

Module 6

Restorative justice conference
reports

Te tuhinga

Restorative Justice

Facilitator Induction Training



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Introduction

Whakatauki



He kai kei aku ringa.

*There is food at the end of my hands.
A person who can use their skills and resources to create success.*

Purpose

This module introduces you to good report writing processes, to help you write quality restorative justice conference reports.

After every court referred restorative justice conference, a report is prepared by the facilitator and sent by the provider to the victim, the judge, the offender, their lawyer, and the prosecutor. The report is written mainly for the judge. Its purpose is to inform the judge what happened and why, what impacts the crime has had on participants, and what outcomes have been achieved at the conference. This information may be taken into account when the judge decides the sentence. The report becomes part of the public record of the case and may be referred to by the judge in open court.

The provision of a professional restorative justice service requires high quality reporting. Good quality facilitation will lead to satisfied participants, and good quality reporting of that conference will lead to satisfied judges and lawyers.

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So, what is a good restorative justice report? Let's look at examples of what makes a good and not so good report.



QUALITY REPORT	POOR REPORT
<p>Provides all information relevant to the case.</p> <ul style="list-style-type: none"> ▪ The main points about what led up to the offence, the offence itself, and what happened after. ▪ The impacts of the offence. ▪ What was offered, what was asked for. ▪ What agreements were made and what follow-up was agreed. 	<p>Is sketchy and does not provide sufficient information, or is long and wordy and contains irrelevant information.</p>
<p>The report follows a logical order. Writing is clear and concise.</p>	<p>Information is muddled and hard to follow. Sentences are unclear.</p>
<p>Reports facts – what was said and what was observed.</p>	<p>Contains the facilitator’s thoughts, assumptions and opinions.</p>
<p>Has specific, measurable agreements that can be followed up.</p>	<p>Agreements are unclear and cannot be measured or followed up.</p>
<p>Has a ‘summary of outcomes’ up front, for easy reference.</p>	<p>Has no ‘summary of outcomes’ for easy reference.</p>
<p>Spelling, punctuation and grammar are of a high standard</p>	<p>Contains poor English that is distracting to the reader.</p>

In summary, good reporting is about two things.



Learning objective



In this module, you learn to:

- write a conference report.

You will work with:

- a conference you observe
- a conference report template.

The standards expected are as follows.

1. The report includes:
 - identification details
 - a report body
 - a 'Summary of Outcomes'.
2. Information is clear and concise.
3. Information is factual (what was said, what was observed) and opinion is avoided.
4. All information included is relevant to the conference.
5. Events are reported in a logical order and both the 'facts and impacts' discussion and the 'outcomes discussion' are clear to the reader.
6. The 'Summary of Outcomes' section contains information to be taken into account at sentencing, for example:
 - a statement of apology
 - the victim response to apology
 - SMART agreements.
7. Grammar and spelling are of a high standard.

What this module covers

This module covers:

- the report format
- what goes into a report and what does not
- how you write – being clear and concise
- what outcomes are reported and how to write them
- the 'summary of outcomes' and what goes in this.

Assessment

The assessment for this module requires you to attend a conference as an observer (NOT as note taker and/or official report writer). After the conference, you are asked to write your own conference report without help.

When completing the assessment for this module, you can use either the format provided in the module or your provider's template.

Your performance in this module will be passed on to the Ministry of Justice and to your provider.

Pre-requisites

You must have successfully completed module 1 before starting on this module.

The module assumes that you have good literacy and writing skills, that you can structure a sentence and can organize information into a logical order.

If you know your writing is not up to this level, please discuss your needs with your provider. It is essential that the quality of reports submitted to the court reflects the level of professionalism expected from restorative justice services.

Instructions for working through this module

- First, ensure you have the latest version of this module. The module date is in the page footer. The Resolution Institute website has the latest version of each module.
- Work through this module at your own pace, or work with one or more colleagues, if you wish. Group learning can be easier and more fun.
- Complete the practice exercises and check your answers against the feedback that follows each exercise.
- When you have finished the module, complete the assessment. Full instructions are given at the end of this module.

Report format

A standard template for the conference report is provided on the next two pages, along with a guide on what information should be included under the two main headings: 'summary of outcomes' and 'conference report'. This template is available in Microsoft Word on the Resolution Institute website here: <http://www.resolution.institute/restorativejustice/resources>.

Your provider may have adopted a different report format. While the formats may differ, the information required in the report should be the same. It must include the following.

Identification details

These include case identification, dates, identification of attendees.

Report body

This is the discussion about the facts and impacts of the offence and then the discussion of outcomes.

'Summary of outcomes'

This is a summary for the judge.



Restorative justice report template

Case reference

RJ reference #
Court
Offender name
CRN #
Offence
Date referred to RJ
Sentencing date

Pre-conferences held with offender – dates and attendees

DATE		
ATTENDEES	NAME of person present	ROLE

Pre-conferences held with victim – dates and attendees

DATE		
ATTENDEES	NAME of person present	ROLE

Restorative Justice conference

DATE		
VENUE		
ATTENDEES	NAME of person present	ROLE

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Summary of outcomes

This is a ready reference for the judge and lists the main things the judge may take into account when sentencing. Although up front, it is written last. It generally includes:

- any apology made, any statement of remorse
- any victim response to an apology
- any SMART agreements and how each will be followed up and measured. Note: *you will learn about SMART agreements later in this module (pages 45-51).*

Conference report

This is the body of the report and it summarizes the discussion between the offender, the victim and other conference participants through the whole conference. It reports the discussion on the facts and impacts of the offence, which is the looking-back. It also covers the outcomes, which is the looking-forward discussion.

Facts and impacts discussion

- The offender's story telling (the lead up to the offence, the offence itself, what happened after)
- The victim's story telling (what happened before the offence, the offence itself, what happened after)
- The impacts of the offence on the victim and whānau
- The offender response to what s/he has heard from the victim.

Outcomes discussion

- What the offender offered to do to help put right the harm that the offence caused.
- What the victim thought the offender could do to help put right the harm.
- Any agreed actions and what follow up will be done on progress and completion before sentencing.
- Quote any comments or requests made by participants that relate to sentencing.

Signed

Facilitator

Date

Example report

On pages 13–16, you will see an example of a good report written in the standard format. The report is about a common assault case. The ‘Police Summary of Facts’ follows.

SUMMARY OF FACTS

On the morning of Saturday 6 Dec 2013, Jules Delaney's child participated in the regional rugby selection round at Kiwi Rugby Park. Jules Delaney attended to support the team.

On the side-line was the defendant Pat Millar who also had a child playing.

During the interval, an argument ensued between the parties with Pat Millar threatening Jules Delaney and other associated parents over what Pat Millar described as “dirty play”. Pat Millar was then seen to step forward and strike Jules Delaney, causing Jules Delaney to fall to the ground.

Witnesses called the police who attended the scene and arrested Millar.

Jules Delaney suffered minor bruising and a strained shoulder as a result of the assault.

Example Restorative Justice Report

Case reference

RJ reference #	IX 234
Court	Waikikamaukau
Offender name	Pat Millar
CRN #	00123456789
Offence	Common assault
Date referred to RJ	17 March 2018
Sentencing date	28 April 2018

Pre-conferences held with offender – dates and attendees

DATE	1 April 2018	
ATTENDEES	NAME of person present	ROLE
	Pat Millar	Offender
	Graham Le Roc	Friend/support
	Myrtle Fudge	Facilitator
	Wi Force	Facilitator

Pre-conferences held with victim – dates and attendees

DATE	3 April 2018	
ATTENDEES	NAME of person present	ROLE
	Jules Delaney	Victim
	John Delaney	Husband of victim
	Mary Jones	Sister of victim
	Myrtle Fudge	Facilitator
	Wi Force	Facilitator

Restorative Justice conference

DATE	18 April 2018	
VENUE	Public Library meeting room	
ATTENDEES	NAME of person present	ROLE
	Pat Millar	Offender
	Graham Le Roc	Friend/support
	Jules Delaney	Victim
	John Delaney	Husband of victim
	Mary Jones	Sister of victim
	Myrtle Fudge	Facilitator
	Wi Force	Facilitator

Summary of outcomes

Pat apologized tearfully and said, "Every time I think about what I did, I feel small. I have hurt you I know, but I have also hurt myself and my whānau".

Jules thanked Pat for her apology.

Pat agreed to complete the HALT anger management course that starts in May and will attend all 20 of the weekly sessions, finishing end of September. She will pass a letter of course completion to her lawyer and to the victim, Jules.

The victim, Jules, requested a non-custodial sentence.

Pat has donated \$300 to the children's rugby club and receipt has been confirmed by the club.

Conference report

Facts and impacts discussion

The meeting opened with a karakia and then introductions.

The Police Summary of Facts was read and agreed by both parties.

The offender, Pat Millar, spoke first. She outlined what had happened for her that day. She has four children, and the day had begun with the children fighting at breakfast over a computer game. Tama (her husband) had become exasperated and stormed out, leaving her to deal with all the kids and get her youngest (James) off to rugby. She said she had felt tired, angry and let down, and arrived at the kids' match in, "pretty much a foul mood".

Pat said, "I guess I took out my frustration with Tama at the rugby". The effect was that she flared up at every referee decision she thought was "crap" and went over the top about what she saw as dirty play.

She described how her husband Tama had been really upset when he learned about the assault. Her boy, Nick, had refused to talk to her for several hours because he was ashamed of her.

When Jules asked Pat, "Why me, you were arguing with a whole group of us, why did you hit me?" Pat replied, "I am so sorry. I have nothing against you. I was just being a complete shit and you were nearest when I lost it".

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Pat said to Jules, "I was a complete arsehole to hit you like that". She began to cry and added, "Every time I think about what I did, I feel small. I have hurt you I know, but I have also hurt myself and my whānau". Jules quietly said, "Thanks Pat".

Graham added that he had known Pat for five years and that she had been an asset to the club. He said she often got excited at games but hitting someone was completely out of character.

Jules talked about the assault from her point of view. She said that she loved going to watch her child play and enjoyed catching up with the other mums and dads. In the interval, she talked to Pat and took objection to the negative comments Pat was making about the referee. Talking to Pat, Jules said, "They give up their day for our kids and they do their best. I felt annoyed that you were being so negative". Jules said that she felt intimidated when Pat started shouting at everyone in the group and when Pat stepped towards her and punched her shoulder it was a total shock. She said, "I think I fell over out of shock more than anything".

Jules talked about the effect of the assault on her. She said that the continuing pain in her shoulder was making it difficult to drive and do normal things. She is back at work. She explained how she worried about the impact on her kids and, in particular, Jamie. She strongly believes that sport is really important to children and she wants Jamie to be able to continue playing. Graham, as Jamie's team coach, added that Jamie was a promising young player and he also wanted Jamie to continue playing. Jules' two supporters both said that they had noticed Jules had been more withdrawn since the assault.

Outcomes discussion

Mary, Jules' sister, suggested that Pat should stay away from the matches for the season and simply drop her boy off and pick him up after.

Pat agreed to not attend games from now on. Graham, who coaches the kids, agreed to reinforce that promise and ensure Pat was not present during games. Jules said she thought that was a bit harsh and that she didn't expect Pat to never go to games but did expect her to do something to improve her self-control and anger management. She suggested maybe Pat could look at some counselling.

After some discussion, it was agreed that Pat would undertake the anger management course run by HALT. The course is 20 weeks, and she will enrol on the next course that starts in May and will complete all 20 weekly sessions. When asked how Jules will know if Pat has completed the course, Pat said that

she will get a certificate or letter of completion and make sure Jules gets a copy.

Pat asked how she could make it up to the children and, after discussion, it was agreed that Pat would make a donation of \$300 to the children's rugby club fundraiser. Pat paid this online at the meeting and Graham confirmed the following morning that the funds had transferred.

Jules said she didn't want Pat to go to jail. She said "I know you are sorry and I don't want to see you locked up".

The conference closed with a karakia and handshakes all around.

Signed

M Fudge
Facilitator

W Force
Facilitator

Date

20 April 2018

What you put in a report

Who are you writing for?

When you are writing a report, it is important to be clear about who the report is for and its purpose. For court referred restorative justice, the finished report goes to the:

1. judge
2. victim
3. offender
4. lawyer for the offender
5. prosecutor (generally Police Prosecutions).



Of these, the judge comes first, and this is the person to keep in mind when you are writing the report. The judge will read the report and may take it into account when sentencing. Remember that the restorative justice report is one of many documents the judge considers before sentencing. For example, the judge also has to read and consider probation reports, case reports, psychiatric reports, the Police Summary of Facts, previous convictions, and so on. Imagine you are the judge and have a mountain of reading to prepare for a day in court. You would really appreciate getting a clear understanding of the restorative justice conference and its outcomes without having to read what you might see as irrelevant detail.

While we focus in this module on writing reports for court referred restorative justice, the principles of good report writing also apply where the report is for a police referred diversion case or post-sentence restorative justice.

What goes in the body of a report

The body of your report should cover discussion of the facts, the impacts, and the outcomes. If you are observing facilitators who correctly follow the restorative justice facilitation process, everything that goes in the body of the report will be covered, in order. This approach means your report writing job will be made easy.

We now look in detail at what you should report. Please note, in the examples that follow, the colour coding is:

- **blue** for Police Summary of Facts
- **green** for appropriate report examples – and marked with a tick
- **red** for bad quality report examples – and marked with a cross.

FACTS AND IMPACTS DISCUSSION

In this, you are reporting what the offender said about the offence and what the victim said. You might also report relevant contributions from support people. It is the looking back on the offence and needs to cover what led up to the offence, the offence itself, what has happened after, and what the impacts of the offence have been.



Before – an outline of what led up to this offence

This can be critical in sentencing. For example, the Police Summary of Facts says:

“The defendant, Smith, was denied leave to deal with a family illness and in response punched his supervisor once on the bridge of the nose with a closed fist. The victim suffered a black eye and a cut to his nose.”

The conference report will give the judge information on why this offence happened and what led up to it. For example, in the above case:



Smith explained the lead-up to the offence. At 7am on the morning of the offence, his father was taken to hospital suffering symptoms of a heart attack. He heard about this at 8am, after starting his shift at 7.30am. He went straight to his supervisor, Brown, and asked for time off work to see his father. The victim, Brown, declined the leave because there were four urgent jobs that had to be got out that morning. At 11am, when three of the

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jobs were completed and the fourth would be done by lunchtime, he again asked for time off. Smith said, "I was feeling anxious and tearful and really scared my dad would die". Brown again said 'no'.

During – clarify the offence itself

The object here is to clarify, not to argue with, the Police Summary of Facts. For example, the Police Summary of Facts says:

The defendant and victim began arguing. The defendant told the victim to leave, and then picked up a table and hit the victim, cutting his forehead and knocking him to the ground.

The report clarifies that:



On the day, an argument started and, the offender, Bob, said he did threaten Seth with the table but that Seth grabbed it, twisted it and in doing so both brothers fell to the ground and Seth cut his forehead on the iron table. Bob said Seth then kicked him, damaging his hip. Seth confirmed that, and said, "I gave him a kick in the ass".

After – clarify the effects of the offending on the victim and the motivation of the offender

This is an important part of the report for the judge. They will want to know about the following.

1. How the crime has affected the victim and their family. This includes physical as well as psychological effects. The offender and their family may also be affected.
2. How the offender feels about the crime now.
3. What action the offender has already taken.

For example, the Police Summary of Facts says:

The victim suffered bruising and abrasions to both arms.

The report clarifies that:



The victim, Bill, outlined the effects of the offence. He said he had sore arms for two weeks and was unable to lift even a laundry basket. For the first week, he could not drive. He had three weeks off work and in this time felt anxious and agitated. The effects on his family were that his wife and children had to do more of the work around the house. Bill said his youngest child was worried that daddy might get killed and he had to do a lot of reassuring.

John said that, looking back on the assault, he feels deeply ashamed. He told his employer about the offence and, as a result, lost his counsellor position and is now working in administration.

OUTCOMES DISCUSSION

In the second part of the conference, participants look forward and discuss outcomes and what can be done to reduce the harm caused. This discussion is reported to the court and includes:



1. what the offender offered, materially and in terms of apologies, and the victim's response to any offers
2. what the victim considered the offender could do to help put right the harm that the offence had caused
3. what was agreed.

✓ *The victim, Mehana, suggested that Joan consider an anger management course. Joan said she did not want to do group work but would consider one-on-one counselling.*

✓ *The offender, Fred, said he would be happy to pay the costs Mildred had suffered as a result of the accident. Mildred said that she did not want money from Fred but thought it would be a good idea for him to make a donation to St Johns because they had been marvellous. A donation of \$300 was agreed and this will be paid by...*

You can also report any victim requests about sentencing.

✓ *The victim, Haki, requested that the matter of reparation be left to the court.*

✓ *The victim, Mehana, requested that the court order supervision to oversee the offender's completion of the two programmes.*

Note that you do not report sentencing requests from facilitators, panel members or offenders because the judge may not appreciate such advice.

✗ *The panel members consider a fine will be an appropriate sentence in this case.*

What does not go in the body of a report

Only report on the conference

You report only on what is said at the conference. What is said at pre-conference is private and is not reported on. Information gathered in pre-conference can be useful background and help the facilitator frame questions in conference. However, if useful information comes up in pre-conference, but not in conference, it is left out of the report.

Information needs to be relevant

The judge wants key statements (from offender, victim, and support people) and to know the outcomes. This important information will give a good insight into the offence, its impacts, and what has been agreed.

The judge can also benefit from your reporting of observations because these can give a flavour of the conference. For example:



The meeting ended with handshakes and hongi between the parties.

and

The victim clenched her hands and cried when explaining that the assault had left her fearful to be alone in her own home.

Judges do not want padding or detail irrelevant to the case and to sentencing the offender. For example, in an assault case:




The offender, John, said he had lots of other friends and he hadn't assaulted any of them and that they would all vouch for his good character.

The judge does not need a blow-by-blow description of who said what. It is your job to summarize what is said. For example:




*Joan said, "I reckon you should give something to charity".
Albert agreed and said "What about the Salvation Army because they look after people who live on the streets".
Mary said she would be happy to give a donation.
Joan suggested \$200.
Albert said, "She's working, so \$200 is not much. She can do more than that".
Mary said, 'I could do \$100 a week' ...*

-  *There was some discussion of suitable reparation, and both parties agreed that Mary could pay \$500 to the local Salvation Army at \$100 per week starting 20 May. Fred agreed to monitor this and report to the Trust when the full \$500 has been paid.*


Give facts, not opinions

Leave opinions out of reports. This means you do NOT give your interpretation. For example:

-  *The offender appeared remorseful.*
- Or

The offender gave a genuine apology.

Instead, quote or summarize what was said and report what you observed.

-  *The offender looked down and shed a few tears saying, "I had no idea how much I hurt you. I feel so ashamed and I am so sorry".*


Ensure you are 100 percent accurate in your reporting, do not report unverifiable information as being factual. For example:

-  *The offender has been alcohol free since the offence.*

-  *The offender said he has been alcohol free since the offence.*

Only report participant discussion

Summarize input from offenders, victims, support people, and panel members. Leave out what the facilitators said. For example:

-  *The facilitator suggested a short break and that the meeting then reconvene to discuss outcomes.*

-  *After a short break, the meeting resumed to discuss possible outcomes.*

Avoid minimizing

Use the correct terms (the assault, the driving offence) and avoid minimizing (the incident, the accident).

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Practice Exercise 1: What should go in a report

In this practice exercise you are given extracts from a conference report. In each case, you must decide whether the extract should be included in the report as is, or if it needs to be changed.

If you would cut it, explain why. If you would change it, say what part you would change.

Check your answers against the feedback over the page.

Report extract	Include Y or N	Why you would cut it out What you would change
1. The meeting was set up with chairs arranged in a circle and a coffee table with flowers in the centre.		
2. Immediately after his arrest, he went to Tama's house and apologized to everyone in the house. He said, "I was scared to go there but I just knew I had to own up and get it off my chest".		
3. Tania, the offender's mother, said that Tony was a good boy really and, of all her sons, he had been the easiest to bring up, always doing his chores around the house and helping his father milk the cows before school.		
4. The offender gave a genuine apology and appeared truly remorseful. The victim was moved by this.		
5. At the pre-conference meeting, the victim said she felt partly responsible for what happened because she had been goading him and, "saying some pretty shitty things".		
6. Joel replied, "No, she deserved it. She hit me when I was a kid so now it's payback".		

Report extract	Include Y or N	Why you would cut it out What you would change
7. In pre-conference, he said he had not hit her before, but now at conference he admitted there had been two other occasions when he had assaulted her.		
8. Rewi said he had been drinking from lunchtime that day and, when he realised that Mona was not going to turn up, he started to feel really wound up.		
9. Tama has been drug free now for four months.		
10. The facilitator asked Tama if he intended to remain drug free and Tama said he hoped he would never take drugs again.		

Practice Exercise 1: Answers

Each person's edited statements will be different. What is important is what you choose to leave in or cut out.

Report extract	Include Y or N	Why you would cut it out What you would change
1. The meeting was set up with chairs arranged in a circle and a coffee table with flowers in the centre.	N	This is irrelevant. It is not giving the judge information relevant to the case. Cut it all out.
2. Immediately after his arrest, he went to Tama's house and apologized to everyone in the house. He said, "I was scared to go there but I just knew I had to own up and get it off my chest".	Y	This is relevant to the case. It is telling the judge about action the offender has already taken to put right some of the harm. No change needed.
3. Tania, the offender's mother, said that Tony was a good boy really and, of all her sons, he had been the easiest to bring up, always doing his chores around the house and helping his father milk the cows before school.	N	This is irrelevant to the case because what Tony was like as a child has no bearing on the case. Cut it all out.
4. The offender gave a genuine apology and appeared truly remorseful. The victim was moved by this.	N	This is your opinion and irrelevant to the judge. You need to stick to the facts – what was said, what you observed. Change it to a quote of what the offender said and a description of the victim's response.
5. At the pre-conference meeting, the victim said she felt partly responsible for what happened because she had been goading him and, "saying some pretty shitty things".	N	This is not relevant because you do not report what is said at pre-conference. If this had been said at conference, it would be relevant and you could include it. Cut it all out.

Report extract	Include Y or N	Why you would cut it out What you would change
6. Joel replied, "No, she deserved it. She hit me when I was a kid so now it's payback".	Y	This is relevant because it shows the offender is not remorseful. No change needed.
7. In pre-conference, he said he had not hit her before, but now at conference he admitted there had been two other occasions when he had assaulted her.	N	The start of this needs to be edited out because what is said at pre-conference is private and not relevant to conference reporting. It needs to be changed to: "He said there had been two other occasions when he had assaulted her".
8. Rewi said he had been drinking from lunchtime that day and, when he realised that Mona was not going to turn up, he started to feel really wound up.	Y	This is relevant because it tells the judge about what led up to the offending. No change needed.
9. Tama has been drug free now for four months.	N	You cannot verify this, so it needs to be "Tama said that he has been drug free now for four months".
10. The facilitator asked Tama if he intended to remain drug free and Tama said he hoped he would never take drugs again.	N	Leave out what the facilitator said, so it would read, "Tama said he hoped he would never take drugs again".

How you write

Quality written English

To write a high quality conference report for the judge, you are expected to have the necessary skills to construct sentences and paragraphs. This means using appropriate words, correct grammar and spelling. In this section, we clarify the expected standards by providing examples – red being incorrect and green the corrected examples.

Words

The words you use need to be correct for written English. Slang is only acceptable when in quote marks denoting an actual quote. For example:



John said, "I gave him a bloody good hiding with the baton".

Using bad English, slang or text language can give a poor image of the restorative justice service. For example:



He explained how he shoulda went to the pastor first.

Rewrite as:



He explained that he should have gone to the pastor first.

Grammar

When typing up a report using Microsoft Word, most poor grammar will be underlined with a wiggly line underneath. It is expected that you correct anything with a wiggly line.

Spelling

Similarly, for spelling, it is expected that you Use the spell check function in your Microsoft Word. The spell check will not pick up every spelling error so, in addition, you need to proof read your report to ensure errors are corrected. For example:



She worried about her daughter art school just down the road.

Rewrite as:



She worried about her daughter at school just down the road.

Your report also needs to be proof read by another person from within your provider, because you may miss some of your own errors.

Punctuation

You are not expected to be an expert. A misplaced apostrophe or missing comma can be excused provided the sentence makes sense. The most important punctuation to watch is around quotes. The quote marks must go around the exact words the conference participant said. If you are not sure of the exact words, write in the narrative.

For example:

 *He said, "That his mother had asked for it because she had been in his face".*

This is clearly NOT a quote and if it were, would be reported as:

 *He said, "Mum asked for it because she was in my face".*


Or if you do not have the exact words noted, it could be written in the narrative as:

 *He said that his mother had asked for it because she had been in his face.*


Sentence construction

You need to be able to write a correctly constructed sentence that is easy to read and understand.

For example:

 *On the day she heard that the kids at school had said she had been bashed, and worried how that might affect her boy.*

Possible rewrite:

 *The children at school were told that she had been beaten up. That caused her boy considerable fear and stress at the time, and she worried about the long-term effects on her boy.*

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Paragraph construction

Your paragraph needs to contain sentences that are on a related topic. For example, when writing about impacts:

NOT



At the start of the bank robbery, Shona said she had been terrified but later she realised she was more worried about her 6 year old daughter. She still worries about that as her daughter has been clingy and keeps worrying about robbers. She said that she couldn't imagine how it was for the offender and his family and she hoped his daughter has someone to take care of her. She found it difficult to understand how he got into such a mess. She said she had had a battle with ACC to get help for her trauma counselling. She had been in an abusive relationship and the robbery brought up old fears. She loves her job and the people she works with and was glad to get back to it within a week. She has been promoted to supervisor since.

Possible rewrite:



Shona has needed and received trauma counselling. She said the robbery had brought up old fears for her. Shona said the robbery had also impacted on her 6 year old who has become clingy and worried. Shona returned to work a week after the robbery.

Being clear and concise


Being clear and concise requires you to be specific, clear about who you are referring to, and put information in logical order. We look at all these factors in turn and practise writing a section of a report.

Be specific

General and non-specific statements are of little use to the judge. For example:


 *An apology was given.*

Instead, be specific and give a quote. For example:


 *The offender apologized and, when questioned on what he was sorry about, said, "I'm just sorry this thing has taken up so much time".*

Be clear about who you are referring to

It can be confusing to follow who you are talking about in a report. For example:

 *The offender said he had a daughter too and his mother looks after her during the day. She has been ashamed of what he did and has not wanted to talk to him.*

In this example, we don't know whether it is the mother or the daughter being referred to. It is best to be specific and use the person's name or their role. For example:

 *The offender said he had a daughter too, and his mother looks after her during the day. His daughter has been ashamed of what he did and has not wanted to talk to him.*

Be concise

It is best practice to keep a report concise. **Two pages** are recommended for the summary of outcomes and body of the report (see example report, pages 13–15). Where more detail is required or requested, it can be appended in a separate document.

We touched on the indicators that are important for keeping a report concise earlier in the module. In summary, they are:

1. include only information relevant to the case – no padding
2. summarize the important information and include important quotes and observations. Do not record who said what, word for word.

Putting information into a logical order

In the body of the report, you need to cover the following.

Facts and impacts discussion

1. The offender's story telling (the lead up to the offence, the offence itself, what happened after)
2. The victim's story telling (what happened before the offence, the offence itself, what happened after)
3. The impacts of the offence - on the victim and whānau, on the business, on the offender's whānau etc.
4. The offender response to what s/he has heard from the victim.

Outcomes discussion

1. What the offender offers
2. What the victim wants
3. Agreements reached (and how they will be followed up)

In the conference, discussion may not flow in a logical order. Often the offender will start off talking about how they feel about the offence now, before explaining what led up to the offence. The victim may ask clarifying questions of the offender or a support person may add additional comment. If you report in the order of what is said, the report will be difficult to follow. Instead, you need to sort the information and a good way to do this is to put it into the order shown above.

Before completing the next two practices which require you to write the body of a report, you are strongly recommended to watch this webinar which gives clear instructions on report writing and getting information into a logical order.

<https://vimeo.com/281859165/11d48d8d62>



Practice Exercise 2: Writing the 'Facts and Impacts' section of a report



A word for word account is given in the following pages of what was said in the 'facts and impacts' section of a conference. The conversation is much shorter than it would be in a real conference.

Working from this information, summarize and edit the information into the 'facts and impacts' section of a conference report. NOTE: you do not need to write the outcomes section. You need to meet the following standards:

1. All information is relevant to the case
2. Information is factual (what was said, what was observed) and opinion is avoided
3. Information is clear and concise
4. Events are reported in a logical order (for example, offender story, victim story, impacts, offender response).

Police Summary of Facts

*Police V Linda Smith
123456*

*CHARGE Assault (Other Weapon)
Crimes Act 1961 Section 194(b)
2 Years Imprisonment*

Introduction

The defendant and the victim in this matter are old friends. This is the first incident of violence that has been reported to police.

Circumstances

At about 7.20pm on 17 January 2014, the defendant and the victim were in the kitchen of the defendant's home.

They had been drinking alcohol.

A loud argument developed about the victim's friendship with another woman.

The defendant was holding a fry pan at the time and struck the victim on the left side of her head with the pan.

The victim fell to the floor unconscious.

Injuries to victim

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The victim sustained a cut and bruising to the right side of her head. She was taken to hospital in an ambulance and discharged the next morning.

The defendant is 35 years old and has not previously appeared before the court.

Example recording of facts and impacts discussion

Participants

Linda Offender
 Anne Support (friend)
 Marama Victim
 Joan Support (sister)

Facilitator	We'll start with you, Linda. How would you describe your relationship before this assault?
Linda	It's been pretty good. We've been friends for 8 years and there have been a few arguments but nothing physical.
Marama	Well, what about the time you broke my phone?
Facilitator	Let's just listen to Linda for now. Carry on Linda.
Linda	I know I overreacted and I know I have hurt you. I really want us to work this out.
Facilitator	Take us back to the assault and tell us about what led up to it.
Linda	Marama's been friendly with a woman at her work who I know from way back. Sheila's her name. She's trouble with a capital T. She borrowed fifty bucks off me about 5 years ago and never paid it back. I know she ripped my friend John off and I have warned Marama to keep clear of her. I felt pissed off about her even being polite with her let alone having a lunch with her. It felt like you were being disloyal to me.
Marama	I told you I am not really friends with her but I need to work with her and get along on a work level.
Linda	I know that now but then it was eating me up.
Facilitator	So how did it come to a head?
Linda	It was a Friday night and Marama had come around for dinner. We often have dinner together on a Friday. We had a few drinks before dinner. I was cooking and Marama was watching telly. Her phone went and it was Sheila from her work. She was talking to her for ages and I got more and more stressed. In the end, I yelled out to get off the phone. She gave me the fingers and I started to fume. Anyway when Marama got off the phone, the argument really started and we were screaming at one another. I just lost it. I

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	had a fry pan in my hand and I hit her with the pan. It was meant to be a gentle hit but it wasn't and the edge of the pan was sharp and cut her head.
Facilitator	What happened then?
Linda	I freaked out at the blood and I was going to call an ambulance but there was a knock at the door and it was the police. The neighbour had called them. Then I got taken away in the cop car and a nice police woman stayed with Marama until the ambulance came.
Facilitator	Thanks Linda. You said you had had a few drinks before the assault. Tell me more about that.
Linda	Well, we had opened a couple of bottles of wine. I guess I had most of it – more than a bottle. I don't drink often but I do tend to drink too much.
Facilitator	What link is there, if any, between your arguments and the drinking?
Linda	Yes. I don't think I would have lost it if I had been sober. I reckon that is a lot of the problem.
Facilitator	You may have some questions Marama. Do you want to ask them now or would you like a turn to give your story first?
Marama	Yes. I want to know why you used that heavy fry pan to hit me. That could have killed me!
Linda (sobbing)	I didn't think and I thought I had not hit you hard. I didn't mean to hit hard. Just give you a dong on the head to shut up. It was harder than a dong though. I am so sorry. I really truly am sorry. I go through it every day and ask myself how I could be so incredibly dumb.
Facilitator	What other questions do you have Marama?
Marama	Nothing for now.
Facilitator	So let's hear your story, Marama, especially what effects this assault has had on you?
Marama	I would like for us to be friends again. I can't forgive you yet but I sort of accept that it happened. I have been really sad since this happened. It's affected my work. I can't concentrate as well.

Joan	It gave the whole family a shock and we don't trust you any more Linda. We are scared for Marama. How do we know it won't happen again?
Facilitator	Tell Linda your account of what happened that night.
Marama	I was happy to be asked out for dinner. I hate cooking and I like your company, Linda. I was just blobbing in front of the telly. When the phone went, and it was Sheila, I had to deal with her because she was ringing about a work matter that she had to sort over the weekend. She wanted to run her ideas past me and that was all. When you started yelling at me to get off the phone, I couldn't hear and that is why I gave you the fingers to shut up. I think it is reasonable to have a work conversation and I don't think you should get so bloody wound up. You really hurt me when you hit me.
Facilitator	Sounds like there are a few issues to talk over. Tell us more about the physical injury you suffered, Marama, and the effects of that.
Marama	I had 3 stitches in my head and that required shaving off a patch of hair, which looks really dorky. I was knocked out for about 3 minutes so that means there was some brain damage. I had headaches for a week after but they went. That is all really. It is more that I don't trust you the same now. Oh, and it is really embarrassing being quizzed at work. I don't want to discuss it with people I work with so that has been difficult for me.
Linda (Crying)	I know and that is what I want to try to fix. I have really let you down and I need to do something about my temper. I need to learn from this. I am so sorry and I promise nothing like this will happen again.
Facilitator	Anne, you haven't spoken yet. What would you see as the impact of the assault on Linda and Marama?
Anne	I'm a long-time friend of Linda and now friend of both of them. I know you are a bit volatile Lindy, but you aren't a violent person. I reckon you should work through this and it will make you stronger, but it will take time. And I will help you both any way I can. I think it is about building trust again and that's a long-term project.
Facilitator	Before we move on to the next step, which is to look at possible outcomes, let's check what else needs to be said. Joan?

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Joan	No, nothing.
Facilitator	Linda?
Linda	Just that I really really want to make up for what I have done to Marama.
Facilitator	Thanks Linda. Anne?
Anne	Nothing.
Facilitator	Last and most important. Marama?
Marama	No. I've said what I need to.

Your report

Record your report of the 'facts and impacts' in the box below. You can use sub-headings if you wish. When you have finished, check your report against the practice feedback that follows.

Practice Exercise 2: Feedback

Your 'facts and impacts' section of the report will be worded differently but that's OK if you have met these standards:

1. All information is relevant to the case
2. Information is factual (what was said, what was observed) and opinion is avoided
3. Information is clear and concise
4. Events are reported in a logical order (for example, offender story, victim story, impacts, offender response).

Facts and impacts

The offender, Linda, spoke first and described what led up to the offence. Her friend, Marama, worked with a previous acquaintance of Linda's and Linda advised her friend to keep clear of this woman. Linda was unhappy that Marama did not follow her advice. She said, "It felt like you were being disloyal to me".

On the night of the offence, the friends were drinking wine (2 bottles). Marama was having a work phone conversation with the colleague and this caused Linda considerable stress. When the conversation finished, Linda confronted Marama about her friendship and a heated argument ensued, ending with the assault. The victim, Marama, asked why Linda had hit her with such a heavy pan and said, "That could have killed me". Linda explained that she had meant to give a more gentle tap on her head and not hit as hard as she did.

Linda said that, on the night of the assault, she had too much to drink and had had more than a bottle of wine. In her opinion, her drinking contributed and she said she would not have assaulted Marama if she were sober. She said that she has a tendency to drink too much.

Marama spoke next and explained that she was happy that evening and enjoying being cooked for. She said that the telephone conversation she was having with the colleague was work related and she needed to help the colleague. She felt it was reasonable to have a conversation with a colleague. Linda's reaction (the argument followed by the assault of Marama) resulted in Marama being knocked out and having a cut to her head. Marama said that there was some brain damage. She had stitches and an area of hair shaved and suffered headaches for a week. Marama said that the brain damage has affected her concentration and her work and questions from workmates have been stressful for her. Marama said that she cannot yet forgive Linda.

The victim's sister said the family has been affected and no longer trusts Linda. Linda's support person said that rebuilding trust between the friends will take time but she felt they will end up stronger.

Linda expressed regret for the assault and said tearfully to Marama, "I am so sorry. I really truly am sorry. I go through it every day and ask myself how I could be so incredibly dumb".

Practice Exercise 3: Writing the 'Outcomes discussion' section of a report



A word for word account is given in the following pages of what was said in the outcomes discussion at the same conference. Again, the conversation is much shorter than it would be in a real conference.

Working from this information, summarize and edit the information into the 'outcomes discussion' section of a conference report. You need to meet the following standards:

1. All information is relevant to the case
2. Information is factual (what was said, what was observed) and opinion is avoided
3. Information is clear and concise
4. The order is logical and the discussion is clear to the reader

Police Summary of Facts

*Police V Linda Smith
123456*

*CHARGE Assault (Other Weapon)
Crimes Act 1961 Section 194(b)
2 Years Imprisonment*

Introduction

The defendant and the victim in this matter are old friends. This is the first incident of violence that has been reported to police.

Circumstances

At about 7.20pm on 17 January 2014, the defendant and the victim were in the kitchen of the defendant's home.

They had been drinking alcohol.

A loud argument developed about the victim's friendship with another woman.

The defendant was holding a fry pan at the time and struck the victim on the left side of her head with the pan.

The victim fell to the floor unconscious.

Injuries to victim

The victim sustained a cut and bruising to the right side of her head. She was taken to hospital in an ambulance and discharged the next morning.

The defendant is 35 years old and has not previously appeared before the court.

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Example recording of outcomes discussion**Participants**

Linda Offender
 Anne Support (friend)
 Marama Victim
 Joan Support (sister)

Facilitator	We'll start with you, Linda. You have heard about the harm caused. What could you do to make up for this?
Linda	I want to stop drinking. I know it's the booze that makes me mad. I haven't had any drinks since that night. Except for my birthday and Tina's wedding. I am totally committed to cutting down.
Mamara	I don't expect you to be a complete wowser but it would be good to cut down. You had about one and a half bottles of red that night. Maybe stop at three glasses.
Facilitator	We can get down to details later. Let's get all ideas on the table first. What else could you do Linda?
Linda	I don't know. I think it is the booze really.
Facilitator	You said before you wanted to do something about your temper. What are some ideas there?
Linda	I don't know. Maybe do anger management but I'm normally calm when I'm not drinking.
Facilitator	Anne, you know Linda well, what do you think she could do to make up for this and ensure it doesn't happen again.
Anne	If she came to church with me every Sunday I think it would help her. I would love you to come with me Linda.
Linda	I know it is right for you but I am not into religion and it's not something that would help me.
Facilitator	Mamara. What would you like Linda to do to make up for hitting you and to ensure this sort of thing does not happen again.
Mamara	I think it is a great idea to cut down your drinking. I'd like to see you do something for the community too. I don't know what and I guess it is up to you but maybe a donation to a charity or even better, doing some work hours for a charity.

Linda	Yes I can do that. I'd be happy to do that.
Facilitator	What other ideas are there to put on the table? Joan? Mamara?
Joan	Nothing to add from me but I support the cutting down on the drinking.
Mamara	I can't think of anything else.
Facilitator	Well to summarize, it seems like we have three possible actions on the table. One is to do something about the drinking, one is anger management and one is to do something for the community. Is that right?
All	Yes
Facilitator	We need to get down to specifics, so before we do that, what is your top priority Mamara?
Mamara	The drinking.
Facilitator	And your top priority, Linda?
Linda	Yes the same. The drinking.
Facilitator	OK. "Cutting down" is rather loose. What specific action are you going to take Linda?
Linda	I am just not going to buy wine any more. Then I won't have access to it.
Facilitator	What consideration have you given to getting help with cutting down? Some people find alcohol and drug counselling useful and others like to join a support group.
Mamara	I trust her to cut down and just not buy booze. That's OK by me.
Linda	Yes. I'll think about counselling and support groups later, if the not buying doesn't last.
Facilitator	Ok, so let's move on to the other two options. What about the anger management you suggested Linda?
Linda	Yea my friend did a course at the rūnanga and said it was really good. I would like to enrol for that.
Facilitator	What course? Is that the 12 week course for women?
Linda	Yes that's it. Toa something.

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Facilitator	I have the details on that here (hands over a pamphlet). It is the Wahine Toa course and the next one starts on March 3 rd . It is 2 hours a week and they meet on Wednesdays at 7pm-9pm.
Linda	I will enrol for the March 3 rd course then.
Facilitator	Are you committing to enrolling or to completing the 12 week course?
Linda	To both – I'll do the lot.
Facilitator	What are your thoughts on that, Marama?
Marama	I fully support you doing that. If you are prepared to give up all that time then I don't think you need to do community work too or give any donations. Doing that course would be quite enough commitment. I just hope the court supports you with that commitment. I'd rather you were helped than punished.
Linda	Thanks Marama.
Facilitator	For our report to the court we need to follow up on the specific agreements you make. Are you OK for me to contact the counsellor who runs Wahine Toa and confirm that you have enrolled and also ask her for information on your attendance?
Linda	Yes that's fine by me.
Facilitator	I'll need to get you to sign a permission form for that but first let's summarize the actions agreed. Linda is going to cut down her drinking by no longer purchasing alcohol to take home. and You are going to enrol on the Wahine Toa course starting March 3 rd at the rūnanga and you will complete 12 two hour sessions, finishing May 26 th . I will contact the course leader to confirm your attendance. Is that right?
Linda	Yes
Marama	Yes
Facilitator	That's great. I'd like to do a round of final words before we close.....
All	(Spoke about how they appreciated the opportunity)

Facilitator	Thank you all for coming today. I'll summarize what will happen from here.....
All	(Participants smiled and shook hands on departure)

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Your report

Record your report of the 'outcomes discussion' in the box below. When you have finished, check your report against the practice feedback that follows.

Practice Exercise 3: Feedback

Your 'outcomes discussion' section of the report will be worded differently but that's OK if you have met these standards:

1. All information is relevant to the case
2. Information is factual (what was said, what was observed) and opinion is avoided
3. Information is clear and concise
4. The order is logical and the discussion is clear to the reader

Outcomes discussion

Linda thinks her main problem is her drinking and she said she will cut down. She also offered to do an anger management course. Her support, Anne, suggested she start going to church but Linda rejected this idea.

Marama supported Linda's plan to stop drinking and suggested she also do something for the community such as a donation to a charity or some work hours for a charity.

After some discussion Linda and Marama agreed that she would cut down her drinking by no longer purchasing alcohol. Linda said that if that didn't last she would look at AOD counselling or a support group to help her.

Linda also agreed to enrol for and complete the 12 week, 2 hours per week, Wahine Toa course run by the rūnanga, starting March 3rd. The restorative justice facilitator will follow up with the rūnanga to confirm her enrolment and attendance.

Marama said that if Linda did the course then that was enough and she did not think doing charity work or a donation was needed. She said, "I just hope the court supports you with that commitment. I'd rather you were helped than punished."

The meeting ended with thanks and handshakes all around.

Conference agreements

Agreements are made between the offender and victim. They can be to:

- pay money, for example, reparation to the victim, or a donation to charity
- do work hours, for example, community work, charity work, work for the victim
- change themselves, for example, to undertake anger management, drug and alcohol treatment or counselling.

Agreements need to be SMART, and only SMART agreements should appear in the summary of outcomes. If agreements are not SMART they are still recorded - in the body of the report. We now look at what a SMART agreement is.



What are SMART agreements?

SMART	Definitions	Examples
S pecific	This means the agreements are clear and specify exactly what is to be done.	Jim will complete a five-week anger management course starting 5 June. John will pay Joan \$500 in cash by 24 May.
M easured	This means it is perfectly clear how you will measure whether the agreement has been completed.	Angela will pay \$10 each payday by direct debit into Fred's account until the \$500 has been paid in full by 31 January next year. Jim will provide the certificate of course completion to his lawyer at sentencing.
A greed by all parties	All parties accept the agreement.	In a community diversion case, agreement is needed from the: <ul style="list-style-type: none"> ▪ offender ▪ victim ▪ panel members ▪ police.
R ealistic	The agreement can be achieved (taking into account known sentencing possibilities).	Manu will work in the Salvation Army store after work for two hours, two evenings a week, over the next five weeks. If Joan is not sentenced to prison, she will complete all four sessions of the parenting course beginning 6 April.
T ime bound	There is a time by which the agreement will be completed. Or There is a set period for the agreement.	... all four sessions of the parenting course beginning 6 April. ...by 24 May.

Note

Of course, agreements also need to be safe. For example, it may be unsafe to have an agreement where the offender is to contact the victim directly or visit the victim unescorted.

Example of non-SMART agreements

Example 1

Angela will attend the anger management course at the community centre.

This agreement is:

- **not specific** – we don't know when Angela will start and if she will attend all sessions
- **not measured** – there is no mechanism for the victim to tell if the agreement has been completed
- **not time bound.**

Example 2

Michael agrees to pay Sione \$600 for damage to the car. He will start to pay some each payday. Judy (Michael's support person) will remind him.

This agreement is:

- **not specific** – we don't know when he will start paying and how much
- **not time bound.**

Example of SMART agreements

Example 1

Angela will complete the next available anger management course at the community centre. John (her father) will provide transport. Angela will provide her certificate of attendance to her lawyer at sentencing.

Example 2

Michael agrees to pay Sione \$600 for damage to the car. This is to be paid at the rate of \$50 per fortnight starting 25 March. Michael will set up a direct credit into Sione's lawyer's trust account. Judy (Michael's support person) will remind him and also let Sione know as soon as the direct credit has been set up.

Practice Exercise 4: Editing agreements



This practice checks that you can turn non-SMART agreements into SMART agreements.

For each of the examples below, identify whether the agreements are SMART or not.

Rewrite those that are not to make them SMART.

You will need to use your imagination when doing this.

1. *Jan will provide all materials and fix Atareta's fence.*

S M A R T

Possible rewrite:

2. *Timo agrees to pay \$300 to Red Cross. Timo is on an unemployment benefit and has no savings.*

S M A R T

Possible rewrite:

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3. *Jo will arrange for some counselling straight away.*

S □ M □ A □ R □ T □

Possible rewrite:

4. *Joseph will stop drinking.*

S □ M □ A □ R □ T □

Possible rewrite:

5. *Colin agreed to get some training and use his talents in positive ways.*

S □ M □ A □ R □ T □

Possible rewrite:

Practice Exercise 4: Feedback

Check your answers against those below.

While your rewrites will not be the same, they need to be SMART.

1. Jan will provide all materials and fix Atareta's fence.

S M A R T

Possible rewrite:

Jan will provide all materials (materials will match the present materials) and fix Atareta's fence for free so it is the same as it was. Jan will do this by 15 November 2018 and will give Atareta two days warning on when she is coming by phoning Atareta. Atareta will communicate her satisfaction with the job to Jan's lawyer.

2. Timo agrees to pay \$300 to Red Cross. Timo is on an unemployment benefit and has no savings.

S M A R T

Possible rewrite:

Timo will pay \$300 to Red Cross in 14 weekly instalments of \$25 starting 16 January 2018. Mandy (Timo's support person) will support him in setting up the payments and send Timo's lawyer receipts to show that the payments have been made. Timo's lawyer will report back to the coordinator.

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3. Jo will arrange for some counselling straight away.

S M A R T

Possible rewrite:

Jo will arrange for anger management counselling at the Community Resource Centre and make an appointment for five sessions starting the first week in May. Jo's support person, Ali, will help her to set this up and also report on completion of the five sessions to Steve (victim). Jo will pay for the counselling.

4. *Joseph will stop drinking.*

S M A R T

Possible rewrite:

Joseph (offender) will drink no alcohol starting immediately and for the following six months. His mother promises to monitor and report back on progress to Marg by 31 March 2018

5. *Colin agreed to get some training and use his talents in positive ways.*

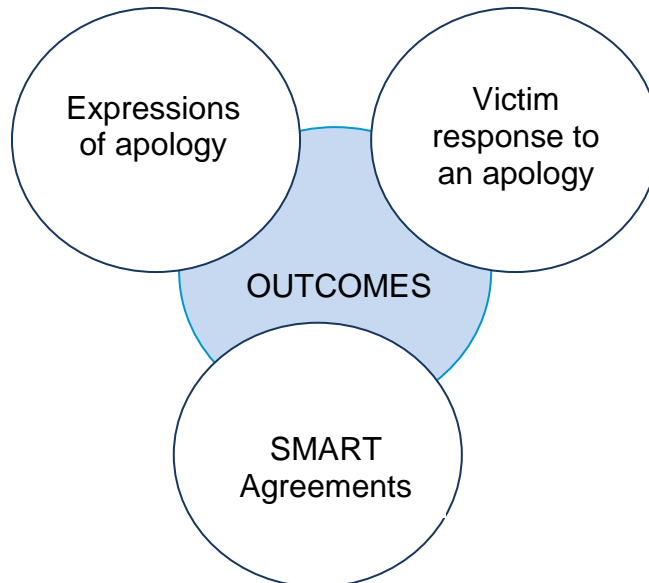
S M A R T

Possible rewrite:

Colin (offender) will enrol for the pre-apprenticeship course at the polytechnic starting term 2, 2018. He will complete the programme in full by Christmas 2018 and post a photocopy of his certificate of completion to Mahi (victim).

‘Summary of outcomes’

What goes in the ‘summary of outcomes’



The ‘summary of outcomes’ is a summary for the judge and contains important information that the judge may take into account when sentencing. It is written last but it appears at the start of the report. The information for the summary of outcomes is pulled from the body of the report, which is written first.

The summary of outcomes typically includes:

1. Any apology or statement of regret from the offender
2. Any victim response to an apology
3. Any SMART agreements (and agreed follow up).

The summary may also include:

4. Any sentencing requests from the victim
5. Anything the offender has already done to make amends (and verification of this).

An example of a good ‘summary of outcomes’ is:

- *Apira apologized to the victim, Johan.*
- *Apira has enrolled voluntarily in a 23-week course with the Eketahuna Anger Management Programme that begins on 11 February.*
- *The whānau wish to meet in three months’ time for a follow up restorative justice conference to review progress to date.*

reports

This hui is booked for 22 May at 7 pm at the Eketahuna community hall.

- *The victim requests that the matter of reparation be left to the court.*

SMART agreements made need to be followed up by the provider before sentencing. In such cases, the follow up, and when it will be done, needs to be reported along with the SMART agreement. For example:



John will start the HALT anger management course on June 12 and will attend weekly sessions until course completion on September 20. A progress report from HALT will be provided to the court before sentencing.

What does not go in the ‘summary of outcomes’

It is a common error to put information into the summary of outcomes that is best left only in the body of the report.

1. **Agreements that are not SMART.** These are typically statements of intent. For example, a young offender promises to “Write down some life goals for himself”, or an alcoholic agrees to “Cut down her drinking”, but declines alcohol assessment and treatment. In such cases, you note the discussion in the body of the report but the agreement will NOT go into the summary of outcomes at the front of the report. The reason for this is that the agreement is not specific and measurable, so progress or completion cannot be verified at follow up.
2. **Offers and requests that have not resulted in an agreement.** For example, the offender offers to pay reparation to the victim and the victim declines to accept it. Another example is the victim asks the offender to undertake drug and alcohol treatment and the offender declines.

The 'Summary of outcomes' comes from the report body

What is in the 'summary of outcomes' needs to be supported by the discussion in the body of the report. The 'summary of outcomes' is just that – a summary. You cannot introduce new information into the summary of outcomes. Any quotes in the 'Summary of outcomes' need to match those in the body of the report.



In the body of the report the offender is reported as saying, "I feel such a let-down. I have let down my family and your family and the community too".

The 'summary of outcomes' says:

"The offender apologized and said, 'I'm so sorry to have let you all down'."



In the body of the report, the offender is reported as saying, "I feel such a let-down. I have let down my family and your family and the community too".

The 'summary of outcomes' says:

"The offender expressed regret for his actions and said, 'I have let down my family and your family and the community too'."

Practice Exercise 5: What should go in a ‘summary of outcomes’



In the following exercise you are given extracts from the body of a report. In each case, you must decide what, if anything, should be included in the ‘summary of outcomes’.

Check your answers against the feedback over the page.

What is in the body of the report	What should be pulled out to go in the ‘summary of outcomes’
<p>The offender, Toby, said, “I’m so sorry for having put you to so much trouble and worry”.</p> <p>Mary rejected his apology saying, “I don’t believe you, and if you were really sorry you would have returned what you stole or paid for it months ago”.</p> <p>Mary’s sister said, “You have always been a liar, and I don’t believe you are sorry at all”.</p>	
<p>John said that he intended to give up drinking completely. He felt that he did not need to do any formal drug and alcohol treatment and would use his willpower to stop. He said he would only drink on special occasions, such as birthdays and at Christmas. The victim, Veronica, said, “It is so good to hear that you are going to cut down your drinking because every time it is the drinking that gets you into trouble”.</p>	
<p>The offender’s mother said that she hoped he would not get home detention because it would impact on the whole whānau if he did. The panel member, Myrtle, requested that the court consider a sentence of community work.</p>	
<p>The offender, Wiremu, said he had already completed a defensive driving course and that it had helped him to be more aware at intersections now. He will give his certificate of completion to his lawyer.</p>	

Practice Exercise 5: Answers

Each person's summary statements will be different. What is important is what you choose to leave in or cut out.

What is in the body of the report	What should be pulled out to go in the 'summary of outcomes'
<p>The offender, Toby, said, "I'm so sorry for having put you to so much trouble and worry".</p> <p>Mary rejected his apology saying, "I don't believe you, and if you were really sorry you would have returned what you stole or paid for it months ago".</p> <p>Mary's sister said, "You have always been a liar, and I don't believe you are sorry at all".</p>	<p>The offender apologized saying, "I'm so sorry for having put you to so much trouble and worry".</p> <p>The apology was rejected by both victims.</p>
<p>John said that he intended to give up drinking completely. He felt that he did not need to do any formal drug and alcohol treatment and would use his willpower to stop. He said he would only drink on special occasions, such as birthdays and at Christmas. The victim, Veronica, said, "It is so good to hear that you are going to cut down your drinking because every time it is the drinking that gets you into trouble".</p>	<p>Nothing – this is an unmeasurable statement of intent and is left in the body of the report.</p>
<p>The offender's mother said that she hoped he would not get home detention because it would impact on the whole whānau if he did. The panel member, Myrtle, requested that the court consider a sentence of community work.</p>	<p>Nothing – this is not a victim request. The report of this discussion is left in the body of the report.</p>
<p>The offender, Wiremu, said he had already completed a defensive driving course and that it had helped him to be more aware at intersections now. He will give his certificate of completion to his lawyer.</p>	<p>The offender has already completed a defensive driving course and will provide verification of this to his lawyer.</p>

Summary and handy hints

So far, we have looked at:

- the report format and a template for that
- what to put into a report and what not to put in
- report writing standards
- reporting conference outcomes.

Here are some handy hints to help facilitators write quality reports.

- ★ Take good notes at the conference. Develop your own format and shorthand for doing this.
- ★ You can use a voice recorder, if both the offender and victim consent to it.
- ★ Make sure you record quotes accurately.
- ★ Write the body of the report first – the discussion in the ‘facts and impacts’ section and then the ‘outcomes’ section.
- ★ Leave writing the ‘summary of outcomes’ to last and make sure that anything in it is supported by what you have already recorded in the body of the report.
- ★ Use the spelling and grammar check function to identify any spelling errors and sentences that need to be reconstructed.
- ★ Carefully proof read your report.
- ★ Ensure your report goes through your provider’s checking and proof-reading process.
- ★ Provide the final report to the victim, offender, police, court. Drafts are not sent out for comment.



Assessment: Restorative justice conference reports



In this assessment, you will attend a real restorative justice conference as an observer. You will take your own notes and afterwards, write a complete conference report.

Talk to your provider manager or coordinator and arrange to attend a conference. Explain that you are asked to observe and NOT to act as official note taker. Explain also, that the report you write is for training purposes only. The facilitators of the conference will have to write their own conference report as normal.

You can use the report template provided in this module and available in Microsoft Word here:

<http://www.resolution.institute/restorativejustice/resources>.

If you prefer, you can use your provider template so long as it meets the standard in Evaluation A on the next page.

For privacy purposes, you can use first names only in your report.

Before you submit your report, check it against the standards in Evaluation A on the next page.

The report you submit must be one you have done totally on your own. It is not acceptable for this assessment, to submit a report on which you have been coached, or which has been edited by someone else.

Submit your completed training report to the reviewer, and please include your phone contact details in the accompanying email. The reviewer contact details are:

Anne Evans-Scott
anne@pact.co.nz
027 447 5115

Evaluation A: Restorative justice conference reports

This evaluation provides the standards expected of a trainee facilitator who is observing a conference. In the observer role, you are not responsible for the quality of facilitation so these standards are less than those expected of a facilitator.

Standard	Met? ✓ or ✗
The report includes: <ul style="list-style-type: none"> ▪ identification details ▪ a report body ▪ a 'summary of outcomes'. 	
Information is clear and concise.	
Information is factual (what was said, what was observed) and opinion is avoided.	
All information included is relevant to the conference.	
Events are reported in a logical order, and both the 'facts and impacts' discussion and the 'outcomes discussion' are clear to the reader.	
The summary of outcomes section contains information to be taken into account at sentencing, for example: <ul style="list-style-type: none"> ▪ Statement of apology ▪ The offence victim response to apology ▪ SMART agreements 	
Grammar and spelling are of a high standard.	

Evaluation B: Restorative justice conference reports

This evaluation provides the standards expected of a trained facilitator who is facilitating or co-facilitating the conference and, therefore, can ensure the conference process is followed, information is complete, outcomes are SMART, and follow up or monitoring is agreed. These standards apply for accreditation.

Standard	Met? ✓ or ✗
The report includes: <ul style="list-style-type: none"> ▪ identification details ▪ a report body ▪ a 'summary of outcomes'. 	
Information is clear and concise.	
Information is factual (what was said, what was observed) and opinion is avoided.	
All information included is relevant to the conference.	
Events are reported in a logical order, and both the 'facts and impacts' discussion and the 'outcomes discussion' are clear to the reader.	
The summary of outcomes section contains information to be taken into account at sentencing, for example: <ul style="list-style-type: none"> ▪ Statement of apology ▪ The offence victim response to apology ▪ SMART agreements 	
Grammar and spelling are of a high standard.	

PLUS, and relevant to the quality of the facilitation process.

Standard	Met? ✓ or ✗
Information is complete – offender's story, victim's story, impacts, outcomes.	
Agreement(s) in the 'summary of outcomes' are SMART.	
The process for monitoring agreement completion is documented.	

