

OFFENDER APOLOGIES

Offender apologies to their victims and others whom they have harmed have great potential, but can also pose great peril, within a restorative justice framework. Apologies are often construed as complimentary to *accountability* and *remorse*. Yet for many people who have been harmed by crime, apologies without a context of full acceptance of responsibility, and a true understanding of the emotional, physical and financial losses caused by the offense, are meaningless.

Ten guidelines for criminal and juvenile justice agencies to consider relevant to offender apologies are:

1. They should never be isolated as a “quick fix” for what the offender did. A parole board member who tells the offender to “turn around and apologize to your victim” is *not* helping the offender, and potentially harming the victim.
2. Offenders should never be forced to give apologies, and victims should never be forced to accept them.
3. Prior to *any* consideration of apologies, an offender’s casework planning should clearly identify the harm that was caused. Offenders should be given the opportunity to address, “How can I ‘right the wrong’ I have done?”, and clarify what “remorse” means to him or her personally. This can be accomplished within the framework of the impact of crime on the victim – physically, emotionally, financially and spiritually (these impact areas are *not* listed in order of importance).
4. Offenders should be made aware that an apology is “more than saying you are sorry,” with an emphasis on *actions* – progress in accepting responsibility, distinct observable behavioral changes, developing empathy for their victims, and learning skills to prevent their violent behavior from re-occurring – *speaking louder than words*.
5. Victims should be provided with the opportunity to “opt in” or “opt out” of opportunities to receive an apology from their offender. For example, when victims’ receive initial notification of their rights, a statement can be included such as:
“The (correctional) agency provides opportunities for offenders to address the harm they have caused their victims, and be accountable for their crime(s) that hurt you. In many cases, trained staff members assist the offender in recognizing the impact of crime on victims. If the offender wants to express personal remorse, would you be interested in receiving a written apology? The apology letter will be facilitated by our agency – with no direct contact between you and the offender and complete confidentiality of your contact information – unless you specify otherwise.”
6. All apology letters sent to victims should be reviewed and screened by agency staff to ensure that they are in no way harmful to the victim. Screening should include hidden meanings, appropriate context, innuendoes, victim blaming, and cultural appropriateness, among other considerations
7. Measures must be taken to ensure the confidentiality of the victim’s contact information (unless a direct, in-person apology from the offender is requested by the victim).

8. Offenders should expect, and correctional agencies should offer, nothing in return for an apology to the victim, i.e. “forgiveness” or greater consideration for a reduced sentence or early release.
9. An alternative practice within restorative justice programming is to have the offender write the apology letter and, if the victim is not interested in receiving it, simply including it as part of the record in the offender’s case file.¹
10. Juvenile justice agencies can incorporate the following “questions” into youthful offender programming that help them seriously consider reasons why they should apologize.

Correctional agencies should develop policies (utilizing these ten guidelines) that guide the implementation of offender apologies within the larger context of restorative justice, case work planning, and rehabilitative programming (utilizing these recommended guidelines as a framework).

Correctional agencies also need to establish in policy how much/how far the written dialogue extends.

- Does the victim have the opportunity to respond to the offender? (If not, it should be explained to the victim – in person or in writing – that a response is not possible)
- Does the offender have the opportunity to respond a second time?
- Do the same staff review all letters (in order to apply systematic criteria in the review process)?

QUESTIONS THAT YOUTHFUL OFFENDERS CAN CONSIDER PRIOR TO WRITING APOLOGY LETTERS TO THEIR VICTIMS

Many juvenile justice professionals seek to incorporate an understanding of victim impact into the overall apology process. In an ideal situation, youthful offenders should attend victim awareness classes as a component of their programming to help them better understand the emotional, physical, financial and spiritual/religious impact of crime. In addition, information obtained from the victim through victim impact statements or pre-sentence investigations can be utilized – with permission from the victim – to help provide a foundation for youthful offender apologies.

The following questions are designed for juvenile probation officers and victim awareness class coordinators to make the offender apology process *meaningful* and *relevant* to the victim:

1. *Did you do anything wrong?*
 - If the offender answers “yes,” probe for details about what was “wrong” about his/her actions.
 - If the offender answers “no,” utilize information from his/her case file to point out the “wrongness” of his/her actions.
2. *Look at what happened from your victim’s point of view:*
 - If you were in his/her shoes, how would you feel?

¹Seymour, A. and English, S. (1999). “Offender Apologies Within a Restorative Justice Context.” Ft. Lauderdale, FL: Balanced and Restorative Justice Project.

- Would you be angry or upset? Why?
 - Would you feel afraid? Why?
 - Would you feel any sense of “loss” because of what happened? Why?
 - Would you maybe think that “all kids/young people are ‘bad’” because of what one kid/young person did?
 - What would you want to happen? (Utilize any victim impact statement or PSI information to help the youthful offender understand how the victim feels)
3. *Explain the victim’s perspective (in general, here are some points):*
- They don’t expect bad things to happen to them because they try to live good lives.
 - They didn’t *ask* to be victimized, and *they are never to blame* for what happened.
 - They may feel shock, anger, distress, and fear.
 - They may have other things going on in their lives that are stressful, and this is another bad thing to add to their problems.
 - They may now have a bad attitude toward youth in general *because of what you did to them* (this is a really hard thing for adults to deal with, because they tend to think kids are good and won’t intentionally hurt them).
 - If the victim has children, the children *may be frightened* and *have issues about trust* with their peers.
4. *Explain that some victims are so upset that they don’t even want an apology letter:*
- The offender can focus on what Deschutes County Chief Community Justice Officer Dennis Maloney calls “earned redemption,” i.e., that the offender should not “expect forgiveness,” but should seek to earn it through words (the actual apology letter), as well as actions (such as restorative community service in which the victim has a voice as to what type of service the youthful offender should perform, including direct service to the victim and/or service of the victim’s choice)
5. *In addition to explaining to your victim about your understanding of how you hurt him/her, he/she may be interested in what you think you think the impact of your offense is on:*
- Your family.
 - Your neighborhood/community.
 - Yourself.
- In your apology letter, think about explaining the impact on these three parties to your victim.
6. *Do you have any ideas about how you can make amends to your victim?*
- Consider the apology letter *as one component of the accountability process*.
 - Remember, “actions speak louder than words.”
 - Are there things you *have done*, or *can do* to improve yourself (or change your behavior) that the victim might be interested in hearing?
 - Has the victim provided any information about how you can repair the harm you caused? If “yes,” how can you respond to what he/she said?
7. *Are you truly sorry?*
- If you are not, we still have work to do!
 - If you are truly sorry, we will help you put your apology into words.

SAMPLE INTRODUCTORY LETTER TO VICTIMS REGARDING APOLOGIES

Dear Mr./Ms. _____ :

The (name of) agency would like to thank you for participating in the juvenile justice process. Your participation is critical to holding the youthful offender accountable for his/her actions, and your time and input are valued by both our agency and the juvenile justice system in (county).

As part of the youth's disposition and accountability, we try hard to help him/her understand the impact his/her offense had on you and your family. Our ultimate goal is for the youth to accept responsibility for his/her actions, to develop some sensitivity to the harm s/he caused his/her victim, and to feel remorse for his/her delinquent actions.

As such, part of our casework process encourages the youth to think about the harm s/he caused, and write a letter of apology to you. We work closely with our youthful offenders to ensure the appropriateness of such a letter, to the degree possible, including use of language and the context in which the letter is written. As each victim's experiences are unique, each victim may have personal beliefs or feelings about what constitutes an acceptable apology.

If you would like to receive the apology letter, you can contact me at (area code/telephone number), and I will arrange to forward it to you (it will arrive in an envelope with our agency's watermark). If you do not want to receive the apology letter, I will make sure a copy goes into the youthful offender's case file to reflect his/her efforts to be held accountable for his/her actions.

I appreciate your consideration of this request. If you have any questions or need any additional information, please contact me at (area code/telephone number).

Sincerely,

SAMPLE COVER LETTER FOR THE YOUTHFUL OFFENDER'S APOLOGY LETTER

Dear Mr./Ms. :

Thank you for agreeing to receive the apology letter written by the youthful offender in your case. It is enclosed for your review.

It is our agency's goal to do whatever we can to help youthful offenders understand the detrimental impact their delinquent acts have on their victims, and to want to express remorse and be held accountable for their actions. This apology letter is an important component of this process.

While each victim's experience is unique, many victims find the apology letters can present thoughts or feelings that may be new or reoccurring. We encourage you to prepare yourself in a way that is best for you prior to reading the letter. In addition, please seek assistance and/or support after reading the letter, if necessary. It is our sincere hope that this process is more helpful than hurtful to you.

I appreciate your consideration of this apology letter, and your continued willingness to participate in our community's juvenile justice process. Thank you very much.

Sincerely,

Enclosure: Apology letter

***Anne Seymour, Sharon English and Jill Weston. (2001).
Washington, D.C.: Justice Solutions***