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Reoffending Analysis for Restorative Justice Cases: 2008 and 2009 – A Summary

This study found that offenders who participated in restorative justice conferences had a reduced rate of reoffending – those completing conferences in 2009 had a reoffending rate 20 percent lower than that of a similar group of offenders who did not receive restorative justice.

Introduction

Restorative justice is a process for resolving crime that focuses on redressing the harm done to victims, while holding offenders to account and engaging the community in the resolution of conflict. It does this primarily through a meeting between the victim and the offender called a restorative justice conference.

Restorative justice is both an efficient and effective complement to the conventional criminal justice process. There is a growing body of evidence in New Zealand and internationally showing that restorative justice:

- reduces reoffending;
- increases victim satisfaction and holds offenders to account;
- involves the victim in the way a crime is resolved and provides them with an opportunity for direct participation in the criminal justice process; and
- responds to crime in a timely manner.

The aim of this study was to determine whether restorative justice conferences led to reduced reoffending. It is based on data for offenders completing conferences in 2008 and 2009 compared with a similar group of offenders who did not receive restorative justice.

The principal finding of the report is that restorative justice had a statistically significant impact on reducing the proportion of people reoffending, and for those who did reoffend, there is an indication of a reduction in the frequency of reoffending and a lower rate of imprisonment.

Methodology

The study focused on offenders who had participated in a police or court-referred restorative justice conference (conferenced offenders), to assess the impact on reoffending compared to matched offenders who went through the police diversion or court process. Data from 2008 and 2009 was provided by up to 12 restorative justice providers nationally (from a total of 26).

Rigorous data verification, statistical modelling and matching processes were used. Conferenced offenders were compared with:

- offenders referred for restorative justice but who did not receive a restorative justice conference as the victim declined or the case was otherwise considered unsuitable (non-conferenced);
- other offenders meeting the restorative justice eligibility criteria who were not referred (other eligible); and
- a matched comparison group of offenders (a sub-set of the other eligible offenders, selected to match the demographic and offending characteristics of those who completed a restorative justice conference).

Offenders in the study included those who:

- had been charged with an imprisonable offence involving a victim;
- were aged 17 or over;
- entered a guilty plea;

- did not receive a custodial sentence; and
- were charged in a district court from which referrals were received by restorative justice providers included in the study.

This study analysed data for offenders who had a final court hearing date occurring between 1 January 2008 and 31 December 2009. A much smaller sample size in 2008, covering fewer restorative justice providers, means more weight should be placed on the results from 2009.

The primary measure of reoffending used in the report was whether an offender who had been through a restorative justice conference reoffended over the following 12-month period for the 2009 cohort, and over the following 12-month and 24-month period for the 2008 cohort. Three other measures of reoffending were also used: frequency of reoffending; seriousness of reoffending[1]; and subsequent imprisonment rates.

Whether a result between conferenced and matched offenders is statistically significant or not depends on the size and scale of difference between the two rates, and the sample size of the two groups.

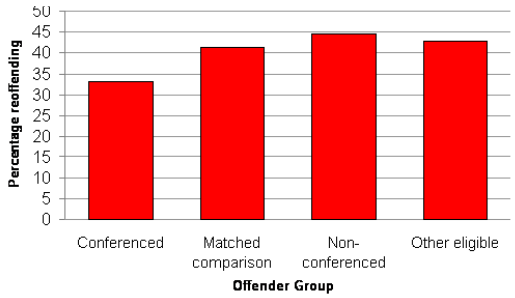
Results

Reoffending rates

In the 2009 cohort, 33.2 percent of conferenced offenders reoffended in the following 12 months. This was a 20 percent reduction from the matched comparison group of offenders (41.3 percent). This statistically significant result provides a clear indication that restorative justice has had an impact on reducing the number of people reoffending.

As shown in Figure 1 below, the result for conferenced offenders is markedly lower than the rates for the other three offender groups.

Figure 1: Reoffending rates (percent), within 12 months, by offender group: 2009 cohort



For the 2008 cohort, the differences in reoffending rates were not as large. This may be partly due to the smaller sample size, together with the fact that the coverage of restorative justice was unequal across the court clusters analysed.

Using regionally adjusted results (so that it is as if every cluster had the same proportion of conferences) the 2008 conferenced group had an 11 percent lower rate of reoffending in the 12 months following a restorative justice conference compared with the matched comparison group (41.3 percent compared to 46.4 percent). After 24 months, the rate for conferenced offenders was 6.1 percent less than the matched comparison group (52.0 percent compared to 55.4 percent). Neither of these differences is statistically significant.

These reductions in reoffending rates are consistent with results from the 2005 Ministry of Justice study, *New Zealand Court-Referred Restorative Justice Pilot: Two Year Follow-up of Reoffending*, which showed that those who received a restorative justice conference had an 11 percent lower rate of reoffending over a 12-month follow-up period, and a 9 percent lower rate over the following 24 months, (although these results were not statistically significant). The congruence with the results from this study provides further weight to the finding that restorative justice reduces reoffending.

Frequency of reoffending

For those who did go on to reoffend, for both the 2008 and 2009 cohorts, the frequency of reoffending for the conferenced groups of offenders over the following 12 months was lower than the matched comparison group of offenders. For the 2009 cohort comparison, over the following 12 months, there was a reduction of 23 percent in the frequency of reoffending amongst conference offenders (66 versus 85 new offences per 100 offenders).[2]

For the 2008 cohort, over the following 12 months, there was a reduction of 28 percent in the frequency of reoffending amongst

[1] The impact of restorative justice on the seriousness of reoffending is not clear in this study and is not covered in this summary. See the full report for details.

[2] There is no measure currently available to test whether differences in the frequency of reoffending are statistically significant.

conferenced offenders (76 versus 106 new offences per 100 offenders). After 24 months, there was a reduction of 23 percent amongst conferenced offenders (135 versus 177 new offences per 100 offenders).

Subsequent imprisonment rates

Restorative justice shows promise in reducing reoffending that leads to imprisonment, however, the results from this study are not statistically significant. This is partly explained by the small numbers of offenders in this analysis that were imprisoned within 12 and 24 months. For the 2009 cohort, after 12 months, offenders who had been through a restorative justice conference were 33 percent less likely to be imprisoned for subsequent offending than comparable offenders (5.2 percent compared to 7.8 percent).

Figure 2: Subsequent imprisonment rates (percent), within 12 months, by offender group: 2009 cohort

For the 2008 cohort, after 12 months, the subsequent imprisonment rate for conferenced offenders was 18 percent lower than that of the matched comparison group (8.7 percent compared to 10.6 percent). After 24 months, the subsequent imprisonment rate for conferenced offenders was 29 percent lower than that of the matched comparison group (11.1 percent compared to 15.6 percent).

The results taken from this study and the 2005 study (which found a reduction in subsequent imprisonment of between 15 and 20 percent, though, not statistically significant), taken together, suggest a real reduction in imprisonment rates.

Effectiveness for Māori

The study found evidence that, overall, restorative justice was as effective for Māori as for non-Māori.

The reoffending rate for conferenced Māori offenders in 2009 was 18 percent lower than that for conferenced non-Māori offenders (30.0 percent versus 36.5 percent), although this difference was not statistically significant.

The frequency of reoffending for Māori who were conferenced in 2009 was 37 percent lower than for Māori from the matched comparison group (72 versus 114 new offences per 100 offenders).

For those conferenced in 2008, restorative justice appears to have been less effective over 12 months for Māori compared to non-Māori. Over 24 months however, the difference in effectiveness is negligible between Māori and non-Māori.

Conclusion

The key finding in this report is that in 2009 offenders who participated in restorative justice conferences were 20 percent less likely to re-offend in the following 12 months than comparable offenders.

In addition, the frequency of reoffending for those conferenced offenders that did reoffend was less than for comparable offenders. The number of conferenced offenders imprisoned for offending following a restorative justice conference was also reduced.

All of these findings combine to suggest that restorative justice has contributed to enabling some offenders change their offending behaviour, and to reducing victimisation and costs to the Justice Sector.