International Criminal Justice Conference

Isle of Man
31 March - 2 April 2009

A Restorative Criminal Justice System - pipedream or reality?

Helen Bowen

Trustee

New Zealand Restorative Justice Trust

helen@bowen.org.nz

Introduction

- Historical background
- CYPF Act 1989
- 1995 - unofficial adult conferencing
- Community Groups form
- Pre-Sentence Restorative Justice conferences and community panels
- 2000 - Court-referred restorative justice pilot starts
- 2002-4 Legislation sanctioning restorative justice
- 2003 - Best Practice and Restorative Justice Values published
- 2005 Evaluation

Agreed Best Practice and Restorative Justice Values

- 2003 - government and community consult and agree:

1. Principles of Best Practice published (government)

2. Statement of Restorative Justice Values published (community)

- www.justice.govt.nz/restorative-justice/parta.html

Legislative Change – providing for restorative justice pre and post sentence

- **Sentencing Act 2002**
- **Parole Act 2002**
- **Victims Rights Act 2002**
- **Corrections Act 2004**

Restorative Justice Values

- Participation
- Respect
- Honesty
- Humility
- Interconnectedness
- Accountability
- Empowerment
- Hope

S 10 Sentencing Act 2002

Court must give weight to:

- Offer to make amends
- Agreement between Victim and Offender
- Response of Offender to the Offence
- Compensation
- Input of wider family group

Court Referred Restorative Justice Pilot

- 2000 – 4 years $4.8 million
- Evaluates Adult Conferences
- Serious Crime
- Family Violence, Sexual Offending excluded
- Tests Effectiveness of Conference Model
- Community Facilitators Trained
- 2005 Evaluation published

Parole Act 2002 and Victims Rights Act 2002

- Parole Board to give weight to restorative outcomes
- Restorative meetings encouraged subject to victim’s wishes

2005 Court-referred evaluation recommends:

- **Widen eligible offences**
- **Increase judicial awareness**
- **Increase support for facilitators**
- **Increase public awareness**
- **Improve consultation with community**

Community Diversion Panel

- Community panel members
- Offender, family, victim, victim support
- Respectful process
- Court monitored

Community Panel process – Marae*

- Welcome
- Enquiry
- Findings
- Agreements
- Closing

*Marae means Maori meeting place

Case Study – Marae Panel

- Assault on child aged 8
- Series of Panel meetings with offender, family of victim
- Offender to live separately
- Apology
- Drug Rehabilitation
- Judicial monitoring - 18 months
- Family counselling
- Monitoring by panel

What Restorative Values were present in the process:

- Accountability
- Participation
- Interconnectedness
- Empowerment
- Honesty
- Respect

Conclusion

- Values and virtues inspire good process
- Flexibility of form
- Values help to identify good practice and skills
- Community crafts own process
- Adherence to restorative values increases potential for healing and reconciliation