nature, intended impact, and chronology.

In the case of India, the identified project had been known in the literature for some time and hence a follow up literature review was carried out. However, since the available material was limited, follow up interviews were also carried out with two practitioners who had been directly involved in the project. In the case of England, the findings were rather encouraging as various current practices were identified and analysed through four follow up interviews. No literature has been developed on these examples. In the case of Canada and Greece, follow up interviews with two experts respectively were carried out. In the case of Canada, two further interviews with victim representatives were also completed as well as two with a rioter and the mother of a rioter. Stage 3 involved a data display and critical analysis. Table 1 summarises the methods used.

Research Stages	Research Method	Detail
Stage 1 – preliminary fieldwork	12 unstructured expert interviews	3 interviewees from England, Canada, India, Greece
Stage 2 – desk research and follow up fieldwork	Desk research and 2 semi-structured expert interviews 4 semi-structured expert interviews 2 semi-structured expert interviews	In relation to the December 1992 and February 2002 riots in Gujarat, India In relation to the August 2011 riots in England In relation to the June 2011 riots in Vancouver, Canada

	2 semi-structured expert interviews	In relation to the 2010-12 riots in Greece
	2 semi-structure interviews with victim representatives	In relation to the June 2011 riots in Vancouver, Canada
	2 semi-structure interviews with a rioter and the mother of a rioter	In relation to the June 2011 riots in Vancouver, Canada
Stage 3 – data display and critical analysis	Content Analysis	Analysis of data in a systematic and replicable manner based on predefined categories. Categorisation of the phenomena of interest and the adoption of an interpretive approach to the codified categories (Bryman, 2004)

Table 1: Project Research Stages

The paper will now proceed with an account of these varied cases. While some of them give examples of how RJ can appear in the resolution of street group violence, others expose key issues such as public perception and understanding of RJ. While providing this analysis, the intention was not to speak for or against RJ, but to unravel questions that may shed light in the grey area of bringing group victims and offenders together, while attempting to restore the harm caused to communities and businesses.

It is encouraging that organisations, such as the World Health Organization (WHO) believe that group violence and violence more generally is preventable. They do move on to ask though, “If violence is largely preventable, the question arises: why are there not more efforts to prevent it, particularly at national or provincial and state level A major obstacle is simply an absence of knowledge”.¹⁴ This paper aims to bridge this gap.

“Restorative Justice” & “Street Group violence”

Definitions can be artificial and run the risk of becoming obsolete very quickly, particularly if they refer to continuously evolving concepts such as RJ and street group violence. While bearing this in mind, a glance at the extant literature will render a number of definitions for RJ¹⁵. Morrison (2006) argues that RJ has been conceived in two broad ways. One is a

¹⁴ World Health Organisation. *World Report on Violence and Health*. Geneva: WHO. (2002)

¹⁵ For example, see Gavrielides, T. “Restorative justice: the perplexing concept. Conceptual fault lines and power battles within the restorative justice movement” 8:2 *Criminology and Criminal Justice Journal*, 165-183. (2008) ; Johnstone, G. and D.V, Ness *Handbook of Restorative Justice*, Cullompton: Willan publishing(2011)..

process conception; the other is a *values conception*.¹⁶ The process conception is characterized by a process that brings together all parties affected by harm or wrongdoing. It is generally accepted that RJ practices consist of direct and indirect mediation, family group conferences, healing/sentencing circles and community restorative boards.¹⁷ The values conception, on the other hand, is characterised by a set of values, or principles, that distinguish RJ from traditional punitive state justice.

For the purposes of this paper, we accept that RJ is “an ethos with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue”.¹⁸ Gavrielides argues that RJ “adopts a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals”.¹⁹ For Braithwaite (2002) and McCold (1999), the principles underlying this “ethos” are victim reparation, offender responsibility and communities of care.²⁰ McCold argues that if attention is not paid to all three concerns, then the result will only be partially restorative.²¹ Braithwaite (2002) spoke about three groups of RJ principles: constraining, maximising and emergent. Constraining standards specify precise rights and limits, maximising standards pursue restoration and justify the constraining standards and emergent standards are gifts that are given in the process of RJ and may include apology and remorse.²²

Moving on to *street group violence*, we notice that the literature principally focuses on criminal *gangs* and the various definitions and factors that are associated with them. This paper will not engage with this debate. As it will be argued, *group violence* is not synonymous to *gang violence*. The debate on street group violence and the available literature is rather thin. Hence the understanding of what this term encompasses is only just developing.

This was well reflected in our interviews. For instance, one practitioner said, “It’s hard to define as an entity”. One of our interviewed experts said, “Street group violence is a broad and vague term. For, ‘street’ means public space; ‘group’ definitions need further adjectives such as age (e.g. ‘Youth group’), ethnicity (minorities group), gender, culture (subculture groups) etc., and also ‘violence’ need to be addressed as its forms and types (physical violence, by whom, define offenders and victims)”. Someone else added: “Within theoretical

¹⁶ Morrison, B.. *Regulating safe school communities: being responsive and restorative*. Journal of Educational Administration. 41(6): 689-704. (2003)

¹⁷ See Crawford, A. and Newburn, T. *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice*, Cullompton, Devon: Willan Pub. (2003);

¹⁸ Gavrielides, T. *Restorative Justice Theory and Practice: Addressing the Discrepancy*, HEUNI: Helsinki. Pp 139 (2007)

¹⁹ Ibid

²⁰ See supra@2. Also see McCold, P. “A Reply to Walgrave”, in P. McCold (ed) *The 4th International Conference on Restorative Justice for Juveniles*, Leuven, Belgium. (1999).

²¹ see McCold, P. “A Reply to Walgrave”, in P. McCold (ed) *The 4th International Conference on Restorative Justice for Juveniles*, Leuven, Belgium. (1999)

²² See supra@2

context street group violence, however you choose to operationalize it, resembles mobbing or herding behaviour. It is predictable. Anonymity, to a naive degree, allows for the expression (by some) of anti-social behaviour...see for instance the riots in Athens, Vancouver, etc.

Looking at the term *street violence*, it generally refers to the use of physical force by individuals or groups within public spaces, the result of which may involve injury or death.²³ Turning our focus exclusively on the word *violence*, this is typically categorized according to the relationship between the victim and the perpetrator, as well as the location in which it takes place.²⁴ The WHO defines violence as “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.”²⁵

The WHO (2002) accepts three broad categories of violence. These are based on the characteristics of those committing the violent act: (1) self-directed violence (2) interpersonal violence (3) collective violence or, as named in this paper, group violence. According to WHO, collective or group violence is subdivided into social, political and economic violence.²⁶

By definition, *group violence* is committed by large groups of individuals, which can be previously related or not, or by states. As Kelly (2000) points out, although group violence often involves acts of individual violence, it is distinguished from violence that occurs between individuals who do not act as part of, or on behalf of, particular groups.²⁷

Types of group violence are, of course, war and genocide. These have been the subject of research and political debates for some time, and there are numerous scientific studies on their underlying causes. For instance, Bigelow (1969)²⁸ and Gat (2006)²⁹ believe that it is in our nature to commit atrocities of collective violence. Durrant summarises this view: “The seeming ubiquity of war, genocide, and other forms of group conflict in human history has led many scholars to conclude that our capacity for collective violence is firmly rooted in the

²³ Anderson, E. *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W. W. Norton. (1999).

²⁴ Rosenberg, M. L., O'Carroll, P. W. and Powell, K. E. "Let's Be Clear: Violence Is a Public Health Problem." *Journal of the American Medical Association* 267(22):3071072. (1992).

²⁵ See *supra*@ 14, P:5

²⁶ *Supra*@14

²⁷ Kelly, R. C. *Warless societies and the origin of war*. Ann Arbor, MI: The University of Michigan Press. (2000).

²⁸ Bigelow, R. *The dawn warriors*. Boston: Little-Brown. (1969).

²⁹ Gat, A. *War in human civilization*. Oxford: Oxford University Press(2006).

evolutionary history of our species”.³⁰ This paper will not engage with this type of group violence.

This paper’s focus is *group violence* that occurs on the streets, and is unilateral, time-bound and non-governmental. According to de la Roche, this type of group violence is usually observed in the following four phenomena: riots, lynching, vigilantism and terrorism “each distinguished by its system of liability and degree of organisation .³¹ The term *group* is defined here as per Olzak (1992)³² and Tilly (1978),³³ encompassing five or more people acting in concert.

One of the interviewed practitioners for our study asked, “What is the difference between multiple violent events and the riot phenomenon?” The same practitioner went on to say, “I have been involved in most of the serious riots in the UK from the late 60s to the late 80s. The one striking factor that I have noticed is that there is a moment when the crowd of individuals, often individually violent or threatening, does change to a riotous mob with an almost concerted joint action and a loss of individual choice or control”.

In our definition, it is also important to include deviant behaviour that, according to De la Roche, is not merely conduct that “an outside observer might regard as odd, abnormal, or illegal, but any action – however seemingly trivial, inoffensive, or innocent – that is subject to social control” .³⁴ The literature from psychology, sociology, criminology and economics is extensive in helping us to understand the various reasons underlying this type of group violence. For some, this violence appears to be more rational and comprehensible than that of others. For instance, some have argued that if carried out by economically and socially subordinate groups, such as the unemployed, working classes, minority groups and disadvantaged youth, then the action may be reasonable and possibly even worthy of sympathetic understanding from the top down and by dominant groups.³⁵

Interestingly, one of our interviewees noted “I understand street group violence involving groups of persons on the street who engage in threatening or violent behaviour. Most of the times, these people will commit serious offences against the Public Order Act 1986. We have to accept that society has declared such behaviour as unacceptable, as a

³⁰ See page 428 in Durrant, R. “Collective violence: An evolutionary perspective”, *Aggression and Violent Behavior*, 16, pp. 428–436. (2011).

³¹ See page 97 in De la Roche, R. “Collective violence as Social Control”, *Sociological Forum*, Vol. 11: 1, pp. 97-128. (1996).

³² Olzak, S. *The Dynamics of Ethnic Competition and Conflict*. Stanford, CA: Stanford University Press. (1992).

³³ Tilly, C. (1978). *From Mobilisation to Revolution*. Reading, MA: Addison-Wesley.

³⁴ See pg 98 in Supra @32

³⁵ For example, see Tilly, C. et al *The Rebellious Century*, Cambridge, MA: Harvard University Press. (1975).

criminal offence; then we can make further progress on the matter. The law has always set out that individuals are responsible for their own actions. Being part of a group is held to be an aggravating factor and this is reflected in the seriousness of the offences and the associated penalties”.

Mattaini and Strickland explored the roots of this violence from the perspective of the natural science of behaviour. They argue, “Strategies for modifying collective violence should take into consideration motivational factors such as verbal processes and cultural perceptions, shifting motivating antecedents, etc. Rules, models, and structural conditions are also relevant”.³⁶ There are many theories and paradigms aiming to provide explanations for group violence. It is not the intention of this paper to provide an analysis of these views. However, it is important to acknowledge their existence.

Street Group Violence: Four events

India, December 1992 and February 2002

Following the destruction of Babri Masjid, a 16th century mosque, large groups of Muslims reacted to the Hindu nationalist claim that the mosque stood on a site sacred to the Hindu god Rama. Riots were provoked in six states across India. These events bruit for some time when finally in February 2002 street group violence occurred in Gujarat. 58 Hindu Ram sevaks were burned to death on their way from Babri. In retaliation, 2000 men, women and children were raped, killed or burned alive and more than 200,000 people were made homeless or saw their businesses brought to the ground .³⁷

According to Ahmed, “thousands of Muslim families moved to relief camps in urban areas largely maintained by various Islamic committees” .³⁸ Harsh (2003) describes the spreading of the riots to 151 towns and 993 villages across India. He explains how Hindus and Muslims withdrew from the mixed communities in which they had been living for years and how trust quickly broke down.³⁹

The reaction of the Chief Minister was swift and punitive. “I want to assure people that Gujarat shall not tolerate any such incident. The culprits will get full punishment for their sins. Not only this, we will set an example, that nobody not even in his dreams, thinks of committing a heinous crime like this”⁴⁰

³⁶ See pg 500 in Mattaini, M. and J. Strickland. (2006) Challenging collective violence: A scientific strategy, *International Journal of Psychology*, 41 (6), 500–513.

³⁷ Powers, J. “Restoring Harmony to Gujarat: Peace building after the 2002 riots”, *Journal of the Third World Studies*, 103-115. (2008).

³⁸ See page 95 in Ahmed, S. “Sustaining Peace, Re-Building Livelihoods: The Gujarat Harmony Project”. Vol 12: 3 *Gender and Development*, pp. 94-102. (2004).

³⁹ Harsh, M. “Compounding Injustice: the Government’s failure to redress massacres in Gujarat”, *15:3 India*, 4. (2003).

⁴⁰ Varadarajan, S. (2002). *Gujarat: The making of a Tragedy*. New Delhi: Penguin.

Nonetheless, years later and no one has been convicted of involvement in the atrocities .⁴¹ According to Ahmed, thousands have been detained, but justice and reconciliation is yet to be achieved. Community relations remain tensed, and conflict, suspicion and in many instances hatred affect the two communities. While there has been some financial reparation by the state and national Indian governments, the affected victims still perceive a level of injustice and a lack of resolution.

Up to date, there hasn't been any independent review of the Gujarat riots. Various scholars and NGOs attempted to research the causes, and help create an understanding.⁴² One such example is research carried out by Shankar and Gerstein (2007).⁴³ Their small qualitative study involved "a few Hindus and Muslims affected by the violence in Gujarat to tell their stories and solutions for peace building in their neighbourhoods".⁴⁴ Conditions such as economic prosperity, political conflicts, social polarisation and segregation were mentioned as key causes. Shankar and Gerstein conclude in their research: "Some of the injustices shared by the current participants focus on the perpetrators of violence in Gujarat who continue to evade punishment for crimes they committed".⁴⁵

Vancouver, June 2011

In June 2011, Vancouver was faced with serious street group disturbances and riots. Following the Boston Bruins win over the Vancouver Canucks for the Stanley Cup, angry fans caused criminal damages and street group violence. At least 140 people were reported as injured during the events, one critically; at least four people were stabbed, nine police officers were injured, and 101 people were arrested that night, with 16 further arrests following the event. 89 businesses were badly affected and 113 vehicles were damaged. In total, there were 299 criminal incidents and 43 assaults. It is estimated that the total costs of the riots will be more than \$5 million CAD⁴⁶.

On June 20, 2011 the Province, the City of Vancouver and the Vancouver Police Board announced an independent review of the planning and activities that led up to, and the violence that followed, the Stanley Cup final game. On 31 August 2011, the Final Report was published⁴⁷. Interestingly, the report notes: "The question then is not the cause of the riot –

⁴¹ See supra @39

⁴² Helie, A. et al *Threatened Existence: A Feminist analysis of the genocide in Gujarat*. Bombay: New Age Printing Press. (2003).

⁴³ Shankar, J. and L. Gerstein (2007). "The Hindu-Muslim Conflict: A Pilot Study of Peacebuilding in Gujarat, India", *Journal of Peace Psychology*, 13(3), pp. 365-379.

⁴⁴ See supra@43 page 374

⁴⁵ See supra@44 pg 376

⁴⁶ See <http://www.cbc.ca/news/canada/british-columbia/story/2011/10/31/bc-vancouver-riot-charges.html>. Accessed on 18-09-2018

⁴⁷ The report can be downloaded from <http://www.pssg.gov.bc.ca/vancouverriotreview/> (accessed April 2012).

troublemakers deliberately caused it – but the conditions that gave them the opportunity. The key ingredients were congestion and free flowing alcohol”.⁴⁸

On 18th April 2012, the Integrated Riot Investigation Team presented its findings to the Vancouver Police Board. 508 charges were made, 225 of which had been approved. The up to date cost of the investigation was estimated at around \$9 million CAD. Police investigators are still working through 5,500 hours of video footage and 65,000 tagged people⁴⁹.

England, August 2011

Sparked by the shooting of 29 year old Mark Duggan by police in Tottenham on 6th August 2011, 12 London areas and 66 other locations in England experienced looting, physical violence and damage, arson, theft and robbery. The riots across England lasted for five continuous days. Five people lost their lives and hundreds more lost their businesses and homes. The financial loss is estimated to £1 billion. In summary, the crimes that were committed were:

- **Violence against the individual:** e.g. the Metropolitan Police reported 2175 injuries, and West Midlands Police reported 296.
- **Arson:** e.g. in London, 171 residential buildings and 100 commercial buildings were affected by fire. In some other areas, cars and bins were set alight, sometimes to create barriers against police intervention.
- **Criminal damage:** e.g. in London, thousands of shops were damaged and over 3,800 claims were recorded under the Riot (Damages) Act 1886.
- **Theft:** e.g. high value consumer and electrical products (e.g. phones and computers).

The media largely reported the events as youth disturbances while programmes were repeatedly played on national TV and radio about a declining morality among Britain’s youth. The Ministry of Justice (MoJ) data shows that by 12 October 2011, 1,984 defendants had appeared before the courts for crimes committed during the riots. They were: 90% males; 26% aged 10–17; 27% aged 18–20; 21% aged 21–24; 5% aged over 40; 42% were White, 46% were Black, 7% were Asian and 5% were Other. At the time when these statistics were published, 1,362 (69%) of the defendants had not received a final outcome at court. The remaining 622 (31%) had received a final outcome, of which 331 (53%) had received a custodial sentence, 220 (35%) received a sentence other than custody and 71 (11%) were either acquitted or had their case dismissed⁵⁰.

Greece, 2010-12

⁴⁸ See page 1 in Furlong, J. and D. Keefe *The Night the City Became a Stadium*. Vancouver. (2011).

⁴⁹ The formation is availed from <http://vancouver.ca/police/2011riot/index.html> (accessed April 2012)

⁵⁰ This information is accessed from <http://www.bbc.co.uk/news/uk-14931987> Accessed on October 2011

Since May 2010, there have been ongoing series of street group disturbances across Greece sparked by the enforced austerity measures and the plans to cut public spending and raise further taxes in response to the Greek debt crisis. On 5th May 2010, protests took place in Athens resulting in three people being killed and many businesses destroyed. On 25th May 2011, riots spread in various major cities across the country. On 29th June 2011, violent clashes occurred in Athens between the riot police and protesters as the Greek parliament voted to accept the EU's austerity requirements.

In February 2012, ahead of a historic vote in Parliament on additional austerity measures, more than 120 people were hurt in new rioting in Athens, which also broke out in other cities. Clashes erupted after more than 500,000 protesters marched to Parliament to rally against the drastic cuts. In total 45 buildings were set ablaze while at least 70 protesters were also hospitalized. Police arrested at least 67 people, while in several cases they had to escort fire crews to burning buildings after protesters prevented access⁵¹. Authorities said 68 police needed medical care. On April 5th 2012, further riots took place following a pensioner's suicidal message, "I will not follow the same fate as of those searching for food in garbage"⁵². The riots are expected to continue.

Restorative Justice with Street Group Violence

Case study no 1: England – restorative justice through the criminal justice system

The first RJ example from England is being offered through the criminal justice system to both adults and juveniles convicted of riot related offences. The identified example exists only within the Manchester area by the Greater Manchester Probation Trust (GMPT). In a bid "to meet the changing needs of sentencers and victims"⁵³, GMPT quickly developed a new intervention for courts called the Intensive Citizenship, Responsibility and Consequences order (I-CRC). Within this, an RJ intervention is provided.

The I-CRC is based on the Intensive Alternative to Custody (IAC) programme, which has been offered by GMPT since April 2009. IAC aims to offer a robust community-based intervention that helps reduce the harm that male offenders of 18-25 years of age cause to the community. IAC is an alternative to custody for offenders who would normally receive a prison sentence of less than 12 months.

The I-CRC is a Community Order that is offered by GMPT as an intensive alternative to custody sentencing option for those offenders specifically convicted as a result of the 2011 street group violence. It has been designed especially for sentenced rioters whether male or female, juveniles or adults. It is intended to act as an additional sentencing option for courts, or as an option for cases where there has been a successful appeal against the original

⁵¹See CNN wire staff. "[Clashes erupt as Greek Parliament debates austerity measures](http://edition.cnn.com/2012/02/12/world/europe/greece-debt-crisis/index.html)". Available @. <http://edition.cnn.com/2012/02/12/world/europe/greece-debt-crisis/index.html>. Published on 12 February 2012. Retrieved 12 February 2012.

⁵² Casciani Diomonic Analysis : the riot data so far . Published in <http://rt.com/news/greece-protest-pensioner-suicide-306/> on 15th September, 2011. Accessed on 15-09-2011

⁵³ Roz Hamilton, GMPT Chief Executive http://www.gm-probation.org.uk/news/default_item.php?id=188. (accessed March 2012)

custodial sentence. According to the interviewed expert who manages this programme, the Order can have an impact on the sentencing of the offender as the judge is informed post-conviction and pre-sentencing of the offender's agreement. In cases that go to the Crown, this is followed through a regular Progress Report.

The I-CRC consists of four modules:

- (1) Curfew for 3 months
- (2) Community Payback (60-100 hours)
- (3) Four sessions of a rehabilitation and responsibility programme delivered in a group setting and focused on street group violence and its consequences
- (4) Followed by three sessions of RJ delivered on a one-to-one basis and linked to community panels focusing on apology, accountability and restoration.

Looking closer at module 3, this consists of four group sessions with related riot offenders. In particular, Session 1 ("What Happened") looks at the events before and during the August street group violence and what could have been done differently for the offenders not to get involved. Session 2 ("In the Heat of the Moment?") explores the psychological aspects of offenders' involvement including emotions, self-control and impulsivity. Particular attention is given to addressing psychological aspects relating to group offenders who often report not feeling that emotional control was an issue. Session 3 ("Who Suffers") aims to prepare the three follow up RJ sessions by bringing the victim's perspective, and by starting a dialogue on the impact of the participants street group violence actions on group victims and the community. Finally, Session 4 ("What Now") aims to encourage offenders to start assessing the impact of their actions on their immediate and long-term personal futures. Again, looking at offenders as a group, the Session assesses the balance of pro-social to pro-criminal attitudes within each group in question. The session rounds up with individual statements of intent and a summary identifying the rights and collective responsibilities of the individual as a citizen.

Alongside module 3, the victim awareness probation officer works on a one to one and group basis with riot offenders to increase, and on many occasions instil, a sense of victim empathy. This involves three sessions that are run in conjunction with I-CRC.

Moving onto the 4th module of RJ, this is done on a one-to-one manner via a face-to-face conferencing which includes the affected victim. One of the interviewed practitioners by this research pointed out that there are more chances of success if the offenders are separated and are not grouped together when meeting the victim. The practitioner noted: "Having three or five related rioters in one meeting, runs the risk of intimidating the victim. Grouping offenders is possible, but it demands a lot of preparation in making sure that the right balance is struck". The practitioner also noted: "If the rioters are grouped together in the same RJ session, they tend to talk generally about the impact of their actions avoiding personal responsibility taking. They tend to hide behind others' actions". Interestingly, it was also noted that although IAC, on which the Order was based, has been applied with co-defendants successfully, this has not been the case for group crimes.

It is worth noting that while the group sessions of module 3 are delivered by probation trained staff, the RJ intervention is carried out through a partnership model which may involve an RJ trained probation or police officer or the local mediation service. The interviewed practitioners pointed out that additional community services also tend to get involved. Other community organisations may also get involved, providing a much needed support system for the offenders who tend to find themselves in an emotional and transformative cycle of guilt, repentance and reintegration.

Talking about a specific case that had completed module 3 and was about to enter the 4th module of RJ, the interviewed practitioner pointed out: “Although I will be one of the participants in the conferencing sessions, I will not be the facilitator. It is now time for our trained police officer to lead the process”. The case involved a young rioter convicted of criminal damage against a large chain shop. The victim-business was represented by the store manager as well as the security guard. Other parties who were invited to take part in the RJ sessions were the offender’s family, the victim awareness probation officer, a nearby resident and an impartial transcriber. The venue that was chosen was the shopping centre where the offence had taken place. The practitioner pointed out: “We don’t just proceed with this stage without proper and thorough risk assessment. Also this stage is well prepared with several sessions of victim awareness over 4-5 weeks of one-to-one meetings with the delegated victim awareness probation officer”. The victim is also well prepared by the RJ practitioner. “No one participates if they are not truly willing and indeed prepared”.

The I-CRC has a supervision requirement for 3 months in order to promote compliance. During this period, referrals to employment and training programmes are also made. Understandably, it is too early for the I-CRC to safely claim success. While evaluation and monitoring is being carried out as part of normal procedures within the Trust, thinking is also being developed for a more focused RJ research project⁵⁴.

Case study no 2& 3: England – restorative justice through the youth justice system

The second case study from England was offered as part of the formal youth justice system (YJS). On the 14th November 2011, the YOT of Lambeth City Council, which was heavily affected by the riots, carried out a successful face-to-face meeting between a young offender convicted of taking part in the public disturbances and the manager of a KFC store that was vandalised in the Brixton area. The meeting took place in the Town Hall and had the form of a face-to-face mediation. The local police force and local Councillors were behind the initiative. The Council Cabinet Member for Children and Young People’s Service, Councillor Pete Robbins said publicly: “This programme is about putting victims first, providing them with a voice and reassuring the community that justice is being done. Those convicted of

⁵⁴ However, evidence from the IAC that has been running since 2009 and on which the ICRC was based suggest that 25% of those who were unemployed at the start of their Order obtained employment during the course of their sentence and did not re-offend. The programme also has a successful completion rate of 80%.

looting and rioting have had a big impact on the lives of their victims and facing up to this fact benefits everyone”⁵⁵.

The meeting was requested by the victim-business, which was represented by its manager. The parties were prepared by the YOT staff ensuring that the process was voluntary and complementary. The meeting started with some probing questions by the manager aiming to understand the behaviour and reasons that led the teenager to join the group that vandalised the shop during the street group disturbances. The manager said: “I was willing to speak to the young man to tell him how the attack on KFC Brixton made me and my staff feel. Judging by his reaction a lot of good has come from this – for both of us”.

As a result of the meeting, the teenager accepted responsibility, apologised and signed a “moral contract” in which he pledged to see through his reparation activities. These included writing lyrics and a play about his experience of the public disturbances and the RJ process that he had experienced. He also agreed to feedback his experience to his friends and other people involved in the events. The manager offered to mentor him with further one-to-one chats, and meet him more formally again for a follow up mediation. The manager said: “As the programme progressed, I found myself becoming more and more proud of the young person for facing up to his actions”.

PC Donna-Marie McKinson, the practitioner behind the initiative said that, “The RJ approach is a great step forward to healing community ties within Lambeth. The young offenders involved will get to hear first-hand how the shop staff themselves and their families were affected; emotionally, financially and physically”. Follow up interviews suggested that the Council is looking to expand this practice as part of its campaign “Be Safe” which aims to bring people responsible for the summer street group violence to justice. The case later featured on the final report of the Riots, Communities and Victims Panel (2012).⁵⁶

A similar case appeared in the Riots, Communities and Victims Panel report (2012). This was also carried out within the YJS and it involved five young people who caused extensive damage to a local church in Croydon during the summer riots. They were caught by church staff and arrested for offences of criminal damage and non-domestic burglary. The meeting was organised by the local YOT as part of their *Triage* programme aiming at first time entrants to the YJS who receive their first substantive outcome (relating to a reprimand, a final warning or a court disposal. The programme has been running since April 2009 and it “aims to prevent the unnecessary entry of young people into the criminal justice system, to divert these young people at an early stage into effective restorative interventions”⁵⁷.

After several pre-meetings with the offenders and the affected victim-church who was represented by its Minister, a restorative conference was arranged. This was also attended by the building’s manager and the young people’s parents. The group offenders were all included on the same session. According to the YOT, the meeting was successful in that the Minister received answers to the questions he was seeking and the young offenders collectively agreed to restore the damages that they had caused to the church during the riots.

⁵⁵ This information was available in <http://www.24dash.com/news/housing/2011-11-17-Young-rioter-apologises-in-face-to-face-meeting-with-victim>. Accessed April 2012)

⁵⁶ More information about this is available @ <http://webarchive.nationalarchives.gov.uk/20121003195937/http://riotspanel.independent.gov.uk/>

⁵⁷ (Accessed April 2012) <http://www.croydon.gov.uk/>

Case study no 4: England – restorative justice through multi-agency, cross-sector partnerships

This case study from England was not identified within the formal justice system, but within the community setting. It involves a series of group conferences that took place in the area of Southwark (London, England). The initiative focused on the Somali community and young Somali people living within the Borough. It was the outcome of a multi-agency, cross-sector partnership involving the local authority, The Somali Relief and Islamic Culture Centre, the local mosque, the community-based charity Empowering People for Excellence⁵⁸ and the local Metropolitan Police.

According to the lead practitioner who was interviewed by the research, the initiative aimed to “ensure that the parents and elders took responsibility for the young people involved in the riots. It was a wonderful demonstration of partnership work in action and how commitment to effective community engagement is important to maintaining good community relations all year round. This is why we believe that the damages to Somali businesses on Old Kent Road was minimal”.

The practitioner said to us, “I had mothers coming to me during those 5 days of riots with bags of jewellery begging me to give it back to the police. They were saying that their children wanted to give it back and say sorry. They did not know what they were doing at the time”. She carried on to note, “They were just afraid to go to the police. They knew that they would be prosecuted. What is the point here? To prosecute or give the jewellery back and restore the relationships that were broken and the harm that was caused to the community and to businesses”?

The RJ practitioner continued to say, “Communities and residents as stakeholders were denied the opportunities to ask “why me/ my home?”, and to be part of a process of community dialogue, healing, restoration and closure. Communities are still seeking reassurance about the riots not occurring again. The criminal justice process prohibited a number of parents coming forward to apologise for their children’s actions, to give their account about their children’s involvement and their role as parents in repairing the harm done, due to fear, shame, guilt, stigmatisation, the threat of legal action and loss of home. In the homes of many young people in London and the UK are still lots of jewellery and items that were burgled/ stolen from pawnshops that have not been return to their owners. These owners simply want their item returned. I am aware of those involved in street gangs who put ‘word out’ about the return of certain jewellery and the repercussions if this is not done. Because of the criminal justice process and the fact that there has not been an amnesty closure ... healing cannot occur because no dialogue and guidance has been given on these issues from the government or local authorities”.

⁵⁸ See for more information in <http://www.thenewlondoners.co.uk/news/395-a-day-in-the-life-elena-noel>(Accessed April 2012)

It is worth noting that RJ provision through the community sector is dependent on the given local strategy and the Borough's priorities. Where in some areas examples of good practice are abundant and robust, in some other areas there is complete lack of provision and, on many occasions, hostility, or at least strong scepticism, towards the RJ practice. This is expected as in the UK, RJ developed organically and in the shadow of the law without any formal structures that would mainstream it as a consistent option. This is still the case as the RJ practice is chosen on an *ad hoc* basis by agencies in the public, private and voluntary sectors. Consequently, funding for RJ services has always been a challenge.⁵⁹ This must also be considered against a background of recent spending cuts.

The lack of formal structure has presented key challenges for RJ practitioners working in the community to prevent and/ or deal with street group violence. One such a challenge is receiving referrals of cases and indeed identifying "offenders". Without a solid and well-founded relationship with the local police and Council services (e.g. housing, health and social departments), the process and length of an RJ approach is prolonged. However, one practitioner noted, this difficulty can be overcome by building strong relationships with local people who will then refer the case through word of mouth. "Most of the new users get referred to me by word of mouth. I've got good links in the local community and with the police as I've worked in Southwark for over 11 years, previously as a mediator. I try to address social exclusion, children getting into gangs, parental/child relationship breakdown".

A similar informal initiative within the community was also identified during our research. However, we were unable to follow up any findings because despite the victim's and offenders' willingness to meet, the project was being stalled due to financial restraints. The interviewed practitioner who worked for a London-based voluntary mediation centre pointed out: "We approached the Ministry of Justice for some funding but we were rejected. We cannot do this without any resource at all. We know that restorative justice is more cost effective, and when it works it works really work. The government cannot expect us to provide this for free".

Case study no 5: India – restorative justice through the community and civil society

The fifth case study involves an RJ-based intervention that was placed within India's civil society. The identified project did not divert prosecuted cases nor did it reduce sentences. In particular, during the early 2000s, NGOs in Ahmedabad and Vadodara (Baroda) with the assistance of international bodies and donor development agencies, such as CARE⁶⁰, set up civil society projects that would bring Hindus and Muslim together to discuss what happened post the riots. One of these programmes was the Gujarat Harmony Project (GHP) an intervention specifically designed for the rioters and their victims, and based on the RJ paradigm.

⁵⁹ See *supra*@18

⁶⁰ Care is a relief and development non-governmental international organization fighting global poverty, see <http://www.care-international.org/> (accessed March 2012).

The GHP was initiated in May 2002 and was delivered through a partnership of ten diverse development organisations, eight of which are NGOs. All GHP partners were active during the relief phase post the riots and collectively had reach in rural and urban India. They also represented the diverse cultural, gender and religious elements that characterised the affected community-parties. The programme was neither state driven nor was offered as part of the official criminal justice system.

The key aims of GHP were the rehabilitation of the rioters, the restoration of the victim-communities and the re-establishment of social harmony. According to Ahmed (2004), it involved seven key types of interventions:

- (1) Livelihood restoration
- (2) Social reconciliation
- (3) Habitat security
- (4) Psycho-social care
- (5) Advocacy to promote social harmony
- (6) Community education, and
- (7) Knowledge building and documentation.

The strategies and activities to deliver these interventions were diverse and were provided within “a framework of social action” and active citizenship.⁶¹ These projects stretched from the provision of basic reconciliation activities such as festival celebrations, school and community learning and training, credit activities, health and sport projects. According to Ahmed, “the core theory of social change underlying the GPH is the principle of RJ”⁶².

In addition to informing the general philosophy of the GHP, RJ was used as a direct intervention. One such example was group conferencing with Hindu and Muslim women who had been affected by the riots. According to Porter (2007), women were the primary target of the riots mainly affected by violence such as rape, bodily mutilation, humiliation, murder and burned alive.⁶³ As Mander reports, women’s “bodies [became] battlefields to avenge, subjugate and even eliminate an entire community”.⁶⁴

Focusing on sexual and domestic violence, the RJ programmes brought surrogate victims together to encourage understanding, brake down stereotypes and help each other heal. Dr. Velahudhan, a practitioner involved in the project, said: “We’ve cried a lot. We

⁶¹ Smillie, I. and J. Hailey. *Managing for Change: Leadership, Strategy and Management in Asian NGOs*, London: Earthscan. : 91 (2001).

⁶² See page 97 in *Supra@39*

⁶³ Porter, E. *Peacebuilding: Women in International Perspective*, New York: Routledge. (2007)

⁶⁴ Mander, H. *Cry, My Beloved Country: Reflections on the Gujarat Carnage*, New Delhi: Rainbow Publications. (2004)

shouted at each other a lot, especially in the beginning stages. But we've bonded and become very close. It's been a process of constant problem-solving, learning as we go"⁶⁵.

Ahmed (2004) reports on the findings of an evaluation of the GHP that she was tasked to carry out on behalf of CARE. This was carried out over 20 days in 2004. Focus groups were held with participants and interviews with eight out of the ten organisations driving the GHP. She concludes: "The GHP stands out as an important example of RJ in the face of the failure of the retributive system. Equally important, it illustrates the potential role that outsider agencies can play in facilitating reconciliation through civil society partnerships".⁶⁶The programme, however, was also criticised for its "target driven approach". Ahmed reports, "Some partners maintain that the GHP has lost its vitality; that it has been driven by targets rather than processes, and has become just another development programme".⁶⁷

The qualitative findings of Shankar and Gerstein (2007) are also helpful. "Participants reported they felt responsible for peace initiatives and welcomed opportunities to participate in community building activities in their neighbourhoods".⁶⁸ Montiel and Wessells (2001),⁶⁹ agreed with this finding as they conclude that community-based action initiatives, such as RJ circles and conferences, are more likely to strengthen neighbourhoods against street group violence especially if such initiatives are direct extensions of the roles community members play in their homes and in the community as peacebuilders. Shankar and Gerstein conclude in their research on Gujarat "To assist the Hindu and Muslim communities in Gujarat in achieving justice, models such as the South African Truth and Reconciliation Commission might be employed".⁷⁰ They proceed to clarify that due to the different type of group violence that was experienced in Gujarat, smaller RJ conference style meetings should be pursued at a local level. "Provided there is a commitment to restoring justice in the state of Gujarat, its administration might be able to implement, for example, a series of smaller ad hoc committees in different neighbourhoods" (2007: 376).⁷¹

Case study no 6: Restorative justice for the Vancouver riots

In the case of the 2011 Vancouver riots, the criminal justice system is being criticised for its long, cumbersome and expensive process of collecting evidence, identifying offenders and bringing them to justice. These are some of the reasons that brought together several community leaders, affected businesses, researchers and policy makers to debate whether the available tools are fit for purpose. This meeting was not restorative in nature as it aimed to discuss the potential of RJ in resolving the harm caused to communities post the riots. It was

⁶⁵ Mahesh Tivedi, "Gujarat Intensifies Drive to Check Falling Sex Ratio". WUNRN www.wunrn.com, April 25, 2007.

⁶⁶ See pp95 in supra@39

⁶⁷ See pp 101 in supra@39

⁶⁸ See supra@44

⁶⁹ Montiel, C.J. and M. Wessells "Democratisation, Psychology and the Construction of cultures of Peace". *Journal of Peace Psychology*, 7, . pp 119-129. (2001).

⁷⁰ See pp 376 in Supra@44

⁷¹ ibid

initiated by the Vancouver Association of Restorative Justice (VARJ)⁷² and was supported by the Centre for Restorative Justice at Simon Fraser University⁷³. Among the attendees was the President of the Downtown Vancouver Business Improvement Association⁷⁴, Charles Gauthier. The local press reported this event as “Shops trashed by rioters consider restorative justice”⁷⁵. Gauthier noted: “There is a criminal justice component that we all want to see happen. But there is also the emotional residue from the riot that I think is going to take a little bit longer to find solutions to and bring closure to”⁷⁶.

Follow up interviews with experts who were involved in these talks indicated that despite victims’ willingness to meet with offenders, VARJ and other RJ organisations are faced with two key challenges when applying RJ for the summer events. The first involves identifying and working with offender rioters. One interviewee noted: “We are all shocked by how slowly the criminal justice system is responding to the riots. In addition to the costs and injustice that this delay causes, it also presents challenge for RJ practitioners and victims who want to work with these offenders”. Someone else said: “If RJ is to be offered post-conviction and as a complementary process, then how can we progress if the justice system is not doing its bit?”.

The second challenge relates to funding. Despite the considerable amount spent on criminal investigations, very limited resources are being allocated for practices such as RJ. However, this did not prevent many practitioners and organisation in coming together acting on a voluntary basis. Although their work did not involve direct RJ encounters it has brought people together to discuss and lobby for better solutions. One research participant said: “When I reflect on the hours of meetings with so many stakeholders over the past 10 months,

⁷² <http://varjblog.wordpress.com/>(accessed April 2012) Also see Vancouver Association for Restorative Justice (unpublished, August 2011). *From Glowing Hearts to Burning Cars to Restored Community*, Vancouver: VARJ.

⁷³ <http://www.sfu.ca/crj/>(accessed April 2012)

⁷⁴ <https://netforum.avectra.com/eWeb/StartPage.aspx?Site=DVBIA>(accessed April 2012)

⁷⁵ <http://www.news1130.com/news/local/article/305595--shops-trashed-by-rioters-consider-restorative-justice>(accessed April 2012)

⁷⁶ <http://www.news1130.com/news/local/article/305595--shops-trashed-by-rioters-consider-restorative-justice>(accessed April 2012)

the amount of volunteer hours that VARJ board members and associates have spent on building capacity for a RJ response in Vancouver, it is staggering”. A representative of the Vancouver business community who was interviewed for the study noted: “We would be interested to meet with those who vandalised our businesses. We want to know why they did it, and that they will not do it again”. The interviewee continued: “We would not dismiss the idea of supporting financially an RJ initiative”.

One example that again was carried out on a voluntary basis and was based on the RJ principles involved a circle that was organised at the local church two weeks after the summer riots. In consultation with the neighbouring Anglican parish of St. Pauls, the Dean of Christ Church Cathedral convened, what he called, a *community forum*, open to all, after the Sunday morning liturgy. The Dean said: “The purpose of the forum was to provide an opportunity for members of the congregation and others who live in the downtown to share their experiences, thoughts and feelings. I was assisted by a professor of counselling psychology at the University of British Columbia. He facilitated the process and brought with him several graduate students to facilitate the small group circles. About 80 people attended and after introductions, people moved to small groups where they shared their experiences. After their circles, we gathered in a large group and people were invited to come forward and share what they had learned. Some of the highlights from that session included the Roman Catholic priest from the RC Cathedral, who lives right near where the epicentre, spoke of how he offered his church as a place of refuge, and stood out on the street encouraging people to go home! A young man who was at the game and witnessed the riot spoke of his own sense of shame and confusion while the melee was happening around him. A community organizer asked if he could organize a walk from the Cathedral to the site downtown where the worst of the damage of the riot occurred. So, immediately after the forum about 50 of us walked down the streets: we were led by an aboriginal drummer who sang peace songs: with another priest and two politicians I followed the drummer and people followed us. Media covered this--we stopped and looked at various places--storefronts still boarded up because windows had been smashed, evidence of burning cars and overturned mailboxes etc. When we got to our destination (Larwill Park) the aboriginal elder offered prayers and sweet grass and I offered a prayer of blessing, praying of the peace of the city and healing for all who had been affected”⁷⁷.

It is worth noting that RJ in British Columbia is consistent with the Canadian Criminal Code”⁷⁸ (Vancouver Association for Restorative Justice, 2011: 2). In the same paper, the following offer was made: “VARJ has the capacity to bring together respected and highly

⁷⁷ Further on this can be accessed (April 2012) via <http://www.cathedral.vancouver.bc.ca/2011/06/22/vancouver-after-the-riots/>In September a follow discussion and a play were held at the same location, further (accessed April 2012)

<http://www.cathedral.vancouver.bc.ca/event/bascially-good-kids-theatre-forum-september-23-2011/>
⁷⁸ Section 718.2(e) states that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders”.

qualified practitioners and facilitators for a restorative justice project in response to the riot”⁷⁹. However, the funding barrier that was identified by two interviewed experts raised questions as to the practicalities of this proposal. “VARJ received very little financial support and despite willingness to provide a cost effective service, this cannot be provided for free” one interviewee said. The second expert was also in agreement.

An interviewee from the provincial Ministry of Justice said: “We would like to work with affected victims, community leaders and practitioners to explore the potential of RJ for the July riots”. A representative of the police force, however, expresses strong reservations by saying: “We have a good handle on the situation; identification is now almost complete and we have started bringing these criminals to justice. Diverting our energy to implementing untested practices is not wise”.

Our most powerful data came from a young rioter who had been charged in December 2011 for vandalism during the July riots. At the time of the interview, he was 20 years old and still waiting to hear about his charges. He said to us, “There isn’t a single day that passes by that I don’t think in shame about what I did on that day. I wish there was a way to put things right”. In a letter he wrote to the Crown counsel and was obtained by our research, he said, “I would love to be able to meet with the owner of the truck that I was photographed in front of. I would like to offer him help if I can. I look forward to somehow righting the wrong done to him and the city of Vancouver that night”.

When asked why he got involved in the riots and what led him join the crowd, he said: “I honestly do not know what happened to me. I can’t really explain it. I rarely go downtown – I just went for the game and when I saw lots of people rioting ... well, it looked exciting at the time. I joined and I remember it was as if I was watching myself doing things I would never do”. In a letter to the Crown Prosecution, one of his teachers said: “Everyone makes mistakes, whether large or small, publicized or not. I truly believe that X has learned a lot from this experience. It was painful for him, his career has been largely affected and I think I am right in saying that X is no longer the same young person today than a year ago”.

An interview with the young rioter’s mother helped shed further light on this case. She said to us: “My son has always been hyperactive. At an early stage, he was diagnosed with Attention deficit hyperactivity disorder (ADHD). He engages in sports etc ... This is not an excuse for his involvement. It is just the context. He clearly made some very wrong choices the night of the riot. He felt absolutely devastated about his involvement and has never made any excuses for his actions. He got caught up in the alcohol fuelled mob insanity along with so many other young people that night. Alex and our family completely understand the anger that surrounds this riot. I felt that same anger watching it on TV that night. Nobody is angrier at Alex than he is at himself”.

⁷⁹ See

<http://www.iars.org.uk/sites/default/files/VARJ%20submission%20to%20Vancouver%20Riot%20Review%20of%202011.pdf>

In her letter to the Crown Prosecution, the mother wrote, “There was great harm done that night. Not only to property but to the community at large and to the spirit of the city. There certainly needs to be accountability on behalf of the rioters and the needs of the community must be addressed. It seems that the political aim is to punish to the fullest extent of the law”.

She told us about the shame that her son experienced the next morning. “I had never feared for his safety. I remember driving back home that day after talking to him on the phone, fearing that he would do something stupid. He was devastated”.

The mother went on, “Is my son any different from many of the young people down there that night? Probably not. I am speaking of a large number of easily excitable, adrenaline fuelled, alcohol induced, impulsive young people who made the mistake of their lives. Are they hard-core criminals? Of course not. Most are likely one-time offenders. Will criminalizing them and/or jailing them help them become criminals? Possibly. Will that be a positive outcome for the community at large? No. Are they likely to be involved in a similar situation again? Not likely. Should they be held accountable and make reparations for their actions? Absolutely! This is where I believe the idea of restorative justice and/or community service comes in. This is not a solution that should be viewed as weak on crime, but rather one that is strong on community. I for one would also be happy to see these kids working with the police – not against them. I’m sure there are many community services that would bring a positive outcome to what has so far been a very negative experience for all concerned”. The young rioter has now been offered restorative justice through VARJ. The case is still pending.

Case study no 7: Greece – ad hoc restorative justice

Our last example is not related to an actual case, but to a restorative outcome that occurred unexpectedly during a public meeting. It refers to the case of journalist Manolis Kypreos which has been widely reported by Greek and international media⁸⁰.

Kypreos was covering the June 2011 riots when he observed abuse of police power by a group of armed officers. Following a discussion with them identifying himself as a journalist, Kypreos was attacked with a stun grenade leaving him deaf and physically disabled. In January 2012, the Athens Public Prosecutor brought charges against unidentified police officers for intentionally causing serious bodily harm. The case was then assigned to a magistrate who is now conducting the investigation. Post the riots, the Police and especially through its collective body, the Hellenic Federation of Police Officers, acknowledged wrong doing by some officers and expressed willingness to review procedures and improve practices. No specific reference or reassurance was given in relation to the Kypreos case.

On 12th October 2011, the Federation organised a meeting to debate the issue of human rights in relation to police powers and riots. Kypreos was invited to give his views. In a private, unpublished recording that was obtained by our research project, Kypreos noted: “I

⁸⁰ See for instance <http://www.guardian.co.uk/world/2011/nov/27/amnesty-international-50-write-rights> (accessed April 2012)

am here to forgive those who left me disabled and ruined my life. I know that at least I can sleep as I have my heart and conscious clear... I also know that police officers are also suffering from the unbearable economic measures ... that you don't have enough to feed your families. I know that you are also losing your homes. Just like us journalists and many other citizens. I also know that those who attacked me are the minority. Journalists are on your side exposing truths and encouraging debate. There is nothing that separates us ... Yes, all this time I have been asking the questions "why me". What wrong did I do to them? Why did they target me? I can now reassure you that if this daily death of mine, this torture that I will be suffering until the end of my days, helps to bring us together, then I will say it was worth it and I forgive them".

Immediately after Kypreos' statement, the President of the Federation, Christos Fotopoulous, took the step to publicly apologise for the harm. He added: "I know that apology is not enough. This is why we intend to continue this open dialogue with victims and the community. Hopefully, this will help restore trust". One of the interviewed experts who also happened to be present during this meeting noted: "We were all moved and shocked by the honesty and the sharing that took place during the meeting. It was never intended which is probably why it made it so genuine. It was restorative justice in action only unplanned and ad hoc".

It is worth noting that RJ in Greece was introduced through the Juvenile delinquency Law 3189/2003, and domestic violence regulations – Law 3500/2006. Mediation is also provided for civil and commercial matters through Law 3898/2010 and Article 214A of the Greek Code of Civil Procedure .⁸¹ Theoretically, RJ is offered at all stages of criminal proceedings through formal and semi-formal practices. However, as the expert interviewed pointed out, "there is lack of statistical data and empirical research on the use of mediation in Greece. There is also lack of appropriate structures and adequate training as well as strong mistrust concerning the effectiveness of RJ schemes. In the absence of a national RJ programme or initiative we are experiencing serious coordination, consistency and quality issues and a strong top down agenda in RJ's implementation".

Conclusion

A model for piloting restorative justice with street group violence

From the outset, this author has accepted that the purpose of the research was not to paint a quantitative picture of RJ with street group violence. The intention was to drill down into the two notions and understand how they interact with each other, identify key themes and questions that remain unanswered in this grey area of practice, and through the identification of case studies in four countries affected by riots start a debate within policy, academia and practice. Through the context analysis of the collected data, four overarching themes emerged. There is almost no literature on this topic, while the available practice examples are

⁸¹ Gavrielides, T. and V. Artinopoulou "Violence against women and restorative justice", *Asian Journal of Criminology*, ISSN 1871-0131. (2012).

extremely scant. Working with group offenders and their victims may indeed present a new challenge for RJ whose philosophy is based on the principle of mutual understanding, honest and genuine participation and dialogue, empathy and relationship building. Arguably, these are values that gain their meaning at the inter-personal level and not in a group fashion and context.

The various case studies that were discussed in this paper suggest that the limited number of street group violence cases that have been tested with RJ practices have been promising. In fact, our analysis of the street group violence phenomenon suggests that its nature presents RJ with a unique opportunity to show its potential. One of the key reasons that led to this conclusion relates to the significant number of rioters who wake up the next day feeling ashamed for what they did. As suggested by the interviewees of this study, this feeling is rather prominent amongst group offenders due to the dynamics and reasons that encourage mob mentality that leads to harm. As one rioter put it: "I was watching myself doing things I would never do ... The next morning was the worst day of my life. I will never forget the shame I felt ... I still don't know why I joined the crowd".

Furthermore, the overstretched criminal justice system, the rising costs of incarceration and the reduced available resources for the cumbersome, lengthy and costly criminal investigations, make RJ an attractive option for riots. Doubts remain, however, as to the genuine interest in investing in the RJ practice and ethos as this was described in this book. The truth is that once the RJ rhetoric stops and actual practice starts, it becomes apparent that to achieve restorative outcomes, there needs to be enough time, expertise and longevity in the invested project and its processes. This doesn't always sit well with quick fix agendas that want cheap solutions to unexpected problems.

For instance, in the UK, immediately after the summer riots, politicians such as the Mayor of London, Boris Johnson, and the Deputy Prime Minister, Nick Clegg, rushed to pledge their support for RJ-based approaches⁸². However, the evidence shows that despite the many promises, no concrete proposals or indeed practices have been piloted by the top. Even the cases that were identified and sat within the criminal justice system, had a bottom up structure and were initiated by the passion and dedication of practitioners.

On a more positive note, in Canada, efforts that have been made by academics, practitioners and pressure groups, such as VARJ, to promote RJ from the bottom up and with rioters are proving fruitful. The provincial Ministry of Justice has just agree to invest into 20 pilot RJ cases with Vancouver rioters. The outcome of these cases remains to be seen, and the programme of which this book is part of will follow up its findings through observation and qualitative research with them.

There is no doubt that governments across the world are being challenged with criminal justice reforms that aim more for less. While it appears that it is economically advantageous

⁸² For Johnson see <http://www.guardian.co.uk/politics/davehillblog/2011/aug/15/boris-johnson-seeks-restorative-justice-for-london-rioters> (accessed April 2012). For Clegg see http://www.restorativejustice.org.uk/news/nick_clegg_announces_plans_for_restorative_justice_in_response_to_the_riots/ (accessed April 2012)

to society to adopt a restorative approach to crime, our research suggests that an appeal solely on this basis may undermine RJ in the long run.

There was consensus among the interviewed practitioners that this could lead to quick fix policies, a lack of a coherent and long-term strategy and high expectations. For instance, in the UK there has already been criticism of the way cuts are being made in the prison service. For instance, the House of Commons Justice Committee noted: “We have grave concerns about the impact of efficiency savings on practice at the frontline for both prisons and probation, which will undoubtedly undermine the progress in performance of both services. Neither prisons nor probation have the capacity to keep up with the current levels of offenders entering the system. It is not sustainable to finance the costs of running additional prison places and greater probation caseloads from efficiency savings in the long-term.”⁸³.

In going forward with RJ and street group violence, concrete pilots will need to be run before any safe claims can be made. Proponents and adversaries of RJ as well as populists and politicians advocating for or against its potential with street group violence will only be able to show their true interest by coming together to pilot the RJ practice. The example of British Columbia is encouraging. Following a presentation of the initial findings of this research, commitment has now been made to invest funding into 20 RJ cases with Vancouver rioters.

Using the findings from the exposed case studies, Table 3 summarises some key ingredients that any pilot should include. We call this model “Waves of Healing”. The model puts on emphasis on building the right infrastructure for restorative practices that can be called for street group violence incidents. It also assumes that new forms of violence demand new forms of practices. It demands a level of open mind and innovation, which are both characteristics of community born practices such as those coming under the banner of RJ. The model moves away from the investment of single practices or organisations.

Key elements	Explanation
Available within and outside of the criminal justice system	There is value in offering RJ for street group violence both through the formal criminal justice system and informally via the community. The latter should not be underestimated given the bottom up nature of RJ, and the need to continue to rely on the passion and voluntary contribution of practitioners.
Exist outside of legislation	Other than case study no 1 and 2 where RJ was clearly provided by law, it is clear that legislation is not a pre-requisite. In fact, in the case of Greece, despite legal provision for mediation no such practice has been promoted from the top down, hierarchical structure of the Hellenic penal system.
Available to juveniles and adult group offenders	As there is no evidence to suggest that RJ is not appropriate with adult street group offenders, based on the presented case

⁸³ See pg 10 in Justice Committee *Cutting crime: the case for justice reinvestment*, London: House of Commons. (2010).

	studies there is no evidence to recommend focusing on a particular age group.
The voluntariness principle	This should be applied religiously and consistently for both the offenders and victims. An extension of this principle is the right to withdraw at any stage of the process. This should not have an impact on the case as it is returned back to the criminal justice system.
Available post-conviction; mostly applicable post sentencing	The limited practice seems to have focused on RJ's implementation as a complementary option that is offered to the riots offenders and victims post-conviction. In some occasions, this was also offered prior sentencing or had an impact on the imposed sentenced.
Involves a multi-staged process of reparation, victim awareness and citizenship in advance of restorative encounter	Like most RJ practice, it should not be expected that an encounter should be made available without appropriate preparation. Especially in the case of street group offenders, intense citizenship and victim awareness sessions were thought to be paramount. Risk assessment and a dialogue that leads to informed choice were key conditions.
Restorative outcomes must be central; distinguishing RJ based practices from community payback	The various independent reports that followed the examined riots quoted several examples of community activism such as cleaning the streets and fixing damaged property. Community payback was also praised. To fully enjoy the outcomes of RJ its processes must be engaged. These require an encounter between the offender and the victim. The examined cases included both direct and indirect methods including interventions while the given events were taking place. Emphasis was given in restoring harm than applying rigidly structures that could potentially lead to restorative outcomes.
Meetings with group offenders are possible, but resource intensive	Including more than 3 street group offenders in one RJ encounter proved a challenge particularly due to the intense preparatory time and resource that had to be invested. This also involved additional time and stages that had to be completed in ensuring that the victim did not feel a power imbalance and that the risk of re-victimisation was removed.
Victim-led practices	Where RJ practices are initiative by the victim, they have more chances of being materialised. This also includes the business community as a victim. This is particularly true for street group violence given that in addition to the individual victims the community is always affected as a group entity.
Offenders' resettlement post RJ is paramount	The case studies stressed the importance of providing a follow up integration and resettlement services to the street group offenders who had undergone RJ. Mentoring, employment, training and psychological support were all mentioned.

Multi-agency, cross sector partnership delivery model	Engaging RJ for street group violence requires a combination of expertise and the ability to reach into communities. Driving this practice by a single agency proved difficult. Where multi-agency, cross-sector partnerships were formed between community-based practitioners, criminal justice agencies, health and social support workers, the challenges were less prominent.
Continuity; adequate resourcing	Lack of commitment for adequate resourcing also meant lack of continuity and reduced impact. Building community relations and offering a chance to large numbers of street group offenders to repair requires long term processes and investment.
Restoration of feelings and finances	Restoring feelings was considered as significant as restoring the economic impact of street group violence. Where assault and other forms of physical violence had occurred, this was not as prominent. However, for practices initiative by business victims financial restoration was key.

Table 3: The “Waves of healing” model for restorative justice pilots for street group violence

The list of the elements constructing the proposed model should not be read as restrictive. The model aims to serve as a starting point in constructing what is appropriate for the given pilot. The limitation of our adopted research method as well as the variation in the case studies’ location, type of street group violence, timing and extent of their impact should be taken into account.