

# Your options within the criminal justice system

here  
for  
you

**As the victim of a crime, you have some options during your involvement with the criminal justice system. Before an offender is sentenced in court, you can choose to engage in restorative justice to help the offender understand the consequences of their actions for you. If the offender is under 18, a Youth Justice Family Group Conference can be held to give them a chance to make positive changes to their life without getting a criminal record.**

**During an offender's sentencing, you can choose to make a Victim Impact Statement to help the judge understand how the crime has affected your life. Once the offender has been sentenced, you can choose to go on the Victim Notification Register to stay informed about the person who offended against you.**

**This brochure details each of these options, what they mean, and how you can engage with them.**



## Restorative justice

Restorative justice is an informal, facilitated meeting between a victim and offender. It helps to give victims a voice and helps offenders to understand the consequences of their actions on other people. Sometimes the offender will agree to do something to help put right what has happened.

## How does the process work?

The opportunity for restorative justice takes place before an offender is sentenced in court. The judge will consider any agreements made during the restorative justice conference discussions at the time of sentencing, but this doesn't mean that the offender will receive a reduced sentence. The judge will also be told if no agreement could be reached in the restorative justice process.

## A judge decides if an offender can be part of a restorative justice process with those he/she has offended against

The offender can ask to be considered for restorative justice through their lawyer, or you can ask for them to be considered through a court victim advisor or the Police officer managing your case. You are under no obligation to agree to attend a restorative justice conference if you don't want to.

CONTACT

### Victim Support

Get Help: 0800 VICTIM (0800 842 846)  
victimsupport.org.nz

Manaaki Tāngata  
Victim Support



## **You have the right to bring a support person or people with you**

These could be trusted friends, family or whānau members, your Victim Support worker, a community or faith leader, or a social or support worker from another agency.

## **A trained facilitator will separately interview you and the offender**

They will check if everyone is willing to take part and what is needed for all parties involved in the conference to feel safe if they do. The facilitator will hear what each side says and decide if a positive outcome is likely. If it is, and both sides agree to take part, then a conference meeting is organised.

## **The process can be cancelled at any time by you or the offender**

Even if both sides have agreed to proceed with the conference, the process can still be cancelled at any time by either party.

## **An informal conference meeting will be arranged**

This will take place between you, the offender, support people, and any other approved people such as community representatives, lawyers, cultural support people, Victim Support, or interpreters. The trained facilitator will run the conference.

## **You can request a particular location or time for the conference**

The facilitator will ask if anyone would like a mihi, prayer, or other ritual done before starting or finishing the conference.

## **Cultural or religious considerations**

The cultural or religious needs of all participants will be considered and respected.

## **Everyone will be given an opportunity to talk openly and honestly about what happened**

You can tell the group about the impact of the crime on you and what can be done to set things right.

## **Both sides will try to agree on a plan to set right the harm done**

The facilitator will do their best to encourage some kind of agreement to be made, as much as possible.

## **Victims can have their say**

If you're invited to take part in a restorative justice conference, you can accept or decline the invitation. If you say yes, you'll be encouraged to bring support people with you.

You will have a chance to:

- tell the offender how the crime has affected you – physically, emotionally, mentally, financially, and in your daily life
- help the offender to understand the harm they caused
- tell the group how you think the harm could be put right by the offender
- help stop others from becoming future victims of that offender's crimes by helping the offender take responsibility for what they did.

## **The offender can take responsibility for their actions**

During the conference an offender is given the opportunity to take responsibility for their offending, apologise to you, decide as a group how to put right the harm the offender has caused, as much as possible, and find ways to make sure they don't reoffend.

## **Who runs the conference?**

The Ministry of Justice contracts community-based groups to run restorative justice services around Aotearoa New Zealand. In many areas Māori providers are available. The Ministry makes sure that all the providers have the required level of training and experience so the restorative justice process will be safe and supportive for everyone involved.

## **After the conference**

The facilitator of the restorative justice conference will write a report describing what happened at the conference. This will include details of any agreements made. The judge will get the report before the offender is sentenced. You will get a copy of the report as well as the offender, Police, and probation officer.

The judge will then independently decide if any agreements made in the conference will be included as part of the sentence. The judge will be advised if you disagree with the recommendations of the conference.





## Youth Justice Family Group Conferences

When anyone under 18 years old breaks the law, they can be referred to the youth justice system. A Youth Justice Family Group Conference (YJFGC) gives a child/tamariki or young person/rangitahi a chance to make some positive changes to their lives without getting a criminal record.

### About Youth Justice Family Group Conferences (YJFGC)

The YJFGC provides an opportunity for a child/tamariki or young person/rangatahi who has committed a crime the opportunity to have an honest talk with their parents or caregivers, family/whānau, victims, Police and others involved with their case, such as their social worker, youth worker, or lawyer.

The young offender and victims can bring a support person or support people with them. These could be trusted friends, family or whānau members, a community or faith leader, your Victim Support Worker, or a social or support worker from another agency. Together they can discuss the offending, what can be learned from mistakes made, and what can be done to put things right.

A youth justice coordinator from Oranga Tamariki arranges the meeting. Their job is to answer any questions and help everyone get the best outcome from the meeting. An interpreter can also attend the meeting, if needed.

### How the conference works

- Everyone is welcome.
- The facts of the case are discussed and the child/tamariki or young person/rangitahi is asked to take responsibility for their offending.

**“ Ka pū te ruha, ka hao te rangatahi.  
As the old net is laid aside,  
a new net is remade.**

- The group considers what the underlying reasons behind the young person’s actions might be – why did they do what they did?
- Victims are asked to speak about how the offending has affected them. The young offender is encouraged to see what happened through the victims’ eyes. This helps them to better understand the consequences of their actions.
- The conference finds practical ways for the child/tamariki or young person/rangatahi to make right what they have done. This could be community service or compensating the victim for any damages. Any other needs, such as anger management or alcohol and drug support, will also be discussed. If it’s agreed that they need help with these matters, Oranga Tamariki will be asked to arrange this.
- Goals are set for the future. These could include learning life skills, education, employment, getting involved with other activities (sport and/or the arts), finding cultural support, or connecting them with a mentor.
- If the conference group is unable to agree on a plan, the case will be referred back to the Youth Court. This may result in a further Family Group Conference or the Court making other decisions about the offender.

### Is it helpful for victims?

Many victims do find it a helpful process.

The conference is your chance to have a say. You can talk about how the crime affected you and your family or whānau – physically, emotionally, and financially. You can say how you think things can be made right with you, if that’s possible.

### What are your rights?

You have the right to:

- be given information about the Youth Justice Family Group Conference
- have a say about the day, time, and place of the conference





- be supported to attend the conference
- be safe – you can ask to be seated where you feel most comfortable, and you can take a support person or people with you
- give your own views of what happened and say what you expect should happen
- contribute to the plan for the young person
- be kept informed about the young person's progress and the outcomes of the agreed plan that is put in place.

### Why should I attend?

- You can get some answers to any questions you may have of the offender.
- You can help the young offender face up to their crime and better understand the impact their offending has had on you.
- You can let the group know what needs to happen to put things right for you as far as possible.
- You can help develop a plan for the young offender and have a say in what you would like to see happen.
- Restorative justice can be effective at changing the offender's behaviour, so your attendance might stop this happening to someone else.

### Who can support me?

As a victim of a crime, facing the young offender and their supporters in a group conference can be challenging. It's natural to feel some strong emotions.

The youth justice coordinator or, in some cases, your support worker will be your main point of contact. You can talk to them about any concerns you have. You can also invite a support person or people to come with you. Your support worker can attend the conference with you or go on your behalf and represent you if you choose not to attend.

### If I don't attend, can I still have a say?

If you don't want to, or are unable to, attend the conference, you can still express your views. The youth justice coordinator or your support worker can talk to you about other options.

- Arranging someone else, such as a support person, your support worker or a youth justice coordinator, to attend and speak on your behalf to present your views to the group.
- You can write a letter that can be read out to the group. A Victim Impact Statement can also be included with this letter.
- Attend by video or teleconference.



### Making a Victim Impact Statement

A Victim Impact Statement is your opportunity to tell the court how the crime has personally impacted you, as a victim.

### How is a Victim Impact Statement used?

If the defendant has pleaded guilty, or been found guilty, then the judge will consider your Victim Impact Statement before the sentencing. The judge will use your statement to understand how the crime has affected your life.

In the statement, you can say how the crime has affected you physically, emotionally, financially, socially (your relationships with others), and any other ways you have found difficult.

If the defendant is found not guilty, the judge will not be able to consider your Victim Impact Statement.

### What difference does it make?

Your Victim Impact Statement can help influence the sentence that the judge gives the defendant. The judge will also consider formal reports about the defendant and sentences given in similar cases.

Most importantly, it can help empower you as it is your one formal opportunity to tell the court, and the defendant, how you've been affected by the crime.

### **Who will help me to prepare a Victim Impact Statement?**

The Police officer in charge of the case will. Police are available and trained to assist and support you with writing your Victim Impact Statement. If you feel unable to write a Victim Impact Statement, you can agree that Police do this for you or with you.

Your Victim Support worker or court victim advisor can also help you to prepare or make your Victim Impact Statement.

For guidelines on preparing your statement visit [www.victimsinfo.govt.nz](http://www.victimsinfo.govt.nz)

### **When do I need to submit my Victim Impact Statement?**

This usually happens when criminal charges are being filed with the court (where possible). The Police officer in charge of the case will make sure it's completed by the second appearance of the defendant in court, as this is when the defendant may enter a plea.

As the case progresses through court, you can make changes to your Victim Impact Statement to keep it up to date. The Police prosecuting lawyer can organise this for you with the officer in charge of the case.

### **Do I have to make one?**

No. It is your choice. The judge will still consider the effects of the crime on you, but they will only be able to base this on the information that's been provided in the case's evidence.

### **Can I say what I want?**

Yes, but if you include information that falls outside the purpose of a Victim Impact Statement, the Police officer in charge of the case will explain this and guide you on how to change it so it can be submitted to public court. If you choose not to make the needed changes, the Police will inform you if the unsuitable sections have been removed.

### **How is it presented in a court?**

A Victim Impact Statement is usually presented to the court in writing and you can get help to write it (see above).

If the judge says you can, you can also choose to read your statement out loud to the court, or you could ask someone else to read it out for you.

### **Does the defendant get to hear what I say?**

Yes.

### **Victim Impact Statements in the Youth Justice system**

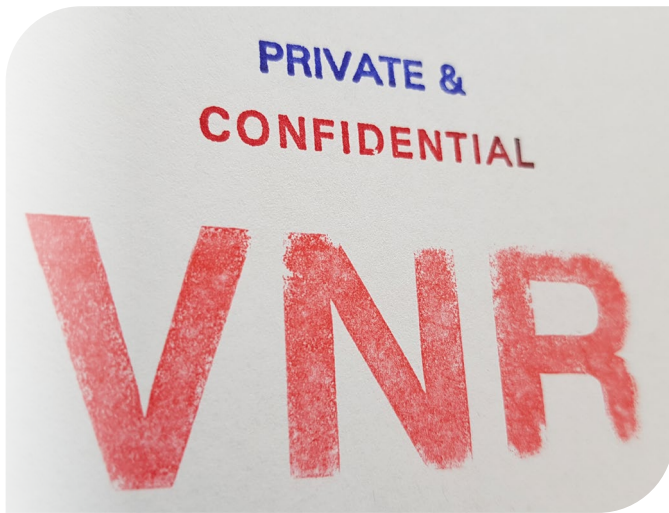
If the defendant is a young person, the impact of the crime on a victim is presented differently. The Youth Justice Family Group Conferences (YJFGC) section of this brochure has more information on how this happens.

### **When the case is over**

When a court case ends, your Victim Impact Statement becomes part of the official court file. Any member of the public or a journalist can ask to read a court file, although the court might not always allow it. If media are present in court, they may report what you say.

If the judge speaks about your Victim Impact Statement at the sentencing hearing, then their comments can be made available to media to report on. Newspapers and other media are never allowed to name sexual violence victims or child victims and defendants in their news reports.





## Victim Notification Register

Victim notification gives victims of serious crime who are registered on the Victim Notification Register (VNR) a way to stay informed about the person who offended against them.

### Being kept informed is your right

As a victim of a serious crime, you can ask to be kept informed about what's happening to the offender as they move through the justice system. To receive this information you must apply to be listed on the Victim Notification Register.

The Department of Corrections runs the confidential Victim Notification Register service. There are laws about who can get information about an offender and what information is made available. The information shared with you is called a notification.

The Police are responsible for telling you about this Register, asking if you'd like to apply to be on it, explaining how to apply, and providing you with any assistance that might be needed. They are also responsible for checking each application is authentic and that the applicant is eligible to apply. They also check that the required Victim Request Form has been filled in correctly.

When your application is accepted, the victim information manager will write to you, or to your chosen representative, to confirm you are on the Register.

Once you are listed on the Register, you will be told about any significant events involving the offender, including their Parole Board hearings, temporary prison releases, home detention, hospital detention, prison release date, or a possible deportation.

Only designated staff authorised by the Department of Corrections or the New Zealand Parole Board can confidentially access victim information on the Register.

### What are the benefits?

Many victims say they feel acknowledged, respected, and supported when they are given notifications. It provides opportunities to have your say on things like the offender's parole or parole conditions when they are released.

Also, knowing the facts about what's happening to an offender can help increase your, and your family and whānau's, sense of safety. By being registered, your home location will be considered when an offender proposes a residential address to live at after their release. Concerns will immediately be raised if that address is too close to you.

### You can choose if you want to go on the Register or not

You can apply to go on the Register at any time after a person has been charged with a serious offence. It is important to understand that registration is an opt-in process, which means victims of serious crimes are not automatically placed on the Register. You must apply to go on it.

### You can choose someone to get the notifications for you

Receiving news about the offender can be very stressful. You can ask a trusted person to receive the notifications on your behalf. They can then share the information with you, if that's what you want. They must agree in writing to be your representative. There is a place for their details and signature on the Victim Request Form that must be filled in.

At any stage you can ask for the notifications to be sent to you instead, or you can choose someone else to represent you, if they agree. You must send your requests for any changes to the victim information manager. Their contact details are at the end of this document.

### How to apply to go on the Victim Notification Register

- You will need to fill in the Victim Request Form. The Police can provide you with this form or you can access it on the Police website [www.police.govt.nz/about-us/publication/victim-notification-register-victim-request-form](http://www.police.govt.nz/about-us/publication/victim-notification-register-victim-request-form)



- The Police, your Victim Support worker, or your court victim advisor can help you complete the form. (You can call Victim Support 24/7 on 0800 842 846 to be connected with a support worker.)
- If you've chosen someone else to get the notifications on your behalf, then they need to be named on the form and must also sign it.
- When it's been completed, the Victim Request Form must be given, posted, or emailed to the Police.
- The Police check each application and also check the applicant is eligible to be on the Register. If there is any reason why you cannot be accepted onto the Register, the Police will explain this to you.
- If a victim is a child or young person under the age of 17, their parent or legal guardian can apply to be on the Register on their behalf. They can apply to go on the Register themselves once they turn 17.
- Once an application is approved, Police send it to the Department of Corrections as soon as the offender is in custody (including remanded in custody).

### If you change your mind

If you have been accepted onto the Register, you can ask for notifications to be stopped at any time. You can also ask for them to be started again. It's always your choice, but all requests must be made in writing.

To make your written request:

**Email:** [victim.notification@corrections.govt.nz](mailto:victim.notification@corrections.govt.nz) or

**Post:**

Victim Information  
Department of Corrections  
PO Box 1206  
WELLINGTON 6140

### How long can a victim be listed on the Register?

A victim's registration will be formally closed, and all notifications will finish, when the offender's sentence has been completed. The Department of Corrections will let you know when this happens.

### Always keep your contact details up to date on the Register

Let the victim information manager know whenever your contact details change, including your phone, address, or email details. This means notifications can continue to reach you, or your chosen representative. You can update your details by phone, email, or post.

**Phone:** 04 460 3240 or 04 460 3064

**Email:** [victim.notification@corrections.govt.nz](mailto:victim.notification@corrections.govt.nz) or

**Post:**

Victim Information  
Department of Corrections  
PO Box 1206  
WELLINGTON 6140

### For further detailed information about the Register

- See the VNR page on the Department of Corrections website: **[www.corrections.govt.nz/information\\_for\\_victims/victim\\_notification\\_register](http://www.corrections.govt.nz/information_for_victims/victim_notification_register)** (This page includes information about how to make a complaint if you feel you haven't been provided with information you should have or your safety has been compromised in any way.)
- Victims Information about VNR (Ministry of Justice) **<https://victimsinfo.govt.nz/en/home/after-sentencing/#step-6>**
- Or you can call Victim Support 24/7 on 0800 842 846 to be connected with a support worker who can answer any questions you may have.



**Our service is free, personal, and confidential**



