

# Three-strikes could become a cancer - ex-judge

SHANE COWLISHAW Last updated 05:00 13/04/2011

A former California Superior Court judge believes the three-strikes law in New Zealand could turn into a cancer.

Eugene Hyman has just resigned after 18 years presiding over cases in the criminal, civil, probate, family and delinquency divisions of the court.

In 1999, he presided over the first juvenile domestic violence court in the United States.

Mr Hyman, who is in New Zealand to visit friends, said part of the reason he had stepped away from being a judge was frustration at the legal system in California. He had often been forced to send people to jail with no parole for relatively minor offences under the state's three-strikes law.

New Zealand passed its own three-strikes law through Parliament last year. The effects of the legislation would not be felt for several years until offenders reached their third warning, but there was a risk that more and more offences would be added to the list of those that qualified for a strike, he said.

"By Californian standards, yours is pretty lenient, but has the potential to become cancer. My concern is it opens the door and with each [political] party ... no-one wants to be outbid by who's the toughest on crime.

"You put this three strikes in and then what you're able to do is modify it over the years."

If there was a belief that certain people were not being punished adequately, an alternative was to remove discretion for statutory minimum sentences, allowing judges to impose longer sentences with no parole for certain aggravating factors.

An example was the eight-year sentence handed out last week to a Feilding teenager for attacking a police officer with a machete. This was too lenient in Mr Hyman's opinion, and a perfect example of how non-parole sentencing could work.

"There are certain things Parliament can do to express their concern. If you beat up on a police officer with a machete, you are going to do 15 years minimum with no parole."

Mr Hyman believes a vital aspect to reforming the justice system is rehabilitation – something not done well enough in either country.

Illiteracy and substance abuse were huge problems in prisons, and the different courts needed to work together to make sure offenders had access to the help they needed.

He understood there was a problem with funding but addicts, alcoholics and those with mental health problems needed continuing help after they were freed or they would end up back behind bars.

"I'm not talking about the people who are real badasses, people who are doing double-life terms ... but people who are getting out need to be helped."

**- The Dominion Post**