

MAKE AMENDS CASE STUDY

JANUARY 2020

Nature of case	Violence with injury – ABH
Demographics	<p>Harmed: Male age 56, living in Devon.</p> <p>Harmer: Male age 52, living in Devon.</p>
Narrative around situation	<p>A referral was made to Make Amends four months after the incident. The harmer had attacked the harmed in the street, when the harmed person approached him to intervene in an assault. The harmer then assaulted this harmed party, who then went home to call the police.</p> <p>The assault was part of a series of assaults committed against a number of victims in the same vicinity. The harmer is said to have appeared to be experiencing an acute mental health episode. He later described that he was having a psychotic episode, that was triggered by a build-up of considerable and chronic physical pain that he had suffered with for many years.</p> <p>The referral was initially put on-hold for 3 months, with restorative work beginning shortly after the start of the first lockdown in the UK. Whilst on-hold, check in calls were made to the harmed and harmer. Contact was also maintained with the harmer’s Probation Officer. This was to provide updates regarding his mental health at that time as part of risk assessing when it would be suitable to move forward with the restorative work and to manage the expectations of those involved.</p>
Risks	<p>The harmer has been diagnosed with a personality disorder and had suffered a psychotic episode (the offence occurred during this episode). As a result, he is prescribed anti-psychotic medication which he continues to take daily. He has had intervention from a psychiatrist and is aware of how to get support if needed in the future (with a link set up to the support and diversion team as well as regular contact with Probation).</p> <p>Both parties lived in a small town at the time and had some concerns as to how the other party would behave towards them, if they came across one another locally.</p>



	<p>Full restorative conversation could not take place until 3 months after the referral date, due to advice from the harmer's Probation Officer - the harmer had a lot on at that time and needed space to focus on sorting his accommodation and starting a new job. The harmer also articulated a need for some space during the introductory call. Minimal contact was maintained for both parties to include updates, to manage expectations and for shuttle mediation. This was to manage any risk at this time around their concerns, in case they came across one another locally, so as to help put them both at ease.</p>
<p>Restorative Justice interventions provided and outcomes</p>	<p>Despite the case being on-hold for 3 months, the harmer was open to contact shortly after the referral for the purpose of checking in for updates and to share information to manage expectations with the harmed party. The harmed party was comfortable with it being on hold.</p> <p>During this time, some shuttle mediation took place between the two parties to reassure the other. Both reported feeling relief at this stage, especially since they lived locally to one another in a small town. The harmed party was relieved to learn that the behaviour during the assault was out of character and that the harmer wanted him to know there was no reason to fear him if they came across one another locally. The harmer found comfort in learning that the harmed party had forgiven him and wished him well.</p> <p>Restorative work started 6 weeks after the beginning of the first Lockdown in the UK, therefore contact could not be face to face. Both parties were able to find time and space to talk privately and openly over the phone without distractions. Time was often spent discussing the effect of the lockdown situation on them, as well as the harmer often needing to off-load about work stress before restorative work could start. These conversations enabled the opportunity to build a relationship with both, despite not being able to meet face to face.</p> <p>The harmer initially felt unable to consider meeting the other party face to face, due to feelings of shame although the harmed party was open to this option, whilst apprehensive. Both agreed that a restorative letter would cover their needs at that time. As the work progressed, both considered that the possibility of meeting face to face once the letter had been received, might be helpful. Through ongoing shuttle mediation, they were both able to wish the other well and both shared with the other that they were also focusing on the other's needs, which helped to reduce any tension around meeting face to face as work progressed.</p> <p>During the preparation work it was discovered that an apology letter the harmer wrote to the harmed, soon after the incident, had not been received. Both found it helpful to know this and took it into consideration when preparing for the restorative work.</p>



A restorative letter was completed by the harmer 4 months after the restorative work began. The harmer went through a house move and was under work related stress during this time, which left him exhausted and unable to focus on working on the restorative letter at times. He was experiencing shame and as a result had a strong need to get the letter just right, so needed time to work through his feelings and reflect on what he needed to share in the letter, to feel it could be well received and cover the harmed party's needs. Despite some drift, the harmer kept in regular contact and provided updates for the other party to manage expectations.

Since the harmer felt that there was too much background to include in his letter, he gave permission for the facilitator to pass on any further details that had come up in restorative conversations, if the harmed asked. A plan was also made that they could meet to continue dialogue at a face-to-face Restorative Justice Conference, once the letter had been received, if much more came up to discuss.

A date and time were agreed with the harmed party, so that the letter was emailed when he was available to read it whilst being on the phone to the facilitator. This gave the opportunity for the facilitator to support the harmed if needed and so he could discuss the letter and how he was feeling after reading it. Some further information was passed on as shuttle mediation by the facilitator but details about the harmed party's past were not discussed, since it was requested that this would be shared face to face in future, when they felt that there wouldn't be any risks due to the virus.

The harmed party was keen to write back, and the harmer was open to this. A letter was sent in reply a month later and further shuttle mediation afterwards in response to the letter. The letter was again attached to an email at a date and time the recipient was able to be on the phone to the facilitator.

Plans started with regard to a face-to-face conference, since lockdown restrictions had started to ease. There was discussion and planning around where both parties would feel safe and comfortable meeting, which didn't match up initially. One of them felt comfortable having an online face to face meeting but preferred to wait until it was safe to meet in person.

During this time discussing locations to meet, both parties expressed that they no longer had a strong need to meet the other party but were motivated to do it if the other party needed to. This was shared with both through shuttle mediation, and they came to an agreement that they didn't need to meet. However, the harmer asked that the facilitator share the details of his past since he felt it was significant and the harmed party was open to hearing what the other party needed to say, as well as wanting to draw a line under what they had planned to discuss.



<p>Required Action/Support</p>	<p>During discussion around the ripples of harm, the harmed party considered the other harmed party he had intervened to help. He asked if we would contact him to offer Restorative Justice. The process was explained to him and he decided that if he came across the other party, he would tell him about how he had found the process to be helpful. Contact was made with the Restorative Justice Coordinator to check that the other harmed party had been offered restorative justice but after all avenues to make contact with him were exhausted, we were unable to obtain consent.</p> <p>The harmer was also keen that the other harmed party was contacted so he could be told that the harmer was keen to do restorative justice with him and he also wanted to check if he had received an apology letter, he sent to him when he was in Prison. Again, this was looked into, with support from the Restorative Justice Coordinator and Probation Officer without any progression. The harmer's expectations were managed before this process began and despite it not progressing, he said felt some relief in doing all he could to try to offer Restorative Justice.</p> <p>Leaflets and posters were sent to the harmed party to pass on to the people he works with.</p> <p>The harmer described feeling shame around the incident and feeling anxious that people might find out and judge him. Therefore, support was given around looking into the European Data Protection rules around the 'Right to be Forgotten', with regard to the news stories online reporting the incident. However, this process was unsuccessful, but the harmed party said he felt better for having the support to be able to try to work through this issue.</p> <p>There was concern that the harmer's mental health was slipping at one point. This was discussed with him and he was advised to call his GP if he had concerns or call the Samaritans if he felt agitated. His partner was checked in with and concerns were also passed on and discussed with his Probation Officer. It was more challenging to have this conversation with the harmed party over the phone rather than face to face, but since a lot of time had been spent building up a relationship over the phone, he said he felt that the concerns were coming from someone who cared about his welfare and as a result appreciated that it was mentioned due to someone looking out for him.</p>
<p>Learning from experience/case</p>	<p>This case has demonstrated the importance of ongoing check-ins and updates with both parties throughout the process, as someone's thoughts and feelings about what they need can change drastically as the work progresses or their situations change. This was especially relevant during a time of national unrest due to the Lockdown, that had a knock-on effect to thoughts and feelings day to day as things changed. For example, plans were being made for face-to-face work, when it turned out that both parties had already worked through what they needed and were feeling obligated to go ahead with a face to face meeting in the belief that it would benefit the other. It turned out that they no longer needed it. This also highlights the importance of making time to build relationships with both parties, so they can be open and feel able to share fully how they are feeling in a way that is safe, by being able to trust that they could share confidentiality and that what needed to be shared would be facilitated carefully and they would be represented accurately.</p>



<p>Any other comments or observations</p>	<p>Both parties were fully engaged and invested in the process. The process started with shuttle mediation for reassurance and to manage expectations as part of the updates, which continued throughout the process.</p> <p>The harmer's Probation Officer was fully supportive of the work and in regular contact to update or to check in on how the restorative work was going and to support any concerns.</p>
<p>Testimonials/quote from any parties involved</p>	<p>Testimonial from the harmed:</p> <p>"I have the assurances I was looking for and I understand that I'm no longer under threat. I understand that there was a reason why it happened, and I didn't want him living with the thoughts of what had happened. I didn't want him carrying that."</p> <p>Testimonials from the harmer:</p> <p>"I'm able to let go to a good degree, it's enabled me to put the situation to bed, I haven't forgotten about it, but have been able to move on and feel better about the whole thing. I'm pleased the victim knows the situation I was in at the time."</p> <p>"I wrote a long letter to the victim and gave him lots of information and he wrote a kind letter back and he offered me his forgiveness. I've gained comfort from that and think it was good for both of us."</p>

