

# Restorative Justice

## Information for offenders

### Restorative justice helps you put things right

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. At a conference, you'll have the chance to:

- take responsibility for your offending
- apologise to your victim
- decide how to put right the harm you've caused
- find ways to make sure you don't reoffend.

A trained facilitator will be at the conference to keep everyone safe and supported and to make sure the discussion stays on track.

Restorative justice takes place before you're sentenced in court. The judge will consider any agreements made during the conference at the time you're sentenced. Talk to your lawyer if you want to know more about or do restorative justice.

### Who provides restorative justice services?

Restorative justice services are run by community-based groups that are contracted by Te Tāhū o te Ture – Ministry of Justice. Māori providers are available in many areas.

### Before the restorative justice conference

#### YOU NEED TO TAKE RESPONSIBILITY FOR YOUR OFFENDING

Before the restorative justice process can begin, you need to plead or be found guilty. If you plead guilty, the judge must refer your case for restorative justice to be considered. If you are found guilty at a trial and you want to do restorative justice, your lawyer can ask the judge to consider it. If the judge refers the case for restorative justice to be explored, a trained facilitator will contact you to discuss restorative justice and may have a pre-conference meeting with you. They'll talk with you to see if you're ready, willing and suited to restorative justice.

#### RESTORATIVE JUSTICE ONLY GOES AHEAD IF YOU AND THE VICTIM WANT IT TO

### You need to meet the facilitator

At the pre-conference meeting, the facilitator will:

- explain the restorative justice process
- tell you the sort of things that might be talked about at a conference

- describe the sort of agreements that can be made
- explain how everyone will be kept safe and be supported
- encourage you to involve support people (such as your family or friends)
- encourage you to ask questions.

The facilitator will ask if you want to take part. They'll also contact the victim to see if they want to do it too. The facilitator can decide not to go ahead with a conference if they think safety is a concern or that restorative justice won't help. The facilitator will tell the court and those involved if a restorative justice conference isn't going to take place. If this happens, you'll be sentenced as soon as possible.

### Who else might attend a conference?

You'll be asked to include family/whānau or friends to support you at the conference. Support people can speak at the conference. The facilitator may ask if you agree to other people attending, such as a police or probation officer, your lawyer or community representatives. The facilitator will ask if you need an interpreter or another specialist support person to attend.

### Your cultural needs will be considered

Your cultural needs, and those of the victim, 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 to attend.

### The conference

Everyone is at the conference to talk openly and honestly about what happened and what harm was caused. You and the victim may agree a plan of action for you 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.

The facilitator makes sure the judge gets the report before you're sentenced. You and/or your lawyer also get a copy of the report, along with the victim and anyone else involved in the case, such as the police or probation officer, and court victim advisor.

The judge decides whether to include any agreements made at the conference as part of your 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.

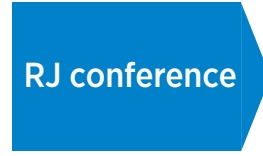


Facilitator meets separately with the **victim & offender** to work out:

- 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.



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**.

### For more information:

- call 0800 COURTS (0800 268 787)
- visit [justice.govt.nz/courts/criminal/charged-with-a-crime/how-restorative-justice-works](http://justice.govt.nz/courts/criminal/charged-with-a-crime/how-restorative-justice-works)
- contact your local restorative justice provider at [justice.govt.nz/about/lawyers-and-service-providers/service-providers/restorative-justice-providers/](http://justice.govt.nz/about/lawyers-and-service-providers/service-providers/restorative-justice-providers/)
- or speak to court staff.

YOUR LOCAL RESTORATIVE JUSTICE PROVIDER IS:

If you have any feedback on restorative justice, contact your local restorative justice provider or email the Ministry of Justice at [restorativejustice@justice.govt.nz](mailto:restorativejustice@justice.govt.nz)