



## Restorative Practices *Aotearoa*

### **Let's set the record straight.**

An article on Stuff by Kelly Dennett titled 'Rape Victim embraces attacker at Restorative Justice Session' was released on the 14<sup>th</sup> of May. Link below:

<http://www.stuff.co.nz/national/crime/92548715/rape-victim-embraces-attacker-at-restorative-justice-session>

My initial thoughts were this is another article on RJ that would be highlighting the magic that appears at some restorative justice conferences and would be another good news story, all well and good we need to hear our good news stories and we would certainly hear of any bad news stories reasonably quickly. On reflection I felt that the article was not a good news story at all, but more of a critique of the impact or lack of impact restorative justice is having in the criminal justice sector.

The first line in the article states "Less than a quarter of those referred for restorative justice actually take up the offer." This is quoted a couple of times in the article. In the stats provided at the end of the piece you will see the statistic 2015-2016 23% of referrals went to conference, 2981 conferences. There are many reasons why conferences don't proceed and this can be from administrative issues to people just not interested in going through the restorative justice process. Reasons are varied and valid, but the real issue is, are we now going to judge the criteria of how successful restorative justice is by the number of conferences held, a simple widget in an accounting process? I would hope not and this is why.

Restorative justice conferences are not the panacea or magic bullet that will solve all the justice ills and make our society a safer and more caring place for all communities. The restorative justice conference is just one very small part of a complex issue that we as a society are facing today in relation to crime and the associated challenges. Restorative justice cannot and never has been able to address all the issues that the participants of a conference bring with them. The conference is a one off intervention that as Community Services Manager Polly O'Brien mentioned in the article, states giving victims "a stronger voice in the criminal justice system" and "holding offenders to account for what they have done". That is what a conference provides. The issues and challenges faced by victims and offenders and raised in the conference cannot be addressed by the conference facilitators, it's not their role or function. The networks and relationships built up is one of the underlying strengths of restorative justice within the criminal justice sector today. They are developed between Restorative Justice provider's and Social Service agencies and have led to pathways and opportunities for conference participants to engage with the appropriate service and receive the assistance or help that they need. In some cases the RJ provider may be a part of a larger organisation and these services are available and accessible. In others cases, through the networks and relationships developed by the RJ provider, they will know where and how to reach these services. A holistic and whanau ora centred approach has been developing with providers and social service agencies, it is through the great work of these social service agencies that hurt and harm can be addressed and in many cases healed. It is through the restorative justice conference process that the opportunity and pathway to these agencies can be identified.

Having now established what a conference provides, it is essential that a basic understanding of Restorative Justice and the Principles of restorative justice are explained to address some of the other comments in the article.

Currently there are 8 Principles of Best Practice for Restorative Justice Processes in Criminal Cases, these are currently under review, but as of today there are 8 and they can be found here:

<https://www.justice.govt.nz/assets/Documents/Publications/RJ-Best-practice.pdf>

The very first principle and one I wish to highlight is:

Restorative Justice processes are underpinned by voluntariness.

The article comments on conference attendance and Carolyn Cragg from 4TheKidz suggests that youth offenders should be compelled to attend. I would have to state that is not a view or position that I would support or encourage. The voluntary nature of the process ensures a level of commitment, buy in, and support that would not exist otherwise. If we were to compel youth offenders to participate that would be the thin end of the wedge, and where would we stop.

The article also states that:

“Offenders can get a sentence reduction if they have a meeting with their victims”

This is often a line used by those who are not supportive of restorative justice and a commonly used scare tactic to influence people who are considering restorative justice.

I am uncertain if this is a written statement in any direction to Judges or those in the judiciary, I would suggest it isn't. However I would suggest that the Judges determine sentencing based on a multitude of factors that are many and varied. I am certain that victim's views are considered and as stated earlier the restorative justice process is about giving victims a stronger voice in the criminal justice system. The Judges in our country make the sentencing decisions, they are the experts. The restorative justice process is about supporting the people, providing a safe space to listen, to talk and to engage with one another as people.

My final point is simple:

2981 conferences were held 2015 -2016, allowing for 1 victim and 1 offender that is 5962 principal participants that have been heard, spoken and provided an opportunity to address harm and hurt, and an opportunity to heal. Isn't that a good thing? It is these figures that should be celebrated, the extraordinary work facilitators and providers do in helping those in our communities, this is what we need to support and acknowledge. If I added a support person to the participants the then figure is 11924. Our process is not about numbers it is all about people, that's something we need to understand and appreciate.

The two wonderful people in the article Kim Workman and Jackie Katounas are legendary pioneers in the Restorative Justice world and alongside many others we are indebted to, for their foresight vision and commitment to making the world a better place.

Nga mihi  
Mike Hinton