Some Reflections on the 2017 Victim Satisfaction Survey Results

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The Ministry of Justice in New Zealand recently released its latest “Restorative Justice Victim Satisfaction Survey” research report. The data was gathered in 2016 from telephone interviews with 329 victims or their representatives from 24 restorative justice providers around the country. Along with reoffending rates (which the Ministry also tracks), victim satisfaction is one of the two most common measures used internationally for gauging the “success” of restorative justice. Whereas the impact on recidivism tends to be variable across studies, victim satisfaction levels are consistently high. This is certainly evident in the MoJ survey.

Overall a large majority of victims (84%) said they were satisfied with the restorative justice conference and 81% said they would be likely to recommend restorative justice to others in a similar situation. Most (93%) said they had been well informed about the process in advance and 91% felt safe at the conference. Three quarters of respondents could name at least one way that restorative justice had benefitted them and the majority (84%) felt it had been important to express their feelings directly to the offender. Along with having voice, other key factors in explaining victim satisfaction included having choice about attending, the sincerity of the offender and the contents of the plan or outcomes developed at the conference.

All this is encouraging feedback that confirms the central claims made by proponents of restorative justice about the benefits of the process for victims. While the measures are relatively blunt and the statistical variation between responses is often too small to draw larger conclusions,
there are several intriguing details in the 55 page report that warrant mention.

• **Ethnicity, gender and age differences:** Interestingly Māori (91%) and Asian (93%) victims were more likely to be satisfied with their conference than European (83%), Pasifika (84%) and “other” (77%) respondents. Men were more satisfied with the conference than women, though women expressed higher satisfaction with the overall process and were more likely to recommend it to others. Most telling, perhaps, was the role of age in predicting satisfaction. Highest satisfaction levels were reported by those under 19 years (93%), perhaps suggesting that the younger generation resonates more naturally with restorative values – though, to be fair, the next two highest rates were for those between 30-39 years (89%) and over 60 years (88%).

• **Family violence victims:** Unquestionably the most controversial and complex area of restorative practice is domestic violence, so it is significant that victims in family violence cases expressed higher overall satisfaction with restorative approaches (86%) than victims in non-family violence cases (77%). Asian, Pasifika and Māori victims were more satisfied (89-96%) than European and other ethnicities (77-79%) and female victims (85%) more so than male (74%). The report comments:

Victims in FV cases were significantly more likely to say that restorative justice had helped them have a better relationship with family and friends (n=10) when compared with non-FV cases (n=6). They were also more likely to say that restorative justice helped them know what help and support is available (n=11 versus n=4). Māori victims (n=8) were also more likely than non-Māori (n=11) to say they felt healed emotionally after the restorative justice conference (p.34).

This positive response to restorative justice from victims of domestic violence may come as a surprise to critics in the family violence sector, but perhaps the findings are not that unexpected. Family members in general have more invested in restoring relationships to health than do victims of
non-familial crimes and those in cultural settings where family/whānau bonds are most highly valued have the most to gain of all. The complexities and risks involved in working restoratively with those affected by family violence remain substantial, but there can be little doubt that many victims want and find restorative solutions helpful.

• The importance of post-conference follow up: Another intriguing detail in the survey is the importance of post-conference follow up by facilitators in “closing off” the process. Victims who received a follow up call were significantly more likely to report satisfaction with their conference and recommend restorative justice to others than those who did not. Just as the conference conversation serves to validate the victim’s experience, so a post-conference check in from the facilitator helps to validate their courage and dignity in undertaking the process. Without that external validation, something remains unfinished and satisfaction suffers.

• The impact of support persons: The value of including support persons in the conference is confirmed by the survey. 76% who took supporters said it made the process easier, and only 4% said it made it harder (this figure doubled to 8% in family violence cases, not unsurprisingly). However, while almost all victims (91%) were encouraged to consider bringing a supporter, only slightly over a half (53%) actually did so. The most common reason for not inviting someone was a belief that it would make no difference to the process or because the victim felt they had no emotional need for such support. There were no statistically significant differences between Māori and non-Māori in whether they took a support person to the conference.

   Interestingly those who were accompanied by a supporter felt more nervous about the process than those who did not, and 17% said they felt unable to say what they really felt at the conference. The reason for heightened nerves is not clear – perhaps there is a correlation between wanting a support person and the severity of impact of the offence – but facilitators should perhaps be alert to the relationship between a victim inviting a supporter and feeling anxious about the meeting or feeling
constrained about speaking openly in front of them. It is worth noting, however, that 40% respondents said they did not feel nervous at all about their involvement in restorative justice.

• **Attitudes to the criminal justice system:** Restorative justice often depicts itself as a more effective way of achieving what the adversarial system struggles to deliver – a sense of justice that satisfies all parties. Framed this way, every “success” of restorative justice constitutes an implied (and often explicit) critique of the failures of the mainstream system. While there is some merit in this characterization, what is often overlooked is the extent to which the provision of restorative justice services within the existing system, as happens in NZ, functions to enhance participants’ views of the criminal justice system as a whole.

Over 80% of respondents in the survey thought that restorative justice was a good way to deal with the offence committed against them and most (60%) said their view of the justice system had become more positive as a result of going through a restorative process. This is significant. In providing restorative options for those caught up in crime, government is not only attending to the welfare of victims, it is also strengthening public support for the rule of law.

• **Affirmation of facilitators:** Overall the survey represents a resounding endorsement of the quality of service provided by restorative justice facilitators in New Zealand. Almost half of respondents (47%) could not think of any way in which their experience could have been improved. Those who did identify possible areas for improvement, the most common suggestions related to post-conference follow up (9%) and feedback on offender compliance with agreements (4%), matters that will always stretch facilitator resources. In terms of their management of conference interactions, facilitators scored extremely highly. 94% of victims were happy with how the meetings were run and 97% were satisfied that everyone had their fair say. Of all the “good things about restorative justice” that victims identified, the most frequently mentioned was the quality of the facilitators –
them being polite, caring, supportive, respectful and professional. This is extremely reassuring.

It is commonly said by commentators today that restorative justice has proven its value over time and is here to stay – and the MoJ Victim Satisfaction survey would certainly support this view. The challenge ahead is to build on the foundations laid over the past 25 years and carry practice forward to the next level, both in terms of increased accessibility and ever higher standards of practice.