

HOW TO WRITE A CHARACTER REFERENCE FOR COURT

If a person is charged with a criminal or traffic offence, they may need to attend court to have their case heard. This means that they will be the defendant in the case.

Although this can be daunting, there are some really important things that can be done to try and reduce any sentence that the court may impose. For example, getting character references. They can make a significant difference to the way the court decides the case.

What is a character reference?

A character reference is a letter that is written about the defendant by someone who knows them well (a referee). It is written to the court and is used to give an idea of what kind of person they are and whether the offences are part of their normal behaviour or conduct.

A character reference can be written by anyone who knows the defendant, for example:

- An employer or work colleague.
- A friend.
- A family member.
- A community member who can write about the defendant's involvement in the community.

As a referee, it's important that you know the defendant well. This means that you may have known them for many years, or you may have had significant contact with them over a shorter period of time.

What to say in a character reference:

A character reference should help to paint a picture about the defendant's unique personal circumstances. It should be fairly short and be based on your knowledge of them. It should also provide examples of their character.

An effective character reference should:

- Say who you are – describe your job and give any qualifications.
- Say how long you have known the person and in what capacity (for example, "I have known John for 20 years. We have been close friends for most of that time").
- State the charge(s) against the defendant (the defendant will have pleaded guilty or been found guilty of these charges).
- Say that you are aware of what they have done.
- Say whether the defendant has expressed remorse or has suffered psychologically as a result of the offending. Set out what they have said or done that confirms these things.
- Say whether you think their conduct was out of character and if so, why.

- Detail any contributions the person has made to the community, for example charity or volunteer work.
- Say whether the defendant was suffering any hardship at the time of the offending (financially, medically, psychologically or otherwise) and if so, say whether the person has addressed those issues.
- Say whether the defendant has suffered any hardship as a result of the offending including loss of employment or reputation.
- Say what you think of the person's character, for example their qualities that you like or admire.

How to set out a character reference:

You should write the reference as a letter. An example of how to set it out is included on the next page. The reference should:

- Be addressed to *The Presiding Magistrate* in the Magistrates Court. For the District Court, it should be addressed to *The Presiding Judge*.
- Be dated.
- Include your contact details just in case the Court wishes to contact you to confirm what you've said in the reference.
- Be signed by you, with your name printed underneath your signature.

What not to say:

- Don't blame others for the defendant's offending.
- Don't be critical of the victim or the law.
- Don't suggest an appropriate penalty.
- Don't lie.

Other considerations

Before writing the reference, make sure that you ask the person whether they have any other prior offences. This will ensure that the reference has correct information, especially when you are saying in the letter whether their conduct was out of character.

A character reference is most effective when supported by examples of the defendant's good character rather than general statements. For example, instead of saying that he is *an honest man* you should expand and give an example of his honesty such as *he is an honest man who many months ago found a wallet containing personal details and money which he took straight to the Police Station*.

When you have written the reference, you can either give it to the defendant or to their lawyer.



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EXAMPLE – HOW TO SET OUT A CHARACTER REFERENCE

[Referee's name]

[Referee's address]

The Presiding Magistrate/Judge

[Court's address]

[Date]

Dear [Sir or Madam]

Character Reference for [name of defendant]

My name is [give your name, address, job and any qualifications].

I have known [name of defendant, address of defendant] for [state how long you've known the defendant and how you know them. Say how much contact you have with them.]

[Set out what you know about the charges against the defendant. Say that you know the defendant must attend court.]

[If you know how the defendant feels about the charges and about what they have done, set it out here. Say whether they're sorry for their actions or if they have suffered psychologically because of their actions. Say what they have said or done that makes you believe that they're sorry.]

[If you believe their conduct was out of character, set out the reasons why. This may include anything going on in the defendant's life that has caused stress or upset.]

[Set out what you think of the person's character, for example, their personal qualities that you like or admire.]

[Set out any contributions that the defendant has made to the community, for example charity or volunteer work.]

Should you have any further questions, I can be contacted on [phone number].

Yours faithfully

[Signature]

[Print full name]



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