

Restorative Justice

A young man was assaulted after matters got heated during a snowball fight.

The person harmed – Bob – who suffers from a disability, was involved in the snowball fight in which he became an easy target. He began to feel under pressure, confused and agitated. Bob, in his distressed state, hit out at people around him, causing one of them to fall over. Alan then hit Bob causing him to fall to the ground and sustain an injury.

Charges were pressed against Alan and, after investigation, the other people involved did not wish to make any form of complaint.

The Procurator Fiscal referred this case to the service. The Service wrote to Bob and his mother called the office in response to hear more about the Service and discuss their options. She explained the long and difficult journey Bob has had and how she was deeply upset by what had happened. She said that she had spoken with her son and he was prepared to give this option a try. She added that Bob had been embarrassed as well as hurt by this offence and hoped he could move on from it. He still sees Alan occasionally and nothing is said about the incident, which adds to the tension of the situation. The Service informed Bob's mother that we would contact Alan, the person responsible, and then her son for further information about the incident.

Alan responded to our invitation letter and invited us to his home for a meeting. After explaining the Service, Alan proceeded to inform us of the incident as he had seen it. He said he hit out at Bob because he believed he was in danger and because of what Bob had done to other people who were there. Alan was challenged about this statement in order for him to accept responsibility for his part and not attempt to minimise or deflect his own actions. Alan was reminded of Bob's difficulties and indeed reminded of his own stature. It was suggested to him that perhaps his actions were inappropriate and that he had been charged with an offence. At this point Alan acknowledged he had felt guilty after the incident and regretted his actions. This was a very honest acknowledgement from Alan that actively assisted him to take responsibility for his actions. We informed Alan that this was an opportunity for him to make amends to the person he had harmed. When asked, Alan said he would like to offer an apology to Bob as a way of making amends.

We visited Bob the following week to hear his perception of the situation. Due to Bob's speech difficulties, we conversed mostly with Bob's father who stated that he had talked it through with his son prior to our meeting. Bob's father said both he and Bob understood what our Service offered and felt this would be a good way of resolving the incident. He believed in giving Alan the chance to take responsibility for his actions and hopefully learn from this. He added that he would have a different view if he heard of a similar incident involving Alan. Although quite subdued Bob agreed with this and was willing to become involved in the process. Bob's mother added that she was reluctant to let her son out on his own now due to her understandable anxieties for his welfare.

After phone calls to arrange further visits to both parties in order to prepare them, we arranged a face to face meeting between them to discuss the issues and seek resolution.

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Alan and his support person – his father – were met at his father's house and asked again about his hopes and expectations of the process. Alan again stated that he felt guilty about the harm he had caused, and that during the meeting he would describe the incident as he saw it, take responsibility for his actions, and apologise for his harmful behaviour. Alan's father stated that he would attend the meeting as a support person but that he was unsure whether Alan should take full responsibility for the incident as he felt the 'other lad had also been involved'. He did however think this was the best way to deal with the situation and said he would remain open and supportive during the meeting.

At the meeting, everyone introduced themselves to the group. The facilitator reminded the group that the meeting was intended to address the harm caused by the incident and find a resolution. They were also reminded of the ground rules, e.g. respecting and listening to each other's views and remembering to speak about behaviour rather than becoming too personal.

Alan was invited to speak first. He described the incident, including the moment when he physically assaulted Bob. Alan took full responsibility for his actions. Bob was then invited to speak and, with the assistance of his father, explained the harm he felt was caused by the incident and his feelings about other difficulties in his life. Bob's father helped elicit ideas from Alan as to how the situation could be resolved. Alan's father asked Bob if he thought that a sincere apology would be helpful to which Bob agreed. Alan apologised and offered to shake hands with Bob, which was accepted. It was evident from body language that this was a key moment for Bob and that he was pleased to be shaking hands.

The group was asked whether they thought anything further needed to be done with regard to looking toward the future, putting the incident behind them, and trying to ensure that it did not happen again. The support people for Alan and Bob asked that Alan try to learn from this experience, and try to consider the issues that people have in their backgrounds that affect their behaviours, and not resort to violence. Alan indicated that he understood and would try to take this seriously and consider alternative ways of behaving in heated moments.

The group was then asked whether there was anything further that needed to be done to resolve this issue, and everyone was in agreement that it had now been dealt with. The meeting was concluded.

After Bob and his father left the venue, Alan was asked how he felt and replied that he 'felt better'. Alan's father said that he had learnt from the meeting as he hadn't been able to see the other side of things before.

In a subsequent telephone call to Bob, his father said that he was happy to be part of the process that resolved this matter. He reiterated his hopes that Alan would learn from this incident.

This case is a good example of the restorative process. It evidences some of the strengths of this form of intervention.

As often happens, the person responsible attempts to minimise and deflect from their behaviour. By means of the skilled approach of the restorative facilitator, Alan was able to feel safe enough to acknowledge his misdemeanour and offer a sincere apology. He was able to move on from this incident in the knowledge that he had made effort to put the situation right, and he felt good about it.

With the help of his parents, Bob was able to relay his thought and feelings and hear that Alan did regret his actions. He was able to realise that Alan was no longer a threat to him and less of a threat to others. He was able to be involved in a creative process that he could walk away from with a sense of satisfaction.

Edinburgh Restorative Justice Service

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