



Restorative Practice Case Study:

Murder/manslaughter conference

Incident

The conference related to an event where Sally was sub-letting a 6th floor room to Paul. Paul over a few weeks had stopped paying rent and Sally could not persuade him to pay. Further, Paul had a dog which scared Sally who thought it might attack her young baby.

Sally approached another young man called Kevin and asked him to get Paul to pay his rent. Kevin and his friend Tim decided they were going to scare Paul into paying. They both had a couple of cannabis cigarettes then went around to the flat armed with a machete. They had Paul in Sally's living room and started shouting and swearing at him while hitting him with the flat of the machete. They forced Paul to remove his clothes and kneel down while waving the machete about. Kevin asked Sally to get a bin bag. Paul must have thought they would kill him and dismember his body.

At this moment Paul's pit bull terrier dog was barking and scratching at the door. Kevin and Tim, distracted, went to the door to kill the dog. As they opened the door Paul made a run for the 6th floor balcony and climbed over. He lowered himself over the edge, no doubt, to get to the balcony below.

Apparently, Kevin, Tim and Sally tried desperately to persuade him to come back as they were only trying to frighten him and did not mean it. Again, apparently, Paul lost his grip and fell to the concrete six floors below.

Paul was only part conscious on the ground and a downstairs resident called an ambulance. Meanwhile, Kevin, Tim and Sally fled the scene. Police were called and Paul died before the ambulance arrived.

Sally phoned her boyfriend who told her to return to the scene and give herself up and tell everything; which she did. Sally, afraid of repercussions, was given a new identity and relocated. Kevin and Tim were eventually arrested and charged with murder after a two week investigation. They pleaded not guilty to murder and a trial commenced.

Arnella the mother of Paul went to court and heard the verdict of 5 years imprisonment for both for manslaughter. Understandably deep in grief some weeks later she was with a friend who had heard about Restorative Practice and she advised Arnella to see if that could help. Arnella contacted the Police Family Liaison Officer who referred the case to the Restorative Justice Programme.

Preparation

I made an appointment and visited Arnella with co-facilitator, Sarah. We sat in her living room and explained the process making sure that this was what Arnella wanted and that no pressure was on her whatsoever to do anything she didn't want to do. She was taken step-by-step through the process gently. Arnella described her own feelings and it was clear she blamed herself for the crime as she had immigrated into the country and brought her children with her. As irrational it might seem she appeared to genuinely believe that if she had stayed in her native country this would never have happened and her decision directly related to Paul's death. She described it as, "The cross I have to bare." The meeting was emotional and Sarah sat next to her to comfort her. Arnella thought about the incident several times every day and it often meant not being able to attend or stay at work.

Arnella agreed to meet the offenders if they would meet her. We were realistic and suggested that they may not agree to see her. We spoke to her other son Carlos who also agreed to come to support his mother despite exams at school.

I traced both offenders to Portland Prison a 4 hour rail journey from London and made an appointment to see them individually.

Kevin was remorseful but could not understand why they should meet until he heard of Arnella's guilt and then he appeared remorseful. Nevertheless, he was unhappy to attend as he felt there might be some ulterior motive. Tim had felt that the family would be threatening and was quite paranoid about the meeting. He appeared happier that he could have his mother there but was still unsure. I left them with leaflets and a stamped addressed letter to contact me with their final decision once they had thought it over. They did not reply.

I visited them again a month later and met them together. Each one had thought about the meeting and felt that their original fears were now rather silly. They may have, of course, been braver in each other's company than when alone. They agreed to meet Arnella and write to inform their respective Mothers, as potential supporters, to contact me.

I informed Arnella and asked her to speak to the friend, Grace, who had advised her in the first place to seek a restorative meeting as she, being a good friend to Arnella, would be another suitable supporter with her son Carlos.

No contact was received from Kevin or Tim's mothers.

I travelled to Tim's mother's address several times but was continually getting

no reply. I left several letters and notes but received no response.

I visited Kevin's Mother's address, with co-facilitator Emily, and received an initially 'frosty' response. She did not want to rake up the past and found it very distressing. She felt terribly sorry for Arnella but could not see how that would help or even why Kevin would agree to such a thing. I said that her son had agreed and that a supporter would make a big difference to him. She was still unsure and I did not want to appear to put pressure on her so I left her with a leaflet and contact details. Just before leaving I described the process briefly again and she agreed that it appeared unthreatening but emotional. She thought about this every day.

There was still no reply at Tim's mother's despite calling late in the evening.

Tim had given me the name of a good friend, Rick, who would come to the conference. I visited him at work and we then went out for a coffee - Rick was stunned by the incident and had questions to ask.

There was still no reply at Tim's mothers and after many visits I was ready to give up on her. I thought I would try one more time early in the morning. About 6.30 am I knocked on her door again and heard noises within the flat. I persisted. Louise came to the door and I had obviously got her out of bed. I introduced myself and asked to come in. I apologised for the early hour but explained that I had left letters and notes but received no reply. She was angry and said she wouldn't discuss this now. She had been away out of the country and now needed to get ready for work. I asked for a phone number but she refused and she also refused to make an appointment. I left her a another leaflet with contact details and left.

I then contacted, Moira, Kevin's mother again and visited her. She had thought deeply about the conference and wanted to support her son. I mentioned other members of the family who were also apparently affected. I made an appointment to return to visit Kevin's sister Ruth and separate appointments for Uncle Will and Aunt Pam.

I saw Uncle Will in a shopping mall coffee shop. He was very keen to be there and help the whole family and had a lot to do with Kevin going back and forth to the police station for interviews prior to conviction. Will was a calm and considerate person and was going to be a steadying influence. Auntie Pam was also a marvellous person full of memories of Kevin as a child. She wanted to meet over coffee in a restaurant too and we sat in a corner away from the other customers. She, like Will, agreed to go and support the family as a whole.

Back to Tim's mother in a 7pm visit. No reply and this was another in a long line of fruitless visits leaving notes and letters.

I then visited Kevin's 19 year old sister Ruth at home and while explaining the purpose of my visit her 14 year old sister, Casey, asked, cheekily, if she could sit in. Her mother agreed. Ruth wanted to go and, rather than emotional, was immensely rational about the incident and looking towards the future. Casey could not pretend to be unaffected and asked if she could come to the meeting too. Casey explained what she would say in response to the conference questions and had a lot of hurt about losing her brother to prison.

I was arranging the conference and sorting out the logistics when out of the blue Tim's mother, Louise, called. She said she would come but did not want to discuss the details of the killing itself as she found

them, too painful. We were now all set for a conference and I went back to Arnella to discuss the meeting again.

The Logistics

Apart from the aspect of finding a date to suit all the next challenge was the conference set up itself. All had to travel to Portland. The prison was keen to support the conference and supplied me with a specific prison officer to smooth out the process - I emphasised that I wanted searching and the other usual security measures to encourage everyone to feel safe.

The morning of the conference Rick phones to say he cannot make the meeting. This meant that Tim only had his mother attending for him.

The trains were infrequent so all travelled down on the same train. Kevin's family were at the front with Emily. Nick, another police facilitator, was with Tim's mother in the middle of the train. Sarah and I were at the rear of the train with Arnella and Carlos. On arrival all left the station at Weymouth to get lunch, due to the long journey, and each had to be kept separate during that process.

Arnella and Carlos, Sarah and I would leave Weymouth by taxi first and arrive at the prison. Generally, we always like the victim's side to be the first of the 'staggered' arrivals in any case. They were searched and entered the prison going up to the large hall where the conference would take place. The prison officer was so helpful and friendly he put us all at ease.

The others arrived in different taxi cabs, again staggered, and came up to the room when ready.

The seating arrangement was as follows:

Prison
Officer

Nick

Emily

Kevin

Sister
Ruth

Mother
Moir

Sister
Casey

Aunt
Pam

Friend
Grace

Uncle
Will

Mother
Arnell

Tim

Mother
Louise

Son
Carlos

Facilitat
or

Sarah

Refreshments

After all the hassles of set-up and getting to the prison we were all eventually seated at one end of a large meeting room. I welcomed and introduced everyone.

Facts

The facts were covered but, in line with the sensitivities of those present not in graphic detail. The questions were alternately shared among Tim and Kevin until sufficient of the scene was set. I did not ask, "Why?" as the question is often too deep for many but both explained that they had got "carried away" and that a combination of being together and on cannabis made them act stupidly. They agreed, "That they never meant it to go so far but should have realised that it could have."

Affect

I asked, "Who do you think was affected by what happened?" Tim answered, "Well, everyone here!" Kevin quietly said, "Paul." The first tears started from many in the room. "How was Paul affected at the time?" Kevin shrugged and then shook his head from side-to-side, "He must have been scared stiff." I looked at Tim, Tim said, "He was alive on the ground, it... He's dead now."

"How do you think others are affected?" Tim and Kevin looked at Arnella. Kevin said, "You have lost your son, there is nothing I can say, it must feel terrible for you."