



# Restorative Justice Pilot Program

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## I. History

Taipei District Prosecutors Office (hereinafter as the "Prosecutors Office") started preparing for the restorative justice pilot program at the end of 2011 and invited various public entities and private, non-profit organizations to brainstorm and discuss implementation measures. The assessment team consists of head prosecutors, chief probation officers and the supervision division, and Dr. Liao Ying-Cang, a well-respected medical doctor from the private sector was invited to assemble

the elite team.

## II. Status

1. Input seeking, plan formulation and modification

During the initial stage of the pilot program, managers from the Prosecutors Office, Association for Victims Support Taipei Branch (AVS Taipei Branch), Legal Aid Foundation Taipei Branch, and Dharma Drum Mountain Humanities and Social Improvement Foundation worked together to promote restorative justice. The Restorative Justice Pilot Program, which was implemented by the Ministry of Justice, was the reference on which the blueprint for this program is based. The program from the Prosecutors Office covers objectives, lead agency, organizational framework, principles and implementation, detailing the process of planning

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1. Authored by Probation Officer.



14 Aug., 2012, Orientation



21 Nov., 2012, Forum

restorative justice program, the trial program, the follow up, referral and evaluation.

## 2. Recruitment and Placement

The experiences of AVS Taipei Branch on psychological and legal counseling serve as the basis and resource for the recruitment of licensed consulting psychologists, social workers and lawyers in 2012. Taipei Honorary Probation Officers Association and Taiwan After-Care Association Taipei Branch were asked to recommend passionate honorary probation officers and after-care counselors to participate in the program. Eligible restorative facilitators include social workers, consulting psychologists, medical doctors, honorary probation officers, after-care counselors and victim support volunteers who are willing, emotionally sound, and skilled and experienced in helping others. The Pros-

ecutors Office worked with the Taipei Bar Association in 2016 and recruited 23 lawyers as restorative facilitators. As of 2017, there are 50 restorative facilitators.

## 3. Resource Integration

The majority of the restorative justice cases in the Prosecutors Office are domestic violence events. Therefore, Division Chief Hsu Hui-Ying from the Division of Social Work in the Department of Social Welfare, Taipei City Government was invited to join the assessment meeting and serve as the contact between the Prosecutors Office and Taipei City as well as Domestic Violence and Sexual Assault Prevention Center of New Taipei City Government to collect information on individuals involved in the cases and provide professional assessment, which proved to be beneficial during the subsequent procedures.

#### 4. Educational Training

##### (1).Participation in trainings held by the Ministry of Justice

The Prosecutors Office holds annual beginner and advanced training for restorative facilitators in accordance with guidance from the Ministry of Justice. Staffs from the Prosecutors Office who serve on the assessment team, supervisors, current restorative facilitators and trainees must attend restorative facilitator workshops and advanced training to enhance their understanding and grasp of the spirit and process of restorative justice.

##### (2)Restorative Justice Training and Case Review Seminar

Each year, the Prosecutors Office holds a six-hour case review seminar and invites scholars, experts, lead prosecutors and restorative facilitators to attend.

Guidance from the experts and scholars and questions from the participants will help cultivate the professional skills of restorative facilitators.

##### (3)Restorative Facilitator's Manual:

The Prosecutors Office sees restorative justice casework as professional work at a voluntary level and does not define specific outcome for such work. The goal is to identify the actual needs of both parties and establish a communication platform to accomplish restoration using non-abusive language. To give all facilitators a clear understanding of the entire facilitation process and necessary reminders, the Restorative Facilitator's Manual is compiled and given to all members on the team. Restorative facilitators from the Prosecutors Office will have a precise idea of how restorative justice operates and





acquire the professional knowledge and skills.

#### 5. Supervision

The most unique characteristic about the supervisors' duties is that they also assign cases. During the initial stage, Ms. Chen Yun-Qin, a professional coach certified by the International Coach Federation served as the supervisor. In 2015, Director Chen Li from Jinghua Society Cultural Foundation, who is very experienced in the supervision of social workers, joined Ms. Chen. (Consulting Psychologist, Mr. Xie Ze-Ming took over Director Chen's role in 2017.) The two supervisors/case assigners provide support on communication, contact and supervision to the facilitators assigned to each case.

### III. Results and Statistics

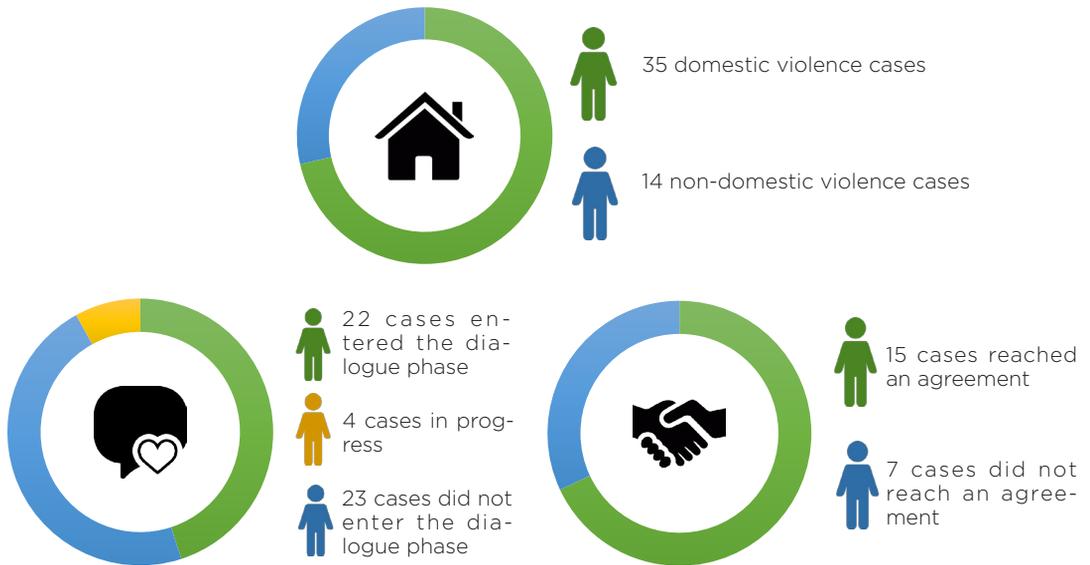
1. A total of 49 cases were handled from September 1, 2012 to the end of 2016. The majority of the cases (35) were family disputes, and 14 were non-family disputes.

2. After assessment, all of the 49 restorative justice cases were established. Among which, 22 (45%) entered the dialogue phase and 23 (47%) did not. The remaining 4 cases (8%) are in progress. Among the 22 cases in the dialogue phase, 68% reached an agreement and 32% did not.

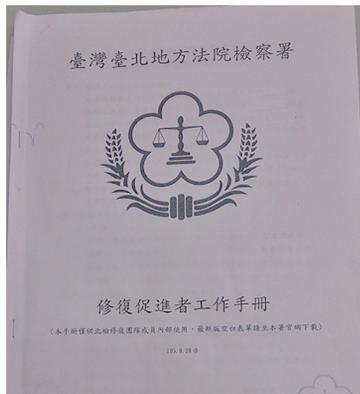
3. Feedback from the parties indicates that 71% of the victims who reached an agreement think that the outcome meets their expectations, 86% would recommend this program to



## Statistics on Implementation Outcome



Analysis on restorative justice cases  
(Duration: September 1, 2012 – December 31, 2016)



others, and 71% think that justice was archived.

Among offenders who reached an agreement, 89% think the outcome meets their expectations and would recommend this program to others. They also indicated that they will try their best to avoid conflicts.

4. A high percentage of cases were withdrawn from suits, which helps neutralize the hatred between the two parties. Fourteen of the cases were withdrawn during the restorative process, during the dialogue phase after an agreement is reached, or after the restorative process is completed.

#### IV. Case Studies

Among the 49 restorative justice cases in the Prosecutors Office, 22 entered the dialogue phase with both parties' consent and reached an agreement.

The restorative dialogue for a 2016 case involving accidental death during an outdoor activity was especially memorable.

During the restorative process, both parties were exceptionally sincere and forgiving. The respondents felt remorseful about causing the accident but did not get a chance to express regrets to the applicants, the victim's family. During this process, the applicants could see that the respondents were willing to take responsibility. Therefore, when both parties became aware of the restorative justice process, they were willing to talk to each other face to face.

During the dialogue phase, the respondents apologized for the accident, and indicated the willingness to provide assistance to the applicants, who amica-



5 Mar., 2013, Meeting



13 Dec., 2013, Assessment meeting



13 Jun., 2014, Educational training



10 Jul., 2014, Basic educational training

bly showed immense forgiveness and gave each respondent a hug in the very beginning, bringing the respondents to tears. After a life and death event like this, both parties suffered physical and mental impact of various degrees. They talked about what they had gone through one after another and encouraged each other to return to life as normal.

Both parties expressed how they genu-

inely felt, showing love and forgiveness during the dialogue phase. They were hurt by the accident. However, because of the restorative dialogue, they reestablished a connection, restored their spirits, and were willing to encourage each other to continue on with their lives.



## 修復式司法結案457件 近7成被害人感覺正義實現



Liberty Times Net



2016-11-02 22:40



【記者黃捷 / 台北報導】法務部推動修復式司法已6年，今天下午舉辦「擁愛飛翔、攜手修復」表揚大會，公開感謝今年推展修復式司法的有功人士及團體。法務部長邱太三說，在社會各界努力之下，台灣在修復式司法上已有小小的成果，但相較於國外，我們仍有很多發展的空間。



活動主視覺設計圖案「兩隻蝴蝶造型與攜手同心的結合」，代表被害、加害者雙方在修復促進者協助下，彼此溝通，療止傷痛。（記者黃捷攝）

法務部自99年起推動以「被害人與加害人調解（Victim-Offender Mediation，簡稱VOM）」為主的修復式司法，原先在8個地檢署試辦，101年9月更擴及全國，統計至今年8月，申請件數共計1405件，評估後開案1222件，被害、加害雙方有意進入對話程序635件，雙方最後達成協議的總共457件。

在達成協議的案件中，有近7成被害人認為「感覺正義已經實現」，超過9成的加害人也表示「會全力避免類似事情再發生」。

今年獲表揚的修復促進者有，台北地檢署曾俊魁、士林地檢署葉陶靜、新北地檢署何偉明、桃園地檢署蔡佩純、新竹地檢署楊淑貞、台中地檢署劉慶南和吳紹貴、彰化地檢署李淑敬、高雄地檢署陳筱萍，團體則包括財團法人犯罪被害人保護協會士林分會及台南市教育局學生輔導諮商中心等。