

Can I say no to restorative justice and still get a Conditional Caution?

Yes. It is the CPS that will decide whether or not you are suitable for a Conditional Caution. This decision will not be affected by your decision about whether or not to take part in RJ.

However, good reasons for agreeing to take part in RJ include:

- Helping to repair the harm you have caused, if your victim wants to communicate with you.
- Having the opportunity (after communicating with the victim) to suggest how you can make good the harm you have caused, rather than the police and the CPS determining the conditions of your Caution.

Can I bring someone with me to a restorative justice meeting?

Yes. RJ meetings aim to give everyone affected by a crime the chance to have their say. These meetings can also work better if there are people there to support you. This will give everyone the opportunity to say for themselves how they have been affected.

The RJ facilitator will be able to discuss with you who else could be invited to the meeting. The victim will also have the chance to bring someone to support them.

What if I change my mind?

You have the right to change your mind about taking part in RJ at any time, but changing your mind later on could cause more harm to the victim and mean the matter is dealt with in another way. So it's important to think carefully now about whether this is something you want to do and once you have made the decision to take part, you should make every effort to complete the process.

If you have any further questions about restorative justice or anything in this leaflet, please speak to the officer dealing with your case or your legal advisor or representative. They will put you in contact with someone who can help you decide whether restorative justice is the right thing for you.

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Restorative Justice and the Conditional Caution

what you need to know
for **OFFENDERS**

The information in this leaflet is short and general.

It explains what restorative justice (RJ) is and how it can be part of a Conditional Caution. You need to read this leaflet alongside the leaflet:

“The Conditional Caution: what you need to know”.

Note: Restorative justice processes are always voluntary for everyone concerned. You can be given a Conditional Caution even if you say no to restorative justice.

Note: Anyone who has been arrested is entitled to free legal advice at the police station.



What is Restorative Justice?

Restorative justice gives everyone involved in a crime a chance to communicate about what happened, the effect it had on them and what can be done to repair the harm.

RJ can involve a face-to-face meeting (direct RJ) with you and the victim, chaired by a trained person (the facilitator) or, if you or the victim do not feel comfortable with that, messages to each other can be passed through the facilitator (indirect RJ).

Why would I want to take part in restorative justice?

Research suggests that RJ can be very helpful to everyone involved, particularly victims of crime.

If you have committed a crime, you may want to have the chance to meet (or communicate

with) the person you affected, to say sorry or to discuss how you can repair the harm that you have caused.

You will also have the chance to have your say about what happened.

What's this got to do with a Conditional Caution?

If it is decided that your case is suitable for a Conditional Caution, restorative justice could take place —

- 1) As a **reparative condition** of the Conditional Caution. This could take place where the victim feels that taking part in an RJ process would (in itself) help to make good the harm they have suffered. The RJ process could form one among a number of conditions.
- 2) Alternatively, an RJ process could be used to allow you and the victim to **generate the conditions** of the Conditional Caution. If RJ is used in this way, the process will take place before you are given the Conditional Caution, so that all the people affected by the crime can suggest suitable conditions.

What happens in a restorative justice meeting or “conference”?

- There is always careful preparation before a meeting, to make sure that everyone knows what to expect and to make sure that the meeting will be safe for everyone. Taking part in an RJ meeting is voluntary for everyone involved.

- In the meeting the facilitator will ask everyone to talk about what happened, and how the crime affected them.
- When everyone has heard about the impact of the crime, you and the victim and the other people affected will have an opportunity to talk about what you can do to help make good the harm you have caused.
- When RJ is used to generate the conditions of the Conditional Caution, the facilitator will be able to advise whether the things you are discussing are suitable as formal conditions.
- At the end of the conference, the suggested conditions are sent to the prosecutor — who works for the Crown Prosecution Service (CPS) — who has the final say about whether the conditions you have agreed together are appropriate.
- It is possible for the CPS to suggest alternatives to the conditions you have come up with if it considers this necessary.
- If you and the victim want to agree that you will do things that cannot become formal conditions, this is fine. They can become a voluntary agreement between you and the victim, which you agree to do in addition to the Conditional Caution.
- If you and/or the victim decide that you do not want a meeting, this same process can take place by passing messages through the facilitator.