

Deferred Sentence Case Study

Introduction

This is a brief and anonymous case study of the use of restorative justice within a deferred sentence framework.

A case of serious assault on a middle-aged man by four girls aged between 15 and 16 was tried in the Sheriff Court. After the girls were found guilty, the person harmed requested to meet his assailants face-to-face with a view to talking about the incident. This request was referred to Sacro, the only organisation in Scotland with expertise to facilitate such a meeting within a restorative justice framework. The Sheriff delayed proceedings pending an initial assessment of suitability.

Initial Assessment

The accused

In accordance with good practice in this type of work, Sacro staff visited first each of the accused to ascertain their suitability for a face-to-face meeting. It was explained to them that they were being offered an opportunity to meet the person harmed and talk about what they did and answer any questions he might have. It was put to them that this was a personal opportunity to take responsibility for what they did and apologise. They were also invited to prepare for the face-to-face meeting by completing a short pamphlet designed to enable them to think about the person harmed and what they might say to him.

The Person Harmed

The purpose of visiting the person harmed was to assess his motivations for requesting to meet with those responsible and to determine whether or not a face-to-face meeting would be wise or safe under the circumstances. It soon became apparent at this meeting that the person harmed was motivated principally by a desire to bring 'closure' to what had been a very difficult time. He said, words to the effect, that he wanted to get his life back together again and live without fear. He spoke to Sacro staff at length about how the incident had affected all aspects of his life: financial, psychological and emotional, his career, his family and friends. He was given a short pamphlet to help him prepare for the face-to-face meetings. He was understandably anxious about meeting the girls but also keen to address the 'ghosts' from the past.

Deferment

The Sheriff was informed that the initial assessment of suitability was positive. He deferred sentence pending the outcome of the face-to-face meeting.

Face-to-face meeting

There are basically four stages to conducting face-to-face meetings: 1. an introduction where the facilitators introduce the parties, set the scene and the ground rules. 2. The person responsible is then invited to speak first about what happened. 3. The person harmed is then invited to speak about how he has been affected by what happened. Anyone else present is then invited to speak. A dialogue takes place chaired by the facilitators with a focus on deepening understanding between the parties. 4. The participants are then directed to the future with a view to developing an action plan about how the person responsible can make amends to the person harmed.

In order to maximise the impact of meeting for all concerned in this case, three face-to-face meetings were arranged involving each of the accused respectively – two of the accused were sisters and they participated jointly in one meeting.

There follows a brief account of the first meeting between the person harmed and the two sisters accused. The person harmed had a supportive friend in attendance throughout. Their mother accompanied both accused. Two trained Sacro staff facilitated the meeting.

Both accused explained their recollections of what happened as best they could. The person harmed then spoke clearly about his recollection of the night and also detailed how he was affected by the incident. He spoke about the panic attacks which he said lasted for many months. He spoke too about how his work had been affected and how he had to be assigned to a different unit when he was able finally to return to work. Among other things, he informed the girls that his consultant told him that had the attack continued much longer he would have either suffered permanent brain damage or death. Both accused seemed to listen intently to what he said.

Both accused apologised. The person harmed accepted their apologies. Their mother also contributed constructively to the dialogue. By way of an action plan, the victim requested that the accused volunteer to learn more about how people can be affected by head injuries. Both accused agreed without hesitation to this action plan.

Afterwards, all parties expressed satisfaction with the meeting which lasted about 30 minutes. In debriefing, the person harmed was particularly appreciative of the opportunity to speak to the accused. He said that he was able to communicate all he wanted to say.

Action Plan

A day's placement was arranged at a city hospital for the accused to attend a brain injury awareness programme. Sacro staff accompanied the accused through their placement. The person harmed was informed about this and was content that the action plan was completed successfully.

Report

Reports on each face-to-face meeting were sent to the Sheriff Court. These were taken into account along with other reports before sentence was finally passed.

Conclusion

This brief case study illustrates an effective use of a restorative justice intervention within deferment. The voluntary nature of participation made the whole process more meaningful for all concerned, particularly for the person harmed. The final report was used as an aid to appropriate sentencing.

For further information please email info@national.sacro.org.uk