

The Benefits Of The Use Of Restorative Justice For The Community Of Rotorua New Zealand

Presented By:

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Abstract

Restorative justice is a culturally appropriate process, that allows for the healing and reconciliation between two or more parties, often through a facilitated meeting of those most affected by an inconsiderate action.

It looks at ways that the person who caused the action to occur, can make up for what they have done and identify and help put in place strategies so that the chance of this action occurring again is minimised.

In Rotorua, restorative justice is delivered for the community by Mana Social Services Trust through 2 streams. First is the adult restorative justice programme, which largely receives referrals through the Rotorua District Court and secondly the Awhi Whanau programme which is targeted for 9-13 year olds and receives its referrals through schools and community walk in's.

By having both streams operating alongside the mandated Department for Child, Youth and Family, Family Group Conference processes, Rotorua is in a unique position of having an inclusive, culturally appropriate and supportive wrap around service, based on RJ principals, for its whole community. This encourages the repairing of relationships rather than the implementation of enforcement actions that tend to dissipate relationships.

Introduction

Restorative Justice is not a new concept of finding an alternative way to deal with an inappropriate action. It is present in many forms, in differing communities throughout the world and has been practised almost since time began.

In Rotorua, Mana Social Services is the only provider of restorative justice. It provides restorative justice opportunities for both adult and youth offenders (9-13 year olds).

Rotorua has a population of 65901 (2006) of which a significant % are of Maori descent. This percentage is inflated when looking at the ethnicity of the cases we deal with under both the restorative justice streams. In order to meet the needs of our people, Mana provides a range of culturally appropriate services, of which restorative justice is but one.

Restorative justice holds offenders directly accountable to the people they have harmed in a way that the criminal justice and other punitive systems, on their own, do not. It allows for the restoration of breached relationships and puts an emphasis on restoring offenders back to their families and communities whenever possible. In addition, restorative justice seeks to involve communities, particularly engaging the strengths of ethnic communities, in order to influence the behaviour and rehabilitation of offenders.

Mana is involved in restorative justice across a broad range of offending behaviour. It uses a kaupapa Maori approach to the work which honours the Maori language, traditional meeting processes and practice, tribal and family connections, all where appropriate.

Our region is commonly characterised as having a high incidence of domestic violence, often fuelled by poor economic conditions, alcohol and drug abuse, and family cycles of domestic violence.

In order to support our community, Mana utilises the intervention strategy of restorative justice as a culturally appropriate tool in addressing negative behaviour and supporting whanau (families) to repair relationships.

Mana Social Services Trust

The Trust

In 1996 Mana Social Services Trust was established with an initial core focus of providing counselling to Rotorua and its surrounding districts. We have now grown to be a multi dimensional, innovative kaupapa Maori organisation that is providing targeted responsive interventions.

Our Vision

“A leading iwi provider of excellence in social services”.

Our Mission

“To provide social services according to tikanga Maori principles and to enable our clients to manage effective relationships thereby supporting positive life styles”.

Our Philosophies

- To treat the Treaty of Waitangi as the foundation for the development and delivery of our programmes
- To utilise these programmes to prevent abuse
- To provide professional and culturally safe services
- To contribute towards a safe and violence free community
- The promotion of unity in families
- The maintenance of the highest standards of integrity, conduct and performance

Our Values

- The acceptance of respect for Maori culture
- To provide a well balanced holistic approach to service delivery
- Incorporating the principles of manaakitanga, aroha, whanaungtanga into our programmes
- Treat our clients with fairness and balance, with tolerance and humility
- For staff to be genuine, sincere, have an open mind, self respect and trust
- To always look for continual improvement and personal and professional development.



Current Services

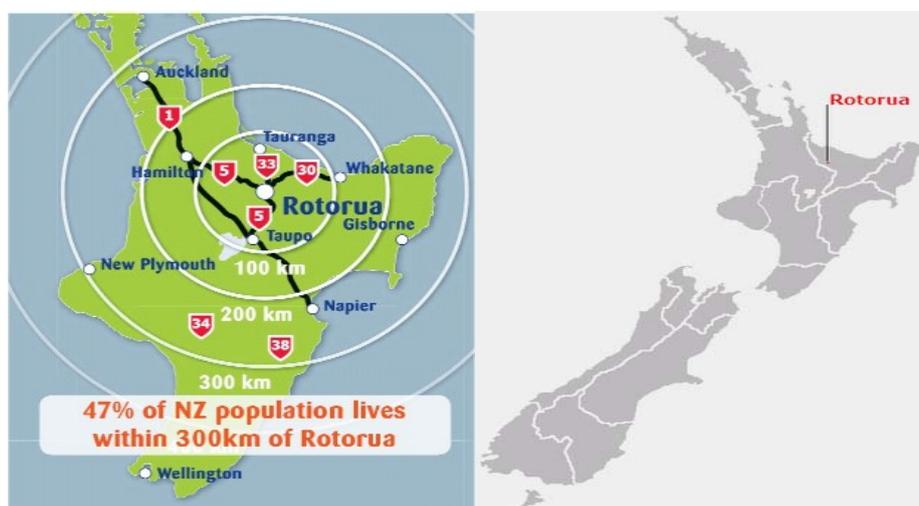
The following services outlined are currently provided by our Trust and have been developed over a number of years in response to a perceived or real need for our community. With Rotorua being a relatively small town, it was and is important to the Trust that we are not duplicating our services but are providing them in partnership with other organisations for the betterment of the Rotorua region.

- Counselling and social services
- Social Worker In Schools
- Police Diversion
- Gambling support and counselling
- Family/ Whanau work Advocacy
- Relationship counselling and family therapy
- Conflict resolution and anger management
- Abuse prevention education
- Educative programme
- Restorative Justice programmes for Young people aged 9-13 and Adults

Rotorua

In order to provide a context as to why restorative justice is so widely available within Rotorua, and in particular Mana's interpretation of restorative justice, it is important first to look at who, what and where Rotorua is.

Rotorua is central sited in the middle of the North Island of New Zealand. 47% of New Zealand's population live within 300km of Rotorua.



As at the 2006 census Rotorua had a population of 65901 of which 35% were identified as being of Maori descent. This compares to 14% nationally. Of all of the young people in Rotorua ½ are Maori. 20% of our people live in rural or lakeside areas and the main employers within the region are either forestry or tourism.

Rotorua's history dates back at least 6 centuries when the first Maori arrived. They settled their earliest villages next to the abundant geothermal areas Rotorua has. The first European settlers arrived in the 18th century and Rotorua has continued to enjoy a multi faceted ethnic community to this day.

Restorative Justice

What is Restorative Justice?

Restorative justice is a healing process that is practised worldwide in many differing interpretations. It is an alternative way of thinking and responding about a crime or an inappropriate action. It provides an alternative framework for thinking about a wrongdoing and is another way of responding to offending and victimisation.

The processes involved in restorative justice allows for those that are involved or have a stake in a specific offence or inappropriate action to have some input into possible outcomes and recommendations for plans to repair the harm caused and to help prevent any future re offending or negative action taking.

It attempts to identify and address any harms, needs and obligations in order to provide for healing and to be able to put things right as much as possible.

There is no one set way for restorative justice to be delivered and can be and is adapted to any form which reflects restorative justice principles, values and aims. This means that each community, and the word community is used advisedly because restorative justice is easily transposed and adaptable, can utilise the principles of restorative justice for the betterment of their community. Mana Social Services has adapted its two programmes to meet the needs of the Rotorua community.

Restorative Justice Principles

These principles are a set of guidelines that each case must adhere to in order that the full benefits of restorative justice can be felt.

RJ processes are underpinned by voluntariness

Participation of the victim and offender must be voluntary throughout the restorative justice process. Any outcomes decided in the restorative justice meeting must be arrived at voluntarily and reflect the agreed view of the victim and offender.

Participants are well informed

Effective participation in the restorative justice process requires that participants, particularly the victim and the offender, are well informed. They must be well prepared for the conference and have reasonable expectations of the process and outcomes

Processes are flexible and responsive

The restorative justice processes should be guided by restorative justice values and the processes must be appropriate and responsive to the culture of the participants. Any decisions about how the conference will operate including arrangements for when and where it will be held, should be also responsive to the participants.

Safety

The restorative justice process must be safe for participants at all times. The privacy and confidentiality of participants must be protected and respected. There should be some follow up with participants after the conference

Providers deliver an effective process

Robust internal management systems and required and these include appropriate and transparent procedures and processes.

High quality facilitators are critical to an effective restorative justice process and evaluations and reviews of the processes are to be supported and encouraged

Full participation of the victim and offender are encouraged

The victim and offender are the primary participants in the restorative justice process. Victims must determine their own level of involvement in this process. The 'community' should be represented during the restorative justice process.

Professionals (police officers, probation officers, and defence council) may attend a restorative justice conference

Offender must be held accountable

The offender must acknowledge responsibility for the offence before a case can be referred to, or accepted for, restorative justice.

Any agreed outcomes should provide an appropriate and realistic response to the offending. These outcomes must be monitored and action taken when an agreed plan breaks down.

Only used in appropriate cases

The use of the restorative justice processes should be considered carefully and in particular, consideration given to the appropriateness when the victim is a child or young person

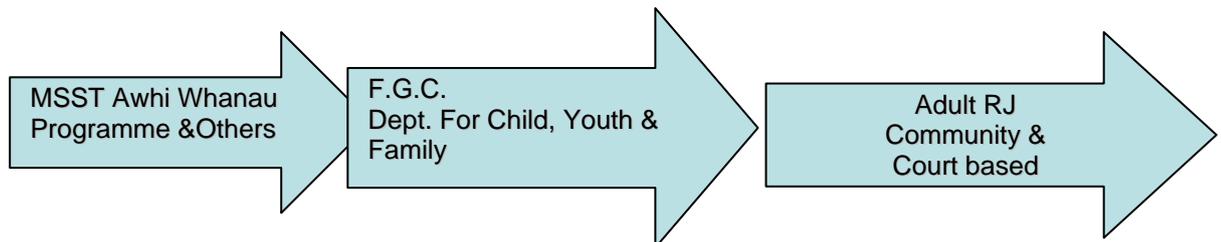
Restorative Justice Benefits

- Allows all of the parties involved in an inappropriate action to be seen and to be heard
- Holds those who cause harm accountable to those they have harmed in the first instance
- Seeks appropriate solutions to remedy the harm caused
- Repairs and restores damaged relationships
- Restores any imbalances caused by the inappropriate actions
- Demands respect to be given to all participants
- It can be a less punitive/ more rehabilitative process for resolving conflict and harm
- Can enhance the family/ whanau/ community when a successful outcome is achieved.

Restorative Justice in Rotorua

Background

Restorative justice in Rotorua is delivered by Mana Social Services Trust through the Awhi Whanau programme and the adult restorative justice programme. In between is the mandated Family Group Conference processes run through the Department for Child, Youth and Family.



Restorative Justice By Mana Social Services Trust Youth/ Awhi Whanau Programme

This programme is targeted at 9-13 year olds, is funded presently by the Ministry of Maori Development (Te Puni Kokiri) and has been operating since 2003 (formerly known as the Mahi Ngatahi Programme).

The objective of the programme is to reduce through the use of restorative justice processes, negative statistics for 9-13 year olds and to restore relationships and optimise student educational achievements through providing an alternative school disciplinary process involving a restorative justice model for students facing stand down, suspension or exclusion from schools.

This objective will be achieved by:

- Restoring and repairing relationships within school and whanau
- Reducing student truancy, stand downs and suspensions
- The involvement of schools, students and whanau, and the community/iwi in decisions involving students
- Increasing student learning achievements and educative outcomes by providing a healing process that will allow students to remain in school

What is required?

By the Schools

To have a willingness to shift from a punitive disciplinary approach to a more conciliatory course of action (restorative justice)

To want to be involved in a more equitable process with their students& their whanau/ family

To be open to requirements of restorative justice

To co-operate fully with the restorative justice processes.

By the Students

Give an agreement to fully participate

Have the involvement of family/ whanau

Show respect to all participants

Have the desire or want to achieve

By the Family/ Whanau

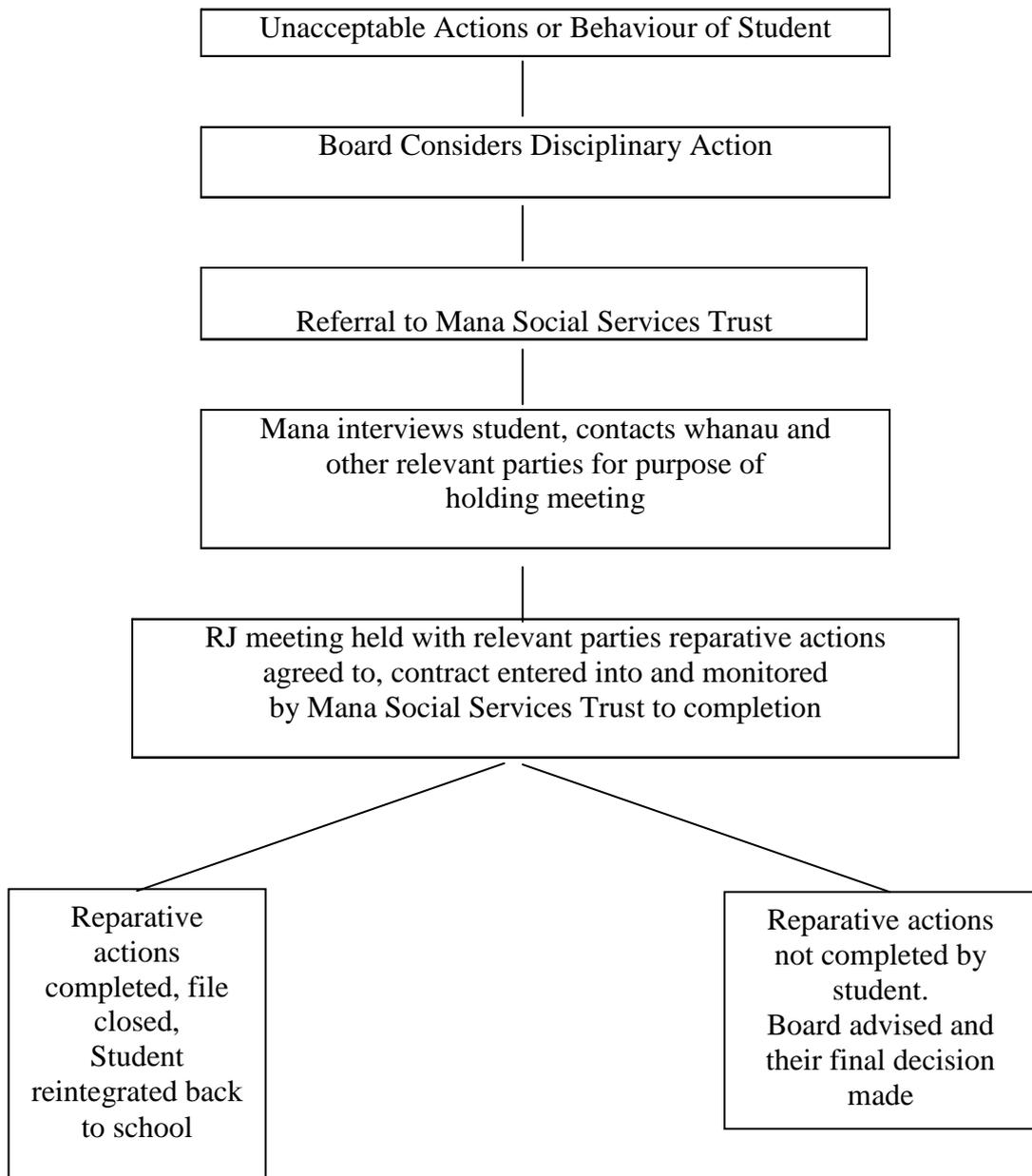
To want to have a say in the decisions regarding their children

Display a willingness to actively participate throughout these processes

Have a co-operative approach

Have the want or desire for their young person to achieve

Awahi Whanau Flow Chart



Types of Referrals

- Aggressive behaviour and bullying within schools
- Swearing at teachers
- Drug use and solvent abuse
- Inappropriate sexual actions (e.g. touching, harassment, verbal threats)
- Truancy which is regular and without parental sanction
- Theft within school
- Others on a case by case basis

Reparative Actions

These come out of the conference held between the affected parties and this list is an indicative list only as each case has its own particular characteristics and therefore would have its own particular reparative actions agreed to.

- Verbal apologies (or written)
- Programme attendance e.g. drug/alcohol education, anger management etc.
- Completion of specific essay on relevant topic
- Cultural identity/tikanga enhancement
- After school 'community work' under supervision
- School relevant sanctions
- One on one counselling
- Whanau hui participation
- Enrolment in sports or other recreational activity

Success Factors

In determining the success factors for this programme and in consultation with relevant stakeholders the following list outlines what we all saw as key success factors for the programme.

1. No. of referrals the programme receives
2. No. of participants in this programme re offending or re committing offences
3. The increased educational achievements of those successfully completing this programme
4. The number of days participants are attending school as opposed to before completing this programme
5. The successful participants remaining in school rather than leaving.
6. Satisfaction with the programme from stakeholders

Why is this Programme different?

What makes this programme different from other programmes that also identify with those success factors above.

- Its origins; it has been developed from ground up, it has eventuated from a need in our community
- Endorses and enhances community and iwi involvement
- Restorative justice adds value to existing school disciplinary systems
- It is a culturally appropriate programme
- The programme is not 'boxed in' but takes a holistic outlook on each case
- Mana Social Services Trust 'factor'. This has been developed over the years Mana has been delivering programmes for our community.

Programme Evaluation Results

Evaluated externally, the results as outlined below indicated that this programme is providing a worth while benefit for our community.

Those that completed the programme had a reduced suspension & expulsion rate

It was culturally effective

Whanau was strengthened through their involvement

Maximised Maori student achievement rates

Young people who participated were maintained within the school environment

The service provided was effective

It restored the mana of the participants

Negative statistics were reduced

Mana has developed successful support programmes

No further actions required from the Department for Child, Youth and Family and/ or the Police Youth Aid

Adult Restorative Justice

Adult Restorative Justice in New Zealand

Adult restorative justice is delivered within New Zealand in many differing formats, both within the Court system and outside. The emphasis of this section is the delivery of Mana Social Service's restorative justice programme which is delivered from the Rotorua District Court.

Adult restorative justice is available in 43 of the 62 District Courts in New Zealand. Some of these Courts only have minimal coverage and others (like Rotorua) restorative justice is available to all parts of the criminal justice processes.

Funding can come from a variety of sources including through Legal Aid applications for restorative justice reports, programme funding through the Ministry of Justice, Departmental funding through the Department for Courts, on a fee for service basis or in combination.

There is a wide variety of cases handled, although some providers and the services funded by the Department for Courts do have limitations as to the type of cases they can handle.

In 2002, as part of primarily The Sentencing Act and secondly other Acts, restorative gained legitimacy in New Zealand. Restorative justice reports now have to be taken into account when sentencing takes place.

Rotorua's Adult Restorative Justice Programme

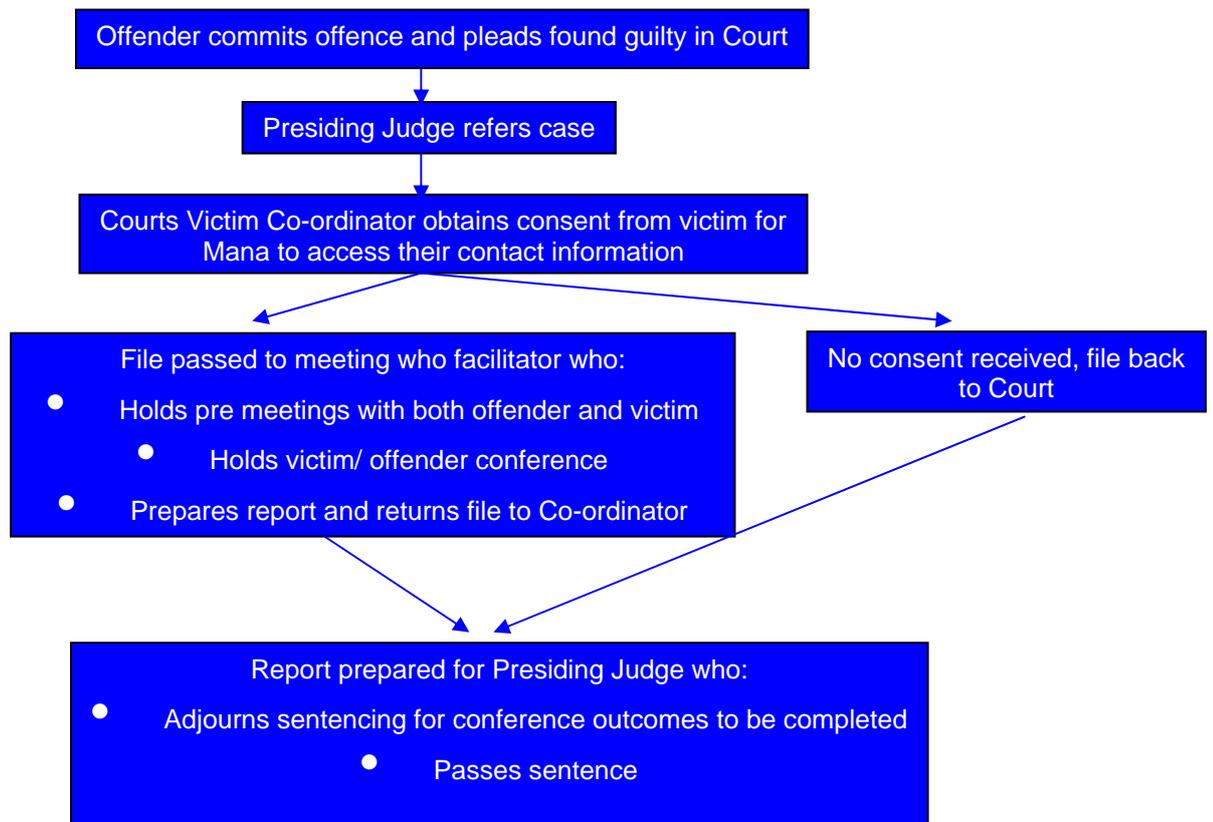
This is delivered by Mana Social Services Trust and is funded through the Crime Prevention Unit of the Ministry of Justice. It is based in the Rotorua District Court (8000 case throughput each year) and is the only provider of restorative justice in Rotorua.

Each year we get an average of 230 referrals covering a wide range of cases from shoplifting through to aggravated assaults, driving causing death and manslaughter.

Our objectives with this programme are to:

1. Reduce re-offending by the participants
2. Secure participation of victims in the restorative justice process
3. Integrate the restorative effect into our community
4. Gain acceptance of restorative justice in our community

Flow Chart



Statistics for 2006/07

Total Restorative Justice referrals for 2006/2007
232

Ages
>20 56
20-29 91
30-39 56
40-49 24
50> 5

Occupational Status
Employed 130
Unemployed 79
Student 16
Beneficiary 7

Gender
Male 188
Female 44

Ethnicity
Maori 185
European 38
Asian 1
Other 8

Offence History
1st time offender 85
2nd offence 25
2-3 previous offences 24
4 or more 99

Meetings held 136

Referral Offence Types
Domestic/ Family Violence 85 (37%)
Assault (some of these are DV related) 61 (27%)
Burglary/ Theft/ Dishonesty 34 (15%)
Driving 11(5%)
Other 41 (16%)

Stakeholder Comments

The following comments are included as they give an indication of the perceptions of restorative justice in the words of those that have used the programme.

Victims:

“Was very good knowing where I stand in this relationship”
“I have found this meeting to be informative and productive, I think my view as a victim has been considered and I do feel that my opinions have been taken into account”
“I thought this hui was very helpful. It was a chance to express my feelings and concerns”
“It was an eye opener for me”
“This was excellent as we got to voice our own opinions”
“I feel that the meeting was very productive... I am very excited about making our relationship stronger and happier:

Offenders:

“I made some strong decisions and I know it is going to change for the better”
“Was good to talk to some one else about what was going on”
“It was very helpful and made me realise how important my family really are”
“Its quite helpful looking very positive outcome for the future”
“Good to get advise and sort out what’s going to happen”

Judges:

“RJ not a soft option”
“Forces a defendant to confront his offending in a way that seldom otherwise occurs”
“For victims, a real opportunity to heal & get closure”

Lawyers:

“Alternative resolution service”
“Particularly in area of DV”
“Instead of incidents of violence being withdrawn or dismissed by Court through lack of co-operation referral to RJ means an offender has to confront various issues giving rise to DV & are addressed in a meaningful way”
“MSST fill a much needed and valuable role in our community”

Programme Evaluation Results

There have been three external evaluations of our programme completed to date. The first two of these (1999-2001 & 2003) focused on the programme as a whole and the third (2005/2006) focused on how Mana handled domestic violence cases.

1999-2001; Mana Social Services Trust Restorative Justice Evaluation

This evaluation focused on evaluating only two key aspects of the programme and the results found that:

Objective 1: Re-offending

The programme was effective in reducing the rate of re - offending

Objective 2. Level of satisfaction

It addresses offenders underlying issues and shares them in a community way. It also meets victim's needs

2004; The Rotorua Community Managed Restorative Justice Programme: An Evaluation

The evaluation looked in depth at the objectives Mana had set for this programme. The findings were:

Objective 1. Reduction in re-offending

The 1 Year reconviction rate very similar

Objective 2. Secure participation of victims

The programme secured participation of victims when they consented

Objective 3. Secure the active participation of community members

The active participation of community members was secured.

Objective 4. To secure a restorative effect

The findings were positive with a restorative effect found in community negotiated sanctions

Objective 5. Gain acceptance from professionals working in the criminal justice system

The stakeholders rated Mana's programme staff very highly

2005/2006: Review Of The Use Of Restorative Justice In Family Violence Cases In The Rotorua District Court

As yet unreleased the following are excerpts from this report. This report focused solely on those cases that were purely of family violence in nature (male assault female prosecutions).

Objective 1. What would be the best practice for RJ in these cases

The work that Mana undertakes would be considered best practice

Objective 2. The skills and attributes needed by practitioners

The skill of the facilitators was a significant factor in the shifts of attitude

Objective 3. Investigate the extent Mana addresses in the RJ processes the family and relationship dynamics that are inherent in cases of family violence

Well focused and objective

Good outcomes in terms of sustained change and restored family life

No nonsense approach to family violence

Key finding

The work that Mana undertakes in the area of RJ in situations of family violence would be considered best practice for conferencing in sensitive and complex situations

Domestic Violence in Rotorua: History of Police Call Outs

As is highlighted in the referral categories above, the majority of cases referred for restorative justice are for domestic violence, therefore this addendum was added to this evaluation.

The National Conviction Rates for male assault female charges in New Zealand is around 11 per 10,000 head of population, but here in Rotorua it is double that being 22 per 10,000 per head of population..

Over the past year there were 242 charges laid for male assault female, breach of protection Order or common assault (domestic) in the Rotorua District Court. 167 of these were for male assaults female. Mana Social Services received 48 (28.7%) male assaults female referrals for restorative justice. Of these 48, 18 had no prior call outs by the Police. 6 of the 48 (12.5%) did not complete the restorative justice programme and these 6 all had further call outs and chargeable offences laid. Of the remaining 42 who completed the programme, 13 had post disposal call outs and 2 of these were charged.

The conclusion of this evaluation was that those who completed Mana Social Services restorative justice to sentencing had a greatly reduced level of re offending 62.5% down to 5%.

Therefore restorative justice does have some impact on the number and degree of domestic violence call outs after sentencing is completed

Conclusion

The benefits to the community of Rotorua by having restorative justice are great because:

Provides an alternative to punitive disciplinary processes

Delivered culturally appropriately thereby meeting our communities needs

Delivered individually and on a case by case basis

Involves victims and other relevant stakeholders

Allows for healing, reconciliation and the restoration of breached relationships between affected parties thereby allowing for a more healing community

Delivered by a community organisation – Mana Social Services Trust

Process supports and enhances whanau/ family

Restorative Justice Does Make A Difference

Nga Whakamarama (Translations)

Aroha	love, sympathise, relent, pity
Awhi	embrace, aid, help, cuddle
Hui	gather, meeting
Iwi	tribe, race, people
Kaupapa	strategy, theme
Mahi	job, activity, undertaking, labour
Mana	integrity, charisma, prestige
Manaakitanga	care for, entertain, show respect, hospitality
Ngatahi	jointly, together
Tikanga	custom, obligations and conditions
Whanau	extended family
Whanaungatnaga	relationship, kinship

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