

NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS

VICTIM SERVICES OFFICE

For Your Information . . .

Apologies, Amends & Accountability

In New Hampshire, court-ordered sentences to probation or prison (followed by parole) are intended to achieve the goals of deterrence, rehabilitation, and punishment. The NH Department of Corrections provides a safe, secure, and humane correctional system through effective supervision and appropriate treatment of offenders, and a continuum of services that promote successful re-entry into society for the safety of our citizens and in support of crime victims.

As we encourage self-improvement by persons incarcerated or under community supervision, we also recognize the many impacts of crime upon victims and their families. We are respectful of the trauma, grief and recovery which these people experience. This *Information Sheet* is for offenders who choose to accept **personal responsibility** and be **accountable to the persons harmed** by crime. It offers ideas about making amends and attempting to repair the harms caused by your behavior. We urge you to seek other helpful resources as you gain insight into what it means to be accountable for your behavior.



Crime impacts different people in different ways. In general, crime can harm the victim and his/her family **emotionally, financially, or physically**. As a person who caused some kind of harm, it is up to you to decide whether you will make amends, apologize or otherwise accept full responsibility for that harm. Do you choose to do it to help you? Do you choose to do it to help your crime victim? Do you choose to do it to help both? Should you choose, we suggest that you do it for the right reasons.

To “amend” something is to make it right. A dictionary definition is, “to change or modify for the better” (*Merriam-Webster*). How can YOU make amends for the harm caused by your crime(s)? Some well-known options include ~ **paying restitution** ~ **giving a sincere apology** ~ **giving of yourself to your community** ~ and ~ **committing to changed behavior to prevent harm of other people**.

PAYING RESTITUTION

New Hampshire law (RSA 651) establishes a presumption that the victim will be compensated by the person who is responsible for the loss. Sentences which include victim restitution are not based upon an offender’s current ability to pay. If the Court ordered you to pay victim restitution, it is your obligation to pay it.

Why is victim restitution an obligation at all? Because of the financial impact, or harm, caused by your crime. How do we define **financial harm** in New Hampshire? By law, it means an “Economic Loss.” It is “out-of-pocket losses or other expenses incurred as a direct result of a criminal offense....” In RSA 651, the New Hampshire legislature finds & declares that victims suffer losses through no fault of their own.... The law says repayment by the offender to the victim can:

- o Help to rehabilitate the offender
- o Serve to reinforce the offender’s sense of responsibility for the crime
- o Provide an opportunity to pay the offender’s debt to society & to the victim in a constructive manner
- o Ease the burden of the victim as a result of the criminal act

What are you doing to give back to your crime victim(s) for the financial impacts of your offense?

OFFERING A SINCERE APOLOGY

Accepting responsibility (i.e. admitting guilt) can be a first step in achieving other rehabilitative goals set out in the court's sentence and in the correctional environment. Apologies can be a positive step for the person who caused the harm. Acknowledging the harm caused and showing remorse for such behavior can have a significant affect on how the apology is perceived by the victim. Yet, **not all crime victims want or seek an apology** from their offender. An apology cannot be "forced" upon someone.

When receiving an apology, the person victimized pays great attention to the actual words chosen. The timing, tone, and method of apology are important considerations. Apologies before their time can be meaningless to a victim, and in some cases offensive. An essential part of any true apology is for you to show an understanding of the harm caused and its impacts on the victim. Some people who want to apologize may not know enough about the impact of their crime. They may not have learned or considered all the possible effects of their crime. These people are not ready to truly apologize.

Please remember, it is important to consider those who were hurt by the crime. It is not always helpful, and can even be harmful, to assume an apology is a good thing. Consider the offender who may be truly remorseful, but only talks about what he or she has lost as a result of the crime. Some offenders believe they are helping the victim by describing that they have suffered too, and therefore understand how the victim feels. Victims' reactions to this type of apology are typically negative; it only adds to the harm already done by the crime. Apologies are better received when offenders acknowledge and try to imagine the harm and effects they caused the victim, not themselves. It takes some effort to put yourself in the victim's shoes.

Are you prepared to write an Apology Letter to the victim(s) of your crime? Also known as an Accountability Letter, your letter should reflect responsibility for the crime and remorse for the harm caused. It should not give excuses or request forgiveness. The **Accountability Letter Guidelines** (attached) include some questions for you and important points about offering a sincere apology.

Are you prepared to offer a genuine apology to your crime victim(s) for harm caused?

GIVING BACK TO YOUR COMMUNITY

We often talk about how crime impacts your victim, his/her family, you and your family. If you really think about it, crime also impacts your community. How can you **make amends to the community**, even when it may include people you do not know? How can you "change or modify for the better" as a way to give back? By offering your **Service and Generosity**. This can be a way you begin earning back the trust of people in your community.

Volunteer your service to the community in a way of your choosing. Make it visible, practical and positive. There are too many volunteer opportunities to list here. If you choose to "give back" with your time and talent, community service can help you improve as much as it helps the group or organization you serve. Although not necessary, some offenders may give back with community service that directly benefits victim assistance organizations. Others choose to donate funds to various community groups or charities. No matter the amount, this kind of "generosity" can show a commitment to your community and your commitment to change for the better.

Are you prepared to give back to your community?

COMMITTING TO CHANGED BEHAVIOR

Ultimately, it is up to you to be a responsible, law-abiding citizen ~ in whatever community you live and work. Making amends and being accountable to your victim, your community and yourself are important ingredients in achieving that. Making your own personal commitment to change and active participation in correctional programs are vital first steps. As noted above, you may choose to make amends to the person(s) harmed by your crime. Your victim may choose not to receive or hear about your efforts. That should not stop you from your own personal decision to change ~ and to accept personal responsibility for your crime.

Are you committing to changed behavior ~ behavior that does not harm other people?

Offender Accountability Letter Guidelines

Congratulations on your decision to write an accountability letter to your victim! A sincere letter demonstrates that you regret the harm you caused, and that you accept responsibility for your crime(s). Your victim may choose not to receive your letter or respond. Writing the letter will help you identify your true feelings about yourself, your victim, and your crime(s). This is a *positive* step for you.

Please answer the following questions for yourself, and use the guidelines to write your letter.

- ✓ Do you expect something from the Department of Corrections or others in return for the apology? The letter is voluntary and will not affect your custody level, parole eligibility, release date, or rules of supervision. The benefits to you are personal insight and growth.
- ✓ What does remorse mean to you? Are you truly sorry for what you did to harm the victim, or do you just regret that you were caught? If you feel sorry for yourself, you may not be ready to write a sincere letter to your victim.
- ✓ Do you expect something from the victim in return for the apology? If you expect the victim to write back or forgive you, your reason for writing the letter is to benefit you, not the victim. You are not yet ready to write a letter.
- ✓ Do not ask the victim to forgive you. A request for forgiveness would place responsibility on the victim to meet your needs. Forgiveness is a personal decision – a gift that the victim might choose to give you.
- ✓ Accept responsibility for your actions and do not make any excuses.
- ✓ Do not blame the victim or others for the crime.
- ✓ Your victim might like to hear what you are doing to change your lifestyle so that you will not commit more crimes.
- ✓ Do not force your religious beliefs on the victim. It's ok to tell the victim, for example, that your faith is helping change your criminal behavior, but it's not ok to use your letter to push religion.
- ✓ Be brief. Avoid long, rambling letters.
- ✓ Ask for help writing your letter from a trusted friend or corrections staff person.
- ✓ Write your letter and then put it aside. When you read it a day, week or month later, you may find that you want to make changes.
- ✓ Be sure your handwriting is legible. Print if necessary.

SOURCE: Montana Department of Corrections

Is Yours A Genuine Apology?

Do you **accept personal responsibility** for the harm done by:

1. Naming the harm?
2. Acknowledging that it was wrong?
3. Expressing sincere regret?
4. Committing to avoid such harmful behavior in the future?

An apology might include an explanation or account of what happened, but it must not go further. To truly apologize is to acknowledge that, regardless of the explanation of what happened, one has no excuse or justification for what he or she has done.

The formula for genuine apology:

- An apology requires us to name and take responsibility for the harm, acknowledge that it was wrong
- Express our regret for our actions and their effects
- Seek to prevent such wrongs in the future
- Make the effort to repair the harm to the extent possible and desired by the person harmed

SOURCE: Howard Zehr and Nicholas Tavuchis