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RESTORATIVE JUSTICE IN NEW ZEALAND

Presenter:

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Deputy Secretary

Policy and Legal Group

Ministry of Justice

Key areas:

- Youth Justice
- Legislative framework for adult offenders
- Programmes for adults in the criminal justice system and outcomes
- Development of framework

Youth Justice

- Children, Young Persons, and Their Families Act 1989
- Diversion
- Family Group Conferences
- The Youth Court

Legislative Framework for Adults



Sentencing Act 2002

Parole Act 2002

Victims Rights Act 2002

The Acts:

- give greater recognition to restorative justice
- encourage use of restorative justice
- allow & require restorative justice to be taken into account in sentencing & parole

Sentencing Act 2002



Court must take into account outcomes of restorative justice processes:

- Offer of amends
- Agreement between victim and offender
- Compensation or apology
- Other remedial measures

Sentencing Act (cont.)



New purposes of sentencing include:

- Holding offender accountable
- Promoting sense of responsibility
- Providing for interests of victim
- Providing reparation

Court is able to adjourn for restorative justice process and to take into account a report of process at sentencing

Parole Act 2002

- Restorative justice outcomes considered in decisions about offenders' release

Victims Rights Act 2000

- Encourages meetings between victim and offender to resolve issues

Restorative Justice Programmes



Court-referred restorative justice pilot 2001-04

- o Moderate / serious offending by adults
- o Burglary, theft, fraud, car conversion, driving offences causing death or injury, assault
- o Domestic violence excluded

Restorative Justice Programmes (cont)



Evaluation due May 2005 and outcomes sought:

- o Increased involvement of victims in justice process
- o Increased victim satisfaction
- o Reduced re-offending

Court-referred restorative justice pilot (cont.)



- Cases referred from Court
- Meeting between victim, offender and support people
- Voluntary for both victim and offender
- Report to Court pre-sentence
- Facilitators selected and trained by Ministry of Justice
- Facilitators belong to community-based provider groups contracted by Ministry of Justice

Community-managed restorative justice programmes



- 19 community-based programmes also funded by Government
- Community Panel and other processes
- Burglary, theft of and from cars, other thefts, criminal damage, lower levels of violence
- Cases referred by lawyers, Police (diversion), Probation, individuals or from the Court

Outcomes



Recent evaluations of two community-managed programmes

Outcomes sought:

- Reduction of re-offending
 - Impact on re-offending unclear
- Participation and positive outcomes for victims
 - Positive impact

Evaluation of court referred restorative justice pilot due in May 2005

Framework for Restorative Justice



Stage 1

Principles of Best Practice

- Principles published 2003
- Consultation
- Fundamental & widely agreed principles identified

Principles of Best Practice



include:

- Voluntariness
- Full participation of victim and offender
- Offender accountability
- Flexibility and responsiveness of process
- Emotional and physical safety of participants
- Appropriate case
- Well-informed participants
- Effective process

Stage 2



Implementation of Principles

- Practice Improvement
- Consider current provision
- Consult
- Develop and manage:
 - Central initiatives
 - Funding for providers' initiatives

Stage 3

Funding Framework

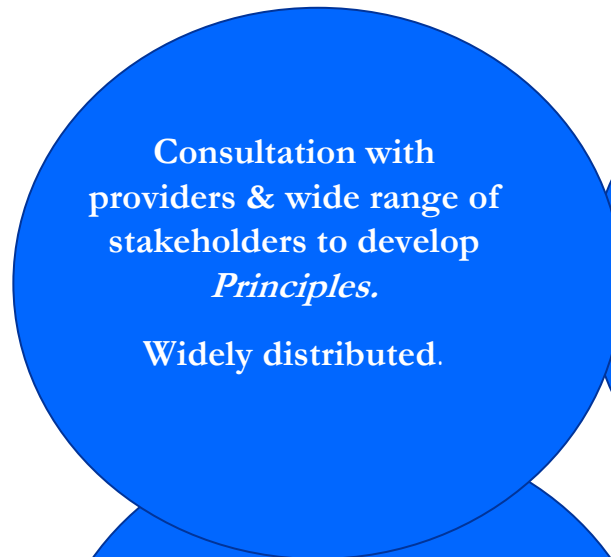
- Range of sources of funding
- To develop framework for funding:
 - Long-term
 - Consistent
 - Rational

Stage 4

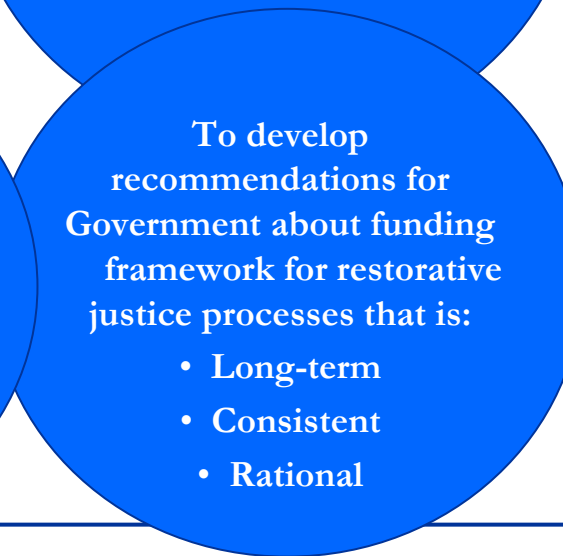
Quality Assurance / Accreditation

- Quality assurance
 - Provider accreditation
 - Individual facilitators
 - Community-based provider groups
 - Development of national body for restorative justice providers
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Stage 1 *Principles of Best Practice*



Stage 2 Implementation of *Principles*



Stage 4 Quality Assurance/
Accreditation

Stage 3 Funding Framework