

Justice Policy

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Definitions

Restorative Justice has three characteristics:

- The victim is at the centre of the process and the first priority is to heal the harm caused by the crime.
- Community involvement, allowing more appropriate and creative outcomes.
- A focus on getting the offender to take responsibility for what they have done, and take steps to put it right.

Introduction

Justice is about how we deal with crime and how we create a fair, peaceful and sustainable world. Our Justice policy sits alongside our Human Rights policy, and our commitments to Te Tiriti o Waitangi, rebuilding local economies, celebrating diversity and creativity, ending violence towards each other and our environment, and ensuring that people's needs are met.

Vision

The Green Party envisions a justice system for Aotearoa New Zealand in which:

- Victims, offenders, families, and communities are supported in taking an active and meaningful role in restorative justice.
- Crime prevention, rehabilitation and re-integration of offenders is as important in sentencing as punishment of crime.
- Human rights are respected and advanced.

Key Principles

1. A greater focus on mediation, restorative justice, solutions based approaches, and community based justice.
2. Improved access to and participation within the justice system through improved information services and court environments, and through accessible and affordable forums for dispute resolution.
3. A holistic approach to dealing with crime aimed at cutting offending and reducing our dependence on imprisonment.
4. Our justice system should be part of the way we create a just and peaceful society. An improved approach to justice complements, and is enhanced by wider social justice in Aotearoa New Zealand and internationally.
5. Prison facilities should be exclusively under public provision.

Specific Policy Points

1. Restorative Justice

Aotearoa New Zealand has one of the highest rates of imprisonment per capita in the world, and a high rate of recidivism, showing a strong correlation between rates of imprisonment and re-offending. At the same time as failing offenders, the current system does not meet the needs of victims. The Green Party believes that restorative justice offers a way forward.

Although a key part of the youth justice system, restorative justice is only a small component of the adult criminal justice system. We propose to expand restorative justice across the country and build public awareness of the benefits of this approach.

The Green Party will:

1. Increase funding and support for restorative justice approaches throughout the criminal justice system, in a variety of cultural and geographical settings, including after sentencing, particularly in prisons.
2. Adequately fund victim support services to pay for victims to attend restorative justice processes.
3. Monitor and evaluate processes to ensure that restorative justice processes are truly fair and inclusive, and to ensure outcomes are effectively achieved.
4. Extend a solutions-focused approach (similar to that of the Youth Drug Court which has cut re-offending by addressing substance addiction rather than simply punishing) to other areas of the justice system and in particular youth and criminal areas.
5. Facilitate on-going dialogue about restorative justice policies between government, community organisations and other affected stakeholders.
6. Ensure equal access to justice for all New Zealanders.

2. Righting Wrongs and Compensating Victims

The Green Party wants to strengthen the rights of victims and will:

1. Hold a comprehensive inquiry into victims' rights in the criminal justice system, including:
 - a. Effective support systems for victims of serious crime.
 - b. The viability of state-awarded compensation for victims.
 - c. Counselling and compensation for victims.
 - d. Consideration of requiring offenders to recompense the state for at least part of any outlay for compensation and/or counselling.
2. Support provisions to improve fairness in the application of restitution policies including:
 - a. Deduction of unpaid restitution and court fines through IRD or Income Support.
 - b. Ensuring that family or other trusts cease to be a mechanism for avoiding liability.
 - c. Providing offenders with the choice to pay off fines or provide restitution in some other way.

3. Sentencing Alternatives

The Green Party will reduce our dependence on prisons and make greater use of alternatives. Research shows that community-based sentences have a significant effect on lowering re-imprisonment and re-conviction rates compared to prison

sentences.

The Green Party will:

1. Increase the range of options available to judges in criminal court cases.
2. Support a moratorium on all new prison construction except for the purposes of replacement.
3. Oppose the privatisation of prisons.
4. Develop habilitation centres as recommended in the 1989 Prison Systems Review.
5. Expand police diversion schemes and ensure greater consistency in their application.
6. Establish integrated service approaches among agencies to monitor the rehabilitation of violent offenders and to ensure their victims are adequately protected and supported.
7. Ensure sentencing recognises and addresses matters such as:
 - a. Poor life skills or illiteracy.
 - b. The necessity for diagnosis and treatment of mental and physical health issues and disabilities.
8. Invest in the provision for rehabilitation of existing inmates, focussing on self-recognition and acceptance of responsibility, guilt and remorse, counselling, education, conflict resolution and anger management therapy to prevent repeat offending, and support for teaching non-violent means of expression such as arts and technology as well as work skills.
9. Ensure that services to support reintegration are adequately resourced to improve existing support and monitoring after release.

4. Access to Courts and the Justice System

The Green Party believes that people should be actively involved in resolving their own disputes, rather than having an outcome forced upon them. Decision-making processes such as mediation, judicial conferences, and facilitation improve the range of remedies available to resolve disputes and increase people's access to the justice system while reducing the time involved in dispute resolution and court costs for all parties. The Green Party will:

1. Ensure public funded mediation services for civil proceedings and continue to allow courts the ability to refer parties to mediation, further mediation, or community group conferences before granting a hearing.
2. Enable Māori groups, community organizations and community class actions to be eligible for legal aid funding, and enact legislation to facilitate group action claims.
3. Reduce court fees to improve access to the justice system, especially for private individuals.
4. Establish a lead agency to provide comprehensive legal information via community agencies, libraries and the Internet, and ensure that information is available in major languages.
5. Introduce the use of plain language into court procedures and ensure that it is accessible and understandable to participants.
6. Provide training programmes and national standards for non-lawyer advocates.
7. Establish a comprehensive network of trained advocates who are available to advise and support people when they enter the court system.
8. Increase funding for the community law centre network to provide increased geographical and specialist coverage.

9. Ensure all courts have a staffed information desk.
10. Allow support people to accompany victims and other witnesses when they give evidence and ensure that witnesses and support people in criminal proceedings are able to use a separate entrance and waiting area from defendants in criminal proceedings.
11. Extend the use of venues other than courtrooms (such as marae and community rooms) in both criminal and civil proceedings.

5. Māori Justice

The Green Party acknowledges the work within the Māori community to develop functioning models of Māori justice processes. Tikanga-based justice is as an expression of sovereignty under Te Tiriti and can be a more effective way of reducing re-offending.

The Green Party will:

1. Allocate funding to explore Maori justice approaches.
2. Commit to addressing institutional racism in the justice system.
3. Ensure that tikanga and reo programmes, prepared and delivered by Māori, are readily available in all prisons and youth justice centres.
4. Facilitate hapū and iwi collaboration in prison management.
5. Fund the development of Māori focus units in all prisons and youth justice centres.
6. Require prison officers to undergo training to ensure they are responsive to the cultural needs of inmates, including understanding of tikanga.

6. Youth Justice

The age at which offenders first enter the criminal justice system is significant, as the majority of male offenders in the adult system first entered the system as young people.

The Green Party will:

1. Maintain the current regime regarding age of criminal responsibility (effectively 14 years of age).
2. Support the establishment of small-scale and dispersed youth secure units and centres for youth rehabilitation, to end the detention of young people in police cells and adult prisons, and to intensively address serious youth offending.
3. Increase funding for training of Family Group Conference (FGC) convenors.
4. Ensure that victims are provided with adequate information about FGCs in order to encourage a higher proportion to attend.
5. Increase resources for FGC to ensure the adequate monitoring and accountability of FGC outcomes.

7. Prison Management

If we are to create a genuinely safer society, prisons need to focus more on rehabilitation and re-integration of inmates into society. We need to provide additional support, including opportunities for education, meaningful work and community participation, to help people to avoid a life of crime.

The Green Party will:

1. Take active steps to enhance the ability of inmates to sustain or re-establish family, whānau and community links, e.g. through prison visit processes and facilities.
2. Increase access to education programmes within prisons so that people have

the skills to participate in and contribute meaningfully to society once released from prison.

3. Increase access within prisons to effective drug and alcohol rehabilitation, and mental health programmes.
4. Assess and improve the application of the Integrated Offender Management System to ensure it is delivering effective outcomes.

8. Women in Prison

The Green Party will undertake a major review of women's prisons to ensure there are:

1. Adequate facilities, including taking into account overseas best practice for the design and management of prisons for women.
2. Adequate provision for rehabilitation and skill development programmes for women in prisons.
3. Adequate visitation rights for mothers and children, and that these rights cannot be removed as a form of punishment.
4. Sufficient 'family houses' for pregnant women and mothers to ensure good bonding with infants and continuing attachment with young children.

9. Independent Prison Inspectorate

The Green Party believes that prisoners are entitled to safe, secure and humane conditions while imprisoned. If basic human rights are abused, there needs to be a robust and independent complaints system and the state should be held accountable for their actions.

The Green Party will:

1. Establish an Independent Prison Inspectorate.

10. Independent Judicial Appointments Commission

During discussions on the establishment of the Supreme Court, concerns were expressed about real or perceived bias in the appointment of Judges to our highest court. As a part of Green Party support for the Supreme Court Act 2003 the government agreed to look into the establishment of an independent appointments commission.

The Green Party will:

1. Establish an Independent Judicial Appointments Commission.

11. Family Violence

The Green Party is committed to reducing family violence. The legal system alone cannot do this. We need to break the cycle of violence that occurs amongst families and against older people.

We are committed to rebuilding strong supportive communities and promoting peaceful relationships from the individual to the international level. We honour and support the enormously valuable work already being done to reduce violence and respond to the harm its causes.

The Green Party will:

1. Review, with a view to reducing, the cost of obtaining a legal protection order.
2. Fully resource the implementation of the Domestic Violence Act 1995.
3. Increase investment in primary prevention programmes, including in schools where programmes will include non-violent conflict resolution for both boys and girls and examination of societal attitudes towards gender and sexuality.
4. Support mandatory attendance at counselling, stopping violence groups, anger

management courses and/or other programmes for people convicted of violent offences.

5. Strongly support resourcing for agencies that provide counselling, support, safe houses and refuge for women and children in violent relationships, and other victims of violence, in addition to that provided under ACC.
6. Develop a whole of government approach to domestic violence which incorporates service user involvement, the establishment of a shared understanding of domestic violence, and a workforce development plan within the relevant agencies.

12. Family Court

Proper access to the Family Court is important for dealing with family issues such as domestic violence, child care and relationship property. The consequences of reduced access are that more parties have to deal with an expensive and cumbersome Family Disputes Resolution process before they can access the court, and may not have a right to legal representation for some type of hearings.

The Green Party will:

1. Review mediation and counselling services available to those using the Family Court, in particular the number of subsidised sessions.
2. Ensure that cost is not a barrier to effective use of the Family Court system and that legal aid and child legal representation are available.

13. Gun Control

In order to reduce risks associated with guns and their use in crime, the Green Party will:

1. Make private ownership of fully functional semi-automatic weapons illegal.
2. Investigate the benefits and costs of a low fee, centralised gun registration system and database.
3. Reduce the licensing period from ten years to five, in line with practices in the UK, Australia, and Canada.
4. Review the vetting procedures in the firearms acquisition certificate, to ensure that they are in line with best practice.

14. Freedom of Information

Access to official information is a cornerstone of an effective participatory democracy. The Green Party is committed to improving accessibility of public information and will:

1. Reduce fees charged for public information and ensure that access to information has primacy over cost-recovery.
2. Ensure easy access to public information in cases involving public money or resource consents.
3. Ensure that all government information and advice is made available to the public archives after 25 years. The only documents exempt are those specifically restricted or withheld by the Chief Archivist on legitimate privacy grounds, not including political embarrassment for the government or departments.

15. Privacy and Surveillance Issues

The Green Party is concerned that privacy is being undermined by intrusive personal surveillance activities such as the greater use of fingerprinting and biometrics for identification and tracking devices, the monitoring of electronic communications, expanded rights to search premises, and the greater use of computer data bases to

store and exchange personal information.

The Green Party will:

1. Scrutinise closely any increase in state surveillance powers and information sharing between different state databases, and oppose any that are unwarranted.
2. Oppose the development of a universal identification card or system.
3. Adopt the New Zealand Privacy Charter.
4. Support a review of the Privacy Act 1993 and the Official Information Act 1982, to improve the public's access to information and ensure that there are effective review mechanisms in place for those who do not receive the requested information or protection of privacy.
5. Ensure judicial oversight of government actions involving the surveillance of individuals, and also the designation of people as a threat to security.
6. Support amending the New Zealand Bill of Rights Act 1990 to specifically include a right to privacy.
7. Review controls on the sale of private information, and the exchange of information between government agencies, to ensure consistency with the aims of the Privacy Act.
8. Regulate the use of tracking devices on products so that they don't intrude on people's privacy.
9. Promote and publicise the right of people to see the personal information held on them in state and other databases.

16. Police Issues

The Green Party sees the main role of the police as investigating and apprehending offenders and promoting community safety. We support a strong emphasis on community policing and a focus on serious crime, rather than 'victimless crimes'.

The Green Party will:

1. Work towards the creation of an Office of Public Prosecutions, similar to that found in some overseas jurisdictions, to avoid police conflicts of interest in the handling of prosecutions.
2. Support a dedicated and well-trained victim support unit working with police and other agencies, ensuring both protection and healing (through a restorative justice approach).
3. Support a dedicated inter-agency unit to assess and oversee the rehabilitation of violent and persistent offenders.
4. Encourage police recruitment from a range of ethnic groups.
5. Encourage positive interaction between the police and communities by establishing community liaison groups.
6. Establish a truly independent police complaints authority, with adequate investigatory staff of its own, so that it does not have to rely on police investigators.
7. Conduct a wide-ranging review into police culture, investigation methods and relationships with communities.
8. Introduce a stop/search form, similar to that used by the London Metropolitan Police, to be filled out by police on the occasion of any warrantless search, with a copy for the searchee. This will detail the legal authority and reason for each search and provide information on the rights of citizens in relation to the police.
9. Support the right of police officers to access independent arbitration of their wages and conditions.

10. Request the tabling in parliament of all government instructions to the Police Commissioner.

17. International Justice

International measures to prevent abuses of human rights are central to efforts to create a more peaceful and just world. In addition, many international conflicts are directly or indirectly about resources. The Green Party recognises that we must share our planet's limited resources fairly if we are to live sustainably.

The Green Party will:

1. Support the continued development and strengthening of international human rights standards.
2. Support policies that establish Aotearoa New Zealand as an advocacy leader that promotes respect for human rights in our region.
3. Strengthen enforcement mechanisms for human rights and war crimes.
4. Retain the primacy of the New Zealand judicial system on issues of domestic regulation, review investor-state dispute settlement systems under existing trade agreements, and reject any further investor-state dispute settlement provisions (also see our [Global Affairs](#) policy).