

WRITING AN EFFECTIVE CHARACTER REFERENCE FOR AN ASSAULT OFFENDER

This guide has been designed to assist you in the preparation of a character reference for court.

We have discovered that a well drafted Court character reference can have an impact upon the sentence that is imposed by the Court. We believe that a Court character reference must paint a picture of the character of the person it is written about.

Let us give you an example:

Most Court character references make statements like this “James Brown is hardworking, energetic and generous with his time and money”. We believe that these references have very little impact upon the sentence imposed by the Court. As some Magistrate’s comment I have never read a bad character reference.

But by the use of examples, illustrations and stories you can bring to life the character of a person. Here is a real life example: “James Brown is very generous with his time and his money. I remember driving home and seeing our elderly neighbour struggling to remove graffiti from his fence. James went quiet and when we returned home he went missing for a while. About 1 hour later I saw James with our elderly neighbour scrubbing the graffiti from the fence with solvents and equipment that he had purchased from the hardware store. James spent the next 4 hours with our neighbour until it was all removed. This is just one example of how James demonstrates his generosity and compassion to others.”

How the character reference should be set out

1. The reference should be addressed to “The Presiding Magistrate” if the court is a Local Court or “The Presiding Judge” if the court is a District or Supreme Court.
2. The salutation (normally Dear Sir / Dear Madam) should be “Your Honour”.
3. The reference should be typed.
4. The reference should be on official letterhead, if possible.
5. The reference should indicate how long you have known the person.
6. The reference should indicate that you are aware that the person has been issued with a court attendance notice for the specific assault offence they have been charged with.
7. You should speak with the offender as to whether they have been charged with an offence of violence previously. The court is likely to reject the whole of the reference if you state that the offence is totally out of character if that is not the case.
8. If the offender has expressed remorse for what they have done or suffered anxiety as a result of being charged by police, then you should comment on your observations.

9. If you are aware of any personal circumstances of the offender that may have caused them to have committed the offence you should state these.
10. If you are aware of any difficulties that may be suffered by the offender if they were to receive a criminal record please state these.

What should not be in a reference

1. Do not suggest the penalty to be imposed.
2. Do not be critical of the law.
3. Do not make comments like “I ask the court to look inside them”
4. Do not say anything that is not true. It is an offence to mislead the Court.
5. Do not make submissions or speeches.