

RESTORATIVE JUSTICE IN PRISONS – AN INTERNATIONAL PERSPECTIVE

Dr Marian Liebmann

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ABSTRACT

This article looks at Restorative Justice in prisons, using examples from the UK and several other countries across the world. It looks at restorative justice from the point of view of prisoners making amends and also of restorative justice in relationships within a prison. It describes different kinds of restorative initiatives, in adult and juvenile prisons, such as:

- Community service projects in prisons
- Victim awareness/ empathy/ impact projects
- Victim-offender groups
- Victim-offender mediation/ conferencing
- Restorative resolution of prison offences and disputes
- Restorative anti-bullying procedures
- Prison adjudications
- Prison communities of restoration

Many of these projects are prison-based, but some are based in community agencies taking restorative approaches into prisons. Factors leading to successful work in prisons will also be outlined.

1: PRISONERS MAKING AMENDS

COMMUNITY SERVICE

Many prisons have projects in which offenders put back something into the community, e.g. making toys for nursery schools, renovating bikes, etc. Some prisons have projects linking prisoners and staff to the community. Examples:

- Prisoners help in Citizens Advice Bureau
- Prisoners talk to schoolchildren about drugs
- Prisoners undertaking voluntary work donate their hours to a ‘time bank’ to help voluntary organisations in the community
- Refurbishing bikes for groups of local vulnerable people, or to send to Africa
- Transcribing texts into Braille for blind people
- Raising funds for Victim Support

VICTIM AWARENESS

Victim awareness/ empathy/ impact groups

These are groups in which offenders learn about the impact of crime on victims, often through experiential exercises and role plays. They can be undertaken in their own right and/ or as preparation to meet victims. Some of these courses form part of other courses.

Sycamore Tree

Run by Prison Fellowship, Sycamore Tree is a victim awareness programme based on the Bible story of Zacchaeus, who climbed a sycamore tree before meeting Jesus and making restitution to his victims (Luke 19 v 1-10). Sycamore Tree aims to help prisoners understand the impact of their crime on victims, families and the community, and encourages prisoners to accept personal responsibility for their actions and try to make amends. Although Christian-based, Sycamore Tree is open to all prisoners regardless of faith, gender or age.

Sycamore Tree is operated by trained Prison Fellowship volunteer tutors and small group facilitators, and consists of six sessions:

1. *Restorative justice – what’s that?* Introducing Restorative Justice and telling the story of Zacchaeus.
2. *Taking responsibility.* The impact of crime on victims, offenders and the community.
3. *Saying sorry.* Showing you are sorry. Listening to victims’ stories.
4. *Reconciliation.* What is the benefit to offenders, victims and the community?
5. *Taking the next step.* Planning what to do.
6. *A symbolic act of restitution.* Making reparation.

Volunteers who have been victims of crime come into prison to tell their own stories and the impact of crime on their lives. At the end of the programme, prisoners are given the opportunity to take part in symbolic acts of restitution, taking the first step towards making amends for their past behaviour. These may include poems, letters and art and craft items.

In 2010-2011 Sycamore Tree in the UK ran 114 programmes in 36 prisons (male, female, young offenders, juveniles); over 2000 offenders and 350 volunteer tutors, facilitators and victims took part. An evaluation of 2000 pre- and post- programme questionnaires in 2009 by Sheffield Hallam University showed significant positive attitudinal changes for all groups of prisoners, linked to the programme.

Internationally Sycamore Tree in 2011 has been run in prisons in 27 countries:

- Australia
- Bolivia
- Cayman Islands
- Colombia
- Commonwealth of Northern Mariana Islands
- Costa Rica
- England & Wales
- Fiji
- Germany
- Kazakhstan
- Kenya
- New Zealand
- Netherlands
- Northern Ireland
- Palau
- Philippines
- Rwanda*
- Scotland
- Senegal

- Guam
- Hong Kong
- Hungary
- Italy
- Solomon Islands
- South Africa
- USA
- Zambia

*In Rwanda it is called the Umuvumu Project, as there are no sycamore trees in Rwanda. (Walker, D. 2011)

In South Africa, Sycamore Tree is very active in 17 prisons, some in conjunction with Hope Prison Ministry (see below) (Grobler 2012)

Muslim version of Sycamore Tree

Some people have criticised Sycamore Tree for drawing too exclusively on Christian themes in a society that is multi-cultural. There is a similar course developed by Dr Mohamed El Sharkawy, a Muslim imam working in HMP The Mount, based on the story of Joseph (Genesis, chapters 37-47), victimised by his brothers. In some cases he pays visits to prisoners' families to effect reconciliation. In 2007 El Sharkawy received the top justice award, the Justice Shield, for his work.

Hope Prison Ministry, South Africa

Reverends Jonathan and Jenny Clayton have led a 36-hour Bible-based restorative justice course for prisoners in Pollsmoor Prison, Cape Town, since 2001, and 1200 inmates have been through the course. Its goal is to heal the wounds of crime. It encourages offenders to focus on the harm caused by their crime and to take responsibility for past, present and future actions and behaviour. An intrinsic part of it is recognising and meeting the needs of victims. (Clayton 2011; Hope Prison Ministry 2011). See also p. **XXX**.

SORI Programme (Supporting Offenders through Restoration Inside)

The SORI course was developed by Cardiff Prison Chaplaincy (following contact with a Bristol Prison project in 2003-4) as a multi-agency project tailored to the needs and strengths of HMP Cardiff. It started in 2005 and developed into a series of voluntary courses for offenders, victims and community representatives based on their individual needs:

- *Introduction to SORI*. A one-day awareness-raising 'taster course'
- *Victim Awareness Course*. Victim empathy course for offenders (6 days). This includes role plays, group work and individual exercises to encourage victim empathy, culminating in presentations to representatives from the community.
- *Victim Impact Course*. Preparation course for offenders to meet victims (3 days), especially training in listening skills. Separately, victims who want to meet offenders are interviewed and prepared for the meeting.
- *Victim-Offender Groups*. Small groups of offenders who have completed the courses above meet victims of similar offences in an intense one-day programme. Offenders are 'matched' with victims who have experienced crimes similar to theirs, and groups are facilitated by SORI tutors.

In 2008 SORI expanded into six more prisons in England: HMP Altcourse, Edmunds Hill, Garth, Hewell, Shrewsbury and Winchester. Of these four have continued (Edmunds Hill, now Highpoint, and Winchester have ceased) and in some cases (e.g. Hewell) increased their remit to other forms of restorative justice, e.g. victim-offender mediation and conferencing, prison adjudications, multi-agency partnerships, community involvement – aiming at being a restorative prison (Grimason 2011).

It was noticed that many of the prisoners taking part in SORI in Cardiff Prison were also perpetrators of domestic violence, and in 2009 SORI piloted a specially tailored version of SORI for these prisoners, leading up to meetings with domestic violence victims (not of their own crimes) who wanted to meet perpetrators. This was a challenging experience for both offenders and victims, but resulted in positive feedback from both groups (Liebmann & Wootton 2009).

The Forgiveness Project: RESTORE

This operates in several adult male prisons and Young Offender Institutions. It is based on story-telling to increase empathy for victims. The course format centres round a one-day induction followed by a three-day workshop, in which a high profile victim tells their story. Prisoners write reflections on these in their cells in their workbooks, and then share some of these with the group. There is space for offenders to tell their stories, often they have been victims too. Developing empathy in offenders is the heart of this work, through dialogue, discussion and sharing stories. Once prisoners are able to understand the impact of their actions and the harm done, it is much more difficult to continue hurting others. Participants have been able to face and accept themselves, feel empathy for the victim's losses, name the wrong and accept responsibility for it, feel remorse, and want to put things right. Hope and vision are encouraged by the inclusion of an ex-offender in the facilitation team (Cantacuzino 2011).

Insight Development Group, Oregon, US

This group started in 2009 with four inmates of Oregon State Correctional Institution approaching the chaplain about starting a victim empathy and insight development dialogue group. They asked for help from the Facilitated Dialogue Program for Severe and Violent Crime (see on). The programme consists of three modules:

Module 1: Understanding Victims

Module 2: Understanding Ourselves

Module 3: Restoration of Relationship

In Module 3, participants are asked to choose a relationship in their lives and attempt to bring some sort of healing to it.

(Adevai 2011; Oregon State Correctional Institute 2011)

Opening Doors of Ohio

This is a faith-based agency which is also evidence-driven, and runs a wide variety of pre-release services, including a three-day course 'Ready for Change' based largely on conflict resolution skills. Prisoners then carry 'power skills' cards they can draw on in difficult situations. Over 2500 men, women and young people have attended these courses. (Opening Doors of Ohio 2011; Himsworth 2011)

Other victim awareness courses

Many prisons run their own victim awareness courses, e.g. Bristol in the UK (Hughes 2011a), You Have the Power in Iowa, US (Wyatt 2011; You Have the Power 2011). This is fast becoming the norm for prisons in the UK.

VICTIM-OFFENDER GROUPS

Several of these have taken place in prisons:

- Rochester Youth Custody Centre: victim-burglar group 1985
- Bristol Prison: victim-robber group 1992
- Bristol Prison: victim-burglar group 2004
- SORI (see above)
- Sycamore Tree (see above)

Bridges to Life, Texas

This is a Christian-based programme in Texas with some similarities to Sycamore Tree. It was founded in 1998 by John Sage after the brutal murder of his sister in 1993. Its first goal is to reduce the recidivism rate of offenders. It is a group-based programme, with small groups usually containing five inmates, two victims of violent crime and one lay facilitator, who doubles as the 'community representative'. Elements of the group include prayer, tough questions, self-disclosure and letters written by inmates to their victim and to their family (but not delivered).

The programme's second goal is to facilitate a healing process for victims and offenders, by providing a safe environment to tell their stories and gain in understanding.

Since 2000, the project has completed 342 projects in 27 Texas prisons. In 2011 plans include 60 projects in 27 Texas prisons, three juvenile facilities and two transitional housing facilities. The programme is also run in prisons in Colorado, Florida, Indiana, Louisiana, Pennsylvania, Tennessee and Utah. To date 12,800 offenders have completed the programme, and 400 volunteer victims (about 150 per year) have been involved.

The latest evaluation, of 771 inmates who completed the programme between 2005 and 2008, after they had been released for three years, showed a recidivism rate of 18.8%, compared with a national rate of between 38 and 40%. Only 1.6% returned to prison for violent crimes.

(Bridges to Life 2011)

VICTIM-OFFENDER MEDIATION/ CONFERENCING

UK: various services

In the UK there have been many instances of victim-offender meetings, through a variety of agencies.

Community-based services also working in prisons

Where victim-offender mediation has been well established in the community (e.g. the probation-led schemes in the 1990s; also independent / community mediation services currently), some cases involved prisoners, and have often taken place in prisons. Examples currently working are Remedi (South Yorkshire), Kent (mediation services throughout the county; and a service-level agreement between prisons, probation and mediation services), Thames Valley Statutory Adult Restoration Service (STARS), West Yorkshire Probation (Bradford, Kirklees and Leeds) and Greater Manchester Police (working with HMPs Risley, Hindley, Forest Bank, Thorn Cross, Altcourse, Buckley Hall and Wymott). (Hinton 2011; Kent Mediation 2008; Shewan & Spruce 2011; Wood 2011).

Probation Victim Liaison/ Contact Service

Since 1991 there has been an obligation on the probation service to contact all victims of crimes of a sexual or violent nature, where the offender has a sentence of one year or more. Some Victim Liaison/ Contact officers have been trained in mediation skills and offer this to victims who want to meet their offenders, if judged appropriate. This may be indirect mediation or face-to-face meetings. Examples: Avon & Somerset, Kent, Staffordshire & West Midlands, West Yorkshire (Tudor 2011).

Youth Offending Teams and Young Offender Institutions

Several Young Offender Institutions (YOIs) are involved in victim-offender mediation and conferencing through restorative justice work carried out by Youth Offending Teams (YOTs). If the victim wishes to meet the offender and he (or she) is in custody, the YOT can arrange to take the victim to the YOI. Examples: Leeds, Swindon, Torbay, South Devon, Lancaster and probably many more.

Government research project 2001-7

One of the largest contributors to restorative justice in prisons in recent years has been the large government-funded research project (a randomised control trial), designed to evaluate restorative justice for adult offenders and their victims in serious cases (especially violence) – where many of the offenders were in prison. HMP Bullingdon (Oxfordshire) and London were the main sites for the work in prisons. Although this project had positive results in terms of victim and offender satisfaction, and in reduction of recidivism (Shapland, Robinson & Sorsby 2011), the Labour government declined to implement RJ. However, the Coalition (Conservative-Liberal Democrat) government has been more enthusiastic about RJ. Although they have made no legal changes to establish RJ, they have initiated some low-cost measures and raised the public profile of RJ, creating a more positive climate.

Prison-based services

In this more positive climate, several prisons have implemented RJ schemes, especially victim-offender mediation/ conferencing.

- Oxfordshire Probation continues the work of the government research project, undertaking a few prison cases, e.g. HMP Bullingdon.
- HMP Hewell has developed its work as described above (see SORI above).
- A new service has just started in Gloucester Prison run by a prison officer who previously worked with Remedi Mediation Service in South Yorkshire. She

trained about 20 community volunteers who undertake the work. The project identifies priority and prolific offenders (PPOs) and offers them the service, then contacts their victims, and brings them together if appropriate and both are willing (Jewkes 2011).

- A new police-based service in Bristol also works with PPOs, taking referrals from probation, Victim Liaison and the prison. Most of the offenders are in prison (Hughes 2011b).
- A new project in Swansea Prison has trained 18 volunteer facilitators for RJ conferences between offenders in prison and their victims from the community. The project also runs RJ awareness courses for prisoners and has trained prison officers to provide informal resolution of offences within the prison (Smith 2011).
- Channings Wood Prison is developing an establishment-wide approach to RJ practices (see P xxx), including victim-offender conferencing. They have trained 70 staff in RJ awareness and nine staff to deliver RJ conferences (Belso 2011)
- There are regional steering groups in Wales and the South West to get other prisons involved (Hughes 2011).
- In London, CALM Mediation Service has a link from 2011 with HMP Sutton, where prisoners undertake a 'Forgiveness Course' in conjunction with the Forgiveness Project, and can then opt to attend a talk on RJ by CALM facilitators. This may then lead to victim-offender mediation for appropriate cases, if victims are willing. CALM facilitators have also given talks about RJ in HMP Standford Hill (Kent), Littlehey (Cambridgeshire), Wayland (Norfolk), The Mount (Hemel Hempstead), Wormwood Scrubbs (London) (Shipley 2011).
- In Northern Ireland, prison officers in Magilligan Prison have been offering victim-offender conferences to victims and serving prisoners for several years. Since 2009 the Prison Service has sponsored 36 prison officers to complete the Certificate of Restorative Practices at the University of Ulster. A forthcoming review of the prison system in Northern Ireland is likely to recommend further development of restorative practices (Campbell, Chapman & Wilson 2010; Chapman 2011).
- In Dublin, Ireland the group Facing Forward (trained victim-offender mediators) is hoping to use restorative processes with lifers and other long-term prisoners (Corry 2012).

Belgium: Victim-offender mediation for serious crimes

Mediation with adults in serious crimes is undertaken by the independent organization Suggnome, led by Kristel Buntinx, covering the Flemish area of Belgium. Initially in 2001, there were two projects, before trial and after trial, but in 2008 they were integrated into one project. The Act on Victim-offender Mediation in 2005 provided for mediation to be initiated by any party with a direct interest, at any point in the criminal justice procedure. There are several other mediation programmes for minor crimes, but Suggnome is responsible for mediation with adults in cases of serious crimes, such as murder, manslaughter, armed robbery, serious violence, kidnapping, rape and other sexual assaults.

The main principles are neutrality of the mediator (taking care of both parties, while acknowledging the culpability of the offender), voluntary participation for both parties, and confidentiality (agreements passed on only with parties' consent). The service is

cautious about offences arising from an imbalance of power between the parties, such as stalking and incest.

About 90% of mediations are initiated by offenders, only 10% by victims, partly because the scheme is well-known in prisons, and less so by victim organizations. Careful preparation is undertaken, as long as is needed (sometimes several months) and parties are encouraged to have support people with them. Mediation can be indirect (shuttle) or direct (face to face). Face to face meetings take place in the prison.

Over the period October 2008 to September 2011, there were 1007 requests for mediation from 1082 offenders, resulting in 780 mediations, of which 132 were face to face meetings. Rates of satisfaction are high, from both offenders and victims (Buntinx 2007 & 2011).

Germany

As part of the MEREPS project (see p. XXX), a survey was undertaken in 2009 of prison staff, which showed that they considered contact with the victim and efforts by prison inmates to compensate for the offence as reasonable, but had doubts about the realism of implementing such measures. A pilot project was undertaken in the juvenile section of a prison in Bremen. There were over 100 meetings between mediators and inmates and 27 offenders agreed to take part in mediation. The mediators had 27 meetings with victims. From these meetings, four direct and three indirect mediations took place, all with good results (Hartmann, Haas & Steudel 2011)

Victim Offender Dialogue (VOD) in the US

Victim Offender Dialogue (VOD) programmes are based in the Victim Services department of the Department of Corrections (DOC). Their primary purpose is to facilitate and support the healing process of those victims and survivors of violent crime who request communication with the offender. A secondary purpose is to facilitate and support the healing process of perpetrators of violent crime.

VOD is facilitated by specifically trained facilitators. The victim-offender communication is preceded by a period of preparation meetings during which the decision to meet, issues to be explored and the nature of the communication is clarified with all parties. Some programmes have been running for many years (Iowa since 1993, Minnesota 1997, Ohio 1996, Pennsylvania 1998, Texas 1993). There are now VOD programmes in about 26 US states, with a few more states looking closely at the possibility of implementation (Wilson 2011).

Canada: Restorative Opportunities

The Correctional Service of Canada has a national victim-offender mediation service called Restorative Opportunities, which offers victims, offenders and community members an opportunity to enter into some form of dialogue to address the harms caused by serious crime with an experienced facilitator. This can include letter/video exchange, shuttle mediation, circle processes and face-to-face meetings. Participation is completely voluntary for all participants. RO is a confidential process that is not a part of case management and is not meant to impact decision-making processes including

conditional release decisions. On-going assessments are completed to ensure participants' safety and privacy (Petrellis 2011; Correctional Service Canada 2011).

Australia: Corrective Services New South Wales Restorative Justice Unit

In this scheme victims and offenders volunteer to take part in RJ at the post-sentence stage. When the Restorative Justice Unit was established in 1999 (it provides victim-offender mediation, victim-offender conferencing and Family Group Conferencing), it was assumed it would be dealing with a large volume of relatively minor crimes. This has not been the case. Figures for 2010:

- 46 % murder or manslaughter
- 28 % armed robbery
- 12 % dangerous driving occasioning death

(Corrective Services NSW 2011)

New Zealand

New Zealand Department of Corrections has a statutory obligation to provide prisoners with access to restorative justice processes (victim-offender conferences), where appropriate and as far as is reasonable and practicable in the circumstances. However, take-up is very low. Guidelines were published in May 2011, including how to make contact with victims and offenders, and how to run a restorative conference. Facilitators have to go through a thorough accreditation process. Each prison has a named link person, and most referrals come through parole board meetings (Hennessy 2011; New Zealand Department of Corrections 2011)

South Africa

Victim-offender mediation takes place in several prisons in South Africa, organized by Khulisa, an NGO providing a variety of services to rehabilitate offenders and prevent crime in the community (Khulisa 2011). George Lai Thom is the lead mediator, having trained in mediation and restorative justice in Canada while in exile due to apartheid.

He and Susan Sharpe wrote a paper comparing practice in South Africa with that in the US and Canada (2007) by interviewing 36 VOM participants. There were many similarities, but also some interesting differences, e.g. in South Africa the offender is seen to have an obligation to initiate the process; families are much more involved; video is often used to help decision-making; preparation time for a meeting is shorter; and forgiveness is expected.

The Restorative Justice Council of South Africa and Restorative Justice Initiatives have helped the South African Government to issue a National Policy Framework for Restorative Justice in February 2011 (Wright 2011).

Hope Prison Ministry, South Africa

As part of the courses described on page XXX, Hope Prison Ministry also puts offenders in the group in touch with close relatives and community via a telephone with amplifier (so that the whole group can hear). Victim-offender mediation can take

place some time after the course, after careful preparation of participants. Clayton now delivers RJ in prisons on behalf of the Department of Correctional Services. He has also trained 120 Swedish prison officers in his methods (Wright 2011).

South Africa: Phoenix Zululand

Phoenix works in the 11 prisons of Zululand, mostly with six at any one time. It uses prison peer facilitators as well as community-based facilitators. It has several programmes, one of which is ‘Conversations in Families’, which asks prisoners to focus on their responsibilities to their families, who may be primary or secondary victims of their offences. It is integrated with Family Group Conferencing, which brings the whole family together for social reintegration and making amends to victims (Aitken 2011).

Hawai'i: Huikahi Restorative Circles for Re-entry Planning

These circles were started by Lorenn Walker in 2005 in collaboration with two community-based organizations - the Hawai'i Friends of Civic & Law Related Education and the Community Alliance on Prisons – and the Waiawa Correctional Facility on the island of O'ahu. The name was changed from *Restorative Circles* to *Huikahi Restorative Circles* to distinguish them from other restorative circles. *Huikahi* signifies individuals coming together to form a covenant.

Huikahi Restorative Circles bring together prisoners with their extended families, to make plans for re-entry into the community. These plans are more viable than those made by prison staff because they involve the prisoners in their own process of change and also family members who can ensure that all the relevant factors are taken into account. The process has several stages:

1. Preparation: an interview with the prisoner (using solution-focused techniques), and the formation of a list of relevant people to invite.
2. The facilitator calls the people on the list, explains the process and offers to send information, calling back when they have had time to think about it. Sometimes help with transport costs is available. If they decide not to come, they can still send their views, which are placed on an empty chair with their name on.
3. The meeting takes place in the prison, in a circle. It starts with feedback on positive attributes of the prisoner, then looks at the harm caused by the prisoner and to whom, then the participants say how they have been affected.
4. The meeting moves on to consider how the prisoner can repair the harm to all present, also to any victims who are absent, including victims of crime and the community at large.
5. The last stage considers ways of meeting the prisoner's other practical needs (e.g. housing, employment, etc) on his or her return to the community. A date for a follow-up circle is planned.
6. If possible, there may be social time with refreshments.

If no family members or victims are able to attend, Modified Huikahi Restorative Circles can be held with a circle of inmates.

Since 2005 there have been 66 Huikahi Restorative Circles for 62 people (4 people have has Re-Circles), of which 46 were men and 16 were women, and 53 modified ones for 23 women and 30 men. More than 340 people were involved altogether. Evaluation showed 100% satisfaction with the process, and promising figures for lowered recidivism – this research is ongoing (Walker, L. 2010; 2011; Walker & Greening 2011).

Resolve to Stop the Violence Project (RSVP)

RSVP, a collaboration between Community Works and the San Francisco Sheriff's Department, aims to bring together all those harmed by crime, including victims, communities and offenders. It is driven by victim restoration, offender accountability and community involvement. It has resulted in a reduction in recidivism of up to 80% in San Francisco. It started in 1996 in prisons but now takes place in the community and includes a strong focus on restorative arts programming.

The project also runs Family Transition Circles for parents who are or have been incarcerated, their children, family supporters and the children's carers. They meet to discuss the harm that led to incarceration and by the incarceration itself; the needs that have arisen from this; and what is needed to help heal the harm.

(Community Works 2012; Morgan 2012; RSVP 2012).

Minnesota Prisons

Several Minnesota prisons have RJ programmes of various kinds – victim impact courses, Family Group Conferencing, RJ circles, victim-offender dialogue, communication via telephone, video or audio tape, written exchanges, apology letters, surrogate opportunities (Minnesota Department of Corrections 2011).

AMICUS Girls Restorative Programme & Study, Minnesota

This gender-specific restorative programme is based on the fact that girls in the justice system have different needs from boys – they are more motivated by relationships (which often contribute to their behaviour) and are more likely to have unresolved trauma, abuse or mental health issues. The Radius program started in 2000 in a secure residential facility for adolescent girls aged 14-21, and consists of two key components:

- 1. RJ Circles.** These include Circles of significant people in the girl's life (family, social workers, teachers, friends, etc) and are held at various points in a girl's period of residence, and especially before release, to ease the transition back into the community, and to produce a viable plan. Also possible is an RJ Circle with the girl's victim(s), to help her take responsibility for the harm done in the past, and to provide healing for the victim(s).
- 2. Grief and trauma counselling.** Girls participate in a weekly Girls' Group with a trained trauma counsellor to address past victimization and abuse. This is important as most girls who offend have a history of abuse, and cannot take responsibility for the harm they have caused until their own abuse is addressed.

This programme is now running in the community with girls aged 12 to 18 who have been involved in the juvenile justice system, as more effort is being made to keep girls out of custody. The Amicus Girls Study (2010) showed that the needs of girls were rarely met in the criminal justice system. Its recommendations included integration of restorative justice values and practices (Amicus 2010; Nelson 2011). Amicus also works with women in Shakopee Prison in Minnesota.

Canada: Aboriginal initiative

The Parole Board of Canada has created specialized hearings for Aboriginal prisoners. An 'Elder-assisted hearing' is one in which an Aboriginal elder participates in the parole hearing in order to inform board members about Aboriginal culture,

experiences and traditions, and their relevance to the decision facing the board members. The Elder is an active participant in the hearing and may ask about the offender's understanding of Aboriginal traditions and spirituality, progress towards healing and rehabilitation, and the readiness of the community to receive the offender if return to the community is part of the release plan. The Elder may speak with the offender in an Aboriginal language to gain a better understanding of the offender, and to assist the Board members in gaining further information helpful to achieving a quality decision. The Elder provides a summary of such an exchange to the Board members and other participants, including the offender, before the decision is made.

A 'community-assisted hearing' takes place in an Aboriginal community, and all parties, including the victim and members of the community, are invited to participate in what is called a 'releasing circle', which considers the question of release. (Parole Board of Canada 2012)

2: RELATIONSHIPS IN THE PRISON COMMUNITY

RESTORATIVE RESOLUTION OF PRISON OFFENCES AND DISPUTES

Anti-bullying procedure at Secure Training Centres

Restorative conferencing for conflicts and alleged bullying was introduced at Medway Secure Training Centre (Kent), catering for boys and girls aged 12-17, in 2004, through a review of their Anti-Bullying Policy and Procedure. The three other Secure Training Centres have also been trained in restorative conferencing. More recent work has included training staff to deliver RJ awareness courses at Rainsbrook (Warwickshire) and Oakhill (Milton Keynes) Secure Training Centres (Webster 2011).

Adjudications

'Adjudications' are used to deal with prison incidents, such as assaults and thefts in the prison. Offenders are charged and appear before a governor, who makes a judgement and decides the penalty within strict rules of procedure. Several prisons have been experimenting with the use of restorative conferencing before or at adjudications. The main difficulty so far has been implementing restorative processes within the tight timescale required by adjudications. Also embedding it in mainstream prison practice has been difficult in some institutions. Prisons involved have included: Brixton, Bullingdon and Grendon (adult male); Swinfen Hall (adult and young male); Cornton Vale (Scotland, adult female); Ashfield, Brinsford, Cookham Wood and Huntercombe (juvenile male); New Hall (juvenile female). Not all of these have been sustained – Cornton Vale, Brinsford and New Hall have ceased, and Huntercombe is now an adult male prison. Ashfield and Cookham Wood were still active in 2010 - Cookham Wood had 12 trained mediators, with a duty mediator on call daily. Others are hard to ascertain.

A recent prison to take this up is Portland YOI, which has trained 37 staff to deliver RJ for all prisoners placed on adjudication for acts of violence or bullying. In the first 6 months in 2011, there were 25 restorative conferences involving 61 prisoners. (Walsh 2011)

Resolving conflicts in prison

Many of the above prisons use mediation or conferencing to resolve conflicts that arise in prison. There have been also been a number of projects in which prison staff have been trained as mediators:

- Serbia: 23 staff (managers, personal officers, security officers, teachers, vocational instructors) were trained through UNICEF in mediation skills to resolve conflicts and offences within a young offender institution (Liebmann 2007a; Milosavijevic 2004).
- Bulgaria: Prison security officers, administrators, social workers and psychologists were trained in conflict prevention and resolution through Partners for Democratic Change (Partners for Democratic Change 2011).
- Scotland: In HMYOI Polmont all violent and bullying incidents are referred for an RJ intervention, and this has led to a decrease in fights and assaults (Hamilton 2011a & b).

In some prisons inmates have been trained as mediators:

- In HMP Full Sutton (UK), inmates were trained as mediators to co-mediate with staff in race-related conflicts.
- In Valley State Prison for Women in Chowchilla (California) 15 inmates were trained in mediation skills and have conducted mediations and peace circles within the prison. The trainers set up Prison of Peace to help transform the prison. They hope to train the mediators as trainers to make the programme sustainable within the prison (Kaufer 2010).

Need to rationalise this section with others

Hungary: MEREPS prison restorative project

The MEREPS (Mediation and restorative justice in prison settings) project involves researchers, practitioners, criminal justice professionals and policy makers from the countries involved (7 organisations from 4 European countries – Hungary, Germany, Belgium, UK), enabling them to participate in an interdisciplinary, intersectoral and international collaborative process. The project started with theoretical research and seminars in the partner countries, followed by conducting and evaluating a pilot project in a Hungarian prison as ‘action research’, with fieldwork of follow-up interviews.

The main object of the project, as stated above, was to explore the opportunities for implementing mediation and restorative practices in prison settings. A further aim was to test whether such practices could help support victims of crime, raise responsibility-taking in offenders, support the prison staff and inmates in peacefully resolving their internal conflicts and reintegrate offenders into society after release.

The pilot started with training in October 2010 in mediation and restorative conferencing for about 25 staff of Balassagyarmat Prison, also attended by three staff from Tokol Juvenile Institution. As part of the preparation, 18 inmates took part in a Sycamore Tree course. The first six months of the year’s pilot in 2011 involved nearly 28 inmates (sentenced for homicide, robbery, theft, physical assault, sexual assault, rape and vandalism) in mediation of seven cell conflicts (between prisoners), one family group conference (to prepare the inmate, the family and the local community for the inmate’s temporary release) and several preparatory interviews and group activities to sensitise them for meeting their victims. In the case of cell conflicts, minor physical assaults were usually the reasons for restorative meetings, but other conflicts also occurred, such as loans, power fights, sexual abuse or the lack of coffee and cigarettes. 75% of the

conferences were considered as successful interventions by the parties, and concluded in an agreement.

Concerning the possibility of meeting victims, it proved impossible to link inmates and victims due to the absence of victims' organisations, and due to data protection regulations.

Restorative encounters were led by two facilitators: by the MEREPS supervisor and a member of the prison personnel - in a facilitator role. The role of the supervisor was changing throughout the project: it gradually turned from an active co-facilitator function into the role of a mentoring supervisor. The steering group – another platform for restorative dialogues in the prison – met nine times to discuss the selection and follow-up of cases and provide supervision for the staff. The long-term objective of the project was to integrate facilitation techniques into the correctional education officers' day-to-day work in a sustainable way.

A thorough analysis was made of these cases, and all the prison issues that surfaced, such as hierarchies, work overload, distrust. In spite of these, the project concluded that it is possible for staff, inmates and independent facilitators to work together to achieve restorative outcomes. From November nine other prisons have also become involved. (Fellegi 2011a & b; Barabas, Fellegi, Szego & Windt 2011; Negrea 2011).

BUILDING RELATIONSHIPS IN PRISON

Communities of Restoration (APAC)

These are prison communities in which whole prisons or prison units are run along restorative lines. The whole prison is based on a philosophy of Christian love, and offers a 'whole life' community experience based on Christian values. Living in a community exposes inmates to the views and experiences of others, which can be quite challenging. It uses a variety of methods, such as pro-social modelling, group work, discussions and meetings, as well as the main learning experience of community living. Families are seen as very important and are involved in the work with offenders. The first of these ran in Brazil (APAC is the acronym for the Portuguese name) where APAC took over a whole prison and ran it just with volunteers and the inmates. In other countries paid staff still work in the prison, but a large number of Christian volunteers are involved. Research in one APAC prison showed that the recidivism rate was 16% compared to the more usual 50-70%.

Victims have not been involved, but recently (in response to requests by prisoners), APAC leaders have been exploring ways in which prisoners can be helped to use their new sense of responsibility to respond to their victims' needs.

In 2011, Prison Fellowships were running APAC-style communities in prisons in the following countries:

- Belize
- Brazil
- Bulgaria
- Chile
- Costa Rica
- Hungary
- Latvia
- New Zealand
- Norway
- Singapore

- Ecuador
- Germany
- USA

Countries working towards implementation: Canada and Scotland.
(Parker 2011)

Kainos Community

Kainos Community was set up in 1999 in England and Wales to run a community-based programme in prisons to address offending behaviour. It is currently available in HMP The Verne, HMP Swaleside and HMP Stocken. The programme 'Challenge to Change' provides five learning modules:

- Inductions
- Community living
- Focus
- Interpersonal relationships
- Citizenship

It uses pro-social modelling, group work, discussions and meetings to work on these. A recent evaluation of programme effectiveness showed that there were improvements in prison discipline and significantly reduced reconviction rates – 35% recidivism after two years' release, compared to 68% national average, and only 13% returning to prison.

In 2009 the programme received accreditation from the Correctional Services Accreditation Panel, and in 2010 it expanded to include Kainos in the Community, in which volunteers help programme graduates on their release. About 100 volunteers work with Kainos (Kainos Community 2011).

Prison therapeutic communities

The most well-known prison therapeutic community is HMP Grendon, where men who have committed serious offences (and are mostly considered to have dangerous severe personality disorders), work on their offences and their relationships through group therapy. It is a very intense regime and produces positive results. A few other prisons have Therapeutic Community wings.

Alternatives to Violence Project (AVP)

AVP began in 1975 in a New York prison, when, following a riot during which men had been killed, prisoners asked Quakers to help them learn skills to counter the increasing levels of violence within prisons. Since then AVP (now independent from Quakers but still retaining links) has spread all over the world, and runs workshops in prisons and the community.

It is now an international movement independent from Quakers. AVP is based on the belief that everyone has inside themselves the creative power to transform violent situations. The workshops (usually three days) build on everyday experiences to move away from violent or abusive behaviour by developing other ways of dealing with conflicts. The Level One workshop covers:

- building self-esteem, affirmation, trust and co-operation
- exploring methods of communication

- learning about creative resolution of conflicts

Level Two workshops focus on the underlying causes of violence, such as fear, anger, stereotyping, power and powerlessness. They take a deeper look at ways of resolving conflicts, including communication and forgiveness. Some people go on to train as facilitators by doing a third workshop.

All facilitators work as volunteers. It is open to prison inmates to participate in AVP in the same way as others, so that they can both learn and teach others the skills of non-violence. Inmates must attend voluntarily and not be under any compulsion to attend. Prisons need to be able to make the necessary practical arrangements for the workshops to run. AVP works through local groups who organise the workshops in partnership with their local prison. An evaluation in 2002 showed that participants' behaviour was modified by their involvement in the workshops.

Most but not all AVP groups are working in prisons. Some also work with vulnerable groups in the community, e.g. people on probation or with mental health problems.

56 countries were known to have AVP contacts in 2011:

- | | | |
|---|---------------|------------------|
| • African Great Lakes Initiative (AGLI) | • El Salvador | • Netherlands |
| • Angola | • Georgia | • New Zealand |
| • Armenia | • Germany | • Nicaragua |
| • Australia | • Guatemala | • Nigeria |
| • Azerbaijan | • Haiti | • Russia |
| • Belarus | • Honduras | • Rwanda |
| • Bolivia | • Hong Kong | • Singapore |
| • Bosnia/Herzegovina | • Hungary | • South Africa |
| • Brazil | • India | • South Korea |
| • Burundi | • Indonesia | • Spain |
| • Canada | • Ingushetia | • Sudan |
| • Colombia | • Ireland | • Tanzania |
| • Congo (Democratic Republic of) | • Japan | • Tonga |
| • Costa Rica | • Jordan | • Uganda |
| • Croatia | • Kenya | • Ukraine |
| • Cuba | • Lithuania | • United Kingdom |
| • Dominican Republic | • Macedonia | • USA |
| • Ecuador | • Mexico | • Zimbabwe |
| | • Namibia | |
| | • Nepal | |

(Alternatives to Violence Project 2011)

RESTORATIVE PRISONS

The concept of Restorative Prisons

Some prisons have been working their way towards a restorative philosophy, in which they try to look at all aspects of the way a prison operates and ensure it does so in a restorative way. Restorative justice becomes a total philosophy informing all their activities.

Kimmett Edgar and Tim Newell (2006, p.27) describe the core values of restorative justice:

- Healing
- Voluntary participation
- Respect
- Empowerment
- Inclusiveness
- Equal status
- Personal accountability
- Problem solving

Belgium: Restorative Justice in Prisons project 1997-2008

A Belgian action-research project started in October 1997 (partly in response to the Dutroux affair in 1996 - a multiple sex offender), working in six different prisons, financed by the government, with the aim of introducing a more restorative ethos. In 1999, inspired by the positive results of this project, the Minister decided that every prison in Belgium should develop a restorative regime and practice. By October/November 2000, there were 30 'restorative justice consultants', one in each prison.

This involved action of various kinds, depending on the prison, such as setting up reparation schemes, discussion groups on restorative justice, victim awareness courses, victim-offender mediation, and the establishment of a 'redress fund' to help victims pay compensation to offenders by doing practical community work.

In 2008 the restorative justice consultants ceased to exist. They remained in the prisons but were integrated in the prison management structure and given many other tasks (such as personnel management, logistics, finance, etc.). The result has been that there is now very little restorative justice activity in Belgian prisons (except victim-offender mediation, see above) (Marien 2011).

UK initiatives

There are currently several prisons in south-west England aiming to be restorative prisons, by training their staff in restorative conferencing. Portland Young Offender Institution has trained 37 staff to undertake restorative conferences as part of the adjudications process, and has started to hold victim-offender conferences, and link this work to victim awareness. They are also making links with probation and community organisations with a view to prisoners taking part in community reparation projects. Guys Marsh Prison is hoping to embark on the same route (Simpson 2011).

Western Australia

Several academics have been working with a private prison to begin a major research project on Restorative Prisons (Goulding, Hall & Steels 2008; Steels 2012).

Types of case

In general cases for victim-offender mediation/ conferencing have been serious, as one might expect in prison: burglary, aggravated burglary, robbery, grievous bodily harm and other violent offences, manslaughter, murder. Most restorative justice services working in prisons screen out sexual offences and domestic violence. But there are instances of both of these being the subject of successful restorative processes:

- Domestic violence: see example in Cardiff Prison from SORI above (p.XXX)
- Rape: Victim-offender conference in a British prison, on the initiative of the victim (Restorative Justice Consortium 2011)
- Rape: Victim-offender mediation in a Spanish prison (Casey & Jarman 2011)

Ten golden rules for RJ in prisons

These were developed by Geoff Emerson from the Thames Valley research project:

- You can't do it on your own
- Build effective partnerships – Steering Group?
- Learn from others – training and beyond
- Agree protocols – internal and external
- Raise staff awareness
- Raise prisoner awareness
- Get the basics right
- Build your project into prison structures
- Support post-conference agreements
- Evaluate and publish

Texts on RJ in Prisons

There are now a small and growing number of texts on RJ in prisons:

- *Restorative Justice in Prisons: A Guide to Making it Happen* by Kimmett Edgar and Tim Newell (2006)
- *Restorative Justice: How It Works* (two chapters on prisons) by Marian Liebmann (2007b)
- *The Social Reintegration of Ex-Prisoners in Council of Europe Member States* (a chapter on prisons) by Joe Casey and Ben Jarman of the Quaker Council of European Affairs (May 2011)
- *Restorative Justice and the Secure Estate: Alternatives for Young People in Custody* by Theo Gavrielides (Sep 2011)

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RSVP: www.resolvetostoptheviolencesf.org and
<http://communityworkswest.org/index.php/rgc>

SORI Project: Clifford.Grimason@hmpr.gsi.gov.uk

Sycamore Tree/ Prison Fellowship International: www.pficjr.org.

You Have the Power (Iowa, US): www.yhtp.org/victim-impact.php

Marian Liebmann
52 St Albans Road
Bristol BS6 7SH
Tel/fax: +44 (0) 117 942 3712
E-mail: marian@liebmann.org.uk

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