

Thoughts overall about North America, as at 10 Oct 1995

1. There is a lot happening here in the way of restorative justice initiatives - but it is still at the fringes as there is no legislation to embed this in the legal system. (Judge Moxley of Saskatoon said he had been 14 years a Judge in the north and he was particularly interested by the fact that our FGCs are legislated for. He said that sentencing circles attracted a lot of interest where he was six years ago but it has waned a bit since then and he agreed with me that without legislation it is likely to remain on the fringes.)
2. The New Zealand model is very well regarded, to the point where there is some surprise that we haven't moved on.
3. The Hollow Water scheme is just brilliant - so careful and thorough-going.
4. There are quite a variety of schemes - Hollow Water CHCH, Judge Barry Stuart's sentencing circles, Lyle Longclaws version of FGCs, Mediation Services (within Sask. Justice Dept), VORPs both in the community and within institutions, Restorative Resolutions project in Winnipeg, etc etc.
5. Someone said mediation is now taught in all schools [where? at what age?] so that in 20 years restorative justice will come naturally to that generation.
6. The need for community involvement in criminal justice is an extremely strong theme here, mirroring much of what I said in my May 1995 paper for the Legal Research Foundation. In fact it was the theme of the conference - Justice, Peace and Harmony: Everyone's Responsibility - and of the keynote address of Associate Chief Judge Murray Sinclair. Barry Stuart refers to restorative justice as a subset of communitarianism., and I agree with him. But it is also a subset of peace-making.
7. Thus straight VORPs are being (or will be) overtaken by community-based projects.
8. RJ is becoming a catch-word with policy makers - it is catching on, and a "critical mass" is rapidly building in some areas such as Maine, Saskatchewan and Fresno.
9. The Australian model has been marketed quite aggressively in North America with Terry O'Connell and others promoting it as superior to the NZ version. Apparently they quote the Maxwell and Morris study - based on their 1990 (and January 1991) survey - in support of their criticisms. I wish the real

age of those figures wasn't continually disguised by referring to articles published in "1993", and that more attention was paid to whether alleged shortcomings were due to poor practice in the early days of the new Act. Personally I believe the conclusions are so unreliable as a contemporary comment that they cannot in all fairness be used any longer.

10. Our hosts have been very appreciative of our willingness to share all our knowledge and resources. My Eastlight folder of materials has been dipped into and much of it copied by people in all the centres we have visited. Order forms for books have been eagerly taken. The video Stephen's Whanau has been watched everywhere with a deepening silence. The five copies that remain here will, I am sure, be seen by some thousands of people.