

CjScotland

Current writing about Criminal Justice in Scotland

Talking after severe crime

CJS 2/2005. This article gives an outline of a new service in Scotland that draws on restorative justice principles to address some needs of those affected by severe crime. It is based on a presentation on victims and restorative justice given at the annual conference of the European Forum for Victim Offender Mediation and Restorative Justice in Budapest October 2004.

Author

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Introduction

SACRO (Safeguarding Communities Reducing Offending) is the largest NGO (non governmental organisation) operating in the criminal justice sector in Scotland. SACRO has pioneered communication between those injured by crime and those responsible since the late '80s through its diversion from prosecution and Youth Justice services.

Since 2002, a number of requests have been made to SACRO by Criminal Justice Social Work Departments and the Scottish Prison Service to facilitate communication within a post sentence context between those harmed by and those responsible for severe violent crime. SACRO has provided training to meet these requests. This has led to the development of a new SACRO initiative called TASC (Talk After Severe Crime), which operates to date on a limited spot purchase basis.

In this new service the words 'victim' and 'offender' are replaced by: person injured and person responsible. The new service takes its language from the broader human sciences discourse in order to maximise the potential for increased understanding between all those affected.

Summary of the Service

TASC aims to provide those directly affected by severe violent crimes the opportunity to:

- move toward personal healing, recovery and reconstruction
- attend to needs they feel were left unaddressed by the criminal justice process
- increase their awareness and understanding of the human consequences of the offence.

It does this by providing those who have been harmed by severe crimes the

opportunity to have a structured Face-to-Face Meeting, Conference or some other form of communication with the person responsible in a secure, safe environment. In most instances, the preparation period takes at least six months. The service does not guarantee any particular outcome, although we are confident it will be able to replicate the very positive results obtained elsewhere¹. The service is delivered on a national basis by trained SACRO staff and volunteers in co-operation with relevant statutory and voluntary agencies. A service advisory group ensures safe practice and procedures.

The Potential Need

Given the scale of severe crime in Scotland, SACRO considers that there are many people who would benefit from this type of communication if it were more widely available and adequately funded. In 2002 alone there were over 69000 crimes of violence recorded by the Police in Scotland². Approximately 7500 of these violent crimes involved incidents of serious assault, attempted murder and homicide. 57% of violent crime in Scotland resulted in a custodial sentence in 2002³. Statistics cannot convey the human cost of such crime.

Knowledge Base

The person-centred approach to working with people informs SACRO's approach to this type of intervention. Also vital is knowledge on the effects of emotional trauma and grief. Advanced training in the theory and application of mediation and

restorative justice is crucial⁴. Experience in creating effective partnership arrangements between agencies supporting victims of crime and those responsible in both the voluntary and statutory sectors is also necessary.

What we are finding

There is growing interest in Scotland in this type of work. Two cases have been completed successfully and enquires continue to be received from Social Work Departments, the Scottish Prison Service, and Victim Support.

There is considerable evidence to suggest that severe crime produces significant and sometimes lasting psychological impact which can endure many years after the formal judicial and criminal processes have been completed⁵. SACRO has found anecdotally that the mothers harmed in two cases of culpable homicide in which their sons were killed, had suffered prolonged grief. In one case, the mother had not buried her son's ashes. The mothers expressed a strong sense of isolation after the judicial process ended⁶. They spoke too about being misunderstood by their families and friends for wanting to communicate with the person responsible. In both cases, frustration was voiced at the statutory authorities for refusing their requests to meet the persons responsible. The request to communicate with the people responsible was made at least three years after the incident took place. The requests were

¹ Umbreit, W. Bradshaw, R. Coates, B. (2001) *Victim Sensitive Offender Dialogue in Crimes of Severe Violence: Differing Needs, Approaches, and Implications*. Minnesota.

² *Statistical Bulletin Criminal Justice Series CrJ /2003/9 Homicide in Scotland 2003*, Scottish Executive, Edinburgh

³ *Statistical Bulletin Criminal Justice Series CrJ /2003/9 Homicide in Scotland 2003*, Scottish Executive, Edinburgh

⁴ *Final Report JAI/2003/AGIS/129, Exchange of Training Models for Mediation Practitioners* European Forum for Victim-Offender Mediation and Restorative Justice, Leuven February 2004. *Best Practice Guidance for Restorative Practitioners* Home Office, London December 2004.

⁵ Cook, David & Grant (1999). *Victims' Needs, Victims' Rights: Policies and Programs for Victims of Crime in Australia*. Australian Institute of Criminology, Research and Public Policy Series No 19

⁶ Spackman (Ed.) (2000) *Victim Support Handbook, Helping People Cope with Crime*. Hodder & Stoughton, London

primarily motivated by the need to find answers to questions that were not addressed in the judicial process. Some of the questions included: why did the person responsible commit the crime; how has the incident affected the person responsible and also what remorse has been expressed. In one case which did not go to trial, the mother wanted to know how exactly her son died.

In cases in which the person harmed has initiated the communication process, SACRO has found that there was an initial reluctance to participate on the part of the person responsible. The reluctance was fuelled by a number of issues, including: ignorance of the process, fear of retribution, a sense of having 'paid their due' and wanting to move on. These issues were addressed through the course of the preparation period.

Issues common to both those hurt and those responsible that emerged during the preparation period included: guilt, shame, loss. In the early preparation phase, there were issues of trust and confidence in the process. In the middle of the preparation phase, there was a noticeable synchronicity between the parties that was exhibited in, for example, unprompted questions about each other. In the final pre meeting phase, there were last minute difficulties, such as agreeing time and venue. Immediate feedback after SACRO's first face-to-face meeting of this type was positive: one mother said that she had found answers to questions and felt as if she had got her life back again; the person responsible said that it was the hardest thing he had ever done but that he was glad he participated.

Future plans

SACRO continues to consult with various agencies in the criminal justice field at this early stage of service development to create a service that will be supported by the various stakeholders. There are some

issues, however, that remain to be addressed.

One issue is the path of referral. There is general consensus about referrals being initiated by people harmed but there is an issue about referrals coming from people responsible. The issue here is the danger of re-victimising the person harmed which would totally contravene the purposes of the service. However, some people harmed might welcome information that the person responsible is interested in communicating. It is possible to underestimate the coping capacity of people harmed. There is a dilemma here which needs resolved.

Another issue is how to scope the need and demand in Scotland for this type of service. Funding is part of the issue here. It is hoped that funding will be secured from central government by 2005 to run a pilot research project to ascertain the benefits of this type of intervention for all concerned based on a limited number of referrals. The pilot research project would then produce a report with recommendations on how best to proceed within a Scottish context.

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