

Victim satisfaction with restorative justice: A summary of findings

What is restorative justice?

Restorative justice is a voluntary process within the criminal justice system that can enable victims to receive apologies, answers and reparation from the offender. This usually involves a facilitated face-to-face meeting (conference) between the victim and offender. In New Zealand, restorative justice usually occurs prior to sentencing and only if an offender pleads guilty. The presiding judge refers the case to a community-based restorative justice provider who determines the suitability of the case and whether the offender and victim wish to participate before the conference can take place. At the time of this research the Ministry of Justice was contracting restorative justice services from 26 providers around New Zealand.

Summary

This paper presents results from the Restorative Justice Victim Satisfaction Survey, in which 154 victims who had attended a restorative justice conference were interviewed by telephone. The survey measured the experience of, and satisfaction with, Ministry of Justice-funded restorative justice processes.

A large majority (82%) of victims were satisfied with the restorative justice conference they attended.

Taking part in the restorative justice conference usually had a positive impact, with 74% of attendees saying they felt better afterwards.

More than three-quarters (77%) said they were satisfied with their overall experience of restorative justice, before, during and after the conference.

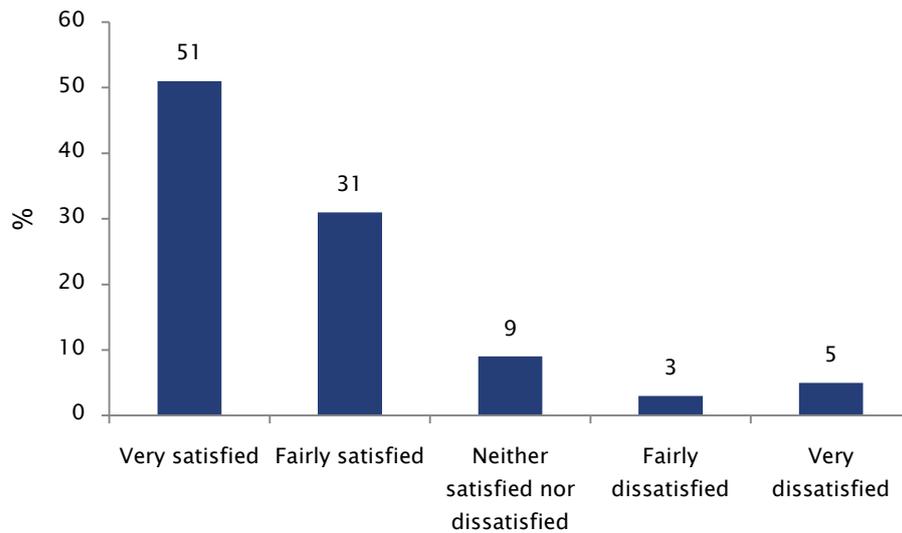
The four factors found to best predict overall satisfaction were the victim's concerns and questions being treated seriously at the conference, the facilitator being fair to everyone at the conference, the offender's completion of the plan, and the facilitator contacting the victim after the conference.

The majority (80%) of victims said they would be likely to recommend restorative justice to others in a similar situation.

Most victims were satisfied and would recommend restorative justice

A large majority (82%) of victims were satisfied with the restorative justice conference they attended.

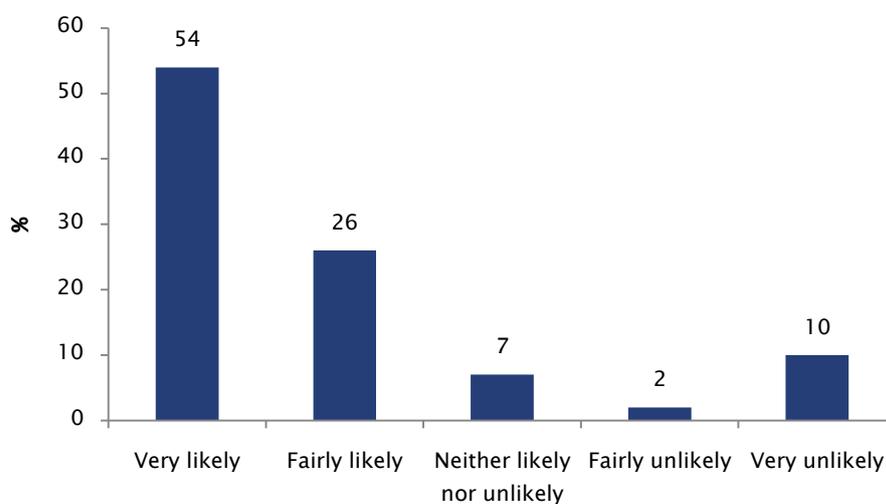
Figure 1: Satisfaction with the restorative justice conference



Note: "Don't want to answer" or "question not applicable" responses (2%) are not shown. Percentages do not always add to 100% due to rounding. Base number=154.

More than three-quarters (77%) said they were satisfied with their overall experience of restorative justice, before, during and after the conference and 80% said they would be likely to recommend restorative justice to others in a similar situation.

Figure 2: Likelihood of recommending restorative justice to others in a similar situation



Note: "Don't know/can't remember" response is not shown (1%). Base number=154.

Victims felt well prepared for the conference

The majority of victims who attended the conference felt well prepared and well informed. Most were satisfied with what they were told about the restorative justice process (84%), said they were given enough information about what would happen at the conference (92%) and either had all their questions answered or did not have any questions (94%).

Only 40% said they were asked about where the conference should be held, although a higher proportion said they were consulted about when the conference should be held (63%) and who should be present (70%). Almost all said they were told in plenty of time where (96%) and when (97%) the conference would occur and most were told who would be present (92%).

Ministry of Justice facilitator training encourages facilitators to have a pre-conference meeting with a victim to fully prepare them for the restorative justice conference. More than half (62%) of those interviewed in this survey said they had a face-to-face meeting with the facilitator to prepare for the conference, while 34% did not.

As part of the preparation for the conference, the majority (65%) of victims said they were told that at the conference there may be a plan of actions made for the offender to complete. Of these, only 28% said they were also told that a plan may not be developed.

Participation was voluntary

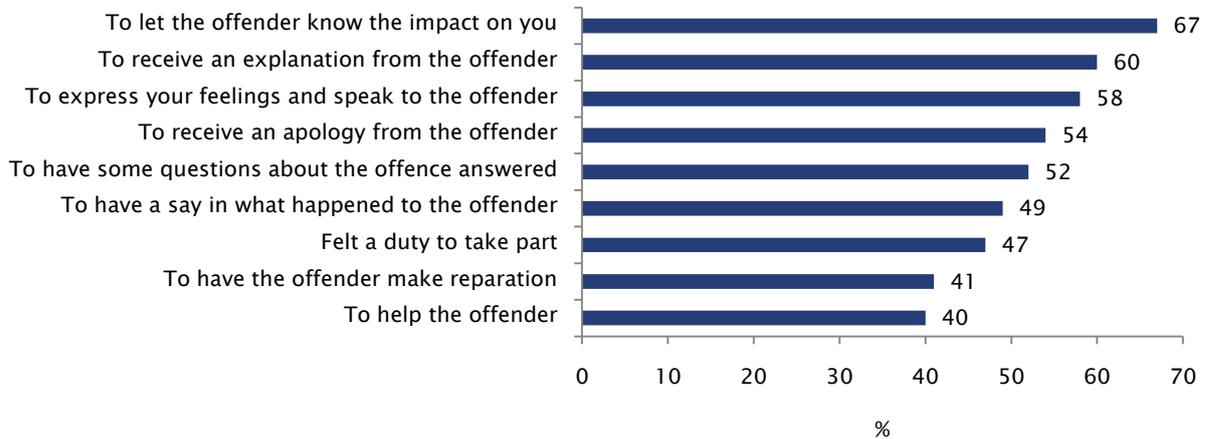
Voluntary participation is one of the key principles of restorative justice (Ministry of Justice, 2004). The majority (77%) of respondents said they were recommended to attend the conference, but almost all (97%) said that it was made clear that it was up to them whether they took part or not. Most (93%) also agreed that they were given enough time to think about their decision to attend the conference or not.

Some degree of nervousness about attending the conference was experienced by the majority (57%) of victims interviewed.

Victims wanted the offender to know the impact of the offence on them

When rating reasons for attending the conference, victims placed the highest importance on wanting the offender to know what the impact of the offence had been on them (67%). Receiving an explanation from the offender (60%) and expressing their feelings directly to the offender (58%) were also very important. Receiving reparation from the offender was not a strong motivator for attending the conference with a quarter (26%) indicating that this was not at all important as a reason for them.

Figure 3: Reasons for attending the conference that were rated as very important



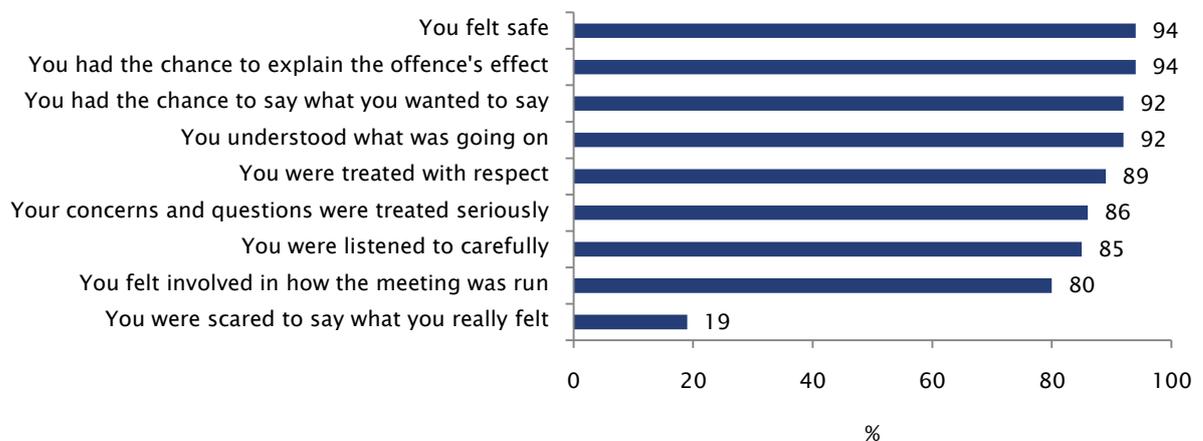
Note: base number=154

Most victims thought the conference was well managed

Most victims were happy with how the facilitator managed the conference (89%) and thought they were fair to everyone present (94%). Most (90%) respondents said the conference was as it had been described in advance.

Most victims (94%) felt safe at the conference and had the chance to explain how the offence affected them. A fifth of victims said they felt scared to say what they really felt. It is not known why these victims felt scared, however only one (3%) of these 30 respondents had a support person with them at the conference (compared to 55% for all respondents).

Figure 4: Statements about the conference that respondents agreed with



Note: base number=154

In most cases (95%) the victim said the offender had the opportunity to explain how the offence came about; 52% of victims said they received a full explanation. Of those receiving either a full or partial explanation, half (50%) were happy with the explanation and 25% were unhappy. The majority (68%) of those who were happy with the explanation said they received a full explanation, rather than a partial explanation.

A plan of actions was often developed for the offender to complete

The majority (77%) of attendees said a plan of actions was developed for the offender to complete and most victims were happy with their level of involvement in it (82%) and what the offender agreed to do (82%). Of the 11 respondents who gave reasons for not being satisfied with what the offender agreed to do, the most frequent were the agreed actions were not carried out, they felt the punishment was inadequate, or they believed the process was a waste of time.

For many, being able to meet the offender face-to-face was the best feature of the conference

Respondents were asked what they thought were the best and worst features of the conference. Their comments were varied. The most commonly cited best features were:

- the chance to meet the offender face-to-face, talk, and ask questions (24%)

‘An opportunity to meet and discuss what had happened, gave me some insight to the background of the crime.’

‘Seeing them as human beings. To hear their story. To be heard. Finally, to know that something had been put in place.’

- the chance to explain the impact of the crime to the offender (17%).

‘I got a chance to explain the impact ... on me and my family. And got [an] explanation why all this happened.’

When asked about the worst feature of the conference, 35% of respondents said there was not one. The most common worst features were:

- the poor behaviour/attitude of the offender and their support people (8%)

‘I think one of the offenders was very arrogant; it was very frustrating.’

‘[The] mother, she was unbelievable. She was worse than the offender. Everybody was startled by what she said.’

- having to face the offender (8%)

‘The worst part ... was meeting the offender and once the meeting started the nerves subsided.’

‘I had to face her, but I had to do that for myself as well, I wanted to be in control of her instead of the other way round.’

Taking part in the restorative justice conference usually had a positive impact

Overall, taking part in the restorative justice conference usually had a positive impact, with 74% of attendees saying they felt better afterwards and only 6% saying they felt worse.

Follow-up after the conference was important to victims

The majority (71%) of respondents said they were contacted by the facilitator after the conference and most (88%) thought the contact was useful. Thirty-eight percent of those whose cases resulted in a plan of actions for the offender being developed said they received updates on what the offender had done.¹ Of those who had received updates, the majority (84%) said the offender had completed some or all of the suggested actions and 72% were satisfied with what the offender had done.

Satisfaction was driven by the quality of the conference and the follow-up

Overall satisfaction with restorative justice, before, during and after the conference appeared to be mostly associated with what happened at and/or after the conference. The four factors found to best predict² overall satisfaction were: the victim's concerns and questions being treated seriously at the conference; the facilitator being fair to everyone at the conference; the offender's completion of the plan; and the facilitator contacting the victim after the conference. These results emphasise the benefit for the victim of the offenders' plans being monitored and enforced and the victim being kept informed throughout the process.

The majority of victims would recommend restorative justice to others

Overall, the majority (80%) of victims would recommend restorative justice to others in a similar situation. However, 12% said they would be unlikely to recommend restorative justice. This group were only half as likely as all victims to be satisfied with what was included in the plan developed for the offender. They appear to have been less well informed throughout the restorative justice process (lower likelihood of having been provided adequate easy to understand information; asked or informed who should or would be present at the conference; or contacted following the conference). They may well have decided against attending the conference if they had a better understanding of what was involved. This is pertinent as the majority (84%) of this group did not feel better after the conference.

Victims provided broad ranging comments on the restorative justice process

At the completion of the interview all respondents were asked if they had anything further they would like to say about their restorative justice experience. Many respondents spoke very favourably of restorative justice and their interaction with the facilitators.

'I think we all gained a lot and [it] was a good healing process.'

'I thought it was very good and was handled very well by the restorative justice people, and that they displayed a very deep understanding of the process that victims and their families go through and they were very sensitive to that and I strongly recommend it.'

'[I liked] the ability for the victims to not only look at punishment, but to also assist the offender with rehabilitation, via the recommendation to the courts.'

However, some had a bad experience or felt that the process was a 'soft option' for the offender and that there is insufficient enforcement or tracking of the offender completing their plan of actions.

¹ Although providers are encouraged to monitor offenders' plans, they are not funded to do this.

² Using multiple linear regression modelling.

'I am very disappointed that I haven't been contacted back after the meeting with a follow-up call, as I was under the impression that I would be.'

'It was completely pointless – the offender reneged on the agreement we made in the meeting within two weeks ... the offender lied during the meeting, never had any remorse and had no intention of complying with the agreements reached.'

The survey recorded similar levels of satisfaction to those observed in previous studies

Overall, the levels of victim satisfaction obtained in this study were similar to those seen previously, both in New Zealand (Crime and Justice Research Centre and Triggs, 2005; Paulin, Kingi and Lash, 2005; Paulin et al, 2005) and the United Kingdom (Shapland et al, 2007).

What can be done to further improve the service delivery of restorative justice?

Generally, respondents were satisfied with their restorative justice experience, and in particular their interaction with the provider.

However, a minority felt the offender was not genuinely remorseful or fully engaged with the process, which highlights the importance of the fourth principle of best practice. This principle states that a case should not be referred to, or accepted for, a restorative justice process unless an offender has acknowledged responsibility for the offence (Ministry of Justice, 2004).

A fifth of victims were scared to say what they really felt at the conference and, of these, only one victim had support people with them at the conference. This suggests that victims should be encouraged to bring support with them to the conference to reduce the risk of their fear limiting their full involvement in the process.

Respondents generally wanted the offender to undertake remedial actions. They wanted to have input on what the actions should be, know that they would be enforced and receive updates after the conference on what the offender had done.

This research found that overall satisfaction with restorative justice could be most strongly predicted by four factors: the victim's concerns and questions are treated seriously; the facilitator is fair to everyone; the offender completes their plan; and the victim is contacted following the conference. Taking steps to improve these aspects of the process is likely to produce the greatest increase in victim satisfaction with restorative justice.

The methodology we used

The full research report and survey questionnaire are available upon request from the Ministry's Research Team (email: research@justice.govt.nz).

Colmar Brunton was contracted to telephone interview victims for whom a restorative justice conference had been held between 1 September 2009 and 31 May 2010. The interviews occurred in February and early March 2011 and were on average 23 minutes long. Victim contact details were obtained from the associated restorative justice provider and each victim was sent an information letter about the research.

The interview sample contained 418 victims aged 15 years or older from 23 restorative justice providers. The sample was intended to include both victims who did and did not attend the conference that was held. Of the 172 victims or their representatives interviewed, 154 said they attended the

conference. These respondents are discussed in this research findings paper. Of the remaining respondents, the 16 who did not attend the conference were asked about their contact with the provider and the two who did not know if they had attended or not were only asked their demographic details.³

Description of the respondents

The 154 victims who attended the restorative justice conference that was held were from 22 of the 23 providers sampled. Twelve of these providers were from the North Island and ten were from the South Island.

The majority of the sample was New Zealand European (73%) and 19% were Māori. There were more women (60%) than men (40%) and the 30–49 year age group contained the highest proportion of respondents (43%).

The type of conference model experienced by the respondents was distributed approximately equally between community representatives or panels (35%), dual facilitators (34%) and single facilitator conferences (31%).

Overall satisfaction of respondents was not correlated with any of these descriptive variables.

Limitations

The sample obtained in the survey was relatively small. The survey findings represent the experiences and views of the respondents and cannot be extrapolated to represent those of all victims involved with restorative justice.

Acknowledgements

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- Restorative Justice Aotearoa and the 23 restorative justice providers around New Zealand who supported this research.

³ The responses of the 16 victims who did not attend the conference are described in the full research report.

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