

# The Wanganui Community- Managed Restorative Justice Programme: An Evaluation

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with

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# Foreword

Community-Managed Restorative Justice Programmes have become an established service in many district courts and communities throughout New Zealand since the Crime Prevention Unit funded the first three trial programmes in 1996. In 2004, 19 programmes will provide approximately 1000 conferences across the country. Many District Court judges have come to regard the programmes as a valuable service in securing better outcomes in their courts. The programmes have also generated widespread support in their communities.

Two of the pilot programmes (Project Turnaround at Timaru and Te Whānau Awhina at Waitakere City) were evaluated in 1998 and 1999. Since that time, community-managed restorative justice programmes have continued to expand and evolve in a variety of ways. There have also been significant changes in the context within which these programmes operate. This includes the statutory recognition given to restorative justice processes in New Zealand's Sentencing Act 2002 and Victims' Rights Act 2002, and the focus given to best practice in restorative justice as illustrated by the Ministry of Justice's May 2004 publication *Restorative Justice in New Zealand: Best Practice*.

Given these developments, it was thought useful to undertake evaluations of two current programmes to elicit further information about the effectiveness of current approaches to community-managed restorative justice processes in New Zealand. The evaluations will also inform future development and the implementation of improvement processes. The two programmes selected were the Wanganui Community-Managed Restorative Justice Programme and the Rotorua Second Chance Restorative Justice Programme. The Wanganui programme was selected for evaluation because it was considered to be well managed and effective.

This report presents the outcomes of the evaluation of the Wanganui Community-Managed Restorative Justice Programme, and clearly identifies the strengths of the programme and also areas for future development.

A key issue that arises from both evaluations is the need to develop strategies to ensure that optimum crime prevention benefits are obtained through securing reductions in re-offending, while also enhancing and maintaining the clear benefits that are being obtained for victims. Securing the best possible results for these two major objectives, which are often not easily reconciled, will be a major challenge for the partnership between policy developers and service providers.

Finally the Ministry wishes to express its appreciation to the Wanganui Restorative Justice Trust and all the people involved in this evaluation. Without their willing participation this report would not have materialised.



Belinda Clark  
Secretary for Justice



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# Executive Summary

The Ministry of Justice, in consultation with the Wanganui providers, commissioned this evaluation of the Wanganui Community-Managed Restorative Justice Programme in 2003. The programme is funded by central government through the Crime Prevention Unit, Ministry of Justice. The programme was selected for evaluation because it was considered to be well managed and effective.

The evaluation objectives were to:

1. describe the programme – its history, the context in which it operates, delivery, objectives and resources;
2. determine the effectiveness of the programme, in relation to its objectives;
3. contribute to the development of best practice principles for community-managed restorative justice programmes; and
4. describe the extent to which this programme has contributed to the further development of the partnership between government and communities.

The extent to which the programme has developed its services to meet the needs of Māori, Pacific, and other cultural groups was also to be examined.

The Wanganui Community-Managed Restorative Justice Programme is delivered by the Wanganui Restorative Justice Trust. The programme's history, governance structure, resources and funding arrangements are presented in this report, along with information about the roles of its staff, the referral process and the restorative justice process. Māori and Pacific people were perceived as being involved in the Wanganui programme as community panel members, and sometimes as victims and offenders.

The evaluators assess the extent to which the programme met the objectives it had set for itself in its 1999 implementation plan. Although the objectives as set were of equal value and not prioritised in any way, the Wanganui programme provider's view is that even if re-offending has not been reduced, the programme is still considered to be effective if it has produced restoration to the satisfaction of the victim.

The evaluators confirmed that the Wanganui programme clearly met its first objective that the restorative justice process only proceeds when victims of offences or their agents participate. It also met its second objective that community members actively participate in the programme.

The programme's third objective is that victim-offender contracts are negotiated with community input and have a restorative effect. The programme met the 'community input' test since a community panel member is always present to participate and represent the community at each and every restorative justice meeting.

The evaluation findings were less positive about whether the contracts had a restorative effect. While the majority of the contracts include restorative elements such as an apology or reparation, the contract completion rate was only about 27% among the offenders interviewed for the evaluation, and only one half of participating victims were of the view that their offender had been able to make amends for what s/he had done.

The evaluators assessed the programme as generally meeting its fourth objective to gain acceptance from professionals working in the criminal justice system. The Wanganui community is represented on the programme by its Trust members and community panel members. The programme also has close links with the Wanganui District Council.

The programme's last objective was to reduce re-offending by offenders who participate in the Wanganui restorative justice programme. The evaluation findings show that the one-year reconviction rate among programme participants was statistically no worse or no better than the one-year reconviction rate among similar offenders dealt with by conventional court processes. Offenders who attended the Wanganui programme were reconvicted of no more or no less serious offences than the matched comparison offenders.

The report also compares practice at the Wanganui programme with the Ministry of Justice's best practice guidelines. The evaluators formed the view that the Wanganui Restorative Justice Trust programme generally appeared to be operating in the spirit of the Ministry's eight principles of best practice for restorative justice processes. For example, participation by victims and offenders in restorative justice processes was underpinned by voluntariness and their full participation was encouraged. Areas of practice that the evaluators thought the Wanganui programme might seek improvement on were:

- ensuring that a victim's informed consent is gained prior to proceeding with a restorative justice meeting where that victim chooses not to participate in it
- telling victims and offenders explicitly that their agreed plan may be changed by a judge at sentencing
- always clearly assigning responsibility to a participant at the meeting (usually the Co-ordinator) for monitoring the offender's plan
- ensuring that the person responsible for the monitoring does indeed monitor the offender's compliance with his/her plan
- ensuring that victims are kept informed of the offender's progress with, and completion of, his/her plan
- ensuring the safety of all participants throughout the restorative justice processes, and providing them with more support if there is any doubt, and
- ensuring regular supervision, and providing training and conference opportunities for programme staff each year.

The evaluators hope that the findings presented in this report will inform the Wanganui programme providers, and contribute to the ongoing development of New Zealand's Crime Reduction Strategy and to international debates about restorative justice.

# 1 Introduction

Restorative justice has at its core the bringing together of victims and offenders (Hudson, 2003). In conventional criminal justice systems, professionals representing the state make the decisions about how to respond to the offending. In contrast, restorative justice processes provide for victims, offenders and their ‘communities of care’ (Braithwaite, 1989) to come to decisions about how best to deal with ‘their’ offence.

Restorative justice processes operate differently within and across different countries. Allison Morris (2002) has argued that there is no single “right way” to deliver restorative justice.

*The essence of restorative justice is not the adoption of one form rather than another; it is the adoption of **any** form which reflects restorative values and which aims to achieve restorative processes, outcomes and objectives.*

Among common law jurisdictions, New Zealand is at the forefront of developments in the delivery of restorative justice processes. In 1996, with the support of the Crime Prevention Unit, New Zealand introduced restorative justice processes into the adult jurisdiction. This initially took the form of three community panel adult diversion programmes. Further expansion into the adult jurisdiction occurred in 2001 with the introduction in four court areas of ‘court referred’ restorative justice conferences that were tasked with dealing with adult offenders and relatively serious offences. Meanwhile, the number of community-based programmes based on the community panel model for adult offenders has continued to grow.

## 1.1 Evaluation findings to date

Two evaluations of two community panel adult diversion programmes, Project Turnaround and Te Whānau Awhina (Smith & Cram, 1998; Maxwell et al., 1999) show the potential of using restorative justice processes for adult offenders. Interviews with offenders (none were conducted with victims) showed that most of them found the experience to be positive and meaningful. They thought decisions were fair and the process provided an opportunity to deal with matters constructively and to avoid appearing in court or receiving court imposed sanctions. The outcome was often increased understanding of the impact of the offending on the victim, and remorse. Over half those interviewed said they had been involved in the decisions about how to deal with their offending.

However, about one in four of those offenders interviewed at Project Turnaround found the experience a negative one: they said they were not listened to, that decisions were coerced, that they were shamed by the process and commented on not feeling comfortable with the large number of people at the meeting. The small sample of offenders interviewed from Te Whānau Awhina found the process more meaningful because it happened on the marae and

in the meeting house where they were in the presence of their ancestors. Despite the panel being often seen as intimidating and demanding at Te Whānau Awhina, the offenders interviewed said they accepted their decisions.

Both the Project Turnaround and Te Whānau Awhina schemes also demonstrated a reduction in re-offending. One year following the programmes, there were significantly fewer reconvictions among participating offenders compared with control offenders matched for offending history, demographic factors and offence characteristics. Not only was there a reduction in the proportion reconvicted, but for those who were reconvicted, the seriousness of the major offence (as judged by the scale of seriousness based on penalties) was not as great among participants in the schemes as it was among the control groups. In addition, those referred to the schemes who were seen as having successful outcomes were less likely to be reconvicted compared with those who were seen as not having successful outcomes (although the small numbers here make it difficult to be confident of this finding).

## **1.2 Evaluation of the Wanganui Community-Managed Restorative Justice Programme**

The Wanganui Community-Managed Restorative Justice Programme is the subject of this evaluation report. Originally based on Project Turnaround, the Wanganui programme targets adult offenders, addresses victims' needs through facilitated meetings with community panel member support, and develops plans between victims and offenders. Where it differs from the Project Turnaround scheme is that the Wanganui programme deals with offenders who are not on diversion, and who are engaged in more serious offending.

The Ministry of Justice, in consultation with the Wanganui programme providers, selected the Wanganui Community-Managed Restorative Justice Programme for an evaluation because it is considered to be well managed and effective. This evaluation, along with the Rotorua Second Chance Restorative Justice Programme evaluation, represent the first steps towards completing Gray's (2002) evaluation plan.

The objectives of the evaluation of the Wanganui Restorative Justice Programme, as specified by the Ministry of Justice, are to:

1. describe the programme – its history, the context in which it operates, delivery, objectives and resources;
2. determine the effectiveness of the programme, in relation to its objectives;
3. contribute to the development of best practice principles for community-managed restorative justice programmes; and
4. describe the extent to which this programme has contributed to the further development of the partnership between government and communities.

The extent to which the programme has developed its services to meet the needs of Māori, Pacific, and other cultural groups is also examined.

The evaluation objectives inform the structure and order of this report. Chapter 2 describes the programme and Chapter 3 describes the evaluation methodology. Chapter 4 assesses the effectiveness of the programme in meeting its objectives. Chapter 5 discusses the extent to which the programme conforms with best practice principles for restorative justice processes and Chapter 6 describes the extent to which the programme has contributed to the development of the partnership between government and the Wanganui community. Throughout these chapters the cultural responsiveness of the programme to Māori, to Pacific peoples, and to other cultural groups is also evaluated. The report ends with some concluding remarks about the Wanganui programme and the evaluation findings.

### **1.3 Some terminology**

In relation to restorative justice processes, the words “conference” and “meeting” are used synonymously throughout this report to describe the meeting at which the parties meet to discuss the impact of the offending, as are the words “plan” and “contract” to describe the actions agreed to by the participants that the offender is to undertake to repair the harm done to the victim. The word “programme” consists of all of the operational processes used at Wanganui, from the initial contact with potential participants through to the monitoring of offenders’ progress against their plans.

It is hoped that the evaluation findings will contribute to the ongoing development of New Zealand’s Crime Reduction Strategy and to international debates about restorative justice.





# **2 Describing the Wanganui Community-Managed Restorative Justice Programme**

## **2.1 A short history of the programme**

Discussions among people at two large community meetings in Wanganui in 1997 led to the establishment of the Wanganui Restorative Justice Trust. According to its Trust Deed, dated 25 June 1999, the Trust comprised three initial trustees – a social worker, a probation officer and a police officer. They, together with other representatives from the community, formed the Trust Committee<sup>1</sup> that obtained the initial funding with which to employ a co-ordinator responsible for the day-to-day running of the programme. The Wanganui Community-Managed Restorative Justice Programme began operating in mid-1999. It originally based its operations on Timaru’s Project Turnaround model that includes a community panel.

Initially, the programme targeted offenders aged 17 to 25 years. However, as the programme has evolved the catchment age has spread considerably.

## **2.2 Governance of the programme**

The Wanganui Restorative Justice Trust committee has overall responsibility for the delivery of its programme. The Trust Committee is responsible for governance, policy and direction. The day-to-day management of the programme is the responsibility of the Co-ordinator.

## **2.3 Funding and resourcing of the programme**

The JR McKenzie Trust, the Wanganui Community Trust Bank Trust and the Wanganui Safer Community Council initially funded the programme. On the 30<sup>th</sup> March 2000 the Wanganui Restorative Justice Trust entered into an agreement with the Crime Prevention Unit<sup>2</sup> (now based within the Ministry of Justice) for it to support and fund the programme initially for one year, beginning on 31st May 2000. Funding has continued from this source.

Currently, the programme employs one full-time co-ordinator and a half-time administrative support person.

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<sup>1</sup> The Operating Manual states that the Trust Committee has representatives from CYFS, Police, Corrections, Probation, Safer Community Council, Courts, Tupoho Mātua Whāngai, churches, community law, Prisoners Aid and Rehabilitation, Victim Support and members of the wider community of Wanganui.

<sup>2</sup> The Crime Prevention Unit moved from the Department of the Prime Minister and Cabinet to the Ministry of Justice during this time.

## 2.4 Objectives of the programme

The Wanganui programme set itself objectives that are both process and outcome oriented.

The objectives of the Wanganui Community-Managed Restorative Justice Programme are considered to be of equal worth and not prioritised in any way. They are to ensure that:

- The restorative justice process only proceeds when victims of offences or their agents participate;
- Community members actively participate in the programme;
- Victim-offender contracts negotiated with community input have a restorative effect;
- The programme is accepted by interested parties, such as the Judiciary, Department for Courts, Police, and Victim Support;
- There is a reduction in re-offending by offenders who participate in the Community-Managed Restorative Justice programme.

## 2.5 Roles of staff

The **Co-ordinator** is the key person responsible for the day-to-day operations of the programme. His role and responsibilities, as stated in the Operating Document (page 6), are to:

- co-ordinate referrals from persons seeking restorative justice;
- negotiate and liaise with Police and appropriate agencies regarding an offender's suitability for restorative justice;
- liaise with the victim and the offender in order to set up a restorative justice meeting;
- monitor progress and ensure completion of the contract;
- provide reports on progress and completion of the contract as required to Police, court and other identified parties;
- maintain detailed records of the project;
- in conjunction with the Management Committee interview and select members for the Community Panel;
- co-ordinate members of the Community Panel to attend conferences;
- organise training sessions for the Community Panel.

The Co-ordinator also usually acts as the **facilitator** of the restorative justice meeting.

The primary role of **community panel members** (Operating Document, page 5) is to represent the views of the wider community of Wanganui at the restorative justice meeting and to act as supporters for both the victim and offender. They are not there as decision-makers. Their function is also to ensure the views of both victim and offender are properly communicated and that long term rehabilitation, counselling, work programmes and the like for the offender are considered by participants at the conference.

They are also expected to act in such a way so as to:

- protect the welfare of all participants and take appropriate action if necessary;
- ensure that all participants understand and agree to any outcomes reached;
- ensure that the process is as comfortable and constructive an experience as possible;
- respect the confidentiality of victims, offenders and their families.

Community panel members are chosen for their skills, experience and their links with the local community. Members include people with local knowledge (including knowledge of Māori protocols), local business people, and people working in the social, education and justice (e.g. Māori warden) sectors.

When the Trust was first established, it set up two committees, the **Wanganui Restorative Justice Trust Committee** and a **Management Committee**, with different functions. Currently the Trust Committee and the Management Committee are one and the same. The Trust Committee is responsible for governance, policy and direction.

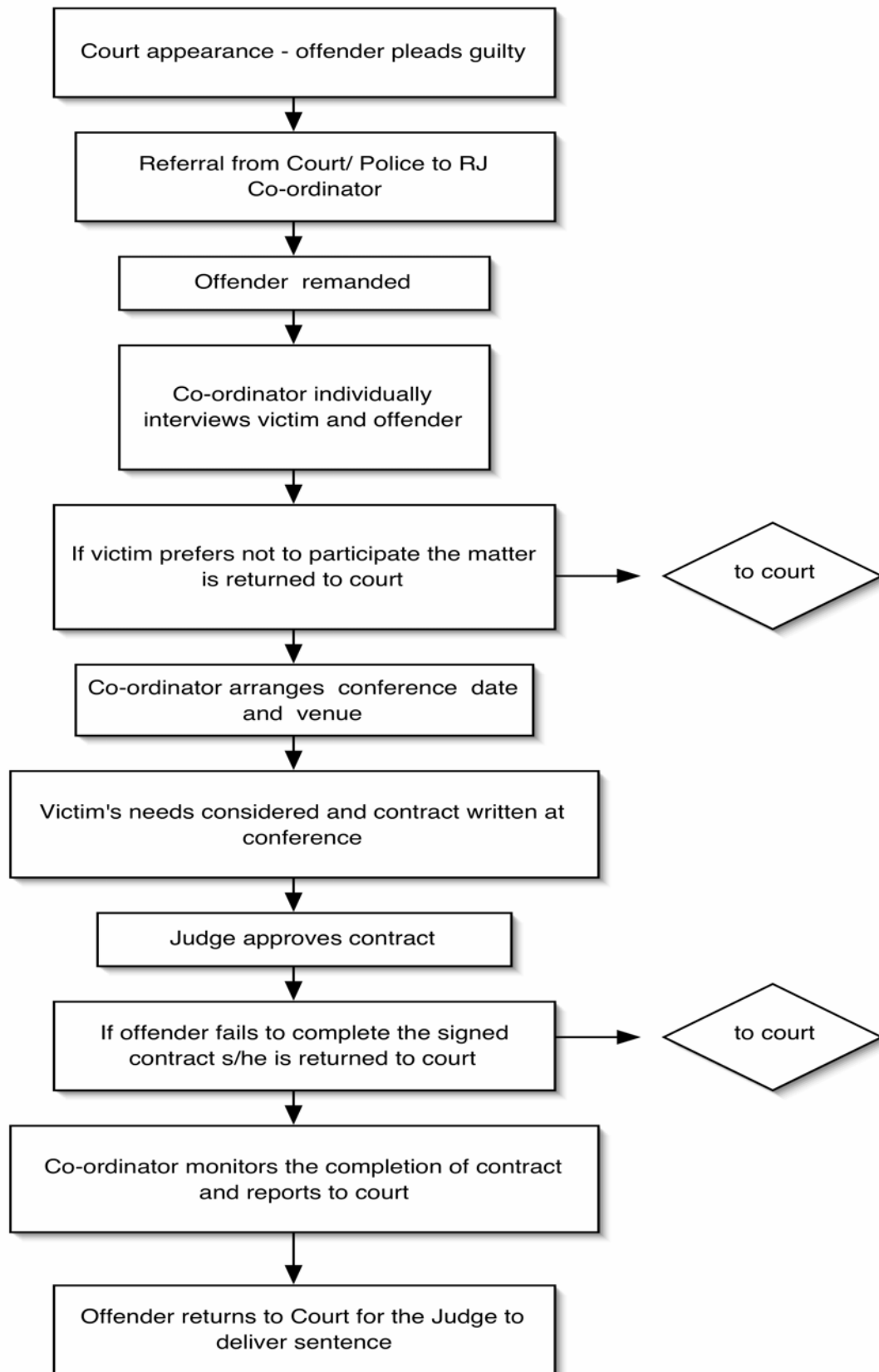
There is no formal policy for selecting Trust members. When vacancies have arisen the serving Trust members are asked to identify individuals in the community with the necessary attributes. Discussion is held and a consensus reached as to whom is the most suitable. A personal approach is then made to that individual.

## 2.6 The referral process

The process, taken directly from the pamphlet is set out below in Figure 2.1.

During a six month period, May 2003 to December 2003, the programme received 124 referrals and held 94 conferences.

**Figure 2.1** The referral process



## **2.7 Preparation for the restorative justice meeting**

After the offender is referred to the programme, the Co-ordinator meets with them to obtain their consent to proceed with the use of restorative justice processes. If the offender agrees, the permission of the victim is then sought. If the victim does not wish to meet with the offender and does not wish for a support person of the victim to represent them at the meeting, the victim's permission is sought for the meeting to proceed with a community panel member present to represent their interests. All are briefed about the purpose of the meeting, its format, and likely participants.

## **2.8 At the restorative justice meeting**

Meetings are usually held at the programme headquarters in Wanganui East. The facilitator greets and introduces participants, and states the purpose of, and ground rules for, the meeting. The facilitator reads the summary of facts. The victim, if present, is then invited to speak about the impact of the offence. Next, the offender has the opportunity to provide an explanation for their offending. (They usually offer an apology at this point.) The participants discuss and agree together on the content of the plan, usually guided by the community panel member and the facilitator. Once the elements are agreed, the facilitator guides the quantum of the 'sentence', for example, the amount of community work or reparation. Participants are then invited to sign the plan. Finally, the facilitator informs them of the programme's complaints procedure should they have any concerns, thanks them for their participation, and brings the meeting to a close.

## **2.9 Following the restorative justice meeting**

The Co-ordinator assists with administrative matters such that the offender is able to make a start on carrying out his/her plan. The offender may appear before the court every six weeks during his/her plan. This allows for the court to monitor the offender's compliance with it. If the offender completes the plan, the judge usually accepts the plan in about eight out of ten cases and reflects that in a sentence of conviction and discharge. In about two out of ten cases the judge may add further to the offender's sentence. If the offender is not complying with their plan, the judge may draw the plan to a close, and sentence the offender in the usual way.

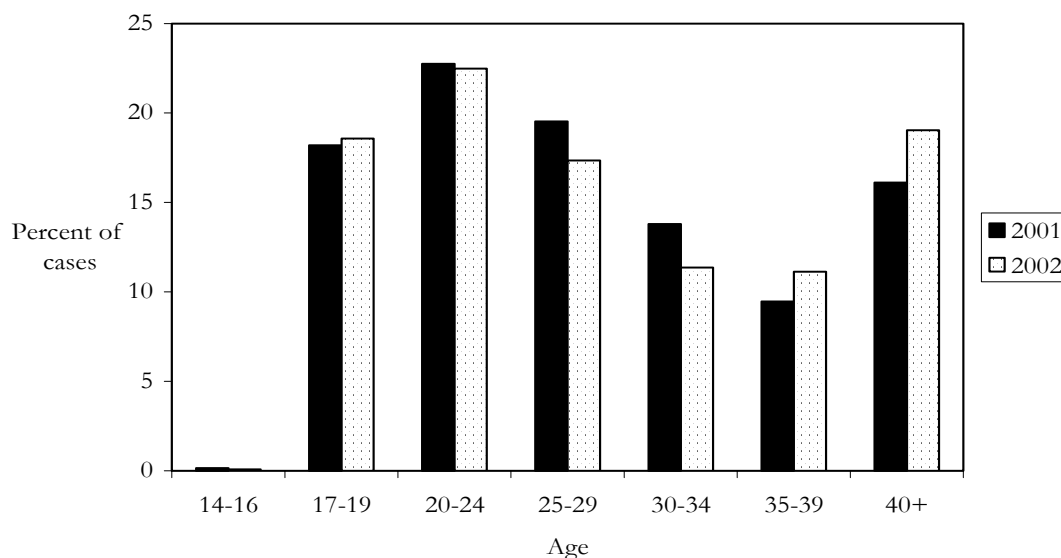
## **2.10 Characteristics of offenders in Wanganui**

In 2001, there were 4115 prosecutions in the Wanganui District, Youth, and High Courts combined. About 58 percent of these prosecutions resulted in a conviction. The following year, there were 4178 prosecutions, about 56 percent of which resulted in a conviction.

The age, gender and ethnicity distribution of convicted cases in Wanganui in 2001 and 2002 are shown graphically in the following three figures. The patterns for Wanganui generally reflect patterns nationally for both these years (Spier 2002, pp 27 - 29, and Spier & Lash 2004, pp 172 - 176).

As expected, the greatest numbers of offenders were aged 20-24 years. (Spier 2002, p 29, and Spier & Lash 2004, p 176).

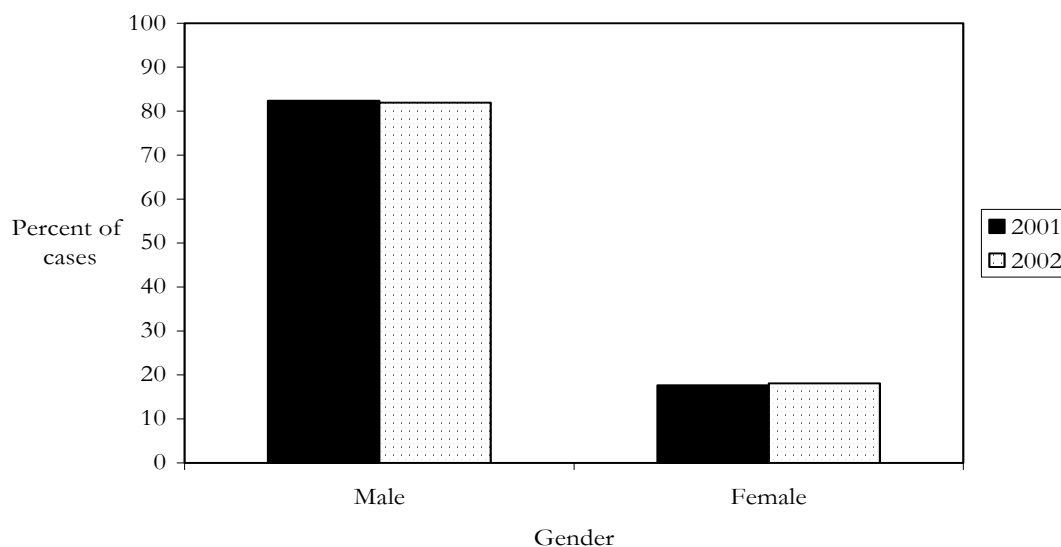
**Figure 2.2 Percentage of convicted cases in each age group in Wanganui, 2001 and 2002**



Note Excludes 19 cases in 2001, and 7 cases in 2002, where the age of the offender was unknown.

Again, as expected, about four-fifths of Wanganui offenders were male. (Spier 2002, p 27, and Spier & Lash 2004, p 172.)

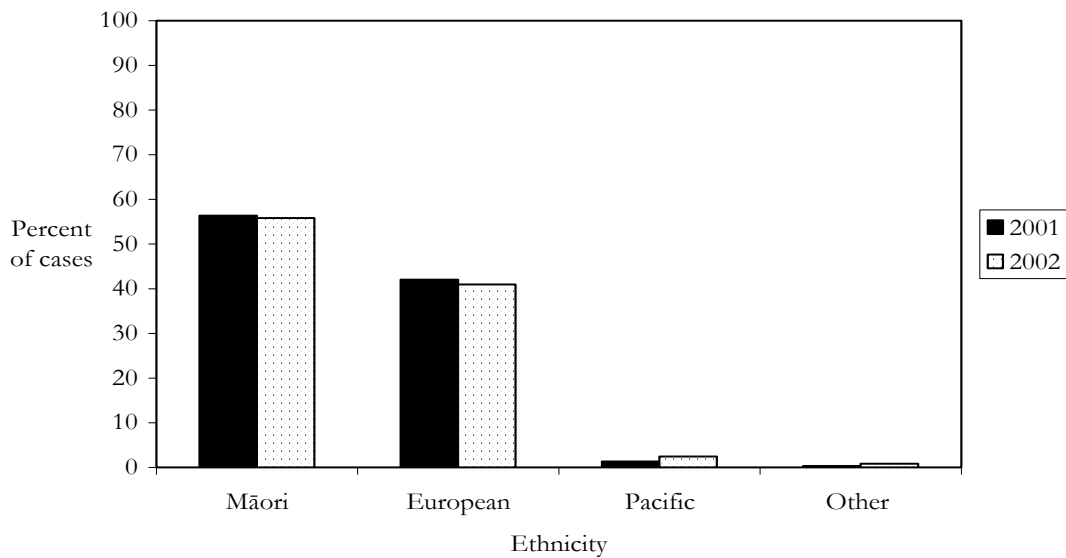
**Figure 2.3 Percentage of convicted cases in each gender in Wanganui, 2001 and 2002**



Note Excludes 9 cases in 2001, and 5 cases in 2002, where the gender of the offender was unknown, or recorded as a corporation.

In 2002, 56% of Wanganui offenders were Māori (higher than the national figure of 41%, Spier & Lash 2004, p 174) and 41% were NZ European (lower than the national figure of 47%, Spier & Lash 2004, p 174).

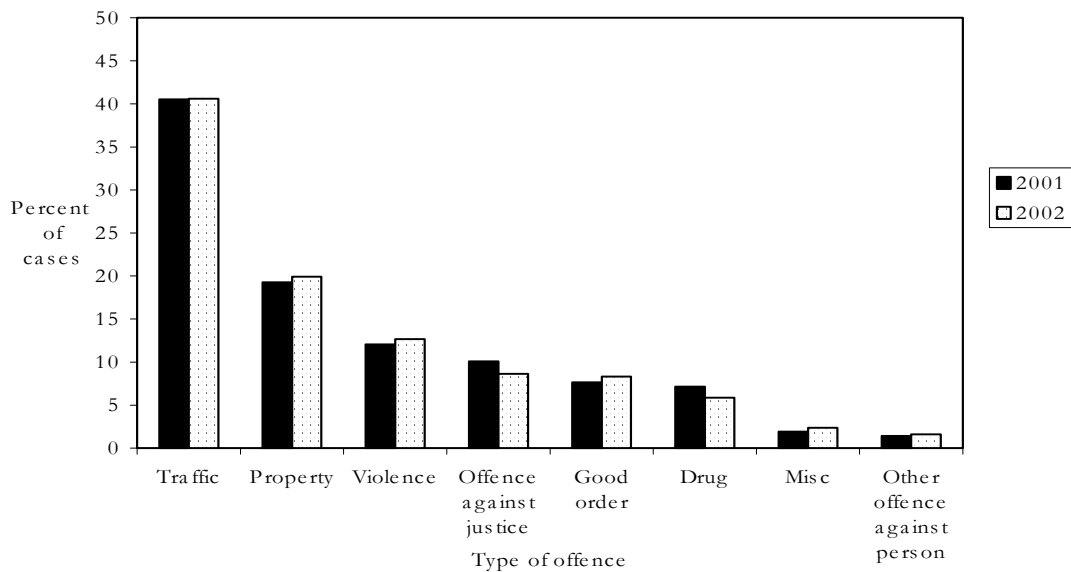
**Figure 2.4 Percentage of convicted cases in each ethnic group in Wanganui, 2001 and 2002**



Note Excludes 84 cases in 2001, and 72 cases in 2002, where the ethnicity of the offender was unknown.

The distribution of convictions across offence groups is shown graphically for convicted cases in Figure 2.5.

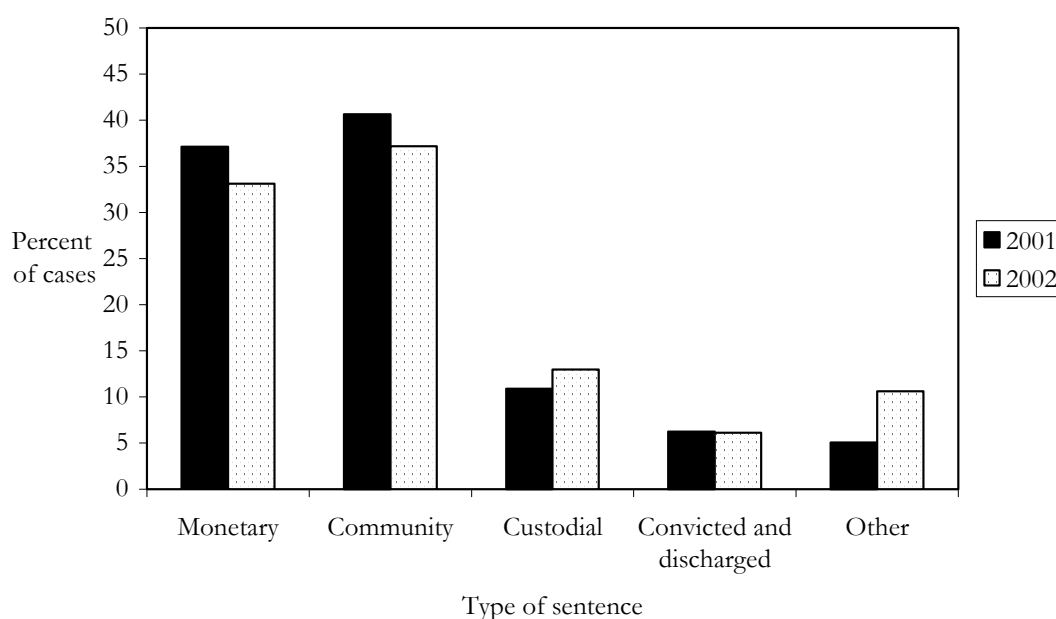
**Figure 2.5 Percentage of convicted cases in each offence group in Wanganui, 2001 and 2002**



The proportion of convictions according to offence groups is similar each year. For example, the proportion of convictions for violence was 12% in 2001 and 13% in 2002, and that for property offences was 19% in 2001 and 20% in 2002.

And finally, the sentences imposed in the Wanganui courts in 2001 and 2002 are displayed in Figure 2.6. “Other” includes sentenced to come up for sentence if called upon. The proportion sentenced to “other” and convicted and discharged, at 6% and 11% in 2002 respectively, are similar to national figures. (Spier & Lash 2004, p 62.)

**Figure 2.6** Percentage of convicted cases for each type of sentence imposed in the Wanganui courts in 2001 and 2002





# 3 The evaluation methodology

The evaluation design and the associated data collection were guided by the Ministry of Justice's project brief requiring that the evaluators obtain information through interviews with offenders, victims and other key stakeholders, for example, community panel members, Department for Courts (now Ministry of Justice) staff and Department of Corrections staff.

In June 2003, three of the evaluation team visited the Wanganui Community-Managed Restorative Justice Programme to meet with programme staff and several members of the Wanganui Restorative Justice Trust. The purpose of our visit was to facilitate a collaborative working relationship with the programme providers and to ensure that the data collection requirements of the evaluation had minimal impact on the day-to-day workings of the programme.

## 3.1 Reconviction analysis

The reconviction analysis was undertaken by a researcher, from the Research & Evaluation Unit at the Ministry of Justice. This involved performing a comparative re-offending analysis of some Wanganui restorative justice programme participants against a matched comparison sample of offenders who had been dealt with solely through the courts. A conviction was used as the measure of assessing any re-offending.

The Co-ordinator of the Wanganui programme supplied the Ministry of Justice with a list of participants who completed the programme between 1 September 2001 and 31 August 2002. The list included the name, age or date of birth, date referred to programme, offence for which referred to programme, and next court date. The Ministry of Justice used this information to find the conviction records of the programme participants. These conviction records were used to find information about convictions before the participant was referred to the programme as well as reconvictions within one year of referral to the programme.

The comparison groups were matched using variables identified by a logistic regression model (see Appendix 1) by gender, age group, ethnicity (Māori, European, other), current offence (traffic, property and other), and two criminal history variables (time since the last conviction and rate of past convictions). Although whether the person had been convicted in the past, and whether the current offence was a violent offence, were significant in the logistic regression model, these variables were not used in the matching process because limiting the number of variables increased the chances of finding a match, and these variables were the last entered in the model.

Table 3.1 shows that the Wanganui participants and their matched comparison group were well matched for the time between the current offence and the most recent past offence.<sup>3</sup>

**Table 3.1 Time between the current offence and the most recent past offence for Wanganui participants and their matched comparison group**

Time between the current offence and the most recent past offence <sup>1</sup>	Participants	Comparison group
1 month or less	6	6
> 1 month – 1 year	39	39
>1 – 4 years	39	39
>4 years	65	65
Total	149	149

Note:

- 1 If there was no past offence, this variable has a value of the person's age at the time of the current offence less 13 years. This corresponds to the time eligible to offend, as a person generally cannot be convicted until the age of 14.

Table 3.2 shows the match of the second variable in the model, the number of convicted cases per year since the age of 14. The table shows that the Wanganui participants and their matched comparison group were well matched for the number of convicted cases per year since the age of 14.

**Table 3.2 Number of convicted cases per year since the age of 14 for Wanganui participants and their matched comparison group**

Number of convicted cases per year since the age of 14	Participants	Comparison group
0	120	121
1	26	25
2	3	3
Total	149	149

Table 3.3 shows the matching of the variables Age, Māori, European, and Male. It shows that the demographic characteristics of the comparison group for the Wanganui participants were similar to those of the participants.

In addition, the gender and ethnic breakdowns of offenders who participated in the Wanganui restorative justice programme were reasonably similar to those offenders in Wanganui generally (see Figures 2.2 and 2.3). However, offenders who participated in the programme tended to be younger than offenders in Wanganui generally (Figure 2.1).

<sup>3</sup> The variable in the model was actually  $\ln(\text{durp})$ =logarithm of the time (in days) between the current offence and the most recent past offence. See Appendix 1 for an explanation of the reconviction analysis methodology.

**Table 3.3 Demographic characteristics of Wanganui participants and the matched comparison group**

Characteristic	Participants	Comparison group
<b>Age</b>		
17-19	64	64
20-24	33	31
25-29	15	17
30+	37	37
<b>Gender</b>		
Male	118	122
Female	31	27
<b>Ethnicity</b>		
European	64	62
Māori	69	70
Pacific Peoples	4	5
Other	3	1
Unknown	9	11
<b>Total</b>	<b>149</b>	<b>149</b>

Table 3.4 uses the type of the major offence to show the matching of the variables Traffic, and Property. The Table shows that the matched comparison group for the Wanganui participants have fewer violent offences, and more drug offences than the participants. The two groups match well on the variables related to the types of offences that were included in the model (i.e. traffic and property offences), and which are most likely to be associated with a reconviction. The model also showed that those with violent offences were less likely to be reconvicted, but this variable was not used in the matching process. As the participant and comparison groups had different proportions of violent offences, this difference may have had a slight effect on the likelihood of reconviction.

**Table 3.4 Major offence for which Wanganui participants were referred, and for which the matched comparison group were convicted**

Major offence	Participants	Comparison group
Violence offences	32	19
Other against persons	2	6
Property offences	68	60
Drug offences	0	20
Offences against justice	4	1
Good order offences	17	16
Traffic offences	22	20
Miscellaneous offences	4	7
<b>Total</b>	<b>149</b>	<b>149</b>

In addition, participants in the Wanganui restorative justice programme were about twice as likely to be dealing with violent offences than were the Wanganui courts generally (see Figure

2.4). For example, about 21% of offenders (32 out of 149 in Table 3.4 above) had participated in the programme to deal with a violent offence whereas 13% of all convictions in Wanganui in 2002 were for a violent offence. Property offences were also proportionately more likely to be dealt with in a conference than by the courts there.

The comparison group and the participants were not matched on the type of major previous offence or the number of previous convictions, but these characteristics for each group are compared in Table 3.5.

**Table 3.5 Number of previous convictions and major previous offence committed by Wanganui participants and the matched comparison group**

	Participants	Comparison group
<b>Number of previous convictions</b>		
None	53	63
1 – 5	55	44
Six or more	41	42
<b>Major previous offence</b>		
Violence	15	15
Property	31	33
Drug	6	9
Against justice	6	3
Good order	7	7
Traffic	29	19
Miscellaneous	2	0
None	53	63
<b>Total</b>	<b>149</b>	<b>149</b>

Both groups had similar profiles for most of these characteristics. However, the comparison group had more people with no previous offences, and fewer with between one and five previous offences, and fewer people whose major previous offence was a traffic offence than the participants.

### **3.2 Interviews with key stakeholders**

Key stakeholders were identified by the evaluation team in consultation with the programme staff and members of the Wanganui Restorative Justice Trust. Face-to-face interviews (see Appendix 2 for interview schedule) were carried out during September and October 2003 with eight key stakeholders including representatives of the Wanganui Restorative Justice Trust, the community panel, the Wanganui Safer Community Council, Department of Corrections, the Judiciary and Iwi social services groups.

### 3.3 Interviews with victims

An evaluator visited the Wanganui programme and went through records to draw down details of restorative justice conferences that had been held between October 2002 and July 2003. Information relating to 50 conferences<sup>4</sup> that were held during this period were obtained and entered into a Crime & Justice Research Centre (CJRC) password protected Filemaker Pro database.<sup>5</sup> This information included the date of the conference, details of the victims (and offenders) involved, the nature of the offences, the plan decided on at the conference and whether or not the victim was present at the conference.

Victims were posted letters inviting their participation in the evaluation (Appendix 3) and consent forms (Appendix 4). They could 'opt out'. Pre-paid envelopes were provided to enable victims to do this. Fifty victims<sup>6</sup> were contacted. We were subsequently unable to contact 10 victims, 12 refused to participate and we interviewed 28 in total – 21 who had attended a restorative justice conference and seven who had not. In seven cases both the victim and offender were interviewed for the same conference.

#### Interview schedules

The interview schedules were adapted from those already developed for the evaluation of the court referred restorative justice pilot and from some family group conference research. Prior to their finalisation in August 2003, the schedules underwent several drafts and review by the Ministry of Justice's evaluation advisory group and programme providers. The schedules for victims and offenders<sup>7</sup> were mainly mirror images of each other.

#### The interviews with victims

Interviews with 28 victims were carried out between August and October 2003 (see Appendix 5 for interview schedule). Interviews were carried out face-to-face or by telephone, depending on the preference of the interviewee. Written consent was obtained from those interviewed face-to-face while those interviewed by phone gave their verbal agreement to the process. Following the interview, victims were offered a \$20 koha for their time and imparting of their views.

We interviewed 21 victims who had attended a restorative justice conference. Similar proportions of these victims were interviewed either face-to-face (48%) or over the phone (52%). The venues for the face-to-face interviews included the victim's workplace (24%), the victim's home (14%) and the motel where the researchers were staying (10%).

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<sup>4</sup> At 37 of these conferences at least one victim was present, and community panel members represented the interests of the community and victims at the other 13 conferences.

<sup>5</sup> CJRC files are destroyed after three years.

<sup>6</sup> In all fifty-two victims were involved. However, one had died since the conference and there were insufficient details on another to enable us to invite this victim to participate in the research.

<sup>7</sup> Two interview schedules were developed for victims. One for those who had attended the restorative justice conference and one for those who had been invited but who had not attended.

Interviews with seven victims who did not attend a restorative justice conference were quite short and took less than half an hour. All except one was interviewed over the phone. The one face-to-face interview took place at the victim's home.

The characteristics of the victims interviewed are set out in Table 3.6.

**Table 3.6 Characteristics of victims interviewed: number and percentages (N = 28)**

Characteristics	Victims participating in RJ meeting (n=21)		Victims not participating in RJ meeting (n=7)	
	Number	Percentage	Number	Percentage
<b>Sex</b>				
Male	13	62	5	71
Female	8	38	2	29
<b>Ethnicity</b>				
NZ European	15	71	5	71
Māori <sup>1</sup>	5	24	2	29
Samoan	1	5	0	0
<b>Age</b>				
Under 18	0	0	2	29
18-19	1	5	1	14
20-24	1	5	1	14
25-29	1	5	0	0
30+	18	86	3	43
<b>Employment status</b>				
Employed	19	90	5	71
Unemployed	1	5	1	14
Student	1	5	1	14

Note:

1. These data include those victims who identified as part-Māori.

Sixty-two percent of victims interviewed who had attended the conference and 71% of those interviewed who had not attended the conference were men. In fact, almost two-thirds (64%) of the victims interviewed were men.

Almost three-quarters (71%) of both groups of victims interviewed identified as New Zealand European and similar numbers for both groups<sup>8</sup> identified as Māori or part-Māori. One of the victims interviewed who had attended the conference identified as Samoan.

More than four-fifths (86%) of those victims interviewed who had attended conferences were over the age of 30, as were almost half (43%) of those who had not attended conferences. The remainder of those interviewed in both groups were between the ages of 18 and 29. On the whole, victims interviewed tended to be over the age of 30 (75%).

<sup>8</sup> Twenty four percent of victims who had attended conferences and 29% of victims who had not attended conferences.

Of those victims who had attended conferences 19 reported being employed and one said that s/he was unemployed. One was a full-time student. Five of the victims interviewed who had not attended conferences reported being employed. Of the other two, one was a full-time student and one was unemployed.

Almost two-fifths (39%) of the victims interviewed<sup>9</sup> said that they had known the offender before the offence.

Table 3.7 presents the most serious offences for which victims participating in a restorative justice meeting were dealing with. Nearly one-quarter dealt with violent offences and just over a half dealt with property offences.

**Table 3.7 The most serious offence that participating victims dealt with (N=21)**

Most serious offence	Number	Percentage <sup>1</sup>
Male assaults female	1	5
Assault	3	14
Threaten to kill	1	5
<b>Sub total – violent offences</b>	<b>5</b>	<b>24</b>
Burglary	5	24
Receiving stolen goods	1	5
Motor vehicle conversion	3	14
Fraud	1	5
Wilful damage	1	5
<b>Sub total – property offences</b>	<b>11</b>	<b>52</b>
Trespassing	1	5
<b>Sub-total – against good order</b>	<b>1</b>	<b>5</b>
Driving causing injury	3	14
Careless driving	1	5
<b>Sub-total – traffic</b>	<b>4</b>	<b>19</b>
<b>Total</b>	<b>21</b>	<b>100</b>

Note:

1 The percentages in this table may not add to 100 because of rounding.

In five of the restorative justice meetings, where victims were present, two offences were dealt with and in one of the meetings four offences were dealt with.

Table 3.8 presents elements of the plans agreed to by victims who participated in a restorative justice meeting in Wanganui. The plans almost always included more than one element, and some included more than one programme. For example, at a meeting at which a victim and offender were present to deal with offences of threatens to kill, possession of an offensive weapon and two charges of common assault, the plan developed included an apology letter, attendance at an anger management programme, relationship counselling, and 125 hours community work (or completion of the limited service volunteer course at Burnham army camp).

<sup>9</sup> Forty-three percent of those who had attended conferences and 29% of those who had not attended conferences.

**Table 3.8 Elements of plans agreed to in the presence of victims (N=21)**

Element	Number	Percentage
Apology	18	86
Community work	12	57
Reparation	12	57
Programme attendance	11	52
Other	1	5

Note: A plan may have more than one element.

Eighty-six percent of the plans included a written apology. The amount of community work varied from 20 hours for receiving to 400 hours for committing multiple property offences. The amount of reparation varied from \$20 for receiving to \$3,000 for committing theft as a servant. Meetings in which burglary was dealt with resulted in three plans containing reparation amounts of \$750, \$800 and \$940.

Programmes addressing alcohol and drug problems were included in the plans of three offenders, and programmes on anger management, budget advice, advanced driving and skills training were each included in plans of two offenders. Other programmes included as an element of the offender's plan were mentoring, relationship counselling and the limited service volunteer course at Burnham army camp.

In the seven meetings where victims we interviewed were not present at the meetings, two dealt with assault, one with burglary, two with motor vehicle conversion, one with receiving and one with intentional damage. These meetings resulted in the development of plans containing an apology (5), reparation (5), community work (4), training (3), and programme attendance (2).

### 3.4 Interviews with offenders

An evaluator visited the Wanganui programme and went through records to draw down details of restorative justice conferences that had been held between October 2002 and July 2003. Information relating to 50 conferences<sup>10</sup> that were held during this period was obtained and entered into a CJRC passworded Filemaker Pro database. This information included the date of the conference, details of the offenders (and victims) involved, the nature of the offences, the plan decided on at the conference and whether or not the victim was present at the conference.

Offenders were posted letters inviting their participation in the evaluation (see Appendix 3). They could 'opt out'. Pre-paid envelopes were provided to enable offenders to do this. Thirty-one offenders were contacted. Offender interviews were conducted by a quota sampling method until 15 had been interviewed. Four offenders refused to participate. In seven cases both the offender and the victim were interviewed for the same conference.

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<sup>10</sup> At 37 of these conferences at least one victim was present, and community panel members represented the interests of the community and victims at the other 13 conferences.



## **Interview schedules**

The interview schedules were adapted from those already developed for the evaluation of the court referred restorative justice pilot and from some family group conference research. Prior to their finalisation in August 2003, the schedules underwent several drafts and review by the Ministry of Justice's evaluation advisory group and programme providers. The schedules of offenders and victims were mainly mirror images of each other.

## **The interviews with offenders**

Face-to-face interviews with 15 offenders were carried out between August and October 2003 (see Appendix 6 for interview schedule). All had participated in a restorative justice meeting. Written consent was obtained from those interviewed face-to-face while those interviewed by phone gave their verbal agreement to the process. Following the interview, offenders were offered a \$20 koha for their time and imparting of their views.

These usually took place in the afternoon or evening (60%) at the offender's home (80%).<sup>11</sup> Although the majority of the interviews took place at the offender's home, in only one case was another family/whānau member present during the interview. Interviews took on average, about half an hour. Table 3.9 below sets out the characteristics of the 15 offenders interviewed.

Almost three-quarters (73%) of the offenders interviewed were men.

Slightly more than half (53%) of the offenders interviewed identified as Māori or part-Māori and more than two-fifths (47%) identified as New Zealand European.

Many of the offenders interviewed were quite young: 20% were under the age of twenty and three-fifths were between 20 and 25. Overall, the majority (80%) of the offenders interviewed were under 25.

Only four offenders reported being employed, two stated they were beneficiaries and seven said that they were unemployed. Two were full-time students.

One-third of the offenders said that they had known their victim before the offence.

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<sup>11</sup> One interview took place in the researcher's car and two others at homes of friends/relatives of the offenders being interviewed.

**Table 3.9 Characteristics of offenders interviewed: number and percentages (N = 15)**

Characteristics	Number	Percentage <sup>1</sup>
<b>Sex</b>		
Male	11	73
Female	4	27
<b>Ethnicity</b>		
NZ European	7	47
Māori <sup>2</sup>	8	53
<b>Age</b>		
18-19	3	20
20-24	9	60
25-29	1	7
30+	2	13
<b>Employment status</b>		
Employed	4	27
Beneficiary <sup>3</sup>	2	13
Unemployed	7	47
Student	2	13

Notes:

- 1 The percentages in this table may not add to 100 because of rounding.
- 2 These data include those offenders who identified as part-Māori.
- 3 These data include those on the domestic purposes or sickness benefits.

Table 3.10 presents the most serious offences for which offenders participating in a restorative justice meeting were addressing. Nearly three-quarters dealt with property offences and one-fifth with violent offences.

**Table 3.10 The most serious offence that offenders addressed in the meetings (N=15)**

Most serious offence	Number	Percentage
Assault	2	13
Threaten to kill	1	7
<b>Sub total – violent offences</b>	<b>3</b>	<b>20</b>
Burglary	5	33
Theft	2	13
Receiving stolen goods	1	7
Motor vehicle conversion	1	7
Fraud	2	13
<b>Sub total – property offences</b>	<b>11</b>	<b>73</b>
Careless driving	1	7
<b>Sub-total – traffic</b>	<b>1</b>	<b>7</b>
<b>Total</b>	<b>15</b>	<b>100</b>

In five of the meetings two offences were dealt with and in one of the meetings four offences were dealt with.

Table 3.11 presents elements of the plans agreed to by offenders who participated in a restorative justice meeting. As mentioned above, the plans almost always included more than one element, and some included more than one programme. For example, an offender who had committed assault agreed to a plan that included an apology letter, the attendance and completion of an alcohol and drug programme and a YMCA meat processing course.

**Table 3.11 Elements of plans agreed to by offenders (N=15)**

Element	Number	Percentage
Apology	14	93
Community work	11	73
Reparation	7	47
Donation	1	7
Programme attendance	6	40
Training	3	20
Other	1	7

Note: A plan may have more than one element.

All but one of the plans included a written apology. The amount of community work varied from 20 hours for shoplifting to 125 hours for committing assault. The amount of reparation varied from \$139 for receiving to \$3,000 for committing fraud. The donation of \$50 was an element of a plan in another meeting dealing with fraud.

The plans were as diverse as including elements of counselling, anger management programmes, budget advice, attendance at the limited service volunteer course, completion of a YMCA meat processing course, and training about gardening and landscaping.

### 3.5 Observations of meetings

The evaluators wanted to observe some restorative justice meetings in order to understand the context in which they operated. Our observations of such meetings were not intended to be part of the evaluation itself.

With the participants' consent, the evaluators observed three restorative justice meetings. The meetings had the same facilitator. The offences involved unlawfully entering a yard, assault, and theft.



# 4 Assessing the effectiveness of the programme in meeting its objectives

The Wanganui Restorative Justice Programme was selected by the Ministry of Justice for evaluation because it is considered to be well managed and effective. This chapter examines the extent to which the programme is successful in meeting the objectives it set for itself. These objectives, as outlined in the project brief, are to ensure that:

1. The restorative justice process only proceeds when victims of offences or their agents participate.
2. Community members actively participate in the programme.
3. Victim-offender contracts negotiated with community input have a restorative effect.
4. The programme is accepted by interested parties, such as the Judiciary, Department for Courts (now the Ministry of Justice), Police, and Victim Support.
5. There is a reduction in re-offending by offenders who participate in the Community-Managed Restorative Justice Programme.

The objectives are considered to be of equal weight and not prioritised in any way. However, even if re-offending has not been reduced, the programme providers still consider their programme effective if it has produced restoration to the satisfaction of the victim.

The supporting material for our assessment is drawn from interviews with victims (three-quarters of whom took part in a restorative justice meeting), offenders, and key stakeholders, and data gathered and analysed by the Ministry of Justice for the examination of re-offending.

We examine each objective in turn and make an assessment.

## 4.1 The restorative justice process only proceeds when victims of offences or their agents participate

The Co-ordinator and Wanganui Restorative Justice Trust members confirmed that the restorative justice process does not proceed without a victim or a community panel member present. Thus, the programme meets its objective in this respect.

In about three-quarters<sup>12</sup> of the cases the victim participates in the restorative justice process along with a community panel member. In the remaining cases a community panel member acts, in part, as the victim's agent.

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<sup>12</sup> 37 out of 50 (74%) victims we initially selected for interview participated in the process.

We understood that in all cases the victim was invited to participate in the process. If the victim refused, s/he needed to give his/her consent to the restorative justice process going ahead. However, one in seven non-participating victims we interviewed could not recall being invited to attend a restorative justice meeting and two in seven could not recall being asked whether the meeting could proceed in their absence.

## 4.2 Community members actively participate in the programme

One of the primary roles of a community panel member is to act as a supporter for both the victim and the offender throughout the restorative justice process. All except one (95%) of the victims and 73% of the offenders felt they had sufficient support at the meeting.

Community panel members also contribute to the restorative justice meetings by suggesting options that may be included in the offender's plan. Evidence from the interviews with victims and offenders suggests that panel members contribute appropriately there. For example, all except one (95%) of the participating victims and all of the offenders were agreed that no one person dominated the meeting.

Sixty-two percent of victims and 27% of offenders perceived community panel members to be involved in the collective decision-making of the details of the plans. In two instances<sup>13</sup> their participation was such that the community panel member was perceived as having decided alone the details of the plans.

The three community panel members we interviewed were enthusiastic about their programme, describing its strengths as:

- the people involved - the Co-ordinator<sup>14</sup>, panel members and administrative staff
- its success with offenders over the past five years<sup>15</sup>,
- its support from the Ministry of Justice, and
- the opportunity it provided for people to make a positive contribution to their local community.

What inhibits their increased participation is their status as unpaid volunteers and their perception of the programme as being restricted from expansion.

*Could become more effective in the community if it was allowed to grow. It needs to be able to have the follow up. It needs to grow into other crimes.*

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<sup>13</sup> One case involved a victim. The other involved an offender.

<sup>14</sup> Described by one as a "very good leader". All three rated their relationship with the Co-ordinator as "very good", the top of a five point scale.

<sup>15</sup> Described by one as "86%".

There is no doubt that community panel members play a vital role in the operation of the programme and actively support the Co-ordinator in the day-to-day operations of it. A community panel member is present each time a restorative justice meeting is held. For the most part, their participation accords with their assigned roles.

### 4.3 Victim-offender contracts negotiated with community input have a restorative effect

A community panel member provides community input at each restorative justice meeting (see section 4.1). Panel members were perceived as negotiating either collectively or individually the contents of the contracts by two-thirds of victims and one-third of offenders we interviewed. All negotiations over the details of the plans resulted in agreement.

Crimes that were dealt with by restorative justice processes included some serious offending. The offences that victims and offenders we interviewed had experienced were presented earlier in Chapter 3 (Table 3.7 for victims, and Table 3.10 for offenders). About half of the crimes in which victims chose to deal face-to-face with their offender were for property offences and about one-quarter were for violent offences (one charge of male assaults female, three assault charges and one charge of threatening to kill). About seven in ten offenders we interviewed were attending a restorative justice meeting for a property offence and about two in ten for violent offending (two assault charges and one threatening to kill). The elements of the contracts agreed to by victims and offenders were presented in Tables 3.8 and 3.11 respectively.

#### 4.3.1 The contracts

Two elements of contracts that can be described as “restorative” are the tendering of an apology to the victim and recompense to the victim. Eighty-six percent of the participating victims’ plans involved an apology and 57% involved reparation to the victim (Table 4.1). In addition, over half of the plans included reintegrative or rehabilitative elements usually in the form of attendance at a programme.

**Table 4.1 Elements of the contracts negotiated through restorative justice processes with participating victims (N=21)**

Elements of plan	Number	Percentage
<b>Restorative</b>		
apology	18	86
reparation	12	57
<b>Reintegrative or rehabilitative</b>		
programmes	11	52
other	1	5
<b>Sanctions</b>		
community work	12	57

Note Plans may have more than one element.

On reflection, 57% of victim participants indicated that they were very satisfied with the plan overall and 90% indicated their satisfaction by choosing a rating of 5 to 7. While one victim gave the scale a rating of 3 and another a rating of 4, none expressed dissatisfaction in the range 1 to 2. The findings for offenders were similar to those for victims with 93% of offenders indicating their satisfaction by choosing a rating of 5 to 7. One rated his satisfaction with the plan as a ‘3’.

When asked whether the plan was “too harsh”, “about right” or “too soft”, a majority of participating victims (81%) and offenders (79%) responded that it was “about right”. None thought it was “too harsh” but 19% of participating victims and 21% of offenders thought the plan was “too soft”.

Victim participants thought that good features of the plans included restorative features such as receiving an apology or reparation from the offender (33% each), the offender being able to help themselves (14%) or to help others (10%). “Other” good features mentioned included the offender being made accountable, shaking their hand, and feeling a sense of closure. While one mentioned *it wasn’t all about punishment* another volunteered that the offender *got what she deserved*.

**Table 4.2 Victims’ perspectives on good features of the plan: number and percent who agreed (N = 21)**

Good features	Number	Percentage
Offender apologised in writing	7	33
Receiving reparation	7	33
Offender being able to help themselves	3	14
Offender being able to help others	2	10
Offender didn’t go to prison	1	5
Other	9	43

Offenders’ views of the plans mostly coincided with those of victims. Offenders thought that good features of the plans included being able to apologise (47%), being able to help themselves (27%) and not going to prison (27%). Other good features mentioned by offenders included:

*Being able to get the weight off my shoulders.*

*Being accountable. I faced up to my responsibility.*

*[Gave] me another chance to set things right.*

A majority of victim participants (76%) and offenders (87%) could not identify a bad feature of the plan. Of the five victims who did, three identified not elements of the plan but issues subsequently.

*Phone calls to chase up payments of \$250.*



*Weren't kept informed of progress.*

*Perhaps a lack of follow-up on performance.*

One victim was unhappy with the reparation and the other being pressured to agree to the plan.

About 70% of victim participants and 80% of offenders thought that it was not at all important for the plan to take account of their cultural needs and expectations. Of those who did, all felt that the plan had succeeded in taking their cultural needs and expectations into account.

### 4.3.2 Preparation for the restorative justice meeting

Twenty-nine percent of victim participants indicated that they were very well prepared for the restorative justice meeting and 86% indicated their general preparedness by choosing a rating of 5 to 7, with 7 being very well prepared. While one victim gave the scale a rating of 3 and another a rating of 4, none expressed dissatisfaction in the range 1 to 2.

Thirteen percent of offenders felt very well prepared for the meeting and 80% indicated their general preparedness by choosing a rating of 5 to 7. None gave the scale a rating of less than 4.

### 4.3.3 The restorative justice meeting overall

All victim participants felt they were treated with respect, had the chance to explain the impact of the offence on them, and felt involved in and understood what was going on in the restorative justice meeting (Table 4.3). However, one victim indicated that s/he was not given sufficient opportunity for input, another felt intimidated to freely express herself, and another felt unsafe at some time during the restorative justice meeting.

**Table 4.3 Victims' and offenders' perspectives on their experiences at the restorative justice meetings: number and percent (N=21 and N=15)**

Perspectives	Victims		Offenders	
	Number	Percentage	Number	Percentage
Felt involved	21	100	13	87
Understood what was going on	21	100	13	87
Had the chance to explain how the offence had affected them/why happened	21	100	13	87
Treated with respect	21	100	15	100
Had the opportunity to say what they wanted to say	20	95	14	93
Felt too scared to say what they really felt	1	5	2	13
Felt unsafe at any time	1	5	-	-

All offenders we interviewed felt they were treated with respect, and the majority had had the opportunity to say what they had wanted to say (93%), had felt involved (87%), had understood what was going on (87%) and had had the opportunity to say why the offence had happened (87%). Two indicated that they had felt too scared to say what they really felt.

Verbal apologies were offered by offenders at 20 out of the 21 meetings involving victim participants, and in all instances these apologies were accepted (Table 4.4). Eighty-six percent of victim participants said they felt that their offender had expressed some empathy with them, 76% that their offender had expressed remorse, and 70% that their offender was made accountable for their offending. However, slightly less than half (48%) felt that their offender was able to make amends for their offending.

**Table 4.4 Victims’ perspectives on the offenders’ behaviour at the restorative justice meeting: number and percent who said yes (N = 21)**

Victim agreed that ...	Number	Percentage
Offender apologised - verbally	20	95
Accepted offender’s apology	20	100*
Offender understood how I felt – fully or partly	18	86
Offender showed was really sorry	16	76
Offender was made accountable for his/her offending	14	67
Offender was able to make up for what s/he did	10	48

\* Of those offenders who apologised.

Offenders’ responses were similar to those of victims in that 80% said they had apologised at the restorative justice meeting, and that in all cases their apology had been accepted. All of the offenders we interviewed said that they had understood how the victim had felt. Eighty-six percent said they had felt ashamed of committing the offence. One had felt stigmatised again at the meeting.

Victim participants described the best features of the restorative justice meeting (Table 4.5) as being the ability to meet the offender face-to-face (57%), the sense of closure it brought them (38%), the plan that was agreed at the meeting (29%) and that the meeting was well organised (24%). Victims also mentioned the opportunity to directly express the impact of the offence on them, for example:

*Enabled me to say what I wanted; to air my opinion.*

*Got what I needed off my chest.*

and the understanding of the offender and offending it brought them:

*Answered a lot of my questions. Gave me more understanding of things.*

**Table 4.5 Victims' perspectives on good features of the restorative justice meeting: number and percent who agreed (N = 21)**

Good features of the meeting	Number	Percentage
Ability to meet the offender	12	57
Ability to put whole thing behind them	8	38
The plan	6	29
Well organised	5	24
Nothing	0	0

Likewise, offenders tended to rate highest the fact that the conference enabled them to put the offence behind them (47%) and that it had enabled them to meet the victim (40%). Other positive features mentioned by offenders included the frankness of the discussion:

*All open discussion. Say exactly what you want.*

and their positive feelings afterwards:

*I was so grateful I would've brought them home for a hangi.*

The majority (90%) of victim participants could not identify a bad feature of the meeting. Of the two who did, one mentioned the lack of follow-up and the other the:

*Fair amount of bullshit. Minimisation of offending. Further reinforced my opinion of the offender.*

Only one offender was able to identify a bad feature and that was the fact that not all victims he had offended against were able to attend the restorative justice conference.

Overall, about half (52%) of the victim participants were very satisfied with the restorative justice meeting and all indicated their general satisfaction by choosing a rating of 5 to 7 (with 7 being very satisfied). None expressed dissatisfaction. All but one (95%) of the victim participants were pleased they had taken part in the meeting.

Two-thirds (67%) of offenders we interviewed were very satisfied with the meeting and 87% were satisfied. Two offenders rated their satisfaction as a '3'. All were pleased to have participated in the meeting.

When participating victims were asked on a scale of '1' (not at all important) to '7' (very important) how important it was for the restorative justice meeting to take their cultural needs and expectations into account, two-thirds of the victims responded that it was not at all important. Of those who were of the opinion that its importance was in the range 4 to 7, all participating victims felt that the meeting had taken their cultural needs and expectations either fully or partly into account.

The majority (87%) of offenders thought that it was not at all important for their cultural needs and expectations to be taken into account at the meeting. Of the two who did, they felt that the meeting had taken their cultural needs and expectations either fully or partly into account.

#### **4.3.4 Processes following the restorative justice meeting**

The completion of the plans is crucial to restoring the balance between the victim and the offender. As already mentioned in section 4.3.1 some victims' views of the meetings were coloured by the offender's subsequent failure to complete the agreed plan. Indeed, some four to six months following the meeting only about one-quarter (27%) of the offenders we interviewed had completed all the agreed elements in their plans. Five out of six offenders reported that reparation which was included as part of their plan was still outstanding.

In some meetings monitoring of the offender's plan was discussed and responsibility for monitoring clearly assigned. More frequently, though, this did not appear to be addressed specifically at the meeting, leaving some victims and some offenders uncertain as to whose responsibility it was.

*Presumed that Co-ordinator would do it. Keep me in the loop.*

According to the Wanganui operating document (page 6), the Co-ordinator is responsible for monitoring the offender's progress with, and completion of, the plan. While just over half (56%) of participating victims thought that the Co-ordinator was responsible for ensuring the offender completed the plan, one-third thought responsibility lay with the community panel member, and three thought responsibility lay either elsewhere or with "all of us". Of the 15 offenders we interviewed, nine (or 64%) thought responsibility lay with the Co-ordinator, three (21%) with the victims, two with a community panel member and one with the offender's family.

This confusion appears to result in a lack of consistent undertaking of the monitoring processes. Only just over half (58%) of the offenders indicated that someone had monitored their progress. Clearly, when monitoring does not occur there is no information to pass onto victims, leaving them uncertain of the status of their offenders' plans.

#### **4.3.5 Reflecting on restorative justice processes**

Responses varied in terms of how victims and offenders now felt about restorative justice processes in general. Some victims suggested an expansion, for example:

*There could be more of it - the jails are filled up - younger generation need to be exposed to cultural side of it. Get iwi involved. Māori need to help their young people.*

*It's a good system. They should do more of it.*

Some victims gave their qualified approval in certain circumstances, for example:

*Think they're very helpful for people that want to do something about their offending.*

*All right. Don't mind. Mightn't want to meet offenders. If same age, probably wouldn't have agreed.*

*Good for somebody of our age group - where offending is result of nothing done deliberately.*

One victim expressed future reluctance to participate in these processes.

*OK, but would think a lot harder before getting involved again.*

Lastly, several victims' responses reflected their perceived lack of follow-up, for example:

*Very positive. Let down by lack of information since. Would like to have been kept up to date with progress and sentencing.*

*Since nothing's happened I feel they're just a waste of time.*

*To be a lot harder to make sure they do what they're supposed to.*

*Could look at it again but a lot more strict on how work done and supervised.*

Most offenders we interviewed had positive things to say about restorative justice processes in general. For example:

*I think they're primo.*

*Good things. Should keep it going. For silly issues like that people shouldn't have to have criminal offences against them.*

A small minority of offenders were critical of restorative justice processes. For example:

*Doesn't do anybody any justice. I didn't really need them. Would have dealt with it myself.*

Ninety percent of victim participants and 93% of offenders would recommend restorative justice meeting to others and would participate in such meetings again should the situation arise. While most gave their unqualified recommendation to restorative justice processes adding, for example:

*Gives you peace of mind. (victim)*

*Lot better than going straight to the judge. (offender)*

Some were more circumspect in their recommendation, for example:

*That's a big one - can't determine how someone else is feeling or thinking - would depend on the circumstances. (victim)*

*Um, depending on circumstance - depends on how victim feels and offence. Some just want offender to go to prison, don't think it would be useful for them. (victim)*

*Depending on charges. (offender)*

#### **4.3.6 Overall assessment against objective**

There are two parts to the programme's third objective: firstly, to ensure that the plans are negotiated with community input and secondly, that the plans result in the repair of harm to victims of crime.

The first part of this objective is clearly met. A community panel member is always present to participate and represent the community at each and every restorative justice meeting.

Regarding the second part, the majority of plans appear to include restorative elements such as an apology or reparation. About half of the participating victims were 'very satisfied' with the details of the plans, with about 90% being at least 'satisfied'. Participating victims reported high levels of involvement in, and being treated with respect at the meeting. About half of the participating victims reported being 'very satisfied' and all being at least 'satisfied' with the meeting overall.

However, in order for the plans to be truly restorative, they must be completed. The plan completion rate appeared to be disappointingly low, some of which may be due to confusion over who is responsible for monitoring progress towards the plan's completion. Only one half of participating victims were of the view that their offender was able to make amends for what s/he had done.

#### **4.4 The programme is accepted by interested parties, such as the Judiciary, Ministry of Justice, Police, and Victim Support**

There appears to be general acceptance of the programme, but with some qualifications. The people involved in the Wanganui Restorative Justice Programme – the Trustees, the community panel members, and the administrators - were perceived by stakeholders as being a real strength of the programme's success. All except one rated their organisation's relationship with the Co-ordinator as "very good". His rapport with clients, particularly with those from the Māori community, rated a special mention. More generally, key stakeholders variously described the programme as providing "a viable alternative ... often presents inventive flexible sentencing options", being "more personalised" than conventional court processes, and as having "political backing in a smallish community".

There was support among stakeholders for the view that “most people referred produce positive results with a few failures”. On a five point scale where 1 is very ineffective and 5 is very effective, key stakeholders rated the programme’s effectiveness in dealing with cases referred to it in the range 3 to 5. On the same scale, stakeholders rated the programme’s effectiveness in terms of meeting the needs of the court in the range 3 to 5, of victims in the range 3 to 5, of offenders in the range 2 to 5, and of the community in the range 3 to 5. Those stakeholders who offered an opinion on the conference plans, were either of the view that they were “about right” or “too soft”. (One stakeholder did not wish to generalise, and another did not know.)

Stakeholders emphasised the need for the programme to maintain a victim focus. One expressed the view:

*It could be more effective if the victim is given priority. Kanohi ki te kanohi<sup>16</sup>. The victim and whānau could have their views aired.*

Key stakeholders rated the programme’s effectiveness in meeting the needs of Māori from 2 to 5, of Pacific peoples 2 (only one response), and of other ethnic groups from 2 to 5.

A stronger community base to the programme, greater involvement with public and private agencies, better communication channels among the people involved with the programme, better support and professional supervision of the Co-ordinator, and regular training of trustees and panel members were identified by stakeholders as areas in which improvements could be made. The possibility of improvement in most of these areas is linked to the funding and resources available to the programme. As one stakeholder said:

*[The programme] needs to lift its profile in the community and that comes down to resources.*

There was a difference of opinion among stakeholders as to future role and positioning of the programme. One stakeholder was of the view that the programme was attempting to go too far towards being a complete answer to dealing with the offending and suggested the possibility of integrating the programme within the community probation service. This contrasted with some others’ views that the programme should be expanding to deal with more serious offending and to offer Māori-specific services for Māori offenders.

#### **4.5 There is a reduction in re-offending by offenders who participate in the programme**

The Ministry of Justice researcher used quantitative methods to compare reconvictions between community-managed restorative justice cases in Wanganui with those dealt with by conventional court processes. The process of finding a similar group of people dealt with by conventional court processes (the matched comparison group) to compare with the programme participants is described in detail in Appendix 1.

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<sup>16</sup> Face to face.

The researcher examined two measures. Firstly, reconvictions within 12 months by the programme participants were compared to the reconvictions of the matched comparison group. Secondly, the seriousness of their reconvictions was analysed.

A conviction was used as the measure of assessing re-offending. The period following completion of the programme varied between individuals; however, all participants could be followed up for one year. All of the matched comparison group could be followed for one year after their conviction date.

#### 4.5.1 Comparing reconvictions

First, the number and percentage of participants who were convicted of at least one offence within the follow-up period of one year were compared for the programme participants and the offenders in their comparison group.

**Table 4.6 Reconvictions within one year of Wanganui participants and matched comparison group**

	Participants	Comparison group
Number reconvicted	63	57
Percentage reconvicted	42%	38%

A significance test conducted on the figures in Table 4.6 shows that after one year the Wanganui programme participants were reconvicted at a similar rate to the offenders in the matched comparison group (McNemar's test,  $p = 0.414$ ).

Secondly, the follow-up data were analysed using survival analysis.<sup>17</sup> The results of this analysis are demonstrated graphically in Figure 4.1. The curves show the proportion of each group (participants and matched comparison group) who were not reconvicted for up to one year. The difference in the curves for the participants and the matched comparison group was not statistically significant (Wilcoxon chi-square test,  $p = 0.576$ ).

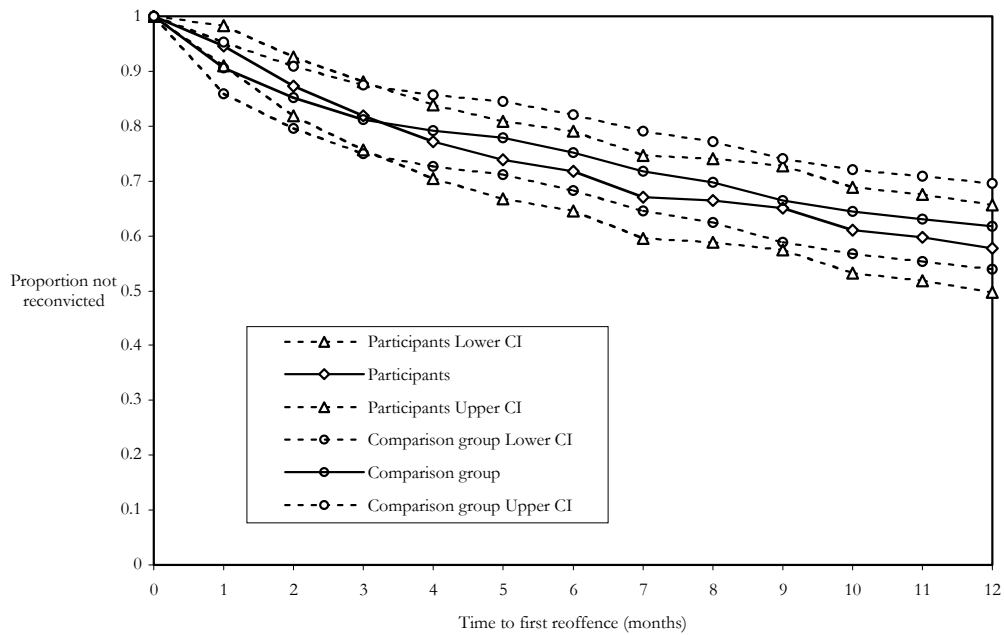
Ninety-five percent confidence intervals are also shown on Figure 4.1. Because the confidence intervals for each group overlap, these also illustrate that the difference in reconviction between the groups is not statistically significant. That is, the proportion of programme participants in Wanganui reconvicted within a year was not different from the proportion from a national sample of similar offenders dealt with by conventional court processes.

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<sup>17</sup> Survival analysis was used to test for any differences between the groups in reconviction rates over the course of the follow-up year.



**Figure 4.1** Proportion not reconvicted within one year for Wanganui participants and matched comparison group with 95% confidence intervals



#### 4.5.2 Types and seriousness of reconvictions

The major type of offence<sup>18</sup> for which the participants and the offenders in their matched comparison groups were convicted during the one-year follow-up period is shown in Table 4.7.

**Table 4.7** Major offence committed within one year by Wanganui participants and the matched comparison group

Major offence	Participants		Comparison group	
	Number	Percentage	Number	Percentage
Violence	11	7.4	5	3.4
Other against person	1	0.7	1	0.7
Property	18	12.1	16	10.7
Involving drugs	0	0.0	4	2.7
Against justice	11	7.4	6	4.0
Good order	8	5.4	9	6.0
Traffic	13	8.7	12	8.1
Miscellaneous	1	0.7	4	2.7
Any offence	63	42.3	57	38.3

Note: Percentages may not add to 100 because of rounding.

Only a small percentage (7%) of the Wanganui participants were reconvicted of a violent offence within a year. Slightly fewer of their matched comparison group were reconvicted of a violent offence. The Wanganui participants were also reconvicted of slightly more offences

<sup>18</sup> The major offence is the offence which received the most serious sentence.

against justice than their matched comparison group. (A difference in proportions test showed that none of these differences were statistically significant.)

The Ministry of Justice's scale for the seriousness of offences was used to assign a score to the major offence committed during the follow-up period. The scores were used to compare the seriousness of reconviction during the follow-up period of the participants and the offenders in their matched comparison group. (The scale is described in detail in Appendix 1.)

Table 4.8 shows that the median seriousness of the reconvictions within a year by the Wanganui participants was 6.2 compared to 8.2 for their matched comparison group. However, the difference in the medians was not significant (non-parametric median test,  $p = 0.585$ ) indicating that the reconvictions by the Wanganui participants were not more serious or less serious than for the matched comparison group.

**Table 4.8 Seriousness of major reconviction within one year by Wanganui participants and the matched comparison group**

	Participants	Comparison group
Median seriousness	6.2	8.2
Mean seriousness	15.9	60.2

Although Table 4.8 shows both the mean and median seriousness, the median was chosen as a better measure of the centre of a distribution than the mean. The reasons for this were firstly because the mean is likely to be influenced by extreme observations (outliers), and secondly because the seriousness scores were not normally distributed. In Wanganui the mean seriousness of the reconvictions of the participants was much less than for their matched comparison group, although this difference was not statistically significant ( $p = 0.169$ ). However, the mean seriousness of the comparison group was influenced by two outliers with seriousness scores greater than 700. Without these outliers, the mean seriousness was 18.5, which was only slightly more than the mean for the participants and the difference was not statistically significant ( $p = 0.646$ ).

### 4.5.3 Summary

The Wanganui Community-Managed Restorative Justice Programme's fifth objective is to reduce re-offending by offenders who participate in their programme. The one-year reconviction rate for some Wanganui programme participants was 42% and that for matched comparison offenders dealt with by conventional court processes was 38%. These reconviction rates were not statistically different.

Further analysis also showed that there was no difference between the offenders who had participated in the Wanganui programme and matched comparison offenders in terms of their patterns of reconvictions throughout the follow-up year.

The offenders who participated in the Wanganui programme were reconvicted for no more serious or less serious offences than the matched comparison offenders.

# 5 Meeting the principles of best practice for restorative justice processes

The Ministry of Justice recently released a set of principles of best practice identifying how and when restorative justice principles should be used in criminal cases (Ministry of Justice, 2004). The principles are intended to be used as a resource for restorative justice providers to help protect the integrity of restorative justice as a concept. They are not prescriptive and thus accommodate a range of approaches to restorative justice in New Zealand.

The day-to-day operations of the Wanganui Restorative Justice Trust Programme are informed by the programme's objectives, vision and values it set for itself at its establishment in 1999. While the Trust's values are expressed differently to the Ministry's principles, their intent is in many ways the same. For example, the Trust's value *To acknowledge the right to voluntary participation* is expressed in the Ministry's first principle as *Restorative justice processes are underpinned by voluntariness*.

In this chapter we look at each of the Ministry's principles in turn, and using the research evidence we have gathered, discuss how the operations of the Wanganui restorative justice programme fit with these principles.

## 1 Restorative justice processes are underpinned by voluntariness

### *Participation of the victim and offender must be voluntary throughout the restorative justice process*

There is no doubt that victims' and offenders' participation in the Wanganui programme is voluntary. There also appears to be a complete absence of coercion. None of the participating victims or offenders gave *Didn't feel like I could refuse to go* as their reason for attendance at the meeting.

What is also important is that victims' and offenders' participation is informed. About nine in ten participating victims and eight in ten offenders indicated that they were prepared for what would happen at the meeting, what their role would be, and who else would be in attendance. Responses to a direct question about what they thought the restorative justice meeting was trying to achieve, suggest for the most part, victims and offenders knew its purpose, for example:

*Vent for victim to express to the offender how the actions had impacted on them... Offender to realise the gravity of what they'd done. Put together agreement: goals and objectives. Others to observe and ask questions.*

*Satisfaction for the victim. Better understanding by the offender of what victims go through.  
Opportunity to speak my mind. Get apology – look in eye.*

*Try to get young fella to be accountable for his actions.*

Thus, for the most part, victims and offenders appeared to give their informed consent to participate in restorative justice processes at Wanganui.

***Outcomes must be arrived at voluntarily and reflect the agreed view of the victim and offender***

Victim participants and offenders perceived there to be complete agreement on the content of the plans among those present at the meeting. Eighty-six percent of victim participants but only 40% of offenders reported that they personally or “all of us” had decided on the details of the plan.

All the victims and offenders we interviewed reported understanding what was agreed to in the plan. Forty-three percent of victim participants and 92% of the offenders also reported being given a copy of the plan.

The Ministry also suggests in its set of principles that reaching agreement on outcomes should not be the sole focus of the restorative justice process. All the victims we interviewed said they felt involved in the restorative justice meeting and had had a chance to explain how the offence had affected them.

## **2 Full participation of the victim and offender should be encouraged**

***The victim and offender are the primary participants in the restorative justice process***

All participating victims and 87% of offenders reported feeling involved in the restorative justice meeting. All victims reported having had a chance to explain how the offence had affected them and 87% of offenders reported that they had had the opportunity to explain why the offence happened. No offenders and all but one of the victims thought no one person dominated the meeting.

***Victims must determine their own level of involvement in the restorative justice process***

In the three-quarters of cases where victims are present at the restorative justice meeting their level of engagement appears to be high. Their earlier contact with the Co-ordinator informing them about their role and other attendees at the meeting assisted their participation.

The Wanganui programme also allows restorative justice processes to proceed without the victim present. In these cases, a community panel member acts as their substitute. Of the seven non-participating victims we interviewed, most indicated they were just too busy to attend. In one case the victim’s mother had represented the victim at the meeting. However, the fact that one did not recall being invited to participate and would have liked to have

attended the meeting and two did not recall being asked whether the meeting could go ahead without them, suggests that further efforts may be needed to clearly communicate victims' rights to them.

***The 'community' should be represented during the restorative justice process***

The 'community' is represented by a community panel member at each meeting. Other support people may also attend, although this appears to be not usually the case.

***'Professionals' (police officers, probation officers and defence counsel) may attend a restorative justice conference, but on a carefully prescribed basis***

Professionals, such as police officers, probation officers and lawyers do not appear to attend the meetings. However, at Wanganui they have a role in encouraging prospective participants to choose restorative justice processes. Offenders often perceived their lawyer to have encouraged them to take this option.

**3 Effective participation requires participants, particularly the victim and offender, are well informed**

***Participants in restorative justice processes must be well prepared for the conference***

All participating victims and offenders we interviewed had prior contact, usually from the Co-ordinator, about the meeting. About nine in ten of participating victims and eight in ten of offenders indicated that they had been prepared for what would happen at the meeting, their role, and who else would be there. On a seven point scale, 86% of victims and 75% of offenders ranked their level of preparedness as 5-7 (with 7 being very well prepared).

***Participants must have reasonable expectations of the process and outcomes***

Most victims and offenders appeared to have their expectations met in terms of the content of the plans. About eight in ten of participating victims and offenders thought the plan was "about right", with two in ten thinking it was "too soft".

Our view is that victims and offenders may not always be explicitly told that the plan they agree on may be changed by a judge at sentencing. Rather this was inferred, for example, by the facilitator suggesting that reparation need be higher to be acceptable to the judge.

**4 Restorative justice processes must hold the offender accountable**

When asked directly about whether the offender was made accountable for their offending, two-thirds of participating victims fully agreed and one-third partially agreed.

***The offender must acknowledge responsibility for the offence before a case can be referred to, or accepted for, a restorative justice process***

In all instances, the offender must plead guilty prior to being referred to the Wanganui Restorative Justice Trust Programme.

***Agreed outcomes should provide an appropriate and realistic response to the offending***

About nine in ten of participating victims and offenders ranked the plans they had developed as satisfactory. As mentioned previously in (3) above, about eight in ten of participating victims and offenders thought the plan was “about right”, with two in ten thinking it was “too soft”.

***Agreed outcomes must be monitored***

The agreed plan is usually signed by the participating victim and the offender. In some instances it was not clear to either the victim or the offender as to who had been assigned to ensure the offender’s compliance with the plan. In these cases, the Co-ordinator was generally thought to be responsible for monitoring compliance. Only about six in ten offenders reported that someone had checked that they had completed their plan.

***Actions should be taken when an agreed plan breaks down***

We are uncertain of the extent to which victims are informed if the plan breaks down. However, when participating victims were asked whether there was any other information or support they would have liked after the restorative justice meeting, eight of the nine who answered in the affirmative mentioned information about the offender’s progress with the plan, for example:

*The reparation came as he paid segments. More communication on how he was going on his payments. Needed to know if he was on track. Was a gap at one stage. I didn’t know the reason why. Wasn’t sure I needed to do something... Regular feedback on how this was going would’ve been good.*

We suggest that this is an area in which the programme could look for further improvement.

***The court should be informed about what took place in the restorative justice process***

The Co-ordinator prepares a report on the restorative justice process before the case returns to court. Depending on the seriousness of the offending, the offender may be required to appear before the court at approximately six-weekly intervals throughout the undertaking of his plan. At these appearances the Co-ordinator usually reports verbally on the offender’s progress and compliance with his plan.

***The restorative justice process should only respond to the offence(s) that is the subject of the original referral***

There was no evidence that victims or offenders were in any way uncertain about the offences that were to be the subject of the restorative justice meeting. We are not certain whether offenders are always made aware that the Police will be informed if they disclose other offending in the course of the meeting.

**5 Flexibility and responsiveness are inherent characteristics of restorative justice processes**

***Restorative justice processes should be guided by restorative justice values***

Wanganui Restorative Justice Trust members, Trust employees (e.g. the Co-ordinator), and community panel members are expected to work in accordance with its own set of values, the first of which is *to work towards the restoration to wholeness for all participants with the restoration of the victim being paramount.*

***Restorative justice processes must be appropriate and responsive to the culture of participants***

The Co-ordinator usually facilitates the meetings. He identifies with both European and Māori ethnicities, is familiar with Māori Tikanga, and is held in high regard by Māori stakeholders.

All of the participating victims and offenders who reported that it was important to them that the meeting take into account their cultural needs and experiences felt the meeting succeeded in this.

***Decisions about how the restorative justice conference will operate, including arrangements for when and where it will be held, should be responsive to participants***

Victims and offenders reported being usually consulted about an appropriate time for the meeting and being informed of the actual time with plenty of notice. Only half the participant victims and 13% of offenders reported being consulted over the venue.

**6 Emotional and physical safety of participants is an over-riding concern**

***Restorative justice processes should be safe for participants at all times***

All except one participating victim and 20% of offenders reported not *feeling too scared to say what they really felt.* In the assault case of the one victim who did, the victim reported being afraid the offender would follow him out after the meeting and attack him.

In response to the question *Did you feel unsafe at any time?* again one victim said yes. This meeting had dealt with the offence of careless driving causing injury. No offenders reported feeling unsafe at any time during a meeting.

Of the two participating victims who reported feeling unsafe prior to the meeting, one felt no different and one felt more safe following the meeting. Afterwards, one-third of participating victims felt better and two-thirds felt no different about the offending.

One participating victim and four offenders indicated they would have liked more support at the meeting.

***The privacy and confidentiality of participants must be protected and respected to the extent possible***

The restorative justice meetings are always held in private and participants are informed that “what goes on stays in the room”. The informed consent of participants was obtained prior to our sitting in as observers at some meetings.

***Participants may require some form of follow-up after the conference***

As mentioned in (4) above, nine participating victims would have liked more information following the meeting, and eight of these mentioned information about the offender’s progress with the plan. Of non-participating victims, only three of the seven reported being told how the meeting went.

Only about 58% of offenders reported that someone had checked that they were complying with their plan. However, the six-weekly appearances in court by offenders throughout the length of the plan suggests that monitoring could well have occurred more frequently than this.

Overall, the responses of victims and offenders suggest that more follow-up after the meeting is desirable.

## **7 Restorative justice providers (and facilitators) must ensure the delivery of an effective process**

***Robust internal management systems are required that include appropriate and transparent procedures and processes***

The Wanganui Restorative Justice Trust Programme has a complaints procedure in place. All victims and offenders who participate in the meetings are made aware of their rights in this regard and are handed the relevant form following the meeting.

***High-quality facilitators are critical to an effective restorative justice process***

The Co-ordinator usually facilitates the meetings. Key stakeholders generally rated highly their relationship with the Co-ordinator.



According to the operating manual, the co-ordinator of the Wanganui Safer Community Council (SCC) is responsible for the day-to-day management and support of the Co-ordinator of the programme. However, the SCC co-ordinator's position was vacant at the time of our fieldwork there. Responsibility for the Co-ordinator's outside supervision rests with the management committee.

The day-to-day operations of the programme rely very heavily on the programme staff. It is important, therefore, that they are provided with regular supervision and are able to take up opportunities to attend training and conferences relevant to their practice.

***Evaluation and review of restorative justice processes should be supported and encouraged***

The programme is supported by good information systems. It uses its complaints system to assist in monitoring its practice.

**8 Restorative justice processes should only be undertaken in appropriate cases**

***The use of a restorative justice process in a particular case must be carefully considered***

It appears that the types of offenders and offences targeted by the programme have broadened over time. According to its operating manual, the programme's initial target group was offenders aged between 17 and 25 who had not committed a serious violent offence or who did not have a particularly long or large history of offending. Its catchment age has spread considerably. Although the programme specifically targets burglary offending, it is not precluded from considering other types of offences.

Data collated for the re-offending analysis show that one-quarter of offenders were aged 30 years or more, and 28% had six or more prior convictions. Twenty-two percent were referred to the programme for a violent offence, including for threatening to kill or do grievous bodily harm.

Referrals of offenders to the programme are initiated by the Co-ordinator, Police, the offender's lawyer or the judge. It is usually the Co-ordinator who then assesses the further suitability of the offender and that of the victim. In all cases offenders and participating victims reported that their participation in the restorative justice meeting was entirely voluntary and with no hint of coercion applied.

***The use of restorative justice processes in cases of family violence and sexual violence must be very carefully considered***

About 19% of the offenders in the re-offending analysis had admitted committing minor assaults. Some of these may have involved family violence. In addition, one victim we interviewed had participated in a meeting that dealt with the offence of male assaults female. (The two victims who had chosen not to participate involved assaults by strangers.)

Overall, about four in ten of participating victims had known the offender prior to the offending. Similarly, one-third of offenders had known the victim they had offended against.

***Particular consideration should be given to the appropriateness of restorative justice processes when the victim is a child or a young person***

Of the information gathered for this evaluation, none involved a child or young person as a victim. The youngest participating victim was 18-19 years old.

## **Summary**

The Wanganui Restorative Justice Trust Programme generally appears to be operating in the spirit of the Ministry's eight principles of best practice for restorative justice processes. For example, participation by victims and offenders in restorative justice processes is underpinned by voluntariness and their full participation is encouraged.

No matter how good a programme is, however, there is always room for some improvement in practice. Areas of practice that the Wanganui programme might seek improvement on are:

- ensuring that a victim's informed consent is gained prior to proceeding with a restorative justice meeting where that victim chooses not to participate in it;
- telling victims and offenders explicitly that their agreed plan may be changed by a judge at sentencing;
- always clearly assigning responsibility to a participant at the restorative justice meeting (usually the Co-ordinator) for monitoring the offender's plan;
- ensuring that the person responsible for the monitoring does indeed monitor the offender's compliance with his/her plan;
- ensuring that victims are kept informed of the offender's progress with, and completion of, his/her plan;
- ensuring the safety of all participants throughout the restorative justice processes, and providing them with more support if there is any doubt, and
- ensuring regular supervision, and providing training and conference opportunities for programme staff each year.

## 6 Contribution of the programme to the partnership between the Government and the Wanganui community

The Wanganui Restorative Justice Programme is an example of a Government/community crime prevention partnership. The programme developed as a community response to concerns about crime in the Wanganui area. The programme is funded by central government through the Crime Prevention Unit, Ministry of Justice. The Wanganui Restorative Justice Trust, representing the Wanganui community, delivers the programme. The Government and the Trust are contractual partners in the programme.

Trust members and community panel members involved in the programme are local Wanganui people. The Trust Committee comprises local representatives from justice sector agencies (for example, NZ Police, the Ministry of Justice, and Department of Corrections), the Wanganui Safer Community Council, Victim Support, Tupoho Mātua Whāngai, and members of the wider community of Wanganui. Local Māori, teachers, counsellors, business managers, service providers, a chaplain and a journalist are represented among the 28 community panel members.

The Wanganui programme also has links with local government, the Wanganui District Council. The Wanganui Restorative Justice Programme, with its aims of community involvement and reduction in re-offending by local offenders, accords with the goals of section 10(b) of that Local Government Act 2002:

*(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

A key stakeholder in local government described the relationship between the Council and the programme as “very close”. He illustrated this by saying that the programme uses Council facilities for all the community panel meetings and their training nights.

In the past the Wanganui Safer Community Council (SCC) has also provided a link to the community. The programme’s link with the local SCC was the subject of a memorandum of understanding between the local SCC and the Trust. However, we understand the relationship between them has weakened over time, particularly since the resignation of the SCC’s co-ordinator. The review of the SCC network<sup>19</sup> suggests a likely restructuring of the SCC model that may further impact on the nature of the programme’s relationship with the Wanganui Safer Community Council.

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<sup>19</sup> The review report published in October 2003 is entitled Review of the Safer Community Council Network: Future Directions. The report is available on the Ministry of Justice’s website [www.justice.govt.nz](http://www.justice.govt.nz).

An issue that has emerged relates to the extent of the programme's geographic coverage. Some stakeholders are of the view that it may be in the best interests of the victim for the conference venue, from time to time, to be located outside Wanganui. (Conferences have been held, for example, in Palmerston North, Marton and Hawera.) However, other stakeholders think the programme should restrict itself to the Wanganui locality.

Stenning (2004) recently argued that before handing over the "doing of "justice" to a "community" we should do a reality check on the following:

- Does the "community" in fact exist in a stable and viable enough form for the task?
- Does it have the necessary capacity and resources (including the readiness of its members to participate) to do the job well?
- Can we realistically expect that the justice that the community is likely to deliver will adequately meet any broader social justice expectations that may be engaged?
- What risk may there be that "justice" such a community will deliver will reflect or reproduce prejudices, exclusionary processes or outcomes, or inequalities that are not acceptable to us?
- Will there be adequate accountability for decisions?

People in the Wanganui community have continuously delivered the programme since mid-1999. With funding of less than two full-time staff equivalents, and with volunteer work from Trust members and community panel members, the Wanganui community has pulled together to successfully deliver the programme. The programme has clear lines of accountability. With greater resources they are keen to expand their programme's geographic coverage.

# 7 Concluding remarks

The diversity of restorative justice programmes provides a challenge for researchers wanting to evaluate such programmes. Can a community panel restorative justice programme be judged to ‘work’ on the basis of participating victims and offenders reporting high levels of satisfaction with the process? Or is there also the added requirement that re-offending is reduced?

Miers (2004) is of the view that until there is consensus on what is to be expected of restorative justice in those cases to which it is suited, measurement of ‘what works’ remains an uncertain science. The stance the evaluators have taken in this report is to evaluate the programme against the objectives it set for itself (Chapter 4), and against the Ministry of Justice’s *Restorative Justice in New Zealand: Best Practice* (Chapter 5).

The objectives of the evaluation of the Wanganui Restorative Justice Programme, as specified by the Ministry of Justice, were to:

1. describe the programme – its history, the context in which it operates, delivery, objectives and resources;
2. determine the effectiveness of the programme, in relation to its objectives;
3. contribute to the development of best practice principles for community-managed restorative justice programmes; and
4. describe the extent to which this programme has contributed to the further development of the partnership between government and communities.

The extent to which the programme has developed its services to meet the needs of Māori, Pacific, and other cultural groups is also examined.

The Wanganui Restorative Justice Programme is described in Chapter 2. That chapter included a short history of the programme, its governance structure, resources and funding arrangements. It also described the roles of its staff, the referral process and the restorative justice process. Māori and Pacific people are involved in the Wanganui programme as community panel members, and sometimes as victims and offenders.

Chapter 4 assessed the effectiveness of the Wanganui programme in relation to its objectives. Although the objectives were of equal value and not prioritised in any way, the Wanganui programme provider’s view is that even if re-offending has not been reduced, the programme is still considered to be effective if it has produced restoration to the satisfaction of the victim.

The programme clearly met its first objective that the restorative justice process only proceeds when victims of offences or their agents participate, and its second objective that community members actively participate in the programme.

The third objective that victim-offender contracts are negotiated with community input and have a restorative effect has two parts. The programme meets the first part of this objective. A community panel member is always present to participate and represent the community at each and every restorative justice meeting.

It is less clear whether the programme meets the second part of the third objective about the restorative effect of the contracts. The majority of plans appear to include restorative elements such as an apology or reparation. About half of the participating victims were 'very satisfied' with the details of the plans, with about 90% being at least 'satisfied'. About half of the participating victims reported being 'very satisfied' and all being at least 'satisfied' with the meeting overall.

However, in order for the plans to be truly restorative, they must be completed. The plan completion rate appeared to be disappointingly low, some of which may be due to confusion over who is responsible for monitoring progress towards the plan's completion. Only one-half of participating victims were of the view that their offender was able to make amends for what s/he had done.

The fourth objective that the programme is accepted by interested parties (such as the Judiciary, Ministry of Justice, Police and Victim Support) was also generally met. The people involved in the Wanganui Restorative Justice Programme – the Trustees, the community panel members, and the administrators - were perceived by stakeholders as being a real strength of its success. All except one rated their organisation's relationship with the Co-ordinator as "very good". His rapport with clients, particularly with those from the Māori community, rated a special mention. More generally, key stakeholders variously described the programme as providing "a viable alternative ... often presents inventive flexible sentencing options", being "more personalised" than conventional court processes, and as having "political backing in a smallish community".

The programme's last objective was to reduce re-offending by offenders who participate in the Wanganui Community-Managed Restorative Justice Programme. The evaluation findings show a one-year reconviction rate among Wanganui programme participants of 42% and that for similar offenders dealt with by conventional court processes to be 38%. The difference in rates between the groups was not statistically significant.

However, as Morris (2002) has observed:

*It could reasonably be argued that reducing reoffending is not really an objective of restorative justice: its focus is holding offenders accountable and making amends to victims. However, it can also be reasonably argued, at least in principle, that if a particular process reflects restorative values and achieves restorative outcomes then we might expect reoffending to be reduced.*

The evaluation findings show that the one-year reconviction rate among Wanganui programme participants was statistically no worse or no better than the one-year reconviction rate among similar offenders dealt with by conventional court processes. In addition, offenders who participated in the Wanganui programme were reconvicted for no more serious offences than the matched comparison offenders.

These findings on recidivism contrast with findings from an evaluation of two other community-managed restorative justice schemes, Project Turnaround and Te Whānau Awhina (Maxwell et al., 1999). Participants in these schemes were found to have reduced their re-offending over one-year relative to comparison offenders dealt with by conventional court processes. In addition, for those who were reconvicted, the seriousness of the major offence was not as great among participants in these schemes as it was among the comparison offenders.

Some of the differences in the findings between the Wanganui programme and that for Project Turnaround and Te Whānau Awhina in relation to re-offending may be due to a difference in the method used to select the matched comparison group. The selection method has developed over time. In this report, the use of a multivariate model was used to assist in the matching of programme participants with that of a matched comparison group. Formerly a simpler method was used.

Chapter 5 compared practice at the Wanganui programme with the Ministry of Justice's best practice principles. The Wanganui Restorative Justice Trust Programme generally appears to be operating in the spirit of the Ministry's eight principles of best practice for restorative justice processes. For example, participation by victims and offenders in restorative justice processes is underpinned by voluntariness and their full participation is encouraged.

While the programme is generally operating well, areas of practice that the Wanganui programme might seek improvement on are:

- ensuring that a victim's informed consent is gained prior to proceeding with a restorative justice meeting where that victim chooses not to participate in it;
- telling victims and offenders explicitly that their agreed plan may be changed by a judge at sentencing;
- always clearly assigning responsibility to a participant at the meeting (usually the Co-ordinator) for monitoring the offender's plan;
- ensuring that the person responsible for the monitoring does indeed monitor the offender's compliance with his/her plan;
- ensuring that victims are kept informed of the offender's progress with, and completion of, his/her plan;
- ensuring the safety of all participants throughout the restorative justice processes, and providing them with more support if there is any doubt; and
- ensuring regular supervision, and providing training and conference opportunities for programme staff each year.

Finally, Chapter 6 described the extent of the community involvement in the programme and its links with national and local government. The community is represented by Trust members and community panel members. The programme is funded by national government through the Crime Prevention Unit, Ministry of Justice. The programme also has close links with the Wanganui District Council, the premises of which it uses for community panel meetings and training nights. With greater resources, the Wanganui community is keen to expand its programme's geographic coverage.

Restorative justice has at its core the bringing together of victims, offenders, and their 'communities of care' to come to decisions about how best to deal with 'their' offence (Braithwaite, 1989). Allison Morris (2002) has argued that there is no single "right way" to deliver restorative justice. However, the Ministry of Justice recognised the need for some operational guidance here with its recent publication, *Restorative Justice in New Zealand. Best Practice*. Useful as these guidelines are, they are silent, for example, on whether 'best practice' is expected to result in a reduction in offending among offenders who participate in restorative processes.

Daly (2000) has foreshadowed a time when restorative justice processes become conventional, rather than currently in "oppositional contrast" to the conventional options. Our hope is that the evaluation findings presented in this report will inform the practice of the Wanganui programme providers and contribute to the ongoing development of New Zealand's Crime Reduction Strategy and to international debates about restorative justice.



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# Glossary of Māori terms

Iwi	Largest unit in Māori society. One iwi or tribe is made up of many hapū
Kawa	Kawa is Māori procedure and protocol. It demands that people are welcomed and cared for on the marae. It is important to follow the correct kawa and tikanga of the local marae as it indicates respect for the local people
Koha	The giving of koha stems from the tradition of bringing gifts when visiting another marae
Manuhiri	Guests, visitors
Marae	The marae is a place of deep significance for Māori, as it is a symbol of tribal identity and solidarity. The marae consists of a meeting house, called the whare nui, a whare kai or dining hall as well as the marae ātea, the sacred space in front of the whare nui
Mihi	Greeting
Tangata whenua	People of the land
Tikanga	Principles and values, customs and customary practice
Whānau	The extended family which includes the nuclear family, and aunts, uncles and cousins



# Appendix 1: Reconviction analysis

The Ministry of Justice researcher, performed the reconviction study. Her role was to undertake a comparative re-offending analysis of some Wanganui restorative justice programme participants against a matched comparison sample of offenders who had been dealt with solely through the courts.

## Limitations of the re-offending analysis

In interpreting the findings from the analysis of re-offending that follow in Chapter 4, it is important to point out some limitations with the analysis. In particular there may be differences between the participants and their matched comparison group, apart from participation in the programmes and the variables used for matching, which may have influenced the likelihood of re-offending. Tarling (1993)<sup>20</sup> summarises research on factors associated with offending and lists the following factors: early problem behaviour, family circumstances, parent and sibling criminality, delinquent peers and co-offending, social class and family income, intelligence and educational achievement, and alcohol consumption. The participants and their comparison groups may have differed on these factors, but the information was not available.

Selection bias may also have caused differences in reconvictions between the participants and their comparison groups. That is, the participants in the programmes may have agreed to participate in the programme because they were more motivated to stop offending than the matched comparison group.

The method of measuring re-offending also imposed some limitations on the research. The measurement of re-offending was limited to one year after the participant completed the programme, but the participant may have re-offended after this period. Secondly, by limiting the measurement of re-offending to convictions, the participant may have active charges still going through the court processes, for offences allegedly committed within the year, but these possible offences were not counted as re-offending because the participant was not convicted. Thirdly, not all offences result in conviction so that these offences would not be counted as re-offending.

## Sources of information on the participants

The Wanganui programme providers supplied the Ministry of Justice with a list of participants who completed the programme between 1 September 2001 and 31 August 2002. The list included the name, age or date of birth, date referred to programme, offence for which referred to programme, and next court date. The Ministry of Justice used this

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<sup>20</sup> Full references to this and other studies referred to in this Appendix can be found in the References section.

information to find the conviction records of the programme participants. These conviction records were used to find information about convictions before the participant was referred to the programme as well as reconvictions within one year of referral to the programme.

The description of the type of offence for which the participant was referred to the programme was coded using the Ministry of Justice classification system (see Spier 2002). This classification system is used throughout the report.

### **Definition of re-offending**

A conviction was used as the measure of assessing re-offending. Some offences for which participants were referred to the programme resulted in a conviction and it was important to exclude these convictions from the reconviction analysis. Using the referral date and the type of offence, these convictions were identified from the conviction records obtained for the reconviction analysis. Convictions where the offence was committed after the next court date were counted as reconvictions.

For the comparison groups, convictions where the offence was committed after the date of the conviction for the matched offence were counted as reconvictions.

Conviction records for the programme participants were obtained at 13 January 2004. This meant that the period following completion of the programme varied between individuals. However, all participants could be followed up for one year. All of the matched comparison group could be followed for one year after their conviction date.

### **Measuring seriousness of offending**

The Ministry of Justice's seriousness scale was used to compare the seriousness of the reconviction of the participants and their comparison group. The Policy and Research Division of the Department of Justice originally developed a seriousness of offence scale in 1991 (see Spier, Luketina & Kettles 1991). The Ministry of Justice most recently updated the scale in 2000. The updated scale gives imprisonable offences a score according to how serious judges have deemed each offence in terms of the use of custodial sentences over a recent five-year period. These scores enable offences to be ranked in terms of their relative seriousness. The updated scale is based on court sentencing data for the period 1995 to 1999. The seriousness score assigned to each offence is the average number of days of imprisonment imposed on every offender convicted of that offence between 1995 and 1999, where the average is taken over both imprisoned and non-imprisoned offenders. Suppose, for example, that between 1995 and 1999 there were 100 cases of offenders convicted of a particular offence. Of these cases, 50 resulted in a custodial sentence, and the average length of the custodial sentences imposed on these offenders was 30 days. The seriousness score for this offence is  $(30 \times 50/100)$ , or 15.

## **Defining a major offence**

Where a person is convicted of more than one offence, one of the offences is chosen to be the major offence. This offence is the one that attracts the most serious sentence (for example, a custodial sentence is considered to be more serious than a fine). If there is more than one sentence of the same type the one with the largest quantum is chosen (for example a custodial sentence of three years would be chosen over a custodial sentence of one year). If there is more than one sentence of the same type with the same quantum, the offence with the largest value on the seriousness score is chosen.

## **Comparison group selection**

The process of finding a similar group of people dealt with by conventional court processes (the matched comparison group) to compare with the programme participants is described in detail below. The aim of selecting a comparison group of offenders was to identify a group of offenders who did not participate in the restorative justice programmes, but who had characteristics that gave them a similar probability of reconviction to the programme participants. Logistic regression was used to assess the probability of reconviction.

First, offenders from throughout New Zealand who might be eligible for the programme were identified; then the reconvictions within a year for these people were identified. Logistic regression was then used to analyse which variables were likely to influence reconvictions for these people. A group of people whose characteristics match the programme participants on these variables was then selected as the matched comparison group.

## **People who might be eligible for programme**

Records were selected from the Ministry of Justice database of all cases heard in the courts to find people who may have been eligible to attend the programmes. Cases from all of New Zealand were selected, not just the areas where the programmes operated, so that variables that influence the likelihood of reconviction nationally could be identified. It was not possible to find an exact description of who was eligible for the programmes. However, four criteria were used to select those who may have been eligible to attend the programme:

- Those convicted, and discharged without conviction. (These dispositions were chosen as those who attended the programmes may get either of these dispositions.)
- Those eligible to participate in the Wanganui restorative justice programme must first plead guilty. This does not necessarily mean that a guilty plea would have been entered against their court record. Therefore, records with a not guilty plea were excluded as these people would definitely not have admitted their offending.
- A list was constructed of offences for which participants had been referred to the programme, and these offences were used to select eligible records, because it was not possible to find a list of the types of offences for which people may be referred to the programmes.

- Those whose cases were finalised between 1 September 2001 and 31 August 2002, the period over which the programme was evaluated.

The number of cases that fitted these criteria was 74,289.

## **Reconvictions within a year**

Convicted case records for these people were selected from the Ministry of Justice database of all charges heard in the New Zealand courts for charges finalised from 1980 to 2003.

The following re-offending variables were constructed:

- Status = 1 if re-offended in one year, or zero if hadn't re-offended in one year.
- Dur = time to offence date of first reconviction in days (or 365 if hadn't re-offended in one year).

## **Variables more likely to influence re-offending**

Bakker, O'Malley & Riley (1999) developed several statistical models that predict reoffending for different groups. One of the models shows which variables are likely to be associated with reconviction. Based on this model, the following variables were constructed for each person using data from the Ministry of Justice database of all charges finalised from 1980 to 2003:

- Lndurp = logarithm of the time (in days) between the current offence and the most recent past offence. If there was no past offence, Lndurp = logarithm of (age - 13 \* 365). This corresponds to the time eligible to offend, as a person cannot be convicted until 14.
- Rateconvsyrr = number of convicted cases per year since the age of 14 (less estimated time in prison).
- Property = 1 if the current offence was a property offence, zero otherwise.
- Violent = 1 if the current offence was a violent offence, zero otherwise.
- Traffic = 1 if the current offence was a traffic offence, zero otherwise.
- Māori = 1 if the person's ethnicity was Māori, zero otherwise.
- Europ = 1 if the person's ethnicity was European, zero otherwise.
- Male = 1 if the person was male, zero otherwise.
- Age = age (in years) at the time of conviction for the current offence.
- Poff = 1 if the person has been convicted in the past, zero otherwise.



**Table A.1 Variables in logistic regression model**

Variable	Position entered the model	Direction of relationship between the variable and the likelihood of reconviction	Odds ratio
Lndurp	1	less likely to be reconvicted as lndurp increased	0.752
Rateconvsyr	2	more likely to be reconvicted as rateconvsyr increased	1.641
Age	3	less likely to be reconvicted as the age of the person increased	0.963
Traffic	4	less likely to be reconvicted if the current offence was a traffic offence	0.717
Māori	5	More likely to be reconvicted if person was Māori	1.953
Europ	6	More likely to be reconvicted if person was European	1.516
Male	7	More likely to be reconvicted if person was male	1.414
Property	8	more likely to be reconvicted if the current offence was a property offence	1.250
Violent	9	less likely to be reconvicted if the current offence was a violent offence	0.930
Poff	10	more likely to be reconvicted if person had a past conviction	1.057

All variables were significant at the 0.05 level using a Wald chi-square statistic.

The odds ratio can be interpreted as in the following example. Māori convicted of an offence, or discharged without conviction (taking into account the other factors listed), were almost twice (1.953 times) as likely to be reconvicted within a year than other ethnic groups convicted or discharged without conviction.

### **Matching the Wanganui programme participants with comparison groups**

The comparison groups were matched by gender, age group, ethnicity (Māori, European, other), current offence (traffic, property and other), and two criminal history variables (time since the last conviction and rate of past convictions). Although whether the person had been convicted in the past, and whether the current offence was a violent offence, were significant in the logistic regression model, these variables were not used in the matching process because limiting the number of variables increased the chances of finding a match, and these variables were the last entered in the model (see Table A.1).

Thirty-one programme participants could not be matched. The criteria were widened so that people who fitted most of the variables were matched for these 31 people.



## Appendix 2: Interview schedule - key stakeholders

ID: \_\_\_\_\_

### *Community -managed restorative justice programme evaluation* *Key Informant Interview*

Area: \_\_\_\_\_ Date completed: \_\_\_\_\_

Name: \_\_\_\_\_ Position: *(if relevant)* \_\_\_\_\_

Name of organisation: *(if relevant)* \_\_\_\_\_

- 1 On a five point scale where **1=very poorly** to **5=very well** please rate how well you think the restorative justice programme is working in Rotorua/Wanganui. *(enter the number in the box)*

Please give the reasons for your rating.

- a) What are its strengths, if any?  
b) What are its weaknesses, if any?

- 2 Generally, are the plans/contracts reached at the restorative justice conferences/meetings *(tick which)*

Too harsh

About right

Too soft

Don't know

- 3 On a five point scale where **1=very ineffective** to **5=very effective** please rate the restorative justice programme in terms of its effectiveness in meeting the needs of: *(enter the number in the appropriate box)*

a) The court

b) Victims

c) Offenders

d) The community

Please add any comments *(noting which group they relate to)*: \_\_\_\_\_

- 4 On a five point scale where **1=very ineffective** to **5=very effective** please rate the restorative justice programme in terms of its effectiveness in meeting the needs of: *(enter the number in the appropriate box)*

a) Māori

b) Pacific Peoples

c) Other ethnic group(s) *(specify which \_\_\_\_\_)*

Please add any comments *(noting which group they relate to)*: \_\_\_\_\_

- 5 On a five point scale where **1=very ineffective** to **5=very effective** please rate the success of the programme in dealing with the cases referred to it.

Please add any comments: \_\_\_\_\_

6 Are there any ways in which the programme could be more effective? *(tick which)* Yes  No

If **Yes**, what are these? Please respond to one or all of the following:

- a) Operational/practical changes? (eg to how cases are referred, conferences/meetings are arranged/facilitated, plans are monitored)
- b) More fundamental (legal/policy) changes? \_\_\_\_\_
- c) Any other changes? \_\_\_\_\_

7 On a five point scale where **1=very poor to 5=very good** please rate your (or your organisation's or service's) relationship with the restorative justice co-ordinator/director in Wanganui/Rotorua. *(enter the number in the box)*

8 Has the programme had a **positive** impact on you or your agency/department/service? *(tick which)* Yes  No

If **Yes**, in what way? *(Better outcomes for victims and offenders, positive impact on them personally, positive impact on them professionally, increased cooperation between agencies etc)*

9 Has the programme had a **negative** impact on you or your agency/department/service? *(tick which)* Yes  No

If **Yes**, in what way?

### Judges only

J1 In deciding to refer a particular case into the programme, can you please rate the importance of each of these factors on a five point scale where **1=not very important to 5=very important**?

- The victims' feelings, views or wishes
- The offender showing an interest in or requesting a r j conference/meeting
- The offence falling within the criteria for a r j conference/meeting
- The offender admitting guilt and showing remorse
- Believing that a r j conference/meeting would help the victim and/or the offender or that feedback from a r j conference/meeting would provide for a more meaningful sentence
- All the parties were supportive of having a r j conference/meeting.

J2 On a five point scale where **1=never and 5=frequently**, please indicate how often you are asked to make a referral (eg by defence counsel)? *(enter the number in the box)*

J3 On a five point scale where **1=never and 5=frequently**, please indicate how often you accept the conference contract or plan? *(enter the number in the box)*

- 
- J4** On a five point scale where **1=never** and **5=frequently**, please indicate how often you take the following factors into account in deciding whether or not to accept the conference/meeting contract/plan at sentencing.

The appropriateness of the contract/plan for the offence

The contract/plan's reasonableness and practicality

Extent to which victims' needs were being met

Other factors – *please elaborate*

- J5** Is the contract/plan and related material (eg rj report) sufficiently detailed for your purposes in sentencing the offender who has attended a rj meeting/conference?

If **no**, what additional information would you like?

- 
- 10** Is there anything else you would like to add about the programme in your area?

***Thank you for your participation in the research***

If you would like to receive a summary of the research report when the research is finished, please tick this box



## Appendix 3: Invitation to potential participants

VICTORIA UNIVERSITY OF WELLINGTON

Te Whare Wananga o te Upoko o te Ika a Maui



### INFORMATION SHEET

#### Hello

The Wanganui Community-Managed Restorative Justice Programme holds meetings in the Wanganui area for offenders and victims. We have been asked by the Ministry of Justice to find out more about these.

#### *Invitation*

All victims and offenders who have been to one of these restorative justice meetings this year are being invited to take part in this research.

#### *What we would like from you*

We would like to talk to you for about 30 minutes to see how you felt about the meeting and how you feel about the restorative justice process. What you say will be recorded in a way that cannot identify you.

You do not need to talk to us unless you want to. If you don't want to answer any questions, you don't have to and you can end the interview at any time. You can also choose the interview time and place, and you can have someone with you if you would like to.

#### *For more information*

If you have any questions about the research, you can ring the researchers in Wellington collect: Judy Paulin on (Phone) or Venezia Kingi on (Phone) or Tau Huirama on (Phone). At the end of the project, we can send you a summary of the research findings.

#### Reply slip

If you do **NOT** wish to take part in the research, please tick the box below and return the form to us using the enclosed reply paid envelope. Otherwise, a researcher will get in touch with you to arrange a time to talk with you. She/he will tell you more about the project then.

I do **NOT** wish to take part  [ ]

Signature: \_\_\_\_\_

Name (*please print*): \_\_\_\_\_





## Appendix 4: Consent form

VICTORIA UNIVERSITY OF WELLINGTON  
Te Whare Wananga o te Upoko o te Ika a Maui



### Wanganui Community-Managed Restorative Justice Programme Evaluation

#### Consent Form

I, ....., agree to be interviewed for this research study.

The researcher has explained to me the purpose of the research, and my right to not answer any question I don't like or to stop the interview, without having to explain why.

I understand that all information will be kept confidential by the researchers, and will be used only for research purposes. My name will not be used in any research reports and nothing will be published that might identify me.

I understand that the only exception to this is if they thought that I or someone else was at risk of serious harm and they will discuss this with me first.

Signed ..... Date .....

**Ring us collect or write for more information**  
**Phone: Judy – phone, Venezia - phone or Tau phone**  
**Victoria University of Wellington, PO Box 600, Wellington**



## Appendix 5: Interview schedule - victims

### Community Managed Restorative Justice Programmes Evaluation Questionnaire: Victim attending conference

In this interview we would like to ask you about what happened at the restorative justice conference/meeting held during \_\_\_\_\_ (month)\_\_\_\_\_ (year) for \_\_\_\_\_ (offender) with respect to \_\_\_\_\_ (offences). The aim is to find out how you felt about the whole process. *(NOTE: Coding - Throughout use: 8=not applicable; 9=don't know; 99=missing data; 98=did not want to answer the question)*

#### Choosing to have a conference/meeting

1 Whose idea was it to have the restorative justice conference/meeting?

*(Code 1=Yes or 2=No - to be coded only, not asked)*

Offender's

Victim's

Offender's lawyer

Police

Judge/Magistrate

Victim advisor

RJ Facilitator

RJ Programme director

Other *(specify)* \_\_\_\_\_

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

2 Who contacted you first about the possibility of dealing with the offending at a Restorative Justice conference/meeting?

*(elaborate)* \_\_\_\_\_

3 Why did you decide to go to the conference/meeting? *(Possible reasons to be ticked only, not asked)*  
*(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)*

To have the offender pay reparation for his/her offences

To work out a plan that was acceptable to all

To tell the offender what the offence was like for me

To get an apology from the offender for what he/she did

To find out about the offender/offending *(Circle which)*

To have a say

I felt I had to, no real choice

I thought it was a good idea

Friends/family thought it would be a good idea

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Cultural reasons
- Judge suggested it
- Didn't feel like I could refuse to go
- To get closure
- Other (*elaborate*) \_\_\_\_\_

## Preparation

(Code 1=Yes or 2=No)

- 4 Were you **asked** about:
- a) Where the conference/meeting should be held?
  - b) When the conference/meeting should be held?
  - c) Who should be at the conference/meeting?
- 5 Were you **told**:
- a) In plenty of time about when the conference/meeting was to be held?
  - b) What would happen at the conference/meeting?
  - c) What you would have to do at the conference/meeting?
  - d) Who else would be at the conference/meeting?
- 6 Did anyone give you any suggestions of the sorts of things that could go in the agreement/contract?
- a) **If Yes**, who made them and what were they? (*Record comments*)
- 

- 7 During the preparation phase (*ie Qs 4-6 above*):
- a) Who did you have contact with about the arrangements for the conference/meeting?
- (Code 1=Yes or 2=No)
- The RJ facilitators/RJ Programme directors
  - Other (*specify*) \_\_\_\_\_
- b) Did they contact you by:
- Letter
  - Phone call
  - Home visit
  - Other \_\_\_\_\_

c) Do you feel that what you were told prepared you for the conference/meeting? Rate on a scale from 1 to 7 – where 1=Not at all prepared and 7=Very well prepared.

(Circle a number on the following scale)

- |                     |   |   |   |   |   |                    |
|---------------------|---|---|---|---|---|--------------------|
| 1                   | 2 | 3 | 4 | 5 | 6 | 7                  |
| Not at all prepared |   |   |   |   |   | Very well prepared |

(*elaborate – if response is 1-3 ask why dissatisfied OR if response is 5-6 ask why satisfied*)

---

## The Restorative Justice Conference/Meeting

- 8 What do you think the conference/meeting was trying to achieve?  
(*elaborate*) \_\_\_\_\_
- 9 How did you feel when you first went into the conference/meeting?  
(*Record feelings at the beginning of the conference/meeting*)  
\_\_\_\_\_
- 10 How did you feel at the end of the conference/meeting?  
(*Record feelings at the end of the conference/meeting*)  
\_\_\_\_\_
11. a) How did you feel about first meeting the offender(s) at the conference/meeting?  
(*Record feelings at the beginning of the conference*)  
\_\_\_\_\_
- b) How did you feel about the offender(s) by the end of the conference/meeting?  
(*Record feelings at the end of the conference/meeting*)  
\_\_\_\_\_
- 12 During the conference/meeting did you:
- a) Feel involved? (Code 1=Yes, 2=No or 3= Partly)   
(*elaborate*) \_\_\_\_\_
- b) Understand what was going on? (Code 1=Yes, 2=No or 3= Partly)   
(*elaborate*) \_\_\_\_\_
- c) Have the chance to explain how the offence affected you? (Code 1=Yes, 2=No or 3=Partly)   
(*elaborate*) \_\_\_\_\_
- d) Have the opportunity to say what you wanted to say? (Code 1=Yes, 2=No or 3= Partly)   
(*elaborate*) \_\_\_\_\_
- e) Feel too scared to say what you really felt? (Code 1=Yes, 2=No or 3= Partly)   
(*elaborate*) \_\_\_\_\_
- 13 Do you think anyone said too much during the conference/meeting? (Code 1=Yes, 2=No)
- a) **If Yes, who? (Don't ask - tick all that apply)**
- Community representatives
- Victim (s) support (*eg family or whanau*)
- Victim (s) representative
- Victim (s)
- Offender (*self*)
- Offender(s) (*other*)
- Offenders (s) support (*eg family or whanau*)
- Facilitator
- Other (*specify*) \_\_\_\_\_

- 14 During the conference/meeting:
- a) Did you feel (*physically/emotionally*) unsafe at any time? (Code 1=Yes, 2=No or 3= Partly)   
i) If Yes or Partly, why was this?  
(elaborate)\_\_\_\_\_
- b) Were you treated with respect? (Code 1=Yes, 2=No or 3= Partly)   
(Be alert to cultural issues)  
(elaborate)\_\_\_\_\_
- c) If No or Partly to b) above - why do you think that was?  
(elaborate)\_\_\_\_\_
- 15 Was the offender:
- a) Able to make up for what s/he did? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- b) Made accountable for his/her offending? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- 16 During the conference/meeting did the offender
- a) Apologise for what s/he did? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- b) If Yes did you accept the offender's apology? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- 17 Do you think the offender understood how you felt? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- 18 Did the offender show you s/he was really sorry? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- 19 Did you have a better understanding of why the offender committed the offence? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- 20 Did you have someone at the conference/meeting who could provide support for you? (Code 1=Yes, 2=No or 3= Partly)
- a) If Yes, who was this (*specify*) \_\_\_\_\_
- b) Was their support useful? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_
- c) Would you have liked more support at the conference/meeting? (Code 1=Yes, 2=No or 3= Partly)   
(elaborate)\_\_\_\_\_

### The conference agreement/contract

- 21 Was an agreement reached? (Code 1=Yes, 2=No)
- a) If Not, why not?

22 Who decided on the details in the plan/contract? (*Tick either option 1 OR all that apply*)

All of us

Victim (self)

Victim(s) other

Victim(s) supporter/family

Victim(s) representative

Offender (s)

Offender(s) supporter/family

Community representative

Facilitator

Other (*specify*) \_\_\_\_\_

23 Did you understand what was agreed to in the plan/contract?

(Code 1=Yes, 2=No or 3= Partly)

(*elaborate*) \_\_\_\_\_

24 Were you satisfied with the plan overall? Rate on a scale from 1 to 7 – where 1=Very dissatisfied and 7=Very satisfied.

(*Circle a number on the following scale*)

1

2

3

4

5

6

7

Very  
dissatisfied

Very  
satisfied

(*elaborate – if response is 1-3 ask why dissatisfied OR if response is 5-6 ask why satisfied*)

25 What was **good** about the plan/contract if anything?

(*Ask the open ended question record the answer and then tick/code the following reasons as appropriate*)

Offender apologised

Offender being able to help others (*through work or similar*)

Offender being able to help themselves (*counselling, education etc*)

Receiving reparation

Offender didn't go to prison

Reaching an agreement

Nothing

Other (*specify*) \_\_\_\_\_

(*elaborate*) \_\_\_\_\_

26 What was **bad** about the plan/contract if anything?

(*Ask the open ended question record the answer and then tick/code the following reasons as appropriate*)

Reparation (*not enough, time to pay etc*)

Offender got off too lightly

Plan/contract too vague

Not reaching an agreement

Being pressured to agree

Nothing

Other (*specify*) \_\_\_\_\_

(*elaborate*) \_\_\_\_\_

27 Was the plan/contract:  
**1= Too harsh                      2= About right                      3= Too soft**

(*elaborate*) \_\_\_\_\_

a) Who was to make sure that the plan/contract was completed?

All of us

Victim (self)

Victim(s) other

Victim(s) supporter/family

Victim(s) representative

Offender (self)

Offender(s) (other)

Offender(s) supporter/family

Community representative

Facilitator

Other (*specify*) \_\_\_\_\_

b) How was this decided at the conference/meeting?

**After the conference**

28 As a result of participating in the conference/meeting how do you feel about the offending?  
 Do you feel: **1=Worse    2=No different    3=Better**

(*elaborate*) \_\_\_\_\_

29 What were the **good** things about the conference/meeting if any?  
 (*Ask the open ended question record the answer and then tick/code the following reasons as appropriate*)

It was well organised

I was able to meet the offender

The plan/contract was good

Enabled me to put the whole thing behind me

Nothing

Other (*specify*) \_\_\_\_\_

(*elaborate*) \_\_\_\_\_

30 What were the **bad** things about the conference/meeting if any?  
 (*Ask the open ended question record the answer and then tick/code the following reasons as appropriate*)

Didn't like meeting the offender





- 38 Is there any other information or support that you would have liked to have got after the Restorative Justice meeting, but didn't receive? (Code 1=Yes/2=No)
- a) If Yes, what type of information or support was that?

### Background information

Now we would like to ask a few questions about you.

- 39 Looking at the showcard, which ethnic group do you belong to? Mark the space or spaces which apply to you? *(Tick all that apply)*
- |  |                          |
|--|--------------------------|
| 1 NZ European  | <input type="checkbox"/> |
| 2 Māori  | <input type="checkbox"/> |
| 3 Samoan   | <input type="checkbox"/> |
| 4 Cook Island Māori  | <input type="checkbox"/> |
| 5 Tongan   | <input type="checkbox"/> |
| 6 Niuean   | <input type="checkbox"/> |
| 7 Chinese  | <input type="checkbox"/> |
| 8 Indian   | <input type="checkbox"/> |
| 9 Other <i>(such as Dutch, Japanese, Tokelauan)</i> <i>(specify)</i> _____ | <input type="checkbox"/> |

**For all participants** ask the following, add the name of the ethnic identification in the brackets where appropriate

- 40 How important was it for the conference/meeting to take account of your cultural needs and expectations? Rate on a scale from **1 to 7** – where 1=Not at all important and 7=Very important.

*(Circle a number on the following scale)*

1	2	3	4	5	6	7
Not at all						Very
important						important

*(If the response to Q40 is 4-7 ask Q41)*

- 41 As a ( )
- a) Do you feel that the conference/meeting took account of your cultural needs and expectations? *(Probe for why and record comments)* (Code 1=Yes, 2=No, 3= Partly)
- (elaborate)* \_\_\_\_\_
- b) If No, what would have been better?
- (elaborate)* \_\_\_\_\_

- 42 How important was it for the agreed plan/contract to take account of your cultural needs and expectations? Rate on a scale from **1 to 7** – where 1=Not at all important and 7=Very important.

*(Circle a number on the following scale)*

1	2	3	4	5	6	7
Not at all						Very
important						important

(If the response to Q42 is 4-7 ask Q43)

- 43 As a ( ) do you feel that:
- a) Do you feel that the agreed plan/contract took account of your cultural needs and expectations? *(Probe for why and record comments)* (Code 1=Yes, 2=No, 3=Partly)
- (elaborate)* \_\_\_\_\_
- b) If No, what would have been better? *(Probe for why and record comments)*
- (elaborate)* \_\_\_\_\_
- 44 Are there any other comments you would like to make about this particular conference/meeting?
- (elaborate)* \_\_\_\_\_

### Generally

- 45 How do you now feel about Restorative Justice conferences/meetings in general?
- (elaborate)* \_\_\_\_\_
- 46 Would you recommend a Restorative Justice conferences/meeting to others?
- (Code 1=Yes, 2=No, 3=Partly)
- (elaborate)* \_\_\_\_\_
- 47 If you were a victim again, would you go to another conference/meeting
- (Code 1=Yes, 2=No)
- (elaborate)* \_\_\_\_\_

### About the offence

- 48 On a scale from 1 to 7 – where 1=No impact and 7=Very high impact rate the impact of the offence on you at the time it happened
- (Circle a number on the following scale)*
- |        |   |   |   |   |   |             |
|--------|---|---|---|---|---|-------------|
| 1      | 2 | 3 | 4 | 5 | 6 | 7           |
| No     |   |   |   |   |   | Very        |
| impact |   |   |   |   |   | high impact |
- (elaborate)* \_\_\_\_\_

### Relationship between the offender and the victim

- 49 Did you know the offender before the offence occurred? (Code 1=Yes, 2=No)
- If Yes, what is the nature of the relationship? *(to be ticked as appropriate, not asked)*
- |   |                          |
|---|--------------------------|
| Friend  | <input type="checkbox"/> |
| Acquaintance <i>(known indirectly)</i>                                      | <input type="checkbox"/> |
| Flatmate  | <input type="checkbox"/> |
| Workmate  | <input type="checkbox"/> |
| Employer  | <input type="checkbox"/> |
| Employee  | <input type="checkbox"/> |
| Other business <i>(relationship other than workmate employer, employee)</i> | <input type="checkbox"/> |

Partner - current (*the victim and offender are in an intimate relationship*)

Partner – ex

Family – parent

Family – child

Family – brother/sister

Family – Uncle/Aunt

Family – other (*specify*) \_\_\_\_\_



## Background information

*Now we would like to ask a few more questions about you*

50 Which age group do you belong to: (Tick only one)

- |                  |                          |              |                          |
|------------------|--------------------------|--------------|--------------------------|
| 1 Under 18 years | <input type="checkbox"/> | 7 40-44      | <input type="checkbox"/> |
| 2 18-19 years    | <input type="checkbox"/> | 8 45-59      | <input type="checkbox"/> |
| 3 20-24 years    | <input type="checkbox"/> | 9 60 or over | <input type="checkbox"/> |
| 4 25-29 years    | <input type="checkbox"/> |              |                          |
| 5 30-34 years    | <input type="checkbox"/> |              |                          |
| 6 35-39 years    | <input type="checkbox"/> |              |                          |

51 a) Are you in paid work? (Code 1=Yes, 2=No)

i) If Yes, what is your occupation? \_\_\_\_\_

ii) Is this full time or part time? (*Circle which*)

b) If you are not in paid work, what category best describes you?

Beneficiary (*eg sickness or DPB*)

Unemployed

Home duties

Retired

Student

Other (*elaborate*): \_\_\_\_\_






Even though you didn't attend the meeting, we'd like to obtain your views.

(NOTE: Coding - Throughout use: 8=not applicable; 9=don't know; 99=missing data; 98=did not want to answer the question)

1 Whose idea was it to have a restorative justice conference/meeting?

(Code 1=Yes or 2=No - to be coded only, not asked)

Offender's

Offender's lawyer

Police

Judge

Victim advisor

- RJ Facilitator
- RJ Programme director
- Other (*specify*) \_\_\_\_\_
- 2 Who contacted you about the possibility of dealing with the offending at a restorative justice conference/meeting?  
(*elaborate*) \_\_\_\_\_
- 3 Were you invited to attend the conference/meeting?   
(*Code 1=Yes or 2=No*)
- a) If Yes, can you please tell me why you didn't want to attend?
- b) If No, would you like to have been invited? (*Code 1=Yes or 2=No*)
- 4 Were you asked whether the conference/meeting could go ahead without you there?  
(*Code 1=Yes or 2=No*)
- 5 Were you told how the conference/meeting went?  
(*Code 1=Yes or 2=No*)   
(*elaborate*) \_\_\_\_\_
- 6 What do you think the restorative justice conference/meeting would have been trying to achieve?  
(*elaborate*) \_\_\_\_\_
- Read out the contents of the plan/contract***
- 7 Did you know this was what was decided in the plan/contract at the restorative justice conference/meeting?   
(*Code 1=Yes or 2=No*)
- a) If Yes, who told you? (*specify*) \_\_\_\_\_
- b) If Yes, how were you? (*specify*) \_\_\_\_\_
- 8 How would you rate the plan/contract overall? Rate on a scale from **1 to 7** – where 1=Very dissatisfactory and 7=Very satisfactory.  
(*Circle a number on the following scale*)
- |                 |   |   |   |   |   |              |
|-----------------|---|---|---|---|---|--------------|
| 1               | 2 | 3 | 4 | 5 | 6 | 7            |
| Very            |   |   |   |   |   | Very         |
| dissatisfactory |   |   |   |   |   | satisfactory |
- 9 What do you feel was **good** about the plan/contract if anything?  
(*elaborate*) \_\_\_\_\_
- 10 What do you feel was **bad** about the plan/contract if anything?  
(*elaborate*) \_\_\_\_\_
- 11 Was the plan/contract:  
1= Too harsh                      2= About right                      3= Too soft   
(*elaborate*) \_\_\_\_\_

12 Did you know whether the offender completed the plan/contract?   
*(Code 1=Yes or 2=No)*

a) If Yes, who told you? *(specify)* \_\_\_\_\_

b) If Yes, how were you? *(specify)* \_\_\_\_\_

13 On a scale from 1 to 7 – where 1=No impact and 7=Very high impact, rate the impact of the offence on you at the time it happened

*(Circle a number on the following scale)*

1    2    3    4    5    6    7

No  
impact

Very  
high impact

*(elaborate)* \_\_\_\_\_

14 Compared with how you felt about the offending around the time of the conference/meeting, how do you feel now about the offending?

1= Worse

2= No different

3= Better

*(elaborate)* \_\_\_\_\_

15 Did you know the offender before the offence occurred? *(Code 1=Yes or 2=No)*

If Yes, what is the nature of the relationship? *(to be ticked as appropriate, not asked)*

Friend

Acquaintance *(known indirectly)*

Flatmate

Workmate

Employer

Employee

Other business *(relationship other than workmate employer, employee)*

Partner - current *(the victim and offender are in an intimate relationship)*

Partner – ex

Family – parent

Family – child

Family – brother/sister

Family – Uncle/Aunt

Family – other *(specify)*

16 If you were a victim again, would you go to a conference/meeting? *(Code 1=Yes or 2=No)*

*(elaborate)* \_\_\_\_\_

17 Would you recommend a restorative justice conference/meeting to others?

*(Code 1=Yes, 2=No or 3= Partly)*

*(elaborate)* \_\_\_\_\_

## Background information

Now we would like to ask a few questions about you.

18 Looking at the showcard, which ethnic group do you belong to? Mark the space or spaces which apply to you? *(Tick all that apply)*

- |   |  |                          |
|---|--|--------------------------|
| 1 | NZ European  | <input type="checkbox"/> |
| 2 | Māori  | <input type="checkbox"/> |
| 3 | Samoan   | <input type="checkbox"/> |
| 4 | Cook Island Māori  | <input type="checkbox"/> |
| 5 | Tongan   | <input type="checkbox"/> |
| 6 | Niuean   | <input type="checkbox"/> |
| 7 | Chinese  | <input type="checkbox"/> |
| 8 | Indian   | <input type="checkbox"/> |
| 9 | Other ( <i>such as Dutch, Japanese, Tokelauan</i> ) <i>(specify)</i> _____ | <input type="checkbox"/> |

19 Which age group do you belong to: *(Tick only one)*

- |   |                |                          |   |            |                          |
|---|----------------|--------------------------|---|------------|--------------------------|
| 1 | Under 18 years | <input type="checkbox"/> | 7 | 40-44      | <input type="checkbox"/> |
| 2 | 18-19 years    | <input type="checkbox"/> | 8 | 45-59      | <input type="checkbox"/> |
| 3 | 20-24 years    | <input type="checkbox"/> | 9 | 60 or over | <input type="checkbox"/> |
| 4 | 25-29 years    | <input type="checkbox"/> |   |            |                          |
| 5 | 30-34 years    | <input type="checkbox"/> |   |            |                          |
| 6 | 35-39 years    | <input type="checkbox"/> |   |            |                          |

20 a) Are you in paid work? *(Code 1=Yes, 2=No)*

i) If Yes, what is your occupation? \_\_\_\_\_

ii) Is this full time or part time? *(Circle which)*

b) If you are not in paid work, what category best describes you?

Beneficiary (*eg sickness or DPB*)

Unemployed

Home duties

Retired

Student

Other *(elaborate)*: \_\_\_\_\_

## Thank you!

Thank you for your participation in the research, do you have any comments or questions about the research or the interview?

## Finally

Would you like a summary of the research?

(Code 1=Yes, 2=No)

This will be in approximately six months time – where would be the best place to send this – to your address or to a family member or friend?

	<b>Name</b>	<b>Address</b>	
<b>You:</b>	_____	_____	_____
<b>Family member(s):</b>	_____	_____	_____
<b>Friend(s):</b>	_____	_____	_____



## Appendix 6: Interview schedule – offenders

### Community Managed Restorative Justice Programmes Evaluation *Questionnaire: Offender*

In this interview we would like to ask you about what happened at the restorative justice conference/meeting held during \_\_\_\_\_ (month)\_\_\_\_\_ (year) for \_\_\_\_\_ (offender) with respect to \_\_\_\_\_ (offences). The aim is to find out how you felt about the whole process.

*(NOTE: Coding - Throughout use: 8=not applicable; 9=don't know; 99=missing data; 98=did not want to answer the question)*

#### Choosing to have a conference/meeting

- 1 Whose idea was it to have the restorative justice conference/meeting?

*(Code 1=Yes or 2=No - to be coded only, not asked)*

Offender's

Victim's

Offender's lawyer

Police

Judge/Magistrate

Victim advisor

RJ Facilitator

RJ Programme director

Other *(specify)* \_\_\_\_\_

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- 2 Who contacted you first about the possibility of dealing with your offending at a Restorative Justice conference/meeting?

*(elaborate)* \_\_\_\_\_

- 3 Why did you decide to go to the conference/meeting? *(Possible reasons to be ticked only, not asked)*

*(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)*

To make amends to the victim(s) *(by eg paying them money or doing some work)*

To meet/hear from the victim(s)

To help myself and/or the victim(s)

To work out a plan that was acceptable to all

To be able to tell the victim(s) what happened

To be able to apologize to the victim(s) for what I did

To be able to apologize to my friends or family for what I did

To have more of a say about what would happen

To get a lower sentence

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- I thought it was a good idea
  - Friends/family thought it would be a good idea
  - Lawyer thought it would be a good idea
  - Judge suggested it
  - Didn't feel like I could refuse to go
  - To get closure
  - To take responsibility for my offending
  - Other (*elaborate*) \_\_\_\_\_
- General comments* \_\_\_\_\_

## Preparation

(Code 1=Yes or 2=No)

- 4 Were you **asked** about:
- a) Where the conference/meeting should be held?
  - b) When the conference/meeting should be held?
  - c) Who should be at the conference/meeting?
- 5 Were you **told**:
- a) In plenty of time about when the conference/meeting was to be held?
  - b) What would happen at the conference/meeting?
  - c) What you would have to do at the conference/meeting?
  - d) Who else would be at the conference/meeting?
- 6 Did anyone give you any suggestions of the sorts of things that could go in the agreement/contract?
- a) **If yes**, who made them and what were they? (*Record comments*)
- 7 During the preparation phase (*ie Qs 4-6 above*):
- a) Who did you have contact with about the arrangements for the conference/meeting?
- (Code 1=Yes or 2=No)
- The RJ facilitators/RJ Programme directors
  - Other (*specify*) \_\_\_\_\_
- b) Did they contact you by:
- Letter
  - Phone call
  - Home visit
  - Other \_\_\_\_\_

- e) Do you feel that what you were told prepared you for the conference/meeting? Rate on a scale from **1 to 7** – where 1=Not at all prepared and 7=Very well prepared.

*(Circle a number on the following scale)*

1	2	3	4	5	6	7
Not at all prepared						Very well prepared

*(elaborate – if response is 1-3 ask why dissatisfied OR if response is 5-6 ask why satisfied)*

## The Restorative Justice Conference/Meeting

- 8 What do you think the conference/meeting was trying to achieve?  
*(elaborate)* \_\_\_\_\_
- 9 How did you feel when you first went into the conference/meeting?  
*(Record feelings at the beginning of the conference/meeting)*
- 10 How did you feel at the end of the conference/meeting?  
*(Record feelings at the beginning of the conference/meeting)*
- 11 Was the victim *(or victim representative)* at the conference/meeting? *(Code 1=Yes, 2=No)*   
*(Note: victim representative does not include community panel members – it is someone who is present to directly represent the victim ie standing in for them)*
- a) **If Yes**, how did you feel about first meeting the victim(s) at the conference/meeting?  
*(Record feelings at the beginning of the conference)*
- b) **If Yes**, how did feel you about the victim(s) by the end of the conference/meeting?  
*(Record feelings at the end of the conference/meeting)*
- c) **If No**, would you have liked the victim *(or representative)* to be there?  
*(elaborate)* \_\_\_\_\_
- 12 During the conference/meeting did you:
- a) Feel involved? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
- b) Understand what was going on? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
- c) Feel you had the chance to explain why the offence happened?  
*(Code 1=Yes, 2=No or 3=Partly)*   
*(elaborate)* \_\_\_\_\_
- d) Have the chance to say what you wanted to say? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
- e) Feel too scared to say what you really felt? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
- 13 Do you think anyone said too much during the conference/meeting? *(Code 1=Yes, 2=No)*
- a) **If yes**, who? *(Don't ask - tick all that apply)*
- |   |                          |
|---|--------------------------|
| Community representatives                       | <input type="checkbox"/> |
| Victim (s) support <i>(eg family or whanau)</i> | <input type="checkbox"/> |
| Victim (s) representative                       | <input type="checkbox"/> |

- Victim (s)
- Offender (*self*)
- Offender(s) (*other*)
- Offenders (s) support (*eg family or whanau*)
- Facilitator
- Other (*specify*) \_\_\_\_\_

- 14 During the conference/meeting were you:
- a) Treated with respect? *(Code 1=Yes, 2=No or 3= Partly)*   
*(Be alert to cultural issues)*  
*(elaborate)* \_\_\_\_\_
  - b) **If No or Partly** to above - why do you think that was?  
*(elaborate)* \_\_\_\_\_
  - c) Treated fairly? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
  - d) **If No or Partly** to above - why do you think that was?  
*(elaborate)* \_\_\_\_\_
  - e) Able to make up for your offending? *(Code 1=Yes, 2=No or 3= Partly)*   
*(Be alert to responses for multiple victims)*  
*(elaborate)* \_\_\_\_\_
- 15 During the conference/meeting did you:
- a) Apologise for what you did? *(Code 1=Yes, 2=No or 3= Partly)*   
*(Be alert to responses for multiple victims)*  
*(elaborate)* \_\_\_\_\_
  - b) **If Yes** was the apology accepted? *(Code 1=Yes, 2=No or 3= Partly)*   
*(Be alert to responses for multiple victims)*  
*(elaborate)* \_\_\_\_\_
  - c) Understand how the victim/s felt? *(Code 1=Yes, 2=No or 3= Partly)*   
*(Be alert to responses for multiple victims)*  
*(elaborate)* \_\_\_\_\_
  - d) Feel ashamed of what you had done? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
- 16 During the conference/meeting did: *(Code 1=Yes, 2=No or 3= Partly)*
- a) The way you were dealt with make you feel like you were a really bad person?  
*(Be alert to possible cultural differences here and note reasons for view)*  
*(elaborate)* \_\_\_\_\_
  - b) People in the conference/meeting speak up on your behalf? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_
  - c) You have someone in the conference/meeting who could provide support for you? *(Code 1=Yes, 2=No or 3= Partly)* 
    - i) **If Yes**, who was this (*specify*) \_\_\_\_\_
    - ii) Was their support useful? *(Code 1=Yes, 2=No or 3= Partly)*   
*(elaborate)* \_\_\_\_\_

iii) Would you have like more support at the conference/meeting?

(Code 1=Yes, 2=No or 3= Partly)

(elaborate) \_\_\_\_\_

### The conference agreement/contract

17 Was an agreement reached?

(Code 1=Yes, 2=No)

a) If Not, why not?

18 Who decided on the details in the plan/contract?

(Tick either option 1 **OR** all that apply)

All of us

Victim

Victim(s) other

Victim(s) supporter/family

Victim(s) representative

Offender (self)

Offender(s) (other)

Offender(s) supporter/family

Community representative

Facilitator

Other (*specify*) \_\_\_\_\_

19 Did you understand what was agreed to in the plan/contract?

(Code 1=Yes, 2=No or 3= Partly)

20 Was the plan/contract better than you expected?

(Code 1=Yes, 2=No or 3= Partly)

21 Were you satisfied with the plan overall? Rate on a scale from 1 to 7 – where 1=Very dissatisfied and 7=Very satisfied.

(Circle a number on the following scale)

1

2

3

4

5

6

7

Very  
dissatisfied

Very  
satisfied

(elaborate – if response is 1-3 ask why dissatisfied **OR** if response is 5-6 ask why satisfied)

22 What was **good** about the plan/contract if anything?

(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)

Being able to apologise

Being able to help others (*through work or similar*)

Being able to help myself (*counselling, education etc*)

Being able to make reparation

- Not going to prison
- Reaching an agreement
- Nothing
- Other (*specify*) \_\_\_\_\_

23 What was **bad** about the plan/contract if anything?  
*(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)*

- Reparation (*too much, time to pay etc*)
- Community work (*number of hours too high etc*)
- Plan/contract too vague
- Being pressured to agree
- Not reaching an agreement
- Nothing
- Other (*specify*) \_\_\_\_\_

24 Was the plan/contract:  
**1= Too harsh**                      **2= About right**                      **3= Too soft**   
*(elaborate)* \_\_\_\_\_

**After the conference**

25 What were the **good** things about the conference/meeting if any?  
*(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)*

- It was well organised
- I was able to meet the victim
- The plan/contract was good
- Enabled me to put the whole thing behind me
- Nothing
- Other (*specify*) \_\_\_\_\_

26 What were the **bad** things about the conference/meeting if any?  
*(Ask the open ended question record the answer and then tick/code the following reasons as appropriate)*

- Didn't like meeting victim
- I was made to feel bad
- I wasn't treated with respect
- It didn't achieve anything/waste of time
- Wasn't well organised
- Wasn't well organised
- Nothing
- Other (*specify*) \_\_\_\_\_



- 31 Were you given a copy of the ‘conference report/contract’? *(ie a summary of what is said in the conference/meeting that is sent to the judge)* (Code 1=Yes, 2=No or 3= Partly)
- a) **If Yes** do you think it accurately reflected the views expressed/ agreements reached? (Code 1=Yes, 2=No or 3= Partly)
- 32 Is there any other information that you would have liked the Restorative Justice programme to provide you with? (Code 1=Yes/2=No)
- a) If Yes, elaborate:
- 33 Have you committed an offence since the conference/meeting *(Either detected or undetected)* (Code 1=Yes/2=No)

### Background information

*Now we would like to ask a few questions about you*

- 34 Which ethnic group do you belong to? (Tick all that apply)
- 1 NZ European
  - 2 Māori
  - 3 Samoan
  - 4 Cook Island Māori
  - 5 Tongan
  - 6 Niuean
  - 7 Chinese
  - 8 Indian
  - 9 Other *(such as Dutch, Japanese, Tokelauan)* **(specify)** \_\_\_\_\_

***For all participants*** ask the following, add the name of the ethnic identification in the brackets where appropriate

- 35 How important was it for the conference/meeting to take account of your cultural needs and expectations? Rate on a scale from **1 to 7** – where 1=Not at all important and 7=Very important.

*(Circle a number on the following scale)*

1	2	3	4	5	6	7
Not at all important						Very important

*(If the response to Q35 is 4-7 ask Q36)*

- 36 As a ( ):
- a) Do you feel that the conference/meeting took account of your cultural needs and expectations? *(Probe for why and record comments)* (Code 1=Yes, 2=No, 3= Partly)
- b) **If No**, what would have been better?



37 How important was it for the agreed plan/contract to take account of your cultural needs and expectations? Rate on a scale from **1 to 7** – where 1=Not at all important and 7=Very important.

*(Circle a number on the following scale)*

**1      2      3      4      5      6      7**  
**Not at all      Very**  
**important      important**

*(If the response to Q37 is 4-7 ask Q38)*

38 As a ( )::

a) Do you feel that he agreed plan/contract took account of your cultural needs and expectations? *(Probe for why and record comments)*

*(Code 1=Yes, 2=No, 3= Partly)*

b) If No, what would have been better? *(Probe for why and record comments)*

39 Are there any other comments you would like to make about this particular conference/meeting?

### Sentencing

40 Have you been sentenced at court for the offending that was dealt with at the conference/meeting? *(Code 1=Yes, 2=No)*

a) **If Yes**, do you think that the Judge took into account the tasks you had to do for the plan/contract when he/she sentenced you?  
*(elaborate)* \_\_\_\_\_

### Generally

41 How do you now feel about Restorative Justice conferences/meetings in general?  
*(elaborate)* \_\_\_\_\_

42 Would you recommend a Restorative Justice conference/meeting to others? *(Code 1=Yes, 2=No, 3=Partly)*   
*(elaborate)* \_\_\_\_\_

43 Do you think that participation in the Restorative Justice conference/meeting has helped you to stop offending? *(Code 1=Yes, 2=No, 3=Partly or 7=Not an issue)*   
*(elaborate)* \_\_\_\_\_

### Relationship between the victim and the offender

44 Did you know the victim before the offence occurred? *(Code 1=Yes, 2=No)*

**If Yes**, what is the nature of the relationship? *(to be ticked as appropriate, not asked)*

- Friend
- Acquaintance *(known indirectly)*
- Flatmate
- Workmate
- Employer

- Employee
- Other business (*relationship other than workmate employer, employee*)
- Partner - current (*the victim and offender are in an intimate relationship*)
- Partner – ex
- Family – parent
- Family – child
- Family – brother/sister
- Family – Uncle/Aunt
- Family – other (*specify*) \_\_\_\_\_

**Background information** *Now we would like to ask a few more questions about you*

- 45 Which age group do you belong to: (Tick only one)
- |   |                                       |
|---|---------------------------------------|
| 1 Under 18 years <input type="checkbox"/> | 7 40-44 <input type="checkbox"/>      |
| 2 18-19 years <input type="checkbox"/>    | 8 45-59 <input type="checkbox"/>      |
| 3 20-24 years <input type="checkbox"/>    | 9 60 or over <input type="checkbox"/> |
| 4 25-29 years <input type="checkbox"/>    |                                       |
| 5 30-34 years <input type="checkbox"/>    |                                       |
| 6 35-39 years <input type="checkbox"/>    |                                       |

- 46 a) Are you in paid work? (Code 1=Yes, 2=No)
- i) **If Yes**, what is your occupation? \_\_\_\_\_
- ii) **Is this** full time or part time? (*Circle which*)
- b) **If you are not in paid work**, what category best describes you?
- Beneficiary (*eg sickness or DPB*)
  - Unemployed
  - Home duties
  - Retired
  - Student
  - Other (*elaborate*): \_\_\_\_\_

**Thank you!**

Thank you for your participation in the research, do you have any comments or questions about the research or the interview?

**Finally**

- Would you like a summary of the research? (Code 1=Yes, 2=No)
- This will be in approximately six months time – where would be the best place to send this – to your address or to a family member or friend?

	Name	Address	
<b>You:</b>	_____	_____	_____
<b>Family member(s):</b>	_____	_____	_____
<b>Friend(s):</b>	_____	_____	_____