

RESTORATIVE JUSTICE

More attention is now being paid to the needs of the victims of crime and a system of restorative justice is often used in New Zealand, and indeed in many countries throughout the world, to provide a platform where the victim and the person who has committed the crime may meet and try to resolve issues relating to the offence. Many victims of crime have expressed dissatisfaction with the judicial process in not providing answers to questions which they would like to ask, and have answered adequately by the offender. Some years ago I attended a type of restorative justice conference in proceedings where a young man had unlawfully taken a car which belonged to a teenage girl. At the meeting she was able to tell the young man that he had got her into considerable trouble with her Father over the damage caused to the car and the expense that she had incurred in getting the car fixed, which wasn't covered by insurance for the damage done. The offender gave her the money for the repairs to the car and I felt that she had given the offender something to think about before he next took someone else's motor vehicle.

The New Zealand restorative justice system has been in place for some time. The Ministry of Justice has taken steps to ensure that there are standards to be met by the providers of this service and that a uniform standard is followed throughout New Zealand.

Some restorative justice conferences take place prior to an offender being sentenced. If it is proposed that a restorative justice conference be investigated, prior to an offender being sentenced, the facilitators of the process meet with the offender and the victim separately and endeavour to reach agreement on the issues to be dealt with. If both offender and victim agree a restorative justice conference will be held. If the restorative justice conference has a good outcome, in other words the victim feels appeased by the meeting and any agreement which has been reached, then the Court will take that into account when the offender is sentenced.

It is also possible to have a restorative justice conference after an offender has been sentenced at which it would be more of a meeting to enable the victim to get answers to questions which weren't covered during the course of the Court process.

The Sentencing Act requires a court to take into account any efforts to provide satisfaction to the victim of a crime and obviously if the outcome is good then it will be in good stead for the offender. The Parole Act and Victims Rights Act also have reference to restorative justice in the judicial system and victims and offenders are encouraged to take part in the process.

The main object of restorative justice is to reduce the impact of crime on a victim although in some crimes it would be difficult to envisage a victim's family being appeased by any restorative justice process.

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