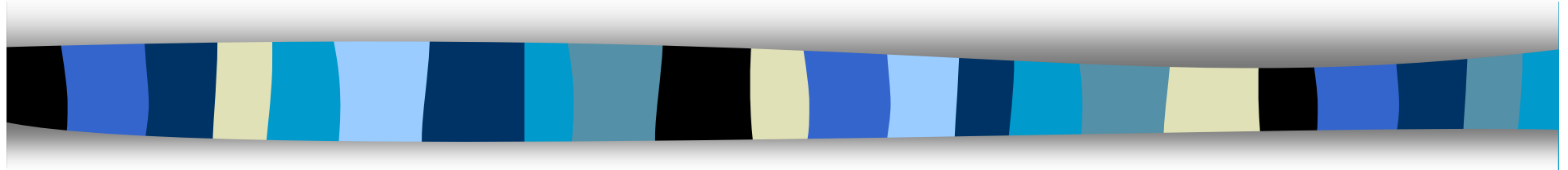


Youth Justice in New Zealand: Practice and research



Toward a restorative society
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Gabrielle Maxwell
Institute of Policy Studies
Victoria University of Wellington



Outline of the paper

- Key elements
- Key processes
- Family group conferences
- Police youth diversion
- Conclusions



New Zealand origins

- Maori concerns
- Whanau meetings
- Research –institutions, expert decision makers and victims
- Children, Young Persons & Their Families Act 1989 - a new philosophy



Key elements

- Wellbeing of children, young people & families
- Diversion from courts, custody and exclusion
- Protection of rights - timely, fair and just
- Participation & empowerment - victims, yp, families
- Accountability - taking responsibility, making amends
- Reintegrating the young person - preventing re-offending

Empowerment Repair Healing Forgiveness



Key Processes

- Police warnings 44% of cases
- Police youth diversion 32% of cases
- Family group conferences direct referrals
8% of cases
- Youth Court (inc. FGC) 17% of cases
- Youth offending teams
- Community response options



Family group conferences

- key components

- Preparation
- Attended by yp, victim, supporters, police, facilitator, (youth advocate)
- Introductions, what happened
- Discussion of offending
- Family private time with young person
- Reconvene to decide on plan



Meeting objectives:

Accountability and wellbeing

- 97% of young people involved in FGCs were held accountable
 - 84% had restorative elements in plans
 - 59% had restrictive elements in plans
- 47% some provisions to enhance wellbeing
 - 39% Reintegrative elements
 - 31% Rehabilitative elements



Empowerment

■ Participation:

- 99% yps, 85% parent, 47% victims, 44% others

■ Involvement:

- involved: over 80% of parents but only just over half of young people and victims

■ Coerced decisions:

- In a number of cases, professional domination of decisions was observed



Factors in successful outcomes

- **Background factors**
 - demographic factors
 - family problems,
 - system involvement,
 - school qualifications
- **System factors:** diverting from courts & custody
- **Youth justice events:**
 - severity of outcomes
 - empowerment
 - repair
 - reintegration
- **Later life events:** skills, work, support, services



Preventing reoffending:

Critical elements of process

- Support
- Understanding
- Fairness and respect
- No stigmatic shaming
- Feeling forgiven
- Remorse and repair
- Intentions not to re-offend



Police Youth Diversion: Goals and values

- Repair harm
- Hold young people accountable
- Involve yp, families and victims
- Enhance wellbeing
- Divert from court and custody
- Short time frames



Police diversionary plans

- Police visit home and sometimes school
- Victim consulted and plan developed with young person and family
- Plans - main outcomes
 - Written or personal apologies - 2/3
 - Reparation (2/3 < \$50) - one in 5
 - Work in the community (82% < 30hrs) - 1/3
 - Attend a programme - one in 5
 - Curfews/restrictions - one in 10
- Only 16% re-offended after 18 mths



Key elements in effective action

- Fair and respectful treatment
- Visiting the home and information gathering
- Arranging appropriate programmes
- Least intrusive responses
- Involving young person



Key elements continued

- Climate that enables remorse
- Emphasis on repair of harm
- Enabling forgiveness
- Avoid shame and stigma
- Achievable plans - quickly completed
- Minimise punishment/restrictions
- Emphasise firmness and fairness



Diversion from courts and custody

- Rates of young people appearing in court are about one third of pre-Act figures
- Rates of custodial outcomes are less than one in four
- Offending shows no marked increase - youth and adult offending is decreasing



Moving forward

- In New Zealand becoming more effective will depend on:
 - Clear commitment to restorative principles and values
 - Improved practice based on research
 - Improved support: better systems, more effective programmes and more information on outcomes



Conclusions

- RJ is feasible and advantageous

- Restorative justice processes can successfully be introduced on a national basis
- Conferencing is most likely to reduce re-offending and to result in savings when used with medium serious cases – other restorative options can be used in minor cases
- Effectiveness will be increased if relevant services are provided to prevent re-offending



Conclusions

- constructive outcomes

- Decision-making is seen as fair and just
- Victims can be involved in ways not possible in courts
- Victims and offenders report greater satisfaction with outcomes
- Offenders are able to acknowledge their responsibility for doing harm, show genuine remorse, apologise and attempt to repair the harm and develop intentions to change their behaviour
- There is an opportunity to discuss & arrange effective & appropriate community service referrals



Conclusions

- a more humane society

RJ represents a shift in values:

- From denunciation and blame to remorse and apology
- From prison to community options
- From punishment to healing and repair
- From exclusion and shaming to forgiveness and reintegration



Conclusions

- Restorative practice will inevitably vary in different places and for those of different cultures
- Effective practice will also have a different face in the different contexts where conflicts occur and need to be resolved
- We are only at the beginning of the journey and there will be many roads.