

Achieving Justice Outcomes: The Perspectives of Participants

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Restorative Justice for Sexual Violence



Project Restore

- Restorative justice provider group in NZ
- Specialising in sexual violence
- Operating since 2005
- Collaboration between agencies
 - Survivor agencies
 - Offender agencies – harmful sexual behaviour
 - Restorative justice provider
 - Academics
 - Social service providers



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Practice Model

- Community conferencing
- Use of specialists – three legged stool
 - Survivor specialist
 - Offender specialist
 - Restorative justice specialist
- Part of a broader programme – not one-off intervention
- Pacing to capacity and readiness

Method

- A series of 3 surveys
 - Victim-Survivors
 - Offenders
 - Other participants (support/whānau)
- 3 methods of gathering data
 - Survey on line
 - Telephone interview
 - Face to face meeting
- Response rate disappointing
- Findings cannot be considered significant

Participants

- Total of 16 cases (70 potential participants), 25 participants agreed, 14 completed the survey
 - 3 victim-survivors
 - 2 offenders
 - 9 other participants
- Offenders all male
- Victim-survivors both male and female
- No explanation for the poor response rate – may have moved on

Surveys

- How satisfied they were with the service they received/procedural fairness
- How well they felt the process met a series of “justice” needs (Daly’s Justice Interests)
- Experienced psychological/behavioural changes correlated with resilience against revictimisation/reoffending
- Experienced any changed circumstances that are potential wellbeing indicators



Daly's Justice Framework

- Participation in the justice process
- Voice – having a say
- Accountability – demonstration by offender
- Validation – affirmation that wrong has occurred – being believed
- Vindication – affirming the act was unlawful and actions were wrong – obligations put right



Findings

- The following slides show:
 - Satisfaction/procedural fairness
 - Justice Interests
 - Participation
 - Having a voice
 - Putting things right
 - Acknowledging harm
 - Accepting responsibility
 - Experiencing a sense of justice
 - Revictimisation
 - Wellbeing indicators
 - Impacts of restorative processes



Satisfaction

- All appeared satisfied with the way Project Restore facilitated the process
 - Felt safe
 - Understood how process was run
 - Felt it was facilitated fairly
 - Understood what was happening during the process (one offender did not understand)
 - Felt treated with respect and listened to
 - Not afraid to say how they felt



Participation

- Preparation/preconferencing stage
- Victim-survivors and other participants reported satisfied with their level of participation
- Felt prepared to say and ask what they wanted
- Offenders reported they were prepared to answer questions



Having a Voice

- Participants were asked if they were able to share their story and tell what happened
- Participants reported they were able to have their say and tell their stories
- Victim-survivors felt they were able to ask questions
- Offenders able to answer questions
- Other participants – 1 was unsure, one didn't ask the questions they wanted
- Variation in the way questions were asked



Putting Things Right

- Generally participants agreed offenders demonstrated accountability and attempted to put things right
- 1 victim survivor and 1 other participant were not sure
- Both offenders felt they had the opportunity to take responsibility and attempt to put things right
- All victim-survivors and most other participants said the offender agreed to things that helped to put things right





Putting Things Right cont'd...

- All victim survivors and other participants agreed that the needs of those affected were taken into consideration
- Both offenders thought the agreements would go some way to meeting the needs of those harmed
- 1 thought that agreement was fair and proportionate to harm done, other not so sure
- Both offenders thought they had done what they could to put things right



Acknowledging the Harm

- Participants appeared confident the harm was acknowledged and survivors were satisfied by this
- 1 Victim-survivor felt blamed by what happened
- 1 other participant thought the offender blamed someone else
- 3 other participants were unsure if the harm was acknowledged
- 1 other participant said “not really”



Acknowledging the Harm cont'd...

- Victim-survivors had their questions answered but were unsure whether this helped them understand why they were assaulted
- Other participants – 4 out of 9 said the answers helped understanding, 5 were unsure
- No offenders had undertaken treatment therefore predictable answers to questions might not have helped participants make sense of “why me”



Accepting Responsibility

- Both offenders admitted they were wrong, took responsibility for the harm and apologised
- Other participants tended to mostly agree –
- Notably victim-survivors perceived this differently – all agreed the offender apologised and admitted he was wrong
- 1 victim-survivor did not believe the offender took responsibility, 2 said he mostly did



Sense of Justice

- All victim-survivors and other participants said the process helped them to experience a sense of justice
- Offenders said they did not feel pressured to agree to any outcomes, 1 regretted this afterwards

Revictimisation

- Following indicators focus on protective factors
 - Having a sense of control over one's life – All victim-survivors and most other participants felt the process had helped this
 - Self blame – 2 victim-survivors had stopped blaming themselves, the other never had
 - Use of drug and alcohol – 1 said amount had increased but now she did not go into a negative space anymore, and 1 said use had reduced
 - Other participants noticed changes in the victim-survivors usage (2 more, 2 less)

Reoffending

- Both offenders said the process had helped them address the underlying causes of offending
- 1 said the process would help him to not offend in the future
- 1 said the process would not stop him from offending in the future
- Both said they developed insights into how the victim-survivor might be feeling
- All offenders agreed to enter into an assessment for treatment



Wellbeing Indicators

- Range of indicators including sense of wellbeing, mental health, relationships within and outside of the family, ability to work and be productive at work, physical health
- Victim-survivors' responses indicated improvements over all indicators
- Offenders – general sense of wellbeing and relationships within families much improved
- Other participants – well being indicators over all were somewhat improved



Impacts of Restorative Processes

- All victim-survivors, offenders and most other participants said the impacts were positive – 1 other participants said there were both negative and positive impacts
- All said they achieved what they had hoped for
- 1 victim-survivor said that “I felt a bit iffy about you guys at the start but you were good, you helped me to be honest and front up to my whānau. I learned that I didn’t have to put up with all that shit. I didn’t trust you guys at first but you did good stuff for me and I am grateful for that”



Conclusions

- Responses to surveys were generally positive – particularly questions regarding satisfaction
- Predictable – most satisfaction surveys produce similar results
- Victim-survivors and offenders appeared to be more satisfied in all aspects than other participants
- This could be related to the investment in preparation of key (other) participants
- All or most indicated the process had attended to their justice needs



Conclusions cont'd...

- Experiencing a sense of justice appeared very real for victim-survivors and their supporters
- Offender responses to this section were not so clear and may be reflective of the capacity to assume and maintain responsibility pre-harmful sexual behaviour treatment
- Results indicated that protective factors may have been enhanced minimising vulnerability to sexual revictimisation



Update

- 9 respondents (7 survivors, 1 offender, 1 other participant)
- 90% impacts of process positive
- 90% achieved what they hoped for
- 90% received procedural fairness
- 85% satisfied with process
- 70% able to keep themselves safe
- 90% improved general wellbeing
- 90% improved mental health
- 80% improved relationships
- 70% improved work and productivity
- 50% improved mental health
- 90% felt ok about themselves
- 50% improved coping



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Comments

- The RJ process has been the only way I can imagine I would ever have been able to confront the offender, hold him accountable and made plans for the ufture, I feel vindicated, like my story has been heard an respected by all, A fantastic lightening feeling
- Having been through both court and RJ processes after this I finally felt like I had closure and a sense of justice, the process was safe, empowering , meet me needs and supported me to get what I wanted the closure and healing I was looking for





- Watch this space
- Evaluation is ongoing



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