

Reoffending Analysis for Restorative Justice Cases 2008-2013: Summary Results

Key Findings

Key findings from this study include that:

- The reoffending rate for offenders who participated in restorative justice was 15% lower over the following 12 month period than comparable offenders and 7.5% lower over three years.
- Offenders who participated in restorative justice committed 26% fewer offences per offender within the following 12 month period than comparable offenders (20% fewer offences within three years).
- Restorative justice appeared to help reduce reoffending across many offence types including violence, property abuse/damage and dishonesty. However, the reoffending rate was not lower for restorative justice participants who committed a driving causing death/injury offence.
- The reoffending rate for Māori who participated in restorative justice was 16% lower over the following 12 month period than comparable Māori offenders (6.9% lower over three years). Māori offenders who participated in restorative justice committed 37% fewer offences per offender within the next 12 month period than comparable Māori offenders (23% fewer offences within three years).
- The reoffending rate for young offenders (aged 17 to 19) who participated in restorative justice was 17% lower than comparable young offenders over the following 12 month period (8.9% lower over three years). Young offenders who participated in restorative justice committed 30% fewer offences per offender than comparable young offenders within 12 months (32% fewer offences within three years).

Previous Report

This study follows up from two previous reports¹ which investigated whether restorative justice conferences were associated with reduced reoffending. The 2014 report compared 2,323 offenders completing conferences from 2008 to 2011 with a similar (matched comparison) group of offenders who did not participate in a restorative justice conference.

¹ *Reoffending Analysis for Restorative Justice Cases: 2008 to 2009*, Ministry of Justice (2011), and *Reoffending Analysis for Restorative Justice Cases: 2008-2011*, Ministry of Justice (2014)

The key results from the 2014 report were that offenders who participated in a Police or court-referred restorative justice conference:

- committed 23% fewer offences than comparable offenders over the following 12 month period; and
- had a 12% lower rate of reoffending than comparable offenders over the following 12 month period.

Methodology

Like the two previous studies, the primary focus of this study was to assess the impact of restorative justice conferences on reoffending. This was done by comparing conferenced offenders from 2008 to 2013² to a matched group of offenders who went through the Police diversion or court process and would otherwise have been eligible for restorative justice over the same period.

Similar data verification, statistical modelling and matching processes were used as in the two previous studies. However, the new research is based on larger sample sizes and increasingly more robust data for people participating in restorative justice conferences from 2008 to 2013. The results from the 2011 study were only based on those who participated in a restorative justice conference in 2009 (11% of the number of participants in this study) and roughly half the number of providers.

The comparison group of offenders was matched with the conferenced group by year, age and predicted probabilities of reoffending over the following 12 months. Predicted probabilities were calculated from a logistic regression model of factors known to influence the likelihood of reoffending (such as age, criminal history and ethnicity).

Matching with comparable offenders is a pre-requisite for assessing the impact of reducing reoffending, as the demographic and offending profile of offenders who participated in restorative justice conferences is different from the profile of all other eligible offenders. In particular, in comparison with other eligible offenders, conferenced offenders:

- were younger on average (for example, 26% aged 17 to 19 compared with 17%);
- were less likely to be Māori (37% compared with 44%);
- were more likely to be first-time offenders (42% compared with 21%); and
- were less likely to have at least one previous prison sentence (9% compared with 23%).

Due to differences in these and other factors, those who participated in restorative justice conferences were predicted to be 26% less likely to reoffend than all other eligible offenders.

Despite the clear value of matching in improving estimates of impact on reoffending, this type of analysis still has limitations. The two principal limitations are:

- Offenders who participate in a restorative justice conference choose to do so. It may be that these offenders are different from other offenders with comparable risk profiles on average, in that they were more motivated to change their offending behaviour, and would be less likely to reoffend irrespective of whether they attended a restorative justice conference.

² Data covers the period from 1 January to 31 December of each year.

- It remains possible that reduced reoffending may not be caused by restorative justice but rather by other relevant factors that were unable to be included in the matching process, such as employment status and psychological profile.

As the number of offenders conferenced has increased and data quality has improved over time, the number of conferenced cases able to be used in this analysis has also increased. The net effect was that this study compared 4,373 conferenced offenders with 12,959 matched offenders.

The four measures of reoffending used in this study were:

- rate of reoffending (the proportion of offenders within a group who reoffended);
- frequency of reoffending (number of new offences per 100 offenders);
- high-level (serious) reoffending rates³; and
- subsequent imprisonment rates.

Reoffending was tracked over follow-up periods of one to five years. Fewer offenders were able to be tracked over longer time periods. For example, only those conferenced (or with finalised court cases) from 2008 to 2011 were able to be tracked over three years.

Summary Results

There are two principal findings from this study. The most important is that restorative justice was associated with a statistically significant reduction in reoffending over all four measures analysed in this report.

The other key finding is that the apparent impact of restorative justice on reducing reoffending lessens after the first 12 months. This reduced impact is most marked in terms of the rate of people who reoffended, but less marked for the other measures, particularly frequency of reoffending.⁴

The smaller reduction in the frequency of reoffending over time suggests that the impact of restorative justice in either stopping or delaying offenders from reoffending reduces the overall volume of new offences committed.

On average (as shown in Figure 1) conferenced offenders:

- had a 15% lower rate of reoffending than comparable offenders over the following 12 month period (33.6% versus 39.4%)⁵ and a 7.5% lower rate over three years⁶ (52.6% versus 56.9%);

³ Defined as any offence with a Ministry of Justice seriousness score of 100 or above. Common offences around this level are: obtain accommodation by fraud credit/bank card, assaults police (Crimes Act) stabbing/cutting weapon, and driving while disqualified (3rd or subsequent offence).

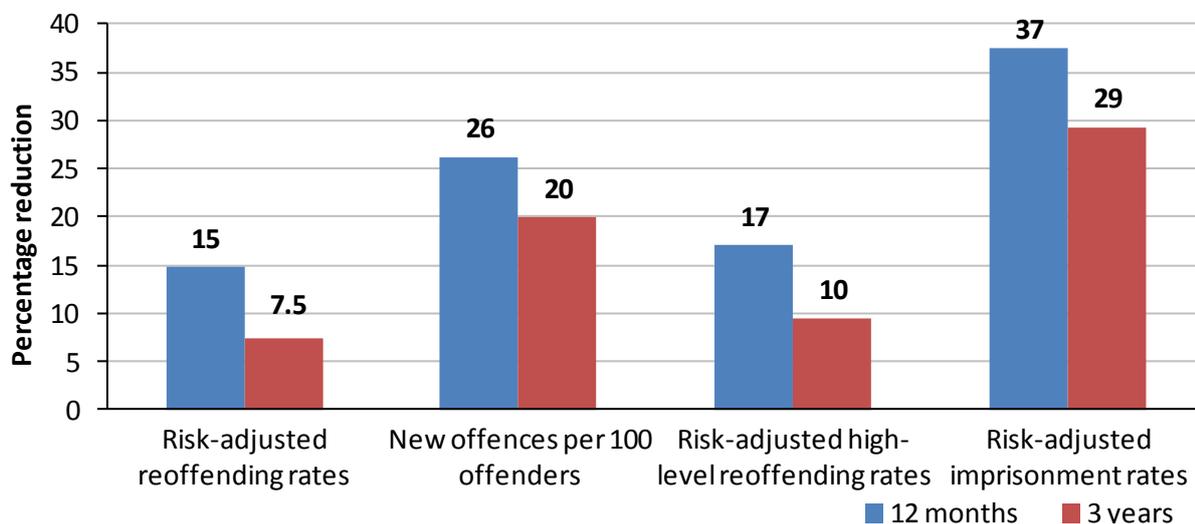
⁴ Results for the 2008-2009 cohorts of offenders indicate that differences in reoffending rates between conferenced and matched offenders may increase again after three years with an 11% difference in rates of reoffending within five years (significant at 95% level of confidence).

⁵ The percentage difference is calculated as: [reoffending rate (conferenced) - reoffending rate (matched comparison)] / reoffending rate(matched comparison). In this case (33.6% - 39.4%)/39.4% = 15%.

⁶ For offenders who participated in a restorative justice conference, it is three years from the date of the conference. For the matched comparison group, it is three years from the charge outcome date.

- committed 26% fewer offences per offender than comparable offenders within the next 12 month period (62 offences per 100 offenders versus 83 offences per 100 offenders), and 20% fewer offences within a three-year follow up period (159 offences per 100 offenders versus 198 offences per 100 offenders);
- were 17% less likely to commit a high-level offence than the matched comparison group over the following 12 months (6.5% versus 7.8%) and a 10% less likely to do so over three years (15.5% versus 17.1%); and
- were 37% less likely to be imprisoned as a consequence of their reoffending than comparable offenders with the next 12 month period (4.6% versus 7.3%) and 29% less likely to be imprisoned within a three-year follow-up period (10.2% versus 14.4%).

Figure 1. Percentage reductions in reoffending measures between conferenced and matched comparison groups, within 12 months and three years⁷



Offence Group Results

Differences between 12-month and three-year reoffending rates of conferenced offenders and individuals from the matched comparison group, by offence group⁸, are presented in Figure 2.

The graph shows that restorative justice appears to be most effective for offenders who committed property abuse/damage, dishonesty and offences in the “other” category⁹ over both 12-month and three-year follow up periods. While the reduction in reoffending by violent offenders was less significant, other studies suggest there is potential in this area. For example, results from 12 experiments with restorative justice in Canberra and the United Kingdom found that restorative

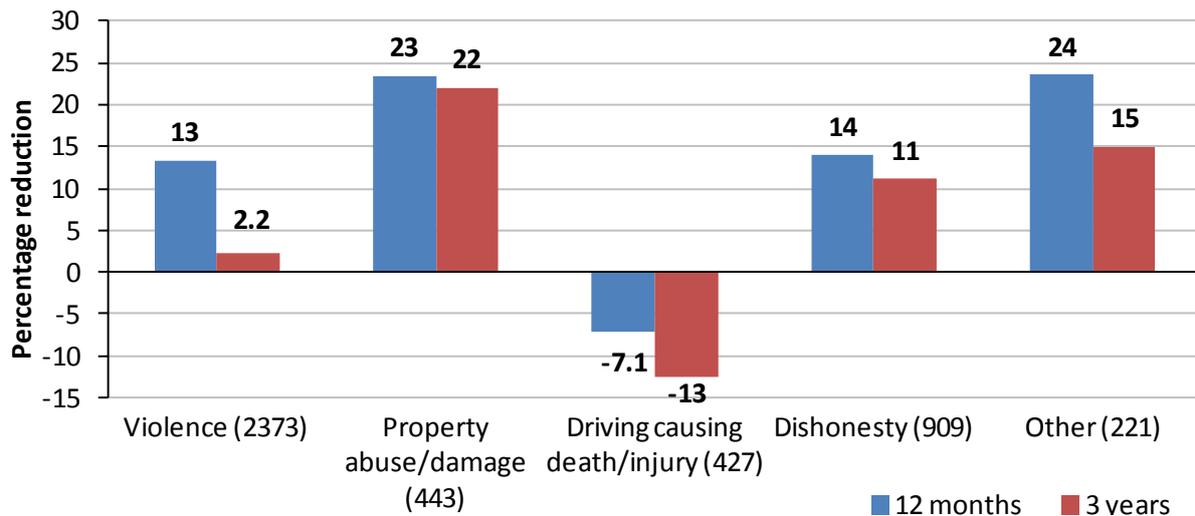
⁷ Only those conferenced (or with finalised court cases) from 2008 to 2011 were able to be tracked over three years.

⁸ The offence group for each case is determined by the most serious offence in terms of penalty imposed, or seriousness score if the offender was discharged or not convicted.

⁹ The “other” offence category is any offence not classed as violence, property abuse/damage, driving causing death/injury or dishonesty. It also includes a number of cases with two or more charges, and where the most serious charge in the case is not eligible for restorative justice.

justice consistently reduced reoffending for violent crime while failing to reduce recidivism for property crimes (Sherman et al., 2015).

Figure 2. Percentage reductions in reoffending measures between conferenced and matched comparison groups, within 12 months and three years: by offence group (number of offenders conferenced from 2008-2013 in brackets)¹⁰



Restorative justice conferences are effective for stopping offenders who have committed violent offences from reoffending within 12 months. It appears though, that the effect reduces markedly over the following two years, with only a marginal difference in reoffending rates within three years.

Offenders who have committed a violent offence comprised just over half (54%) of those who participated in a restorative justice conference from 2008 to 2013, and were included in this study.

Therefore, this group of offenders has the most significant effect on determining the impact of restorative justice against comparable offenders.

Restorative justice did not reduce reoffending rates for those who committed a driving causing death/injury offence.¹¹ One reason could be that the nature of this offence is different to other offences, in that it is often unintentional. Those who committed a driving causing injury or death offence had a much lower likelihood of reoffending than other offenders.

Another reason could be that the characteristics of individuals who cause injury or death through driving differ markedly from other types of offenders. The Integrated Data Infrastructure (IDI) shows that those who were convicted of Careless or Inconsiderate Driving Causing Death or Injury (offence code D503), had median earnings 56% higher than those convicted of Male assaults female

¹⁰ Negative values indicate that conferenced offenders had higher (though not statistically significant) rates than the matched comparison group. Only those conferenced (or with finalised court cases) from 2008 to 2011 were able to be tracked over three years.

¹¹ Whilst outside the scope of this survey, restorative justice is likely to have other positive impacts for these offenders.

manually, offence code 1543), and 74% higher than offenders convicted of Wilful damage (offence code 5127), in the year preceding the conviction.¹²

Offenders convicted of Male assaults female (manually) and Wilful damage were 2.6 times and 3.1 times more likely respectively to be on a benefit in the month prior to conviction, than offenders convicted of Careless or Inconsiderate Driving Causing Death or Injury.

It should be noted that none of the differences in reoffending between violent offenders and those convicted of other types of offending is significant at the 95% level of confidence.¹³ Other factors may have caused some of these differences to occur. For example, restorative justice may be more effective for younger people, first-time offenders, or those charged with less serious offences in general.

Effectiveness for Māori

The evidence shows that restorative justice has been as effective for Māori as it has been for non-Māori, in reducing both the numbers of people reoffending and their frequency of reoffending.

The reoffending rate for Māori who were conferenced was 16% lower than the rate for comparable Māori offenders over the following 12 month period, and 6.9% lower over three years. These differences are almost exactly the same as those for non-Māori.

Māori who were conferenced committed 37 % fewer offences per offender than comparable Māori offenders within the next 12 month period, and 23% less offences within a three-year follow up period. In comparison, non-Māori conferenced offenders committed 18% fewer offences per offender than comparable non-Māori offenders within 12 months, and 22% less offences within 3 years.

Impact by Age

Restorative justice conferences are very effective for stopping the youngest offenders (aged 17 to 19) from reoffending.

Offenders aged 17 to 19 who participated in a restorative justice conference had a 17% lower rate of reoffending than comparable offenders from the same age group over the following 12 month period, and a 8.9% lower rate over three years.

Offenders aged 17 to 19 committed 30% fewer offences per offender within 12 months than comparable offenders aged 17 to 19, and 32% less offences within a three-year follow up period.

Some of this reduction may be due to a much higher proportion of young conferenced offenders not being convicted relative to the matched comparison group of 17 to 19 year-old offenders (50% of 17 to 19 year-old conferenced offenders were not convicted versus 21% of comparable offenders of the same age) despite having an almost identical offending profile. Having a conviction affects a young person's likelihood of future employment. This creates a vicious cycle, as employment is related to the propensity for future offending. This relationship requires further investigation.

¹² Source is Integrated Data Infrastructure (IDI) at Statistics NZ. Access to the IDI data presented was managed by Statistics New Zealand under strict micro-data access protocols and in accordance with the security and confidentiality provisions of the Statistics Act 1975. These findings are not Official Statistics.

¹³ There is a statistically significant difference between reoffending rates over three years for those conferenced for violent and property abuse/damage at the 90% level of confidence.

Benefits to victims

Benefits to victims are an important intended outcome for restorative justice; indeed these benefits are often seen as more important than the impact on reoffending. A recent summary of international evidence from 12 randomised controlled trials concluded the following with respect to victim impacts:

Victims randomly assigned to attend restorative justice conferences (RJCs) with their offenders were less fearful of repeat attack by the same person, more pleased with the way their case was handled, and less desirous of violent revenge against their offenders, after receiving far more offender apologies and satisfaction with their justice than control victims. London robbery and burglary victims assigned to RJCs, especially females, suffered much less post-traumatic stress than controls, while Canberra victims of violent and property crimes had less emotional impact from the crime than controls for at least 10 years after the arrest of their offenders. (Sherman et al., 2015, p502)¹⁴

A 2011 survey conducted by the Ministry of Justice found that 77% of victims were satisfied with their overall experience of restorative justice, before, during and after the conference. The survey also found that 80% of victims would recommend restorative justice to others.

The next Ministry of Justice Restorative Justice Victim Satisfaction Survey will be conducted during 2016.

References cited

- Sherman, L. W., Strang, H., Barnes, G., Woods, D. J., Bennett, S., Inkpen, N., ... Slothower, M. (2015). Twelve experiments in restorative justice: the Jerry Lee program of randomized trials of restorative justice conferences. *Journal of Experimental Criminology*, 11(4), 501–540. <http://doi.org/10.1007/s11292-015-9247-6>
- Ministry of Justice. (2011). *Victim satisfaction with restorative justice: A summary of findings*. Wellington: Ministry of Justice.

¹⁴ Engagement in pre-sentence restorative justice in New Zealand is voluntary for both the offender and the victim, and is not randomly assigned.

Appendix: Reoffending results

Table A1. Reoffending rates and percentage difference in risk-adjusted reoffending rates between conferenced and matched comparison groups by time period: 2008-2013

Measure	Reoffending rates within 12 months		Reoffending rates within 3 years		Percent reduction in reoffending from matched comparison group	
	Conferenced	Matched Comparison	Conferenced	Matched Comparison	12 months	3 years
Risk-adjusted reoffending rates	33.6	39.4	52.6	56.9	15	7.5
New offences per 100 offenders	62	83	159	198	26	20
Risk-adjusted high-level reoffending rates	6.5	7.8	15.5	17.1	17	10
Risk-adjusted imprisonment rates	4.6	7.3	10.2	14.4	37	29

Table A2. Reoffending rates and percentage difference in risk-adjusted reoffending rates between conferenced and matched comparison groups, by time period and offence group: 2008-2013

Offence group (Offender numbers, conferenced)	Reoffending rates within 12 months		Reoffending rates within 3 years		Percent reduction in reoffending from matched comparison group	
	Conferenced	Matched Comparison	Conferenced	Matched Comparison	12 months	3 years
Violence (2373)	29.7	34.3	50.0	51.2	13	2
Property abuse/damage (443)	31.4	41.0	49.4	63.4	23	22
Driving causing death/injury (427)	10.2	9.5	19.3	17.1	-7	-13
Dishonesty (909)	39.9	46.4	55.8	62.8	14	11
Other (221)	32.8	43.0	54.2	63.8	24	15