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◆ **BUILDING COMMUNITY...PEACE BY PEACE** ◆

REDUCED CHARGE FACILITATED BY LAVORP'S RESTORATIVE JUSTICE PROGRAM

In August of 2009, a former LAVORP Volunteer called and asked if a situation a friend of hers was involved in would be suitable for LAVORP. Based on the background given, it was decided to proceed.

Marie (not her real name), had a history of mental illness and checked herself into the hospital with suicidal tendencies. She was admitted and was in and out of her own clothes and hospital gowns. When there were three nurses in her room, one of them started taking Marie's spare clothes out of her free standing cabinet. As Marie described it, due to her family and mental history, this upset her and she started grabbing at the nurses. Two were hit and the free standing cabinet was knocked over on the third nurse. None of the nurses sustained any physical harm.

Marie was charged with aggravated assault and incarcerated for three weeks until she posted bail. Marie explained that the incident happened in March of 2007, and she still had not been sentenced – two and one-half years had elapsed! When asked why that was, her only knowledge was that her PD was trying to get the charge reduced, but the DA's office was not willing to because, "the victims were not interested in that option." Reducing the charge from a Felony to a Misdemeanor would have meant two years probation instead of six more months in jail. And, the Docket showed, Continued, Continued, Continued ad infinitum. Marie agreed to a Conference with the victims.

Meeting with the victims was the next step to hear their side of the incident. Since the incident, two of the nurses had moved on from the hospital (the third left the area) and were working with the friend of Marie's who called LAVORP. The friend paved the way for a meeting with the victims. Lo and behold, the victims were never told that Marie was charged and no one ever contacted them about reducing the charge! The victims agreed to a Conference.

At the Conference, Marie explained her side of the incident, apologized verbally and read a letter of apology. She went on to say that since the time she left prison in 2007, she had been on medications, had a therapist and social worker and mentor. When Marie was done, both nurses complimented her on the progress she was making and that all they wanted was for her to get the treatment she needed. They confirmed to Marie that they never knew she was charged with a crime and that no one ever contacted them to ask about reducing the charges.

The victims asked what they could do for Marie. Marie said that if the charge was not dropped from a Felony to a Misdemeanor, she was facing six months in prison rather than two years probation. The victims asked if all the charges could be dropped and looked at the LAVORP Facilitator. The Facilitator said that was not for him to decide, but if they wanted to put that in the Agreement that could be done. They did.

Copies of the Agreement signed by Marie and the victims were sent to the PD's and DA's Offices. The charge was dropped to a Misdemeanor!

Holding defendants accountable to the System is only one half of the equation. What about the victim's needs? In the above case Marie was also held accountable to the victims, 'making things right' and the victims had an opportunity to hear Marie's remorse and decide that their need was for the charge to be dropped altogether, or at least, to a Misdemeanor.

An issue that dragged on for almost three years in the Court was resolved in a little over three months. The Conference was truly a Restorative Justice success.