

Evaluation of the Court-Referred Restorative Justice Pilot: Technical Report

Prepared by the

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with

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1.0 Introduction

This Report describes the objectives of the court-referred restorative justice pilot evaluation and the methodology used. It also describes the size and characteristics of the various samples and the reconviction analysis.

The evaluation covered all referrals for court-referred restorative justice conferences made between 4 February 2002 and 3 February 2003 by judges in the four pilot courts (Auckland, Dunedin, Hamilton and Waitakere)¹ for pilot 'eligible' offences. We drew data from a wide variety of sources:

- we had access to the restorative justice database set up by the then Department for Courts, which contains information on all such referrals;
- we sent out survey forms to all participants and facilitators involved in the court-referred restorative justice conferences held during the evaluation period;
- we attempted to interview the offenders and victims referred to these conferences after the conference, after the offender's sentence, and 12 months after the conference (for 18 conferences, all participants were interviewed);²
- we observed a number of court-referred restorative justice conferences;
- we sent questionnaires to key informants (for example, judges, coordinators, police, community probation, lawyers and facilitators) during the first year of the evaluation and 12 months later;
- we examined various documents (for example, the conference reports, judges' sentencing notes, police Summary of Facts and relevant cost ledgers provided to us by the then Department for Courts); and
- we interviewed a sample of offenders and victims whose cases were dealt with only in courts (in Wellington, Lower Hutt and Porirua) soon after their cases were dealt with and again 12 months later.³

Each of these components was carried out by the Crime and Justice Research Centre, Victoria University of Wellington and is described below in more detail. The Ministry of Justice contracted another researcher, Sue Triggs, to conduct an analysis of reconvictions by the pilot sample and matched comparison samples and also to examine the impact of the pilot on both

1 Although there were four pilot courts, Auckland and Waitakere were to be treated as one area for the purposes of drawing some of the samples for the evaluation, but data are presented separately for each of the four court areas.

2 We refer to these victims and offenders as the pilot victims and the pilot offenders unless it is clear from the text that this is who we mean.

3 We refer to these victims and offenders as the comparison victims and the comparison offenders unless it is clear from the text that this is who we mean.

sentencing practice and the prison population. The methods used for these components are also described in this Report and these data are discussed in the Evaluation of the Court-referred Restorative Justice Pilot Report (the Evaluation Report).

2.0 Objectives of the evaluation of court-referred restorative justice pilot

The evaluation is intended to examine the extent to which specific objectives are achieved through the introduction of court-referred restorative justice conferences. These objectives are:

- increased resolution of the effects of crime for victims who participate in restorative justice conferences;
- increased victim satisfaction with the criminal justice process; and
- a reduced rate of offending by offenders referred to restorative justice conferences compared with offenders dealt with through conventional criminal justice processes.

The evaluation objectives also included:

- providing information on the effectiveness of the pilot in improving outcomes for Māori and Pacific victims and offenders; and
- the provision of detailed information on the operation, and other impacts, of the scheme.

3.0 Methodology

To a large extent, the methodology of the evaluation was based on a design suggested by the then Department for Courts in the tender brief.

3.1 Restorative justice database

We were actively involved with the staff of the then Department for Courts in identifying the basic information that needed to be collected both for the evaluation and for good case management, for example demographic information about the offenders referred for consideration of a court-referred restorative justice conference and, to a lesser extent, their victims; the offences they had committed; victims' and offenders' contact details; the progress of the referral; the agreements reached at the conferences; and sentencing. This information formed the basis of the restorative justice database managed by the then Department for Courts, which was supplied to us every two weeks for the duration of the data collection period of the evaluation. This enabled us to monitor the data entered and to provide feedback to the then Department for Courts. As a result of this feedback, various changes occurred throughout the life of the evaluation. For example, coordinators were encouraged to provide as much qualitative detail as possible on referrals, especially where referrals did not result in a court-referred restorative justice conference. The restorative justice database, therefore, presents a more complete picture for later rather than for earlier referrals. However, there remained some missing data, particularly with respect to victims' and offenders' characteristics.

During the period of the evaluation, judges made 539 referrals involving 577 offenders⁴ who had committed pilot 'eligible' offences to coordinators in the four courts in which the pilot operated. Information about these referrals is presented in Chapter 3 of the Evaluation Report.

3.2 Summary of data collection

Table 1 below summarises the main sources of data collection which are discussed in more detail in subsequent sections of this chapter. The table shows the number of forms and interviews and the number of conferences they come from. The final column shows the percentage of conferences from which we had at least one response.

⁴ Referrals sometimes involved more than one offender.

Table 1 Summary of court-referred restorative justice pilot data collection

Form/interview	Number of forms/interviews	Number of conferences	Percent of all conferences ^a
Participants	351	122	61
Facilitators	223	135	68
Pilot Victims			
Initial interview	181	151	76
Post-sentencing	167 (92% initial)		
Follow-up interview	154 (85% initial)		
Pilot Offenders			
Initial interview	160	153	77
Post-sentencing	143 (89% initial)		
Follow-up interview	102 (64% initial)		
Observed	91	91	75 ^b
Comparison Victims	90		
Comparison Offenders	90		

^a There were 200 conferences in total.

^b Of the 122 we attempted to observe.

3.3 Participants' survey and facilitators' feedback forms

3.3.1 Procedure

The then Department for Courts envisaged a survey of all of the participants who attended court-referred restorative justice conferences during the first year of the data collection. Consequently, coordinators were asked in mid-November 2001 to send out draft participants' survey forms to all participants in their next two conferences. Participants were asked to not only answer the questions on the form but also to comment on the questions and on the structure of the form. Only a few (13) forms were returned. However, the comments received were helpful in finalising the survey and also in amending the procedures. Meetings held in each of the pilot areas with facilitators further indicated the need to change procedures and to alter some of the questions. Key members of the then Department for Courts and the Evaluation Advisory Committee also commented on the draft survey (and on all other draft instruments).

Two main changes were made. First, it was clear from the piloting of the survey that the same form could not be used for facilitators and for participants and so two separate forms were designed: the participants' survey form and the facilitators' feedback form. Second, it had been intended that these survey forms would be handed out by facilitators at the end of the court-referred restorative justice conference, but it was also clear early on in the design stage of the evaluation that at least some facilitators were unwilling to give out the survey forms.⁵ We also felt that some facilitators might be unwilling to give out the survey forms if

⁵ Some facilitators felt that they should not be seen to be involved in the research in any way – that is to say, that the pilot and the evaluation of the pilot had to be seen to be quite separate. A few facilitators felt that the research should not be taking place at all during the early stages of the pilot. As it was, there was a five month gap between the beginning of the pilot and the beginning of the evaluation.

they felt that the restorative justice conference had not gone well or that they might simply forget to hand out the survey forms. It was decided, therefore, initially, that the coordinators would send out these survey forms to participants and facilitators soon after the restorative justice conference. The forms were then meant to be returned to the researchers in pre-paid envelopes.

This procedure did not work well in all areas, with the result that a lower than expected number of forms were being returned to the researchers. It was, therefore, decided at a meeting with the then Department for Courts in May 2002 that, since the researchers were at that time attending most court-referred restorative justice conferences, they would take responsibility for distributing the survey forms at those conferences they attended.⁶ This resulted in an increase in the number of forms being returned. However, on 29 September 2002, the researchers concluded their observation of court-referred restorative justice conferences and so coordinators again became responsible for sending out the participants' survey and the facilitators' feedback forms.⁷

3.2.2 Content

The participants' survey was a short (three page), fixed option questionnaire primarily asking participants to tick a box or to circle a number, but it also gave participants the option to add open-ended comments. Basically, this survey form was a shortened version of the schedule used for the pilot victims and pilot offenders we interviewed (we discuss these later). It asked participants why they had decided to go to the court-referred restorative justice conference; whether or not they felt adequately prepared for the conference; whether or not they felt involved in making the agreed plan, understood what was decided and agreed with it; and whether or not the plan was too harsh, too soft or about right. They were also asked about whether or not they knew the victim or the offender, as appropriate, and, if so, their relationship to each other; their satisfaction with the court-referred restorative justice conference overall; whether or not specific '*good*' and '*bad*' features occurred at the conference; the extent to which the conference took account of their culture; whether or not they would recommend going to a court-referred restorative justice conference to others; and whether or not they would go to another court-referred restorative justice conference themselves. In addition, participants were asked for certain background information (for example, their age, sex and ethnicity). The participants' survey is found, in full, in Appendix A.1.

⁶ Coordinators continued to send out the survey forms where researchers were unable to attend the conference due to one of the parties refusing the researchers permission to observe or where they missed the conference due to a lack of, or late notice.

⁷ Facilitators expressed some concern about having to complete the same demographic information on each facilitators' feedback form returned. This, coupled with the fact that we did not have a demographic profile of all facilitators, prompted the preparation of a new form to collect background information on all facilitators. Facilitators were told why we needed this information (collecting the information in this way helped eliminate duplication and enabled us to collect the details of those facilitators who had not conducted a conference and so had not completed a feedback form) and also that it would mean that, in future, they would not need to complete the demographic part of the facilitators' feedback form if they were willing to sign it. This new form was sent out in the middle of December 2002 to 99 facilitators identified by the then Department for Courts. By the middle of February 2003, 55 forms had been returned. A reminder to those who had not returned the form was sent out towards the end of February 2003 and, by 7 April 2003, we had received a further 16 returns: a total of 71 returns and a response rate of 72%. No further reminders were sent. Information on the background of these facilitators, compared with those who returned the feedback form, is presented later in this Report.

The facilitators' feedback form was also a short (four page), fixed option questionnaire primarily asking facilitators to tick a box or to circle a number, but it also asked facilitators to give reasons for their answers and provided the opportunity at the end for them to add any general comments they wanted to make. Facilitators were, first, asked generally about how they prepared participants for court-referred restorative justice conferences and the range of issues they covered. Then they were asked whether or not there had been any problems in setting up this particular conference. They were also asked how long they had spent setting up and preparing for this conference. Next, they were asked about the offender's and victim's level of participation in this conference; and whether or not anyone (including professionals) had inappropriately dominated the discussion or intervened inappropriately during the conference. Then, they were asked about the sufficiency of funds or resources for setting up and holding this conference, whether or not it had taken account of the offender's and victim's interests, and whether or not it was culturally appropriate for the victim and for the offender.

Finally, with respect to the court-referred restorative justice conference, facilitators were asked about their level of satisfaction with the conference overall and with the agreement reached there and to identify any '*good*' or '*bad*' features in this particular conference. In addition, they were asked to provide some background information about themselves, including their experience and training (though later on in the evaluation, as explained earlier, this information was asked for in a separate form). The facilitators' feedback form is presented in full in Appendix A.2.

3.2.3 Sample sizes and characteristics

Participants

We received a total of 351 returns from the participants' survey. These came from a total of 122 conferences although, during the evaluation period, there were 200 conferences held. Table 2 gives the number of participants' survey forms received from each area and the number of conferences in each area from which they came.

Table 2 Number of participants' surveys returned by area (n = 351)

Area	Number of returns	Number of conferences from which returns came	Number of conferences held	Rate of return
Auckland	98	39	60	0.65
Dunedin	105	39	46	0.85
Hamilton	70	25	47	0.53
Waitakere	78	19	47	0.40
Total	351	122	200	0.61

As Table 2 shows, the rate of return was highest in Dunedin and lowest in Waitakere.

Table 3 presents the number and percentage of returns from participants per conference. It shows that, for more than a quarter of the conferences, we have only one return and for just over half we have only one or two returns. However, a number (10) of conferences had only two participants.

Table 3 Number and percentage of returns per conference (n=122)

Returns per conference	Number of conferences	Percentage
1	34	28
2	28	23
3	20	16
4	23	19
5	11	9
7	2	2
9	3	3
13	1	1

Table 4 gives an indication of the spread of participants who responded. Overall, almost two-fifths (37%) of the returns were received from victims and only 13% came from offenders. This discrepancy does not necessarily mean that victims were more likely to respond to the survey than offenders. In many conferences, more than one victim was present. If the returns from those present to support or represent victims are added to the figure for victims, victims and victims' supporters made up just over half (52%) of the returns; and if offenders' supporters are added to the figure for offenders, these returns made up just over a third (34%) of the total. Only 11% of the returns came from professionals (but this broadly reflects the fact that only 57 conferences had professionals present).⁸

Table 4 Number of returns by type of participant and percentage returned (n=351)

Participant	Total number attending	Number of returns received	Percentage returned
Victims	352	129	37
Offenders	237	47	20
Victim supporters	244	54	22
Offender supporters	256	73	29
Professional	88	40	45
Other ^a	29	8	28

Notes:

In this Table, we have assumed that everyone attending a court-referred restorative justice conference was actually given or sent a form. This is not likely to be the case, as explained earlier. This means that the response rates are higher than those specified, but this is the closest approximation we can make.

^a 'Other' included a kaum tua who described himself as supporting everyone, a woman who described herself as supporting the process and a police prosecutor who described himself as present as an observer.

⁸ The 'professional' group was, mainly, made up of police officers, but a few lawyers and probation officers also sent in returns.

However, it makes more sense to link the number of returns received from each group to the number of possible returns from each group (because sometimes there was more than one victim present or there might have been no supporters present). Table 4 also gives the rate of return for each group. It shows that, when the number of possible returns is taken into account, the return rate by victims is still higher than that for offenders; the return rate by offenders' supporters was slightly higher than that of victims' supporters; and the rate of return was highest for professionals.

Over half (55%) of the participants who returned the survey form said they did not know the victim or offender before the offence occurred. More than two-fifths (42%) of the offenders said that the victim was known to them and just over a third (34%) of the victims said the offender was known to them. It is hard to know what precisely these data mean. This may reflect the general pattern of the extent to which offenders and victims are known to each other; or it may mean that knowing the offender or victim affected the likelihood of participants responding to the survey. There may also have been some ambiguity in the question (and hence in the responses). Offenders' and victims' supporters, by definition, knew the offender and the victim and may have responded to indicate this although the question was intended to explore whether or not they knew the *other* party.⁹ Where victims and offenders were known to each other, a large number of different types of relationships were mentioned, for example family members, friends, workmates and employees/employers.

The majority (65%) of the returns were from participants who identified as New Zealand European; 17% were from those who identified as Māori; seven percent were from those who identified as Pacific; six percent were from those who identified as Asian and six percent were from those who identified as being of an 'other' ethnicity.¹⁰ There were similar numbers of returns from both men (49%) and women (51%). Just over half (52%) of the returns were from those aged 40 and over, almost a third (30%) were from those aged between 25 and 40, and just under a fifth (18%) were from those aged under 25. More than two-thirds (71%) of the returns were from people in paid employment and most of these worked full-time. The majority of those from people not in paid employment were from students or beneficiaries.

Facilitators

We received 223 facilitators' feedback forms in total: for 78 cases, we received two returns, for 52 cases we received one return and for five cases we received three returns¹¹ (in three cases there was no case ID). The distribution of the returns by area is set out in Table 5 and it shows also the number of conferences held in each area and the number of conferences from which the returns were received. An estimated rate of return per conference is also included in Table 5.

9 Participants were asked '*did you know the victim/offender before this offence occurred?*'

10 The largest groups of 'other' ethnicities were European and the United Kingdom. Three hundred and forty five participants gave their ethnicity. Surveys are not the best method for obtaining information from certain ethnic groups. On the other hand, the expectation was that the numbers involved in conferences would be very much higher than they turned out to be, and surveys are really the only way to obtain views from a large sample of people.

11 For two of these cases, two conferences were held and so it is understandable that there are more than two returns. However, for three of these cases, only one conference was held and we are unable to say why there are three returns. It may be that the wrong case ID was entered by the coordinator or the facilitator.

Table 5 Distribution of returns by area: number (n = 222) and percentages

Area	Number of forms received	Percentage	Number of conferences held	Number from which return received	Estimated rate of return
Auckland	58	26	60	36	0.60
Dunedin	57	26	46	33	0.72
Hamilton	51	23	47	32	0.68
Waitakere	56	25	47	33	0.70

Note: We do not know the area for one facilitator's feedback form.

From Table 5, it is apparent that there was a higher estimated rate of returns from facilitators in Dunedin, Waitakere and Hamilton than from facilitators in Auckland.

More than three-quarters (76%) of the returns received¹² were from facilitators who identified as New Zealand European; 11% were from facilitators who identified as Māori; five percent were from facilitators who identified as Pacific; five percent were from facilitators who identified as Asian and four percent were from facilitators who identified as being of 'other' ethnicities.¹³ Just less than three-quarters (74%) of the returns were from women. Just over two-fifths (41%) were from those aged 50 and over; and just over two fifths (42%) were from those aged 40 to 49. Almost all (97%) the returns were from facilitators who were in paid employment and just under half (48%) of these worked full-time. Those not in paid employment were either on home duties or retired.

More than three-quarters (79%) of the returns were from facilitators who first became facilitators for restorative justice conferences in 2001. The next largest category – four percent – related to returns from those who first became facilitators for restorative justice conferences in 2000, followed by returns from those who first became facilitators for restorative justice conferences in 2002 and those who first became facilitators in 1999 (three percent of returns came from each of these groups). Most of the facilitators, therefore, who returned the feedback forms, were relatively new to this specific field.¹⁴ However, 10% of the returns were completed by facilitators who first became facilitators of restorative justice conferences in 1996 or earlier.

The majority of returns stated that the facilitator had facilitated only a few court-referred restorative justice conferences in the last six months. However, one facilitator said s/he had facilitated 20 court-referred restorative justice conferences over that period; 14% of facilitators said they had facilitated 10 or more; and more than a quarter (29%) of the facilitators said they had facilitated between five and nine. The average number of court-referred restorative justice conferences facilitated in the last six months was 5.1. Fifty-eight returns gave no answer to the question about whether or not the facilitator had had any further special training (other than the training provided to all facilitators working within the

12 There is a problem with these data: multiple returns were received from the same facilitators and, since they were facilitating more cases, they might have been the more experienced facilitators. These data, therefore, are indicative only.

13 These included facilitators who identified as British, American, German, and Dutch.

14 One return mentioned becoming a facilitator first in 1998 and none referred to becoming a facilitator in 1997.

pilot), but the others mentioned a wide range of training, including training as a counsellor, training as part of their University or Polytechnic degree, mediation training and community experience.

We have compared these data against the information provided from the survey of all facilitators at that time to test its 'representativeness' and this shows that the facilitators who returned the feedback forms were broadly similar in age, sex, employment status, and the time at which they first became facilitators to the 'profile' of all facilitators. They differed slightly with respect to ethnicity – New Zealand European facilitators were over-represented amongst the feedback forms received. However, as noted previously, these data on the returns received are indicative only because of multiple responses by certain facilitators. Furthermore, the response rate for the national survey was 72% and so this too affects the reliability of the findings on facilitators' characteristics. The form for collecting facilitators' background information is included in Appendix A.3.

3.4 Interviews with victims and offenders

3.4.1 Court-referred restorative justice conference samples

Procedures

It was originally intended to interview face-to-face, after the conference and court hearing, and one year later, 180 victims who had been involved in court-referred restorative justice conferences – 60 from each of the three pilot areas (Auckland/Waitakere, Dunedin and Hamilton) – and 180 offenders who had been involved in court-referred restorative justice conferences – 60 from each of the three pilot areas. All those referred by judges for consideration of a court-referred restorative justice conference were sent an information sheet by the coordinators, which outlined the purposes of the research and invited their agreement to being interviewed if their referral resulted in a court-referred restorative justice conference (it also asked for their permission to observe their conference if this occurred). An 'opt out' form and a pre-paid envelope to the researchers was included. If we did not receive this form and a conference was held, attempts were made to contact the offender or victim as appropriate. A sample information sheet and reply slip are included in Appendix B.1 and B.2.

Three changes were made to these procedures. First, after piloting these procedures, we recommended that victims and offenders be given a choice about whether they were interviewed by telephone or face-to-face. It was clear that many victims preferred to be interviewed by telephone and sometimes a telephone interview was the only opportunity that the researchers had to contact and interview the offender. The then Department for Courts accepted this recommendation. There does not appear to have been any loss of core information by adopting this strategy and we are confident that having the option of a telephone interview actually increased the chances of capturing a more complete sample.

Second, also as a result of piloting the procedures, we recommended that the number of interviews be increased from two to three: after the court-referred restorative justice conference, after the sentence, and one year after the court-referred restorative justice conference. The reasons for this were, first, offenders are, on occasions, not sentenced until

some time after the court-referred restorative justice conference and delaying the initial interview until after sentence could impact on the vividness of the offender's or victim's recall of their conference; and, second, sentences could colour perceptions of the court-referred restorative justice conference, especially if the sentence was at odds with the conference agreement. This recommendation was also accepted by the then Department for Courts.

Usually, these first interviews took place reasonably soon after the court-referred restorative justice conference. However, the short interviews after sentence could, as already noted, take place some months after the conference because of delays in sentencing. This resulted in losing contact with some offenders (and a few victims). The benefit of this change to the original methodology, however, was that at least we had these offenders' and victims' views of their court-referred restorative justice conference.

Third, because of the different throughputs in the three pilot areas, it was decided to amend the original target samples of 60 offenders and 60 victims from each pilot area to 100 victims and 100 offenders from Auckland and Waitakere, and to 40 victims and 40 offenders from both Dunedin and Hamilton. As it turned out, we were not able to meet this target of 180 interviews, also because of the low throughput. The samples' numbers and characteristics are discussed later.

We adopted a pattern of regularly contacting coordinators and facilitators about the progress of cases referred for a court-referred restorative justice conference and, as noted above, once the conference had taken place, we attempted to contact the victims and offenders either by phone (to arrange an appointment or to carry out the interview) or by arriving at their home. During the earlier part of the evaluation, a researcher was usually present at the court-referred restorative justice conference and so contact was made at this point with the offender(s) and victim(s) and arrangements were made for the interviews to take place.

Offenders, in particular, were not always easy to pin down after their court-referred restorative justice conference. We made a number of attempts to contact offenders and victims (by telephoning or going to their last known contact address) before categorising them as 'unable to trace'.¹⁵ Where the address we had seemed no longer valid, we used the White Pages, but this did not usually provide much new information. The Department of Corrections also provided us with possible contact details for those offenders currently in the corrections system (that is to say, they were either, at that time, in prison or involved with the community probation service). In addition, for the follow-up interviews with offenders, the Ministry of Justice provided us with possible contact details.¹⁶

¹⁵ Where we had a phone number, this could be as many as a dozen. We also made at least two, but more commonly three, visits to offenders' and victims' last known home addresses.

¹⁶ This method was problematic in that several addresses could be recorded for the same offenders, some of which were out of the area, and there was no way of ascertaining which was the most recent address.

The initial interview schedules

Interview schedules were adapted from schedules already developed for research on family group conferences (both in New Zealand and Australia) and on victim/offender mediation overseas.¹⁷ They were piloted in November 2001. Eight victims and five offenders were interviewed at this time.¹⁸ Various changes were made to the format of the interview schedules as a result. For example, it was apparent early on in the interviews that the strategy of using statements, which the interviewee said they agreed or disagreed with, was not successful: it made the interview both stilted and unnatural. It worked better when these statements were turned into questions and the interview became more of a conversation. Also, some of the statements with negatives (for example, 'I did not understand what was going on in the conference') were clearly difficult for interviewees to respond to and it was apparent that sometimes they were saying 'no' when, from other comments, they clearly meant 'yes'. A few other questions did not work well (for example, they were repetitive) and so these too were cut. The interview schedules were amended accordingly.

We expected the interviews to take about 30 minutes and, on average, for offenders, they did, though one face-to-face interview with an offender took 60 minutes. Interviews with victims took longer: the average length of face-to-face interviews with victims was almost 50 minutes and the longest was 90 minutes. Telephone interviews usually took less than 30 minutes for both offenders and victims.

The interview schedules for victims and offenders were largely mirror images of each other. The questions were mainly open-ended though, on a few occasions, they were asked to indicate a number on a scale. The post-conference interviews focussed on:

- the offenders' and victims' reasons for deciding to go to the court-referred restorative justice conference;
- their level of preparation for the court-referred restorative justice conference;
- their feelings during, and at the end of, the court-referred restorative justice conference, especially about meeting the victim or the offender (as was appropriate);
- their views on what the court-referred restorative justice conference was trying to achieve;
- whether or not they felt involved in, and satisfied with, the court-referred restorative justice conference processes and the agreements reached;
- whether or not they understood everything that had happened and what they had agreed to;
- whether or not the agreements reached were agreed to by everyone at the court-referred restorative justice conference;

17 Specifically we considered the interview schedules used by Larry Sherman and Heather Strang in the evaluation of the Reintegrative Shaming Experiment in Canberra, by Kathy Daly in her research on conferences in South Australia, by Gabrielle Maxwell and others in their evaluation of family group conferences in various areas of New Zealand and by Mark Umbreit in his research on victim-offender mediation in various areas of the United States.

18 It had been intended to interview 10 offenders and 10 victims, but it was quickly apparent that no new issues were being raised and it was felt that this number of interviews was sufficient.

- whether or not they felt adequately supported during the process;
- the ‘good’ and ‘bad’ features of the court-referred restorative justice conference and of the agreements reached;
- whether or not the process and agreements took account of their cultural needs;
- the extent to which their experience at the court-referred restorative justice conference was positive; and
- whether or not they would recommend going to a court-referred restorative justice conference to others and would attend another themselves.

In addition, offenders were asked about whether or not they experienced shame or remorse at the court-referred restorative justice conference; whether or not they had apologised to their victim; and whether or not they understood how the victim felt. Victims were also asked about whether or not their offender had been able to make up for what s/he did; whether or not they had a better understanding of why the offender had committed the offence; whether or not they felt better as a result of participating in the court-referred restorative justice conference; and whether or not they felt safer as a result of the court-referred restorative justice conference.

After sentencing, victims and offenders were asked their views on the sentence and whether or not they saw it as fair. They were also asked about whether or not participating in the court-referred restorative justice conference had made any difference to how they felt about the criminal justice system. Offenders were also asked about whether or not they thought their participation in a court-referred restorative justice conference would help stop them reoffending. In addition, victims were asked about their relationship, if any, to the offender, the impact of the offence on them, the content and impact of any victim impact statement that might have been prepared for the court and whether or not the sentence took account of their needs. The interview schedule for offenders is included in Appendix A.4 and for victims in Appendix A.5.

The twelve month follow-up interview schedules

In March 2003, the schedules for the follow-up interviews with offenders and victims were drafted and piloted. We were able to speak with three of the five offenders who were interviewed in November 2001 and seven of the eight victims interviewed then.¹⁹ These schedules were then finalised with only minor amendment and the follow-up interviews were then conducted.

The focus of these follow-up interviews was:

- what victims and offenders remembered most about the court-referred restorative justice conference;
- their level of satisfaction now with the court-referred restorative justice conference overall and with the conference agreement in particular;

¹⁹ The reason we were not able to re-interview all of the victims and offenders interviewed in November 2001 was that the contact details we had were no longer correct.

- whether they now saw court-referred restorative justice conferences as mainly benefiting victims or offenders;
- whether or not they now regretted taking part in the conference;
- how their experience could be improved for victims or offenders (as appropriate);
- the extent to which the agreements reached were completed;
- satisfaction with the sentence;
- whether or not they would now recommend going to a restorative justice conference to others and would attend another themselves; and
- how they now felt about the criminal justice system.

In addition, offenders were asked about whether any ‘good’ or ‘bad’ things had happened to them since the conference; whether or not they had reoffended and, if not, whether or not their experience at the conference had contributed to this. Victims were asked how they now felt about the offender and why this was so. They were also asked about how often they still thought about the offence, its impact now, whether or not the offence was now all behind them and, if so, whether or not the conference had contributed to this process. The follow-up interview schedule for offenders is included in Appendix A.6 and for victims in Appendix A.7.

The pilot samples

In total, 181 victims²⁰ and 160 offenders²¹ were interviewed at least once.²² Overall, around half chose to be interviewed face-to-face.²³ Table 6 shows the number of conferences in which we were able to interview at least one party.

The victims interviewed came from 151 different court-referred restorative justice conferences. In most (86% or 130) conferences, we interviewed one victim; in 14 (nine percent), we interviewed two victims; in five (three percent), we interviewed three victims; and, in two (one percent), we interviewed four victims. The offenders interviewed came from 153 different court-referred restorative justice conferences. In most (96% or 147) conferences, we interviewed one offender; in five (three percent), we interviewed two offenders; and, in one (one percent), we interviewed three offenders.

20 More than half (55%) of the victims interviewed were from Auckland and Waitakere, almost a quarter (24%) were from Hamilton and more than a fifth (21%) were from Dunedin. One victim was interviewed twice as he attended two court-referred restorative justice conferences.

21 The majority (57%) of these were from Auckland and Waitakere, just over a fifth (21%) were from Hamilton and more than a fifth (22%) were from Dunedin. One offender was interviewed three times as he attended three court-referred restorative justice conferences.

22 As noted above, not all pilot victims or pilot offenders were interviewed post-sentence because they had moved since the post-conference interview and we were unable to trace them.

23 There was a clear area difference here: for example, both offenders and victims in Dunedin were more likely to opt for a face-to-face interview and both offenders and victims in Auckland were more likely to opt for a telephone interview.

Table 6 Number and percentage of court-referred restorative justice conferences by who interviewed (n = 200)

	Number of conferences	Percentage
Offender(s) and victim(s) interviewed	130	65
Offender(s) only interviewed	23	12
Victim(s) only interviewed	21	11
No interview	26	13

Note: In some court-referred restorative justice conferences, more than one offender and more than one victim was interviewed.

Overall, we were able to interview a victim and/or offender in 87% of all court-referred restorative justice conferences held during the evaluation period. In the 26 court-referred restorative justice conferences where no victims or offenders were interviewed, the main reason was that they were unable to be contacted. This was so, too, for the 44 court-referred restorative justice conferences where only one participant was interviewed. Table 7 presents these data.

Table 7 Reasons for not interviewing offenders or victims

Reason	Number of conferences			
	No-one interviewed (n = 26)		One participant interviewed (n = 44)	
	Victims	Offenders	No victim interview	No offender interview
Refusal	4	6	9	7
Unable to trace	22	20	13	14

Note: One victim was interviewed but this interview has been excluded from the database because it became apparent that he was mentally ill and this was affecting his responses.

Post-sentence, we were able to interview 167 pilot victims and 143 pilot offenders. Seventeen pilot offenders and 12 pilot victims were unable to be traced at this time and two pilot victims refused to be interviewed post-sentence.

Twelve months after the court-referred restorative justice conference, we were able to interview 154 pilot victims and 102 pilot offenders. This means that 85% of the pilot victims and 64% of the pilot offenders were re-interviewed.²⁴ Four pilot victims and 10 pilot offenders refused to be interviewed at this stage and 20 pilot victims and 48 pilot offenders were unable to be contacted.²⁵ Just over two-thirds (68%) of the follow-up interviews with

24 Eight offenders and eight victims who were unable to be contacted for post-sentence interviews were successfully contacted and interviewed at the 12 month follow-up point. However, it was not felt appropriate to ask them, at this stage, the earlier questions because of the overlap between the two questionnaires and the fact that the purpose of these questions was to measure change over time.

25 These numbers do not include one offender who could not be interviewed at this stage for medical reasons. In addition, three victims had died in the intervening period and these are also excluded.

pilot offenders and most (82%) of the follow-up interviews with pilot victims were conducted over the telephone.²⁶

Characteristics of the pilot samples

Victims

Over two-fifths (45%) of the pilot victims interviewed were women and more than two-thirds (67%) identified as New Zealand European. Eleven percent identified as Māori, five percent as a Pacific person, seven percent as Asian and 11% as 'other' ethnicity.²⁷ More than half (54%) of the victims interviewed were aged 40 or older and more than three-quarters (77%) were in paid work. On a ten point scale rating the impact of the offence on them where 10 was the highest impact, more than a third (37%) of the pilot victims gave the offence the highest rating and almost two thirds (62%) rated its impact at 8, 9 or 10. Almost two-fifths (37%) of the pilot victims interviewed said that they had known the offender prior to the offence.

Offenders

More than three-quarters (77%) of the pilot offenders interviewed were men. Almost two-fifths (37%) identified as New Zealand European, almost a third (30%) identified as Māori, almost a fifth (18%) identified as a Pacific person, 11% identified as Asian and four percent as 'other' ethnicity.²⁸ Many of the pilot offenders interviewed were quite young: nine percent were under the age of 18, almost a third (31%) were under 20 and almost a third (30%) were aged between 20 and 25. Thus almost two-thirds (61%) of the pilot offenders interviewed were under 25. Over two-fifths (44%) were in paid work and half of those not in work were unemployed. A quarter were full-time students. Two-fifths of the pilot offenders said that they had known their victim before the offence.

3.4.2 Comparison samples

We wanted to interview face-to-face 90 victims and 90 offenders whose cases were dealt with in the comparison District Courts (Lower Hutt, Porirua and Wellington) shortly after the completion of their case in court and one year later. Finding ways to identify these samples was not straightforward.

Procedures for drawing the comparison sample of offenders

The first procedure tried was to check the court lists in Wellington District Court one week before a court appearance to identify offenders with offences eligible for court-referred restorative justice conferences who were likely to be sentenced on that date. The intention was to send out information sheets to offenders in advance and to approach them on the

26 Over a quarter (29%) were conducted with the offender face-to-face in his or her own residence. The remainder were conducted face-to face elsewhere. Eleven percent were conducted with the victim face-to-face in their own residence; five percent were conducted face-to-face in their workplace and three percent were conducted face-to-face in a public place.

27 These included victims who identified as British, American, African, Australian, and European.

28 These included offenders who identified as British, Australian, and European.

court date to request an interview. However, those identified were often either further remanded or diverted and a number of offenders not on the original court list appeared in court and were sentenced. It was decided, therefore, that this method was too time-consuming and not cost effective.

We then tried a second procedure: the court lists in Wellington District Court for the whole of the week beginning 26 August 2002 were examined and offenders with offences eligible for court-referred restorative justice conferences who were actually sentenced that week were selected for possible inclusion in the sample – ten offenders in all. The Law Enforcement System (LES) was then accessed to obtain the offenders' addresses and also their age, sex, ethnicity and criminal record to enable broad matching with the court-referred restorative justice conference sample of offenders. Next, offenders selected for the comparison sample were sent an information sheet outlining the research and their participation in the research was invited. A pre-paid envelope was provided for offenders to return the 'opt out' form to the researchers. As with the procedure for contacting offenders involved in the court-referred restorative justice conferences, attempts were made to contact the offender unless notification was received that s/he did not wish to be contacted. A sample information sheet and reply slip are included in Appendix B.3 and B.4.

These comparison offenders were, however, extremely difficult to contact. Of the 10 selected in this way, none had listed telephone numbers and only two were able to be interviewed (both were conducted face-to-face).²⁹ Despite the difficulties thrown up in piloting this part of the evaluation, we decided to persevere with this method of contacting the comparison offenders.

In total, we drew down from court files details on 242 offenders.³⁰ Fifty-eight were subsequently taken out of the sample after closer investigation showed the offences to be too minor, the offender had had a defended hearing or the offender was now living out of the area. Thirty-one offenders replied that they did not wish to be interviewed and a further 63 were unable to be contacted because the address details in the court files were wrong or the offenders had already moved on. However, 90 offenders who pled guilty³¹ and who were sentenced in the comparison courts were eventually interviewed.³² Well over half (61%) of these interviews were conducted face-to-face, primarily in the offender's own residence, and just under two-fifths (39%) were conducted by phone.

29 Three were contacted but refused to be interviewed; two turned out to have originally pled not guilty and so were excluded from the sample; one was said to no longer live at the address given on LES; one address given on LES did not exist; and no-one was able to be contacted at the address given in LES for one offender on two visits.

30 Ninety-four of these were drawn from files in Lower Hutt District Court, 91 from Wellington District Court and 57 from Porirua District Court.

31 More than half (57%) of these said that they had pled guilty 'right away' and more than a fifth (21%) said that they had pled guilty just before trial. Around a tenth said that they had pled guilty at a preliminary hearing and a further tenth said that they had pled guilty at a status hearing.

32 Forty-five offenders were sentenced in the Lower Hutt District Court, 33 were sentenced in the Wellington District Court and 12 were sentenced in the Porirua District Court.

Procedures for drawing the comparison sample of victims

The victims identified for interview for the pilot of this part of the evaluation were easy to contact. The Victim Adviser in Wellington District Court provided us with the contact details of victims who had all already agreed to be interviewed. All were contactable on the telephone and all were at the address given. Six were interviewed: three elected to be interviewed on the telephone and three were interviewed face-to-face.

However, ideally for the main comparison sample, we wanted the victims interviewed to be the victims of the offenders interviewed for the comparison sample since we would then have the views of both parties of the same offence on the way in which the court had dealt with their offence and so we attempted to do this. By using an offender's Charge Reference Number (CRN), the Victim Advisers can access their records for the addresses of any victims with whom they have been in contact with respect to this offender.³³ Once victims were identified, the Victim Advisers were meant to send out information sheets about the research. Again, a pre-paid envelope was provided for use if the victim wished to 'opt out' of the research. Unless victims indicated that they did not wish to participate in the research, Victim Advisers were then meant to furnish us with the victim's contact details. Attempts were then made to contact the victim to arrange or conduct an interview.³⁴ In the cases where Victim Advisers had no contact with the victim, we searched the court files for victims' details and sent them information about the research, a reply slip and a pre-paid envelope was sent for use if they wished to 'opt out' of the research. A sample information sheet and reply slip are included in Appendix B.5.

In all, 62 victims were interviewed using these methods of identification.³⁵ However, because contact details in court files were often sketchy and, in some cases, missing, and because searching court files was also very time-consuming, we decided to adopt an alternative strategy for drawing the sample of comparison victims: namely asking Victim Advisers to provide us with the names and contact details of a sample of victims of offences 'eligible' for a court-referred restorative justice conference which had occurred during the period in which the pilot samples were drawn (4 February 2002 to 3 February 2003).

In Wellington District Court, the Victim Adviser contacted the victims to ask whether or not their names could be passed on to the researchers. In Lower Hutt District Court, the researchers extracted the victims' contact details from the Victim Adviser's files.³⁶ In both areas, victims were then sent letters which invited their participation in the research and offered them the possibility of 'opting out'. Again, pre-paid envelopes were provided to enable victims to do this. Thirty-eight victims were contacted in this way. We were subsequently unable to contact four victims, six refused to participate and we interviewed 28.

33 Where Victim Advisers had no contact with the victim, we planned to contact a designated police officer to find out whether or not the victim's details were known to the police. However, this procedure did not work at all and was abandoned.

34 Victims whose offender could not be contacted or refused to be interviewed were nevertheless retained within this sample.

35 Thirty-seven victims who were approached refused to participate in the research and we were unable to contact 73 because their address was no longer valid.

36 We did not continue the research in Porirua because of difficulties in accessing information there.

Thus, eventually, 90 victims whose offenders had pled guilty and who were sentenced in the comparison courts were interviewed.³⁷ For 26 offenders, we were able to also interview their victim(s) (30 in all). Most (83%) of the interviews with the comparison victims were conducted over the telephone.³⁸

Procedures for tracking the comparison samples of victims and offenders for follow-up interview

The procedures for tracking the comparison victims and offenders for follow-up interview were similar to those for the pilot samples. We continued to make attempts to contact a victim or offender until we were successful in talking to either the person we were looking for or someone else who informed us that s/he was not at the address or phone number that we had. Where offenders in the comparison sample were not at their previous contact address, we asked the Ministry of Justice to search the Ministry's data warehouse on our behalf to determine whether or not they could provide new contact details.³⁹ The Department of Corrections was also asked to provide us with possible contact details for those offenders currently in prison or involved with the community probation service.

Initial interview schedules

The interview schedules for the comparison samples were modelled as closely as possible on the interview schedules for the pilot samples, but the questions related to court processes and sentences and not to processes in, and agreements reached at, court-referred restorative justice conferences. The comparison offenders were asked various questions about how they were dealt with in court, for example whether or not they understood what was going on; whether or not they felt involved in the court hearing; whether or not they had the opportunity to say what they wanted to in court; whether or not they felt that they were treated with respect; whether or not they felt ashamed of what they had done; whether or not they had support with them in court; whether or not the court process took account of their cultural needs; their satisfaction with the court process overall; and any '*good*' or '*bad*' features about their experience at court. In addition, the comparison offenders were asked whether or not they felt they had made up for what they had done; whether or not they understood how their victim felt; whether or not they understood their sentence; what they thought the sentence was trying to achieve; whether or not it met their cultural needs; their satisfaction with it; whether or not they thought it would help them stop reoffending; and about any '*good*' and '*bad*' features of their sentence. Finally, they were asked about how they felt about the court system generally and whether or not they would have been interested in participating in a restorative justice conference. This interview schedule is included in full in Appendix A.8.

37 Fifty-three were the victims of offenders sentenced in the Wellington District Court, 28 were the victims of offenders sentenced in the Lower Hutt District Court, and nine were the victims of offenders sentenced in the Porirua District Court.

38 Only a few were conducted face-to-face in the victims' workplace (8%), in their own residence (7%) or elsewhere (2%).

39 As noted before, this was problematic in that, sometimes, several addresses were recorded and there was no way of ascertaining which was the most recent.

Most victims in the comparison sample had not attended any court hearings and so their questions focussed mainly on their views of 'their' offender's sentence, for example whether or not they knew what the sentence was; what the sentence was trying to achieve; whether or not they agreed with it; their level of satisfaction with it; whether or not they felt it was fair, and whether or not they thought that any victim impact statement they had prepared had affected it. The comparison victims were also asked whether or not they had received an apology from 'their' offender; whether or not 'their' offender had been able to make up for what they had done; whether or not 'their' offender had been made accountable; and whether or not the sentence had taken account of their needs, including their cultural needs. More generally, the comparison victims were asked about the 'good' and 'bad' features of the sentence; whether or not they felt 'safer'; and whether or not they thought that the sentence might help stop 'their' offender from reoffending. Finally, they were asked about how they felt about the court system and whether or not they would have been interested in participating in a restorative justice conference. This interview schedule is included in Appendix A.9. Victims who attended a court hearing at some point were asked a few additional questions (for example, about how they felt about being in court and when they saw the offender). This interview schedule is included in Appendix A.10.

Twelve month follow-up interview schedules

We attempted to interview both the offender and the victim comparison samples 12 months later. Offenders were asked what they remembered most about their court appearance; whether or not they had paid any reparation ordered by the court and, if not, why not; their satisfaction with the court process overall and with their sentence; whether or not they had reoffended and, if so, whether or not the court could have done anything to prevent this. Victims were asked whether or not they had received any reparation ordered by the court; their satisfaction with 'their' offender's sentence; whether or not the offence was now behind them and, if so, whether or not the court had helped with this; and their feelings about the court system generally. Both victims and offenders were asked how court processes could be improved for victims or offenders (as appropriate) and, again, whether or not they would be interested in participating in restorative justice processes. These interview schedules are included in Appendix A.11 and A.12 (for both victims who attended court) and A.13 (for those who did not).

Characteristics of the comparison samples

Victims

Around half of the victims in the comparison sample were male (53%) and around half (47%) were female. Also, almost half (46%) of the comparison victims were aged 40 or over; relatively few (11%) were under the age of 20; and less than a third (31%) were under the age of 30. Most (83%) of those interviewed said that they were New Zealand European; seven percent described themselves as M ori; and two percent identified as being of Pacific origin.⁴⁰ Most (81%) of the comparison victims said that they were in paid work, mainly (87%) full-time. The main groups represented amongst those victims not working were students and the retired. Almost a third (31%) of the comparison victims said they knew the

⁴⁰ In addition, seven percent were coded as 'other ethnicity'; these included English, British, Indian, Chinese, and Cambodian.

offender before the offence. Most commonly, this was as an employee or as an acquaintance. A fifth of the comparison victims said that the offence had had a high impact on them (rating it as 9 or 10 on a scale from 1 to 10 where 10 equalled the highest impact) and under a third (32%) gave the offence a rating of less than 5.

Offenders

The majority of the comparison offenders interviewed were male (82%) and were relatively young: more than a quarter (27%) were under the age of 20; and almost two-thirds (62%) were under the age of 30. Less than a fifth (19%) were aged 40 or over. Slightly under half (46%) of those interviewed said that they were New Zealand European; just over one third (34%) described themselves as Māori; and over a tenth (12%) identified as being of Pacific origin.⁴¹ Almost two-thirds (62%) of the comparison offenders said that they were not in paid work, though more than two-thirds (70%) of those in work were working full-time. Almost two-fifths (38%) of those not in paid work were unemployed; over a quarter (27%) were beneficiaries (for example, they were on a sickness benefit or on the Domestic Purposes Benefit), and just under a quarter (24%) were in prison. The victim was known to the offender before the offence in almost two fifths (37%) of the offences. Most commonly, this was as a friend or acquaintance or as an employer.

3.4.3 Matching the pilot and comparison samples

The project brief suggested, and we subsequently agreed to try, to match the pilot and comparison offenders on a range of characteristics. Table 8 gives an indication of what we were able to achieve when comparing all offenders referred to the pilot and those offenders who participated in a court-referred restorative justice conference against the comparison offenders.

As Table 8 shows, we were able to match roughly the proportion of women interviewed in the sample of comparison offenders with all offenders referred to the pilot and with those who experienced a court-referred restorative justice conference. With respect to the ethnicity of the comparison offenders, New Zealand European offenders are slightly over-represented and Pacific offenders are slightly under-represented in contrast to those referred to the pilot; however, the proportion of New Zealand European offenders in the comparison sample is not so different from the proportion of offenders who participated in a court-referred restorative justice conference. The proportion of Māori offenders in the comparison sample is similar to the proportion of Māori offenders referred to the pilot, but higher than the proportion of offenders who participated in a court-referred restorative justice conference. The offenders in the comparison sample were also approximately matched to the offenders in the pilot sample with respect to age although the pilot group are, on average, younger than the comparison group. However, age is not recorded for many of the offenders in the restorative justice database and, if all this information was available, the picture might well change.

⁴¹ In addition, eight percent were coded as 'other ethnicity'. These included Chinese, Indian, Greek, Sri Lankan, Australian, South African, and English.

Table 8 Characteristics of all referred, all conferenced, and the comparison offenders: percentages

Characteristics	Referred (n = 577) %	Conferenced (n = 206) %	Comparison offenders (n = 90) %
Sex			
Male	80	76	82
Female	20	24	18
Ethnicity			
New Zealand European ^a	40	42	46
M ori	36	28	34
Pacific	16	17	12
Age			
Under age 18 ^b	13	9	10
Under age 20	32	28	27
Under age 30	76	70	62
Aged 40 or more	10	11	19
Offending history			
Previous offending	66	56	79
Previous imprisonment	20	14	33
Referred/current offence			
Violent offences	30	27	29
Burglary	20	18	17
Other dishonesty	30	29	32
Property damage	1	2	4
Careless driving causing death or injury	11	18	6
Other ^c	8	6	12

^a Ethnicity was available for 539 offenders in the Restorative Justice database. It is based on self-identification.

^b Age was available for 302 offenders in the Restorative Justice database.

^c This category includes taking or interfering with a vehicle, and miscellaneous charges which do not fit the broad descriptions of the other categories. Where an offender was charged with more than one offence, the analysis has been based on the most serious charge (categorised by the maximum penalty).

More offenders in the comparison sample had a history of previous offending and previous imprisonment than those referred to the pilot or who had a court-referred restorative justice conference. With respect to the current offence, the match across all three groups seems relatively close. The only major difference is the higher proportion of cases involving careless or dangerous driving causing death or injury in the pilot samples (both those referred and those conferenced).

Although there was no attempt to match the victims in the comparison sample with the victims in the pilot sample, they are very similar in some respects, for example sex, age, and employment status. However, fewer pilot victims identified as New Zealand European (67% compared with 83%); and slightly more pilot victims identified as M ori (11% compared with seven percent) or as a Pacific person (five percent compared with two percent). Slightly

more of the pilot victims said that they had known the offender prior to the offence (37% compared with 31%). More than a third (37%) of the pilot victims gave the offence the highest impact rating and almost two-thirds (62%) rated its impact at 8, 9 or 10 (on a scale where 10 was '*very high impact*' and 1 was '*no impact*') compared with only 14% and 34% respectively of the comparison victims. We need to be careful, however, about treating this at face value; this rating was given in an interview soon after the conference where pilot victims had been discussing the offence and its effects, and the impact of the offence may have been more in their minds than in the minds of the comparison victims when they were interviewed.

3.5 Observation of court-referred restorative justice conferences

3.5.1 Procedure

As noted previously, all offenders referred to the pilot in the evaluation period and their victims were sent information sheets about the research, which invited their participation in it if their case actually went to court-referred restorative justice conference. If they wished the researchers not to be present during their conference, they could return the 'opt out' form to the researchers in the pre-paid envelope provided. Sometimes, rather than do this, victims and/or offenders indicated to the coordinators and/or to the facilitators that they did not wish the researcher to observe their conference and this information was passed on to us. If one party agreed to our presence and the other did not, we did not attend the conference. In all, twelve victims and eight offenders refused us permission to observe 'their' court-referred restorative justice conference and this related to sixteen court-referred restorative justice conferences.

We also had to rely on coordinators and facilitators informing us about the times and venue of court-referred restorative justice conferences and, despite the victims' and offenders' permission to attend their conference, on fifteen occasions, we missed it because of a lack of (or very late) notification to us (and/or to the relevant coordinator) about when the conference was taking place, or because the researcher was given the wrong date.

3.5.2 Sample size and characteristics

Originally, it was intended to observe 30 court-referred restorative justice conferences in each of the three pilot areas. Because of differences in the throughput in the three areas, the target number of conferences was amended to 50 in Auckland and Waitakere and to 20 in both Dunedin and Hamilton. After observing a number of court-referred restorative justice conferences, we also began targeting certain types of referrals in Auckland/Waitakere, rather than taking a time-based sample, to enable the inclusion of more female offenders, more Māori and Pacific offenders, more individual (as opposed to business or corporate) victims and more victims of serious offences. In all, 91 court-referred restorative justice conferences were observed. One researcher carried out the bulk of the observations in Dunedin and another carried out the bulk of the observations in Auckland, Hamilton and Waitakere. Three other researchers did some observations.

Most of the observed conferences involved only one offender. However, four included two offenders and one included three. Fifteen of the observed conferences concerned only female offenders, 75 concerned only male offenders and one observed conference had both male and female offenders. More than two-fifths (44%) of the observed conferences involved New Zealand European offenders and almost a third (29%) involved Māori offenders. Fourteen percent involved Pacific offenders (the largest group within this was Samoan). Other ethnicities represented in the observed conferences included Chinese offenders (3), Indian offenders (2) and offenders who were Korean, Pakistani, Malaysian, Australian, Saudi Arabian, and Thai (one offender in each group). Almost half (48%) of the offenders in observed conferences were under 21 years old (and about a sixth [16%] were under 18); under a third (29%) were aged between 21 and 30; and just over a fifth (22%) were aged 31 or more. The youngest offender in an observed conference was 17 and the oldest was 55. Almost two-thirds (65%) of the observed conferences involved only one charge, but five involved offenders with six or more charges. The most common type of offence in the observed conferences was property offending (64%), followed by violent offences (23%) and then traffic offences (19%).⁴²

3.5.3 Schedules

The observation schedules were modelled on those already used in research on family group conferences in New Zealand and Australia.⁴³ From these, we collected basic descriptive information on those present and their relationship to the offender, the procedure followed in the court-referred restorative justice conference, and the nature of the agreements reached. They also, however, required the observers to make comments and judgements about a number of issues, for example the extent of participants' involvement in the process and their understanding of, and involvement in, the agreement reached; the attitude of the offender and the victim; whether or not there was any re-victimisation of the victim or anger directed at the offender; whether or not the offender and the victim were adequately supported; the facilitator's and co-facilitator's roles; the role of any lawyer, police or probation officer present; whether or not anyone dominated the conference or was overlooked; whether or not the conference agreement was culturally appropriate, held the offender accountable and took into account the victim's interests; and whether or not the conference was culturally appropriate and took into account both the victim's and the offender's interests. Observers were also asked to note any 'negative' or 'positive' features in the particular conference observed. The observation schedules are included in Appendix A.14 and A.15.

3.6 Case studies

Eighteen court-referred restorative justice conferences – 10 from Auckland and Waitakere and four from both Dunedin and Hamilton – were identified as potential case studies. In these, all participants and both facilitators were contacted for their views about the court-referred restorative justice conference. The conferences were chosen to reflect cultural

⁴² These were mainly careless driving causing death or injury.

⁴³ In particular, we examined the observation schedules used by Larry Sherman and Heather Strang in the evaluation of the Reintegrative Shaming Experiment in Canberra, by Kathy Daly in her research on conferences in South Australia, and by Gabrielle Maxwell and others in their evaluation of family group conferences in various areas of New Zealand.

sensitivity, the involvement of professionals, healing and reconciliation. They include conferences with offenders who had committed very serious as well as less serious offences; with a number of victims present as well as victims on their own; with a number of offenders present as well as offenders on their own; with recidivist offenders as well as first time offenders; with offenders and victims of different ethnicities as well as the same ethnicity; and with both male and female offenders and victims. Extracts from these case studies⁴⁴ are referred to in the Report to demonstrate points being made. They are also presented in full in a separate Case Study Report (Crime and Justice Research Centre, 2005) on the Ministry of Justice website (www.justice.govt.nz).

3.7 Key informants' questionnaires

3.7.1 Piloting the key informants' questionnaires

We conducted 10 face-to-face interviews with key informants (judges, police prosecutions, community probation, lawyers, facilitators and representatives of provider groups, and victim advisers) in November 2001. Although these interviews provided useful background information and raised new issues for us, they were not able to act as a real measure of the appropriateness of many of the questions asked because throughput in each of the pilot areas was quite low at that stage. In addition, the draft questionnaire for judges was sent to two judges for their information and at their request, and one responded to it. We further interviewed a small number of key informants in 2002 and a questionnaire for the key informants was finalised in September 2002. Not many changes were made to the content of this questionnaire, but the procedure for administering it was altered.

3.7.2 Procedure

The initial intention had been to interview key informants face-to-face, but it was clear from the piloting of this methodology that it was difficult to pin down busy professionals. Also, some key informants said that they wanted time to consider and reflect on their responses. The result of this was that we decided to mail the questionnaire to identified informants and invited them to return it by mail, or to request an electronic version to be sent to them, or to request an interview by telephone or face-to-face. It was also decided that the four coordinators should be interviewed face-to-face. If the questionnaires were not returned within a week or so after they were sent out, key informants were then telephoned and the researcher reminded them about returning the questionnaire. She also offered to go through the questionnaire with them at that time and to write down their answers or to ring again at a pre-arranged time. The same procedure was used for the follow-up questionnaire 12 months later.

3.7.3 Content

The topics covered varied in both the initial and follow-up questionnaires, depending on the role that the particular key informant had in relation to the pilot, but all were asked a number of what we called 'core' questions. These included their views on the implementation of the

⁴⁴ An example of the questionnaire used to interview whānau can be found in A.16.

pilot, operational aspects of the pilot, its effectiveness for victims and offenders and for different ethnic groups, and critical factors relating to the pilot's success or failure. This questionnaire is included in Appendix A.17. The follow-up questionnaire presented some information gained from the earlier questionnaire (for example about arranging and facilitating conferences and monitoring agreements) and asked respondents whether or not these issues remained relevant whilst, at the same time, allowing them to add new issues; it also asked key informants about their views on the effectiveness of the pilot in their area at this stage; which aspects of the pilot worked well and which did not; how the pilot could be more effective; whether any changes were required and about possible future directions. This questionnaire is included in Appendix A.18. Mainly the questionnaires invited key informants to tick a box, make an estimate or insert a number on a scale, but there was also plenty scope for them to add their views.

3.7.4 Sample size and composition

Specific key informants (judges, police, lawyers, court managers, coordinators, service providers, facilitators, national office scheme administrators and others involved with the pilots) were identified with help from the then Department for Courts, including coordinators.

In total, 131 possible key informants were sent the initial questionnaire and we obtained information from 94 key informants; a response rate of 83% excluding those key informants who said that they lacked sufficient knowledge about the pilot and, therefore, were unable to complete the questionnaire and those whose returns were lost in the post.⁴⁵ Table 9 sets out the number of returns by group and their response rates.

The key informants' follow-up questionnaires were sent to all the key informants who were sent the initial questionnaire (except where we already knew that they no longer held the position which had previously made them a 'key informant'). Some of these key informants then informed us that they were no longer in the relevant position and so a questionnaire was then sent to the person they or their organisation nominated. Where facilitators were no longer 'active', the coordinators supplied a list of alternatives and some of these were then sent a questionnaire. In total, 109 follow-up questionnaires were sent out to key informants and 73 were returned;⁴⁶ a response rate of 80%, excluding the eighteen key informants no longer involved in the pilot and, therefore, unable to complete the questionnaire. Table 10 sets out the number of returns by group and the comparative response rates.

45 Seventy-one key informants chose to return the questionnaire by post, twelve completed it electronically, seven were interviewed in person (one of these also returned a questionnaire by mail) and five answered the questions over the phone. Of those who received the questionnaire, three responded that they would not complete the questionnaire. Fifteen said that they lacked sufficient knowledge of the pilot and, therefore, were unable to respond to the questionnaire. Three completed questionnaires were 'lost in the post'.

46 Fifty-nine key informants chose to return the questionnaire by post, six were interviewed in person, five completed the questionnaire electronically, and two answered the questions over the phone. One was interviewed face-to-face and also completed the questionnaire and returned it by post.

Table 9 Number of returns by key informants' group to initial questionnaire and response rates^a

Group	Sent out	Refused	Unable to complete	Not returned	Lost in post	Received	Response rate by percentage
Facilitators	40			5	3	32	88
Judges	22	2	6	2		12	75
Probation	15		3	1		11	92
Police	12		2	2		8	83
Core National ^b	17		3	6		9	64
Lawyers	9	1	1	1		6	75
Coordinators	4					4	100
Court Managers	4					4	100
Victim Support	4					4	100
Victim Advisers	4					4	100
Total	131	3	15	17	3	94	83

Notes:

^a The response rate is calculated on the number of questionnaires received. This excludes those who indicated that they were unable to complete the questionnaire as they were no longer involved in the pilot.

^b The core national key informants were made up of members of the Steering Committee for the whole project, the Evaluation Advisory Group and the National Liaison Group for the whole project. However, where an individual was also involved in the pilot in a professional role, he or she was interviewed in this capacity.

Table 10 Number of returns by key informants' group to follow-up questionnaire and response rates^a

Group	Sent out	Refused	Unable to complete	Not returned	Received	Response rate by percentage
Facilitators	40	2	5	7	26	74
Judges	13		3		10	100
Probation	13		3	1	9	90
Police	8		1		7	100
Core National	9		2	3	4	57
Lawyers	6			2	4	67
Coordinators	4				4	100
Court Managers	4			2	2	50
Victim Support	6		3		3	100
Victim Advisers	6		1	1	4	80
Total	109	2	18	16	73	80

^a The response rate is calculated on the number of questionnaires received. This excludes those who indicated that they were unable to complete the questionnaire as they were no longer involved in the pilot.

3.8 Documentation

We tried to collect the police Summary of Facts, conference reports, and transcripts of comments made by judges at sentencing or discharge hearings for all the offenders who participated in court-referred restorative justice conferences during the evaluation period. Though these all contained useful information for the evaluation, care needs to be exercised in interpreting these data when they are referred to. None of these documents have a set template. This means that, if a particular item of interest is missing, we do not know if it did not happen or if it happened, but was not recorded. These data, therefore, have to be treated as indicative only.

Summary of Facts were received for 202 offenders.⁴⁷ The main purpose for collecting these was to provide some information on the nature of the offences and as a cross-check on other data collected. Offences were categorised into offence type using the Ministry of Justice criteria for violent offences, offences of dishonesty, damage to property, and traffic offences (including causing death or injury through dangerous or careless driving). We then used the Ministry of Justice seriousness scale to assess the seriousness of the offences. This scale is based on the average term of imprisonment for those convicted of a certain offence. To give an example of how it works. Say 100 people were convicted of a certain offence and 50 of them were sentenced to imprisonment. Say also that the total number of days in prison for these 50 is 1000 days. To get the seriousness rating for this offence, the 1000 days is divided by the 100 offenders, giving a rating of 10. To give some examples of the Ministry of Justice ratings: common assault is rated as 10, unlawful conversion as 27, taking or dealing with documents with intent to defraud as 35, forgery as 58, assault with a weapon as 82, robbery as 310 and aggravated robbery as 951. The coding sheet for the Summary of Facts is included in Appendix A.19.

For each conference, we coded the information in the conference report. The focus of our attention here was to obtain some measure of the dimensions, which had emerged from our observations of court-referred restorative justice conferences (such as expressions of remorse, apologies and tears) and any special features of the court-referred restorative justice conference as well as the detail of the conference agreements. The coding sheet for this is included in Appendix A.20.

Sentencing notes were received for 172 offenders.⁴⁸ We were particularly interested here in any comments by judges about offenders' involvement in court-referred restorative justice conferences and about conference agreements. The coding sheet for this is included in Appendix A.21. We also conducted an analysis of the direct costs associated with the court-referred restorative justice conference pilot on the basis of documentation provided to us by the then Department for Courts.⁴⁹

47 There are fewer Summaries of Facts than offenders in the pilot sample. No Summary of Facts was available for one offender. The remaining 'shortfall' is because some Summaries of Facts pertain to more than one offender.

48 For 13 offenders, the tape recordings of the judge's comments during their sentencing was missing or damaged; the judge's comments for two offenders were not taped; one offender had not been sentenced at the time we terminated data collection and a warrant had been issued for his arrest; two offenders were discharged and there are apparently no sentencing notes for them. The sentencing notes for a further 16 offenders were not available to us.

49 See Chapter 1 of the Evaluation Report.

3.9 Reconviction analysis

3.9.1 Selection of the restorative justice sample

The main group of interest in the reconviction study was those offenders who participated in a court-referred restorative justice conference ('the conferenced group', $n = 206$). However, information was also retained for comparison purposes on those offenders who were referred for a court-referred restorative justice conference but who did not have one ('non-conferenced group', $n = 365$).⁵⁰ The data from this analysis is presented in Chapter 10 of the Evaluation Report. Here we describe only the methodology used.

3.9.2 Extraction of court case data

The restorative justice database holds information on the offenders referred to the pilot (including their personal identifier or PRN) and the charges they were referred for (including the unique identifier of each charge or CRN). The CRN was used to identify detailed information on the relevant cases from information on finalised charges and cases held by the Ministry of Justice.⁵¹ Where the CRN was missing or mistyped, the relevant case was identified using the PRN. All case matches were checked to ensure they matched the correct offender, were within the correct timeframe and involved an 'eligible' offence.

At the same time, information was extracted on all other potentially 'eligible' cases finalised between 2001 and 2003, with a final hearing date before 30 April 2003 (that is, one year prior to the extraction of the criminal history data). This dataset ($n=45,610$) provided a large sample from which to select multiple comparison groups. These 'eligible' cases represented 16% of all the cases prosecuted within the same time period. Cases processed by a District Court involving a guilty plea⁵² and an offence that was 'eligible' for referral to the court-referred restorative justice conference pilot were considered potentially eligible. Some cases with a guilty plea nevertheless resulted in a 'not proved' outcome. These were included in the 'eligible' case data if the case was withdrawn by a judge, as this was a not infrequent outcome for the conferenced group. Other 'not proved' cases were excluded, including those withdrawn by a registrar (a common outcome for offenders who have undergone police diversion). The age range was limited to people aged between 16 and 80, the same age range as referrals for a court-referred restorative justice conference.

50 The number of offenders in the non-conferenced group is slightly lower than elsewhere in the Evaluation Report, as a small number of referrals could not be matched to cases.

51 The Ministry of Justice database creates a 'case' for one or more charges for a single offender. Generally, charges are grouped if they have either the same first court hearing date or the same final court hearing date. Thus an offender will usually have more charges than cases in their offending history. This usage of 'case' differs from the way in which we use 'case' with respect to court-referred restorative justice conferences. This is explained in Section 4.0 of this Report.

52 Cases with no plea entered were also included if they resulted in a proved outcome, as these made up a significant minority of the cases referred to a court-referred restorative justice conference.

The information extracted from the Ministry of Justice case database included the finalisation date of the case, the major offence,⁵³ the offence date, the number of charges in the case, the final disposition and any sentences or orders imposed, as well as demographic information on the offender.

3.9.3 Extraction and summarisation of criminal record data

Criminal records, including traffic offence records, were extracted from the Ministry of Justice data warehouse for all referred and 'eligible' offenders. The criminal records database contains all proved charges, including all convictions and all charges resulting in a proved outcome, such as a discharge without conviction or a proved outcome in the Youth Court. Throughout this Report, 'previous convictions' and 'reconvictions' refer to charges or cases with a proved outcome.

Two aspects of the criminal record were needed for this evaluation. First, the number and nature of convictions (proved cases) finalised prior to the relevant 'eligible' case were required. This information was used to select comparison groups with similar characteristics to the conferenced group (see Section 3.9.5). The summarised prior record included information on:

- the number, seriousness and type of previous proved charges and cases;
- the number of previous prison and community-based sentences;
- the time since the most recent proved case;
- the rate of offending (number of previous proved charges per year);
- the age at which the first proved case of any type occurred.

Second, information on proved reoffending within one year of the critical date was required as the basis of the reconviction study. The critical date was defined as the date of the court-referred restorative justice conference for the conferenced group and the final hearing date for all other groups. The conference date was chosen as the critical date from which to measure reoffending as this is the date from which any behavioural change resulting from the conference could have occurred. No equivalent date was available for other groups so the case finalisation date was used. Proved reoffending within one year was defined as a proved charge resulting from an offence where the offence date occurred within one year of the critical date.

An adjustment was made for offenders who received a prison sentence, taking the release date as the critical date unless an offence occurred while the offender was in prison. Some offenders sentenced to imprisonment did not have a full year in which to reoffend. This group was excluded from the analysis of the one-year reconviction rates, but were included in the survival analysis and in the analysis of the six-month reconviction rates (if they had six months or more in which to reoffend).

⁵³ The major offence in a case is defined as the offence resulting in the most serious sentence. In some cases, this was not the same as the offence(s) referred to the court-referred restorative justice conference pilot.

The summarised reconviction record included information on:

- the number of proved charges and cases within one year;
- the number of proved charges and cases within six months;
- the number of reconvictions resulting in prison and community-based sentences;
- the summed seriousness and maximum seriousness of proved charges within a year;
- the time between the critical date and the offence date of the first subsequent proved charge;
- the offence type of the first charge.

3.9.4 Selection of the comparison groups⁵⁴

Offenders vary very widely in their likelihood of reoffending. Previous studies have shown that prior criminal history, type of offence and demographic factors are key predictors of reconviction rates (see, for example, Maxwell and Morris, 1999). The comparison sample of offenders must, therefore, be matched by these characteristics, so that the comparison group and conferenced group have similar expected rates of reconviction.

Matched comparison offenders were selected from all 'eligible' cases, based on predicted reconviction rates derived from a logistic regression model. A logistic regression model was used as the dependent variable of interest (the probability of reconviction within one year) is dichotomous. That is, each person was either reconvicted or not reconvicted. The development of the model is outlined in Appendix C.

The independent (predictor) variables tested for inclusion in the model were initially selected based on previous studies, particularly Bakker et al. (1999). A variety of variables were tested in the model, including demographic variables (sex, age and ethnicity), 'eligible' case variables (offence type of the major offence in the case, offence seriousness score⁵⁵ and number of charges) and criminal history variables (as explained in Section 3.9.3).

The final logistic regression model contained the following variables in order of significance: log of the lifetime rate of reoffending (number of proved charges per year since the age of 13); log of the time since the most recent conviction; age; whether or not the person was a first offender; whether or not the 'eligible' offence was a traffic offence, violent offence or fraud offence; sex; whether or not the 'eligible' case involved more than eleven charges, and a dummy variable for the Auckland District Court. The final model had an R-squared value of 0.31.

54 The comparison groups selected for the general study, the reconviction study, and sentencing analysis are all different comparison groups, to reflect the different type of comparisons being made.

55 The major offence in a case is the one resulting in the most serious penalty. As noted earlier, the seriousness score is the average number of days of imprisonment imposed for offences of that type, as calculated from all offenders convicted of the offence over a four-year period.

Higher rates of reconviction were associated with offenders with a high rate of offending, a recent previous conviction, younger offenders, and male offenders. Traffic, violent and fraud offenders were less likely to reoffend than other offenders. 'Other' offences were mainly property offences other than fraud, but also included other 'eligible' offence types (mainly offences involving the possession of weapons). First offender status was required in the model to offset the effect of 'time since previous case' not being defined for first offenders. Overall, first offenders are less likely to reoffend than other offenders.

Comparison offenders were selected from those with a similar predicted reconviction rate (± 0.025) to each offender in the court-referred restorative justice conferenced group. The comparison offenders were also matched by sex, age group, whether or not they were a first offender, and offence group. The offence groups used were violence, fraud, burglary, receiving/conversion, traffic, and other offences (mainly theft and weapons offences). Comparison groups were selected from the dataset of all 'eligible' offenders ($n = 45,610$).

Where possible (if sufficient matches were available), comparison offenders were also matched by ethnic group and a more specific offence grouping: serious violence (mainly robbery and grievous assault), other violence (mainly other assaults and threats), burglary, receiving/conversion, theft, fraud, traffic and other (mainly possession of firearms) offences. Neither ethnicity nor specific offence type were major factors in the logistic regression predicting reoffending.

Comparison offenders were randomly selected from matched eligible offenders and then randomly assigned to a comparison group. Ten matched comparison groups were identified, so that the variation between comparison groups could be taken into account in addition to the variation between the comparison groups and the conferenced group. Overall, 77% of comparison offenders met all the matching criteria (the core factors plus ethnicity and specific offence); a further seven percent were matched by the core factors plus ethnicity; 12% were matched by the core factors plus specific offence type; and four percent required a broadening of the age criteria to make up the required 10 matches. Of this latter group, most were on the border of their age group (for example, age 40), and so broadening the age criteria (for example, older than 35 instead of older than 40) seemed reasonable.

The large number of matches was possible partly due to the inclusion of 2001 cases in the data, effectively doubling the number of 'eligible' cases from which to select. The use of 2001 cases introduces a slight bias, in that these offenders have a longer timeframe in which to have subsequent offending processed and finalised. This bias has been taken into account by calculating an adjusted reconviction rate for comparison offenders from 2001, based on whether their subsequent reoffence would have been finalised had they had the same amount of time available as their matched conferenced offender. Apart from the comparison offenders selected from 2001 data, all other data presented in this Report were from the same time period as the evaluation of the court-referred restorative justice conference pilot.

Offenders sentenced to prison may also bias the results, as prisoners have less opportunity to offend. The effect of prison sentences was taken into account by calculating the time available in which to reoffend after the release date from prison. Offenders who had less than a year in which to reoffend were excluded from the analysis of reconviction rates, but were included in the survival analysis.

3.9.5 Selection of the other groups

The main focus of the reconviction analysis is the comparison of reconviction rates between the conferenced group and the matched comparison groups, as these groups should have similar reconviction rates in the absence of a court-referred restorative justice conference effect. However, two other groups of offenders were also compared with the conferenced group. The 'non-conferenced group' (n=365) comprised offenders referred to the court-referred restorative justice conference pilot who did not attend a conference, either because they or their victim(s) refused to participate or because contact could not be made with the offender or the victim. The 'other eligible group' (n=24,328) comprised offenders from throughout New Zealand whose case was finalised within the required timeframe and who would in theory have been eligible for referral to the pilot (that is to say, a guilty plea, eligible offence), but who were not referred to it. As neither group was matched to the conferenced group by key predictors of reconviction, neither group was expected to have the same reconviction rate as the conferenced group.

3.9.6 Characteristics of groups used in reconviction study

Thus, four groups of offenders were used in the reconviction study:

- the offenders who participated in a court-referred restorative justice conference (referred to as 'the conferenced group');
- the comparison groups of offenders (referred to as 'the comparison groups');⁵⁶
- offenders referred to the pilot who did not participate in a court-referred restorative justice conference (referred to as 'the non-conferenced group');⁵⁷
- other offenders potentially eligible for referral to the pilot (that is to say, a guilty plea and an 'eligible' offence during the same time period as the evaluation), but who were not referred to the court-referred restorative justice conference pilot (referred to as the 'other eligible offenders group').

The comparison groups were matched to the conferenced group by sex in all cases and by age group in almost all cases. Therefore, the conferenced group and the comparison groups were very similar in terms of sex and age. The conferenced group was also not significantly different from the non-conferenced group or from the group of potential other eligible offenders on these dimensions. However, the non-conferenced group had a significantly higher proportion of Māori offenders than the conferenced group. Comparisons on the basis of ethnicity with the other groups need to be made with caution, however, as some information on ethnicity was missing for the comparison groups and other 'eligible' offenders. Where possible, the conferenced group and the comparison groups were matched by ethnicity, resulting in a similar distribution. However, the conferenced group had a much lower proportion of Māori offenders than the group of 'other eligible offenders' and this difference was much greater than could be accounted for by the small group whose ethnicity was missing. This demographic information is provided below in Table 11.

⁵⁶ A total of 10 matched comparison groups were selected by matching offenders to the conferenced group using a range of variables that were predictors of reoffending (these were described in Section 3.9.4).

⁵⁷ As noted earlier, the number of offenders in the non-conferenced group is slightly lower than elsewhere in this Report, as a small number of referrals could not be matched to court cases.

Table 11 Demographic profile of groups used in the reconviction analysis, including significance of difference from the conferenced group: percentages

Category <i>Group size</i>	Conferenced <i>206</i> %	Comparison <i>2060</i> %	Non-conferenced <i>365</i> %	Other eligible <i>24,328</i> %
Gender				
Female	24	24	18	21
Male	76	76	82	79
Age				
16–19	28	29	32	23
20–24	30	28	25	25
25–29	13	13	17	16
30–39	17	17	15	22
40–80	13	12	10	14
Ethnicity^a				
M ori	26	33	40 ^b	46
Pacific	17	13	16	8
Other	56	55	44	46

^a Offenders with unknown ethnicities excluded. For referred offenders, ethnicity is taken from the ethnic group recorded in the restorative justice database. For other groups, and for referred offenders with no ethnicity recorded, ethnicity is taken from the Ministry of Justice case database. Only one ethnic group is recorded in this database and ethnicity may not always be self-identified. Ethnicity was unknown for only one referred offender, but for three percent of all eligible cases (mainly traffic offenders), so no significance test is shown for case comparisons.

^b Significance tested by chi-square test: $p < 0.01$. No significant difference for other variables.

The comparison groups were a close match to the conferenced group on a range of criminal history characteristics. However, the criminal histories of offenders who attended a court-referred restorative justice conference were significantly different from offenders who did not attend a conference. Offenders in the non-conferenced group were much less likely than the conferenced group to be first offenders and were much more likely than the conferenced group to have a large number of previous cases, more serious cases, and a previous prison sentence. The differences were even more marked between the conferenced group and the group of 'other eligible offenders'. Only about a fifth (19%) of the 'other eligible offenders' were first offenders, compared to more than two-fifths (44%) of the offenders who were referred to and attended a court-referred restorative justice conference. 'Other eligible offenders' were more than twice as likely to have had a past prison sentence. They also had a significantly higher maximum seriousness score for any past offence or for the referred 'eligible' offence, and they had a higher rate of offending. The details of these comparisons are provided below in Table 12.

Table 12 Profile of criminal history characteristics by group, including significance of difference from the conferenced group: percentages (except for average seriousness scores)

Variable	Conferenced	Comparison	Non-conferenced	Other eligible
<i>Group size</i>	<i>206</i>	<i>2060</i>	<i>365</i>	<i>24,328</i>
Previous number of cases				
0	44	43	28	19
1–3	31	28	33	27
4–6	9	12	11	15
7+	17	17	28	39
Previous prison sentences				
None	86	86	76	66
1+	14	14	24	34
Average maximum seriousness^a				
	123	141	193	205
Lifetime conviction rate^b				
0–0.1	16	15	7	7
>0.1–0.5	35	39	31	26
>0.5–1	22	16	17	17
>1	27	29	44	50
Days since most recent case^c				
≤180	28	30	31	37
>180–360	20	19	18	20
>360	52	51	50	43

Note: Differences which are significant by chi-square or t-test at $p < 0.01$ are bolded.

^a The maximum seriousness is the seriousness score of the most serious charge recorded, including the referred or eligible case.

^b The lifetime conviction rate is the number of proved charges per year since age 13, including charges in the referred or eligible case.

^c First offenders are not included.

The characteristics of the referred and comparison cases are presented in Table 13. The comparison groups were matched, where possible, to the conferenced group by the following offence groups: serious violence, other violence, burglary, receiving/conversion, theft, fraud, traffic and other offences, and this matching was achieved for 88% of the comparison offenders. In all cases, the comparison groups were also matched to the conferenced group by broader offence categories: violence, burglary/receiving/conversion, fraud, traffic and other. Table 13 shows there was a tendency for there to be more serious types of violence in the conferenced sample compared to the comparison samples, and this was reflected in the slightly (but not significantly) higher average seriousness score for the conferenced offenders. Conferenced offenders had a greater average number of charges in their referred case than did comparison offenders. The non-conferenced group had a much smaller proportion of traffic offenders than the conferenced group, but contained a higher proportion of violent

offenders. The average seriousness of the offence and the average number of charges in the referred case did not differ significantly between the non-conferenced group and the conferenced group. The conferenced group (and indeed all referrals to the court-referred restorative justice conference pilot) were by no means a random sample of all potentially 'eligible' cases. The average seriousness score was almost twice as high for the conferenced group as for 'other eligible offenders'. There was a much higher proportion of traffic offenders (i.e. driving causing injury or death) in the conferenced group than there were in the 'eligible' cases generally. The proportion of offenders who had committed a serious type of violent offence (robbery or grievous assault) or burglary was also higher in the conferenced group than in 'eligible' cases generally, whereas the proportion of conferenced offenders who had committed theft or receiving/conversion was lower. In summary, the criminal history of the conferenced group was less extensive and serious, on average, than the 'other eligible' group, whereas the offences for which they were referred tended to be more serious.

Table 13 Profile of selected case characteristics by group, including significance of difference from the conferenced group: percentages (except for average number of charges and average seriousness)

Variable	Conferenced	Comparison	Non-conferenced	Other eligible
<i>Group size</i>	<i>206</i>	<i>2060</i>	<i>365</i>	<i>24,328</i>
Offence type^a				
Serious violence	14	10	16	5
Other violent/person	13	16	19	13
Burglary	20	19	21	14
Receiving/conversion	5	6	11	14
Theft	13	14	15	34
Fraud	12	12	8	10
Traffic	20	20	7	4
Other offences	3	3	2	6
Average number of charges				
	4.2	2.8	3.6	3.4
Average seriousness score				
(scale: 0 - 3650)	96	76	107	54

Note: Significance of offence distribution differences is tested by chi-square test and significance of average differences is tested by t-test. Differences which are significant at $p < 0.01$ are bolded and at $p < 0.05$ are italicised.

^a This refers to the major offence in the case. Note that for referrals the referred offence(s) are not always the major offence. Serious violence is mainly grievous assault and robbery. Other violence is mainly non-grievous assaults and threats. Traffic offences are driving causing injury or death. Other offences are mainly possession of arms offences.

3.10 Conviction and sentencing analysis

As noted earlier, the objective of the conviction and sentencing analysis was to determine whether or not participation in a court-referred restorative justice conference affected the offender's outcome compared to outcomes for similar offenders dealt with through criminal courts. For offenders who participated in a court-referred restorative justice conference, the outcome of the case included both court outcomes (that is to say, whether or not the offender was convicted and what sentence or sentences were imposed) and outcomes resulting from the conference agreement (for example, work for the victim or the community or reparation). Outcomes for the conferenced group were compared with outcomes for 10 matched comparison groups. The comparison groups were matched to the conferenced group on characteristics known to be predictors of sentencing. The sample size was too small, and the number of outcome categories too large, to enable comparisons to be made between sub-groups of the conferenced group. The data from this analysis are presented in Chapter 7 of the Evaluation Report. Here we describe only the methodology used.

3.10.1 Data extraction

Information on the extraction of data for offenders referred to the court-referred restorative justice pilot and for all other potentially eligible offenders was outlined in the methodology for the reconviction analysis (section 3.9.3).⁵⁸ Information on outcomes agreed to at the conference was derived from the restorative justice database. The main focus for the analysis of conference agreements was on agreements equivalent to sentences. These were reparation, voluntary community work and work for the victim. The latter two were combined into a single 'community work' category, where comparisons were made with court-imposed sentences.

Conviction and sentencing information from the courts was derived from the Ministry of Justice case database. Information on up to three court-imposed sentences was retained. The main outcome was defined as the most serious sentence in the case, according to the Ministry of Justice's sentence ranking. For example, a traffic conviction might result in community work as the main sentence, in combination with a fine as the second sentence and a driving disqualification as the third sentence.

If there was more than one charge in a case, the outcome was taken as the outcome for the most serious offence in the case, even if the offence(s) for which the offender was referred was not the most serious offence in the case.⁵⁹ This, as well as other possible factors such as coding errors, led to some discrepancies with the sentence recorded in the restorative justice database. However, there was a 97% match between the databases and discrepancies tended to be fairly minor (for example, reparation was recorded in one database, but a fine was recorded in the other).

⁵⁸ One of the 206 conferenced offenders had not been sentenced by the time the data was extracted and was excluded from the sentencing analysis.

⁵⁹ The most serious offence in the case is the one that results in the most serious sentence. For more information on sentence ranking, the offence seriousness scale and the Sentencing Act 2002, see Spier and Lash (2004).

The Sentencing Act 2002 changed the sentencing regime in the middle of the evaluation of the pilot. The sentences of periodic detention and community service were, therefore, combined with their equivalent new sentence of community work in the analysis. Likewise, the sentences of community programme and supervision were combined with the new sentence of supervision. The suspended prison sentence was abolished and was not replaced. Therefore, the analysis of the number of suspended sentences imposed excluded cases finalised after the commencement of the Act (30 June 2002). The combinations of sentences that can be imposed also changed with the commencement of the Sentencing Act 2002. For example, prior to the Act, imprisonment and supervision could be imposed cumulatively, but this combination is not now possible.

3.10.2 Selection of the comparison groups

Previous studies (for example, Triggs, 1999) have shown that the most important quantifiable predictors of sentences are the characteristics of the current case, especially the seriousness of the major offence, the type of offence, and the number of charges in the case. Other predictors of sentencing include previous criminal history and, to a lesser extent, age group, sex, and ethnicity. The relative significance of these predictors was confirmed by univariate and multivariate analysis of the evaluation's dataset. Sentencing patterns have also changed over time (Spier and Lash, 2004). These changes have been partly due to ongoing trends in sentencing practice. However, a more important factor within the short timeframe of the court-referred restorative justice pilot was the major changes in sentencing resulting from the commencement of the Sentencing Act 2002, mentioned earlier.

Ideally, the comparison sample of offenders should be matched by all of the above characteristics, so that the comparison offenders and the conferenced offenders would have similar expected sentencing outcomes. However, matching on all characteristics was not feasible, especially when matched cases also had to be selected from within the same timeframe. Therefore, the best matches were selected, in priority order of the most important predictors of sentencing. Comparison groups were selected from the dataset of all eligible offenders, excluding cases finalised prior to the time period for the evaluation (n=25,609).

All offenders were matched by:

- case finalisation date (before or after the Sentencing Act 2002 came into force);
- seriousness level, judged by a similar seriousness score for the major offence;
- offence group for the major offence in the case (violence, fraud, driving causing injury or death, burglary/receiving/conversion, and other [mainly theft] offences); and
- sex.

Almost all the offenders were also matched by number of charges (99.6% of matches), age group (97.8% of matches) and criminal history (91.2% of matches). Ethnic group was also matched where possible (79% of matches). Profiles of the conferenced group and the matched comparison groups are described in Section 3.10.3.

Criminal history was summarised into a single variable, which took account of both the number of previous proved cases and the seriousness and outcome of previous cases. The four groups used for matching were: offenders with a previous prison sentence, offenders with a previous community-based sentence (excluding those who also had a previous prison sentence), offenders with at least one previous proved case (but no community or prison sentences) and first offenders.

Comparison offenders were randomly selected from matched eligible offenders and then randomly assigned to a comparison group. Ten matched comparison groups were identified, so that the variation between comparison groups could be taken into account in addition to the variation between the comparison groups and the conferenced group.

3.10.3 Profile of the conferenced group and sentencing comparison groups

The conferenced group and the matched comparison groups for the sentencing analysis were very similar over a range of key variables. In particular, the most important predictor of sentencing (offence seriousness) was well matched, as was offence type, criminal history, sex, and age group. The conferenced group appeared to have slightly more charges on average for the referred case, but contained slightly fewer offenders with a previous prison sentence than the comparison groups. Neither difference was statistically significant. The only significant difference between the two groups was that the conferenced group had a higher proportion of Pacific offenders and fewer M ori offenders. This bias was due to the difficulty of matching Pacific offenders, who accounted for only eight percent of eligible cases, but 18% of the conferenced group. Comparisons of ethnicity must be made with caution, as information on ethnicity was missing for a higher proportion of the comparison group. These data are presented in full in Table 14 below.

Table 14 Profile of the conferenced group and sentencing comparison groups

Variable <i>Group size</i>	Conferenced <i>205</i>	Comparison <i>10 groups of 205</i>
Case characteristics		
Mean seriousness score	95.9	97.1
Mean number of charges	4.2	3.4
Offence group	Percentages	Percentages
Violence	26	26
Burglary, receiving, conversion	25	25
Fraud	12	12
Driving causing injury or death	21	21
Theft & other	17	17
Criminal history		
Mean number of previous cases	3.5	3.6
% first offenders	44	43
% with previous community sentence	36	36
% with previous prison sentence	14	16
Demographics		
% female	24	24
% aged under 20	28	29
% aged 20–29	42	42
% aged over 30	29	30
% Māori	27	32
% Pacific	18	11
% European/Other	56	57

^a Unknown ethnicities are excluded. For conferenced offenders, ethnicity was taken from the ethnic group recorded in the restorative justice database. For other groups and for conferenced offenders with no ethnicity recorded, ethnicity was taken from the Ministry of Justice case database. Only one ethnic group is recorded in this database and ethnicity may not always be self-identified, which can lead to people being classified in the wrong ethnic groups. Ethnicity was unknown for only one conferenced offender, compared with 10% of the comparison group (mainly traffic offenders).

4.0 Coding, data entry and analysis

The information from the restorative justice database, participants' survey, facilitators' feedback form and demographic information, the various interviews with offenders and victims in both the pilot and comparison samples, the observations of the conferences, the key informants' questionnaires, the Summaries of Fact, the conference reports and the sentencing notes was coded and entered into FileMaker Pro databases. These databases were then transferred through Excel 2001 into SPSS 10 files for analysis.

Coded data were checked and verified at a number of stages. For some data files, a small sample of the data was checked for the accuracy of the data entry. Once the data were imported into Excel, the range of the variable was checked for out-of-bound or non-permitted values. Checks were also performed to ensure consistency within questionnaires and to ensure that related questions were coded appropriately.⁶⁰ For parametric statistical tests, the distributions of the data were inspected to identify departures from normality. Where data were judged to be problematic, a non-parametric test was used instead (for example, using a Spearman rather than a Pearson correlation). Where appropriate, additional tests were conducted to ensure that the data met the assumptions for the particular test (for example, tests of homogeneity of variance when conducting analysis of variance).

Throughout the research, we compared and cross-checked the various data sources. This resulted in the detection of a small number of anomalies in terms of the eligibility of cases, offenders and victims for inclusion in the evaluation. These ineligible cases were deleted from the data-sets (for example, the offence was not eligible for a court-referred restorative justice conference or was outside the period of the evaluation) and they are not part of the information presented in this Report.

Data from the various sources were matched, so that it was possible, when the numbers were large enough, to compare the responses of victims and offenders or the returns of facilitators in the same court-referred restorative justice conference.⁶¹ Where there was more than one conference for a referral, it was not always possible to identify which conference the facilitators' feedback form referred to. In these cases, comparisons were only made for those with one conference so the matching was exact. Matching of victims and offenders to a conference provides a more powerful statistical test of any differences as it takes into account the variation between conferences. That is to say, the problem with comparing unmatched distributions of responses is that the responses of victims or offenders may be biased on the particular variable of interest. For example, the victim may have been less likely than the offender to have agreed to be interviewed when s/he is dissatisfied with an aspect of the

60 For example, certain questions needed to be coded as 'not applicable' if the prior question had been answered 'no' and the instruction was to skip the following question.

61 We had hoped to do this for all participants responding to the participants' survey, but the numbers were not large enough.

conference. However, by testing only the responses of victims and offenders who went to the same court-referred restorative justice conference, we can eliminate some of this bias. Where this has been done, it is indicated as a paired test in the Report.

The choice of the statistical tests used was dependent on the nature of the variable/s being investigated and the degree to which they meet the assumptions of the particular test (for example, with respect to the distribution of the responses on the variable). In many cases, the variables were not normally distributed (as required for a parametric statistical test) and so a non-parametric statistical test was used. The main test used in this report is the Chi-square test for examining the relationship between two nominal variables. Other parametric tests used and their non-parametric equivalent (in brackets) are: Pearson correlations (Kendal tau-b); paired and unpaired t-test (Wilcoxon signed rank test and Mann-Whitney U test); analysis of variance (Kruskal-Wallis H); and logistic regression.

These tests help to assess whether or not two variables are significantly related. In addition, the logistic regression examines the relationship between a set of variables and assesses the extent to which they contribute to the prediction of the score on an 'outcome' or dependant variable. For example, logistic regression analysis is used to assess whether or not offence and offender variables could be used to predict which offenders would actually have a court-referred restorative justice conference. A 'technical' issue associated with the use of regression analysis in this Report is the use of nominal or ordinal data as independent variables. These variables, such as the type of offence, must be recoded in order to enter them in the regression analysis, and this has been done by 'dummy' coding these variables (Tabachnick and Fidell, 1996). Basically, this involves setting up a series of comparisons between a 'reference' category and the other categories on the variable and testing if any of these are associated with the dependent or outcome variable.

A significance level of .05 was chosen, and all statistical tests are reported with the appropriate test statistic, degrees of freedom (where appropriate), and significance level. Although statistical testing was generally limited to pre-planned comparisons, there are still a relatively large number of such tests and this can result in some results being significant by chance. For example, with a .05 significance level it is likely that 5 out of 100 comparisons will be tested as significant even though there are no real differences.

The data, and the relationships between data sources, contained in this Report can be quite complex and so it is important to understand, at this stage, the general structure of the court-referred restorative justice conference referral process. We have tried to demonstrate this complexity in Figures 1 and 2. The most common, and simplest, scenario was for one offender, with one offence and one victim, to be referred to the coordinator for investigation of the possibility of a court-referred restorative justice conference. This one offender was given a case ID and the coordinator would record the details of the offender and his or her victim (Case 1 in Figure 1). This referral may or may not have resulted in a court-referred restorative justice conference.

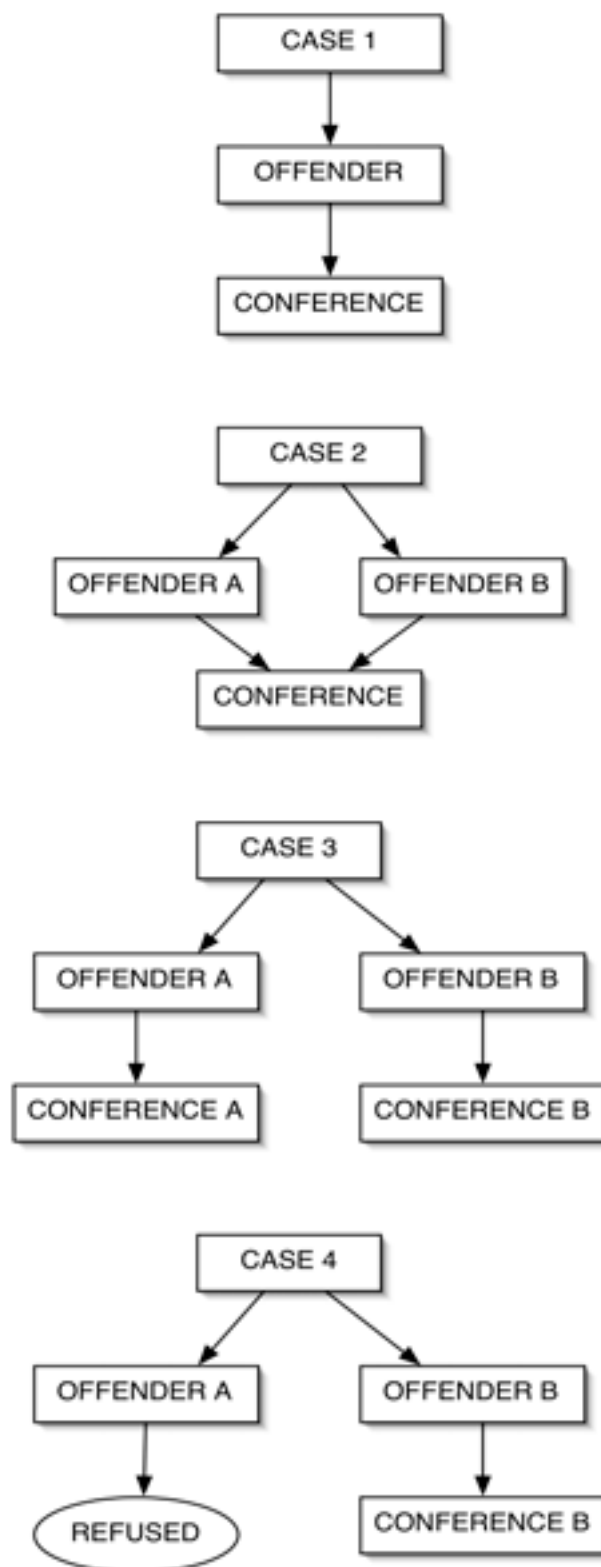
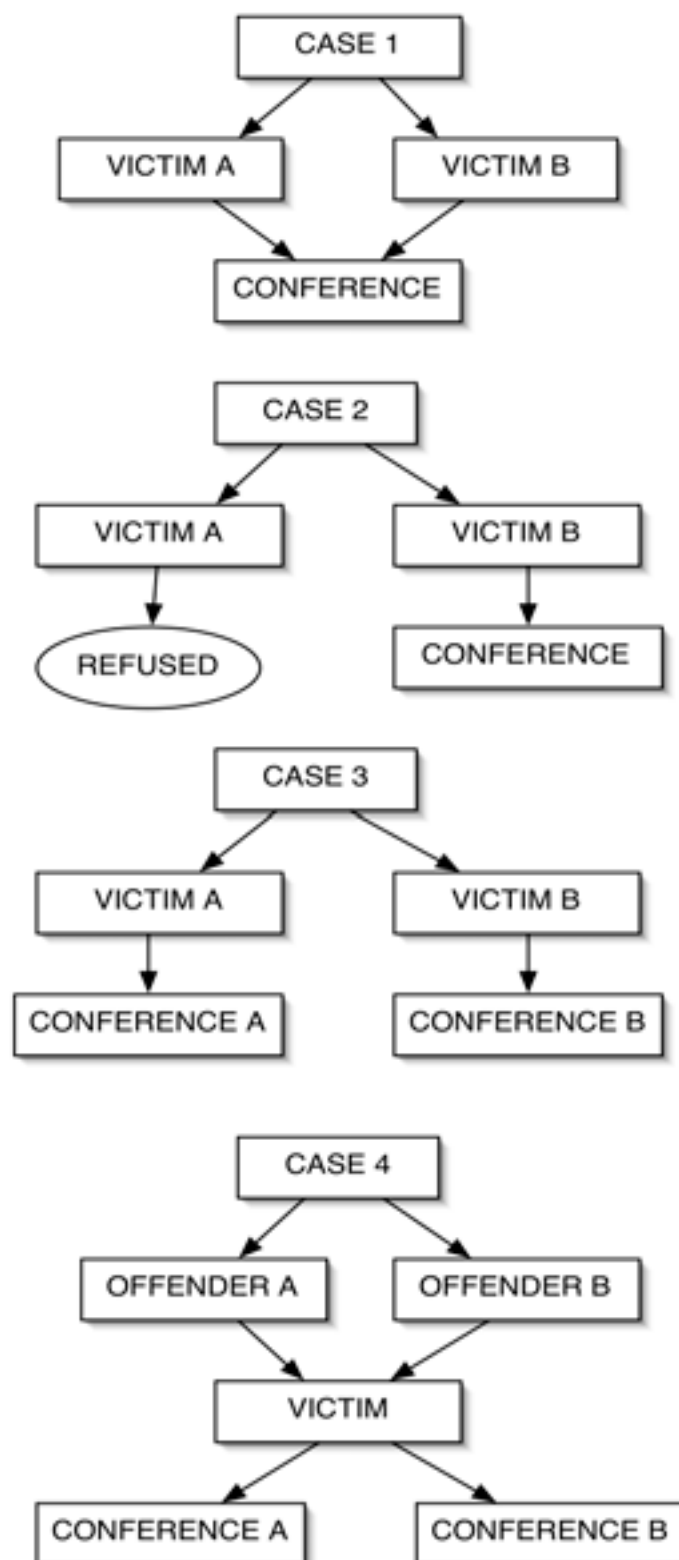
Figure 1 Relationship between cases, conferences and offenders

Figure 2 Relationship between cases, conferences and victims



However, it was also possible for judges to refer one or more offenders, charged with at least one offence in common, to the coordinator for investigation of the possibility of a court-referred restorative justice conference. This referral was then entered as a single case on the restorative justice database, and all offenders received the same case ID. These offenders may also have been referred for other offences that they were involved in separately. Therefore, these offenders had some victims in common, but possibly also there were some victims who were the victims of offences committed by only one offender. For these cases, therefore, it was possible for:

- neither offender to have a court-referred restorative justice conference; or
- both offenders to attend the same court-referred restorative justice conference (Case 2, Figure 1); or
- the offenders to have separate court-referred restorative justice conferences (Case 3, Figure 1); or
- one offender to have a court-referred restorative justice conference (for example, they and at least one victim agreed to attend a conference), while the co-offender did not have a court-referred restorative justice conference (for example, they or the victims withdrew from the process) (Case 4, in Figure 1).

In addition, in a very small number of cases, an offender attended more than one court-referred restorative justice conference. These separate conferences were held in order to meet the needs of different victims. Figure 2 presents some of the possible relationships between cases, court-referred restorative justice conferences, and victims. For example, in Case 1, there are two victims, both of whom attend the same court-referred restorative justice conference, but, in some instances, separate court-referred restorative justice conferences were held for each victim (Case 3). However, it was also possible for one of the victims to withdraw from the restorative justice process, while the other victim went on to a court-referred restorative justice conference (Case 2). Where a victim was common to two offenders, it was possible for a joint court-referred restorative justice conference to be held, with all in attendance, or for separate court-referred restorative justice conferences to be held for each offender (Case 4). These examples show again that there was not necessarily a simple one-to-one relationship between case, offender, court-referred restorative justice conference, and victim.

There were relatively few cases of the more complex types, but these made the analysis and reporting of the data potentially difficult and confusing. The main points to remember are that:

- the number of cases (N=192) in the evaluation that go to conference is less than the number of conferences (N=200) and the number of offenders (N=206); and
- the number of victims (N=342) is greater than the number of cases, conferences and offenders.

The nature of these more complex cases is described in more detail in Table 15 below. Not all court-referred restorative justice conferences had one victim and one offender. In fact, there was one victim and one offender in less than two thirds (62%) of cases. Table 15 demonstrates the number of offenders and victims in court-referred restorative justice conferences.

Table 15 Number of offenders and victims per case – all referrals

Offenders	Victims							Total
	1	2	3	4	5	6 plus	Missing	
1	325	84	36	18	10	17	15	505
2	19	6	1	3	1			30
3	1			1		1		3
4		1						1
Grand Total	345	91	37	22	11	18	15	539

One hundred and ninety-two cases translate into the 200 conferences in the following way:

One conference for the case (n=185 cases) –

- One offender attended = 176 cases
- Two offenders attended = 8 cases
- Three offenders attended = 1 case

Two conferences for the case (n=6 cases) –

- Two conferences for the same offender = 2 cases
- Different offender at each conference = 3 cases
- One offender at one conference and both offenders at a second conference = 1 case

Three conferences for the case (n=1 case) –

- Three conferences for the same offender = 1 case.

5.0 Data presentation

In the Evaluation Report, we discuss the main themes that emerged from the different data sources and bring them together, as appropriate and relevant. We have obviously collected a vast amount of information from these different sources and we have not referred to all of it in this Report. In the Tables and Figures presented in the text of this Report and in the text itself, we have concentrated on those findings which seem most significant, in both the statistical and practical sense, and most relevant to the objectives of the evaluation.

The following general analytic and stylistic principles have been followed in the creation of the Tables for this Report.

- The data presented in the Tables and Figures exclude missing data. The total number of data units or records in the Table and Figures is indicated in its title, where appropriate.
- In Tables, we present usually only percentages for the values of a variable though, on occasions, numbers are presented too. Sometimes, Tables list a number of variables and, in these Tables, the total in the title represents the maximum possible number of responses. If the number of responses to an item is considerably lower than this (because, for example, the respondent chose not to answer the question or the item was not applicable to them), then this is noted in a footnote.

For some items, the same information was collected in different ways and, to make the Report more readable, we have not reported all of these data. For example, who was present at the court-referred restorative justice conference and the length of the conference were usually noted by facilitators in their conference reports and also by the researchers for those conferences observed. Also victims and offenders who responded to the participants' survey would have answered some similar questions within their interviews. Rather than routinely citing both (or all) sets of figures, we have examined the various data-sets and, where the data are broadly similar, we have primarily quoted in the text the figures relating to the larger data-sets on the basis that they are likely to be more representative (though we sometimes provide additional data in a footnote to provide, at this stage, as complete a picture as possible from the different data-sets). In the above examples, conference reports relate to all the court-referred restorative justice conferences which occurred during the evaluation whereas we observed only a sample; and the number of victims and offenders who responded to the participants' survey was smaller than the number of victims and offenders interviewed. Where there are apparent discrepancies, however, we do cite different data sources and attempt to explain why this might have occurred (although this is not always possible).

6.0 Limitations of the evaluation

6.1 Sample biases

The success of this evaluation depended, in part, on the co-operation of others, for example, coordinators sending out preliminary information about the research, victims and offenders agreeing to our attendance at their court-referred restorative justice conferences and to being interviewed afterwards; conference participants and facilitators returning their survey or feedback forms; and key informants providing us with their views. Although the throughput of referrals and conferences was lower than expected during the period of the evaluation we were able to obtain reasonable sample sizes, which enabled us to undertake statistical analysis of the data. However, we have no information on the potential number of offenders eligible for referral to a court-referred restorative justice conference in each of the four courts/areas involved in the pilot and so are unable to comment on differential referral rates by judges. As once the offence and offender characteristics were taken into account, the court/area was not a significant factor in whether or not an offender had a restorative justice conference.⁶²

In fact, only a few victims and offenders refused permission for us to observe 'their' court-referred restorative justice conference or to be interviewed later; and we only missed observing a few court-referred restorative justice conferences because of a lack of (or very late) notification to us about when the conference was taking place. In the missed conferences, attempts were still made to interview the offender and the victim but offenders, especially, in these situations, proved difficult to contact. We examined the conferences observed and not observed and the only statistically significant difference was that the observed conferences were more likely to have male than female offenders.⁶³ We were also unable to subsequently trace some offenders and victims who had agreed to be interviewed, especially for the follow-up interviews 12 months later. However, there were no statistically significant differences among the offenders interviewed and those not interviewed in terms of age, sex or ethnicity. The victims we interviewed, on the other hand, tended to be significantly older than those not interviewed.⁶⁴ There were no other demographic differences.

The response rates from the participants' survey were low; it ranged from 45% for professionals to 20% for offenders. It may be that those who responded had different views from those who did not. There is no way of knowing this. Similarly, the response rate from facilitators was relatively low, especially in some areas (though it was higher than that of participants). Here too, it may be that those who responded had different views from those who did not. Again, there is no way of knowing this. The response rate for the key informants' questionnaire was relatively good (though it was slightly lower for the follow-up questionnaire). Overall, the key informants identified for us were the most critical group we gained information from (while still being relatively positive). But there may be even more

⁶² See Chapter 3 of the Evaluation Report for a more detailed discussion.

⁶³ Chi square = 4.57, df = 1, p = .003.

⁶⁴ Chi square = 9.18, df = 3, p = .027.

critical voices amongst potential key informants, which we did not hear. We have no way of knowing this. Given all of this, we need to remain a little cautious about generalising from the findings presented in this Report.

6.2 Limitations of the reconviction analysis

All estimates and comparisons of reoffending rates are subject to a number of limitations. General limitations, which apply to all such studies, include the following:

- reconvictions (proved charges) must be used as a proxy for actual reoffending, although it is known that only a fraction of offences committed result in a proved court case (see, for example, Morris and Reilly, 2003).
- selection of a comparison group to compare to pilot participants is limited by the difficulty of adequately matching offenders' characteristics. Even for a multivariate approach, as used here, the matching is limited to a range of quantifiable factors. For example, the logistic model used here explains approximately a third of the variation in reconviction rates. Other major factors, such as personal circumstances and motivation, were not measured.
- offenders who are referred to and who agreed to participate in a court-referred restorative justice conference may form a biased sample ('selection bias'). For example, it is possible that these offenders were more motivated to change than other offenders.

Other limitations, which apply to many studies including this one, include the following:

- a limited amount of time was available in which to reoffend and to have this new offence processed by the courts. As the court-referred restorative justice conferences are a pilot, it was essential to evaluate its effects as soon as possible. A one-year follow-up was allowed between the last conference and the first follow-up. However, there were two limitations with this:
 - some offenders were in prison for all or part of this time and some of these did not have a full year at large in which to reoffend. Thirteen of the 206 offenders in the conferenced group had less than a year in which to reoffend.
 - serious reoffending may take a considerable time to finalise, leading to an underestimate of reconvictions within the period. This may also result in a bias, if one group of offenders reoffends at a similar rate, but commits less serious offences than other groups, or if one group of offenders has more time in which to be reconvicted than other groups.
- statistical significance is related to both the size of the difference between the groups being tested and the size of the sample the test is based on. With a sample size of 193 conferenced offenders who had at least a year in which to reoffend, a relatively large reduction in reconviction rates is required to achieve a statistically significant difference.

- reoffending was defined as offences committed within one year of the date of the court-referred restorative justice conference for the conferenced group and within one year of the case finalisation date for other offenders. This could cause a bias, if, for example, offenders who have not yet been sentenced are less likely to reoffend.

Nothing can be done about the first two limitations or this last limitation. The third limitation – selection bias – is also hard to assess. However, a comparison between the conferenced group and other offenders referred to the pilot for whom the victim refused to attend a court-referred restorative justice conference may go some way to identifying the effect of selection bias, as both groups of offenders agreed to participate in the pilot, but only the conferenced group actually attended a court-referred restorative justice conference.

The time available in which to reoffend and to be reconvicted was taken into account in several ways. For comparisons across all groups, reconviction rates were compared only between offenders who had a year in which to reoffend and whose cases occurred within the same time period as the evaluation. For comparisons between the matched comparison groups and the conferenced group, an adjusted reconviction rate was calculated for each comparison offender, based on whether or not the comparison offender reoffended within the time available to the matched conferenced offender. Reconviction rates by time ('survival analysis') were also calculated. Finally, the seriousness of reoffending was analysed. Sample size cannot be changed. However, the selection of multiple comparison groups assisted in discriminating whether any reduction in reoffending was a real effect, by giving a range of reconviction rates for comparison groups.

6.3 Limitations in conviction and sentencing analysis

A major limitation of the sentencing analysis was the difficulty of selecting a matched comparison group to compare to conferenced offenders. Even for a multivariate approach, as used here, the matching was limited to the available quantifiable factors. Other major factors in sentencing, such as the unique circumstances of each case (for example, any aggravating or mitigating factors), were not measured. It is possible that offenders with mitigating factors (for example, an early guilty plea or the expression of remorse) were more likely to be referred to the court-referred restorative justice conference pilot. The impact of this is unknown. Little can be done about this limitation, beyond selecting comparison groups using the best available predictors.

The other major limitation was the large number of possible outcomes, especially when secondary sentences and conference outcomes were included, in combination with the relatively small sample size of 205 conferenced offenders. Thus, a relatively large difference in sentencing patterns was required to achieve a statistically significant difference. However, the selection of multiple comparison groups assisted in discriminating whether or not any difference in sentencing was a real effect, by identifying the range of variation in sentencing between the comparison groups.

The Sentencing Act 2002 changed the sentencing regime in the middle of the evaluation of the pilot. To take account of this, the comparison groups were matched with the conferenced group by time period (either before or after the Sentencing Act 2002 came into force), so that changes in practice applied equally to both groups.

Appendix A: Research instruments

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A.1 Participant Survey

RJRefNo ____ / ____ / ____ (____)

Date of conference _____

Restorative Justice Conferences

Participant Survey

Dear Participant

You have just taken part in a restorative justice conference. The Department for Courts has commissioned us to find out what you thought about it.

Most of the questions involve ticking a box or circling a number. A few ask for brief comments. If you want to add any other comments, please use the last page.

There are no names on this form. Your responses should be returned directly to us in the enclosed envelope and will be kept confidential.

Please help us get a complete picture of restorative justice conferences. Have your say by completing this form.

Thank you

Tracy Anderson (Victoria University of Wellington)
Jeremy Robertson (Victoria University of Wellington)

1 In what area was the conference held? *(tick one)*

- | | | | |
|---------------|--------------------------|-----------------|--------------------------|
| 1) Auckland | <input type="checkbox"/> | 7) Te Kuiti | <input type="checkbox"/> |
| 2) Waitakere | <input type="checkbox"/> | 8) Morrinsville | <input type="checkbox"/> |
| 3) Hamilton | <input type="checkbox"/> | 9) Dunedin | <input type="checkbox"/> |
| 4) Te Awamutu | <input type="checkbox"/> | 10) Balclutha | <input type="checkbox"/> |
| 5) Thames | <input type="checkbox"/> | 11) Alexandra | <input type="checkbox"/> |
| 6) Huntly | <input type="checkbox"/> | | |

2 Where was the conference held? eg: school hall *(state)* _____

3 What was your role during the conference? *(tick one)*

- | | Yes |
|--|--------------------------|
| 1) Victim | <input type="checkbox"/> |
| 2) Offender | <input type="checkbox"/> |
| 3) Support for victim | <input type="checkbox"/> |
| 4) Support for offender | <input type="checkbox"/> |
| 5) Professional <i>(specify)</i> _____ | <input type="checkbox"/> |
| 6) Other <i>(specify)</i> _____ | <input type="checkbox"/> |

4 Why did you decide to go to the Restorative Justice Conference? *(tick all that apply)*

- | | Yes |
|---|--------------------------|
| To tell the offender(s) what the offence was like for me | <input type="checkbox"/> |
| To tell the victim(s) what happened | <input type="checkbox"/> |
| To find out about the offender(s) | <input type="checkbox"/> |
| To have more of a say about the plan/sentence | <input type="checkbox"/> |
| To make amends to the victim(s) (by eg paying money or doing some work) | <input type="checkbox"/> |
| To be heard | <input type="checkbox"/> |
| I thought it was a good idea | <input type="checkbox"/> |
| To get a lower sentence | <input type="checkbox"/> |
| To give support to the offender/victim <i>(circle which)</i> | <input type="checkbox"/> |
| In my professional role I was asked/required to be there | <input type="checkbox"/> |
| To apologise to the victim | <input type="checkbox"/> |
| Other <i>(specify)</i> _____ | <input type="checkbox"/> |

	Yes	No
5 Did you feel adequately prepared for the conference? <i>(tick one)</i>	<input type="checkbox"/>	<input type="checkbox"/>

6 Did you feel involved in making the agreed plan? <i>(tick one)</i>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------

- 7 Did you
- | | | |
|---|--------------------------|--------------------------|
| a) Understand what was decided? (<i>tick one</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Agree with it? (<i>tick one</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Was it (<i>tick one</i>) | | |
| too harsh | <input type="checkbox"/> | |
| about right | <input type="checkbox"/> | |
| too soft | <input type="checkbox"/> | |
- 8 How satisfied were you with the conference overall? (*circle one number on the following scale*)
- | | | | | | | | |
|--------------|---|---|---|---|---|-----------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| Very | | | | | | Very | |
| dissatisfied | | | | | | satisfied | <input type="checkbox"/> |
- 9 What were the **good** features of the conference? (*tick all that apply*)
- | | |
|--|--------------------------|
| It was well organised | <input type="checkbox"/> |
| I was able to meet th offender or victim | <input type="checkbox"/> |
| I feel I can put the whole thing behind me now | <input type="checkbox"/> |
| The plan was good | <input type="checkbox"/> |
| There were no good features | <input type="checkbox"/> |
| Other (<i>state</i>) _____ | |
- 10 What were the **bad** features of the conference? (*tick all that apply*)
- | | |
|--|--------------------------|
| It was not well organised | <input type="checkbox"/> |
| I did not like meeting the offender or victim | <input type="checkbox"/> |
| I was made to feel bad | <input type="checkbox"/> |
| There was very little respect for me in the conference | <input type="checkbox"/> |
| There were no bad features | <input type="checkbox"/> |
| Other (<i>state</i>) _____ | |
- 11 To what extent did you feel the conference took account of your culture?
(*circle one number on the following scale*)
- | | | | | | | | |
|-----------|---|---|---|---|---|-------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | <input type="checkbox"/> |
| it didn't | | | | | | a lot | |
- | | | |
|---|--------------------------|--------------------------|
| | Yes | No |
| 12 Would you recommend going to a conference to others? (<i>tick one</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| 13 Would you go to another conference? (<i>tick one</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| 14 Did you know the victim/offender before this offence occurred? (<i>tick one</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes , what is the nature of your relationship? _____ | | |

Background information

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

15 Which ethnic group do you belong to? (*tick the box or boxes that apply to you*)

NZ European ☐

Niuean ☐

Maori ☐

Chinese ☐

Samoan ☐

Indian ☐

Cook Island Maori ☐

Other (*such as Dutch, Japanese, Tokelauan*)

Tongan ☐

(*state*) _____

16 If **Maori** do you know the name(s) of your iwi (tribe or tribes) (*tick which*) **Yes** ☐ **No** ☐

If **yes**, print the name and home area, rohe or region of your iwi below:

Iwi _____ Iwi _____

Rohe (iwi area) _____ Rohe (iwi area) _____

17 Which age group do you belong to? (*tick one*)

1) Under 18 years ☐

5) 30-34 years ☐

2) 18-19 years ☐

6) 35-39 years ☐

3) 20-24 years ☐

7) 40-44 years ☐

4) 25-29 years ☐

8) 45-59 years ☐

9) 60 or over ☐

18 Are you: (*tick*)

1) Male ☐

2) Female ☐

19 a) Are you in paid work? (*tick which*) **Yes** ☐ **No** ☐

If **yes**, what is your occupation? _____

Is this (*tick which*)

1) Full time ☐

2) Part time ☐

b) If **no**, what category best describes you? (*tick which*)

1 Beneficiary (eg sickness or DPB) ☐

2 Unemployed ☐

3 Home duties ☐

4 Retired ☐

5 Student ☐

6 Other (*elaborate*): _____ ☐

Use this space for any other comments you would like to make about the conference:

Thank you!
**Please place your completed questionnaire in the self addressed reply paid envelope
provided and post it to us**

RJRefNo ____ / ____ / ____ (____)

You recently facilitated the above restorative justice conference. We would like to ask you about how you felt it went. Your responses will be kept confidential and are returned directly to us – no one else will see your questionnaire. The questions ask you to tick a box or circle a response on a scale and some encourage brief comment. If you want to add any other comments, please use the space on the last page.

1 How was the preparation for the conference undertaken? (**Tick if yes**)
(V = victim; O = offender)

Participation and involvement in the conference

- | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------|---|---|---|---|---|------|
| none | | | | | | full |

1	2	3	4	5	6	7
none						full

Comments:

8 Did any of the professionals inappropriately **dominate** the discussion during the conference? **(Tick if yes)**

Police	<input type="checkbox"/>	Community Corrections	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>	Others (specify) _____	<input type="checkbox"/>

Describe: _____

9 Did any of the professionals **intervene** inappropriately during the conference? **(Tick if yes)**

Police	<input type="checkbox"/>	Community Corrections	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>	Others (specify) _____	<input type="checkbox"/>

Describe: _____

10 Did any of the **non professionals** present inappropriately **dominate** the discussion during the conference? **(Tick if yes)**

Victim	<input type="checkbox"/>	Offender's support	<input type="checkbox"/>
Offender	<input type="checkbox"/>	Other (specify) _____	<input type="checkbox"/>
Victim support	<input type="checkbox"/>		

Describe: _____

11 Did any of the **non professionals** present **behave** inappropriately during the conference? **(Tick if yes)**

Victim	<input type="checkbox"/>	Offender's support	<input type="checkbox"/>
Offender	<input type="checkbox"/>	Other (specify) _____	<input type="checkbox"/>
Victim support	<input type="checkbox"/>		

Describe: _____

Resourcing the conference

12 On the following scale, rate whether or not there were sufficient funds/resources available to you for **setting up** this conference? **(Circle a number)**

1	2	3	4	5	6	7
(not at all sufficient)			(sufficient)			

Comments: _____

13 On the following scale, rate whether or not there were sufficient funds/resources available to you for **holding** this conference? **(Circle a number)**

1	2	3	4	5	6	7
(not at all sufficient)			(sufficient)			

Comments: _____

The conference

14 Did the conference **(Tick if yes)**

Take into account the interests of the victim	<input type="checkbox"/>
Take into account the interests of the offender	<input type="checkbox"/>

Comment: _____

7

Comment: _____

16 Rate on the following scales your level of satisfaction with **(Circle a number)**
the conference

Comments: _____

Comments:

1 _____

2 _____

3 _____

- 1
- 2
- 3

19 Which ethnic group do you belong to? (Tick the box or boxes which apply to you)

<i>NZ European</i>	<input type="checkbox"/>	<i>Niuean</i>	<input type="checkbox"/>
<i>Maori</i>	<input type="checkbox"/>	<i>Chinese</i>	<input type="checkbox"/>
<i>Samoa</i>	<input type="checkbox"/>	<i>Indian</i>	<input type="checkbox"/>
<i>Cook Island Maori</i>	<input type="checkbox"/>	<i>Other(such as Dutch, Japanese, Tokeluan)</i>	<input type="checkbox"/>
<i>Tongan</i>	<input type="checkbox"/>	<i>(state)</i> _____	

1	Under 20		4	40-49 years	
2	20-29 years		5	50-59 years	
3	30-39 years		6	60 or over	

1	Male	
2	Female	

22 a) Are you in paid work (other than RJ facilitation)? **(Tick if yes)** ☐

If yes, what is your occupation? _____

Is this (tick which) 1 Full time ☐ 2 Part time ☐

b) **If no**, what category best describes you?

1 Beneficiary	<input type="checkbox"/>	4 Retired	<input type="checkbox"/>
2 Unemployed	<input type="checkbox"/>	5 Student	<input type="checkbox"/>
3 Home duties	<input type="checkbox"/>	6 Other (elaborate):	<input type="checkbox"/>

23 When did you first become a facilitator for restorative conferences? (state year – this may include time before the pilot) _____

24 How many cases have you facilitated in the last six months? **(Write a number)** _____

25 In addition to the training provided by the Department for Courts, what, if any, further special training did you have to become a facilitator? _____

Please use this space for any other comments you would like to make about the conference

Thank you!

Please place your completed questionnaire in the self addressed reply paid envelope provided and post it to us

A.3 Facilitator background information

Court Referred Restorative Justice Pilot Evaluation Facilitator Background Information

Area: _____ Name: _____

Name of provider group: _____

1 Which ethnic group do you belong to? (<i>Tick the box or boxes which apply to you</i>)			Office use <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Text	
NZ European	<input type="checkbox"/>	Niuean		<input type="checkbox"/>
Māori	<input type="checkbox"/>	Chinese		<input type="checkbox"/>
Samoan	<input type="checkbox"/>	Indian		<input type="checkbox"/>
Cook Island Maori	<input type="checkbox"/>	Other (such as Dutch, Japanese, Tokelauan)		<input type="checkbox"/>
Tongan	<input type="checkbox"/>	(state) _____		Text
2 Which age group do you belong to? (<i>Tick one</i>)			<input type="checkbox"/> 	
1 Under 20	<input type="checkbox"/>	4 40-49 years		<input type="checkbox"/>
2 20-29 years	<input type="checkbox"/>	5 50-59 years		<input type="checkbox"/>
3 30-39 years	<input type="checkbox"/>	6 60 or over		<input type="checkbox"/>
3 Are you: (<i>tick which</i>)			<input type="checkbox"/> 	
1 Male	<input type="checkbox"/>			
2 Female	<input type="checkbox"/>			<input type="checkbox"/>
4 a) Are you in paid work (other than RJ facilitation)? (<i>Tick if yes</i>)			<input type="checkbox"/>	<input type="checkbox"/> Text
If yes, what is your occupation? _____				
Is this (<i>tick which</i>) 1 Full time <input type="checkbox"/> 2 Part time <input type="checkbox"/>			<input type="checkbox"/>	
b) If no, what category best describes you?				
1 Beneficiary	<input type="checkbox"/>	4 Retired	<input type="checkbox"/>	<input type="checkbox"/> Text
2 Unemployed	<input type="checkbox"/>	5 Student	<input type="checkbox"/>	
3 Home duties	<input type="checkbox"/>	6 Other (elaborate): _____	<input type="checkbox"/>	
5 When did you first become a facilitator for restorative conferences? (<i>state year – this may include time before the pilot</i>) _____				Text
6 How many cases have you facilitated since Sept 2001? (<i>Record the number</i>) _____			<input type="text"/>	<input type="text"/>
7 In addition to the training provided by the Department for Courts, what, if any, special training did you have to become a facilitator? When did you receive this training? _____				Text

Thank you for taking the time to complete this form

A.4 Questionnaire for pilot: offender

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Questionnaire for Pilot: Offender

Coded by interviewer ☐

Sentencing Q's answered? ☐

Checked by supervisor ☐

Date Entered / /

Final

	Office use only
Interviewee ID/Name: _____ Victim1 ID/Name: _____ Victim 2 ID/Name: _____ Victim 3 ID/Name: _____	
Gender: 1 Male 2 Female	
DOB:	
Area:	
Date of RJC:	/ /
Date of interview:	/ /
Time of interview: 1 Before 9am 2 9am – 12pm 3 12pm – 5pm 4 5pm – 8pm 5 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Over telephone 7 Other (state)	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other support <i>(state)</i>	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Questionnaire for Pilot: Offender

(NB: this interview schedule contains questions for the FIRST (post conference) and SECOND (post court) interviews)

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

(Throughout use 8=not applicable; 9=don't know).

Choosing to have a conference

- 1 Whose idea was it to have the restorative justice (RJC) conference? **(1=yes or 2=no)**
(to be ticked only, not asked):

Offender's	<input type="checkbox"/>
Victim's	<input type="checkbox"/>
Offender's lawyer	<input type="checkbox"/>
Offender(s) lawyer (other)	<input type="checkbox"/>
Judge/Court	<input type="checkbox"/>
<i>(NB: If Hamilton check if community magistrate's idea & record response)</i>	
Coordinator	<input type="checkbox"/>
Victim advisor	<input type="checkbox"/>
Facilitator	<input type="checkbox"/>
Other (state) _____	<input type="checkbox"/>

- 2 Why did you decide to go to the RJC?

Possible reasons (to be ticked only, not asked):

To make amends to the victim(s) <i>(by eg paying them money or doing some work)</i>	<input type="checkbox"/>
To work out a plan that was acceptable to all	<input type="checkbox"/>
To be able to tell the victim(s) what happened	<input type="checkbox"/>
To be able to apologize to the victim(s) for what I did	<input type="checkbox"/>
To be able to apologize to my friends or family for what I did	<input type="checkbox"/>
To have more of a say about what would happen	<input type="checkbox"/>
To get a lower sentence	<input type="checkbox"/>
I thought it was a good idea	<input type="checkbox"/>
Friends/family thought it would be a good idea	<input type="checkbox"/>
Lawyer thought it would be a good idea	<input type="checkbox"/>
Judge suggested it	<input type="checkbox"/>
Didn't feel like I could refuse to go	<input type="checkbox"/>
Other (elaborate) _____	<input type="checkbox"/>

Preparation

(1=yes or 2=no)

- 3 Were you **asked** about:
- Where the conference should be held? ☐
- When the conference should be held? ☐
- Who should be present? ☐
- 4 Were you **told**:
- In plenty of time about when the conference was to be held? ☐
- What would happen at the RJC? ☐
- What you would have to do at the RJC? ☐
- 5 Were you **given**:
- Any suggestions of the sorts of things that could go in the agreement? ☐
- If yes**, who made them and what were they? (*record comments*) _____
-
- 6 During the preparation phase (*ie Qs 3-5 above*):
- a) Who did you **first** have contact with about the arrangements for the conference?
(*Tick only one*)
- The facilitators ☐
- The RJ Co-ordinator ☐
- Victim support/Victim advisor ☐
- Other (*state*) _____ ☐
- b) Was this by?
- Letter ☐
- Phone call ☐
- Home visit ☐
- Other _____ ☐
- c) Did anyone else contact you about this **later**? (*tick all that apply*)
- The facilitators ☐
- The RJ Co-ordinator ☐
- Victim support/Victim advisor ☐
- Other (*state*) _____ ☐
- d) Was this by? (*make sure if told things by different people both are covered in this reply*)
- Letter from (*note who letter from*) _____ ☐
- Phone call from (*note who phone call from*) _____ ☐
- Home visit by (*note who home visit by*) _____ ☐
- Other (*elaborate*) _____ ☐
- e) How satisfied were you with what you were told? (*circle a number on the following scale*)

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

The Restorative Justice Conference (RJC)

7 What do you think the conference was trying to achieve?

(elaborate): _____

8 How did you feel at the **beginning** of the RJC? And at the **end**? (*List all feelings and probe for change*)

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

9 How did you feel about meeting the victim(s)? At the **beginning** of the RJC? And then **during**? And at the **end**? (*List all feelings and probe for change. Be alert for feelings to multiple victims if present*)

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

10 During the RJC did you:

a) Feel involved? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

b) Understand what was going on? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

c) Feel you had the chance to explain why the offence happened? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

d) Have the opportunity to say what you wanted to say? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

e) Feel too scared to say what you really felt? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

- 11 Do you think anyone said too much during the RJC? (1=yes or 2=no) ☐
If yes, who? (to be ticked only, not asked) **(Tick all that apply)**
 Police ☐
 My lawyer ☐
 Other Lawyer ☐
 Victim (s) ☐
 Offender (self) ☐
 Offender(s) (other) ☐
 Facilitator ☐
 Other _____ ☐

- 12 During the RJC were you:
 a) Treated with respect? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- b) Treated fairly? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

If no, why do you think that was?
(elaborate) _____

- c) Able to make up for what you did? **(be alert to responses for multiple victims)** (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- 13 During the RJC did you
 a) Apologise for what you did? **(be alert to responses for multiple victims)** (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

If yes was the apology/s accepted? (be alert to responses for multiple victims) (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- b) Understand how the victim/s felt? **(be alert to responses for multiple victims)** (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- c) Feel ashamed of what you had done? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- 14 During the RJC did: (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 RJC speak up on your behalf? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____
- c) You have someone in the conference that provided support for you? (1=yes, 2=no or 3= partly) ☐
- If yes, who was this *(state)* _____
- Was it useful? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____
- Would you have liked more support at the RJC? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

The conference agreement

- 15 Was an agreement reached? (1=yes or 2=no) ☐
 If not, why not? *(elaborate)* _____
- 16 Who decided on the details in the conference agreement? (Tick all that apply)
- | | |
|--------------------------|--------------------------|
| All of us | <input type="checkbox"/> |
| Victim | <input type="checkbox"/> |
| Victim(s) other | <input type="checkbox"/> |
| Victim(s) supporter | <input type="checkbox"/> |
| Victim(s) representative | <input type="checkbox"/> |
| Offender (self) | <input type="checkbox"/> |
| Offender(s) (other) | <input type="checkbox"/> |
| Offender(s) supporter | <input type="checkbox"/> |
| Community representative | <input type="checkbox"/> |
| Lawyer | <input type="checkbox"/> |
| Police | <input type="checkbox"/> |
| Facilitator | <input type="checkbox"/> |
| Other _____ | <input type="checkbox"/> |
- 17 Did you understand what was agreed to in the plan? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

18 Did you agree with the plan? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

19 Was the plan better than you expected? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

20 Were you satisfied with the plan overall? (Circle a number on the following scale)

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

(elaborate) _____

21 What were the **good** features of the plan if any?
(elaborate) _____

22 What were the **bad** features of the plan if any?
(elaborate) _____

23 Was the plan:
1= Too harsh 2= About right 3= Too soft ☐
(elaborate): _____

After the conference

24 What were the **good** features of the conference if any?
(elaborate) _____

25 What were the **bad** features of the conference if any?
(elaborate) _____

26 Were you sent a copy of the 'conference report'? (a summary of what is said in the conference that is sent to the judge) (1=yes or 2=no) ☐

If **yes** do you think it accurately reflected the views expressed/ agreements reached?
(1=yes, 2=no or 3=partly) ☐
(elaborate) _____

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

(elaborate) _____

(elaborate) _____

Now we would like to ask a few questions about you

(Tick all that apply)

- | | | |
|---|---|--------------------------|
| 1 | NZ European | <input type="checkbox"/> |
| 2 | Maori | <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 (such as Dutch, Japanese, Tokelauan) Please state _____ | <input type="checkbox"/> |

30 If Maori do you know the name(s) of your iwi (tribe or tribes)? ☐

i) Iwi _____
 ii) Rohe (iwi area) _____
 i) Iwi _____
 ii) Rohe (iwi area) _____
 i) Iwi _____
 ii) Rohe (iwi area) _____

31 In which country were you born? (*state*) _____
If not born in New Zealand ask: How long have you lived here? _____

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

- 32 a) As a (_____) do you feel that the conference took account of your cultural needs?
(Probe for why and record comments) (1=yes, 2=no or 3=partly) ☐

(elaborate) _____

- b) If no, what would have been better?
(elaborate) _____

- 33 As a (_____) do you feel that:
a) The agreed plan took account of your cultural needs?
(probe for why and record comments) (1=yes, 2=no or 3=partly) ☐
(elaborate) _____

- b) If no, what would have been better? (Probe for why and record comments)
(elaborate) _____

- 34 Are there any other comments you would like to make about this particular RJC?
(elaborate) _____

Generally

- 35 How do you now feel about RJC's in general?
(elaborate) _____

- 36 Would you recommend a RJC to others? (1=yes, 2=no or 3=partly) ☐
(elaborate) _____

- 37 Do you think that participation in the conference will stop you offending in the future?
(1=yes, 2=no or 3=partly) ☐
(elaborate) _____

Relationship between the victim and the offender

- 38 Did you know the victim before the offence occurred? (1=yes or 2=no) ☐
- If yes**, what is the nature of the relationship (*to be ticked only, not asked*):
- Friend ☐
- Acquaintance (*known indirectly*) ☐
- Flatmate ☐
- Workmate ☐
- Employer ☐
- Employee ☐
- Other business (*the victim and offender have had another business relationship – other than workmate, employer, employee*) ☐
- Partner - current (*the victim and offender are in a personal relationship*) ☐
- Partner – ex. ☐
- Family – parent ☐
- Family – child ☐
- Family – brother/sister ☐
- Family – Uncle/Aunt ☐
- Family – other ☐

Background information 2

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

- 39 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"/> | | |

- 40 a) Are you in paid work? (1=yes or 2=no) ☐

If yes, what is your occupation? _____

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? (*elaborate*)

Finally

What is the best way to contact you before the **next interview** (after court)? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____
	_____	_____	_____

Questions concerning the conference end here
(NB: questions concerning the post court period are attached and must be done soon after the court date. Make sure you know when this is and arrange to call (phone is ok) for these questions.)

Post court questions start here

About court

- 41 Do you feel that the Judge's sentence was fair? (1=yes, 2=no or 3=partly) ☐

(circle a number on the following scale)

1	2	3	4	5	6	7
Very unfair						Very fair

(elaborate) _____

- 42 As a result of participating in the conference how do you feel now about the criminal justice system: (Enter a number in the box)
- More positive? =1
- More negative? =2 ☐
- Much the same? =3

(elaborate) _____

Generally *[these are repeated to see if any change over previous responses]*

- 43 How do you now feel about RJC's in general? *(elaborate)* _____

- 44 Would you recommend the RJC process to others? (1=yes, 2=no or 3=partly) ☐
- (elaborate)* _____

- 45 Do you think that participation in the conference will stop you offending in the future? (1=yes, 2=no or 3=partly) ☐
- (elaborate)* _____

Thank you!

Thank you for your participation in the research and I look forward to catching up with you for the final interview in 12 months time. Do you have any comments or questions about the research or the interview? *(elaborate)* _____

Finally

What is the best way to contact you before the **next interview 12 months time?** In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____
	_____	_____	_____

A.5 Questionnaire for pilot: victim

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Questionnaire for Pilot: Victim

Coded by interviewer ☐

Sentencing Q's answered? ☐

Checked by supervisor ☐

Date Entered / /

Final

Office use only	
Interviewee ID/Name: _____ Offender 1/ID/Name: _____ Offender 2/ID/Name: _____ Offender 3/ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of RJC:	/ /
Date of interview:	/ /
Time of interview: 1 Before 9am 2 9am - 12pm 2 12pm - 5pm 3 5pm - 8pm 4 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Over telephone 7 Other <i>(state)</i>	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other <i>(state)</i>	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Questionnaire for Pilot: Victim

(NB: this interview schedule contains questions for the FIRST (post conference) and SECOND (post court) interviews)

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

(Throughout use **8=not applicable; 9=don't know**).

Choosing to have a conference

(1=yes or 2=no)

1 Whose idea was it to have the restorative justice (RJC) conference? *(to be ticked only, not asked):*

- | | |
|---|--------------------------|
| Victim's | <input type="checkbox"/> |
| Offender's | <input type="checkbox"/> |
| Offender's lawyer | <input type="checkbox"/> |
| Judge/Court | <input type="checkbox"/> |
| <i>(NB: If Hamilton check if community magistrate's idea & record response)</i> | <input type="checkbox"/> |
| Coordinator | <input type="checkbox"/> |
| Victim advisor | <input type="checkbox"/> |
| Facilitator | <input type="checkbox"/> |
| Other (state) _____ | <input type="checkbox"/> |

2 Why did you decide to go to the RJC?
Possible reasons *(to be ticked only, not asked):*

- | | |
|---|--------------------------|
| To have the offender(s) pay reparation for their offences | <input type="checkbox"/> |
| To work out a plan that was acceptable to all of us | <input type="checkbox"/> |
| To tell the offender(s) what the offence was like for me | <input type="checkbox"/> |
| To get an apology from the offender(s) for what he/she/they did | <input type="checkbox"/> |
| To find out about the offender(s) | <input type="checkbox"/> |
| To have a say | <input type="checkbox"/> |
| I thought it was a good idea | <input type="checkbox"/> |
| My friends/family thought it would be a good idea | <input type="checkbox"/> |
| I felt I had to, no real choice | <input type="checkbox"/> |
| Cultural reasons | <input type="checkbox"/> |
| Judge suggested it | <input type="checkbox"/> |
| Didn't feel like I could refuse to go | <input type="checkbox"/> |
| Other (elaborate): _____ | |
| _____ | |
| _____ | |

Preparation

(1=yes or 2=no)

- 3 Were you **asked** about:
- a) Where the conference should be held? ☐
 - b) When the conference should be held? ☐
 - c) Who should be present? ☐
- 4 Were you **told**:
- a) In plenty of time about when the conference was to be held? ☐
 - b) What would happen at the RJC? ☐
 - c) What you would have to do at the RJC? ☐
- 5 Were you **given**:
- a) Any suggestions of the sorts of things that could go in the agreement? ☐
 - b) **If yes**, who made them and what were they? (*record comments*)

-
- 6 During the preparation phase (*ie Qs 3-5 above*):
- a) Who did you **first** have contact with about the arrangements for the conference?
- (*Tick only one*)
- The facilitators ☐
 - The RJ Co-ordinator ☐
 - Victim support ☐
 - Victim advisor ☐
 - Other (*state*) _____ ☐
- b) Was this by?
- (*Tick only one*)
- Letter ☐
 - Phone call ☐
 - Home visit ☐
 - Other (*elaborate*) _____ ☐
- c) Did anyone else contact you about this later? (*Tick all that apply*)
- The facilitators ☐
 - The RJ Co-ordinator ☐
 - Victim support ☐
 - Other (*state*) _____ ☐

d) Was this by? *(make sure if told things by different people both are covered in this reply)*

Letter *(note who letter from)* _____

Phone call *(note who phone call from)* _____

Home visit *(note who home visit by)* _____

Other *(elaborate)* _____

☐
☐
☐
☐

e) How satisfied were you with what you were told? *(elaborate)*

(circle a number on the following scale)

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

(elaborate) _____

The Restorative Justice Conference (RJC)

7 What do you think the conference was trying to achieve?

(elaborate): _____

8 How did you feel at the **beginning** of the RJC? And then **during**? And at the **end**? *(List all feelings and probe for change)*

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

9 How did you feel about meeting the offender(s)? At the **beginning** of the RJC? And then **during**? And at the **end**?. *(List all feelings and probe for change. Be alert for feelings to multiple offenders if present)*

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

10 During the RJC did you:

a) Feel involved?

(1=yes, 2=no or 3= partly) ☐

(elaborate) _____

- b) Understand what was going on? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____
- c) Have the chance to explain how the offence affected you? (1=yes, 2=no or 3= partly) ☐
(elaborate): _____
- d) Have the opportunity to say what you wanted to say? (1=yes, 2=no or 3= partly) ☐
(elaborate): _____
- e) Feel too scared to say what you really felt in the RJC? (1=yes, 2=no or 3= partly) ☐
(elaborate): _____
- 11 Do you think anyone said too much during the RJC? (1=yes or 2=no) ☐
If yes, who? (to be ticked only, not asked) (Tick all that apply)
- | | |
|-------------------|--------------------------|
| Police | <input type="checkbox"/> |
| Lawyer (s) | <input type="checkbox"/> |
| Victim (self) | <input type="checkbox"/> |
| Victim (s) other | <input type="checkbox"/> |
| Offender | <input type="checkbox"/> |
| Offender(s) other | <input type="checkbox"/> |
| Facilitator | <input type="checkbox"/> |
| Other _____ | <input type="checkbox"/> |
- (elaborate):** _____
- 12 During the RJC:
a) Did you feel [physically or emotionally] unsafe at times? (1=yes, 2=no or 3=partly) ☐
If yes, why was this? (elaborate) _____
- b) Were you treated with respect? (1=yes, 2=no or 3=partly) ☐
(elaborate and be alert to cultural issues here)

- 13 Was the offender:
a) Able to make up for what s/he did? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____
- b) Made accountable for his/her offending? (1=yes, 2=no or 3= partly) ☐
(elaborate) _____

- 14 Did the offender apologise? (1=yes, 2=no or 3= partly) ☐
 (elaborate) _____
- If yes, did you accept the offender's apology? (1=yes, 2=no or 3= partly) ☐
 (elaborate) _____
- 15 Do you think the offender understood how you felt? (1=yes, 2=no or 3= partly) ☐
 (elaborate) _____
- 16 Did the offender show you s/he was really sorry? (1=yes, 2=no or 3= partly) ☐
 (elaborate) _____
- 17 Did you have a better understanding of why the offender committed the offence? (1=yes, 2=no or 3= partly) ☐
 (elaborate) _____
- 18 Did you have someone at the conference who could provide support for you? (1=yes, 2=no or 3= partly) ☐
 If yes, who was this (state) _____
- Was it useful? ☐
 (elaborate) _____
- Would you have liked more support at the RJC? (1=yes, 2=no 3= partly) ☐
 (elaborate) _____

The conference agreement

- 19 Was there an agreement reached? (1=yes or 2=no) ☐
 If not, why not?
 (elaborate): _____
- 20 Who decided on the details in the conference agreement (Tick all that apply)
 (To be ticked only, not asked)
- All of us ☐
- Victim (self- "me") ☐
- Victim(s) other ☐

Victim(s) supporter	<input type="checkbox"/>
Victim(s) representative	<input type="checkbox"/>
Offender	<input type="checkbox"/>
Offender(s) (other)	<input type="checkbox"/>
Offender(s) supporter	<input type="checkbox"/>
Community representative	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Police	<input type="checkbox"/>
Facilitator	<input type="checkbox"/>
Other _____	<input type="checkbox"/>

21 Did you understand what was agreed to in the plan? *(1=yes, 2=no or 3= partly)* ☐
(elaborate) _____

22 Did you agree with the plan? *(1=yes, 2=no or 3= partly)* ☐
(elaborate) _____

23 Were you satisfied with the plan overall? *(1=yes, 2=no or 3= partly)* ☐

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

(elaborate) _____

24 What were the **good** features of the plan if any?
(elaborate): _____

25 What were the **bad** features of the agreement if any?
(elaborate): _____

26 Was the plan:
 1= Too harsh 2= About right 3= Too soft ☐
(elaborate): _____

After the conference

- 27 As a result of participating in the RJC do you feel:
 1=Better 2=No different 3=Worse ☐

(elaborate): _____

- 28 What were the **good** features of the conference if any?
(elaborate): _____

- 29 What were the **bad** features of the conference if any?
(elaborate): _____

- 30 As a result of the RJC do you feel more/less safe? *(1=yes, 2=no or 3=partly)* ☐
(elaborate) _____

- 31 Were your needs met at the RJC? *(1=yes, 2=no or 3=partly)* ☐

(elaborate eg: emotional, practical, material, cultural) _____

If **not**, what more could have been done?

(elaborate) _____

- 32 Were you sent a copy of the 'conference report'? *(a summary of what is said in the conference that is sent to the judge)* *(1=yes or 2=no)* ☐

If **yes** do you think it accurately reflected the views expressed/ agreements reached?

(1=yes, 2=no or 3=partly) ☐

(elaborate) _____

- 33 How satisfied were you with the conference overall?

(circle a number on the following scale)

1	2	3	4	5	6	7
Very						Very
dissatisfied						satisfied

(elaborate) _____

34 Are you pleased you took part in the process? (1=yes, 2=no or 3= partly) ☐

(elaborate) _____

Background information 1

Now we would like to ask a few questions about you

35 Which ethnic group do you belong to? (Tick all that apply)

1	NZ European	<input type="checkbox"/>
2	Maori	<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 (such as Dutch, Japanese, Tokelauan) Please state: _____	<input type="checkbox"/>

36 If Maori: do you know the name(s) of your iwi (tribe or tribes)? (1=yes or 2=no) ☐

If yes, print the name **AND** home area, rohe or region of the iwi below:

i) Iwi _____
ii) Rohe (iwi area) _____

i) Iwi _____
ii) Rohe (iwi area) _____

i) Iwi _____
ii) Rohe (iwi area) _____

Ask only if response to Q35 was 3-6 or other Pacific Island Nation in 9' ask:

37 In which country were you born? (state) _____

38 If you were not born in New Zealand, how long have you lived here? _____

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

39 As a (_____) do you feel that:

a) The conference took account of your cultural needs? (1=yes, 2=no or 3=partly)

(Probe for why and record comments)

(elaborate): _____

b) **If no**, what would have been better?

(elaborate): _____

40 As a (_____) do you feel that:

a) The plan took account of your cultural needs?

(Probe for why and record comments)

(1=yes, 2=no or 3=partly)

☐

(elaborate): _____

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

(elaborate) _____

41 Are there any other comments you would like to make about this particular RJC?

(elaborate): _____

Generally

42 How do you now feel about RJC's in general?

(elaborate): _____

43 Would you recommend a RJC to others?

(1=yes or 2=no)

☐

(elaborate): _____

44 If you were a victim again, would you go to another RJC? **(1=yes or 2=no)**

☐

(elaborate): _____

About the offence

45 Rate the impact of the offence on you at the time of the offence:

1	2	3	4	5	6	7	8	9	10
No impact					Very high impact				

Relationship between the victim and the offender

46 Did you know the offender before the offence occurred? **(1=yes or 2=no)** ☐

If yes, what is the nature of the relationship **(to be ticked only, 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>the victim and offender have had another business relationship – other than workmate, employer, employee</i>)	<input type="checkbox"/>
Partner - current (<i>the victim and offender are in a personal relationship</i>)	<input type="checkbox"/>
Partner – ex.	<input type="checkbox"/>
Family – parent	<input type="checkbox"/>
Family – child	<input type="checkbox"/>
Family – brother/sister	<input type="checkbox"/>
Family – Uncle/Aunt	<input type="checkbox"/>
Family – other	<input type="checkbox"/>

Background information 2

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

47 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"/>			

48 a) Are you in paid work? (1=yes or 2=no) ☐

If yes, what is your occupation? _____

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)	<input type="checkbox"/>
Unemployed	<input type="checkbox"/>
Home duties	<input type="checkbox"/>
Retired	<input type="checkbox"/>
Student	<input type="checkbox"/>
Other (elaborate): _____	<input type="checkbox"/>

Thank you!

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

Finally

What is the best way to contact you before the **next interview** (after court)? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____
	_____	_____	_____

Questions concerning the conference end here

(NB: questions concerning the post court period are attached and must be done soon after the court date. Make sure you know when this is and arrange to call (phone is ok) for these questions.)

Post court questions start here

About court

First: The victim impact statement (VIS) [*explain if necessary*]

(1=yes, 2=no 3=partly)

- 49** Do you know whether or not a VIS was prepared for court about the effect of the offence on you? (**NB: If no or don't know** – go to Q 55) ☐
- 50** a) Did you get to see the VIS? ☐
 b) **If no**, would you have liked to? ☐
- 51** a) Do you know what was in the VIS? ☐
 b) **If yes**, did it adequately reflect what happened? ☐
- 52** a) Did the VIS give you the opportunity to explain the impact of the offence as you wanted to? ☐

b) **If not**, why not?

53 Do you think the VIS made the offender think about the consequences of his/her offending? (**elaborate**) ☐

Second: The court outcome

54 Do you think the VIS had an effect on the sentencing outcome? ☐
If yes, how? _____

For all ask

55 Do you think the conference report had an effect on the sentencing outcome? ☐

Why? _____

For those with VIS only

56 Do you think the conference added information to the judge over and above the VIS report? ☐

Note if victim knew about the sentence: Yes/No (1=yes, 2=no) ☐

If no, we should know and can tell them the sentence then ask the remaining questions)

For all ask

57 Do you feel that the Judge's sentence took account of your needs? ☐
(1=yes, 2=no or 3=partly)

(**elaborate**): _____

58 Do you feel that the Judge's sentence was fair? (1=yes, 2=no or 3=partly) ☐

(**circle a number on the following scale**)

1	2	3	4	5	6	7
Very						Very
unfair						fair

(**elaborate**): _____

59 As a result of participating in the conference how do you feel now about the criminal justice system:

More positive = 1

More negative = 2

Much the same = 3

☐

(elaborate): _____

Generally *[these are repeated to see if there have been any changes over previous responses]*

60 How do you now feel about RJC's in general?

(elaborate): _____

61 Would you recommend a RJC to others?

(1=yes, 2=no or 3= partly)

☐

(elaborate): _____

62 If you were a victim again, would you go to another RJC?

(1=yes or 2=no)

☐

(elaborate): _____

Thank you!

Thank you for your participation in the research and I look forward to catching up with you for the final interview in 12 months time. Do you have any comments or questions about the research or the interview? *(elaborate)*

Finally

What is the best way to contact you before the **next interview (in 12 months time)**? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____

A.6 Follow-up questionnaire: offender

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Offender Follow up Questionnaire

Coded by interviewer ☐

Sentencing Q's answered? ☐

Checked by supervisor ☐

Date Entered / /

Office use only

Interviewee ID/Name: _____	
Victim1 ID/Name: _____	
Victim 2 ID/Name: _____	
Victim 3 ID/Name: _____	
Gender: 1 Male 2 Female	
<u>DOB</u> :	
Area:	
Date of RJC:	/ /
Date of interview:	/ /
Time of interview: 1 Before 9am 2 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Over telephone 7 Other <i>(state)</i>	
Others present: 4 No one 5 Friend 6 Family or whanau 4 Other support <i>(state)</i>	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Follow-up Interview for Pilot: Offender

Remember we talked about Restorative Justice Conferences a year or so ago and you agreed for us to contact you again? Well in this interview we would like to ask you about what has happened since the Restorative Justice Conference you attended during _____ (month)_____ (year) with respect to _____ (offence/s). The aim is to find how you feel now about what happened.

Note: Interviewer is to fill in the agreement/plan details in Q2a) and reparation details in Q4a) before the interview.

Note: If offender not at same address/phone number as previous interview, get reason for move. (check in particular whether or not anything to do with offence/victim[s])

1 The conference

We know it has been a while since the conference, but we're interested in finding out what you remember from the conference you went to in month/year).....

a) What was the one thing you remember most about the conference?

b) *(Interviewer to tick box below to record level of recall – don't ask this!)*

1 Can't remember anything

☐

2 Sort of hard to remember

☐

3 Can recall immediately

☐

(Interviewer to make a judgement when asking the next question and use the appropriate version c) or d))

EITHER

c) That sounds positive. Was there anything that bothered you?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate:

OR

d) That sounds negative. Was there anything that was OK?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate:

- e) Have any good things happened to you because of the conference? (Code 1=Yes/2=No) ☐

If **Yes**, elaborate:

- f) Have any bad things happened to you because of the conference? (Code 1=Yes/2=No) ☐

If **Yes**, elaborate:

- g) How satisfied are you now with the conference overall? Rate on a scale of **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

- h) I'd like to know how you feel about this statement. Rate on a scale from **1 to 7** – where 1=Totally disagree and 7=Totally agree.

“Conferences are designed mainly to benefit offenders, not victims”

(circle a number on the following scale)

1	2	3	4	5	6	7
Totally disagree						Totally agree

Can you tell me why you made that rating? _____

- i) Has anything happened since the conference that has made you regret taking part? ☐

(Code 1=Yes/2=No)

If **Yes**, elaborate:

- j) Are any ways you feel the conference experience can be improved for offenders?
-

2 The conference agreement/plan

- a) According to our records, an agreement/plan was reached at the conference which stated that you would do the tasks listed below – were these completed?

(Ask for each and code 1=Yes/2=No/3=Partly/9=DK completed)

- i) _____ ☐

- ii) _____ ☐
- iii) _____ ☐
- iv) _____ ☐
- v) _____ ☐

b) If not completed or completed in part, what was the reason for this?
(Code 1=Yes/2=No as appropriate for those coded 2=No/3=Partly above and state reasons as appropriate)

- i) _____ ☐
- ii) _____ ☐
- iii) _____ ☐
- iv) _____ ☐
- v) _____ ☐

c) Was anyone checking that you did what you had agreed to do?

(Code 1=Yes/2=No)

If Yes, who? _____

(If Yes, to c) ask d)

☐

d) How did that work out for you?

3 Now, about that agreement/plan

a) Has anything happened since the conference in relation to the agreement/plan that makes you regret taking part in the conference? *(If offender needs a prompt give an example eg paying reparation has caused financial difficulties)*

(Code 1=Yes/2=No)

If Yes, please elaborate:

☐

b) How satisfied are you with the agreement/plan now? 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						Very
dissatisfied						satisfied

(If the answer is 1-3 on 3 b) above ask Q c)

c) What agreement/plan do you now feel would have been better?

(Note if there was no reparation go to Q5)

4 Reparation

- a) According to our records, the judge ordered that you would pay the victim(s) reparation of (details of amount and time period). Has this been paid ...

(Tick only one of the following)

1 In full

☐

2 Partly

☐

3 Not at all

☐

- b) *(If the response above indicates that reparation has been paid in part or that payments are ongoing ask...)* Are payments made regularly and on time?

(Code 1=Yes/2=No)

☐

- c) If No, ask: Why this is?

5 The sentence

- a) Looking back to the sentence the Judge imposed – how satisfied are you with that now? *(Don't prompt – if s/he does not know what the sentence was [code 98] or can't remember [code 99] and enter in the box)*

☐

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

Can you tell me why you made that rating ?

(If the answer is 1-3 on Q5a) above ask b))

- b) What sentence do you now feel would have been better?

6 Now, I'd like to ask you how you feel now about the victim

- a) On a scale of 1 to 7 – where 1=major upset and 7=not at all upsetting - how would you rate the experience of meeting the victim at the conference?

(circle a number on the following scale)

1	2	3	4	5	6	7
A major upset						Not at all upsetting

Can you tell me why you made that rating ?

7 Offending

- a) Have you committed any offence(s) (whether the police were involved or not) since the conference/court?

(Code 1=Yes/2=No)

☐

(Ask either b) or c)

- b) If **No**, do you feel that the conference contributed to this?

(Code 1=Yes/2=No)

☐

(elaborate) _____

- c) If **Yes**, do you feel that if the conference had done something different it would have prevented this reoffending?

(Code 1=Yes/2=No)

☐

(elaborate) _____

8 Generally

- a) As a result of participating in the conference how do you feel now about the criminal justice system?

(Tick one of the following)

1 More positive

☐

2 More negative

☐

3 Much the same

☐

(elaborate): _____

- b) How do you now feel about Restorative Justice Conferences in general?

(elaborate): _____

- c) Would you now recommend a Restorative Justice Conference to others?

(Code 1=Yes/2=No)

☐

(elaborate): _____

- d) If you committed another offence would you now go to another Restorative Justice Conference?

(Tick the appropriate box)

1 Yes

☐

2 Yes, with conditions

☐

3 No

☐

(elaborate): _____

Thank you!

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

(elaborate): _____

Finally

Would you like a summary of the research results? This will be available in about (12-18mths – or as appropriate) time.

(Code 1=Yes/2=No)

☐

If Yes, where would you like this sent? In case you move, can you give us an alternative name and address of a family member or friend who we could contact to find out where you are?

	Name	Address
Interviewee:	_____	_____
	_____	_____
Family member(s):	_____	_____
	_____	_____
Friend(s):	_____	_____
	_____	_____

A.7 Follow-up questionnaire: victim

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Victim Follow up Questionnaire

Coded by interviewer ☐

Sentencing Q's answered? ☐

Checked by supervisor ☐

Date Entered / /

Final 28/4/03

Office use only

Interviewee ID/Name: _____ Offender 1/ID/Name: _____ Offender 2/ID/Name: _____ Offender 3/ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of RJC:	/ /
Date of interview:	/ /
Time of interview: 3 Before 9am 4 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 7 Friends, relatives residence 8 Over telephone 7 Other (<i>state</i>)	
Others present: 1 No one 2 Friend 3 Family or whānau 4 Other (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Follow-up Interview for Pilot: Victim

Remember we talked about Restorative Justice Conferences a year or so ago and you agreed for us to contact you again? Well in this interview we would like to ask you about what has happened since the Restorative Justice Conference you attended during _____ (month)_____ (year) for_____ (offender) with respect to _____ (offences). The aim is to find how you feel now about what happened.

Note: Interviewer is to fill in the agreement/plan details in Q2a) and reparation details in Q4a) before the interview.

Note: If victim not at same address/phone number as previous interview, get reason for move. (check in particular whether or not anything to do with offence/offender[s])

1 The conference

We know it has been a while since the conference, but we're interested in finding out what you remember from the conference you went to in (month/year).....

a) What was the one thing you remember most about the conference?

b) *(Interviewer to tick box below to record level of recall – don't ask this!)*

1 Can't remember anything

☐

2 Sort of hard to remember

☐

3 Can recall immediately

☐

(Interviewer to make a judgement when asking the next question and use the appropriate version c) or d))

EITHER

c) That sounds positive. Was there anything that bothered you?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate:

OR

d) That sounds negative. Was there anything that was OK?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate:

- e) How satisfied are you now with the conference overall? Rate on a scale of **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

- f) I'd like to know how you feel about this statement. Rate on a scale from **1 to 7** – where 1=Totally disagree and 7=Totally agree.

“Conferences are designed mainly to benefit offenders, not victims”

(circle a number on the following scale)

1	2	3	4	5	6	7
Totally disagree						Totally agree

Can you tell me why you made that rating? _____

- g) Has anything happened since the conference that has made you regret taking part?

(Code 1=Yes/2=No)

☐

If Yes, elaborate:

- h) Are there any ways you feel the conference experience can be improved for victims?

2 The conference agreement/plan

- a) According to our records, an agreement/plan was reached at the conference which stated that the offender would do the tasks listed below – do you know whether or not these were completed?

(Ask for each and code 1=Yes/2=No/3=Partly/9=DK completed)

- i) _____
- ii) _____
- iii) _____
- iv) _____
- v) _____

- b) If not completed or completed in part, do you know the reason for this?

(Probe for whether or not the victim was kept informed and by whom)

(Code 1=Yes/2=No as appropriate for those coded 2=No/3=Partly above and state reasons as appropriate)

- | | | |
|------|-------|--------------------------|
| i) | _____ | <input type="checkbox"/> |
| ii) | _____ | <input type="checkbox"/> |
| iii) | _____ | <input type="checkbox"/> |
| iv) | _____ | <input type="checkbox"/> |
| v) | _____ | <input type="checkbox"/> |

3 Now, about that agreement/plan

- a) Has anything happened since the conference in relation to the agreement/plan that makes you regret taking part in the conference? ***(If victim needs a prompt give an example eg reparation not paid and so victim out of pocket)***

(Code 1=Yes/2=No)

☐

If Yes, please elaborate:

- b) How satisfied are you with the agreement/plan now? 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						Very
dissatisfied						satisfied

(If the answer is 1-3 on 3 b) above ask Q c)

- c) What agreement/plan do you now feel would have been better?

(Note if there was no reparation go to Q5)

4 Reparation

- a) According to our records, the judge ordered that the offender(s) would pay you reparation of (details of amount and time period). Has this been paid?

(Tick only one of the following)

- | | |
|--------------|--------------------------|
| 1 In full | <input type="checkbox"/> |
| 2 Partly | <input type="checkbox"/> |
| 3 Not at all | <input type="checkbox"/> |

b) (If the response above indicates that reparation has been paid in part or that payments are ongoing ask...) Are payments made regularly and on time?

(Code 1=Yes/2=No)

☐

c) If No, ask: Do you know why this is?

d) How do you feel about this?

5 The sentence

a) Looking back to the sentence the Judge imposed – how satisfied are you with that now? ***Don't prompt – if s/he does not know what the sentence was [code 98] or can't remember [code 99] and enter in the box***

☐

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

(If the answer is 1-3 on Q5a) above ask b)

b) What sentence do you now feel would have been better?

6 Now, I'd like to ask you how you feel now about the offender

a) On a scale of **1 to 7** – where 1=major upset and 7=not at all upsetting - how would you rate the experience of meeting the offender at the conference?

(circle a number on the following scale)

1	2	3	4	5	6	7
A major upset						Not at all upsetting

Can you tell me why you made that rating ?

b) How do you feel towards the offender now? **(Tick one of the following)**

1 More positive

☐

2 More negative

☐

3 Much the same

☐

- | | |
|---|--------------------------|
| O did what supposed to do | <input type="checkbox"/> |
| O's apology was sincere | <input type="checkbox"/> |
| Talking to others re conference outcome | <input type="checkbox"/> |
| Other (<i>specify</i>) _____ | <input type="checkbox"/> |

- | | |
|---|--------------------------|
| O did not do what supposed to do | <input type="checkbox"/> |
| O's apology was not sincere | <input type="checkbox"/> |
| Talking to others re conference outcome | <input type="checkbox"/> |
| Other (<i>specify</i>) _____ | <input type="checkbox"/> |

- 1 S/he did a bad thing because of who s/he is **OR** ☐
- 2 S/he is ok but what s/he did was bad?

7 Now, I'd like to ask you how you feel now about the offence

- | | | |
|---|--------------------------|--|
| 1 | Daily | |
| 2 | Weekly | |
| 3 | Monthly | |
| 4 | Once every 2-3 months | |
| 5 | Not since the conference | |

- | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-----------|---|---|---|---|---|---|---|------------------|----|
| No impact | | | | | | | | Very high impact | |

- c) Which of the following best describes how you're feeling about the offence today?

(Tick the appropriate box)

1 It's all behind you

☐

2 It's partly behind you

☐

3 It's not behind you at all

☐

(If the answer is 2 or 3 above ask Why?)

(If the response is 1 or 2 to 7c] above: ask d] - if the response is 3: go to e)]

- d) More generally, would you say that your ability to put the offence behind you was aided more by:

(Read options out and tick the appropriate box)

1 Your participation in the restorative justice process

☐

2 Things that you did for yourself

☐

3 The passage of time

☐

4 Other **(specify)** _____

☐

- e) Have you been the victim of any crime since the conference/court? **(Code 1=Yes/2=No)**

☐

If Yes was it the same offender?

(Code 1=Yes/2=No)

☐

Was this reported to the police?

(Code 1=Yes/2=No)

☐

If No, why not?: _____

8 Generally

- a) As a result of participating in the conference how do you feel now about the criminal justice system?

(Tick one of the following)

1 More positive

☐

2 More negative

☐

3 Much the same

☐

(elaborate): _____

- b) How do you now feel about Restorative Justice Conferences in general?

(elaborate): _____

c) Would you now recommend a Restorative Justice Conference to others?

(Code 1=Yes/2=No) ☐

(elaborate): _____

d) If you were a victim again, would you now go to another Restorative Justice Conference? **(Tick the appropriate box)**

1 Yes

☐

2 Yes, with conditions

☐

3 No

☐

(elaborate): _____

Thank you!

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

(elaborate): _____

Finally

Would you like a summary of the research results? – This will be available in about (12-18mths – or as appropriate) time.

(Code 1=Yes/2=No) ☐

If Yes, where would you like this sent? In case you move, can you give us an alternative name and address of a family member or friend who we could contact to find out where you are?

	Name	Address
Interviewee:	_____	_____
	_____	_____
Family member(s):	_____	_____
	_____	_____
Friend(s):	_____	_____
	_____	_____

A.8 Questionnaire for court: offenders

Court Referred Restorative Justice Pilot Evaluation

COURT *Offender*

In this interview we would like to ask you about what happened at court held during _____
(month)_____ (year) for _____ (offences)

The aim is to find out how you felt about the whole process. (*Throughout use **8=not applicable;** **9=don't know**.*)

1 At what point did you plead guilty? *Don't ask, just tick relevant response*

Right away

Preliminary hearing

Status hearing

Just before trial

☐
☐
☐
☐

About Court

2 How did you feel at the **beginning** of court? And at the **end**? (*List all feelings and probe for change*)

Record feelings at the **beginning** of court _____

Record feelings at the **end** of court _____

3 Was the victim present?

1=yes, 2=no

☐

If yes, how did you feel about seeing the victims(s)? At the **beginning** of court? And at the **end**? (*List all feelings and probe for change. Be alert for feelings to multiple victims if present*)

Record feelings at the **beginning** of court _____

Record feelings at the **end** of court _____

4 Were you treated with respect at court?*(be alert to cultural issues here)* **1=yes, 2=no, 3= partly** ☐

(elaborate) _____

5 In court did you feel ashamed of what you had done? **1=yes, 2=no, 3=partly** ☐

(elaborate) _____

6 In court were you made to feel like you were a bad person? **1=yes, 2=no, 3=partly** ☐

(elaborate) _____

7 Did you:
a) Feel involved in court? **1=yes, 2=no, 3= partly** ☐

(elaborate) _____

b) Understand what was going on at court? **1=yes, 2=no, 3= partly** ☐

(elaborate) _____

c) Have the opportunity to say what you wanted about why the offence happened? **1=yes, 2=no, 3= partly** ☐

(elaborate) _____

d) Want to say anything else in court? **1=yes, 2=no, 3=partly** ☐

(elaborate) _____

8 Do you feel that the sentence took account of any needs associated with your offending? (NB: If cultural needs do NOT come up, ask question 9 following)

(probe for why and record comments) **1=yes, 2=no, 3 =partly** ☐

(elaborate) _____

- 9 Do you feel that the court and the sentence took account of your ***cultural needs?***

1=yes, 2=no, 3= partly or 7=not an issue

☐

Court_____

Sentence_____

If no to either of the above, record the item (ie court or the sentence) and then what would have been better?

- 10 Were you satisfied with court overall? (*circle a number on the following scale*)

1 2 3 4 5 6 7
Very dissatisfied Very satisfied

(*elaborate*)_____

- 11 Were there any **good** features at court?

(*elaborate*)_____

- 12 Were there any **bad** features at court?

(*elaborate*)_____

Support

- 13 In court did you have someone who could provide support for you? (*be alert to any cultural issues*)

1=yes, 2=no

☐

If yes, who was this and was it useful?_____ 1=yes, 2=no or 3=partly

☐

Did they speak on your behalf?

1=yes, 2=no

☐

Would you have liked more support at court?

1=yes, 2=no or 3=partly

☐

(*elaborate*)_____

About the sentence

14 Before the sentence were you given any idea of what the outcome might be?

1=yes, 2=no

☐

If yes, what? _____

15 Did you

a) Understand the sentence?

1=yes, 2=no, 3=partly

☐

b) Agree with the sentence?

1=yes, 2=no, 3=partly

☐

16 Was the sentence

1 = Too harsh

2 = About right

3 = Too soft

☐

(elaborate) _____

17 a) Did you feel the sentence was fair? (*circle a number on the following scale*)

1

2

3

4

5

6

7

Very unfair

Very fair

(elaborate) _____

b) Were you satisfied with the sentence overall? (*circle a number on the following scale*)

1

2

3

4

5

6

7

Very dissatisfied

Very satisfied

(elaborate) _____

18 What do you think the sentence was trying to achieve? (*Re options following – don't ask. tick as many as necessary*)

Punishment

☐

Deterrence

☐

Rehabilitation

☐

Incapacitation

☐

(elaborate) _____

19 Were there any **good** features of the sentence?

(elaborate) _____

20 Were there any **bad** features of the sentence?

(elaborate) _____

21 Do you think the sentence will stop you from offending in the future?

1=yes, 2=no

☐

(elaborate) _____

The victim

22 Were you able to make up for what you did?

1=yes, 2=no, 3=partly

☐

(elaborate) _____

23 Could you understand how the victim felt?

1=yes, 2=no, 3=partly

☐

(elaborate) _____

Apology

24 Did you apologise at all?

1=yes, 2=no

☐

(elaborate) _____

If yes, do you think the victim accepted your apology?

(elaborate) _____

How you feel now

25 How do you feel now about the court system generally? *(If they respond by talking of police or VA's, record what they say but ask the question again re courts. If you don't get a different response, move on)* _____

Do you feel:

(enter a number in the box)

☐

More positive = 1

More negative = 2

Much the same = 3

26 Are there any other comments you would like to make about court?

(elaborate) _____

Relationship between the victim and the offender

- 27 Did you know the offender before the offence occurred? **1=yes, 2=no** ☐
- If yes, what is the nature of the relationship (*to be ticked only, not asked*)** **(tick only one)**
- 1 Friend ☐
 - 2 Acquaintance (*known indirectly*) ☐
 - 3 Flatmate ☐
 - 4 Workmate ☐
 - 5 Employer ☐
 - 6 Employee ☐
 - 7 Other business (*the victim and offender have had another business relationship- other than workmate, employer, employee*) ☐
 - 8 Partner - current (*the victim and offender are in a personal relationship*) ☐
 - 9 Partner – ex. ☐
 - 10 Family – parent ☐
 - 11 Family – child ☐
 - 12 Family – brother/sister ☐
 - 13 Family – Uncle/Aunt ☐
 - 14 Family – other ☐
 - 15 Other (*state*) _____ ☐

RJ Conference

- 28 Recently, a number of new ways of dealing with offenders have been introduced. One of these is victims and offenders, (along with support people, a facilitator and relevant professionals such as the police and lawyers) meeting and discussing what happened and making recommendations to judges about how to deal with the offending.

Would you have been interested in participating in this process if it was available to you? **1=yes, 2=no** ☐

(Be alert to: “It was made available to me and I declined”. Probe for why)

If yes, why _____

If no, why _____

Background information

Now we would like to ask a few questions about you

- 29** Which ethnic group do you belong to? *tick all that apply*
- | | | |
|---|---|--------------------------|
| 1 | NZ European | <input type="checkbox"/> |
| 2 | Maori | <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 (such as Dutch, Japanese, Tokelauan) state: _____ | <input type="checkbox"/> |

- 30** If Maori do you know the name(s) of your iwi (tribe or tribes)? *1=yes, 2=no* ☐
- If yes, print the name and home area, rohe or region of your iwi below:
- Iwi _____
- Rohe (iwi area) _____
- Iwi _____
- Rohe (iwi area) _____
- Iwi _____
- Rohe (iwi area) _____

Ask Q's 31 & 32 only if response to Q29 was '3-6' or other Pacific Island Nation in '9':

- 31** In which country were you born? (state) _____

- 32** If you were not born in New Zealand, how long have you lived here? _____

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

34 a) Are you in paid work? *yes=1, 2=no* ☐

If yes, what is your occupation? _____

Is this, full-time or part-time (*circle which*)?

b) **If you are not in paid work**, what category best describes you? *tick only one*

- | | | |
|---|----------------------------------|--------------------------|
| 1 | Beneficiary (eg sickness or DPB) | <input type="checkbox"/> |
| 2 | Unemployed | <input type="checkbox"/> |
| 3 | Home duties | <input type="checkbox"/> |
| 4 | Retired | <input type="checkbox"/> |
| 5 | Student | <input type="checkbox"/> |
| 6 | Other (<i>elaborate</i>) _____ | <input type="checkbox"/> |

Thank you!

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

(*elaborate*) _____

Finally

What is the best way to contact you before the **next interview** in 12 months time? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____
	_____	_____	_____

A.9 Questionnaire for court: victim not attending

CRN _____

CSNo. _____

Jeremy Robertson
11th floor Murphy Building
Kelburn Parade
Victoria University of Wellington
P O Box 600
Wellington

Phone (04) 463 5371

Court Referred Restorative Justice Pilot Evaluation *Court*

NB: Before interview establish whether or not the Victim was present for the sentence. If no, use this questionnaire. If yes, use attending questionnaire.

Victim NOT attending

Coded by interviewer

☐

Checked by supervisor

☐

Date Entered / /

Version Final (19 September 2002)

Offender name _____

Offence

Sentence

Other notes

Office use only

Interviewee ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of interview:	/ /
Time of interview: 1 9am - 12pm 2 12pm - 5pm 3 5pm - 8pm 4 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Over telephone 7 Other (<i>state</i>)	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation
COURT

Victim NOT attending court

In this interview we would like to ask what happened regarding **(state offences)** _____ and the sentence received by the offender _____ . The aim is to find out how you felt about the whole process. *(Throughout use 8=not applicable; 9=don't know).*

PART A: Victim impact statement (VIS) [explain if necessary]

1=yes or 2=no

- 1 a) Was a VIS prepared for court about the effect of the offence on you? ☐
b) **If no**, would you have liked one to have been prepared? ☐
- 2 a) **If VIS was prepared**, Did you get to see the VIS? ☐
b) **If no**, would you have liked to have seen it? ☐
- 3 Do you know what was in the VIS? ☐
If yes, did it adequately reflect what happened? ☐
- 4 a) Did the VIS give you the opportunity to explain the impact of the offence as you wanted to? ☐

b) **If not**, why not? *(state)* _____

Record general comments about VIS _____

- 5 Do you think the VIS made the offender think about the consequences of his/her offending? **(elaborate)** _____ ☐
- 6 Do you think the VIS influenced the sentence? ☐
If yes, how? _____
- 7 Did the VIS make you feel more involved in the court process? ☐
If yes, how? _____

PART B:

The Sentence

- 8 Did you know what the sentence was before today? *(If no, tell the victim was the sentence was)*
(elaborate) 1=yes or 2=no ☐
-

- 9 What do you think the sentence was trying to achieve? *(tick as many as necessary)*
- | | |
|----------------|--------------------------|
| Punishment | <input type="checkbox"/> |
| Deterrence | <input type="checkbox"/> |
| Rehabilitation | <input type="checkbox"/> |
| Incapacitation | <input type="checkbox"/> |
- (record general comments re the sentence)* _____
-

- 10 Do you feel that the sentence took account of
- a) Your needs? 1=yes, 2=no, 3=partly or 7= not an issue ☐
(elaborate) _____
-

If no, what more could have been done?

- b) Your cultural needs? 1=yes, 2=no, 3= partly or 7= not an issue ☐
(elaborate) _____
-

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

- 11 Do you think that the sentence will stop the offender from offending in the future?
1=yes or 2=no ☐
(elaborate) _____
-

- 12 In your opinion what are the **good** features of the sentence for you if any?
(elaborate) _____
-

- 13 In your opinion what are the **bad** features of the sentence for you if any?
(elaborate) _____
-

- 14 Do you agree with the sentence? 1=yes or 2=no ☐
(elaborate) _____
-

21 After court did you feel more safe? 1=yes, 2=no, 3= partly or 4 =much the same

How you feel now

About the offence

1 2 3 4 5 6 7 8 9 10

No impact Very high impact

(Record comments about impact of offence) _____

24 Did you know the offender before the offence occurred? 1=yes or 2=no

If yes, what is the nature of the relationship **(to be ticked only, not asked)** **(tick only one)**

1 Friend	<input type="checkbox"/>
2 Acquaintance <i>(known indirectly)</i>	<input type="checkbox"/>
3 Flatmate	<input type="checkbox"/>
4 Workmate	<input type="checkbox"/>
5 Employer	<input type="checkbox"/>
6 Employee	<input type="checkbox"/>
7 Other business <i>(the victim and offender have had another business relationship – other than workmate, employer, employee)</i>	<input type="checkbox"/>
8 Partner - current <i>(the victim and offender are in a personal relationship)</i>	<input type="checkbox"/>
9 Partner – ex.	<input type="checkbox"/>
10 Family – parent	<input type="checkbox"/>
11 Family – child	<input type="checkbox"/>
12 Family – brother/sister	<input type="checkbox"/>
13 Family – Uncle/Aunt	<input type="checkbox"/>
14 Family – other	<input type="checkbox"/>
15 Other (state)	<input type="checkbox"/>

25 Are there any other comments you would like to make?

(elaborate) _____

RJ Conference

26 Recently, a number of new ways of dealing with offenders who have pleaded guilty have been introduced. One of these is through victims and offenders (along with support people, a facilitator and relevant professionals such as the police and lawyers) meeting and discussing what happened and making recommendations to judges about how to deal with the offending. Would you have been interested in participating in this process if it was available to you?

(Be alert to: "It was made available to me and I declined". Probe for why)

(elaborate and get reasons for both yes and no)

1=yes or 2=no

☐

If yes why

If no why

Background information

Now we would like to ask a few questions about you

27 Which ethnic group do you belong to? ***tick all that apply***

1 NZ European

2 Maori

3 Samoan

4 Cook Island Māori

5 Tongan

6 Niuean

7 Chinese

8 Indian

9 Other *(such as Dutch, Japanese, Tokelauan)* state: _____

☐☐☐☐☐☐☐☐☐

28 If Maori do you know the name(s) of your iwi (tribe or tribes)?

1=yes or 2=no

☐

If yes, print the name and home area, rohe or region of your iwi below

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

Ask Q 29 & 30 only if response to Q27 was '3-6' or other Pacific Island Nation in '9':

29 In which country were you born? (state) _____

30 If you were not born in New Zealand, how long have you lived here? _____

31 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"/> | | |

32 a) Are you in paid work? **1=yes or 2=no** ☐

If yes, what is your occupation? _____

Is this full time or part time (**circle which**)?

b) **If you are not in paid work**, what category best describes you? **(tick only one)**

- | | |
|-------------------------------------|--------------------------|
| 1 Beneficiary (eg sickness or DPB) | <input type="checkbox"/> |
| 2 Unemployed | <input type="checkbox"/> |
| 3 Home duties | <input type="checkbox"/> |
| 4 Retired | <input type="checkbox"/> |
| 5 Student | <input type="checkbox"/> |
| 6 Other (elaborate): _____ | <input type="checkbox"/> |

Thank you!

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

(**elaborate**) _____

Finally

What is the best way to contact you before the next interview in ***12 months time?*** In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s)	<hr/>	<hr/>	<hr/>
	<hr/>	<hr/>	<hr/>
Friend(s)	<hr/>	<hr/>	<hr/>
	<hr/>	<hr/>	<hr/>

A.10 Questionnaire for court: victim attending

CRN_____

CSNo. _____

Jeremy Robertson
11th floor Murphy Building
Kelburn Parade
Victoria University of Wellington
P O Box 600
Wellington

Phone (04) 463 5371

Court Referred Restorative Justice Pilot Evaluation

Court

NB: Before interview establish whether or not the Victim was present for the sentence. If yes, use this questionnaire. **If no**, use non attending questionnaire.

Victim ATTENDING

Coded by interviewer

☐

Checked by supervisor

☐

Date Entered / /

Version Final (19 September 2002)

[illegible]

		Office use only
Interviewee ID/Name: _____		
Gender: 1 Male 2 Female		
Area:		
Date of interview:		/ /
Time of interview: 1 9am - 12pm 2 12pm - 5pm 3 5pm - 8pm 4 8pm +		
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 7 Friends, relatives residence 8 Over telephone 7 Other (<i>state</i>)		
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other (<i>state</i>)		
Interviewers name:		
Coded by:		
Checked by:		
Entered by:		

Court Referred Restorative Justice Pilot Evaluation COURT

Victim ATTENDING court

In this interview we would like to ask what happened regarding **(state offences)** _____ and the sentence received by the offender _____ The aim is to find out how you felt about the whole process. (*Throughout use 8=not applicable; 9=don't know*).

PART A: Victim impact statement (VIS) [*explain if necessary*]

1=yes or 2=no

- 1 a) Was a VIS prepared for court about the effect of the offence on you? ☐
b) If no, would you have liked one to have been prepared? ☐
- 2 a) If VIS was prepared, Did you get to see the VIS? ☐
b) If no, would you have liked to have seen it? ☐
- 3 Do you know what was in the VIS? ☐
If yes, did it adequately reflect what happened? ☐
- 4 a) Did the VIS give you the opportunity to explain the impact of the offence as you wanted to? ☐
b) If not, why not? (*state*) _____
Record general comments about VIS _____
- 5 Do you think the VIS made the offender think about the consequences of his/her offending? (*elaborate*) _____ ☐
- 6 Do you think the VIS influenced the sentence? ☐
If yes, how? _____
- 7 Did the VIS make you feel more involved in the court process? ☐
If yes, how? _____

About Court

1=yes or 2=no

- 8 Who told you about when court was to be held? (*tick all that apply*)
Victim Advisor ☐
Victim Support ☐
Police ☐
Other (*state*) _____ ☐

9 Did you feel prepared for the sentencing process? ☐

If no, would you have liked to have been more prepared? ☐
(why/why not, probe for what could have been done to assist them) _____

10 How did you feel at the **beginning** of court? And at the **end**? *(List all feelings and probe for change)*

Record feelings at the **beginning** of court _____

Record feelings at the **end** of court _____

11 How did you feel about seeing the offender(s) at the **beginning** of court? And at the **end**? *(List all feelings and probe for change. Be alert for feelings to multiple offenders if present)*

Record feelings at the **beginning** of court _____

Record feelings at the **end** of court _____

12 Did you feel *[physically or emotionally]* unsafe at times during court? ☐
1=yes, 2=no or 3=partly

(elaborate) _____

13 Were you treated with respect at court? *(be alert to cultural issues here)* ☐
1=yes, 2=no or 3=partly

(elaborate) _____

14 Did you
 a) Feel involved in court? *1=yes, 2=no or 3=partly* ☐

(elaborate) _____

b) Understand what was going on at court? *1=yes, 2=no or 3=partly* ☐

(elaborate) _____

c) Have the opportunity to say what you wanted to about the effects of the offence on you?

1=yes, 2=no or 3=partly ☐

(elaborate) _____

d) Want to say anything else at court? *1=yes, 2=no or 3=partly* ☐

(elaborate) _____

- 15 Do you feel that the court and the sentence took account of your ***cultural needs?*** ***1=yes, 2=no, 3= partly or 7=not an issue*** ☐

Court _____

Sentence _____

If no to either of the above, record the item (ie court or the sentence) and then what would have been better?

(elaborate) _____

- 16** Were you satisfied with court overall? (circle a number on the following scale)

1	2	3	4	5	6	7
Very dissatisfied						Very satisfied

(elaborate) _____

- 17 In your opinion what were the **good** features of court for you if any?
(elaborate) _____

- 18 In your opinion what were the **bad** features of court for you if any?
(elaborate) _____

Support

- 19 In court
- a) Did you have someone who could provide support for you? ***(be alert to any cultural issues)*** ***1=yes or 2=no*** ☐
- If yes, who was this and was it useful? ***(state who)*** _____ ***1=yes, 2=no or 3=partly*** ☐
- (elaborate)*** _____

- b) Would you have liked more support at court? ***1=yes, 2=no or 3=partly*** ☐
- (elaborate)*** _____

About the sentence

NB: sentence on front page

20 Did you

1=yes, 2=no or 3= partly

a) Understand the sentence?

☐

b) Agree with the sentence?

☐

c) Think the sentence was **(circle a number)**

1 = Too harsh
(elaborate) _____

2 = About right

3 = Too soft

21 Were you satisfied with the sentence overall? **(circle a number on the following scale)**

1 2 3 4 5 6 7
Very dissatisfied

Very satisfied

(elaborate) _____

22 Did you feel that the sentence was fair? **(circle a number on the following scale)**

1 2 3 4 5 6 7
Very unfair

Very fair

(elaborate) _____

23 Did you think the sentence was just? **(circle a number on the following scale. If V asks what this means say does the sentence fit the crime?)**

1 2 3 4 5 6 7
Very unjust

Very just

(elaborate) _____

24 What do you think the sentence was trying to achieve? **(tick as many as necessary)**

Punishment

☐

Deterrence

☐

Rehabilitation

☐

Incapacitation

☐

(elaborate) _____

25 In your opinion what were the **good** features of the sentence for you if any?

26 In your opinion what were the **bad** features of the sentence for you if any?

The offender

27 By the sentence was the offender *(be alert to any cultural issues, and issues concerning multiple offenders)*

a) Able to make up for what s/he did ? 1=yes, 2=no or 3= partly ☐

(elaborate) _____

b) Made accountable for his/her offending? 1=yes, 2=no or 3= partly ☐

(elaborate) _____

28 How did you feel about what the offender's lawyer said in court?

1=yes, 2=no or 3= partly ☐

(elaborate) _____

29 Did you think the offender 1=yes, 2=no or 3= partly ☐

a) Understand how you felt?

(elaborate) _____

b) Showed you s/he was really sorry? 1=yes, 2=no or 3= partly ☐

(elaborate) _____

30 a) Did you want to know why the offender committed this offence?

1=yes, 2=no or 3= partly ☐

(elaborate) _____

b) Did you gain an understanding of why the offender committed the offence?

1=yes, 2=no or 3= partly ☐

(elaborate) _____

Apology

31 Did you get an apology at all? 1=yes, 2=no or 3= partly ☐

(elaborate) _____

If yes did you accept the offender's apology? 1=yes, 2=no or 3= partly ☐

(elaborate) _____

32 Do you think that the sentence will stop the offender from offending in the future?

1=yes, 2=no or 3= partly ☐

(elaborate) _____

After court

33 Were you really pleased you went to court? **1=yes, 2=no or 3=partly** ☐
(elaborate) _____

34 Has going to court helped you put these matters behind you? **1=yes, 2=no or 3=partly** ☐
(elaborate) _____

35 After court did you feel more safe? **1 = yes, 2 = no, 3= partly or 4 = much the same** ☐
(elaborate) _____

36 As a result of going to court do you feel **(circle a number)**

1= Better

2= No different

3= Worse

(elaborate) _____

37 Were you satisfied with the level of involvement you had with court? **1=yes, 2=no or 3=partly** ☐
(elaborate) _____

How you feel now

38 How do you feel now about the court system generally? *(If they respond by talking of police or VA's, record what they say but ask the question again re courts. If you don't get a different response, move on)* _____

39 Would you recommend to other victims going to court to see how the offence is dealt with? **1=yes or 2=no** ☐
(elaborate) _____

40 If you were a victim again, would you go to court to see how the offence is dealt with? **1=yes or 2=no** ☐
(elaborate) _____

41 Are there any other comments you would like to make about court?

RJ Conference

- 44** Recently, a number of new ways of dealing with offenders who have pleaded guilty have been introduced. One of these is through victims and offenders (along with support people, a facilitator and relevant professionals such as the police and lawyers) meeting and discussing what happened and making recommendations to judges about how to deal with the offending. Would you have been interested in participating in this process if it was available to you?

(Be alert to: “It was made available to me and I declined”. Probe for why)

(elaborate and get reasons for both yes and no)

1=yes or 2=no

☐

If yes why _____

If no why _____

Background information

Now we would like to ask a few questions about you

- 45** Which ethnic group do you belong to?

tick all that apply

1 NZ European

☐

2 Maori

☐

3 Samoan

☐

4 Cook Island Māori

☐

5 Tongan

☐

6 Niuean

☐

7 Chinese

☐

8 Indian

☐

9 Other (such as Dutch, Japanese, Tokelauan) state: _____

☐

- 46** If Maori do you know the name(s) of your iwi (tribe or tribes)?

1=yes or 2=no

☐

If yes, print the name and home area, rohe or region of your iwi below

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

Ask Q 29 & 30 only if response to Q27 was ‘3-6’ or other Pacific Island Nation in ‘9’:

47 In which country were you born? *(state)* _____

48 If you were not born in New Zealand, how long have you lived here? _____

49 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"/> | |

50 a) Are you in paid work? ***1=yes or 2=no*** ☐

If yes, what is your occupation? _____

Is this full time or part time ***(circle which)***?

b) **If you are not in paid work**, what category best describes you? ***(tick only one)***

- | | |
|---|--------------------------|
| 1 Beneficiary (eg sickness or DPB) | <input type="checkbox"/> |
| 2 Unemployed | <input type="checkbox"/> |
| 3 Home duties | <input type="checkbox"/> |
| 4 Retired | <input type="checkbox"/> |
| 5 Student | <input type="checkbox"/> |
| 6 Other <i>(elaborate)</i> : _____ | <input type="checkbox"/> |

Thank you!

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

(elaborate) _____

Finally

What is the best way to contact you before the next interview in ***12 months time***? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s)	_____	_____	_____
	_____	_____	_____
Friend(s)	_____	_____	_____
	_____	_____	_____

A.11 Court follow-up questionnaire: offender

CRN _____

PRN _____

CSNo. _____

Venezia Kingi
11th floor Murphy Building
Kelburn Parade
Victoria University of Wellington
P O Box 600
Wellington

Phone (04) 463 5874

Court Referred Restorative Justice Pilot Evaluation

Court

Offender Follow up Questionnaire

Coded by interviewer ☐

Checked by supervisor ☐

Date Entered / /

Version Final (8/10/03)

Interviewee ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of interview:	/ /
Time of interview: 1 Before 9am 2 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
How interviewed: 1 Face-to-face 2 Over the phone	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 9 Friends, relatives residence 6 Other (<i>state</i>)	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Follow up Interview for Court: Offender

Note: Interviewer is to fill in offence and sentence details on the cover before the interview.

Remember we talked about your experience at court a year or so ago and you agreed for us to contact you again? This was with respect to _____(offence). Well in this interview we would like to ask you what has happened since then. The aim is to find out how you feel now about what happened.

(Throughout use the following codes: 8=not applicable; 9=don't know; 98=missing data;99=can't remember)

1 The court

We know it has been a while since you attended, but we're interested in finding out what you remember from the court appearance you went to in (month/year).....

a) What was the one thing you remember most about the court experience?

b) *(Interviewer to tick box below to record level of recall – don't ask this!)*

1 Can't remember anything

☐

2 Sort of hard to remember

☐

3 Can recall immediately

☐

(Interviewer to make a judgement when asking the next question and use the appropriate version c) or d)

EITHER

c) That sounds positive. Was there anything that bothered you?

(Code 1=Yes/2=No) ☐

If Yes, elaborate:_____

OR

d) That sounds negative. Was there anything that was OK?

(Code 1=Yes/2=No) ☐

If Yes, elaborate:_____

- (circle a number on the following scale)***

Can you tell me why you made that rating? _____

- “Courts are designed mainly to benefit offenders, not victims”***

Can you tell me why you made that rating? _____

a) The judge ordered you to pay reparation to (Victim). Have you paid this?

1 In full
2 Partly
3 Not at all

-

- (circle a number on the following scale)***

Can you tell me why you made that rating? _____

d) What sentence do you now feel would have been better?

3 Offending

- a) Have you committed any offence(s) (whether the police were involved or not) since the court appearance(s) for this offence?

(Code 1=Yes/2=No) ☐

(Ask either b) or c)

- b) If No, was this because of something that happened at court?

(Code 1=Yes/2=No) ☐

Can you tell me why you said that? _____

- c) If Yes, was there anything the court could have done to prevent this reoffending?

(Code 1=Yes/2=No) ☐

Can you tell me why you said that? _____

4 Generally

- a) It's been a year or so since we talked to you last, how do you feel now about the court system generally?

(Tick one of the following)

1 More positive

☐

2 More negative

☐

3 Much the same

☐

- b) Can you tell me why you feel like this? *(If they respond by talking of police, record what they say but ask the question again re courts. If you don't get a different response, move on)* _____

- c) Are there ways in which you feel courts could be improved for offenders?

(Code 1=Yes/2=No) ☐

If Yes, in what ways? _____

- d) Are there any other comments you would like to make now about court and what happened there? _____

5 RJ Conference

We asked you last time about whether or not you would have been interested in a new process which involves offenders meeting with their victims to discuss what happened and to make recommendations to judges about how to deal with the offending. If you offended again, would you now be interested in participating in this process if it was available to you?

(Code 1=Yes/2=No)

☐

(Tease out issues for either response)

a) If Yes, why?

b) If No, why not?

Thank you!

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

(elaborate):

Finally

Would you like a summary of the research results? This will be available in about (12-18mths – or as appropriate) time.

(Code 1=Yes/2=No)

☐

If Yes, where would you like this sent? In case you move, can you give us an alternative name and address of a family member or friend who we could contact to find out where you are?

	Name	Address
Interviewee:	<hr/>	<hr/>
Family member(s):	<hr/>	<hr/>
	<hr/>	<hr/>
Friend(s):	<hr/>	<hr/>
	<hr/>	<hr/>

A.12 Court follow-up questionnaire: victim attending

CRN _____

CSNo. _____

Venezia Kingi
11th floor Murphy Building
Kelburn Parade
Victoria University of Wellington
P O Box 600
Wellington

Phone (04) 463 5874

Court Referred Restorative Justice Pilot Evaluation

Court

NB: Before interview check from previous interview whether or not the Victim was present for the sentence. If yes, use this questionnaire. **If no**, use non attending questionnaire.

Victim ATTENDING Follow up Questionnaire

Coded by interviewer ☐Checked by supervisor ☐

Date Entered / /

Version Final (8/10/03)

[illegible]

Office use only	
Interviewee ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of interview:	/ /
Time of interview: Before 9am 2 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
How interviewed: Face-to-face Over the phone	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Other (<i>state</i>)	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Court Follow up Interview for: Victim attending Court

Note: Interviewer is to fill in offence and sentence details on the cover before the interview.

Remember we talked about your experience at court a year or so ago and you agreed for us to contact you again? This was with respect to _____ (offender) for _____ (offence). Well in this interview we would like to ask you what has happened since then. The aim is to find out how you feel now about what happened.

(Throughout use the following codes: 8=not applicable; 9=don't know; 98=missing data; 99=can't remember)

1 The Court

We know it has been a while since you attended, but we're interested in finding out what you remember from the court hearing you went to in (month/year).....

a) What was the one thing you remember most about the court hearing? _____

b) *(Interviewer to tick box below to record level of recall – don't ask this!)*

1 Can't remember anything

☐

2 Sort of hard to remember

☐

3 Can recall immediately

☐

(Interviewer to make a judgement when asking the next question and use the appropriate version c) or d)

EITHER

c) That sounds positive. Was there anything that bothered you?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate: _____

OR

d) That sounds negative. Was there anything that was OK?

(Code 1=Yes/2=No)

☐

If **Yes**, elaborate: _____

- 1 2 3 4 5 6 7
Very dissatisfied Very satisfied

Can you tell me why you made that rating? _____

- (circle a number on the following scale)***

1 2 3 4 5 6 7
Totally disagree Totally agree

Can you tell me why you made that rating? _____

Check on the cover sheet whether or not reparation was part of the sentence. If so, ask:

- (Tick only one of the following)***

-

-

- 9

- (circle a number on the following scale)***

1	2	3	4	5	6	7
Very dissatisfied						Very satisfied

(If the answer is 1-3 on Q2c], above ask d)]

-

- c) Which of the following best describes how you're feeling about the offence today?
(**Tick the appropriate box**)

1 It's all behind you

☐

2 It's partly behind you

☐

3 It's not behind you at all

☐

(If the answer is 2 or 3 above ask Why?)

(If the response is 1 or 2 to 4c] above: ask d] - if the response is 3: go to e])

- d) More generally, would you say that your ability to put the offence behind you was aided more by:

(**Read options out and tick the appropriate box**)

1 Your participation in court

☐

2 The court sentence

☐

3 Things that you did for yourself

☐

4 The passage of time

☐

5 Other (**specify**) _____

☐

- e) Have you been the victim of any crime since you attended court for this offending?

(**Code 1=Yes/2=No**)

☐

If Yes:

i) Was it the same offender? (**Code 1=Yes/2=No**)

☐

ii) Was this reported to the police? (**Code 1=Yes/2=No**)

☐

iii) If No, why not?: _____

5 Generally

It's been a year or so since we last talked to you –

- a) Are you pleased that you went to court?

(**Code 1=Yes/2=No**)

☐

Can you tell me why you said that? _____

- b) How do you feel now about the court system generally?

(**Tick one of the following**)

1 More positive

☐

2 More negative

☐

3 Much the same

☐

- c) Can you tell me why you feel like this? (If they respond by talking of police, record what they say but ask the question again re courts. If you don't get a different response, move on)

- d) Would you now recommend to other victims that they go to court to see how their offence is dealt with?

(Code 1=Yes/2=No)

☐

If Yes, why? _____

- e) If you were a victim again, would you go to court to see how the offence is dealt with?

(Code 1=Yes/2=No)

☐

Can you tell me why you said that? _____

- f) Are there ways in which you feel courts could be improved for victims?

(Code 1=Yes/2=No)

☐

If Yes, in what ways? _____

- g) Are there any other comments you would like to make now about the court and what happened there?

6 RJ Conference

We asked you last time about whether or not you would have been interested in a new process which involves victims meeting with their offenders to discuss what happened and to make recommendations to judges about how to deal with the offending. If you were a victim again, would you now be interested in participating in this process if it was available to you?

(Code 1=Yes/2=No)

☐

(Tease out issues for either response)

- a) If Yes, why? _____

- b) If No, why not? _____

Thank you!

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

(elaborate): _____

Finally

Would you like a summary of the research results? This will be available in about (12-18mths – or as appropriate) time.

(Code 1=Yes/2=No)

☐

If Yes, where would you like this sent? In case you move, can you give us an alternative name and address of a family member or friend who we could contact to find out where you are?

	Name	Address
Interviewee:	<hr/>	<hr/>
	<hr/>	<hr/>
Family member(s):	<hr/>	<hr/>
	<hr/>	<hr/>
Friend(s):	<hr/>	<hr/>
	<hr/>	<hr/>

A.13 Court follow-up questionnaire: victim not attending

CRN _____

CSNo. _____

Venezia Kingi
11th floor Murphy Building
Kelburn Parade
Victoria University of Wellington
P O Box 600
Wellington

Phone (04) 463 5874

Court Referred Restorative Justice Pilot Evaluation

Court

NB: Before interview check from previous interview whether or not the Victim was present for the sentence. If no, use this questionnaire. If yes, use attending questionnaire.

Victim NOT Attending Follow up Questionnaire

Coded by interviewer ☐Checked by supervisor ☐

Date Entered / /

Version Final (8/10/03)

Interviewee ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of interview:	/ /
Time of interview: Before 9am 2 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
How interviewed: Face-to-face Over the phone	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, McDonalds, park) 4 Car 5 Friends, relatives residence 6 Other (<i>state</i>)	
Others present: 1 No one 2 Friend 3 Family or whanau 4 Other (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Court Follow up Interview for: Victim NOT attending Court

Note: Interviewer is to fill in offence and sentence details on the cover sheet before the interview.

Remember we talked to you a year or so ago and you agreed for us to contact you again? This was with respect to the sentencing of _____ (offender) for _____ (offence). Well in this interview we would like to ask you what has happened since then. The aim is to find out how you feel now about what happened.

(Throughout use the following codes: 8=not applicable; 9=don't know; 98=missing data; 99=can't remember)

1 About the sentence

Check on the cover sheet whether or not reparation was part of the sentence. If so, ask:

a) The judge ordered reparation to be paid to you by (offender). Has this been paid to you?

(Tick only one of the following)

1 In full

☐

2 Partly

☐

3 Not at all

☐

b) If **No**, or partly, do you know why this is? *(eg still paying by instalments)*

c) Looking back at the sentence as a whole – how satisfied are you with that now?
Rate on a scale from **1 to 7** where 1=Very dissatisfied and 7=Very satisfied.

(circle a number on the following scale)

1
Very
dissatisfied

2

3

4

5

6

7
Very
satisfied

Can you tell me why you made that rating? _____

(If the answer is 1-3 on Q1c], above ask d)

d) What sentence do you now feel would have been better?

2 The offender

I am interested in your overall impression of **(offender)** do you think that:

(Enter appropriate number in the box)

1 S/he did a bad thing because of who s/he is

OR

☐

2 S/he is ok but what s/he did was bad?

3 The offence

a) How often do you think about the offence?

(Tick the appropriate box)

- | | |
|------------------------------|--------------------------|
| 1 Daily | <input type="checkbox"/> |
| 2 Weekly | <input type="checkbox"/> |
| 3 Monthly | <input type="checkbox"/> |
| 4 Once every 2-3 months | <input type="checkbox"/> |
| 5 Not since the it happened? | <input type="checkbox"/> |

b) How would you rate the impact of the offence on you now? Rate on a scale from **1 to 10** – where 1=No impact and 10=Very high impact.

(circle a number on the following scale)

1	2	3	4	5	6	7	8	9	10
No impact									Very high impact

c) Which of the following best describes how you're feeling about the offence today?

(Tick the appropriate box)

- | | |
|------------------------------|--------------------------|
| 1 It's all behind you | <input type="checkbox"/> |
| 2 It's partly behind you | <input type="checkbox"/> |
| 3 It's not behind you at all | <input type="checkbox"/> |

(If the answer is 2 or 3 above ask Why?)

(If the response is 1 or 2 to 3c] above: ask d] - if the response is 3: go to e])

d) More generally, would you say that your ability to put the offence behind you was aided more by:

(Read options out and tick the appropriate box)

- | | |
|------------------------------------|--------------------------|
| 1 The court sentence | <input type="checkbox"/> |
| 2 Things that you did for yourself | <input type="checkbox"/> |
| 3 The passage of time | <input type="checkbox"/> |
| 4 Other <i>(specify)</i> _____ | <input type="checkbox"/> |

e) Have you been the victim of any crime since this offence happened

(Code 1=Yes/2=No)

☐

If Yes:

i) Was it the same offender? *(Code 1=Yes/2=No)*

☐

ii) Was this reported to the police? *(Code 1=Yes/2=No)*

☐

iii) If No, why not?: _____

4 How you feel now

- a) It's been a year or so since we talked to you last, how do you feel now about the court system generally?

(Tick one of the following)

1 More positive

☐

2 More negative

☐

3 Much the same

☐

- b) Can you tell me why you feel like this? *(If they respond by talking of police, record what they say but ask the question again re courts. If you don't get a different response, move on)*

- c) If you were a victim again, would you go to court to see how the offence is dealt with?

(Code 1=Yes/2=No)

☐

Can you tell me why you said that ?

- d) Are there any other comments you would like to make now about how this offence was dealt with by the court?

5 RJ Conference

We asked you last time about whether or not you would have been interested in a new process which involves victims meeting with their offenders to discuss what happened and to make recommendations to judges about how to deal with the offending. If you were a victim again, would you now be interested in participating in this process if it was available to you?

(Code 1=Yes/2=No)

☐

(Tease out issues for either response)

- a) If Yes, why?

- b) If No, why not?

Thank you!

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

(elaborate): _____

Finally

Would you like a summary of the research results? This will be available in about (12-18mths – or as appropriate) time.

(Code 1=Yes/2=No)

☐

If Yes, where would you like this sent? In case you move, can you give us an alternative name and address of a family member or friend who we could contact to find out where you are?

	Name	Address
Interviewee:	_____	_____
	_____	_____
Family member(s):	_____	_____
	_____	_____
Friend(s):	_____	_____
	_____	_____

A.14 Observation record – part A

Court Referred Restorative Justice pilot Evaluation Restorative Justice Conference Observation *Part A: Observation Record*

RJRefNo ____ / ____ / ____ (____)
Off (*Name*): _____ (Male/Female)
RJFac (*Name*): _____ **RJCoFac** (*Name*): _____
Provider group affiliation: _____
Area: _____ **Date**: _____ **Time Started**: _____ (am/pm)
 (If late starting note reason why: _____)

Participants

(Record additional details on seating plan)

(Enter number)

1	Number of facilitators	<input type="text"/>	<input type="text"/>
2	Number of Offender(s)	<input type="text"/>	<input type="text"/>
	Offender(s) Support	<input type="text"/>	<input type="text"/>
	Co-offender(s)	<input type="text"/>	<input type="text"/>
	Co-offender(s) support	<input type="text"/>	<input type="text"/>
	Victim(s)	<input type="text"/>	<input type="text"/>
	Victim representative(s)	<input type="text"/>	<input type="text"/>
	Victim support	<input type="text"/>	<input type="text"/>
	Community representative(s)	<input type="text"/>	<input type="text"/>
	Lawyer(s)	<input type="text"/>	<input type="text"/>
	Police	<input type="text"/>	<input type="text"/>
	Other professionals	<input type="text"/>	<input type="text"/>
	Others	<input type="text"/>	<input type="text"/>
3	Total number present of		
	Participants:	<input type="text"/>	<input type="text"/>
	Observers (<i>includes researcher and facilitators</i>)	<input type="text"/>	<input type="text"/>

Comments (Note here any unusual relationships and reasons for non-attendance [if known] of key participants e.g. victim)

Starting the conference

(1=yes or 2=no)

- 4 a) Karakia/Tatalo/or other prayer? ☐
 By whom? _____
- b) Introductions? ☐
 By whom? _____
- c) Mihimihi/Fa'afeiloa'i/or other cultural greeting? ☐
 By whom? _____
- d) Which language(s) was used? (**Specify**) _____

5 The facilitator's role

(1=yes or 2=no)

- a) Facilitator explained procedure? ☐
- b) Facilitator set out ground rules? ☐
 Confidentiality ☐
 Not interrupting when others speaking/respectful behaviour ☐
 Using voluntary time-out if and when needed ☐
 Other _____
- c) Checked Offender agreed with the SOF? ☐
- d) Note here any other introductory instructions or comments made by this facilitator

- e) Facilitator checked the offender agreed with the conference plan? ☐
- f) Facilitator checked the Victim agreed with the conference plan? ☐

6 Summary of facts

- a) Read by? (**Tick which**)
 Facilitator/Co-facilitator (*circle which*) ☐
 Police ☐
 Lawyer ☐
 Other (**State who**) _____
- b) Read in full/part (**Circle which**)
If part read state reasons: _____

7 Presentation of views

- a) Who was asked to speak first after the introductions? (**Tick only one**)
 The victim ☐
 The offender ☐
 Other (*state*) _____

(1=yes or 2=no)

- b) Were the victim/s views presented? ☐
If yes, by whom? _____
- c) Did the offender explain reasons for offending? ☐
- d) Were there presentations of reports regarding the offender? (*eg psyc assessment*) ☐
If yes, by whom? _____
- e) Did the offender respond to the victim's statement? ☐

8 If break, note

(Tick only one)

- a) Who initiated
- Facilitator ☐
- Victim ☐
- Offender ☐
- Victim Support ☐
- Offender Support ☐
- Professional (*specify*) ☐
- b) Reason _____
- c) Anything significant _____

9 Was the focus of the conference mainly on the

(Tick only one)

- Offender ☐
- Victim ☐
- It was equal ☐

RJC agreement**10 Agreement reached (1=yes or 2=no)**☐Describe the agreement (*eg type of work, amount of reparation*) _____**If non agreement** describe reasons: _____

Time to break (if any) _____ **Time finished** _____ **Total time** _____ (*hrs/min*)
 (Note any factors that impacted on time, e.g. interpretation)

Seating plan

Draw an outline of the arrangement of the room giving positions of participants (including yourself as an observer) using symbols as detailed in the key below; add other symbols you need to describe particular people (e.g. V = Victim, OS = Offender Support); use numbers if there are more than one of each type of participant (e.g. V2 = Victim 2); if seated around a table, draw the outline:

Key (*Examples only*):

Off1 = Offender 1

Off2 = Offender 2 (etc)

OS1 = Offender 1 supporter (etc)

V1 = Victim 1

V2 = Victim 2 (etc)

VS1 = Victim 1 supporter (etc)

RJFac = Restorative Justice Facilitator (person who leads and guides the dialogue between participants)

RJCoFac = Restorative Justice Co-facilitator (person who records the proceedings)

P = Police

OP = Other professional

O = Other participant (*Specify*)

ALSO: Note if seating changes and why

A.15 Observation record – part B

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Restorative Justice Observation

Part B: Observation Coding Schedule

Summary of facts (SOF) obtained

☐

Coded by observer

☐

Checked by supervisor

☐

Date entered

/ /

(Attach a copy of SOF to this)

Office use only

Offender (ID/Name) _____	
DOB ____ / ____ / ____ (DD/MM/YYYY)	
Gender: 1 Male 2 Female	
Area	
Date of RJC ____ / ____ / ____ (DD/MM/YYYY)	
Offences <i>(Description)</i>	
Observers name	
Coded by	
Checked by	
Entered by	

Court Referred Restorative Justice Pilot Evaluation
Restorative Justice Conference Observation
Part B: Observation Coding Schedule

[Throughout use 8=not applicable; 9=don't know]

The offender (Off), the offender support (OS) the victim (V) and victim support (VS)

Participation and involvement

	(1=yes 2=no, 3=partly)			
	Off	O/S	V	VS
1 The extent to which people				
a) Appeared to understand what was going on in the RJC				
<i>Examples</i>	<i>text</i>	<i>text</i>	<i>text</i>	<i>text</i>
b) Had the opportunity to have their say at the RJC				
<i>Examples</i>	<i>text</i>	<i>text</i>	<i>text</i>	<i>text</i>
c) Appeared to understand what was agreed to at the RJC				
<i>Examples</i>	<i>text</i>	<i>text</i>	<i>text</i>	<i>text</i>
d) Agreed with the plan				
<i>Examples</i>	<i>text</i>	<i>text</i>	<i>text</i>	<i>text</i>

Plan/understanding

(1=yes or 2=no)

2 How would you characterise the conference plan?

a) Agreement on plan reached (general agreement by all)

☐

Comments _____

b) Was the conference adjourned

☐

Why? Comments _____

Respect and fairness

(Questions 3-12 1=yes 2=no or 3=if not clearly “yes” or “no” and describe)

[Remember you can also use 8=not applicable; 9=don't know]

Code

Repair

3	The Off agreed to make apologies or reparation or do community work	
	<i>State</i>	<i>Text</i>

Remorse

4	The Off accepted responsibility for the offending	
	<i>Describe</i>	<i>Text</i>
5	The Off said he/she was really sorry about his/her offending	
6	The Off said things that showed that he/she could see the victim's point of view	
	<i>Examples</i>	<i>Text</i>
7	The victim said things that indicated he/she could understand better the reasons for the offending	
	<i>Examples</i>	<i>Text</i>
8	The victim accepted the Off apology	

Revictimisation

9	a) The victim appeared to be upset by what the Off. /his/her supporters said to her/him at the conference	
	<i>Examples</i>	<i>Text</i>
	b) The victim appeared to be upset (or re-victimised) by the conference process (<i>eg – upset at having to hear the SOF, listening to others speak</i>)	
	<i>Examples</i>	<i>Text</i>

Support and acceptance

10	People spoke up on behalf of the Off	
11	O/S made a commitment to providing support to the Off in the future	
12	Victim(s) indicated that they were prepared to support/help the Off in the future	
<i>Comments</i>		<i>text</i>

RJC facilitation*(Questions 13 & 14 1=yes or 2=no)*

13	The facilitator seemed well prepared for the RJC	<i>Code</i>
14	The facilitator ensured that the views of all were heard	

(Question 15 1=more 2=less 3=equal)

15	a) Was there more or less opportunity given to the victim to speak? (note any imbalance OR if equal opportunity given record "Equal")	<i>text</i>
<i>Comments</i>		<i>text</i>
	b) Was there more or less opportunity given to the offender to speak? (note any imbalance OR if equal opportunity given record "Equal")	<i>text</i>
<i>Comments</i>		<i>text</i>

Role of Lawyer*(Questions 16-30 1=yes or 2=no)*

16	Lawyer(s) for the offender(s) was present at the conference (if no, go to next set of questions under the heading 'role of police')	
17	The lawyer spoke on behalf of the Off	
<i>Comments</i>		<i>text</i>
18	The lawyer provided legal information to the RJC	
19	The lawyer suggested options for the conference plan	
<i>Comments</i>		<i>text</i>
20	The lawyer raised other points (note any significant 'general' points raised)	
<i>Comments</i>		<i>text</i>

Role of Police

21	A police person was present at the conference (if no , go to next set of questions under heading 'role of Community Corrections')	
22	The police person spoke on behalf of the Victim(s)	
Comments		text
23	The police person provided offence information to the RJC	
24	The police person suggested options for the conference plan	
Comments		text
25	The police person raised other points (note any significant 'general' points raised)	
Comments		text

Role of Community Corrections

26	A Community Corrections person was present at the conference (if no , go to next set of questions under heading 'General observations')	
27	The Community Corrections person spoke on behalf of the Off	
Comments		text
28	The Community Corrections person provided information to the RJC	
29	The Community Corrections person suggested options for the conference plan	
Comments		text
30	The community corrections person raised other points (note any significant 'general' points raised)	
Comments		text

General observations

Some conferences can be highly charged and emotional; others are rather business-like and without much emotion. Indicate whether any of the following happened in the RJC.

Emotions

(Questions 31-35 1=a lot or 2=sometimes or 3=not at all and add comments)

31	Angry/aggressive remarks aimed at Off	
If yes, indicate by whom and how it was resolved		text
32	Arguing between participants	
If yes, who was involved and how was it resolved		text

33	Crying by participants	<input type="text"/>
If yes, indicate who and how it was dealt with		<i>text</i>

Power/control

34	Did any person/people inappropriately dominate the discussion?	<input type="text"/>
If yes, indicate who		<i>text</i>
35	Did any person/people appear to be overlooked?	<input type="text"/>
If yes, indicate who		<i>text</i>

36 Who were the main people involved in determining the final plan *(1=a lot, 2=a bit or 3=not at all tick all that apply and add comments)*

Offender(s)	<input type="checkbox"/>
Offender support	<input type="checkbox"/>
RJF	<input type="checkbox"/>
Police	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Victim(s)	<input type="checkbox"/>
Victim support	<input type="checkbox"/>
Others (state who) _____	<input type="checkbox"/>
Comments _____	

37 a) Was there anything in the plan requiring follow up? *(code 1=yes & 2=no)* ☐

(eg A & D assessment, reparation)

b) If yes, who is going to follow up on the conference plan?

Who *(state)* _____

How *(state)* _____

When *(state)* _____

Comments _____

Overall evaluation and comments by the researcher on the RJC
(Questions 38-39 1=yes, 2=no, 3=partly or 9=don't know and comment where appropriate)

38 The RJC process

a) Was culturally appropriate (*why/why not*) ☐

b) Took into account the interests of victims ☐

Comments _____

c) Took into account the interests of offenders ☐

Comments _____

39 The RJC plan

a) Was culturally appropriate (*why/why not*) ☐

b) Took into account the interests of victims ☐

Comments _____

c) Held the offender accountable ☐

Comments _____

Final comments

40 Record main positive and negative features of the RJC

Positive features

Negative features

Special features were:

A.16 Whānau case study questionnaire

RJRefNo ____ / ____ / ____ (____)

Court Referred Restorative Justice Pilot Evaluation

Whānau CASE STUDY

Coded by interviewer ☐

Checked by supervisor ☐

Date Entered / /

Office use only

Interviewee ID/Name: _____	
Offender ID/Name: _____	
Gender: 1 Male 2 Female	
Area:	
Date of RJC:	/ /
Date of interview:	/ /
Time of interview: 1 Before 9am 2 9am - 12pm 3 12pm - 5pm 4 5pm - 8pm 5 8pm +	
Place interviewed: 1 Own residence 2 Workplace 3 Public place (e.g. pub, coffee shop, Mac Donalds, park) 4 Car 5 Friends, relatives residence 6 Over telephone 7 Other (<i>state</i>)	
Others present: 7 No one 8 Friend 9 Family or whanau 4 Other support (<i>state</i>)	
Interviewers name:	
Coded by:	
Checked by:	
Entered by:	

Court Referred Restorative Justice Pilot Evaluation

Whānau: CASE STUDY

In this interview we would like to ask you about what happened at the restorative justice conference held during _____ (month) _____ (year) for _____ (offender) with respect to _____ (offences)

The aim is to find out how you felt about the whole process.

(Throughout use 8=not applicable; 9=don't know).

Choosing to have a conference

1 Whose idea was it to have the restorative justice (RJC) conference?

(1=yes or 2=no)

(to be ticked only, not asked):

Offender's

☐

Victim's

☐

Offender's lawyer

☐

Offender(s) lawyer (other)

☐

Judge/Court

☐

(NB: If Hamilton check if community magistrate's idea & record response)

Coordinator

☐

Victim advisor

☐

Facilitator

☐

Other ***(state)*** _____

☐

2 Why did you decide to go to the RJC?

Possible reasons (to be ticked only, not asked):

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

☐

To work out a plan that was acceptable to all

☐

For offender to be able to tell the victim(s) what happened

☐

For me to be able to tell the victims what happened

☐

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

☐

To support the offender

☐

To have more of a say about what would happen

☐

For the offender to get a lower sentence

☐

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

☐

Other (*elaborate*) _____

☐

Preparation

(1=yes or 2=no)

3 a) How did you find out about the conference?

The facilitators

☐

The RJ Co-ordinator

☐

Offender

☐

(*elaborate*): _____

b) What did they tell you about the conference?

(*elaborate*): _____

c) How satisfied were you with what you were told? (*circle a number on the following scale*)

1

2

3

4

5

6

7

Very
dissatisfied

Very
satisfied

(*elaborate*): _____

The Restorative Justice Conference (RJC)

4 How well prepared did you feel for the conference?

1	2	3	4	5	6	7
Very prepared						Very unprepared

(elaborate): _____

5 What do you think the conference was trying to achieve?

(elaborate): _____

6 How did you feel at the **beginning** of the RJC? And at the **end**? (*List all feelings and probe for change*)

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

7 How did you feel about meeting the victim(s)? At the **beginning** of the RJC? And at the **end**?

(List all feelings and probe for change. Be alert for feelings to multiple victims if present)

*Record feelings at the **beginning** of the conference*

*Record feelings at the **end** of the conference*

8 During the RJC did you:

a) Feel involved?

(1=yes, 2=no or 3= partly) ☐

(elaborate)

b) Understand what was going on?

(1=yes, 2=no or 3= partly) ☐

(elaborate)

c) Feel offender had the chance to explain why the offence happened *(1=yes, 2=no or 3= partly)*

☐

(elaborate)

d) Have the opportunity to say what you wanted to say?

(1=yes, 2=no or 3= partly) ☐

(elaborate) _____

- e) Feel too scared to say what you really felt? **(1=yes, 2=no or 3= partly)** ☐

(elaborate) _____

- 9 Do you think anyone said too much during the RJC? **(1=yes or 2=no)** ☐

If yes, who? (to be ticked only, not asked)

(Tick all that apply)

- | | |
|---------------------|--------------------------|
| Police | <input type="checkbox"/> |
| Offenders lawyer | <input type="checkbox"/> |
| Other Lawyer | <input type="checkbox"/> |
| Victim(s) | <input type="checkbox"/> |
| Offender | <input type="checkbox"/> |
| Offender(s) (other) | <input type="checkbox"/> |
| Facilitator | <input type="checkbox"/> |
| Other _____ | <input type="checkbox"/> |

- 10 During the RJC were you:

- a) Treated with respect? **(1=yes, 2=no or 3= partly)** ☐

(elaborate) _____

- b) Treated fairly? **(1=yes, 2=no or 3= partly)** ☐

(elaborate) _____

If no, why do you think that was? (elaborate) _____

- 11 During the RJC **(be alert to cultural issues)**

- a) Did you feel ashamed of what [] had done? **(1=yes, 2=no or 3= partly)** ☐

(elaborate) _____

b) How did you feel about [] offending?

(elaborate) _____

12 During the RJC did the way you were dealt with make you feel like you were a really bad person? **(1=yes, 2=no or 3= partly)** ☐

(be alert to possible cultural differences here and note reasons for view)

(elaborate) _____

The conference agreement

13 Who decided on the details in the conference agreement?

(Tick all that apply)

All of us	<input type="checkbox"/>
Victim	<input type="checkbox"/>
Victim(s) other	<input type="checkbox"/>
Victim(s) supporter	<input type="checkbox"/>
Victim(s) representative	<input type="checkbox"/>
Offender	<input type="checkbox"/>
Offender(s) (other)	<input type="checkbox"/>
Offender(s) supporter me/us	<input type="checkbox"/>
Offender(s) supporter me/us	<input type="checkbox"/>
Community representative	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Police	<input type="checkbox"/>
Facilitator	<input type="checkbox"/>
Other (state) _____	<input type="checkbox"/>

14 Did you understand what was agreed to in the plan?

(1=yes, 2=no or 3= partly) ☐

(elaborate) _____

- 15 Did you agree with the plan? *(1=yes, 2=no or 3= partly)* ☐

(elaborate) _____

- 16 Was the plan better than you expected? *(1=yes, 2=no or 3= partly)* ☐

(elaborate) _____

- 17 Were you satisfied with the plan overall? *(Circle a number on the following scale)*

1	2	3	4	5	6	7
Very dissatisfied						Very satisfied

(elaborate) _____

- 18 What were the **good** features of the plan if any?

(elaborate) _____

- 19 What were the **bad** features of the plan if any?

(elaborate) _____

- 20 Was the plan:

1= Too harsh 2= About right 3= Too soft

☐

(elaborate): _____

After the conference

21 What were the **good** features of the conference if any?

(elaborate) _____

22 What were the **bad** features of the conference if any?

(elaborate) _____

23 How satisfied were you with the conference overall? *(Circle a number on the following scale)*

	1	2	3	4	5	6	7
Very							Very
dissatisfied						satisfied	

(elaborate) _____

24 Are you pleased you took part in the process?

(1=yes, 2=no or 3= partly) ☐

(elaborate) _____

Background information 1

Now we would like to ask a few questions about you

25 Which ethnic group do you belong to?

(Tick all that apply)

- | | |
|---------------------|--------------------------|
| 1 NZ European | <input type="checkbox"/> |
| 2 Maori | <input type="checkbox"/> |
| 3 Samoan | <input type="checkbox"/> |
| 4 Cook Island Māori | <input type="checkbox"/> |
| 5 Tongan | <input type="checkbox"/> |

6 Niuean

☐

7 Chinese

☐

8 Indian

☐

9 Other (such as Dutch, Japanese, Tokelauan) Please state _____

☐**(1=yes or 2=no)****26 If Maori** do you know the name(s) of your iwi (tribe or tribes)?☐**If yes**, print the name AND home area, rohe or region of your iwi below:

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

i) Iwi _____

ii) Rohe (iwi area) _____

27 Ask only if response to Q29 was 3-6 or other Pacific Island Nation in 9:

In which country were you born? (state) _____

If not born in New Zealand ask: How long have you lived here? _____**For all participants** ask the following, add the name of the ethnic identification in the brackets**28 a)** As a (_____) do you feel that the conference took account of your cultural needs?

(Probe for why and record comments)

(1=yes, 2=no or 3=partly)☐**(elaborate)** _____

b) If no, what would have been better?**(elaborate)** _____

29 As a () do you feel that:

a) The agreed plan took account of your cultural needs?

(probe for why and record comments)

(1=yes, 2=no or 3=partly) ☐

(elaborate) _____

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

(elaborate) _____

30 Are there any other comments you would like to make about this particular RJC?

(elaborate) _____

Generally

31 How do you now feel about RJs in general?

(elaborate) _____

32 Would you recommend a RJC to others?

(1=yes, 2=no or 3=partly) ☐

(elaborate) _____

33 Do you think that participation in the conference will stop your son/daughter offending in the future?

(1=yes, 2=no or 3=partly) ☐

(elaborate) _____

Thank you!

Thank you for your participation in the research, do you have any comments or questions about the research or the interview? (*elaborate*) _____

Finally

What is the best way to contact you before the **next interview** (after court)? In case you move, can you give us the name, address and phone number of a family member or friend who we could contact to find out where you are?

	Name	Address	Telephone
Family member(s):	_____	_____	_____
	_____	_____	_____
Friend(s):	_____	_____	_____
	_____	_____	_____

A.17 Key informant's questionnaire

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



Court Referred Restorative Justice Pilot Evaluation

Dear Key Informant

The Crime and Justice Research Centre is carrying out an evaluation of the pilots of court referred restorative conferences on behalf of the Department for Courts. As part of this evaluation, we are contacting various people who are involved with or knowledgeable about the pilots in one way or another. We would like to know your views of the pilots, particularly your views on their ability to meet their objectives.

Some of the questions invite you to give your views. Please be frank and open. Some questions only invite you to tick a box or insert a number from a scale of 1 to 5. These are explained beside each question.

You may not be able to answer all the questions asked and you don't have to answer all of them. There are also additional questions for some professional groups. These have a letter before the number.

We enclose a hard copy of the questionnaire and pre-paid envelope which you can return to us in the mail. If you would prefer to respond to the questions in an electronic format, please email us at the email address below and we will send the questionnaire as an attachment. Alternatively, you can keep the hard copy by your phone and we will ring you over the next week or so to discuss the questions with you. We will write down your answers for you. If you would prefer to meet with us, please let us know on the phone number below.

Although we may use what you say to illustrate various points in the research reports, comments will not be attributed to you. However, we may refer to your position (for example, as a judge or facilitator). In this way, quotations may be used but we are able to maintain confidentiality. If you like, we will send you a summary of the research report when it is finished. You can indicate this at the end of the questionnaire.

Thank you.

Venezia Kingi (04 463 5874; venezia.kingi@vuw.ac.nz)
Elisabeth Poppelwell (04 463 5886; elisabeth.poppelwell@vuw.ac.nz)
Allison Morris

RJ ID: _____

***Court Referred Restorative Justice Pilot Evaluation
Key Informant Interview***

Area: _____ **Date completed:** _____
Name: _____ **Position:** *(if relevant)* _____
Name of organisation: *(if relevant)* _____

Current practice

- 1** It appears that not all offenders eligible for referral into the pilot by Judges are being referred to it.
What do you think the main reasons for this are?

- 2** It appears that not all offenders referred to co-ordinators are referred on to provider groups.
What do you think the main reasons for this are?

- 3** It appears that not all offenders referred to facilitators are referred on to a conference.
What do you think the main reasons for this are?

- 4** Generally, are the agreements reached at conferences in your area *(tick which)*

Too harsh

☐

About right

☐

Too soft

☐

Don't know

☐

- 5** Do you believe the following should attend conferences wherever possible *(tick if Yes)*

a) police

☐

b) lawyers

☐

c) community corrections staff

☐

d) community representatives

☐

3) other *(please specify _____)*

☐

- 6** Are you aware of any difficulties in:

a) Implementing the pilot in your area? *(tick which)*

☐☐

If Yes, please describe these:

b) Arranging conferences in your area? *(tick which)* **Yes**
☐ **No**
☐
*If **Yes**, please describe these:*

c) Facilitating conferences in your area? *(tick which)* **Yes**
☐ **No**
☐
*If **Yes**, please describe these:*

d) Monitoring conference agreements in your area? *(tick which)* **Yes**
☐ **No**
☐
*If **Yes**, please describe these:*

Effectiveness

7 On a five point scale where **1=very poorly** to **5=very well** please rate how well the pilot is working in your area. *(enter the number in the box)*

a) What are its strengths, if any?

b) What are its weaknesses, if any?

8 On a five point scale where **1=very ineffective** to **5=very effective** please rate the pilot 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:

9 On a five point scale where **1=very ineffective** to **5=very effective** please rate the pilot in terms of its effectiveness in meeting the needs of *(enter the number in the appropriate box)*

a) Maori
b) Pacific Island peoples
c) Other ethnic group(s) *(specify which*

)

Please add any comments:

10 What are the critical factors that could contribute to:

a) The success of the pilot? _____

b) The failure of the pilot? _____

11 The pilot scheme has guidelines.

Yes

No

a) Are you familiar with these? *(tick which)*

☐☐

b) If **Yes**, on a five point scale where **1=very poorly** to **5=very well** please rate how well these guidelines are working in practice. *(enter the number in the box)*

c) Please indicate the reasons for your rating: _____

Yes

No

12 Are there any ways in which the pilot could be more effective? *(tick which)*

☐☐

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

a) Operational/practical changes? _____

b) More fundamental (legal/policy) changes? _____

c) Any other changes? _____

13 On a five point scale where **1=very ineffective** to **5=very effective** please rate the success of the pilot in your area in dealing with the cases referred to it. *(enter the number in the box)*

Relationships

14 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 in your area. *(enter the number in the box)*

Impact of pilot

15 Has the pilot had a **positive** impact on you or your agency/department/service? *(tick which)*

Yes

No

☐☐

If **Yes**, in what way?

16 Has the pilot had a **negative** impact on you or your agency/department/service? *(tick which)*

Yes

No

☐☐

If **Yes**, in what way?

- 17 Has the pilot had any unanticipated impact on you or your agency/department/ service? *(tick which)* **Yes** **No**
If Yes, in what way? ☐ ☐

The future

- 18 On a five point scale where 1=very much against to 5=very much in favour please rate each of the following options: *(enter the number in the appropriate box)*

- a) Restorative justice should be an option for **certain** specified offences. ☐
- b) Restorative justice should be an option for **all** offences. ☐
- c) Restorative justice should be an option only if the offender(s) and victim(s) agree to attend. ☐
- d) Restorative justice should be an option if the offender(s) agree to attend but victim(s) prefer not to attend the conference. ☐

- 19 On a five point scale where 1=**definitely no** to 5=**definitely yes** please rate each of the following statements: *(enter the number in the appropriate box)*

- a) Restorative justice should proceed in New Zealand nationally along the general lines of the pilot. ☐
- b) Major modifications to the pilots are required before any extension nationally. ☐

- 20 Is there anything else you would like to add about the pilot?

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 ☐

RJ Key Informant non-core questions for questionnaire

Judges

- J1 What are the main factors that you consider in deciding to refer a particular case into the pilot?

- J2 Which of these is the most important?

J3 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)*

J4 On a five point scale where **1=never** and **5=frequently**, please indicate how often you accept the conference plan or agreement? *(enter the number in the box)*

J5 What are the main factors which determine your acceptance of the plans?

J6 What are the main factors which determine your rejection of the plans?

Co-ordinators

Reasons for stopping the process

C1 Some offenders seem to be assessed as unsuitable for referral to a provider group. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

C2 Some victims seem to be assessed as unsuitable for referral to a provider group. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

C3 Some victims are unwilling to participate in conferences. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

C4 Some offenders are unwilling to participate in conferences. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

Conference plans/agreements

C5 On a five point scale where **1=never** and **5=frequently**, please indicate how often

Judges accept the conference plan or agreement.

☐

Lawyers

L1 Ideally, should a lawyer be present at every restorative conference? *(tick which)*

Yes

No

☐
☐

Please state your reasons:

L2 Ideally, what role should a lawyer play in the conference?

L3 Do lawyers in your area usually attend conferences? *(tick which)*

Yes

No

☐
☐

*If **No**, why is that?*

L4 Do you usually attend the conferences of your clients? *(tick which)*

Yes

No

☐
☐

*If **Yes**, what do you see as your main role?*

*If **No**, why is that?*

L5 On a five point scale where **1=never** and **5=frequently**, please indicate how often

Judges accept the conference plan or agreement.

☐

Police

P1 Ideally, should a police officer be present at every restorative conference? *(tick which)* **Yes** ☐ **No** ☐

Please state your reasons:

P2 Ideally, what role should a police officer play in the conference?

P3 Do police officers in your area usually attend conferences? *(tick which)* **Yes** ☐ **No** ☐

*If **No**, why is that?*

P4 Has the existence of the pilot had an impact on the number of offenders dealt with by police diversion in your area? *(tick which)* **Yes** ☐ **No** ☐

*If **Yes**, why is that?*

Community Probation

CP1 Ideally, should a representative from Community Probation be present at every restorative conference? *(tick which)* **Yes** ☐ **No** ☐

Please state your reasons:

CP2 Ideally, what role should a representative from Community Probation play in the conference?

CP3 Does someone from Community Probation usually attend conferences in your area? *(tick which)* **Yes** ☐ **No** ☐

*If **No**, why is that?*

CP4 Do you usually attend the conferences of your clients? *(tick which)* **Yes** **No**
☐ ☐
*If **Yes**, what do you see as your main role?*

*If **No**, why is that?*

CP5 Do pre-sentence reports mainly deal with different issues from conference reports?
(tick which) **Yes** **No**

☐ ☐

*If **Yes**, what are these?*

CP6 On a five point scale where **1=never** and **5=frequently**, please indicate how often
 Judges accept the conference plan or agreement. ☐

CP7 On a five point scale where **1=never** and **5=frequently**, please indicate how often
 Judges accept the pre-sentence report. ☐

Core National

CN1 On a five point scale where **1=very poor** to **5=very good** how would you rate the
 co-operation of the various agencies involved in the pilot? *(enter the number in the box)* ☐

Court staff

CS1 Has having the pilot in your area impacted significantly on your workload? **Yes** **No**
(tick which) ☐ ☐
*If **Yes**, please explain how?*

CS2 Has having the pilot in your area impacted significantly on the work load of other
 court staff? *(tick which)* **Yes** **No**
☐ ☐

*If **Yes**, please explain how?*

CS3 Has having the pilot in your area impacted on the time taken for cases in general to proceed through the courts to sentence? *(tick which)*

Yes ☐ **No** ☐

*If **Yes**, please explain how?*

CS4 Do cases referred for conferences take longer than non conferenced cases to reach sentence? *(tick which)*

Yes ☐ **No** ☐

*If **Yes**, why is that?*

CS5 On a five point scale where **1=very poorly** to **5=very well** please rate how well it has worked for you having line management responsibility for the co-ordinator. *(enter the number in the box)*

Facilitators

Reasons for stopping the process

F1 Some offenders seem to be assessed as unsuitable for a conference. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

F2 Some victims seem to be assessed as unsuitable for a conference. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

F3 Some victims are unwilling to participate in conferences. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

F4 Some offenders are unwilling to participate in conferences. In your experience

a) What are the main reasons for this?

b) Which one is the most important?

Pre-conference meetings

F5 On a five point scale where **1=not very important** and **5=very important**, please rate the importance of the pre-conference meeting. ☐

Multiple victims and multiple offenders

F6 Some referrals relate to multiple victims and/or multiple offenders.

a) What, if any, are the special issues that you encounter in these situations?

b) In these situations do you usually have more than one conference? *(tick which)*

Yes

No

☐
☐

c) What are the main factors that you take into account when making this decision?

Cultural responsiveness

F7 Conference participants come from many cultural groups:

a) On a five point scale where **1=not very important** and **5=very important**, please rate the importance of the conference being culturally responsive. ☐

b) If your response to the above is **3, 4 or 5**, please indicate how you would go about achieving this.

Conference roles

F8 Would conferences be assisted by lawyers attending them more frequently? *(tick which)*

Yes

No

☐
☐

If **Yes**, what role would you like to see them play?

F9 Would conferences be assisted by probation officers attending them more frequently?
(tick which)

Yes ☐ **No** ☐

If **Yes**, what role would you like to see them play?

F10 Would conferences be assisted by police officers attending them more frequently? (tick which)

Yes ☐ **No** ☐

If **Yes**, what role would you like to see them play?

Conference plans/agreements

F11 On a five point scale where **1=never** and **5=frequently**, please indicate how often Judges accept the conference plan or agreement? ☐

Victim Advisor/Support

V1 Do you have contact with most victims referred to the pilot? (tick which)

Yes ☐ **No** ☐

If **No**, please say why that is.

V2 Do you feel the conferences in your area adequately take account of victims' interests? (tick which)

Yes ☐ **No** ☐

If **No**, please say why that is.

V3 Do you feel the pilots in your area are sufficiently victim centred? (tick which)

Yes ☐ **No** ☐

If **No**, please say why that is.

-
- V4** Do you feel the conference plans or agreements in your area adequately take account of victims' interests? (*tick which*)

Yes**No**☐☐

If **No**, please say why that is.

- V5** Do you see the pilots to be primarily for the benefit of victims or offenders or both?
(*tick the appropriate box*)

a) victims

☐

b) offenders

☐

c) equally victims and offenders

☐

A.18 Key informant's follow-up questionnaire

**VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wananga o te Upoko o te Ika a Maui
Court Referred Restorative Justice Pilot Evaluation**

Dear Key Informant

The Crime and Justice Research Centre is carrying out an evaluation of the court referred restorative justice pilot on behalf of the Department for Courts. You will recall that, as part of this evaluation, we contacted you around a year ago to learn your views of the court referred restorative justice pilot, particularly your views on its ability to meet its objectives. We are again asking you to share your views with us about the court referred restorative justice pilot. This time the focus is how it has fared over the last year.

On occasions, we refer to the findings of the first questionnaire and ask you whether or not the situation has changed since then. Some of the questions invite you to give your views. Please be frank and open. Some questions only invite you to tick a box, make an estimate or insert a number from a scale of 1 to 5. These are explained beside each question.

You may not be able to answer all the questions asked – that does not matter - and you don't have to answer all of them. Please be assured that there are no 'right' or 'wrong' answers. We are simply asking your views.

We enclose a hard copy of the questionnaire and pre-paid envelope which you can return to us in the mail. If you would prefer to respond to the questions in an electronic format, please email us at the email address below and we will send the questionnaire as an attachment. Alternatively, you can keep the hard copy by your phone and we will ring you over the next week or so to discuss the questions with you. We will write down your answers for you. If you would prefer to meet with us, please let us know on the phone number below.

Although we may use what you say to illustrate various points in the research reports, comments will not be attributed to you. However, we may refer to your position (for example, as a judge or facilitator). In this way, quotations may be used but we are able to maintain confidentiality. If you like, we will send you a summary of the research report when it is finished. You can indicate this at the end of the questionnaire.

Thank you.

Venezia Kingi (04 463 5874; venezia.kingi@vuw.ac.nz)

Elisabeth Poppelwell (04 463 5886; elisabeth.poppelwell@vuw.ac.nz)

Allison Morris

***Court Referred Restorative Justice Pilot Evaluation
Key Informant Follow-up Questionnaire***

Area: _____ Date completed: _____
 Name: _____ Position: *(if relevant)* _____
 Name of organisation: *(if relevant)* _____

1 a) Some key informants identified in the previous questionnaire a number of issues relating to the implementation of the court referred restorative justice pilot. You may think that some of these are still issues that need to be addressed. But, in this question, we would like to know if any are relevant for the **effective operation** of the pilot? ***(Please rate on the following scale where 1=not at all relevant for the effective operation to 5=very relevant for the effective operation and enter the number in the appropriate box or tick Don't know.)***

1 2 3 4 5

Not at all relevant Very relevant

- i)** the level of understanding of the pilot by the community
- ii)** the level of understanding of the pilot by professionals in the criminal justice system
- iii)** the level of support of the pilot by the community
- iv)** the level of support of the pilot by professionals in the criminal justice system
- v)** the level of communication among those involved in the restorative justice pilot process
- vi)** the level of cooperation among those involved in the restorative justice pilot process
- vii)** the amount of time facilitators can make available to the pilot
- viii)** the amount of support available to facilitators
- ix)** the level of remuneration available to provider groups/facilitators
- x)** the availability of skilled facilitators
- xi)** the range and number of provider groups

[illegible]

Yes No

b) Are you aware of any other issues now relating to the **operation** of the pilot in your area?

11

*If **Yes**, please describe these:*

2 a) Key informants previously identified four main issues related to **arranging** conferences. Please indicate the extent to which any of these remain an issue now. ***(Please rate on the following scale where 1=not an issue to 5=very much an issue and enter the number in the appropriate box or tick Don't know.)***

1	2	3	4	5
Not				Very much
an issue				an issue

Don't know

- | | | |
|--|--------------------------|--------------------------|
| i) the deadlines for arranging conferences | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) the distances involved in meeting with potential participants pre conference | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) the distances involved in participants getting to conferences | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) the distances involved in facilitators getting to conferences | <input type="checkbox"/> | <input type="checkbox"/> |

b) Are you aware of any other issues now relating to **arranging** conferences in your area? **Yes** **No**
 If **Yes**, please describe these: ☐ ☐

3 Are you aware of any issues now relating to **facilitating** conferences in your area? **Yes** **No**
 If **Yes**, please describe these: ☐ ☐

4 a) Key informants identified one issue related to **monitoring** conference agreements. Please indicate the extent to which this remains an issue now. *(Please rate on the following scale where 1=not an issue to 5=very much an issue and enter the number in the appropriate box or tick Don't know.)*

1	2	3	4	5
Not				Very much
an issue				an issue

- i) confusion over who is responsible for **monitoring** the conference agreements ☐ ☐ *Don't know*
- b) Has the introduction of a new fee for facilitators for following up completion of outcomes resulted in any improvement to **monitoring**. *(Please rate on the following scale where 1=no improvement to 5=a lot of improvement and enter the number in the appropriate box or tick Don't know.)*

1	2	3	4	5
No				A lot of
improvement				improvement

c) Are you aware of any other issues that now relate to **monitoring** conference agreements in your area? **Yes** **No**
(tick the appropriate box) ☐ ☐
 If **Yes**, please describe these: _____

5 Generally, are the agreements now reached at conferences in your area *(tick which)*

- | | | |
|---|-------------|--------------------------|
| 1 | Too harsh | <input type="checkbox"/> |
| 2 | About right | <input type="checkbox"/> |
| 3 | Too soft | <input type="checkbox"/> |
| 4 | Don't know | <input type="checkbox"/> |

	<i>Don't know</i>	
i) stream-lining the court referred restorative justice process (<i>eg centralise relevant document storage in each court</i>)	<input type="checkbox"/>	<input type="checkbox"/>
ii) focusing more on outcomes rather than processes (<i>eg limit time conference process takes</i>)	<input type="checkbox"/>	<input type="checkbox"/>
iii) reducing the paperwork	<input type="checkbox"/>	<input type="checkbox"/>
iv) increasing the support provided to facilitators in such areas as professional training, supervision and remuneration	<input type="checkbox"/>	<input type="checkbox"/>
v) re-evaluating the coordinator's role	<input type="checkbox"/>	<input type="checkbox"/>
vi) increasing the public's awareness of the pilot	<input type="checkbox"/>	<input type="checkbox"/>
vii) increasing victims' profiles within conferences and ensuring that they are victim centred	<input type="checkbox"/>	<input type="checkbox"/>
viii) increasing judicial awareness of the pilot	<input type="checkbox"/>	<input type="checkbox"/>
ix) improving consultation with other professionals and groups involved in the pilot	<input type="checkbox"/>	<input type="checkbox"/>
x) improving consultation with the community	<input type="checkbox"/>	<input type="checkbox"/>
xi) improving communication with other professionals and groups involved in the pilot	<input type="checkbox"/>	<input type="checkbox"/>
xii) improving communication with the community	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there any other operational/practical changes you would suggest? _____		

c) Some key informants identified more fundamental (legal/policy) changes. How important do you think these suggested changes are for making the pilot operate more effectively? (**Please rate on the following scale where 1=not at all important to 5=very important and enter the number in the appropriate box or tick Don't know.**)

1	2	3	4	5
Not at all				Very
Important				important

	<i>Don't know</i>	
i) widening the scope of the court referred restorative justice pilot in relation to the type of offences considered	<input type="checkbox"/>	<input type="checkbox"/>
ii) requiring the judiciary to adjourn 'eligible' cases for referral to the pilot restorative conferences	<input type="checkbox"/>	<input type="checkbox"/>
d) Are there any other fundamental (legal/policy) changes you would suggest? _____		

The future

11 On a five point scale where 1=definitely no to 5=definitely yes please rate each of the following statements: (Please rate on the following scale where 1=definitely no to 5=definitely yes **and enter the number in the appropriate box.**)

1	2	3	4	5
Definitely				Definitely
no				yes

- a) Court referred restorative justice should be implemented in New Zealand nationally along the general lines of the pilot. ☐
- b) Major modifications to the pilot are required before any extension nationally. ☐
- 12 Should there be any changes to the role of the co-ordinator? **(tick appropriate box)** **Yes** ☐ **No** ☐
If Yes, please state what these should be:
-
- 13 Is there anything else you would like to add about the court referred restorative justice pilot?
-

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 ☐

Non-core Questions for Key Informant Follow-up Questionnaire

Judges

- J1 a) Please estimate the proportion of 'eligible' cases you now get asked to adjourn for a referral to a court restorative justice conference (eg by defence counsel). **(Tick the appropriate box below)**
- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |
- b) If your answer to the above question is 50% or less – why do you think this is so?
-
- c) How do you think this proportion might be increased?
-
- J2 a) Please estimate the proportion of 'eligible' cases you now adjourn for a referral to a court restorative justice conference. **(Tick the appropriate box below)**
- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

Department for Courts Restorative Justice Co-ordinator

Conference plans/agreements

- C1 a)** Has your role as co-ordinator changed in any way during the last 12 months? **Yes** ☐ **No** ☐
*If **Yes**, in what way? (describe)*

- b)** To what extent have these changes improved your ability to undertake this role?
(Please rate on the following scale where 1=not at all to 5=to a very great extent and enter the number in the box.)

1	2	3	4	5
Not at all				To a very great extent

- c)** If your answer to the above question is 1, 2 or 3 – please say why this is so.

- C2 a)** Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **all** of a conference plan or agreement into sentencing. ***(Tick the appropriate box below)***

- | | | |
|----------|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

- b)** If your answer to the above question is 50% or less – why do you think this is so?

- C3 a)** Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **aspects** of a conference plan or agreement into sentencing. ***(Tick the appropriate box below)***

- | | | |
|----------|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

- b)** If your answer to the above question is 50% or less – why do you think this is so?

- C4** Please estimate the proportion of conference plans/agreements which are being successfully completed? ***(Tick the appropriate box below)***

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

C5 Are there any barriers to the implementation of plans/agreements?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If **Yes**, what?

C6 We are interested in knowing who is usually designated at the conference to follow-up on the completion of the plan. Please rate the people listed below. **(Rate on the following scale where 1=never to 5=always and enter the number in the appropriate box or tick Don't know.)**

1	2	3	4	5
Never				Always

- a) Facilitator
- b) Member of offender's family
- c) Victim
- d) Member of victim's family
- e) Other (*specify*)

	Don't know
<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"/>
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

C7 Are there any issues in relation to following up plans?

If **Yes**, what?

Victim Support / Victim Advisor

V1 a) Please estimate the proportion of victims referred to the referred restorative justice pilot whom you now have contact with. **(Tick the appropriate box below)**

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

V2 a) Describe your role now in relation to victims referred to the restorative justice pilot?

b) What do you think your role **should** be in relation to victims referred to the restorative

justice pilot?

V3 Do you see court referred restorative justice pilot to be primarily for the benefit of victims or offenders or both? (*tick the appropriate box*)

- | | |
|----------------------------------|--------------------------|
| a) victims | <input type="checkbox"/> |
| b) offenders | <input type="checkbox"/> |
| c) equally victims and offenders | <input type="checkbox"/> |
-

Lawyers

L1 a) Please estimate the proportion of 'eligible' cases in which you actively seek adjournment for referral to the restorative justice pilot. (*Tick the appropriate box below*)

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is less than 50%– why do you think this is so?

L2 a) Please estimate the proportion of pilot restorative justice conferences which you now attend. (*Tick the appropriate box below*)

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

c) Is this level of attendance: (*tick which*)

- | | |
|-------------------------------|--------------------------|
| i) More than 12 months ago | <input type="checkbox"/> |
| ii) The same as 12 months ago | <input type="checkbox"/> |
| iii) Less than 12 months ago | <input type="checkbox"/> |

d) Can you tell me the reason for this?

L3 a) Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **all** of a conference plan or agreement into sentencing. *(Tick the appropriate box below)*

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less– why do you think this is so?

L4 a) Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **aspects** of a conference plan or agreement into sentencing. *(Tick the appropriate box below)*

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

L5 a) How useful is it for you to get the restorative justice conference reports from the pilot prior to sentencing? *(Please rate on the following scale where 1=not at all useful to 5=very useful and enter the number in the box.)*

1	2	3	4	5
Not at all				Very
useful				useful

b) If your answer to the above question is 1, 2 or 3 – please say why this is so.

Police

P1 a) Please estimate the proportion of pilot restorative justice conferences in your area that you or police officers now attend. *(Tick the appropriate box below)*

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

c) Is this level of attendance: *(tick which)*

- | | |
|-------------------------------|--------------------------|
| i) More that 12 months ago | <input type="checkbox"/> |
| ii) The same as 12 months ago | <input type="checkbox"/> |
| iii) Less than 12 months ago | <input type="checkbox"/> |

d) Can you tell me the reason for this?

P2 a) How useful is it for you to get the restorative justice conference reports from the pilot prior to sentencing? ***(Please rate on the following scale where 1=not at all useful to 5=very useful and enter the number in the box.)***

1	2	3	4	5
Not at all				Very
useful				useful

b) If your answer to the above question is 1, 2 or 3 – please say why this is so.

Community Probation

CP1 a) Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **all** of a conference plan or agreement into sentencing. ***(Tick the appropriate box below)***

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

CP2 a) Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now incorporate **aspects** of a conference plan or agreement into sentencing. ***(Tick the appropriate box below)***

- | | | |
|---|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

b) If your answer to the above question is 50% or less – why do you think this is so?

CP3 a) Please estimate the proportion of cases that have been to a pilot restorative justice conference in which judges now accept the recommendations in the pre-sentence report. **(Tick the appropriate box below)**

- 1 0-25%
 2 26-50%
 3 51-75%
 4 over 75%

☐
☐
☐
☐

b) If your answer to the above question is 50% or less– why do you think this is so?

CP4 How useful is it for you to get the restorative justice conference reports from the pilot prior to sentencing? **(Please rate on the following scale where 1=not at all useful to 5=very useful and enter the number in the box.)**

1 2 3 4 5
 Not at all Very
 useful useful

b) If your answer to the above question is 1, 2 or 3 – please say why this is so.

Facilitators

F1 a) During the past year there have been changes in your role in relation to the monitoring of conference plans/agreements. How would you rate these changes? **(Please rate on the following scale where 1=no improvement to 5=a significant improvements and enter the number in the box.)**

1 2 3 4 5
 No A significant
 improvement improvement

b) If your answer to the above question is 1, 2 or 3 – please say why this is so.

F2 Please estimate the proportion of cases in which you receive feedback about the judge's sentence with respect to offenders whose restorative justice pilot conference you have facilitated/co-facilitated? ***(Tick the appropriate box below)***

- | | | |
|----------|----------|--------------------------|
| 1 | 0-25% | <input type="checkbox"/> |
| 2 | 26-50% | <input type="checkbox"/> |
| 3 | 51-75% | <input type="checkbox"/> |
| 4 | over 75% | <input type="checkbox"/> |

F3 How useful is it (or would it be) to receive feedback from Judges on ...
(Please rate on the following scale where 1=not at all useful to 5=very useful and enter the number in the appropriate box.)

- | | 1 | 2 | 3 | 4 | 5 | |
|------|---|---|---|---|--------|--------------------------|
| | Not at all | | | | Very | |
| | useful | | | | useful | |
| i) | the conference reports you prepare. | | | | | <input type="checkbox"/> |
| ii) | the plans decided on at conferences you facilitated/co-facilitated. | | | | | <input type="checkbox"/> |
| iii) | the sentence. | | | | | <input type="checkbox"/> |

A.19 Summary of facts codebook

Codebook for Summary of Facts

Read instruction sheet first before coding

First read all three documents (Summary of Facts, Conference Report and Sentencing Notes) of each case before coding. Each RJC offender is to be coded separately.

In the top right hand corner there will be a string of numbers e.g. 012/1234/5678. They represent Area/Case/Role numbers.

Unless stated otherwise use the following if no response can be coded: n/a = not applicable ; d/k = don't know; msg = missing

RJ Area Number

Area number will either be xxx; xxx; xxx; or xxx

RJ Case Number

RJ case number will be 4 digits

RJ Offender Role Number

Offender role number will be 4 digits

RJ co-offender 1 Role Number

Co-offender role number will be 4 digits

RJ co-offender 2 Role Number

Co-offender role number will be 4 digits

RJ co-offender 3 Role Number

Co-offender role number will be 4 digits

Number of offences

number

Number of RJ offences

number

Name of Offender

Text - surname, firstname

Age

Number

99 missing

Employed

0

No

1

Yes

9

missing

From this point onwards code only charges related to RJC. That is do not code those charges referred but not dealt with because victim not present. Check the Conference Report for which charges to code and also for the corresponding CRN numbers.

CRN No. 1

Number

Charge description 1

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 2

Number

Charge description 2

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 3

Number

Charge description 3

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 4

Number

Charge description 4

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 5

Number

Charge description 5

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

Previous appearance before Court?

0 no

1 yes

9 missing/don't know

Enter only one option

Number of victims
Number

In this section enter a victim in one category only. If possibly multiple types priority codes are Family, then Private person, then business. If you don't know the type for one or more victims then code those you do know and enter 9 in the other categories.

Family victim

0	no
1	yes
9	missing/don't know

Number of family victim(s)
Number (0 = none)

Private person victim

0	no
1	yes
9	missing/don't know

Number of private person victim(s)
Number (0 = none)

Small business victim

0	no
1	yes
9	missing/don't know

Number of small business victim(s)
Number (0 = none)

Corporate victim

0	no
1	yes
9	missing/don't know

Number of corporate victim(s)
Number (0 = none)

Code the RJC charges by each of the following (e.g. do any of the charges involve physical harm and if so what level, do any of the charges involve physical damage, if so what level? etc)

Physical harm

1	none
2	minor – bruising
3	moderate – needs medical attention, broken bone/teeth, cuts
4	severe – death, hospitalisation
9	missing/don't know

Physical damage property

- | | |
|---|---|
| 1 | none |
| 2 | minor – broken fence, graffiti, broken window |
| 3 | moderate - car panel damage, broken glasses |
| 4 | severe – totally destroyed car |
| 9 | missing/don't know |

Reparation amount

- | | |
|---|------------------------|
| 0 | none |
| 1 | < \$100 |
| 2 | \$100-\$499 |
| 3 | \$500-\$999 |
| 4 | \$1000-\$1900 |
| 5 | \$2000-\$4900 |
| 6 | \$5000+ |
| 7 | yes, don't know amount |
| 9 | missing/don't know |

Victim distress

- | | |
|---|---|
| 1 | none |
| 2 | minor – irritation/annoyed |
| 3 | moderate – fearful for safety, avoids situation |
| 4 | severe – needed medicating/counselling |
| 9 | missing/don't know |

Describe distress if victim distress codes 2, 3 or 4 are used

Text

Describe why you coded victim distress e.g. threaten to kill, family taken out trespass order.

Other comments

Text

Add any other comments of note.

A.20 Conference report codebook

RJ Conference Report Codebook

Read instruction sheet first before coding.

Each RJC offender is to be coded separately.

In the top right hand corner there will be a string of numbers e.g. 012/1234/5678. They represent Area/Case/Role numbers.

Unless stated otherwise use the following if no response can be coded: n/a = not applicable ; d/k = don't know; msg = missing

RJ Area Number

Area number will either be 012; 090; 019; or 004

RJ Case Number

4 digits

RJ Offender Role Number

4 digits

RJ co-offender 1 Role Number

4 digits

RJ co-offender 2 Role Number

4 digits

RJ co-offender 3 Role Number

4 digits

All referred offences

Yes

No

D/K (Don't know)

All victims attended

Yes

No

D/K (Don't know)

Code up only those offences dealt with at conference e.g. those with a victim present

CRN No. 1

Number

Offence description 1

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 2

Number

Offence description 2

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 3

Number

Offence description 3

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 4

Number

Offence description 4

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 5

Number

Offence description 5

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

Conference date

dd/mm/yy	date
22/2/22	missing

Conference start

Number 0000-24000 (use 24hr clock)

Conference finish

Number 0000-24000 (use 24hr clock)

Conference venue

Text

Number of victims present

Number

Name of Victims present 1

Text

Type of victim 1

- 1 Family
- 2 Private person
- 3 Small business
- 4 Corporate
- 9 Don't know

Enter only one category and choose the most appropriate. If possible multiple types, priority code Family, then private person, then small business. If you don't know the category then code a 'don't know'.

Name of Victims present 2

Text

- 8 not applicable

If only one victim enter 'not applicable'.

Type of victim 2

- 1 Family
- 2 Private person
- 3 Small business
- 4 Corporate
- 8 not applicable
- 9 Don't know

Enter only one category and choose the most appropriate. If possible multiple types, priority code Family, then private person, then small business. If you don't know the category then code a 'don't know'. If no victim 2 enter 'not applicable'.

Name of Victims present 3

Text

- 8 not applicable

If no victim 3 enter 'not applicable'.

Type of victim 3

- 1 Family
- 2 Private person
- 3 Small business
- 4 Corporate
- 8 not applicable
- 9 Don't know

Enter only one category and choose the most appropriate. If possible multiple types, priority code Family, then private person, then small business. If you don't know the category then code a 'don't know'. If no victim 3 enter 'not applicable'.

Name of Victims present 4

Text

- 8 not applicable

If no victim 4 enter 'not applicable'.

Type of victim 4

- 1 Family
- 2 Private person
- 3 Small business
- 4 Corporate
- 8 not applicable
- 9 Don't know

Enter only one category and choose the most appropriate. If possible multiple types, priority code Family, then private person, then small business. If you don't know the category then code a 'don't know'. If no victim 4 enter 'not applicable'.

Name of Victims present 5

Text

8 not applicable

If no victim 5 enter 'not applicable'.

Type of victim 5

1 Family

2 Private person

3 Small business

4 Corporate

8 not applicable

9 Don't know

Enter only one category and choose the most appropriate. If possible multiple types, priority code Family, then private person, then small business. If you don't know the category then code a 'don't know'. If no victim 5 enter 'not applicable'.

Number of offenders present

Number

Name of offender present

Text

Use a code-sheet for each separate offender attending

Name of co-offender 1 present

Text

8 not applicable

Name of co-offender 2 present

Text

8 not applicable

Name of co-offender 3 present

Text

8 not applicable

Name of Facilitator

Text

Name of Co-facilitator

Text

Total number of other participants attending

Number

Should total sum of individual categories below

Number of Lawyer(s) attending

Number

Number of Police attending

Number

Number of Community probation attending
Number

Number of victim support attending
Number

Number of offender support attending
Number

Number of other participants attending
Number

Who other participants attending?
Text

Total Number of other invitees who did not attend
Number

Number of Victim(s) not attend
Number

Number of Offender(s) not attend
Number

Number of Lawyer(s) not attend
Number

Number of Police not attend
Number

Number of Community probation not attend
Number

Number of Victim support not attend
Number

Number of Offender support not attend
Number

Number of Other(s) not attend
Number

Who other invitees not attend?
Text

Pre-conference information

Quality of information about RJC process at pre-conference to victim

- | | |
|---|---------------------|
| 1 | No detail |
| 2 | Some detail |
| 3 | Considerable detail |

Does report include any detail about the discussion of the RJC process at the pre-conference meetings between facilitators and victim?

Quality of information about RJC process at pre-conference to offender

- 1 No detail
- 2 Some detail
- 3 Considerable detail
- 4 Other

Does report include any detail about the discussion of the RJC process at the pre-conference meetings between facilitators and offender?

Other pre-conference information

Text

- 8 not applicable

Other information relevant to the conference or of particular interest to the case

Method of contact by facilitator to victim for RJC

- 1 Phone
- 2 Visit
- 3 Letter
- 4 Combination
- 5 Other
- 9 missing/don't know

Method of contact by facilitator to offender for RJC

- 1 Phone
- 2 Visit
- 3 Letter
- 4 Combination
- 5 Other
- 9 missing/don't know

Number of pre-conference meetings mentioned for Victim
Number

Number of pre-conference meetings mentioned for Offender
Number

Number of pre-conference meetings mentioned for Victim support
Number

Number of pre-conference meetings mentioned for Offender support
Number

In this section code whether any of the following options are mentioned in the report. Read through report first before coding.

Conference interactions

Introductions

- 0 No
- 1 Yes

Were participants introduced to each other?

Cultural process

- 0 No
- 1 Yes

Did the conference take into consideration certain cultural processes e.g. karakia, mihi

Explanation about process of RJC

0 No
1 Yes

Did the facilitators explain how the conference would proceed?

Was role of facilitator explained

0 No
1 Yes

Were the Summary of Facts read out

0 No
1 Yes

Was a break taken during the conference

0 No
1 Yes

Were refreshments made available

0 No
1 Yes

Most of the following interactions can be found in the Summary of Report section

Apology by offender

0 No
1 Yes

Apology other

0 No
1 Yes

e.g. letter of apology, apology given by participants other than the offender

Apology accepted

0 No
1 Yes

Expression of remorse by offender

0 No
1 Yes

Expression of remorse by offender's supporter(s)

0 No
1 Yes

Impact of offence told by victim

0 No
1 Yes

Reasons for offending asked/explained

0 No
1 Yes

Offender taken responsibility for offending

0	No
1	Yes

Victim express support for offender

0	No
1	Yes

Offender gives gift at conference

0	No
1	Yes

Reparation discussed

0	No
1	Yes

Victim anger

0	No
1	Yes

Offender anger

0	No
1	Yes

Victim support anger

0	No
1	Yes

Offender support anger

0	No
1	Yes

Input by victim supporter

0	No
1	Yes

Input by offender supporter

0	No
1	Yes

Tears

0	No
1	Yes

Was there crying or tears/ shed by any of the participants?

Prayer

0	No
1	Yes

Were any prayers said at anytime during the conference?

Hugs/kisses

0	No
1	Yes

Did the report indicate there were kisses and/or hugs between the participants?

Other interactions not already indicated

0 No
1 Yes

What other interactions not already indicated

Text

Discussion of plan/outcomes

Discussion of outcomes/plan

0 No
1 Yes
9 missing/don't know

Does the report include a discussion of outcomes?

Why no discussion outcomes?

Text
8 not applicable

Was there Agreement as to outcome/plan

0 No
1 Yes
9 missing/don't know

Was there an agreed conference outcomes or a plan?

Why no outcome agreement?

Text
8 not applicable

What was discussed re possible outcome for cases where no agreed outcome?

Text
8 not applicable

In cases where there was no agreed outcome, record here the things that were suggested as outcomes/plan elements.

Final RJC plan recorded

0 No
1 Yes
9 missing/don't know

Was the RJC outcome/plan recorded in the conference report?

Code the Conference Outcome/Plan Agreements, only those where there was agreement reached.

Reparation

0 No
1 Yes
8 N/A – no conference plan

Reparation amount

\$ amount
8 not applicable

Agreed not to request reparation

0	No
1	Yes
8	N/A – no conference plan

Verbal apology

0	No
1	Yes
8	N/A – no conference plan

Written apology

0	No
1	Yes
8	N/A – no conference plan

Apology other

0	No
1	Yes
8	N/A – no conference plan

What other apology?

Text

Describe other type of apology agreed to in plan

Counselling

0	No
1	Yes
8	N/A – no conference plan

e.g. drug, alcohol, anger, gambling, financial

What type counselling?

Text

Describe what type of counselling e.g. (e.g. Anger Management)

Victim(s) to be kept informed of offender's progress

0	No
1	Yes
8	N/A – no conference plan

No prison

0	No
1	Yes
8	N/A – no conference plan

Agreement that both parties not see offender be sent to prison

Prison

0	No
1	Yes
8	N/A – no conference plan

Discharged without conviction

0	No
1	Yes
8	N/A – no conference plan

Court fine

0	No
1	Yes
8	N/A – no conference plan

No court fine

0	No
1	Yes
8	N/A – no conference plan

Curfew

0	No
1	Yes
8	N/A – no conference plan

Non association

0	No
1	Yes
8	N/A – no conference plan

e.g. offender does not have contact with victim(s) and /or other co-offenders.

Driving Disqualification

0	No
1	Yes
8	N/A – no conference plan

No disqualification

0	No
1	Yes
8	N/A – no conference plan

Agreement that offender not get disqualified from driving

Driver education

0	No
1	Yes
8	N/A – no conference plan

Work for victim

0	No
1	Yes
8	N/A – no conference plan

Return of property

0	No
1	Yes
8	N/A – no conference plan

Voluntary community work

0	No
1	Yes
8	N/A – no conference plan

Community service through courts

0	No
1	Yes
8	N/A – no conference plan

Employment

0 No
1 Yes
8 N/A – no conference plan

Training

0 No
1 Yes
8 N/A – no conference plan

Education

0 No
1 Yes
8 N/A – no conference plan

Cultural programme

0 No
1 Yes
8 N/A – no conference plan

Leisure/recreation activities

0 No
1 Yes
8 N/A – no conference plan

Gift

0 No
1 Yes
8 N/A – no conference plan

What gift?

Text

Describe gift, e.g. flowers

Other restrictions

0 No
1 Yes
8 N/A – no conference plan

What restrictions?

Text

Describe restrictions agreed to in plan

Other agreements not already listed

0 No
1 Yes
8 N/A – no conference plan

What other agreements?

Text

Describe other agreement not already mentioned

Monitoring of Plan

Monitoring arrangements

0 No

1 Yes

8 N/A – no conference plan

Does the plan indicate arrangements for monitoring the plan?

Who to monitor plan?

Text

8 not applicable

State who is to monitor the plan and ensure the tasks are undertaken

How monitoring of RJC plan to be undertaken

Text

8 not applicable

Describe how the monitoring is to be undertaken

Other documents attached to report

Text

8 not applicable

Sometimes other documents are attached eg cost of damage, victim impact statement, letters from those unable to attend etc.)

Other comments

Text

A.21 Sentence notes codebook

Sentencing Notes Codebook

First read instruction sheet before you start coding.

Read all three documents (Summary of Facts, Conference Report and Sentencing Notes) of each case before coding.

Each RJC offender is to be coded separately. Only code the sentences for the offences that have been dealt with at the Restorative Justice Conference (RJC).

In the top right hand corner there will be a string of numbers e.g. 012/1234/5678. They represent Area/Case/Role numbers.

Unless stated otherwise use the following if no response can be coded: n/a = not applicable ; d/k = don't know; msg = missing

RJ Area Number

Area number will either be 012; 090; 019; or 004

RJ Case Number

Case number will have 4 digits

RJ Offender Role Number

Role number will have 4 digits

RJ co-offender 1 Role Number

Co-offender role number will have 4 digits

RJ co-offender 2 Role Number

Co-offender role number will have 4 digits

RJ co-offender 3 Role Number

Co-offender role number will have 4 digits

CRN No. 1

Number

Offence 1

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 2

Number

Offence 2

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 3

number

Offence 3

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 4

Number from the RJC

Offence 4

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

CRN No. 5

Number

Offence 5

Number or Description

Enter a number from the list of charges at the end of the code book. If charge not found in list enter a description of charge, followed by its corresponding Act & Section (e.g. Careless driving, LTA s38). Only code offences referred to at the RJC.

Name of Offender present

Text - surname, firstname

Name of co-offender 1 present

Text - surname, firstname

Name of co-offender 2 present

Text - surname, firstname

Name of co-offender 3 present

Text - surname, firstname

First offence?

0 no
1 yes
9 don't know

Has offender previously offended before this case?

Other offences not part of RJC?

0 no
1 yes
9 don't know

Other offences included in the sentencing but not dealt with at the RJC

RJC plan referred to at sentencing?

- 0 no
- 1 yes
- 9 don't know

Any comment by judge that he/she has looked at the conference report?

Is judge supportive/critical of RJC plan/outcomes?

- 0 no comment
- 1 supportive
- 2 critical
- 3 mixed
- 9 don't know

Any comment by judge indicating report?

RJC plan incorporated into sentence?

- 0 not at all
- 1 yes totally
- 2 yes partly
- 3 plan already completed/ no additional sentence
- 4 plan completed/additional sentence
- 9 don't know

Does the judge indicate that he is taking into consideration the RJC plan/outcomes and incorporating some or all of it?

How plan incorporated?

Text

How will the judge incorporate the plan or some of the outcomes?

Sentencing - What is in the judge's sentence?

Use as many options as you need to code the sentence to the offences that were dealt with at the RJ conference

Discharged without conviction

- 0 no
- 1 yes

Convicted and discharged

- 0 no
- 1 yes

To come up if called upon

- 0 no
- 1 yes

To come up if called upon within how long

Text

Special conditions attached to sentence

- 0 no
- 1 yes

What special conditions attached?

Text

Court costs

0 no
1 yes

Court fine

0 no
1 yes

Reparation

0 no
1 yes

Amount of reparation

(\$) number
8 not applicable

Sentence deferred to apply for Home Detention

0 no
1 yes

Imprisonment

0 no
1 yes
2 yes suspended

How long imprisonment?

Text
8 not applicable

Suspended sentence

0 no
1 yes

How long suspended sentence?

Text
8 not applicable

Community work

0 no
1 yes

How much community work?

Text
8 not applicable

Counselling

0 no
1 yes

What type of counselling?

Text
8 not applicable

Periodic detention

0 no
1 yes

How much periodic detention?

Text

8 not applicable

Driving disqualification

0 no

1 yes

How long disqualified?

Text

8 not applicable

Supervision order

0 no

1 yes

How long supervision order for?

Text

8 not applicable

Other sentence (not already listed)

0 no

1 yes

What other sentence (not already listed)

Text

8 not applicable

Pre-sentence report incorporated into sentence?

0 Not referred to

1 Referred to, not incorporated

2 yes, totally

3 yes, partly

9 don't know

Does the judge refer to and incorporate fully or partly recommendations from the pre-sentence report?

Other documents taken into consideration when sentencing?

Text

8 not applicable

Note from whom and how influence judge, e.g. note from victim support to judge requesting no imprisonment.

Statements by defence lawyer influential

0 not referred to in notes

1 referred to, not influential

2 referred to, influential

9 don't know

Does the judge refer to and take into consideration statements made by the defence lawyer?

Defence lawyer argues

0 Agrees plan

1 argues lesser sentence than plan

2 argues different sentence than plan

8 not applicable

If response to the above category is 'not referred to' or 'don't know' then code 'not applicable'.

Statements by prosecution lawyer influential

- 0 not referred to in notes
- 1 referred to, not influential
- 2 referred to, influential
- 9 don't know

Does the judge refer to and take into consideration statements made by the prosecution lawyer?

Prosecution agrees with/endorsees plan

- 0 not referred to
- 1 referred to, agrees plan
- 2 referred to but disagrees plan
- 8 not applicable

Do the notes indicate that the prosecution lawyer endorses/agrees with the RJC plan/outcomes? If response to the above category is 'not referred to' or 'don't know' then code 'not applicable'

Prosecution lawyer argues for additional penalty

Text

8 = not applicable

Note why prosecution disagrees RJC plan. Note arguments for additional sentence.

Sentencing Notes detail

- 1 basic
- 2 detailed

Are the notes detailed or summarised in brief?

Other comments

Text

Appendix B: Information sheets

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B.1 Information sheet for pilot

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



INFORMATION SHEET

Hello

Recently, restorative justice conferences were introduced and we have been asked by the Department for Courts to find out more about this.

Invitation

All victims and offenders who have been to one of the new restorative justice conferences are being invited to take part in this research. Therefore, if your conference goes ahead, we would like to talk to you about it and we may ask if we can attend it.

What we would like from you

We would like to talk to you for about 30 minutes to see how you felt about the conference. 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 to be interviewed at another time and/ or place, or you could have a friend with you.

We may also ask you if we can attend your conference.

For more information

If you have any questions about the research, you can ring Anne Hayden in Auckland at 09 445 6431, Tracy Anderson in Wellington at 04 463 5886, Allison Morris in Wellington at 04 475 8222, or you can ask the researcher before the interview or at the conference. After the research, we can send you a summary of the research findings.

RJRefNo ____ / ____ / ____ (____)

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 may attend your conference and/or after the conference will get in touch with you to arrange a time to talk with you. She will tell you more about the project then.

I do **NOT** wish to take part ☐

Signature: _____

Name (*please print*): _____

B.2 Information sheet in Samoan for pilot

VICTORIA UNIVERSITY OF WELLINGTON



Fa'amatalaga mo lou silafia

Talofa lava

Talu ai nei, na 'āmata ai ni fonotaga e uiga i le toe āfua o taeao (restorative justice) mo i latou 'ua solitulāfono ma 'i lātou na a'afia fua (victims), ma 'ua mātou gālulue ai nei ma le 'Öfisa o Fa'amasinoga e sa'ili atili e uiga i nei fonotaga.

Vala'aulia

'Ua vala'au atu 'iä 'i lātou 'uma na a'afia fua (victims) fa'apea ma 'i lātou na solitulāfono (offenders) 'olo'o a'afia i nei fonotaga 'ina 'ia tātou 'au ai i lenei sa'ili'iliga. 'Äfai e taunu'u ona faia lä 'outou fonotaga, mātou te fiatalanoa 'iä te 'oe e uiga i lenei fono, ma pe mafai fo'i ona fa'ataga mātou e 'au ai i lenei fonotaga.

'O le fa'amoemoe o lenei sa'iliga

Mātou te fiatalanoa 'iä te 'oe mo se taimi pe tusa ma le 'afa itulā 'ina 'ia sa'ilia ai pē fa'ape'i ni ou lagona e uiga i le fonotaga. 'Ole'ä mātou puipuia lelei lou suafa 'ina'ia 'aue ne'i iloa e se isi 'oe.

E lē tauanauina fo'i 'oe 'e te talanoa mai 'iä mātou pe'ä 'e lē mana'o i ai. 'Ä iai fo'i ni fesili 'e te lē mana'o e tali, 'e lē afaina fo'i e pule lava 'oe ma e mafai fo'i 'ona fa'a'uma le talanoaga i so'o se taimi lava 'e te mana'o i ai. E mafai fo'i ona faia le talanoaga i se taimi po'o se mea e talafeagai ma 'oe, fa'apenā fo'i ma le 'aumai o sau uō lua te to'alua.

E iai fo'i le naunauga e mātou te fia'auai i lau fonotaga.

Mo nisi fa'amatalaga

'Äfai e iai ni au fesili e uiga i le sa'iliga, e mafai ona 'e telefoni mai 'iä Anne Hayden i 'Aukilani i le 09 445 6431, po'o Tracy Anderson i Ueligitone i le 04 463 5886, po'o Allison Morris i Ueligitone i le 04 475 8222, pe 'e te fesili fo'i i le tagata su'esu'e (researcher) 'ae le'i faia le talanoaga (interview). 'Ä mae'a le talanoaga, ona lafo atu lea o sau kopi o le i'uga o le talanoaga.

Tali Mai

'Äfai 'e te lë fia'auai i le talanoaga (sä'ili'iliga), fa'amolemole fa'asa'o (tick) le pusa 'olo'o i lalo ona lafo mai lea 'iä te a'u i le teutusi 'ua saunia. 'Ae 'äfai e te fia'auai, e mafai ona 'auai se tagata su'esu'e i lau fonotaga pe fa'atali fo'i se'i 'uma le fonotaga ona lua talanoa lea. 'Ole'ä mafai ona lua talanoa ai e uiga i lenei fuafuaga/sai'ili'iliga.

'Ou te LË fia'auai i lenei sä'ili'iliga []

Sainia.....

Suafa (tusi lolomi).....

B.3 Information sheet in Tongan for pilot

VICTORIA UNIVERSITY OF WELLINGTON



Te Whare Wananga o te Upoko o te Ika a Maui

LA'ITOHFI FAKAMATALA

Máló e lelei

Na'e toki fakahoko ha ngaahi konifelenisi ki he totonu ke fakalelei pea kamata fo'ou e mo'ui pea kuo kole mai 'a e Potungáue Fakamaau'anga ke mau fai ha fekumi ki ai.

Fakaafe

Ko kinautolu kotoa pe kuo hoko ki ai ha fakamamahi mo kinautolu na'a nau fai e fakamamahi pe maumaulao, kuo nau 'alu ki ha taha 'o e ngaahi konifelenisi fo'ou ki he totonu ke fakalelei pea kamata fo'ou e mo'ui, 'oku fakaafe'i ke nau kau ki he fekumi ko 'eni. Ko ia kapau 'e fai ai pé ho'omou konifelenisi, 'oku mau fie pótalanóa kiate kimoutolu fekau'aki mo ia, pea he'ilo na'a mau toe kole atu ke mau kau ki he konifelenisi.

Ko e me'a 'oku mau faka'amu ke ma'u meia koe

'Oku mau fie talanoa mo koe 'i ha miniti 'e 30, ke vakai 'a e anga ho'o faka'uto'uta ki he konifelenisi. Ko ho'o lea 'e hiki 'i he founa he 'ikai toe 'ilo ai ko koe na'a ke fai 'a e lea ko 'eni.

'Oku ke toki lea mai pe kiate kinautolu 'i ho'o loto fiemálie ki ai. Kapau 'oku 'ikai te ke fie tali ha fehu'i pea ke ta'etali ia, pea 'oku ngofua ke ke fakangata 'a e faka'eke'eke 'oku fai, he taimi pé ko ia. 'Oku toe lava pe ke ke fili koe ia ke faka'eke'eke koe 'i ha taimi kehe mo e/pe feitu'utu'u kehe, pe te ke ha'u mo hao maheni.

'E lava pe ke mau kole atu ke mau 'alu atu 'o ma'u konifelenisi.

Ha toe fakamatala

Kapau 'oku 'i ai ha'o ngaahi fehu'i fekau'aki mo e fekumi, telefoni kia Anne Hayden 'i 'Okalani 'i he fika 09 445 6431, Tracy Anderson 'i 'Uélingatoni 'i he 04 463 5277, Allison Morris 'i 'Uélingatoni 'i he 04 475 8222, pe te ke 'eke ki he

tokotaha ngáue fekumi kimu'a 'a e faka'eke'eke pe 'i he konifelenisi. Hili 'a e fekumi, te mau 'oatu ha fakamatala nounou 'o e ola 'o e fekumi.

RJRefNo ____ / ____ / ____ (____)

La'ipepa ke fai ai ho'o tali

Kapau 'oku **'IKAI** te ke fie kau ki he fekumi, pea ke tiki 'a e puha 'i lalo, pea fakafoki 'a e foomu kiate kimautolu 'i he sila 'osi totongi ko 'ena. Ka 'ikai, 'e lava pe ke ma'u konifelenisi ha tokotaha ngáue fekumi pea/pe hili 'a e konifelenisi pea ne fakafetu'utaki atu kiate koe ke alea'i ha taimi ke ne pótalanua ai mo koe. Te ne fakamatala'i atu leva 'a e fo'i poloseki.

'Oku **'IKAI** te u fie kau ki he fekumi []

Fakamo'oni: _____

Hingoa (*kátaki 'o paaki*) _____

B.4 Information sheet for court: victim

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

INFORMATION SHEET

Hello

Recently, restorative justice conferences – a new way of dealing with offenders was introduced. We have been asked by the Department for Courts to find out more about these. We have already talked to some victims and offenders involved. We now want to talk to some victims and offenders who were not involved.

Invitation

We are therefore inviting you to take part in this research. All those who have recently had a case in the courts in this area over a certain time period have been invited to participate.

What we would like from you

We would like to talk to you for about 30 minutes to see how you felt about court. What you say will be recorded in a way that cannot identify you.

We will ask you questions about your satisfaction with the way the court dealt with your case and your views on restorative justice.

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 a friend with you.

For more information

If you have any questions about the research, you can ring Venezia Kingi on (04) 463 5874 (Work) or Elisabeth Poppelwell on (04) 463 5886 (Work). After the research, we can send you a summary of the research findings.

CRN _____

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. They will tell you more about the project then.

I do **NOT** wish to take part ☐

Signature: _____

Name (***please print***): _____

B.5 Information sheet for court: offender

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

INFORMATION SHEET

Hello

Recently, restorative justice conferences – a new way of dealing with offenders was introduced. We have been asked by the Department for Courts to find out more about these. We have already talked to some victims and offenders involved. We now want to talk to some victims and offenders who were not involved.

Invitation

We are therefore inviting you to take part in this research. All those who have recently had a case in the courts in this area over a certain time period have been invited to participate.

What we would like from you

We would like to talk to you for about 30 minutes to see how you felt about court. What you say will be recorded in a way that cannot identify you.

We will ask you questions about your satisfaction with the way the court dealt with your case and your views on restorative justice.

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 a friend with you.

For more information

If you have any questions about the research, you can ring Venezia Kingi on (04) 463 5874 (Work) (04) 971 8316 (Home). After the research, we can send you a summary of the research findings.

CRN _____

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. They will tell you more about the project then.

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

Signature: _____

Name ***(please print)***: _____

Appendix C: Development of a model to predict reconviction rates

A logistic regression model was developed to predict the probability of reconviction within one year. A logistic regression model was used as the dependent variable of interest (the probability of reconviction within one year) is dichotomous. That is, each person was either reconvicted or not reconvicted. This model was developed using the approach outlined in Ratner (2003)⁶⁵ as outlined below.

The independent (predictor) variables tested for inclusion in the model were initially selected based on previous studies, particularly Bakker, O'Malley and Riley, 1999.⁶⁶ A variety of variables were tested in the model, including demographic variables (gender, age and ethnicity), eligible case variables (offence type of the major offence in the case, offence seriousness score⁶⁷ and number of charges) and criminal history variables (see previous section). An initial univariate analysis of the relationship between each variable and the average reconviction rate was used to identify possible categorical and ordinal groups, dummy variables and any transformations required by continuous variables to meet linearity requirements.

The best predictors were retained in the model, after testing of these variables and possible interaction effects. All predictors in the final model were highly significant ($p < 0.0001$), as tested by their Wald Chi-Square statistics. The best model was judged by the highest likelihood ratio/degrees of freedom score.

At this point in the model testing, dummy variables for each of the four referral courts were entered into the test model to check whether the referral courts had different rates of reconviction to the New Zealand average. Auckland and Hamilton District Courts had lower than the average reconviction rate, while Dunedin had a higher rate.⁶⁸ The effect for Auckland was particularly strong ($p < 0.0001$), whereas the effect for Dunedin was less significant ($p = 0.047$). Only the Auckland court dummy variable was retained in the final model (see below), as the other court dummies were not significant within the final data-set.

65 Ratner, B. *Statistical modelling and analysis for database marketing: effective techniques for mining big data*. Chapman & Hall/CRC, Florida, 2003.

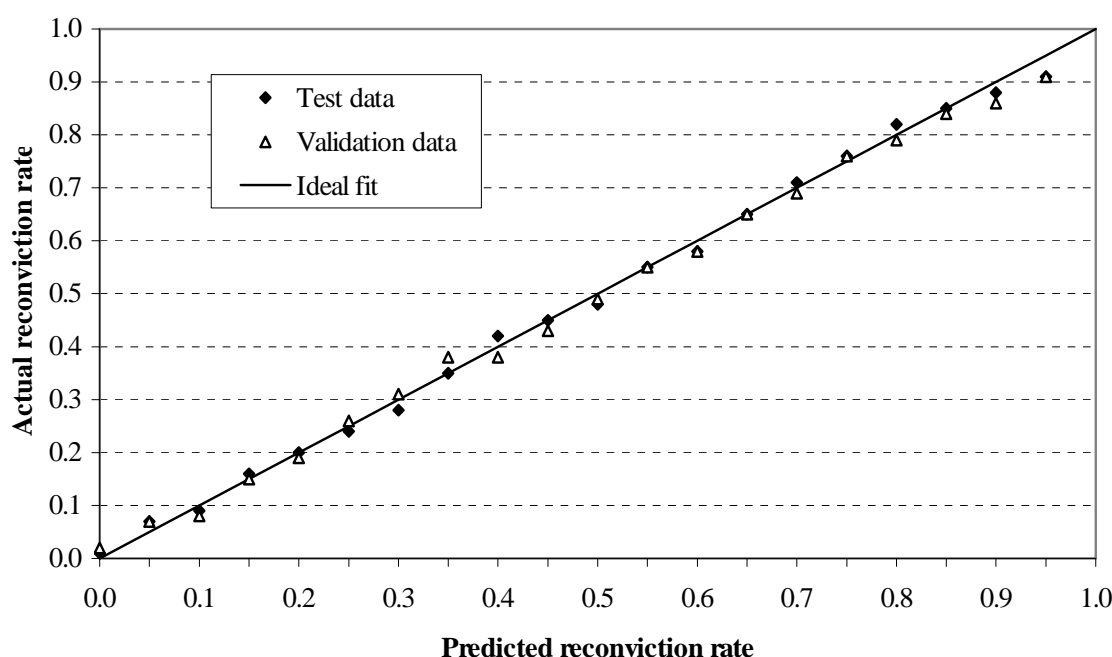
66 For example: Bakker, L., O'Malley, J., & Riley, D. *Risk of reconviction: statistical models predicting four types of reoffending*. Department of Corrections, Wellington, 1999.

67 The major offence in a case is the one resulting in the most serious penalty. The seriousness score is the average number of days of imprisonment imposed for offences of that type, as calculated from all offenders convicted of the offence over a four-year period.

68 These differences in reconviction rate by court may be partly due to the relatively short follow-up time for reoffending to occur and for any reoffence to be processed through and finalised by the courts. On average, the time between the offence date and the case finalisation date was 20% longer in Auckland DC, and 30% shorter in Dunedin DC than the average of other New Zealand courts. Hamilton DC and Waitakere DC also had slightly longer than average times.

A test model was fitted using data from approximately half the sample of eligible cases (cases finalised in 2001) and validated and refined using the other half of the sample of eligible cases (cases finalised after 2001). As shown in Figure C.1, the model's predicted values fitted well to the ideal line, both for the direct output of the test model and the output of the validation data as predicted by the test model. The only notable deviation from the ideal line was at very high probabilities, where actual reoffending was less than predicted. None of the conferenced group had probabilities in this region. The residuals (error terms) were not significant ($p=0.80$).

Figure C.1 Plot of the predicted reconviction rate versus the actual proportion reconvicted within one year



The refined model (derived from all the data) contained the following variables in order of significance: log of the lifetime rate of offending (number of proved charges per year since age 13); log of the time since the most recent conviction; age; whether or not the person was a first offender; whether or not the eligible offence was a traffic offence, violent offence or fraud offence; gender; whether or not the eligible case involved more than eleven charges; and the three court dummy variables (Auckland, Hamilton and Dunedin). This model was used to select the comparison groups.

Higher rates of reconviction were associated with offenders with a high rate of offending, a recent previous conviction, younger, and male offenders. Traffic, violent and fraud offenders were less likely to reoffend than other offenders. 'Other' offences were mainly property offences other than fraud, but also including other eligible offence types (mainly offences involving the possession of weapons). First offender status was required in the model to offset the effect of 'time since previous case' not being defined for first offenders. Overall, first offenders were less likely to reoffend than other offenders.

A final model was fitted to the data to be used in the reconviction analysis (i.e. excluding 2001 data, except for the 2001 comparison group offenders). The dependent variable in the final model was the adjusted reconviction rate, which took account of longer reconviction time available for the 2001 comparison group cases (section 1.3.9.4). The final model contained all the important variables in the other models, but only the Auckland court dummy variable was retained, as the other court dummy variables were not significant predictors (Table C.1). The final model had an R-squared value of 0.31.

Table C.1 Logistic regression model to predict reconviction rate: model coefficients

Parameter	Estimate	Std Error	Wald Chi-square	df	Significance	Odds ratio
Constant	2.171	0.087	626.8	1	<.0001	
Lifetime offending rate ¹	0.603	0.016	1348.3	1	<.0001	1.827
Time to previous case ²	-0.223	0.013	314.8	1	<.0001	0.800
Age in years	-0.028	0.002	265.6	1	<.0001	0.972
Traffic offence	-0.954	0.089	114.0	1	<.0001	0.385
First offender	0.662	0.073	81.9	1	<.0001	1.938
Fraud offence	-0.371	0.053	49.1	1	<.0001	0.690
Violent offence	-0.270	0.039	48.0	1	<.0001	0.763
Auckland DC	-0.312	0.049	40.6	1	<.0001	0.732
More than 11 charges	-0.438	0.086	25.7	1	<.0001	0.645
Sex (male=1)	0.176	0.037	22.5	1	<.0001	1.193

¹ Lifetime offending rate = log of the lifetime rate of offending (number of proved charges per year since age 13).

² Time to previous case = log of the time since the most recent conviction.

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