

# Restorative Justice

## Information for victims

### Restorative justice gives victims a voice

A restorative justice conference is an informal meeting facilitated between the victim, offender, support people, and any other approved people, such as community representatives or interpreters. You'll have the chance to:

- tell the offender how you've been affected by the crime
- say how the harm can be put right
- start dealing with the effects of the crime.

A trained facilitator will make sure you're safe and supported at the conference and that discussions stay on track. You'll be encouraged to bring support people with you.

Restorative justice takes place before an offender is sentenced in court. Tell your court victim advisor or the police officer managing your case if you want to find out more about restorative justice.

### Who provides restorative justice services?

Restorative justice services are run by community-based groups that are contracted by the Ministry of Justice. Māori providers are available in many areas.

### Before the conference

#### THE OFFENDER NEEDS TO TAKE RESPONSIBILITY FOR THEIR OFFENDING

The restorative justice process cannot begin until an offender has pleaded or been found guilty in court. A judge then decides if restorative justice should be explored.

The offender will be asked if they are willing to take part. A trained facilitator will assess the case and the offender to see if they are suited to restorative justice. The facilitator will contact you to discuss restorative justice and may arrange to meet you separately.

If you want to take part in restorative justice, tell your court victim advisor or the police officer managing your case as soon as possible so they can tell the judge.

#### RESTORATIVE JUSTICE ONLY GOES AHEAD IF YOU WANT IT TO

### Meeting your facilitator

At your pre-conference meeting, the facilitator will:

- explain the process
- tell you what might be talked about at the conference
- describe the sort of agreements that can be made
- explain how you will be kept safe and be supported

- encourage you to involve support people (such as your family or friends)
- encourage you to ask questions.

At the end of the meeting, the facilitator will check you still want to take part. You or the facilitator may decide at any point that a conference shouldn't go ahead.

Someone else can attend the conference in your place. If you're interested in this, tell the facilitator as soon as possible.

### Who else might come to a conference?

You'll be asked to include family/whānau or friends to support you at the conference. Support people get a chance to speak at the conference.

The facilitator may ask if you agree to other people attending the conference, such as a police or probation officer, the offender's lawyer, or community representatives. They'll ask if you need an interpreter or any other specialist support person to come to the conference.

### Your cultural needs will be considered

Your cultural needs and those of the offender are an important part of restorative justice. The facilitator will ask if you would like a mihi, prayer or other rituals, a particular location for the conference, or a cultural support person.

### The conference

A restorative justice conference is an informal meeting facilitated between you (or your chosen representative), the offender, support people, and any others (you have agreed to).

Everyone is at the conference to talk openly and honestly about what happened. You'll get the chance to say how the crime has affected you. You and the offender may agree a plan of action for the offender to complete to help put things right.

### After the conference

The facilitator writes a report describing what happened at the conference and any agreements made, including timeframes. You'll get a copy of the report as will the judge, the offender (or their lawyer), and anyone else involved in the case, such as the police or probation officer, and court victim advisor.

The facilitator makes sure the judge gets the report before the offender is sentenced.

The judge decides whether to include any agreements made at the conference as part of the offender's sentence.

# The restorative justice (RJ) process

The victim or offender can cancel the process at any time



The **offender** pleads guilty. The judge must refer the case to be considered for RJ.

If the offender is found guilty, the offender's lawyer can ask the judge to consider RJ or the victim can ask for RJ through the court victim advisor or the police officer managing the case.

## Pre-conference assessment

Facilitator meets separately with the **victim & offender** to work out:

- if both victim & offender are willing
- that everyone will be & feel safe
- if there is likely to be a positive outcome.



Facilitator decides if an RJ conference should go ahead.

## RJ conference

Meeting with facilitator, **victim & offender**, plus any other approved people, such as interpreters or support people.



The facilitator reports back to the judge on agreements made at the conference. The judge sentences the **offender**.

YOUR LOCAL RESTORATIVE JUSTICE PROVIDER IS:

[justice.govt.nz/courts/criminal/charged-with-a-crime](https://justice.govt.nz/courts/criminal/charged-with-a-crime)

[justice.govt.nz/about/lawyers-and-service-providers/](https://justice.govt.nz/about/lawyers-and-service-providers/)