

a very high price for justice

keeping prisoners out of the community.

"I'm not convinced whether that's [longer sentences] actually going to have a long-term effect on reoffending," he says. "I think it's quite a populist sort of cry to have longer sentences. As a member of the public I can understand it, because I'm also a member of the public."

Which brings us to the other chief purpose of prisons — rehabilitation.

Despite more than a third of pris-

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oners returning to his care within two years, Mr McCarthy says that "certain programmes, given to certain inmates, work. If you get your programmes right, you can reduce your re-imprisonment rates by about 10 percentage points."

One example of successful rehabilitation, says Mr Swain, is the Te Marama sex offenders unit in Christchurch, which has been "getting a recidivism rate of around 8 per cent, which by international standards is quite outstanding".

Rehabilitation within prison, as Mr Swain and Mr McCarthy note, will never reduce recidivism to zero but even marginal success, a percentage point or two, will have a dramatic effect on our burgeoning prison and crime statistics.

The new prisons are part of a wider strategy to site prisons closer to where prisoners' families live, with better prospects of community support and, it is hoped, lower recidivism.

But the fact remains that the instant the new prisons open their

doors, they'll be full. Their capacity caters only for projected increases.

In 2010, the prison system will be at 94 per cent capacity. If the growth in imprisonment this decade is repeated, by 2014 we will be facing another round of prison construction.

"In the long run the answer to this is not just simply building new prisons," Mr Swain says. And the answers to long-term questions of law and order are not simple.

"We haven't yet got the debate on to what works, as opposed to what's popular," says Mr Robson. "An enormous fault of not being able to move forward on this lies with us — the politicians."

Fear, contend both Mr Pratt and Mr Dunstall, is perpetuated by satura-

tion media coverage of high-profile crimes.

Late last year the Ministry of Justice released a survey analysing

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perceptions of crime. It concluded that most respondents overestimated levels of crime and underestimated the length of time a criminal would spend in prison. It is, perhaps, no wonder the public feels more needs to be done.

Of course, there are some who feel we are already on the right track. Mr McVicar expects the prison population to peak and start declining within four years.

On the other hand Mr Franks thinks the situation will further deteriorate, and the prison population will continue to climb.

"We're going to get the worst of both worlds. The Government hasn't been willing to send an unequivocal message, as other countries have, to really cut crime." His answer? Even longer sentences, and the abolition of parole.

But some of Mr Newbold's earlier research found that harsher sentences had no apparent effect on offending.

Between 1985 and 1997, as sentence lengths almost doubled, "the number of persons convicted of violent offences more than doubled, with the greatest growth occurring in serious violence", he says.

As for Mr Swain, "I hope I'm not just remembered as the one that built the prisons." He hopes he's remembered for successfully implementing rehabilitation and reintegration programmes.

"We're aiming for a point where we wouldn't need to build any new prisons. Then the work that we're doing with other agencies, across the board, will have worked."

First published in the New Zealand Herald, 17 April, 2004.

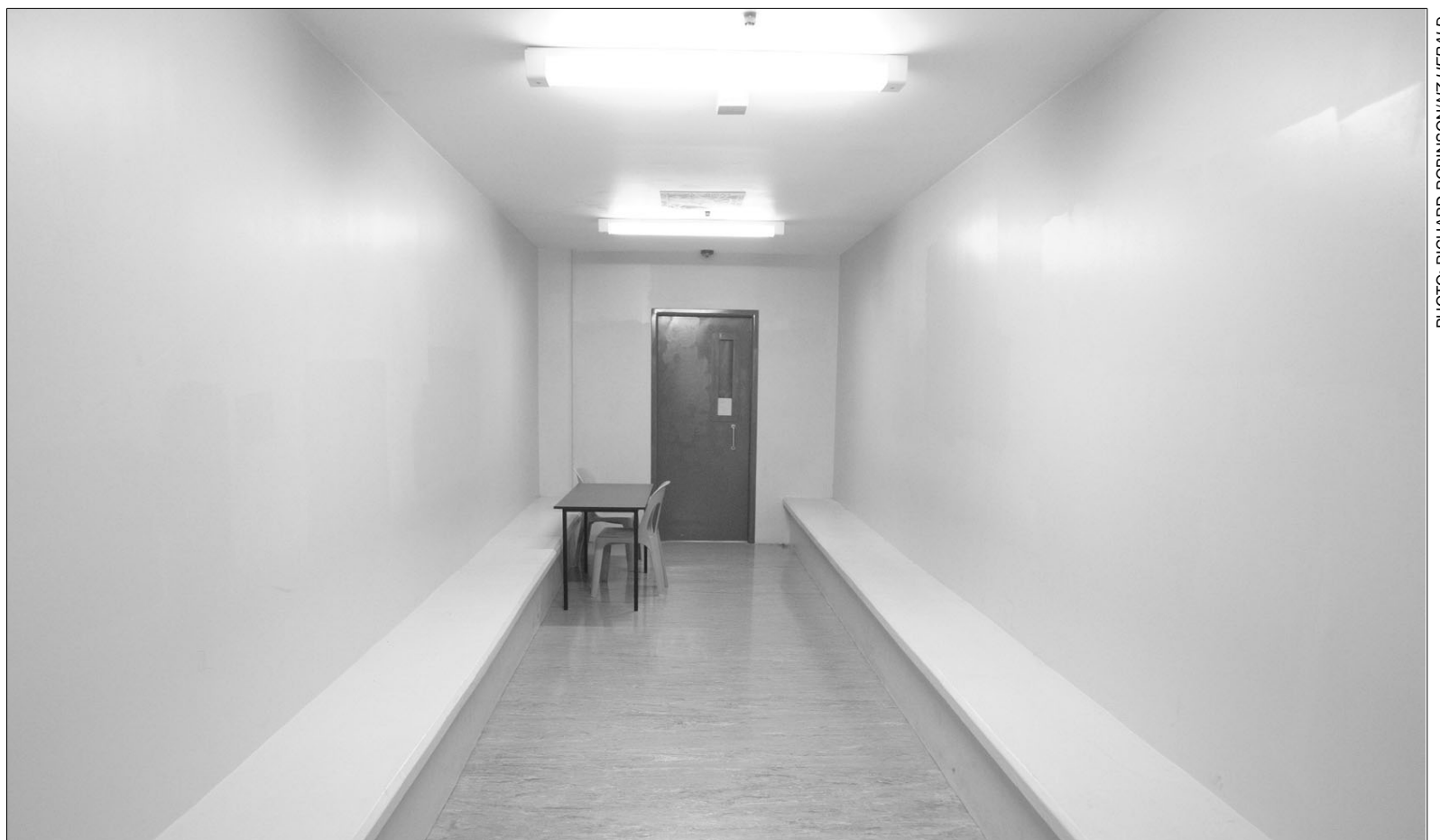


PHOTO: RICHARD ROBINSON/NZ HERALD

NO PLACE LIKE HOME: Rehabilitation in our prisons has come at a high price.

Restorative justice aims to bring victims and offenders face to face

by Amanda Cameron

When 14-year-old Tama and his friends stole a car and torched it for fun, they thought the owner would simply get another one on insurance. No worries.

Lianne, on the other hand, was angry and distressed. How could someone do this to her? A solo mother, she could no longer drive her sick child to school or visit her elderly grandmother to whom she was very close. She was devastated.

Two months later, having heard what the other had to say, offender and victim were embracing — Tama genuinely sorry for the pain he'd caused; Lianne forgiving and quietly confident that she would be his last victim.

Such can be the power of restorative justice, which is based on traditional Maori justice and was pioneered in New Zealand. The process aims to put things right for victims by bringing victim and offender together in a facilitated face-to-face conference.

Family group conferences have been a regular feature of our juvenile criminal justice system since the Children, Young Persons and Their Families Act 1989. Their success has led to a similar process being evaluated in adult offenders in a world-first, government-funded pilot programme at the Auckland, Waitakere, Hamilton and Dunedin District Courts.

"So far we've seen a high level of

"So far we've seen a high level of satisfaction among victims and offenders."

satisfaction among victims and offenders," says national co-ordinator of the four-year, \$4.9 million adult pilot, Alison Hill. But she won't be drawn on anything more specific until later this year when the results become available from Victoria University's crime and justice research centre.

The victim-offender meeting lies at the heart of restorative justice, says Bob Newson, who facilitated the meeting between Tama and Lianne (not their real names) and who now works as Maori affairs advisor at the Human Rights Commission.

Face-to-face, the victim can tell the offender how he or she has been affected by the crime, and make suggestions about how the harm can be repaired, according to information provided by the Ministry of Justice. The offender can apologise for what he or she has done and take responsibility for putting things right.

Ideally, as between Tama and Lianne, the encounter can change the perception that offender and victim have of one another and foster understanding.

"Real justice happens when offenders answer directly to the people and the families of the people they've hurt," says Mr Newson, who is from Mitimiti in the Hokianga.

Restorative justice co-ordinator at the Auckland District Court, Islay

Brown, explains how the adult court-referred restorative justice pilot project works. Offenders aged 17 years or over who have committed a moderately serious offence involving a victim, such as theft or assault, have their case notes stamped with "RJ" to indicate to the judge that the offender is eligible for restorative justice.

If the offender pleads guilty in

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court, and both victim and offender are suitable and willing, they and any support people meet in a restorative justice conference run by a trained facilitator. The judge then sentences the offender in court, taking into account the facilitator's report of the

conference. If the offender shows genuine remorse and a willingness to help put things right for the victim, he or she may receive a lighter sentence.

Since the pilot began in late 2001, 1341 adult offenders have been referred for restorative justice, says Ms Hill. Of these, roughly a third have completed restorative justice conferences, she says.

"The preliminary results indicate that court-referred restorative justice can be used in these moderately serious cases," says Ms Hill.

If restorative justice conferences for adult offenders prove as successful as family group conferences for juvenile offenders, New Zealand will have made another important advance in the field of justice.

"The [family group conference] process is New Zealand's gift to the world," says a 2003 Ministry of Justice report. A process modelled on family group conferences has been adopted in the United Kingdom and is being trialled in countries such as Australia, Canada, the United States and Japan.