

Effectiveness of the Restorative Justice Process on Crime Victims and Adult Offenders in Thailand

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Received: 14 March 2013 / Accepted: 18 March 2013 / Published online: 17 April 2013
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Abstract In this paper, the researchers draw on research findings of the restorative justice process for adult offenders in Thailand run by probation officers during the pre-investigation stage. The evaluation study was conducted in 2009, aiming to analyze the effect of restorative justice on victims and offenders. The researchers investigate various key aspects, such as rates of satisfaction and perception of fairness, changing attitudes of victims and offenders, response to the victim's needs, offender's accountability, and reoffending rate. Factors associated with these aspects were also analyzed. A quasi-experimental research design was applied and the research findings showed that victims and offenders participating in the restorative justice process were significantly more satisfied with almost all evaluated outcomes than those who did not. However, the study did not find any significant difference in the re-offending rate between offenders in the experimental and comparison groups. Finally, the study found that two factors, i.e. victim's income and victim-offender relationship, significantly related to the victim's satisfaction. Victims who had low income were more likely to be satisfied with the outcome than those who had high income and victims who previously knew the offender were more likely to be satisfied with the process than those who did not.

Keywords Probation · Restorative justice · Mediation · Victim · Offender · Thailand

Introduction

By 2000, the idea of restorative justice began to attract attention from criminal justice academics, practitioners, and policy makers in Thailand. Since then, interest in restorative justice has grown during the past decade and this concept has become very popular. Unsurprisingly, this led to the implementation of restorative justice programs and a search for a model compatible within the Thai context. In 2004, the first restorative justice scheme for adult offenders was formally brought into being in Thailand. The program, called the

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‘Restoring Relationship Conferencing’, was initiated by the Department of Probation, Ministry of Justice. Although this was not the only restorative justice initiative in this country, the adult program had marked a significant development of restorative justice in the Thai criminal justice system.

The adult restorative justice program was put into practice for several years without any comprehensive empirical studies to demonstrate its success. In particular, questions kept arising into aspects of the impacts on victims and offenders as key stakeholders of the restorative justice process. Put simply, since its inauguration, no evaluative studies with regards to impacts of the on-going restorative justice scheme had been conducted. This gave rise to this research project which attempted to reflect on the effectiveness of the adult restorative justice process run by the probation department on victims of crime and adult offenders in various dimensions—e.g., satisfaction, perceptions of fairness, attitudinal change, responses to victim’s needs, offender’s accountability, and reoffending rates—and to compare these effects between the participating and the non-participating group. Moreover, the study also attempted to identify factors related to the success of the restorative justice approach.

Thai Restorative Justice Program for Adult Offenders

Since it was launched in 2004, the restorative justice program for adult offenders has been implemented in probation offices throughout the country. Although it was called ‘Restoring Relationship Conferencing’, the program was adapted from the victim–offender mediation process. Parties involved in the restorative process consist of victim(s), victim’s supporters, offender(s), and offender’s supporters, while, on some occasions, community members may participate in the process. Trained probation officers act as mediators.

The restorative justice program had been conducted during the pre-sentence investigation stage. Adult criminal cases referred by the court for pre-sentence investigation were invited to the program. These cases consist of offences that can be punishable by imprisonment for not more than 3 years, e.g., traffic-related offence, theft, fraud, and assault. If both victim(s) and offender(s) agree to participate, the mediators invite them and their supporter(s) to the meeting. The agreements made by both parties are stated in the pre-sentence report. In some cases, the court may order the suspension of the sentence without probation if the offender completes the agreement or order the offender to complete the agreement as a part of the conditions during the probation period. However, there is no specific law to support this practice for adult offenders.

The statistics from the Department of Probation showed that, from 2004 to 2010, there were 11,962 cases voluntarily participating in the restorative justice program. However, the number of participating cases declined continuously by about 26 % annually, resulting in 958 participating cases in 2010. This decline might be attributed to the high caseload problem of probation officers and the departmental policy focusing on the rehabilitation of drug offenders. Despite the low participation rate, about 88 % of all participating cases came to agreement after the mediation.

Research Methodology

This evaluation study applied the quasi-experimental design by assigning the experimental group (participating group) and comparison group (non-participating group). The sampling process started by using the purposive sampling method to select the probation offices that

regularly conduct the mediation process. The selection resulted in 25 offices located in different parts of Thailand and representing 5 regions of the country (Central, Northern, East, West, and South). Data collection for the experimental and comparison groups was conducted during June 2009 to May 2010. Cases that were referred to probation offices for the pre-sentence investigation and which agreed to participate in the mediation were assigned to the experimental group, and cases that did not participate in the mediation were assigned to the comparison group. The criteria for assigning cases to the comparison group are that (1) offenders were confined in jail or lived in other provinces, (2) victims could not be contacted, or (3) mediation was not offered to the cases because mediators were occupied. However, this study excluded cases where either victims or offenders refused to participate in the mediation.

Data were collected 1 month after the last mediation session for the experimental group and 1 month after the submission of pre-sentence reports to the court for the comparison group. The data collection method consisted of questionnaires, semi-structured in-depth interviews, and workshops. Reoffending data of offenders in the experimental and comparison group were collected 6 months after the court order for the pre-sentence investigation. Reoffending was defined as re-arrest, which is recorded by the police. Since the restorative justice program is not an alternative measure, all cases in the experimental and comparison group would proceed through the court.

Research Findings

Characteristics of the Experimental and Comparison Group

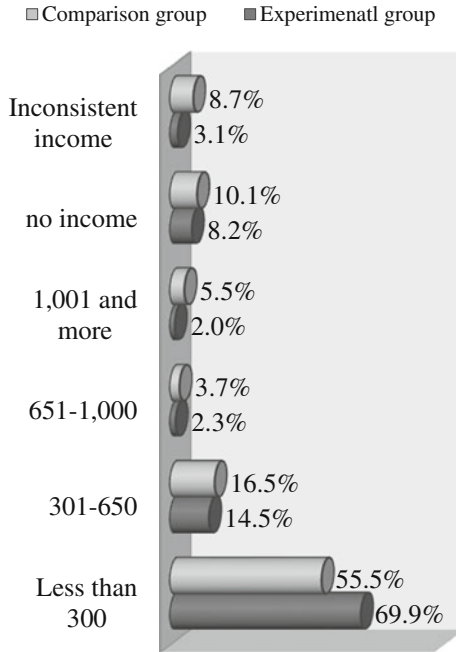
The experimental groups involved 259 criminal cases, made up of 259 offenders and 278 victims who voluntarily participated in the restorative justice program. The comparison group comprised of 218 criminal cases which involved 201 victims and 218 offenders who did not participate in the restorative justice program. The proportions of offenders in both the experimental and comparison groups were similar in terms of gender, age, marital status, education level, religion, occupation, and criminal records. However, they differed significantly in terms of their monthly income and types of offences. Despite this, overall, the majority of the offenders had low incomes and committed non-serious offences (Figs. 1, 2).

Proportions of victims in both the experimental and comparison groups were also similar in terms of gender, age, marital status, education level, religion, and occupation. They differed significantly in terms of monthly income and type of offence. However, the majority of both groups had low incomes and were victims of non-serious crime. Considering the previous relationship between victims and offenders, the findings interestingly revealed that many of them from both groups knew each other. Almost half of victims and offenders knew each other before the crime occurred. They were, for instance, relatives, spouses, lovers, friends, colleagues, employers, or employees (Table 1).

Agreement from Mediation

Findings showed that 77.7 % of cases in the experimental group could end up with an agreement between victims and offenders. This figure was lower than the statistics gathered by the Department of Probation in the same year. Moreover, the study found that certain victims and offenders had reached an agreement before actually attending the mediation. This could be because they had had the resolution during the police investigation stage, or because the victims had previously been offered compensation by an insurance company.

Fig. 1 Offender income



In the cases for which agreement could be reached, the most common types of agreement were verbal apology and financial compensation (Table 2). Some other agreements were very creative and flexible. For instance, an offender agreed to pay his/her victim monthly for the rest of his/her life. Although the amount was only 60 USD per month, it may be regarded as a token of offender’s accountability for his/her victims. In one of the cases, it was agreed that a

Fig. 2 Type of offence

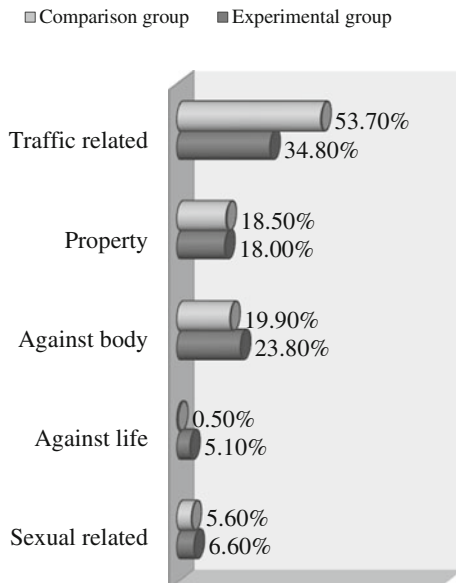


Table 1 Relationship between victims and offenders

Type of relationship	Percentage
Not knowing	50.40
Neighbors	23.20
Relatives	8.30
Spouse	5.40
Friends	4.70
Colleague/employer/employee	4.70
Nearby community	3.30

community meeting should be held to explain about the agreement so that the community could help monitor it. Some agreed to visit victims regularly at the hospital or to take victims to the hospital for medical care. Most victims and offenders thought that the agreements were fair and they were satisfied with the outcomes. However, while 97.4 % of offenders felt that they complied with the agreements, fewer victims (83.4 %) felt the same way.

Victim's Satisfaction

Victims in the experimental and comparison groups were asked if they were satisfied with the case process and their case outcome after court sentencing. The findings showed that 92 % of victims in the experimental group were satisfied with the process and 90.2 % were satisfied with the case outcome. Although the rate of victim satisfaction in the experimental group is higher than in the comparison group, only the rate of satisfaction with the case outcome was significant (Table 3).

Victim's Perception of Fairness

Most victims in the experimental group perceived fairness significantly more than those in the comparison group, with 93.8 % of victims in the experimental group feeling that the process was fair, and 92 % believing that their case outcome had ended up fairly (Table 4).

Responses to Victim's Needs

Victim's needs in this study refer to material and psychological restoration, which includes financial compensation, an apology from the offender, an opportunity to talk about the negative impacts of crime, to get an answer or information they wanted, and an involvement

Table 2 Type of agreement

Type of agreement	Percentage
Financial restitution	34.7
Work	1.2
Letter of apology	0.4
Verbal apology	39.6
Community service	3.4
Behavior change	9.4
Others	11.3

Table 3 Victim's satisfaction

Victim's satisfaction	Experimental group	Comparison group	<i>p</i>
Satisfaction with the process	92.0 %	88.1 %	0.151
Satisfaction with the case outcome	90.2 %	80.1 %	0.002

in the decision-making process. The research findings revealed that victims in the experimental group rated their satisfaction with the statements representing victim's needs significantly higher than those in the comparison group (Table 5).

Victim's Attitude Toward Offenders

One month after the mediation, victims in the experimental group were asked about their attitudes toward the offender. Most of them indicated that they had positive feeling about the offenders (63.3 %). They felt less fear of the offender (11.5 %), and also felt that the offender showed appropriate responsibilities (72.9 %). These were significantly different from the comparison group (Table 6).

Offender's Satisfaction

Offenders in the experimental and comparison group were asked if they were satisfied with the case process and their case outcome after court sentencing. It was found that offenders in the experimental group were significantly more satisfied with the case outcome than those in the comparison group. In the experimental group, 95.7 % of offenders were pleased with the case process and 96.5 % accepted that they were pleased with the case outcome (Table 7).

Offender's Perception of Fairness

It was found that significantly more offenders in the experimental group perceived fairness in the process than those in the comparison group; however, no significant difference was found regarding to the perception of fairness with the case outcome. In the experimental group, almost all the offenders (97.3 %) perceived that the process was fair and 95.7 % perceived that the case outcome was fair (Table 8).

Offender's Accountability

Offenders in both groups were asked if they were appropriately held accountable for what they had done to the victim and 95.7 % of offenders in the experimental group felt that they had been appropriately held accountable, while only 87.5 % of offenders in the comparison group felt the same way. The proportion of offenders between the two groups is significantly

Table 4 Victim's perception of fairness

Victim's perception of fairness	Experimental group	Comparison group	<i>p</i>
Fairness of the process	93.8 %	87.9 %	0.025
Fairness of the case outcome	92.0 %	85.6 %	0.025

Table 5 Responses to victim's needs

Victim's needs	Group	<i>n</i>	Mean	SD	<i>t</i> test	<i>df</i>	<i>p</i>																																												
Involved in decision making	Experimental	273	4.83	1.316	10.448	374.660	.000																																												
	Comparison	194	3.41	1.535				Getting answers and information	Experimental	268	4.71	1.266	10.262	368.595	.000	Comparison	195	3.33	1.531	Telling about negative impact	Experimental	271	4.95	1.199	9.973	354.147	.000	Comparison	195	3.64	1.528	Receiving an apology	Experimental	269	4.94	1.435	10.140	383.456	.000	Comparison	195	3.45	1.641	Receiving financial compensation	Experimental	271	4.25	1.744	4.017	465	.000
Getting answers and information	Experimental	268	4.71	1.266	10.262	368.595	.000																																												
	Comparison	195	3.33	1.531				Telling about negative impact	Experimental	271	4.95	1.199	9.973	354.147	.000	Comparison	195	3.64	1.528	Receiving an apology	Experimental	269	4.94	1.435	10.140	383.456	.000	Comparison	195	3.45	1.641	Receiving financial compensation	Experimental	271	4.25	1.744	4.017	465	.000	Comparison	196	3.60	1.726								
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	Comparison	195	3.64	1.528				Receiving an apology	Experimental	269	4.94	1.435	10.140	383.456	.000	Comparison	195	3.45	1.641	Receiving financial compensation	Experimental	271	4.25	1.744	4.017	465	.000	Comparison	196	3.60	1.726																				
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different ($p=0.001$). Moreover, the reasons for their answers were also different. The offenders in the experimental group believed that they were held accountable because they had helped their victims as much as they could. In other words, they had already fulfilled their victims' needs, and their victims showed no more resentment. Meanwhile, most offenders in the comparison group thought that they were held accountable because they had already financially compensated their victims.

Offender's Attitude Towards the Victim

When asking how offenders felt toward their victims after the incident, it was found that more offenders in the experimental group (74.8 %) felt positively towards victims, compared to just 51.6 % of offenders in the comparison group who felt the same. The difference between two groups is significant ($p=0.000$).

Reoffending

This study investigated the reoffending rate by gathering the re-arrest record from the police and found no significant difference between both groups. Figures illustrated that 1.2 % of offenders in the experimental group were rearrested, comparing to 2.3 % in the comparison group.

Factors Associated with the Success of Restorative Justice Process

This part of the analysis aimed to analyze factors related to effectiveness of the restorative justice process. It was done by gathering data from all of the victims and offenders participating in mediation. Finally, two factors were found to be significantly related the success of the restorative justice process. Firstly, victim satisfaction with the case outcome

Table 6 Victim's attitude toward offenders

Attitude toward offender	Experimental group	Comparison group	<i>p</i>
Positive thinking	63.30 %	30.70 %	0.000
Fear of offenders	11.50 %	27.00 %	0.000
Appropriately held accountable	72.90 %	54.60 %	0.000

Table 7 Offender's satisfaction

Offender's satisfaction	Experimental group	Comparison group	<i>p</i>
Satisfaction with the process	95.7 %	92.2 %	0.100
Satisfaction with the case outcome	96.5 %	90.4 %	0.007

was significantly related to the income level of victims. That is, victims with low income (lower than 10,000 Baht; 333 USD/month) were more likely to be satisfied with the case outcome than those with a higher income (over 30,000 Baht; 1,000 USD/month). Figure 3 shows that 92.9 % of victims with low income were satisfied, comparing to only 57.1 % of those with higher income.

Secondly, it was found that victims who knew the offenders were more likely to be satisfied with the case process than those who did not. Figure 4 shows that 96.3 % of victims who knew the offender before the offence took place responded with the highest satisfaction with the case process, compared to just 87.8 % of victims who did not previously know the offender. Thus, victim satisfaction with the case process was associated with a prior relationship between victim and offender. However, the analysis did not find any significant difference between other factors, such as gender, age, education, type of offence, or victim or offender satisfaction.

Conclusion and Discussion

Overall, this evaluation research found that the Restoring Relationship Conferencing for adult offenders in Thailand is a positive experience for both victims and offenders who attend the mediation process. Considering positive impacts on victims, those attending the restorative justice program significantly claimed to perceive the case processes and outcomes as fair. Victims claimed to be satisfied with the case outcome and the ways in which the restorative process responded to their needs, and to attain positive thinking towards offenders to a greater extent than those in the conventional justice system.

Looking at positive impacts on offenders, while it is still unclear whether the restorative justice program can be linked to any reduction in recidivism, those offenders participating in the mediation are more likely to feel satisfied with the case outcome, to perceive the case process was fair, to feel that they could make amends to victims and take responsibility for their actions, and to have positive attitudes towards victims.

Findings from this study confirm the positive impact of the restorative justice process on victims and offenders as found by other studies. Umbreit et al. (2001) compared the restorative justice studies conducted in United States, England, and Canada and found that the satisfaction rate of victims and offenders participating in conferencing and mediation was high in almost all types of offence and age group. Boriboonthana (2006) applied the meta-

Table 8 Offender's perception of fairness

Offender's perception of fairness	Experimental group	Comparison group	<i>p</i>
Fairness of the process	97.3	91.7	0.007
Fairness of the case outcome	95.7	93.1	0.222

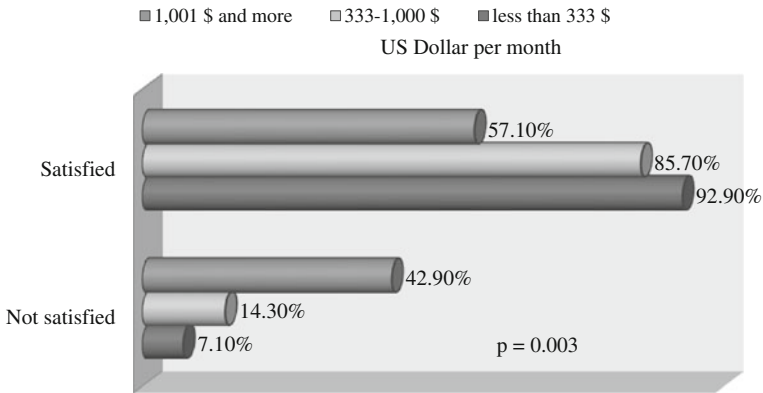


Fig. 3 Victim income and satisfaction with the case outcome

analytical method in her study to compare 17 studies and found that the numbers of victims satisfied with the case process and outcome were 2.59 times higher for victims participating in the restorative process than for those who did not.

When compared with studies in United States, England, and Australia (Shapland et al. 2007; Strang 2002; Umbreit et al. 2001), the rates of satisfaction and perception of fairness in the Thai study were higher. It can be seen that the satisfaction and perception of fairness rates are quite high in both the experimental and comparison groups. This could be because most offences in the experimental and comparison groups were non-serious, such as reckless driving and drunk driving. It is possible that victims in the comparison group were satisfied because they received compensation from the insurance company. However, the finding also showed that, when investigated further, the satisfaction in the comparison group did not reflect the needs fulfillment of victims. Findings also showed that victims in the experimental group significantly felt more satisfied with the way they were involved in the decision making process of their cases. They could get answers and the information they wanted and were able to discuss the negative impact the crime had upon them. They were significantly satisfied with the apology from offenders and the financial compensation. The findings showed that many victims in the comparison group did not have the same experience when compared with those in the experimental group.

As mentioned earlier, the findings showed no significant difference in the reoffending rate between offenders in the experimental and comparison groups. This finding may result from the time limit of the data collection. Since the reoffending data were collected six months after the cases were referred to the probation office, this period may be too short to find any significance. It is suggested that the effect of the restorative justice process on reoffending should be further

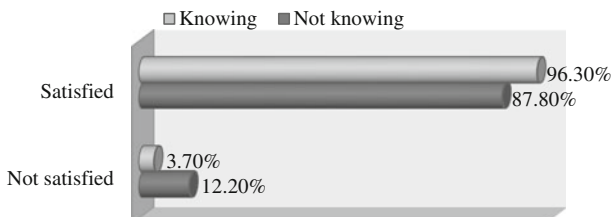


Fig. 4 Relationship with offender and victim satisfaction with the case process

investigated. However, some other studies have also found no significant results concerning the impact of restorative justice on recidivism (McCold and Wachtel 1998; Sherman et al. 2000)

Lastly, the research findings also suggest that there are predictors of the success in restorative justice. These predictors include the levels of victim's income and the previous relationship between victims and offenders. This particular finding implies that victims with low income are those who will get much benefit from the restorative justice process. This finding is explainable. Normally, victims are always treated as witnesses in the criminal justice process and do not have much opportunity to involve in the case process or to make decisions about their cases. This is especially so in the case of victims with low income. It is possible that these victims would be the most likely to feel ignored or unimportant. When the restorative process provides them with the opportunity to get reparation and to have a say about their cases, it appears to have positive benefits. It is unsurprising that they will feel the most satisfied. This is not only because they are more likely to get financial compensation but also because they are empowered.

Another implication from the research findings is that some victims have had relationships with the offenders before these crimes occur, but, subsequent to the crime, the relationship was broken. Some of these victims felt the need to restore the relationships. Therefore, when the restorative justice process helped them to restore this relationship with the offender, they were more likely to be satisfied with how their cases were handled. These victims may know that they will have to live in the same family or community or working place with the offenders so, if their broken relationship can be healed, they would be the most satisfied with the outcome.

Last but not least, although overall results of this study showed many positive effects of restorative justice on victims and offenders, the researchers suggest that poor practices did occasionally occur and affected both the victim and offender. Especially, during the preparation stage, when the case workers, not the mediator, invited victims and offenders to the restorative justice program, some of them did not understand the purpose of restorative justice and delivered poor service. This was because they were not properly trained in restorative justice processes and mostly focused on their main task, which, from their perspective, was to manage the case within a time limit. Therefore, it is recommended that training in restorative justice should be provided to all probation officers, from the director to all the frontline officers. In addition, the restorative justice concept and practice should be made known to the general community. It would be the most effective way if restorative justice practices could be applied to resolve the conflict before it is brought to the criminal justice system.

References

- Boriboonthana, Y. (2006). *The effect of restorative justice practices on crime victims: A meta-analysis*. A thesis submitted for the degree of Doctor of Philosophy Department of Law. The University of Sheffield.
- McCold, P., & Wachtel, B. (1998). *Restorative policing experiment: the Bethlehem Pennsylvania, Police Family Group Conferencing Project*. Pipersville: Community Service Foundation.
- Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., et al. (2007). *Restorative Justice: the views of victims and offenders*. *Ministry of Justice Research Series 3/07*.
- Sherman, L. W., Strang, H., & Woods, D. J. (2000). *Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE) (Final Report)*. Canberra: Center for Restorative Justice, Australian National University. Also available online at: www.aic.gov.au/rjustice/rise/recidivism/index.html. Accessed on 15 October 2009.
- Strang, H. (2002). *Repair or revenge: Victims and restorative justice*. Oxford: Clarendon.
- Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29–33.