

## **It's time to get personal in the Criminal Justice System**

In a recent speech, the Rt Hon Nick Herbert, UK Minister for Policing and Criminal Justice, said;

*“Every crime has a victim, and what has happened in the way our system has evolved, is that when the state has taken responsibility for dealing with criminal offences, it has taken the remedy out of the hands of the individual and accepted collective responsibility for dealing with that crime. The consequence of that is that we have built a criminal justice system which can be very removed both from the public and from the victim.”*

Mr Herbert could just as easily have been referring to New Zealand.

In previous election years, there has been much talk about the health of New Zealand's own criminal justice system. The focus has often fallen on some real-life crime 'horror stories', fuelled by interest groups and political factions calling for the government to get tougher on crime. Post-election, we were left with the same old problems that we have always faced, while a lot more money had been spent on new or, more likely, recycled initiatives. Yet following [an announcement](#) last week from the Justice Minister, Simon Power, there are some signs that this year's election may be different. Announcing results of recent research from the Ministry of Justice, Mr Power acknowledged *“the mounting evidence, both in New Zealand and internationally, about the positive benefits restorative justice provides for both victims and offenders”*.

Mr Power was referring to two separate pieces of research undertaken recently by the Ministry of Justice. The first study showed that offenders who took part in restorative justice conferences in 2009 had a reoffending rate 20% lower than similar offenders who did not take part and, where there was re-offending, this was at a lower frequency to the comparable group of offenders. The second study, soon to be released, shows that victims of crime who take part in pre-sentence restorative justice processes report high levels of satisfaction - an indication that their needs are being met by the process.

Restorative Justice is not a new thing. It is a process that has operated for centuries in many parts of the world – including here. It operates alongside our criminal courts; is the foundation that underpins our Youth Justice system; and can increasingly be found within our schools. And yet, relatively few people know what it is.

Restorative Justice provides an opportunity for victims of crime to meet the offender, to talk to them, to have their questions answered; perhaps to give voice to the anger they are feeling. It's an opportunity for victims to take back some of the control that being the victim of offending can take from them; and for offenders to gain a better awareness of how their behaviour affects others. In doing so the restorative process can put a human face to a faceless crime. It can challenge an offender to take responsibility for what they have done. It can challenge the offender to confront the raw human emotion and to understand

the full impacts of their crime and then give an opportunity for that offender to have a say in what they are going to do about making it right. Victims take back the power that was taken from them by the offence and at the same time give the offender an experience that motivates them to contribute positively to society.

Two very tragic but nationally significant cases in the last 12 months highlight the contribution that restorative justice can make. The first was that of Emma Woods whose 4-year-old son was killed when Ashley Austin lost control of his car and careered into Nayan Woods on a Christchurch footpath. The second was that of Kristy King who lost control of her car in Morrinsville and killed 3 cyclists. In both cases, the victims chose to sit down with those responsible, Ms Woods by her own initiative and Kristy King in a formal restorative justice process with members of two of the families who lost loved ones. In doing so they were better able to understand the circumstances and to honour the loved ones they lost. Through direct involvement, they were able to begin the healing process in a manner over which they had control rather than placing all their hopes on the outcome of a court process.

Every day there are victims of crime and similar tragedies who do exactly the same thing as the Woods family and the victims in the Kristy King case. They are the people who take part in restorative justice meetings. They are the people who come face to face with the people who have harmed them, or their loved ones. They are the people who usually walk out of those meetings feeling they are in a far better place than when they entered them.

Restorative Justice is not for everyone but it has scope to be used more widely. Indeed, recently announced reforms to the Victims' Rights Act 2002 have supported an increased role for restorative justice meetings prior to sentencing. Each year approximately 1500 conferences such as Kristy King's take place. They are run by trained facilitators who are drawn from within your own communities; people who are skilled at running safe and effective meetings that produce good outcomes for all involved.

So what is the cost of this service? Until now, the entire Justice Department budget for restorative justice has been \$1.8 million per annum. Put another way, it's the amount we spend on imprisoning 20 people for one year. And yet, there are countless stories that show the opportunity for restorative justice has been the best thing that could have happened for victim, offender and the wider community. Furthermore, the benefits and savings of restorative justice continue to be realised long after the court process has been concluded. Are there any other solutions that can demonstrate a win-win outcome in such circumstances? The injection of an additional \$2 million into the budget for restorative justice announced by Mr Power would suggest that the benefits of restorative justice are finally being realised. This positive step in supporting the restorative justice process holds huge potential and long-term benefits for the safety and stability of New Zealand society.

Spokesperson for national restorative justice umbrella organisation RJA, Tony Henderson, says it's time that a move to a more inclusive form of justice is made.

*“It’s time to personalise the criminal justice system and increase the involvement of individuals and communities in dealing with offending against their society. It’s time to fix the justice system with something that contributes positively and moves beyond the rhetoric of longer sentences doing nothing more than creating an ongoing cycle of crime which does nothing to address repeat criminal offending, and of particular consequence, creates more victims of that offending,”* Tony Henderson said.

So when you start to hear those real-life crime horror stories and promises of getting tough creeping into the election debates, take the time to ask what positive steps the parties are taking to break the cycle of crime and how their support for restorative justice will be demonstrated. And, when you hear it argued that New Zealand would be a safer place if we impose harsher penalties and more incarceration, think about the benefits of these face to face restorative justice meetings, offenders who change their ways and victims whose needs are better met in a restorative process; people who are better equipped to take a responsible role in a creating a better New Zealand.

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