

# I HAVE CAUSED HARM

A factsheet for people who are responsible for an offence

## What is RJ?

Restorative justice (RJ) is an exchange of information between the people most affected by an offence – the person you have harmed and yourself. It gives you an opportunity to accept responsibility for the offence and to repair the harm caused where possible.

RJ gives those you have harmed an opportunity to talk about how they have been affected by the offence and to address unresolved questions or needs they might have as a result. Information can be exchanged through a face-to-face meeting or indirectly through a series of letters or messages.

## How does RJ work?

RJ is run by a convenor from the Restorative Justice Unit who prepares everyone for RJ. They help them to talk to one another through a series of questions or stages:

- > **What Happened?** You will be asked to talk about what led up to the offence and what happened during and after the offence.<sup>1</sup> You will also be asked how you think others were affected.
- > **How were people affected?** Starting with the person most harmed, people answer questions about the impacts of the offence. This will help you fully understand the full impact of your offence.
- > **How to make things better?** The convenor asks everyone what they think needs to happen to make things better. This may result in an agreement between you and the person harmed about what you need to do to repair the harm caused by the offence. *Everyone, including you, makes sure that what is in the agreement is fair and reasonable.*

## Who can take part?

RJ is different for every situation but usually involves:

- > You and people you care about, like your family and friends
- > The person harmed and people who care about them
- > Other people who were involved offence, like the police, a witness or first responder
- > Professional workers who can offer further emotional and psychological support.

## Things to know

There are some things you should think about if you are going to do RJ:

- > You don't have to do RJ if you don't want to. You can pull out at any time.
- > You can talk to a lawyer at any time about doing RJ.
- > Accepting responsibility for the purpose of RJ does not mean you have to plead guilty in court for a summary offence,<sup>2</sup> for example, if you believe the specific charge or parts of the statement of facts to be incorrect.
- > Depending on the seriousness of the offence and as long as you are serving a court imposed order, RJ can happen at different points in the criminal justice system:
  - Instead of going to court (summary offences only)
  - As well as going to court
  - Once the court has sentenced you
- > If you decide not to take part in RJ or you pull out once the process has started, the court must not consider this when sentencing you.
- > You don't have to sign an agreement.

## Why should I do it?

There are many good reasons for you to take part:

- > Feel better about yourself
- > Explain your reasons for what happened
- > Help the person harmed feel better
- > Tell people how you feel about things now
- > Take responsibility for what happened
- > Give the person harmed and other people who were hurt a chance to talk about it
- > Help to work out how to make things better for the people harmed by your actions (including yourself)
- > Make plans to ensure you don't repeat the offending behaviour

<sup>1</sup> Family violence, sexual offences and highly violent matters will exclude detail that would be insensitive to those harmed.

<sup>2</sup> Summary Offences are less serious offences such as minor theft, rides motor vehicle without consent, less serious assaults, unlawful possession of stolen property, etc.

## RJ agreements

Sometimes participants reach an agreement whereby you agree to do things to repair some or all of the harm caused by the offence. Agreements for some matters will include a cooling off period. An agreement must:

- > Be fair, measurable and achievable.
- > Not be unlawful, humiliating, cause distress to you or anyone else.
- > Can only be up to 6 months in duration.
- > Be in writing and signed by you and the main person/people affected.

## Agreement tasks

An agreement is your commitment to repairing any harm you have caused. Tasks usually include specific things that help repair the harm and facilitate positive behaviour change. Some examples of tasks:

- > A plan to address your offending behaviour
- > Writing letters of explanation and apology, or a progress report about your journey to a more responsible life
- > Paying money for losses or costs incurred
- > Doing unpaid work for the person harmed, their charity of choice or the general community
- > Counselling for emotional management
- > Looking for employment or doing work experience
- > Participating in relevant community programs or activities, self-development or education courses
- > Talking to a trusted person/mentor if feeling at risk

It is your responsibility to fulfil the terms of any agreement that you sign. You do not have to sign an agreement and can seek legal advice about agreements. Your convenor will monitor and report on the progress of your agreement to the referring entity.

## Writing a letter

A letter is a way of telling everyone that you are taking responsibility for what you did and that you are sorry.

Sometimes this letter is written before you meet the person harmed to show that you understand that you have done the wrong thing. This may help them to decide whether to meet you or not.

A letter may be requested after a conference to show that you have understood the impact your offence had on the participants of the conference.

Your letter should always be in your own words and may include telling people 'how you feel about what you did' now that you have gone through RJ and 'what you are doing with your life now'. It is not always easy to write a meaningful letter and it can be useful to get some further feedback from the convenor or a support person.

## Aboriginal and Torres Strait Islander support

RJU has an Indigenous Guidance Partner and Convenor who ensure that Aboriginal and Torres Strait Islander clients are supported to understand the RJ process, achieve positive outcomes, and are referred to other relevant services.

You can contact us by phone or email to talk to an Indigenous worker about how we can support you.

## Cultural support

The RJ Unit is committed to providing a culturally safe space for all participants where responses are appropriate and sensitive.

Interpreters can be arranged when needed and specific cultural supports can be sourced and included in the process.

## CONTACT US

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