



Resolution of conflicts involving prisoners

Handbook on the applicability of mediation and restorative justice in prisons

Written in the framework of the project entitled "Mediation and Restorative Justice in Prison Settings", no. JLS/2008/JPEN015-30-CE-0267156/00-39, financed by the Criminal Justice Programme 2008, European Commission, DG Justice, Freedom and Security.



Budapest, 2010



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Written by
the Foresee Research Group and the National Institute of Criminology,
in the framework of the project entitled “*Mediation and Restorative Justice in
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PREFACE

“Do you remember when we first met? It wasn’t in a coffee shop. You broke into my house. And robbed me of my belief that I was able to protect my family and my home from people like you.”

“I had never seen anyone before suffering from such a deep sense of sorrow, anger, desperation, isolation and guilt. It surprised me that it was he who felt guilty for what I had done! That was the moment when I realised the damage I had caused, and saw who had been affected and how.”

“And then we started to talk... about pain, about the past...”

(Excerpts from the documentary entitled “The Woolf Within”, in which Peter, a recidivist offender and Will, one of Peter’s victims, talk about what it was like to meet the other. By his own account, Peter had committed about 20,000 crimes before he finally met Will, the victim of his last burglary, in the framework of a mediation. This encounter changed both men’s lives completely. Since 2003, Peter has committed no crime and published a monograph entitled “The Damage Done”, and Will has established a victim support organisation under the name “Why Me?” (<http://www.why-me.org/>) to help crime victims involved in mediations.)

Our sense of justice and the need to protect our society require us to send people who commit serious crimes to prison. At least for a time...

What happens to offenders during their prison term and afterwards? What do they think about the crime they committed and the damage they caused? To what extent do they feel responsible for what happened? Do they have a sense of guilt and an urge to make things right? Do they have a way of facing and dealing with these feelings at all? What plans and opportunities do they have when starting a new life after their release? What are their chances of success in integrating into society and restoring their relationships?

And what happens on the other side at the same time? How are their victims compensated for the damage they suffered? Do they have an opportunity to share their pain and loss with someone, especially with the one who made them suffer, or to ask the questions that haunt them? Who helps them deal with the trauma they suffered and move on, and in what ways? Does the justice system give them justice and how can they take part in it directly?

Or: How do the parents, children and family members of the victims and offenders respond to the crime? Are they able to handle what happened? Are they able to support their loved ones in coping with the consequences and “restarting” their lives?

And there are questions related to the broader community and society as well. How is the damaged community compensated as a result of the criminal justice procedure? Is there any guarantee that the released offenders will not hurt us again? Are we ready to accept released prisoners and help them integrate?

If one should try to grasp the key element of any solution in a single word, it might certainly be *dialogue*: dialogue between offenders, victims, directly or indirectly affected family members, the professionals involved, and members of the immediate and broader community.

Lacking the necessary set of tools, the traditional criminal justice system has been unable to facilitate such a dialogue. As such, it is no surprise that the restorative approach has gained ground in relation to dealing with crimes and offenders.

In the past two decades, restorative justice and its institutions have become increasingly recognised in most of the European jurisprudences, and have also appeared in practice. However, in most cases restorative solutions are available only prior to conviction. Only a few practices exist (especially in Belgium) that allow offenders to repair the harm they caused whilst in prison. It mainly affects those offenders and victims who are willing to engage in a restorative dialogue, which is not available in prison settings. Although there are many projects dealing with victims, offenders and the affected communities, most of them promote the use of restorative practices before conviction takes place.

Based on domestic and international research findings suggesting that the restorative approach is most effective and efficient regarding serious crimes, Hungarian professionals in restorative justice, in cooperation with foreign partners, have set up a research team to study, at the national and international level, how restorative

practices could be applied with offenders during their time in prison. The research programme has become known as the MEREPS project, the name of which stands for “*Mediation and Restorative Justice in Prison Settings*”, and it has been supported by the Criminal Justice Programme of the European Commission¹. Led by Hungarian researchers, the international project looks at how mediation and other restorative practices could be applied in prison settings, with special regard to offenders who committed serious crimes.

The project, which includes both theoretical and empirical research and field studies, seeks to establish and promote cooperation and dialogue between researchers, restorative professionals, legislators and legal practitioners in the countries concerned.

The primary objective of the MEREPS project is to identify ways to apply mediation and restorative practices in prison settings, with special regard to providing support to victims and enabling offenders to take responsibility. It also aims to facilitate the resolution of conflicts resulting from a crime between the victim and the offender, and the offender and their environment, including other inmates, with a view to facilitating the reintegration of offenders following their release.

Following the empirical work phase, the Hungarian team aims to test how restorative practices could be applied in prisons through a pilot project, which will also include very serious crimes. In the framework of the pilot project, restorative solutions will be offered both in cases of conflicts between inmates in a prison and for the resolution of conflicts between offenders and victims and family members.

The MEREPS consortium includes six research groups from four European countries. The Hungarian-led project is headed by the Foresee Research Group, and operates under the professional leading of the National Institute of Criminology. Foresee’s foreign partners are the Leuven-based European Forum for Restorative Justice (Belgium), the London-based Independent Academic Research Studies (England), and two organisations from Bremen, the Hochschule Für Öffentliche Verwaltung Bremen and the Bremen Mediation Service (Germany). The domestic implementation of the project enjoys support from several high-profile organisations, including the Office of Justice, the Hungarian Crime Prevention and Prison Mission Foundation, and the Hungarian Judicial Academy.

1 Project number: JLS/2008/JPEN015-30-CE-0267156/00-39

The empirical research will be carried out at two locations in Hungary, the prison in Balassagyarmat and at the youth correctional centre in Tököl. Two preparation sessions for professionals and prisoners took place in Balassagyarmat.

The international background of MEREPS will enable countries with extensive experience in the field to evaluate their results and determine the areas that need improvement, while also allowing Hungary to get an insight into best practices and standard procedures, and to carry out its pilot project in a professional manner. Moreover, the evaluation of the combined data from various countries may prove highly beneficial. Among other things, it may allow us to prove that the case is not simply that eastern countries have a lot to learn from the west, but rather that information exchange between the two regions might facilitate the development of restorative policies in both parts of Europe.

In the third, decisive phase of the project, this Handbook seeks to support the preparation and implementation of the prison mediation pilot programme and to facilitate dialogue between stakeholders (offenders and victims, directly and indirectly affected family members, professionals, and members of the immediate and broader community). The Handbook is designed for professionals who think they can help perpetrators of serious crimes, their victims and others affected deal together with the damage caused by a crime, understand and clarify the needs of all affected people, and find ways to repair the damage done by participating as impartial mediators.

The Handbook is based on the combined methodology developed by Dr. Marian Liebmann, an England-based mediator/facilitator who has decades of experience in this field. We asked her not to limit the training programme to be implemented at the Balassagyarmat prison to a particular method (e.g. mediation), indicating that we would be pleased to receive an insight into various practices (including restorative conferencing) that may facilitate dialogue between those affected by a serious crime and support the restorative mediation process.

The case studies from England and Hungary included in the Handbook also serve this purpose. The methods and case studies presented suggest that dialogue can be established in various ways, forms and settings, and can serve various purposes. One of the key objectives of our research and pilot programme is therefore to identify the methods that would allow the effective introduction of the restorative approach in Hungarian prisons.

In the following we will present the various techniques, tools and models that may support us in reaching our goal, namely to get those affected by a crime to sit down and discuss their feelings and needs, so that they can develop a mutually acceptable solution together.

We believe that this practical guide represents a small but important milestone in the adaptation and introduction of restorative practices like mediation and group conferencing, which have already been recognised and used throughout Europe and the world, in prison settings.

Dr. Tünde Barabás and Dr. Borbála Fellegi

Budapest, 2010

The network of Professionals involved in the MEREPS project



Dr. Borbála Fellegi



Dr. Szandra Windt



Dr. Tünde Barabás



Dr. Arthur Hartmann



Vidia Negrea



Csilla Katona



Karolien Mariën



Dr. Theo Gavrieldes



Dr. Marian Liebmann

INTRODUCTION TO THE PARTICIPATING PROFESSIONALS AND ORGANISATIONS

Dr. Borbála Fellegi, criminologist, social policy expert, executive director of the Foresee Research Group (<http://www.foresee.hu>)



The FORESEE RESEARCH GROUP (Hungary) comprises an interdisciplinary team of young Hungarian professionals. Its research programmes and projects focus on promoting alternative conflict resolution approaches and practices, and the integration of marginalised social groups.

Through its training, programme development, consultancy, research and networking programmes, the Foresee Research Group aims to reduce social inequalities. Foresee also seeks to raise public awareness of alternative conflict resolution theories and methods, to fight against social exclusion and prejudices, and to promote equal opportunities for marginalised social groups.

As consortium leader, the Foresee Research Group is responsible for the technical and administrative management of the MEREPS project. Foresee is also coordinating the prison mediation pilot project in Hungary, including the organisation of training programmes for prison staff and the implementation of mediation and other restorative justice programmes in prisons.

In the framework of the project, Foresee aims to establish effective cooperation and communication between the Hungarian and international partners, and to publish the findings of the programmes.

Dr. Tünde Barabás, criminologist, senior researcher and head of department at the National Institute of Criminology,



and **Dr. Szandra Windt**, criminologist, senior researcher and head of department at the National Institute of Criminology, (<http://www.okri.hu>)



As the largest criminological research organisation in Eastern Europe, OKRI, the NATIONAL INSTITUTE OF CRIMINOLOGY (Hungary) seeks to study crime, develop the theory and practice of criminology, interpret science and criminal justice, publish research results and train prosecutor candidates.

As the organisation providing the expert management of the project, OKRI is responsible for the analysis and presentation of the qualitative and quantitative results of the attitude assessments carried out among prisoners and prison workers.



Dr. Theo Gavrielides, lawyer,
director of Independent Academic Research Studies
(<http://www.iars.org.uk>)

AZ INDEPENDENT ACADEMIC RESEARCH STUDIES (England) is a social policy working group led by young people; it aims to provide an opportunity for the young to speak up and influence policies and practices that affect their lives. Through voluntary activities, training and research programmes, the young people involved in IARS seek to improve the practices that affect their lives, to act as role models in terms of social life and activities, and to support their peers and other groups of youngsters by establishing a society that is based on tolerance and equality and where young people are respected and valued.

In the framework of the project, IARS organised a study visit to England for the Hungarian professionals. Currently, the organisation is conducting research in the UK on the possible applications of restorative justice with juvenile prisoners. The research programme includes interviews with legislators, prison workers and young people with a view to collecting best practices.



Dr. Arthur Hartmann, lawyer,
professor of the Hochschule für Öffentliche Verwaltung (HfÖV)
in Bremen and head of the Bremen Mediation Service
(<http://www.hfoev.bremen.de>)

Bremen University (Germany), which offers courses and conducts research in the fields of law and security, is also home to the “Police and Security Research Institute” (IPOS), which carries out research programmes in restorative justice, crime prevention and other relevant areas.

The BREMEN MEDIATION SERVICE (Germany) offers restorative justice services and takes part in other European projects concerned with harassment and domestic violence. In the context of the MEREPS project, Bremen College and the Bremen Mediation Service provide prison mediation services and conduct research into the attitude of criminal justice practitioners towards the restorative approach.

Karolien Mariën, criminologist,
executive director of the international umbrella organisation
European Forum for Restorative Justice, previously worked
as a restorative justice consultant in prisons
(<http://www.euforumrj.org>)



The EUROPEAN FORUM (Belgium) facilitates the introduction and development of restorative practices throughout Europe by promoting dialogue between legislators, restorative justice professionals and legal practitioners. It plays a central role in publishing relevant information and the best restorative practices applied in Europe, and makes a significant contribution to the Europe-wide implementation of the project.



Vidia Negrea, psychologist, facilitator,
director of The Community Service Hungary Foundation
(<http://www.iirp.org/hu/>)

The COMMUNITY SERVICE HUNGARY FOUNDATION provides community building, family therapy, and conflict resolution mediation programmes, with a view to strengthening family ties, and supports disadvantaged families.

The professionals working for the Foundation contribute to the MEREPS project through a continuous exchange of information and by providing expert guidance for prison mediators.

Csilla Katona, facilitator and probation officer,
President of the Hungarian Crime Prevention
and Prison Mission Foundation



The HUNGARIAN CRIME PREVENTION AND PRISON MISSION FOUNDATION (Hungary) promotes the restorative approach in prisons, among volunteers, and through workshops, one-to-one psychological sessions and community events. The workshops are focused on victim awareness, empathy, taking responsibility, facing the consequences of a crime, understanding the community's needs, restoration and forgiveness. In the framework of the MEREPS project, the foundation participates in the design and implementation of training programmes and in the introduction of the pilot mediation programme.



Dr. Marian Liebmann,
mediator, facilitator, trainer, art therapist

Dr Marian Liebmann has worked at a day centre for ex-offenders, with Victim Support, and in the probation service. She was director of Mediation UK for four years and a projects adviser for three years, working on restorative justice issues. Since 1998 she has been working freelance as a consultant and trainer, with Youth Offending Teams, mediation services and prisons in the UK. She has also undertaken work in several African and East European countries, including training 180 victim-offender mediators in Serbia and Montenegro. She is also an art therapist and runs 'Art and Conflict' and 'Art and Anger Management' workshops. In 2005 she received a special merit award of the Longford Prize for her pioneering work in art therapy, restorative justice and mediation. She has written/edited 10 books, including *Restorative Justice: How It Works*. In July 2010 she received her PhD at Bristol University, by published work. Recent restorative justice work has included training residents on a housing estate in South Bristol, research on domestic violence and restorative justice in Cardiff Prison, and three presentations at the UN Crime Congress Ancillary Programme in Brazil in April 2010.

TRAINING OF MEDIATION IN PRISON

Coach: Dr. Marian Liebmann

RESTORATIVE PRACTICE IN PRISONS

Training course, 2010
Balassagyarmat Prison

AIMS OF COURSE

Gain insight into perspectives of people in conflict and of victim-offender situations.

Reflect on own attitudes to conflict.

Understand how restorative practice can help with victim-offender, prisoner conflict and family cases.

Understand how the MEREPS project will operate within Balassagyarmat Prison.

STRUCTURE OF COURSE

■ Day 1

- 9.00 Introductions
- 9.45 Conflict – what hinders and what helps?
- 10.15 Restorative Practice principles and definitions
- 10.30 Restorative and retributive – what’s the difference? (small groups)
- 11.00 *Break*
- 11.20 Feelings of victims, offenders and community (pair and group discussion)
- 12.20 Needs of victims, offenders and community (3 task groups)
- 12.50 Stages of victimisation
- 1.00 *Lunch*
- 2.00 First meetings with party 1 and party 2
- 3.00 Role play guidelines
- 3.15 *Break*
- 3.35 Role play 1: First meetings with party 1 and party 2
- 4.30 Group discussion of role plays
- 4.50 Evaluation and closing
- 5.00 *Finish*

■ Day 2

- 9.00 Welcome back, anything from Day 1, scope of Day 2
- 9.15 Restorative conferencing – the process
- 10.05 Walk-through of restorative conference
- 11.00 *Break*
- 11.20 Role play 2: Restorative conference of victim-offender case
- 12.20 Group discussion of role play
- 1.00 *Lunch*
- 2.00 Skills and qualities of conference facilitators
- 2.30 Listening skills
- 3.00 Questioning skills
- 3.15 *Break*
- 3.35 Role play 3: Restorative conference of prisoner conflict case
- 4.25 Group discussion of role play
- 4.50 Evaluation and closing
- 5.00 *Finish*

■ Day 3

- 9.00 Welcome back, anything from Day 2, scope of Day 3
- 9.15 Summarising skills
- 9.40 The orange (group exercise)
- 9.50 Building agreements
- 10.05 Writing agreements
- 10.35 Family relationships – exercise
- 11.00 *Break*
- 11.20 Role play 4: Family case – first visits
- 12.00 Role play 4 (cont): Whole process – restorative conference + written agreement
- 1.00 *Lunch*
- 2.00 Whole group discussion of morning role play
- 2.15 Separate meetings
- 2.25 Arranging follow-up
- 2.35 What if people won't meet?
- 2.50 Working together
- 3.15 *Break*
- 3.35 How the service will operate
- 4.00 Unanswered questions
- 4.30 Evaluation and closing
- 5.00 *Finish*

THEORY AND METHODOLOGY OF RESTORATIVE PRACTICE²

Restorative justice

Restorative Justice (RJ) processes give victims the chance to tell offenders the real impact of their crime, to get answers to their questions and to receive an apology. It gives the offenders the chance to understand the real impact of what they have done and to do something to repair the harm. RJ holds offenders to account for what they have done, personally and directly, and helps victims to get on with their lives (Restorative Justice Consortium, UK).

Principles of restorative practice

- Victim support and healing is a priority
- Offenders take responsibility for what they have done
- There is dialogue to achieve understanding
- There is an attempt to put right the harm done
- Offenders look at how to avoid future offending
- The community helps to reintegrate both victim and offender

2 Based on the MEDIATOR'S HANDBOOK – Peacemaking in your Neighborhood from Friends' Suburban Project Philadelphia.

■ **Some restorative processes: definitions**

■ **Mediation (conflicts)**

Mediation is a process in which an impartial third party helps two (or more) parties in conflict to reach an agreement. The parties, not the mediator, work out the terms of the agreement.

■ **Victim-offender mediation**

This is a process in which an impartial third party helps the victim(s) and offender(s) to communicate, either directly or indirectly. The mediation process can lead to greater understanding for both parties and sometimes to tangible reparation.

■ **Restorative conferencing**

This is similar in principle to victim-offender mediation but involves families of victims and offenders, and other relevant members of the community. Usually a script is used to guide the conference.

■ **Reparation**

This is the action taken by the offender(s) to put right the harm done, whether directly to the victim or indirectly to the community.

■ **Victim awareness work**

This is work done with offenders, to help them become more aware of the effect their crime has had on their victim(s). It can be undertaken in its own right and also as a preparation for a meeting with the victim.

Comparison of retributive and restorative justice

Retributive justice	Restorative justice
Crime is a violation of the state's laws.	Crime is a violation of people and relationships.
Violations create guilt.	Violations create obligations.
Justice requires that the state determines blame (guilt) and imposes pain (punishment).	Justice involves victims, offenders and community members in an effort to put things right.
Central focus is offenders getting what they deserve.	Central focus is victims' needs and offender responsibility for repairing harm.
Main questions:	Main questions:
What laws have been broken?	Who has been hurt?
Who did it?	What are their needs?
What do they deserve?	Whose obligations are these?

Feelings and needs

Feelings of victim, offender and community in conflict

(these are roles we may all take at different times)

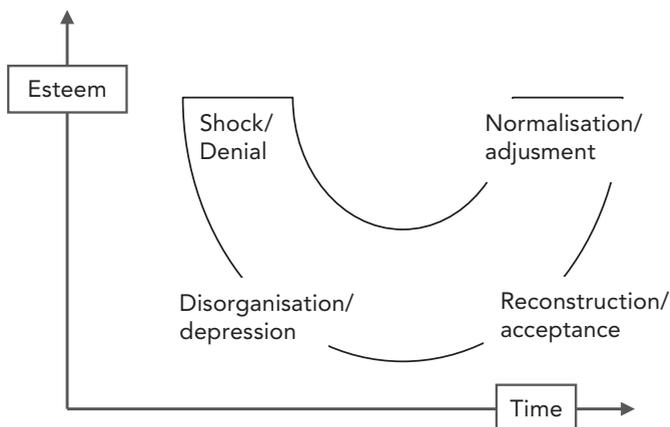
Victim	Offender	Community
Upset	Ashamed	Upset
Angry	Upset	Outraged
Fearful	Fearful	Vengeful
Shocked	Anxious	Fearful
Loss	Stupid	Frustrated
Anxious	Sad	Divided
Sad	Guilty	Shocked
Vengeful	Denial	Confused
Confused	Worried	Arguing
Guilty	Aggrieved	Blaming
Denial	Shocked	Vulnerable
Frustrated	Hard	Exposed
Ignored	Frustrated	Angry
Isolated	Angry	Loss

Needs of victim, offender and community from restorative practice service

Victim	Offender	Community
Safety	Safety	Safety
Reassurance	Reassurance	Reassurance
Listened to	Listened to	Listened to
Impartiality	Impartiality	Something done to put things right
Won't happen again	Opportunity to apologise and put things right	Peaceful life
Apology	Understanding	Good community
Reparation	Chance to tell their story	Participate
Understanding	Clarity about the process	Rebuild trust
Chance to tell their story		Clarity about the process
Clarity about the process		

Victims of crime

Four stage model of recovery



Victims' reactions to crime

Psychological

e.g. fear, anger, upset, shock, guilt

Physiological

e.g. nausea, tearfulness, trembling

Behavioural

e.g. social withdrawal, increased drinking/smoking

Factors affecting recovery

- Having been a previous victim of crime
- Recent bereavement
- Lack of support
- Nature of the crime
- Psychiatric history

■ Assessment/First interviews

■ Both parties

- Introduce yourself
- Explain why you are there
- Ask them what they would like to be called
- Tell them about the service
- Explain the restorative approach
- Explain that you are there for both parties, you don't take sides
- Let them know they have a choice whether to take part or not
- Tell them the service is confidential
- Use clear language, no jargon
- Answer any questions
- Listen to their story
- Let them tell it in their own time
- Prompt them but don't interrogate
- Be honest
- Don't raise expectations
- Explore options
- Explain that you will be going to see the other person
- Ask how much of the conversation is OK to pass on to the other person
- Ask them what they would like from the other party
- Ask them whether there is anything they would like to offer the other party
- Allow time for them to think about things and arrange another meeting if needed
- Summarise what you have agreed
- Let them know what will happen next

■ **In cases where one party harmed the other**

Person responsible

- Ask them to tell you what happened and how they came to do the harm
- Ask them to say how they felt about it then, and how they feel about it now
- Ask them whether there is anything they would like to do to put things right

Person harmed

- Ask them to tell you what happened
- Ask them how they were affected at the time and since then
- Ask them if there is anything they would like from the person who harmed them that could help to put things right

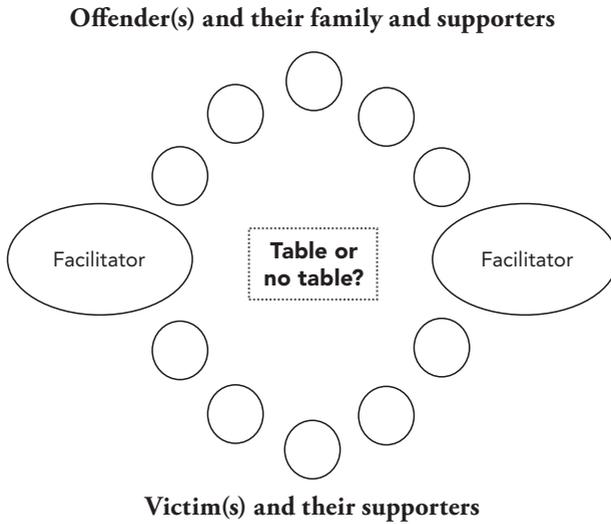
Assessment – issues to consider

- Do the parties acknowledge responsibility for their side of things?
- Are they both able to take responsibility for themselves?
- Are there mental health issues?
- Are there alcohol or drugs issues?
- Is extra support needed for any of the above?

■ **List of questions/things to say in first interview**

- Hello!
- I'm from (introduce selves)
- Explain restorative practice service – impartial – voluntary participation – can stop any time – can include face to face meetings or sending messages – opportunity to communicate in whatever way seems appropriate.
- Answer any questions they may have.
- Would you like to tell us what happened/what the situation is and how you have been affected?
[Prompts and questions to help the story along.]
- So is there anything you would like from the other party?
- Is there anything you would like to offer the other party?
- Explain that you will be going to see the other person and will come back to them.
- Ask how much of the conversation is OK to pass on to the other person/people.

Restorative conference seating plan



Restorative conference ground rules

- No name calling, abuse, bad language or shouting.
- No violence.
- Everyone stays seated.
- Everyone has time to explain their point of view without interruption.
- People listen to each other.
- People try to find a way forward.
- Everything talked about is confidential.

Restorative conference script – Full

Use this script as a **starting point** for your facilitated conference.

You will need to adapt it to your particular circumstances, adding and leaving out questions where appropriate

■ Introduction

*Welcome. As you know my name is
Before the meeting begins, I will work my way around the group to introduce everyone and say why they are here.*

(The facilitator will have normally already discussed with participants how they wish to be addressed and this is how they should be introduced. **Ensure you introduce all participants!**)

It is important to point out that you all choose to be here today – and being here takes strength and commitment. This meeting might not be easy, but it will allow you to be a part of dealing with what happened.

This meeting will look at what happened on (day/date) at (place) when (brief description only). It is important to understand that the meeting will focus on what (the offender/s) did, and how their behaviour has affected others.

None of you are here to decide whether anybody is a good or bad person. You are here to explore how people have been affected by what has happened, and, hopefully, for all of you to work towards repairing the harm that was caused.

I will make sure that you all will be given the chance to have your say, and to have other people listen to you. After everyone has had their say, I will make sure that you all have an opportunity to ask questions or respond to what has been said.

Does that seem fair to everyone?

Can I ask that if anyone has a mobile phone that they switch it off?

■ **Ground rules**

(if appropriate) Explain ground rules / remind participants of agreed ground rules from preparation.

■ **Accounts**

Ask each person in the conference what happened. If there is an identifiable ‘offender’, start with them.

■ **To offender(s)**

(if more than one – ask each question/set of questions to each offender, before moving on to the next question/set of questions)

- *I will start by asking to tell everyone what happened.*
- *What did you do?*
- *What did you do then?*
- *What were you thinking at that time?*
- *What were you feeling at that time? (e.g. when you took the radio)*
- *What have your thoughts been since that time?*
- *How do you feel now?*
- *Who do you think has been affected by what happened?*
- *Who do you think has been affected by what you did?*
- *Do you think has been affected by your actions?*

Thank you for what you have told us. We will now find out how others have been affected. I’ll then come back to you to give you the opportunity to respond to what they say.

■ **To victims, then victim supporters, then offender supporters**

- *How did you become aware of what happened?* (Don't use this if the answer is obvious.)
- *What were you thinking at that time?*
- *What were you feeling at that time?* (e.g. when you found your radio missing)
- *What have your thoughts been since that time?*
- *How do you feel now?*
- *What has been the hardest thing for you?*
- *Who else has been affected by this?*

■ **To offender(s)**

You have just listened to everybody and heard what they have had to say about what happened and the harm that has been caused. Is there anything you want to say?

Do you see that the choices (you) made then have caused harm?

Do you think you need to do something to repair the harm? (This is a closed question: do not look for the offenders to come up with suggestions at this point)

■ **Agreement**

It is important that we consider what needs to happen to repair some of the harm caused.

■ **To victim and victim supporters first, then everyone else (except offenders)**

What do you want to come out of this meeting?

■ **To offender(s)**

*You have heard what has been said. What do you think needs to happen?
What do you think is the right and fair thing for you to do?*

Make sure the agreement is SMARTER (Specific, Measurable, Achievable, Relevant, Time-bounded, Engaging, Reviewed).

■ **To all**

Does anyone have any questions they would like to ask or anything they would like to say?

■ **Conclusion**

To summarise then has agreed to is that correct?

How do you feel about what has been said? (to each)

It is important that I clarify what has been decided. I will write out an agreement for everyone to sign which covers what has agreed to do to repair the harm.

Before closing this meeting, is there anything else that anyone wants to say?

Then encourage participants to have refreshments and talk informally while the agreement is written up ready for participants to sign.

Restorative conference script – Summary

Introductions, purpose of conference and ground rules

Ask each person in the group what happened.

1. Offender(s)
2. Victim(s)
3. Victim supporter(s)
4. Community member(s)
5. Offender supporter(s)

Script questions for offender(s):

- What did you do?
- What did you do then?
- What were you feeling at the time?
- What have your thoughts been since?
- How do you feel now?
- Who do you think has been affected by what happened or what you did?
- Thank you for what you have told us. We will now find out how others had been affected.

Script questions for victim(s), victim supporter(s), community member(s) and offender supporter(s), in turn:

- How did you find out about what happened?
- How were you affected at the time?
- How have things been since?
- How do you feel now?

Then ask offender(s) if they want to respond.

Move on to what needs to happen to repair some of the harm.

Ask victim(s) what they need, and offender(s) what is the right and fair thing for them to do.

Make agreement if possible.

Conclusion, then refreshments.

Restorative conferences: who should be there?

Think about the following possibilities:

- The parties – it may not be clear who these are
- Other people who have been affected by the conflict
- People who can support the above
- Parents/carers of children
- Other family members
- People from the community who can contribute positively
- People with a stake in the outcome

Sometimes it is useful to have everyone involved present at a meeting; other times it is good to have a smaller session with the main people involved.

Skills and qualities of restorative practice facilitators

Skills

- Listening and communication
- Summarising
- Building relationships
- Impartiality
- Assertiveness
- Staying calm
- Defusing anger

Qualities

- Understanding of people
- Able to learn from experience
- Genuineness
- Openness
- Self awareness
- Flexibility
- Balance
- Commitment to equality
- Creativity

Active listening skills

- Encouraging
- Acknowledging
- Checking
- Clarifying
- Affirming
- Empathy
- Asking a variety of questions
- Reflecting
- Summarising
- Timing
- Balance
- Tone of voice and volume

Questioning skills

- **Open questions** – for opening things up: “What happened?”
- **Closed questions** – for checking detail: “Were you there yesterday?”
- **Focused** – for getting more information: “Tell me more about...”
- **Specifying** – for getting particular details: “What did you actually say?”
- **Clarifying** – for checking things: “I’m not clear about X, can you explain?”
- **Challenging** – for situations where there are other views: “How does this fit with these other facts?”

Start with open questions, then gradually use more focused questions!

■ Summarising

Summarising is an important skill in conflict resolution. If you are stuck at any point, summarise! Always summarise at the end of an incident or discussion. It is important to keep to the words that people use and not add any interpretations; also to use neutral, non-blaming language.

■ Reasons to summarise

- Summarise the issues
- Help people to hear each other's position
- Reinforce progress made
- Identify and name people's concerns
- Clarify misunderstandings
- Point out areas of mutual interest or areas of agreement
- Organise the information
- Tie up loose ends and move to another topic
- Identify areas of disagreement or work left to do
- Round things off

■ Building agreements

The following strategies can help towards building agreements:

- Summarise the issues.
- Ask if your summary is correct, and if there are any extra issues. Ask what people would like to see happen.
- Break them into bite-sized pieces, and work on them one by one.
- Make sure that everyone's ideas are heard.
- Encourage positive contributions. Sometimes they need to be highlighted.
- Look for people's interests and needs.
- If conflict breaks out, ask for a pause to get back on track. Or suggest a break. Remind people of the ground rules.
- If things get stuck, summarise how far people have got and give encouragement.
- If an agreement is reached, check that each person accepts it.

Writing agreements

Written agreements are not legally binding, but are useful to remind people of what they have agreed. They are not always needed, but when they are used, care is needed to write them well.

An agreement should:

- use clear and simple language
- set times
- be balanced
- be positive
- be practical
- be workable
- provide for the future
- be reviewed and signed by all.

Agreements – spot the differences

Look at these two agreements and note down the differences.

Agreement 1

1. Bob and John agree to be friends from now on.
2. The radio will get mended sometime.
3. Bob hopes he will get some money to pay for mending the radio.
4. Bob will try to make less noise.
5. Bob will get some books to read sometime later.

Agreement 2

1. Bob and John agree to say hello when they see each other.
2. Bob will get the radio mended within one month.
3. Bob and John will share the cost of the materials to mend the radio.
4. When the radio is mended, John will turn it off after 10 pm.
5. John and Bob will discuss things if there are any further problems.

Separate meetings

Separate meetings can be called by participants or facilitators, at any time – when things get stuck, when feelings are running too high, or when people are tired and need a break.

Have refreshments available so that people can revive, and so that they have something to do. If possible, ask a third facilitator/observer to stay with one of the parties to enable you to talk to either one.

Possible purposes are to:

Support participants

- Give them time to cool down
- Give a shy person a chance to talk
- Help people to think through what they want

Control the process

- Interrupt unhelpful behaviour
- Change the direction of the session
- Confront people privately

Move the situation forwards

- Help get the conference unstuck
- Explore interests and possible solutions
- Receive private information

Consult with your co-facilitator

- Talk through any disagreements between you
- Discuss your strategy
- Make a list of issues

In the separate meetings

- Meet with both parties, so as to stay impartial
- Spend the same time with each party, just a few minutes (remember the other party is waiting and wondering what you are doing/saying)
- Be understanding but impartial
- Check what you can pass on to the other party
- Agree what they want to say when everyone comes back together

Shuttle mediation

Sometimes people are unwilling to meet, or it is judged unsafe. It may be possible to 'shuttle' between the people involved and help them to reach an agreement this way. This can be better than nothing. It may also lead to a direct meeting later.

Points to watch:

- You can still use all the skills you have learnt for direct meetings
- Check what information people are happy for you to pass on
- Be very careful to pass on information accurately
- Be careful to stay impartial; do not be drawn into giving your opinion
- Check that any solutions are fully understood
- Establish how people will communicate in the future
- Include in the agreement how they will deal with problems in the future.

Letters of apology

Some important points:

- These should be written by the offender.
- They must be genuine.
- If the offender has reading or writing difficulties, relatives and mediators can help them write it down, but the words should come from the offender themselves.
- Helpers can encourage by asking questions to help them along, e.g. imagining themselves as the victim, what would they want to know?
- The final version should be written by the offender.
- Spelling and grammar are not important – it is the effort that counts.
- The letter should be delivered in person by the mediators, as the victim might want to discuss it. It can have a big effect on the victim – positively or negatively. Victims must be prepared for receiving a letter.
- There is no guarantee that the victim will accept the letter or respond, but many do.

What to include:

- What happened and why, without making excuses
- Why that particular victim was targeted
- Acknowledge the feelings of the victim
- Acknowledge the harm done
- Offer to put things right if this is possible

Working together

Two facilitators working together can combine their skills and experience, and make the most of their similarities and differences.

Before working together

- Get to know each other
- Discuss your personal styles
- Plan how to share tasks
- Plan how to support each other

First meetings

- Try to share the tasks equally
- Plan the meetings
- Decide who will contact which person
- Before meetings, discuss who will take the lead and when

Before a restorative conference

- Allow plenty of time to prepare
- Plan the conference together
- Discuss what might go wrong and what to do
- Plan your roles, who will do what
- Decide how to share the introduction
- Decide on the seating plan

During the conference

- Listen and watch carefully
- Help each other if either of you gets stuck
- Consult with each other when you need to
- Suggest a break if you think it is needed (by you or the participants)

After the conference

- Say goodbye to the participants
- Complete any paperwork needed
- Tell the coordinator how it went
- Make sure that any agreed follow-up happens
- Discuss with your co-facilitator how it went, any learning points

WORKING IN CUSTODIAL SETTINGS

Some of the problems in introducing restorative approaches are just the same as in the community, but some are particular to secure settings. Several establishments have found ways of solving them, and persistence is often the key. Below are some of the most usual problems, with suggestions for handling them.

1. Getting started

Programmes can be started by a wide range of people: victims, offenders, prison workers, boards of visitors, lawyers, chaplains or members of the local community. Initial suspicion and resistance are not unusual, and need to be recognised and allayed. Recognition from senior staff, including the governor, is important for sustainability.

2. Gaining entry to prison facilities

It is important to recognise that most prison facilities are security orientated, and to accept this and work within such rules. Most prison staff come to recognise the usefulness of restorative justice programmes in time. Working with staff is vital, and it helps to find a good liaison person or ‘champion’ of restorative justice within the prison.

3. Vagaries of prison schedules

Changes and interruptions to schedules often occur, so it is best to design programmes with limited schedules in mind. Prisoners may also be transferred at short notice. Having a good working relationship with prison staff can allay many of these problems. It is useless to enter into battles that can’t be won and important to remember that project staff are guests in the prison.

4. Fear and doubts

Victims, offenders and prison staff are frequently dubious of new programme initiatives, particularly ones that ‘humanise’ the penal process, but are often converted by the experience. Restorative justice challenges many assumptions in prison work, so people need time to adjust.

5. Funding

Funding to many prison projects has been short-term, and many of them have flourished and then died when funding ceased. There is continual pressure to reduce costs, leading to the closure of 'add-on' projects. However, restorative interventions could reduce costs; for example, those resulting from violent incidents in prisons. Some prisons have found the changed atmosphere has repaid their investment in restorative approaches.

6. Clarity and openness of purpose

It is essential to be clear about aims, objectives, values and philosophy in developing the programme.

7. Counselling and preparing victims and offenders

Considerable preparation is necessary for both victims and offenders prior to meeting/mediation. Areas such as motivation, benefits and process must be clear to all. This assessment procedure should enable the programme workers to select those who are suitable and steer away those who are unsuitable or not yet ready.

8. Gender

In most countries there are far fewer programme opportunities for female inmates. It is important to establish such programmes for women too.

9. Feedback and evaluation

It is vital to establish evaluation from the outset, both for the process and the outcomes. It is important to include an independent evaluation as well as staff and participant evaluation. This information can be used to improve programmes, and to establish whether they achieve their aims and objectives.

10. Acceptance

Although victim-offender mediation and reconciliation are more than 20 years old, they are still new to many people. People can be sceptical or downright resistant to such ideas. However, once begun, most practitioners' experience is that acceptance will come later, and staff, who are often most resistant to begin with, will end up participating enthusiastically in such schemes.

Prison managers and staff are beginning to see that restorative approaches can help them achieve their goals of meeting victim needs, reducing offending behaviour, and making prisons and the wider community safer places to be – and that this can be done in a way that fulfils rather than overthrows the aims, objectives and policy requirements laid upon the prison service.

■ Ten golden rules

You can't do it on your own.

Build effective partnerships – form a 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.

Prison Staff Mediation Service

Mediation service for the prison staff in the United Kingdom

Both the Prison Service in England and Wales and the Scottish Prison Service have developed a mediation service to help resolve conflict and disputes between staff at all levels. It is open to all employees and provides a confidential, informal, non-adversarial service. It is especially suitable for issues such as personality clashes, disputes over roles or disagreements over work style or behaviour. Members of staff who volunteered undertook an intensive six-day course to train as mediators, and mediate in pairs (to gain experience) in prisons other than their own. In England and Wales, the service is run by the Staff Care and Welfare Service; in Scotland by the Equality and Diversity team.

The main benefits of such a mediation service are that it:

- assists the development of better communication
- gives a greater understanding of colleagues' abilities and potential
- encourages personal ownership of behaviour
- helps to identify constructive ways of resolving conflict
- prevents the escalation of problems
- minimises the cost of conflict in terms of employee absence and management investigation time.

In England and Wales the *Staff Care and Welfare Service* has about 25 mediators and dealt with 40 requests in 2005-2006, of which 23 led to a full mediation. All had a degree of success – some resulted in improved understanding and communication, while some established or re-established a warm ongoing friendship.

ROLE PLAY GUIDELINES

■ Role players

Read through your role and imagine yourself into that person's feelings. It will help you to understand conferencing from the client's point of view. If possible, wear a label with your role name on it (which should be different from yours).

It is best not to play a character in a very similar situation to your own. Try to pick a different role. If you feel very uncomfortable in your role ask to stop the role play and change with someone else.

■ Observer(s)

During the role play, it is useful for the observer(s) to sit well away from the role players, but where they can hear and see both the facilitators and the clients. It is helpful to take notes and fill in a feedback sheet. The observer should also keep time and ask the role players to stop in good time, to allow for de-roling and discussion.

■ De-roling

Each role player stands up, takes off their label, says goodbye to their role, says their own name and then moves to a different chair. This includes the facilitators.

■ Discussion

- The discussion focuses on the process and what comes out of it for all the parties.
- What went well?
- What did not go so well?
- How they are feeling?
- Learning points?

■ **Feedback sheet**

This helps you to give useful feedback to your partner or in role plays.

Please tick all that apply.

Some helpful things I noticed my partner doing	Some common pitfalls I noticed my partner doing
<input type="checkbox"/> Being impartial <input type="checkbox"/> Showing respect <input type="checkbox"/> Explaining the process <input type="checkbox"/> Encouraging <input type="checkbox"/> Summarising <input type="checkbox"/> Asking open questions <input type="checkbox"/> Clarifying things <input type="checkbox"/> Using clear language <input type="checkbox"/> Speaking clearly <input type="checkbox"/> Reminding of ground rules <input type="checkbox"/> Being patient <input type="checkbox"/> Guiding the process	<input type="checkbox"/> Taking sides <input type="checkbox"/> Giving advice <input type="checkbox"/> Making judgements <input type="checkbox"/> Interrupting people <input type="checkbox"/> Making assumptions <input type="checkbox"/> Interrogating people <input type="checkbox"/> Talking too much <input type="checkbox"/> Using unclear language <input type="checkbox"/> Mumbling <input type="checkbox"/> Letting things get out of control <input type="checkbox"/> Being impatient <input type="checkbox"/> Getting angry

Role play scenarios

■ Role play 1:

First meetings with party 1 and party 2 – prison cell conflict

A new inmate, John, arrives in the prison and is allocated to a cell which already has one other inmate, Paul. It turns out that John has bad eyesight and poor social behaviour, leaving his belongings disorganised, not using the toilet properly, and also he threatens Paul that he will slit his throat while he is asleep. Paul complains to staff and asks to be transferred to another cell. When they approach John, he complains that Paul has the television on loudly so that John can't sleep, and that he has hidden John's pocket radio just to annoy him. The prison staff refer the case to the Restorative Practice scheme.

Role players: John, Paul, 2 facilitators, observer (5)

■ Role play 2:

Restorative conference of victim-offender case – robbery at petrol station

Two brothers, both heroin users, went into a petrol station one night and forced the three staff to hand over the money from the till. The older brother held a knife to the female manager's throat and told her that his brother had a gun. One staff member escaped and raised the alarm and, although the men ran off, they were caught later and went to prison.

The victims were traumatised and still suffer from insomnia and anxiety, as well as guilt feelings for not being able to prevent the offence. They worry that the offenders might return when they are released. They all lost their jobs when the petrol station closed due to the thefts.

The victim-offender restorative conference takes place in prison and is attended by the two brothers, their aunt and all three victims. Preparation took place with all the participants. Everyone is very nervous.

Role players: two brothers, their aunt, 3 victims, 2 facilitators, 2 observers (10)

■ **Role play 3:**
Restorative conference of prisoner conflict case – mealtime conflict leading to assault

An incident started when an inmate, Peter, complained that Robert, the food-serving inmate, gave him small portions of soup and pickles, and an angry look. Next day at mealtime Peter hit Robert in the face and told him he deserved it for his previous day's behaviour. Prison staff separated them and later offered them the possibility of meeting in a restorative conference instead of the usual punishment. It turned out that various rumours had been circulating in the prison.

Role players: Peter, Robert, 2 facilitators, observer (5)

■ **Role play 4:**
First meetings and restorative conference of family case – prisoner and family reintegration into family and community

Thomas (43) has been in prison for murder for 10 years. Due to good progress, he might be conditionally released from prison soon, if the sentencing judge and the governor agree. He has a supportive family: a loyal wife, two children now aged 17 and 15, as well as his mother- and father-in-law, who have helped taking care of the children while Thomas has been in prison. The restorative conference is to help prepare for Thomas' release and reintegration into the family and community.

Role players: Thomas, wife, 2 children, mother-in-law, father-in-law, 2 facilitators, 2 observers (10)

CASE STUDIES

HUNGARIAN CASE STUDIES

1. The application of the restorative approach in the reintegration of ex-prisoners

(Vidia Negrea)

In the following we wish to demonstrate the potential role of restorative meetings in reintegration through the case of an ex-prisoner.

As the Hungarian representative of restorative practices developed by the *International Institute for Restorative Practices (IIRP)*, The Community Service Hungary Foundation has participated in the reintegration efforts in prisons several times through training probation officers and providing support to newly-released prisoners. I came into contact with Balassagyarmat prison and its governor when I participated as a guest at a group session of the Hungarian Crime Prevention and Prison Mission Foundation (the Sycamore Tree Programme, or in Hungarian, the so-called ‘Zaccheus Programme’). The governor and I started to think about how restorative practices could be applied to prisoners who had spent a long time in prison before their release.

A lucky coincidence

The start of our cooperation and the selection of the ex-prisoner to be involved in the programme were affected by the following factors. First, in the framework of the Zaccheus programme, prisoners worked, in groups, on issues related to their crimes and explored ways to repair the relationships they damaged. Among other things, it resulted in a change in their attitudes: Some of the participants became aware of their responsibility for what they had done, which motivated them to make it right in one way or another and earn the forgiveness of their victims.

Based on the feedback provided by the participants, the programme established a bottom-up approach by making the prisoners want to reintegrate and repair the damage they had done.

Second, even though community work in the facility was available for the prisoners as a symbolic way of compensation, there was still a lot to do in terms of the opportunities to make contact with the victims, and to get rid of their stigma by making direct reparation.

Third, the management of the facility found it important to support processes that help prisoners regain control over their lives in a way that allows them to avoid re-offending and that is acceptable for the family or community they damaged.

When we met, the prison governor suggested that we should work with a particular prisoner who demonstrated spectacular improvement and who, unlike most of the other long-term prisoners, had been able to maintain contact with his family members, who wrote him letters and visited him on a regular basis.

Both the governor and the department manager found it important to reward the prisoner, who had been convicted for murder, for his improvement by supporting him, and they were willing to identify the conditions and factors that might jeopardise his reintegration after his release. They believed that it would be beneficial for both the prisoner and his family to have an opportunity before his release to plan their future together, to discuss the upcoming issues, or simply experience what it feels like being together again, which might increase the prisoner's chance of successfully re-integrating after spending 12–13 years in prison.

Based on the collected information, it seemed obvious that, even though the intervention would require more time, effort and human resources than any previous programme, due to the nature of the crime it might effectively include restitution and the reparation of relationships, as well as identifying needs and resources. The cooperative attitude of the prison management and the favourable conditions (including my positive experience with family group conferencing) encouraged me to launch the pilot programme and try out a combination of restorative practices and activities facilitating re-integration. A wide range of interventions were apparently needed in the given case to align probation work done in the prison, follow-up, family support, victim support, and community service.

■ Cooperation

I first met János, who had been convicted for murder, at the above-mentioned group session, where he articulated his ideas and worries regarding his release, and asked for help to repair his relationship with his family and to earn the forgiveness of those he hurt.

His request was welcomed by the prison governor, who was willing to release him for a couple of days in half a year to allow him to strengthen his family ties, to prepare for his final release due in 1–1.5 years, and to assess the family's feelings towards him. The temporary release was planned to take place around Christmas, but the governor wanted to make sure first that the short leave would not pose a risk to anybody.

With a view to preparing the intervention, we discussed the details of the cooperation with the prison governor, the department manager and the leader of the Zaccheus programme. We agreed that the activities involved would be based on the restorative approach, and therefore decisions would be made and the nature and frequency of interventions would be determined with the needs and resources of the people concerned in mind.

We basically sought to find answers to the following questions:

Is the family prepared to re-establish ties with the offender? If not, is there a place for him to go after his release? If they are, what is required to allow the family and the offender to be together during the temporary release and after the final release? How will they deal with the potential conflicts with other family members and the local community during and after the temporary release? How will the local community receive the offender? What can the offender do to repair the harm he has done? What is required to reduce the risk of re-offending and to support the released offender in becoming a valuable member of the community?

In order to answer these questions we decided to implement a three-phase intervention programme:

The first phase included a meeting at the prison and was aimed at making preparations for the temporary release by strengthening the relationship between the offender and his family.

In the second phase a family group conference was to take place shortly before the release of the offender into his neighbourhood with the involvement of the family and members of the community.

The third phase includes a restorative conference aimed at mitigating the damage caused by the crime and making reparation in the affected community, in accordance with the preparedness and feelings of the victims. The present writing is concerned with the first and the second phases, with the third one being in progress.

■ Strengthening family ties

Exploring the offender's motivation

We discussed the underlying factors behind the request János had made at the group session in the framework of a personal interview. The meeting took place in a relaxed environment, in a room dedicated to this purpose. A young man came in with a smile on his face and his hair fixed in a ponytail. He was polite, and gave the impression of a well-mannered, self-confident and self-assured person. János, 35 at the time, had been sentenced to over 10 years' imprisonment for murder. He was reluctant to talk about his past and the crime he committed, trying to avoid this line of conversation by focusing on his current situation and plans for the future.

He told me that his elderly parents had been unable to control him when he was a child, so he had dropped out of school, run away from home, and done bad things, of which he was ashamed and remorseful. Living a reckless life, he had not cared much about either his family relations or his children, born from different mothers. He said that his violent behaviour had caused him much trouble both before he was convicted and during the first years of his prison time, but the loyalty of his partner and their two children, as well the Christian values he learned during his prison time, changed him completely and gave purpose to his life. Several times during our conversation he mentioned that he was willing to strengthen his family relationships, to take care of his family, and repair the damage he had caused to other people. Although he had been given various benefits and opportunities due to his good behaviour, which made his prison days easier, he was increasingly worried about his release and return to the outside world. He told me that his biggest concern was that his partner rarely sent him letters and wrote only about general things, preventing him from getting to know the life of his family and strengthening their relationship. He said that he was willing to prepare to be a good father before leaving prison, but it obviously required good communication with his family. He was happy to hear that he could meet and talk to his family and could even leave the prison for a short period. He readily provided all information necessary for making contact with the woman and the children, and was also prepared to write a letter to his partner to let her know that he had asked for help in repairing their relationship.

The prison governor approved a meeting to be held following the next visit of the family, providing that they were willing to participate. Other family members who might help to prepare János for his release were also allowed to take part.

Preparation of the family

Following a phone conversation, I visited János' partner and family at the partner's parents' home in August 2009. The house was located on the outskirts of a beautiful town with a population of 4,000, located in the outskirts. The dirt road leading up to the house, as well as other buildings in the street, seemed neglected. Mária, János' partner welcomed us. She was a bit embarrassed and apologised for the condition of the house. Struggling with tears, the young, fragile woman ushered me in and introduced me to her family. Her parents and children were present, and later another relative with a small child also appeared. The house was remarkably clean and tidy, and the atmosphere was surprisingly friendly, considering the circumstances. During our conversation it turned out that the family relied on seasonal work to cover the needs of the 12-year-old boy and the 14-year-old girl, and to offset the consequences of their father's crime and absence. However, this task often required them to go beyond their limits, which made most of the locals respect and willing to help them. In response to János' concern about their rare correspondence, Mária said that she had no energy left for writing letters after her daily struggles. She told me that her being alone made her sad and angry, and also told me about her love towards János. The conversation became emotional when the children talked about how their father's behaviour and absence affected them. János' son was struggling with tears while talking about how he had been stigmatised as a small child for what his father had done, and how hard it was for him not to respond to it with violence. As, despite all efforts, he was sometimes unable to control himself, the family had to turn to a psychologist. By contrast, the girl responded to the situation by becoming ambitious, and finished her elementary studies with excellent grades. The words of Mária's mother provide a concise summary of how the family related to János: *"...I condemn what he did, he committed a crime. But János is a kind man, and we would be happy to have him with us again, as long as his intentions are good. The children need him, and so does Mária, who still loves him."* They were happy to hear about the meeting, which all five of them were willing to attend.

After informing János and the prison officers, we scheduled the meeting and I presented its structure. Then I informed the family about the details.

■ Restorative meeting with the involvement of the family

The meeting, which was aimed at preparing János for his temporary release, took place in the prison in September. The family members, who all showed up as promised, were transported to the facility by a relative. The prison governor, the department manager, and the probation officer who led the group sessions mentioned were also present.

Being the first time for a long while that all six members of the family were together, the meeting was very emotional in the beginning. First the governor presented his ideas about the process, then I started to facilitate between the parties. The conversation went on focusing on restorative questions the attendants were already familiar with (What happened? How did it affect people? What is required? What should be done?). Every participant was allowed to talk about what they thought about the issues. The participants shared their major achievements and difficulties in recent years related to what János had done. The whole family was moved by the governor's report on János' behavioural change. Maria listened to the man with tears in her eyes and full of gratitude. Then brainstorming took place as to how the family ties could be strengthened, how communication could be enhanced, and how it could be ensured that they spend the holiday happily together. The fact that the participants knew the meeting structure and had been prepared for the questions contributed to the establishment of an open atmosphere, in which the participants were able to freely come up with their ideas.

However, during the discussion of expectations and specific plans, János brought up a topic the family had never before talked about in the presence of the children and strangers. He said that while he was at home, he would like to treat all the *four* kids as his children. The statement was like a bomb going off in the room, tearing into pieces the idyllic atmosphere of the meeting. The children, who knew about only one half-sibling, were shocked, and others in the room also gave strong emotional responses, from becoming speechless to angrily starting to blame each other.

The crisis was solved by a restorative technique: all participants, one after the other, were encouraged to speak about how they felt about the new development, which gave them an opportunity to freely express their emotions. The honest reaction and emotional feedback of the participants helped Maria to express her, so far hidden, disappointment, anger and shame about what János had done.

Her emotional outburst clearly revealed the sources of conflicts that had been buried deep so far. Although it was a very difficult situation for all participants, the fact that they finally revealed their secret resulted in a positive turn in the conversation, making communication more open. The real needs and expectations finally surfaced with respect to their common future, allowing the family to deal with and prioritise the issues effectively. The presence of the children, comments from the grandparents, and the thoughts of the department manager helped János understand the impacts of his announcement and behaviour, and highlighted the tasks he should accomplish in order to live happily with his family again as a responsible father.

Among other things, János had to learn how to be a parent. They agreed that, for a time, János would only observe the interactions between the children and other family members, and only later, having discussed what he had seen as an observer and always consulting with his partner, would he actively deal with the kids. It was a request from the children that really moved János. He said that he had no idea that his behaviour had such a great impact, even on his smallest son. The children indicated that they would like to show up with him on the streets of the city *“so that everyone can see that we have a father, who is kind, strong and handsome, and who we can introduce to our friends.”*

In the final phase of the two-hour meeting, the participants specified the precise tasks to be done in order to restore their relationship, which they undertook to accomplish by December, and those planned for János' 5-day temporary release. In short, the family's primary objective for the short leave was to restore the relationships between the family and János, and to spend Christmas happily together.

The meeting closed in a relaxed and peaceful mood. To the family's pleasure, they were allowed to spend another hour together without the presence of strangers.

The way the tension that developed during the meeting was handled, as well as the family's responsible and active attitude regarding the most critical issues, were considered promising by the governor, who approved János' Christmas leave. The governor said that he had never had an easier decision, because he had never had a chance to get an insight into how the concerned family operated and get to know their strengths. Seeing the cohesion of János' family, and being assured that they were able to provide both control and support to János, the governor was convinced that he had made the right decision.

According to the department manager, János continued to behave well until his leave. He participated in outside events where he sang religious songs, and he was looking forward to his temporary release, but remained dissatisfied with the number of letters coming from home. Apparently, during his long imprisonment, correspondence had become very important to him, and he had thought that following the meeting he would receive more words from home, at least from the kids. He was disappointed, and had difficulty accepting that the number of letters did not grow. The problem generated tension between him and Mária during their phone conversations.

After 12 years, János spent Christmas with his family again. Their schedule was pretty busy as many relatives were willing to visit the family. According to the family members and himself as well, János met all his undertakings. Minor conflicts emerged during his stay at home, but János and his partner regarded these incidents as a chance to improve their relationship. By their accounts, they often preferred discussing conflicts to sleeping, which János was especially proud of, because, by his account, previously he used to resolve conflicts with aggression. János said that they both had changed a lot, especially him, because he had always thought that his partner was a good person, but now he was also able to show that he cared for her and to accept his wife's love.

Seeing how his partner and mother-in-law dealt with the children made him respect them, and he had also become proud of his children. Having met all his obligations related to strengthening family ties, János returned to the prison on time. The meeting's purpose was fulfilled: the family accepted János, they were able to cope with the problems that arose, and János met the family members' expectations.

■ Family group conferencing

Preparation of the meeting that took place before János' release

The family meeting uncovered a series of issues that made János and his family feel disadvantaged and vulnerable. It seemed necessary to develop a community strategy in order to restore János' and his family's status and value in the community. The restorative team decided to hold a family group conference³ before János' release.

3 The Community Service Hungary Foundation (KÖSZ Foundation) offers training programmes on this restorative model; more information on conferencing is available at their website: <http://www.iirp.org>

The method is based on the active participation of family members at the meetings, which makes them feel they are really involved in the process. For this reason, family members play a bigger role in all stages of the process, from preparation to inviting the participants, and to the management of the meeting.

Together with János and the prison governor, we identified the people who could potentially help to answer the questions previously defined, and support János' reintegration to the community through various activities. Following a series of telephone discussions, we determined the issues, the potential and required participants, and the venue and the time of the event. Mária contacted their relatives and other potential supporters, while I approached professionals and representatives of the community. As the procedure was new to the participants, all people involved were provided with a manual, and I, together with two professionals from the KÖSZ Foundation, informed everyone of the purpose and structure of the conference and about the roles of the participants by phone or in person.

Our discussions with the family members and key members of the community revealed that the conference should also aim to make the community more sensitive to the issue, and that it might help shape the local residents' attitude, strengthen solidarity, and might also facilitate the interventions and the availability of resources required for a successful reintegration. The meeting, which was also attended by a few members of the community, made János think that his plans for his post-release period, which did not seem realistic at the time, could be achieved easily and rapidly. The main issues brought up and discussed at the preparatory meeting were related to how János could get a job and pay back his debts. János, who did not stand a good chance of getting a decent job, planned to make a living and pay back his debts, the amount of which he did not know, through cash in hand work and trading. For this reason the list of those to be invited also included people who could provide information and guidance in this regard.

All people contacted were willing to participate, hoping that János' return would not result in prejudices, worries and fear spreading around the town.

■ The conference

The conference took place in a church hall on a Friday afternoon in June. Mária, her sister-in-law and the chaplain's wife took care of the catering, together with János, who had been granted a brief leave again for the conference.

The *overall purpose of the conference* was known to all participants: to identify the resources János could rely on after his release in his efforts to become a law-abiding citizen, and to work out a plan for János' reintegration into his family and to the immediate and broader community, and for the reparation of the damage caused by his crime.

The group of participants consisted of three sub-groups: *The family and relatives: 8 people* (partner, mother-in-law, sister-in-law, cousins, and their spouses); *professionals: 6 people* (the current and the future probation officers, the probation officer who was in contact with the victim's family, the prison department manager, the district notary, the family service officer); *supporters: 3 people* (the chaplain, his wife and a psychology student).

János undertook to introduce the issues to be discussed at the conference and to present his plans and major concerns. During this information-sharing phase the professionals present provided the family with valuable support regarding the decisions they had to make by demonstrating an open-minded, solution-oriented and supportive attitude. It took an hour for the family to develop a plan of their own, including the definition of specific activities with the related deadlines and responsibilities, grouped into the following areas:

- Accommodation – After János' release, the family will live in Mária's parents' house, but in time they will rent an apartment of their own.
- Work – János will accept the opportunity offered by the notary to work in community service.
- Debt – János will ask the probation officer and local professionals to help him to settle his large debt consisting of the court expenses and the damages done.
- Christian life style – János will continue to live according to the Christian values he learned in prison, and he will attend chapel services, where he will contribute to the well-being of the community by playing music.
- Relationships – Relying on his brother-in-law's and relatives' support, he will prove his commitment by avoiding the company of criminals.
- Reparation – János would like to repair the harm he did to his family, the community, and the relatives of the victim. In this regard a further meeting will be required in the near future.

He undertook to engage in activities in order to repair the harm he did to his family and the community as of the day of the conference. The follow-up meeting was scheduled in three months time.

The professionals approved the plan and agreed that, should János breach the conditions of his release, he would have to face serious consequences, including going back to prison and losing his family's support.

The 4-hour conference ended up in an intimate atmosphere filled with hope. Some participants expressed thanks for the opportunity, and the chaplain said a prayer.

The evaluation questionnaires completed by the family members reflected their complete satisfaction regarding the form and content of the conference, their role and involvement, and the output of the process. The feedback from professionals was also positive. They expressed thanks for the opportunity to participate in the resolution of an apparently difficult case and contribute to the meeting's success. The officer from the family service, who said that he had been afraid of the offender before the conference, evaluated the meeting with the following words: *“when you can be part of a process like this, and see such cooperation and commitment, you feel that you can really make a difference. This day gave me back my belief in my profession.”*

Having seen the cohesion of the family, all participants congratulated Mária and János, and looked forward to their reintegration into the community.

During the three days János spent home after the conference he and his family started to work on the tasks defined in the agreement. On the following day they attended a service at the chapel, and on the next working day János visited the family service officer.

The judge approved that János should be released on parole earlier than expected, so he could go home in the month following the conference. Before his release a closing meeting was held, at which János told how he had thought a lot about his return to the outside world in the last year, hoping that, once he was out, all his problems would be resolved easily. However, in the course of the meetings he had realised that no one would provide him and his family with a place to live and money. It disappointed him. He had believed that, seeing the family's situation, the representatives of the city council would provide financial or housing support to them. Nevertheless, he added that “I was surprised to see how many people were trying to help us”.

He also appreciated the opportunity to talk about the incident from his point of view, which allowed him to clarify the details and prevent conflicts and misunderstandings with his family members and friends about what he had actually done. After the conference, he finally received many letters from his relatives. He appreciated the opportunity to participate, together with his family and city officials, at a useful meeting, since when his partner had been less reluctant to deal with city authorities, and his children had become more prepared to face their problems. János was also happy to see that none of the participants at the conference had prejudices towards him. On the whole, as a result of the process his communication with both his relatives and officials became easier and more open, which he had not expected.

■ Two months on

The town clerk has happily reported on the phone that János is working for the city. He and his family decided to rent an apartment earlier than expected, but the family service provided them with furniture. The clerk has also reported that all the people concerned are very pleased to see the joint efforts that have already brought about spectacular results. According to the family service officer, the children are fine and happy, and the boy has gone through positive behavioural changes. However, he does not understand why the family had to move and rent a flat so hastily, risking getting into financial troubles. Yet, they are all fine; only Mária shows some signs of worry, so the officer makes efforts to talk to her and support her.

János and Mária are fine and happy together, and are able to handle their minor conflicts. They have been able to integrate into the community and regularly attend congregational events. However, they have difficulty trying to make ends meet, and have to rely on their relatives' help.

Based on their accounts, they are trying to establish their life and develop their life strategy, with a view to maintaining balance in their family life.

■ Conclusion

Even though with the follow-up phase ahead of us we have only informal feedback to rely on, based on the satisfaction of the participants we may conclude that this type of meeting is suitable for helping prisoners before their release to deal with the problems related to their reintegration, while also taking all stakeholders' interests into consideration. As we could see, relatives and members of the community have a lot to offer in order to help the ex-prisoner, including work, financial help, legal or life management consultancy. This case reinforces the idea that the family and members of the community should be involved in the reintegration efforts and the related decisions, because they have the means of turning the problems of ex-prisoners and their families into something solid.

The two meetings will be followed by a third restorative intervention that aims to help the victim's relatives through the involvement of the family, the probation officer and the community.

*Vidia Negrea, facilitator,
Community Service Foundation Hungary*

2. Family group conferencing in the case of an offender released after long-term imprisonment

(Dr. Sarolta Horváth)

The case

Elemér was last seen by his family members 13 years ago, handcuffed and sitting in a police car. They did not understand the situation, as he had never done anything more serious than occasional excessive drinking and quarrelling with his partner. It soon turned out that a man, probably the lover of his brother's wife, had been killed in Elemér's brother's house. As the victim lived in the neighbouring village, hardly anybody knew him. The woman, her son and Elemér were in the house when the incident happened. Elemér was there because he had been quarrelling with his partner, who had left him and their 2-year-old child alone for a longer period to drink with her friends.

Elemér alternately blamed his brother's son, claiming that he had killed the man and conspired with his mother to frame Elemér, and his partner for making him upset and leave that day.

While in prison, he made several attempts to contact his relatives, but his letters remained unanswered. In the beginning, he received a few letters from the wife of one of his nephews with photos of his growing son, but that was all. In the last period of his time in prison, encouraged by his cellmate, he even contacted the public guardianship authority, requesting to see his son, but the authority authorised only written correspondence. He therefore wrote to his son, but no reply came.

I also tried to contact his siblings via mail, suggesting that we should try to discuss Elemér's future together before his release. Two of his brothers turned out to have died. Four must have been alive, as the letters were delivered. However, I received no reply. The son of one of his sisters who lived in another village contacted me, indicating that they were prepared to accommodate Elemér after his release, but they were not too enthusiastic about the idea of a meeting.

Responding to the news, Elemér said that he was not willing to go to his sister, because her husband was an alcoholic. The only option left for him was to stay in Budapest at a homeless shelter.

Elemér learned to write and completed the first four elementary grades in prison. One of his teachers started to support him, probably because she believed that Elemér was more respectful and more desperate than others. It seemed that the only person Elemér could turn to in the outside world after his release would be this retired teacher. He moved to a homeless shelter. He was suffering from vascular stenosis, so that for a time it seemed that he might lose his leg. Finally he did not, but he had not been able to work until he recovered from his operation. However, given the 13 years he had spent in prison, the four grades he had completed, his Roma origin and poor health, his chances of finding a job were not good anyway. He applied for a job in an assembly plant. He had been told that a test would take place at the selection interview, so we tried to complete IQ tests together. He was able to read the questions with some difficulty, but to understand their meaning was apparently beyond his capability. Yet, when I read out the questions, he gave perfect answers. However, at the selection interview he would not have anybody to read out the questions for him. After each failure (and there were plenty of them, nearly every day), he started to think about going back to his home village. Maybe his brothers would receive him back, even though they had not replied to his letters. But then he thought of the cons: There was his ex-partner, with whom he was so angry that there was a chance that he might hurt her. His brother's son would also be released soon, representing another potential conflict. And his brothers would have certainly written to him if they wanted to see him back home. The retired teacher also encouraged him to stay in Budapest, and she is someone who helped him a lot and whom he really listens to.

We agreed that we would still try to organise a family group conference to discuss the problems together with family members and other stakeholders.

■ Preparation

Elemér's home village in Baranya County offered a depressing spectacle to the visitor: battered, neglected houses, dirt roads, weeds everywhere, scores of women and children on the streets, but no men. First we tried to find Elemér's birth place. The building was in such a bad condition and overgrown by vegetation that it was hard to notice. Elemér's sister, Anna, lived nearest to the house. She lived with her children and grandchildren in a house that was relatively large and in good condition, compared to other buildings in the village. We were welcomed into her home. She said that they had expected Elemér after his release, and had been worried ever since

about where he could be. She indicated that unfortunately they could not accommodate Elemér in the already crowded house, but they would be happy to see him and talk to him. As it turned out later, Anna was afraid of Elemér because of what he had done, thinking that he might do it again (i.e. kill someone). She would not feel safe having him around in their home.

Afterwards we visited Elemér's oldest sister, who also lived nearby. She lived in a small, battered building with a disabled girl. She was apparently in very poor physical condition. She was skinny and had difficulty standing and walking. Seeing her I understood why she had not replied to Elemér's letter. She cheered up when I mentioned Elemér. She said she would be happy to see him, but she was not in a condition to help decide where Elemér should live.

A third sister, Mária, lived in the village too. She lived in a slightly messy house of moderate size. She lived with her children and grandchildren. Without hesitation she said that Elemér should live with them. She did not seem to share Anna's concerns. Even when we talked about the crime and its consequences, her only concern seemed to be that Elemér was her brother and she was supposed to help him, irrespective of their being short of space and money.

We then went to see Elemér's ex-partner and his son. On our way, we were stopped by a woman. It turned out that she was the one who had sent letters and photos to the prison. She could hardly wait to see Elemér. She said she had written a letter to Elemér on the week before his release to inform him that they were expecting him, but the letter came back, as the man had already been released. They had been worried about Elemér ever since.

We found Elemér's ex-partner. She lived in a new relationship and had given birth to four children since then. She was frustrated and aggressive, and used foul language. She refused to allow the child to keep in touch with his father, "that criminal." She complained that Elemér failed to pay maintenance in the last 13 years. "If he gives me the money, I will let him see his son." She did not care at all about what might happen to Elemér. Neither did she want to attend the conference. She said she would report it to the police if she saw Elemér near their house. In time she calmed down a little and let us talk to the boy. Elemér's son was a low-voiced adolescent who seemed much younger than his age. In front of his mother he said he did not care about his father. We told him that all his father wanted was to have one and a half hours with him and present his version of the story.

We asked him to reconsider his views, and promised to inform him about the conference, so that he could come if he decided to.

After that we went to the village where Elemér's other sister, Rozi, lived. Her son was the one who had called me earlier to indicate that they would be happy to accommodate Elemér. This village was completely different from the other one. The houses and gardens were tidy and well-maintained. In every direction we saw community service workers on the streets. Only on the outskirts of the village did we see a couple of houses suggesting a poorer background. Rozi and her family lived in one of these buildings. They said they did not understand why Elemér had decided not to move to their home when he was released. They said they certainly wanted to attend the meeting, and that they could arrange their travel to Elemér's home village.

A few days later we contacted the family service officer, who promised to make his office available for the conference. Besides, he could represent both the city council and the children's service. He said he would talk about the available social support and community work options. Being the family's supporting officer, he was familiar with Elemér's son's circumstances. He did not think that an officer from the public guardianship authority should be involved, not to mention that it was unlikely that the officer, based in a relatively distant small town, would travel to the village for the conference.

The retired teacher and her husband, who continued to support Elemér in Budapest, also indicated that they would join us. In the meantime, Elemér started work as a cleaner in the block where the teacher lived. He was paid 28,000 HUF per month for working 3x4 hours a week. The monthly rent at the shelter was 7,200 HUF. The money left in his pocket after paying his costs and the food received from the teacher were enough to cover Elemér's basic needs, at least for the time being.

■ The conference

On the day before the conference we called all participants to remind them about the event. All of them indicated that they could attend the meeting. When we arrived, we went to Anna's house where the relatives were gathering, then they came together to the venue of the conference. By the time the invitees started to show up, my colleague and I had already arranged the room. In the meantime we found out that Elemér's brother and his family who lived in the nearby village could not come: because it was the end of the month, they had run out of money, and they could not

borrow from anyone. To our great surprise, people we had never seen or talked to also showed up for the conference. We had to rearrange the benches and chairs in the room several times so that everyone could sit down. The room was already full of people when Elemér arrived. He was taken by surprise and deeply moved by the number of attendees.

At the beginning of the conference all participants introduced themselves. Elemér did not even remember many of the 40 or so people present, and was able to identify them only by their degree of kinship. Some were even born after he had been imprisoned. Everyone seemed to honestly care about Elemér. Surprisingly, despite the presence of so many people, including children, the conference went on smoothly. People listened carefully without interrupting each other, and did not talk to each other while someone was speaking.

As the coordinator of the case, I shared with the participants that Elemér had difficulty deciding where he should settle down: whether he should stay at the shelter in Budapest, or move to this village, or go to the village where his other sister lives. As there are many pros and cons to all solutions, we should think the question over together and help Elemér decide.

Everyone shared their opinion on the issue.

The comments brought up further questions:

1. Should he decide to stay in the village, who will share their homes with him?
2. How would he make a living, what job opportunities are available in the area?
3. What are the risk factors of his staying in the village, including:
 - his relationship with his ex-partner,
 - his relationship with his brother's son
 - other conflicts
 - drinking.

It slowly became clear that there were more arguments for Budapest than for any of the alternative solutions, even though the relatives expressed a strong desire to strengthen family ties. The family requested that Elemér stay for a few days with them, so that he could get to know his relatives who had been born or grown up since his imprisonment, and talk about what had happened in the past 13 years.

For this reason, the second part of the conference focused on the details of Elemér's stay in the village. Among other things, it had to be determined how long he would stay for, also taking into consideration that after eight days he would lose his place

at the shelter. Another problem was that his stay meant one week off work for him, meaning a loss of about the 7,200 HUF monthly rent of his place at the shelter.

We also had to find out if his employer, the retired teacher's husband, could make do without him for a week. A major question was whether his temporary stay would jeopardise his only source of income and the support he received from the elderly couple.

Another obstacle was that he had no money, so someone would have to pay for his ticket back to Budapest. Who could help him out and how?

Who would help him return to Budapest in time?

As I observed some rivalry, jealousy and minor conflicts between the relatives, I found it important to plan exactly where he would sleep and who would take care of him during his stay.

He also wanted to see his sibling who lived in the other village. Who could help him get there?

How could it be ensured that he would not get into conflict with his ex-partner during his one-week stay?

Would he have a chance to meet his son? If he did, how could the potential conflict with his ex-partner be avoided? Who could help him in this regard?

First of all, Elemér talked to the teacher on the phone. As soon as the teacher approved his one-week absence, we left the family so that they could discuss all the details on their own.

They prepared a schedule for Elemér's accommodation. They agreed to share the expenses of his travel back and his monthly shelter fee. Based on their benefits and allowances, they calculated when the required sum would be available. One of Elemér's nephews, Zoltán, prepared a detailed list of the contribution each relative offered for this purpose.

They agreed that, instead of contributing to the expenses, Anna would carry her brother by car to Szentlőrinc, from where he could continue his travel by train. Anna also undertook to drive him to the other village so that he could see his other sibling.

Regarding his meeting his son, it turned out that the child of one of his cousins went to the same school as Elemér's son, and they had a good relationship. The kid

promised that he would try to talk with Elemér's son about his father, and would propose that he see his father at their place after school one day.

A relative was entrusted with the task of making sure that Elemér would not visit his ex-partner, and they agreed that everyone would try to prevent any verbal or physical conflict between them, should they meet accidentally.

All relatives signed the agreement, and we informed the teacher about the output of the conference by telephone.

We returned to Budapest, and were eager to see whether he would return on time, as agreed.

He did. He was given somewhat less money than agreed, but his relatives provided him with food and also contributed to his monthly shelter fee. We learned that he could not meet his son, as the boy went to school in Barcs and only spent the weekend at home, which did not give the family enough time to convince him to meet his father. Elemér accidentally met his ex-partner, but the encounter did not end up in a clash.

He visited all his relatives, and got to know all of them. He was assured that he had supporters, people who liked him, who he could rely on, who cared about him. Yet, he came to the conclusion that he would be better off in Budapest than at home. He therefore decided to stay in the capital and find a decent job that pays well enough to cover his travel to the village once in while.

Later I talked to Anna over the phone, and she told me that since the week that Elemér spent with his family she had not been afraid of him, and could trust him again.

Dr. Sarolta Horváth
facilitator, probation officer

CASES FROM ABROAD⁴

1. Victim Impact Groups in Bristol Prison

This case study describes a series of Victim Impact Groups in HMP Bristol 2003-2004.

Following a six-month project to introduce restorative justice ideas to three prisons in 2001-2002, HMP Bristol obtained further funding to set up a Restorative Justice Project from April 2003 to March 2004. The aim of the project was to design and implement a programme of Victim Impact Groups and individual work with prisoners, and to deliver an enhanced victim contact service. The target group was to be prolific offenders and those remanded or convicted for street crime offences (robberies, assaults, etc.). However, the project was not exclusive to these groups.

Because Bristol Prison is a local prison, inmates are often moved to other prisons at short notice, to make room for new ones coming from the courts. The programme was therefore designed to fit into one week. It also had to fit in with prison movements, so the maximum time available was 2.75 hours on three days per week; Monday, Wednesday and Thursday.

Over the course of the year, 80 men volunteered for the programme and 33 actually managed to attend. (Some were moved to another prison, others had to attend court or had legal visits, and the funding finished while many remained on the waiting list.) Six groups ran, each with between four and eight men, in a small room in the Education Block (Wootton 2004).

⁴ Cases in this chapter are taken from Marian Liebmann's book, *Restorative Justice: How it works* (2007, Jessica Kingsley Publishers) with the permission of the author. The case studies are all from the UK except for one from Serbia.

The structure of the programme was as follows:

■ **Module 1: Victims**

- Introductions.
- Continuum exercise – the men placed themselves physically along the continuum between ‘true’ (one end of the room) and ‘false’ (the other end of the room) in response to statements like ‘It’s the victim’s fault that I’m in prison’ and then explained why they had taken up their position.
- Ranking offences in order of seriousness.
- The effects of crime on victims – group activity.
- The impact of crime – short talk.
- Role reversal exercise – building up a picture of an offender (role played by facilitator), the men taking roles of those affected by the offence.
- Evaluation.

■ **Module 2: Families, friends and community**

- Clumps game (to identify different groupings people can belong to).
- I’ve hurt and been hurt (to acknowledge that offenders have often been victims too).
- ‘Spot exercise’ – starting with an offence, building up a picture of the victim.
- Individual reflection on their own offence using the spot exercise.
- Each person has a different role card and only steps forward in response to a question (e.g. “I feel safe walking alone at night”) if they can answer ‘yes’ in their role. This exercise shows how people who are already vulnerable are more affected by crime than others.
- Rainstorm/shakedown – physical activity to leave any personal stuff behind.
- Evaluation.

■ Module 3: Me and my victims – the way forward

- £10 note exercise – imagine different people have dropped a £10 note, would you take it?
- A time when you have been a victim.
- My crime – my victim(s): imagine how the victim of one's own crime felt.
- Role play – own victim talking about how they were affected.
- Evaluation.

All the groups seemed successful, and only the men who were transferred out of the prison failed to complete the course. Most participants were very honest and welcomed the opportunity to do this work outside the official reporting system. They said they would not have spoken as openly if they were being assessed – they would have just said whatever sounded good for the system. The exercises worked well, particularly the role-reversal role play, the discussions about ranking offences from the victim's point of view, and the £10 note exercise. The peer challenges were very important, as was the support they showed each other. Their comments included:

“I'd never thought about my victim before. I see how much harm I am causing.”

They also welcomed the challenging but non-judgemental space to look at these issues, and were enthusiastic about the concept of restorative justice. One response from a prisoner was:

“I've crept [burgled houses at night] all my life. My attitude was that 'they're insured, it doesn't matter'; I don't feel like that any more though. After coming into Horfield this time I met the Restorative Justice Coordinator, Lindy Wootton, and got a place on the Victim Impact Course. This really opened my eyes to what my victims suffered. All the stuff I've learnt on the course I've just got to put into practice on the outside. But what is amazing is that I'd just never really thought about my victims before. Anyone thinking about going straight should definitely think about getting in touch with the Restorative Justice Project and getting on the Victim Impact Course if they can.”

2. Sycamore Tree course in one prison⁵

The following account of a Sycamore Tree group is by a long-serving Prison Fellowship volunteer who has had specific training to present Sycamore Tree programmes.

■ Week 1

The room is ready, all the equipment is in place and everything is quiet and still. As they arrive we gain our first impressions of one another. Some of the men are nervous, some subdued and some are obviously wanting to make an instant impression. We spend some time during this first week to get to know the group, to help them to relax, to remember their names (first names only) and to establish trust. We work at setting the atmosphere and the boundaries. We talk a great deal about Zacchaeus, exploring what happened to him, and we watch a video as an introduction to the subject of restorative justice.

■ Week 2

This week is somewhat harder as we now have to begin to think about ourselves and taking responsibility. What does taking responsibility mean for the men, for their families, friends and community? We talk about the impact of crime and the 'ripple effect'. We demonstrate this by throwing an apple into a bowl of water. They exclaim as the water splashes on to the floor; some of them laugh and then we hope they get the point. Crime has a long-term effect. Like the ripples on a pond, crime affects them and their families, friends, communities; and likewise the victims and their families, friends and communities.

⁵ Read more here: http://www.pfnz.org.nz/sycamore_tree.htm.

■ **Week 3**

This is the week when victims of crime join the group to tell their own stories. This can sometimes be emotional. The men are quiet and absorbed as they listen, perhaps for the first time, to a victim describing what happened. Sometimes the men's faces reflect the feelings being expressed. Their eyes and ears are being opened – victims are people too. Often the men ask a lot of questions – “were you angry, was the person who did this to you caught, do you forgive him or her?”

■ **Week 4**

Back on our own again this week, we are reasonably comfortable now with one another. We talk about confession, forgiveness and reconciliation. Huge issues where we can only scratch the surface but hope to stimulate their thinking. We talk about what reconciliation would mean for them and one man says it would mean “everything”. For some it is evident that they long to be forgiven, but sadly know they may never find that for which they yearn.

■ **Week 5**

Is it Week 5 already? We have encouraged the men to make an act of restitution as a tangible way of apologising for what they have done – something we do to show we are sorry for what we have done. The atmosphere is different – we have the volunteer victims with us again and also some invited guests. Maybe some of the prison staff as well.

Later the governor will come and present the certificates. It feels like the last day of term – there is anticipation and expectation.

We set the scene for the acts of restitution – we light a candle to represent all victims and as a symbol of hope. Slowly the men come forward, one at a time. There are some poems, sometimes very poignant, letters to victims or maybe family members – some deep emotions are expressed here and a lot of courage shown as well. We applaud them all. There are works of art, a drawing, something made. Who knows what thoughts went into those works of creativity? There is laughter as well – someone has brought toothpaste and a toothbrush to represent cleansing. One man has brought a red polyanthus, which he has nurtured and restored to full bloom after

it had been thrown out with the rubbish. He describes how he identified with this plant – he saw himself as rubbish. Slowly he has regained his identity and self-worth. Later that same day he is granted his parole.

The certificates are presented and we applaud these men who in five short weeks have worked so hard on issues with which we all at times struggle. We give each man a sycamore seed as a symbol of new life and growth. We have tea and biscuits – and doughnuts! And then it is time to say goodbye. We wish them well for their future. We hope and pray that they will continue to progress towards release.

As one man said: – *“Sycamore Tree has given me the tools to put my life back together. Thank you.”*

3. Sycamore Tree final session

This account was written by an invited guest to a final session.

I was invited to attend a final session of Sycamore Tree at HMP Erlestoke. I arrived in good time and took part in the briefing session with the Sycamore Tree facilitator Tracey, the prison chaplain and four other volunteers. Twelve men arrived and we all sat in a semi-circle facing a low stage. There was a mixture of short- and long-term prisoners, including two lifers; black and white men; local and from far away, including some from other countries.

Tracey welcomed everyone, including the special guests for the last session, and then asked small groups (who had worked together throughout the course) to recap on previous sessions and then feed back to the whole group. Then she invited everyone to read out or present their thoughts that they had written in their workbooks. Nine out of the twelve took part. Several were illiterate and needed help to present their pieces. There was a song, a rap (see below) and several letters. Here are some excerpts:

“I want to say a big sorry to all the people that I have caused any trouble, in the ripple that I have created – to the police, lawyers, judge, barrister, and most of all to the people in the community. I would love if they all will give me that one chance to show them that I am truly sorry of my crime, I have paid the penalty so please can

you all find the heart to forgive me. I am promising you all that I will never try to cause any more pain to others.”

“To whom it may concern (who are many) – I am sorry for the crime I carried out. I would never steal if I was not on drink and drugs. I never thought of my victims at all while I was out of my nut. I wish they had brought this course in 20 years ago, because I wouldn’t be sitting here now. I wish I could turn the clock back, I am so sorry for the stress, the hurt and anger that I have put you and your family through. I want to be trusted back in the community. I know that I will not go back to the crime, I have gone out of my way to do lots of courses. I hope you can forgive me and see that I am trying to change.”

*“My name is [XXX], your name is Ali
This is my way to show I’m sorry
I know I was wrong and take responsibility
Now I ask you please to forgive me
I hurt the community I’m trying to restore
I’m on a course called Sycamore
My name is [XXX], your name is Ali
Please forgive me coz you know I’m sorry.”*

“I am writing you this letter to let you know how sorry I am for what happened to your husband as a result of that accident. I hope you will be curious to know what really happened. After the first collision, the two cars spun round and hit the lorry that was parked. I am not expecting you to forgive me but I want you to understand how sorry I am for what happened. The guilt I feel as a result of that tragic accident will never leave me for the rest of my life.”

“I cannot read or write so I have asked someone to write this for me as I dictate it to him. Firstly I must say to my victims, whose home I invaded as a result of my drug-fuelled greed, that I do fully appreciate and understand the initial horror and sense of violation of their privacy that they have had to come to terms with. I tender my sincere apology for my selfish and criminal action, and I hope that their trauma can be lessened by being made aware of my profound regret. I am now clear of the drug habit, although I know that there will be times of weakness that I will have to overcome, if I am to continue my own process of rehabilitation. It won’t be easy carrying on as a useful member of society, but that is my firm intention.”

It was a very moving session. Most of the men knew that they could not do anything for their victims – except to resolve to live their lives better. The session finished with giving out certificates, a break, refreshments and the completion of their workbooks for their Open College Network certificates.

4. SORI⁶ – victim of burglary and murder

Heather's house had been burgled 20 years before, and then ten years later a close friend was murdered. She recounted her experience:

Burglary – “My house was burgled when I was away on holiday. A lot of my personal possessions were taken. It felt as though my own private space had been invaded and spoiled. They went through personal things like family photographs. My house was no longer a home. I felt unsafe. Added to this there were five offenders, four of whom were sent to prison. One got probation and he moved into his house directly opposite mine – I felt he was watching me every day – I had to leave my home.”

Murder – “My close friend (and the mother of my daughter's best friend) was murdered along with another person. The first feelings were of total disbelief, great sorrow, loss, confusion and total devastation. Anger then set in, I wanted revenge. Then I felt anger at myself for feeling that way. I wanted to take the pain away from the children and Cherry's relatives. I then questioned: why and what if? Could I have done anything to have stopped it happening? The pain and torture that Cherry must have gone through still makes me feel sick. The two murderers were found and convicted. Both are still in prison although I don't know where. One keeps appealing against his conviction.”

6 SORI: Supporting Offenders through Restoration Inside (Cardiff, UK)

Speaking about the lasting effects, she said:

Burglary – *“I am more cautious now and I tend to worry about my home more than I used to. But this has eased a lot due to the timescale of when this happened.”*

Murder – *“I still feel complete loss, sadness and sorrow. I still think of what Cherry would be doing if she were here now. However, the feelings of revenge have gone.”*

In preparation for her participation in a meeting involving two offenders who had committed similar crimes, she was asked if she might have particular questions. She said:

“Why? Why me? Why Cherry? Did you not think that you would be taking a mother away from her children? Do you regret what you have done? What were your thoughts, feelings at the time/before/after? How could you have caused so much pain?”

“But I also want to understand what their life circumstances were that caused them to behave in the way they did. How do they think their families have dealt with their actions? Will this help them to adjust their behaviour to prevent them re-offending?”

The SORI programme arranged small group meetings between carefully matched victims and offenders (who had taken part in victim awareness courses). Heather’s group included two lifer prisoners who had murdered someone. After the meeting she said:

“The meeting was useful in giving me a voice as a victim to say what had happened to me – the chance to understand ‘Why me?’, etc. Also to understand offenders and what makes them offend – and to realise that we are all people! It was very emotionally draining and I would have liked more time, but it was very worthwhile. Although they were not able to answer specific questions because they were not the actual offenders in my case, some of my general questions were answered – they were able to say how they felt at the time of their offence and how they feel now. I don’t think my behaviour has changed, but I do feel much lighter as I was able to share my experiences, which is something I have never done before. I also feel reassured that I am not completely mad and that the feelings I have are the same as others in similar situations. I know that the feelings I am getting are being felt by others and are not just specific to me – plus the offender also has feelings of a very similar nature. After talking to them and listening to their stories, I am surprised at how easily any one of us could get ourselves into situations that we are not able to deal with, and that we could find ourselves in their positions”

5. Victim – burglar group, Bristol Prison

A group was run at HMP Bristol in 2004, following the Victim Impact Groups described above. A victim of burglary approached the project through Victim Support. She wanted to meet her offender. Unfortunately, he was no longer in Bristol Prison. However, the restorative justice coordinator met with her and her supporter from Victim Support to explain this and to explore what she had hoped to get out of such a meeting. She had a lot of general questions about offending behaviour, specifically related to drug use, so the coordinator asked if she felt it would be helpful to meet men who had committed similar crimes. She felt it would. The coordinator approached four men, all of whom had attended a Victim Impact Group. They were all very keen to take part, feeling that it was “an opportunity to help a victim”. One man was moved to another prison a few days later, leaving three to meet with the victim.

The victim came to look round the prison the week before the meeting, and had a number of preparatory discussions with the coordinator. She was told she would meet with three men, although two of them might be transferred at any time. The number was chosen to avoid the intensity of a one-to-one meeting, and to give her a number of different perspectives. More than three would have been too many.

Finding a suitable room in the prison was also tricky. The room needed adequate security for the three prisoners, yet some privacy too. A room in the Education Block seemed the most suitable. The restorative justice coordinator liaised with the education administrator, the prison wing officers, the security staff and a psychology assistant, to ensure that the men were unlocked, tea and coffee were available, and the room was empty, so that the victim could settle in first. Meanwhile the restorative justice coordinator was at the prison gate to meet the victim and her supporter from Victim Support, and escort them to the room.

The meeting went really well, despite all the participants being extremely nervous. The victim felt able to talk and take charge, and the men respected her right to do that. They talked very openly about their drug problems and crimes when she asked them to, and explained how they felt. She asked lots of questions and they responded as best they could. She asked about whether they blamed their victims for being in prison and they all said no. Indeed it seemed that this had never occurred to them. She was scared her attacker would come after her when he was out, and they gave their perspectives on how unlikely that was, given what she had told them.

This seemed to reassure her. The meeting lasted about two hours with a short coffee break. The atmosphere lightened and everyone seemed to relax more as it went on. The men showed a great deal of kindness to the victim and, when she got very upset partway through, seemed to want to do anything they could to help her.

The victim rated the meeting in terms of satisfaction as ten out of ten. She felt she had achieved a greater understanding, and had been listened to. She was very glad she had come into the prison to meet with them. The restorative justice coordinator met the victim once after the meeting and spoke with her on the phone three times – to check out her feelings and whether there was anything else she needed. She asked if she could write to the men. The coordinator sought their permission and it was given. The victim sent them all separate notes thanking them for meeting her and wishing them well in the future.

The coordinator saw all the men individually and gave them the chance to talk through how the meeting had affected them. They all seemed delighted to receive a note from the victim and felt they would keep it to help them in the future. A couple still seemed greatly affected by how distressed she had been and showed enormous concern for her. The men felt honoured that they had been given the opportunity to meet her and help her in some way. They felt this was something tangible they could do to atone for their crimes. They also felt that it had really brought home to them the long-lasting effect of crime on some victims.

6. Victim Liaison Unit – murder

This case study comes from Victim Liaison Unit (VLO) where the VLO had been trained in mediation skills.

Amanda (the VLO) first offered a visit to Paula, in 2002, to give her information about Lawrence, who had pleaded guilty to murdering her son, Carl. Paula declined this offer, as she felt it was too soon after his death and she was also waiting for the outcome of the trial of two co-defendants, who had pleaded not guilty. This trial took another year to come about and the co-defendants were acquitted.

Amanda contacted Paula again after the trial and they met in early 2003. Paula was very angry at the criminal justice system for what she perceived as a miscar-

riage of justice in the case of the two co-defendants. She was glad that Lawrence had pleaded guilty although she wondered why. She was consumed by thoughts of conspiracy theories about the men who she thought had ‘got away’ with the murder of her son and tortured herself with thoughts of her son’s last hours.

At this first meeting, Paula expressed a wish to know more about what happened on the night her son died. She had many questions to which she needed answers if she was to be able to begin to rebuild her life. After much discussion with Paula about what restorative justice could offer, and after putting forward all the pros and cons of the process, Paula decided that she would like to meet Lawrence. Paula felt she would prefer the meeting to take place sooner rather than later, even if this meant the meeting being held in a prison. Paula was also aware that Lawrence would have to agree to take part.

After meeting with both Paula and Lawrence, Amanda realised that they were the ones who would take this process forward, so determined were they to see this through. Initial discussions with the prison were very encouraging and Amanda had a good deal of support from the prison probation officer and prison lifer manager. The prison was keen to see this meeting take place and was very aware of the sensitivities for both Lawrence and Paula.

Over the course of the next 12 months, Amanda had 12 meetings with Paula or Lawrence. All the meetings with Lawrence took place in the prison and Amanda was given as much access to Lawrence as she needed. He was also offered support in between these visits, if he needed it. Amanda met Paula at her home where, over the next year, she spoke of the deep sense of the loss of her son.

Paula wrote a list of the questions she wished to ask Lawrence and also wrote a very moving, powerful piece about what she had suffered, from the moment she knew her son had died to the present. She wanted Lawrence to see this and he was very affected by it. At all times, it was important to both Paula and Lawrence that each knew what the other was thinking and what they wanted. Lawrence was consumed by guilt and wanted only what Paula wanted. For her part, Paula was very thoughtful towards Lawrence, not wishing to cause him pain needlessly. Much information passed between the two parties in this way during those months.

Much thought was given by all concerned to where and when the meeting would take place. Both Paula and Lawrence were understandably anxious but their resolve and commitment to a face-to-face meeting never wavered. The prison offered a va-

riety of settings for the meeting, and eventually it was agreed that the probation department offices would be most suitable. A room was organised and planned for the meeting,

Paula and Lawrence finally met each other in late September 2004, some 12 months after Paula made her request. After such a long time and such hard work in the early stages, the meeting itself was almost an anti-climax for all concerned. The meeting lasted about 40 minutes and both Paula and Lawrence were exhausted afterwards, as was Amanda.

Both Paula and Lawrence wrote down their thoughts and feelings about the meeting. Lawrence wrote:

“My reason for doing this was because I wanted to give something back. I was told that the victim’s mother more or less was stuck in one place and that made me feel worse than I already did. Then I heard how she wanted to meet me – at first I couldn’t believe that this was true. I couldn’t understand why she wanted to meet the person responsible for the death of her son. But I felt a sense of responsibility to her and if meeting her could help her move on, then that is what I would do.

All the meetings I had preparing with the VLO helped me out – it was important to prepare myself as much as possible. Because this was the biggest thing I ever did in my life.

The day of the meeting arrived and I never thought about calling it off, but I did think – what on earth was I doing? The meeting went well, very good. I listened to what the victim’s mother had to say. It was what I expected but I thought it would be her making me feel bad and small but she was more concerned with me knowing the effect of what my actions have done, and was interested in what I do in the future and not to make her son’s life be in vain. She was very understanding and made me feel more comfortable. To me it felt like a big guilt trip or weight has been lifted off me.”

Paula wrote:

“I met Lawrence face-to-face for the first time on September 29th 2004. I had last seen him at the trial in December 2002, mainly the back of his head. When I met Amanda, the VLO, we spoke about Carl’s death, the police involvement and questions four years on that I still had no answers to. She told me that she could arrange for me to meet with Lawrence so that I could get answers to these questions and she arranged a series of meetings with me and she met separately with Lawrence.

Before the meeting I visited the prison with Amanda and I was shown the room where the meeting would take place, so I would know what to expect. Eventually the day came and my fear was that we would not get there or that Lawrence would change his mind and not see me.

Sitting in the room I started worrying, then the door opened and Lawrence came in. The conversation gradually started – I asked him my questions which he answered. I told him about Carl – how alike we were in our ways, his wonderful sense of humour and what a humanitarian he was. The fact that my marriage had broken down because of the person I had become following his death. I told him I did not hate him, because I have strong feelings of what is right and he had owned up to his part in my son’s death. I asked Lawrence if he was truly sorry for what he had done, if he would never re-offend again and if he would make something of his life – otherwise Carl would have suffered for nothing. I stood up at the end of the meeting and held my hand out to Lawrence – he took my hands in his and kept saying over and over again how sorry he was. Going home in the car I felt as though every bit of energy had been drained from me. Around three days later I felt that, after four long years, I had received some closure on what had happened that night. I would urge anyone who is in similar circumstances to do what I have done.”

Since the meeting each has written to the other once. Paula has considered perhaps writing again on a yearly basis to see how Lawrence is progressing; and he would like to let her know about his life and what he does when he eventually leaves prison. This meeting would not have been possible without the commitment of Paula, Lawrence and the VLO, and the support of the prison and its staff.

7. Conference in prison – robbery at petrol station

Two brothers, both heroin users, went into a petrol station one night and forced the three staff to hand over the money from the till. The older brother held a knife to the female manager’s throat and told her that his brother had a gun. One staff member escaped and raised the alarm, and, although the men ran off, they were caught later. At the time of the conference, the older brother was in prison (sentenced to nearly four years) and the younger one was on remand awaiting sentencing.

The conference took place in prison and was attended by the two brothers, their aunt and all three victims. Preparation took place with all the participants. When they came together, everyone was very nervous – one of the victims was shaking and the offenders both stared at the floor. In the first stage of the conference the facilitator asked the offenders to give an account of the offence – they found it difficult and needed prompting.

The next stage was for the victims to explain how they had been affected, in the short and long term. The manager had been severely affected – she thought she was going to die, and since the offence had suffered from sleeplessness and extreme anxiety, requiring medication. She could not go out by herself and her relationship with her partner nearly ended because of the stress. She was also worried about possible retribution from the offenders when they were released. The two male victims were also traumatised by the offence, feeling helpless and guilty for not doing more to stop the offence and protect their colleague. All three victims lost their jobs when the petrol station closed because of all the thefts. The offenders' aunt told the group of the effects of the offence on the rest of the family – the older brother had refused contact from the family because he felt too ashamed.

The offenders began to realise the extent of the suffering they had caused. They reassured the victims that they had not been singled out, and told them they had not had a gun, would not have harmed them and had no thoughts of retribution. They explained their circumstances before the offence, and this led to a greater understanding from the victims.

By this time everyone had become more relaxed and at ease with each other. The third part of the conference focused on how the harm done could be put right. The agreement contained an apology and ways in which the two brothers could prevent anything similar happening in future. At the end of the conference, the participants went into the corridor for a smoke and a coffee, and stayed talking informally for over an hour – something unthinkable before the conference.

After the conference the facilitator contacted all the participants. Both brothers were determined to go straight. The petrol station manager said the conference had been a life-changing experience – she no longer lived in fear and could now get on with her life.

8. Secure Training Centre – assault and possible bullying

■ Background information

An incident occurred in which Benita assaulted Sarah. As a result, Benita was immediately moved to another living unit. Sarah said she wanted the police to be informed of the assault, so this was done, but later she changed her mind and decided she no longer wanted to involve them. Meanwhile Benita was not allowed to associate with Sarah, and had to follow a separate activity schedule on her own every day.

After Sarah had made her decision not to involve the police, a member of staff, John, spoke to her to see how she felt about the assault. He asked Sarah to describe what had happened on the day she was assaulted. Sarah said that she was in the day room at about 8.15 in the morning. Benita came out of her room and accused Sarah of shouting in her bedroom and keeping her awake, and then punched Sarah on the side of her head. Sarah said she did not want to pursue the matter any more, as she felt sorry for Benita, seeing her on her own every day. Also Benita had apologised to her for hitting her.

John asked Sarah if Benita had tried to persuade her to drop charges against her (to check for bullying or intimidation). Sarah said it was her own decision. John asked her how she would feel about meeting with Benita to discuss the incident, so as to resolve any outstanding issues between them. Sarah said that she would be happy to do this.

John then spoke to Benita, who gave a similar account of the incident and said that she realised that she had been wrong to punch Sarah. John asked Benita if she was prepared to take part in a meeting with Sarah to discuss the incident and Sarah's feelings. Benita agreed.

■ Meeting

John met with the two young people in the chapel to discuss their feelings about the incident. Sarah said she had been upset at the time, but now wanted to forget about it.

Benita said she realised that she was in the wrong, and had apologised to Sarah. She recognised that she had a hot temper, but said she always calmed down quickly and never held a grudge against anyone. She felt that the situation had been made worse by staff moving her to another living unit, as she felt sure that things would have been resolved more quickly if she had been allowed to remain on the unit with Sarah.

John asked Benita if she was aware that, although she might get over this situation quickly, it would almost certainly be more difficult for the person harmed by her actions. Benita agreed that this was true. John explained that the staff had a responsibility to make sure that young people were safe and this was the reason for her unit move.

John acknowledged the apology and Sarah confirmed that she was satisfied with this resolution to the situation. John also checked whether Sarah felt comfortable with being around Benita during activities, and she was happy about this, so Benita could resume her normal activity schedule from the next day. Both young people were thanked for taking part in this meeting before being taken back to their respective living units.

9. Adjudications – resolving a fight

At HMYOI Huntercombe (a juvenile establishment), restorative conferencing is being used on a one-to-one basis for resolving conflict amongst the young prisoners. Twelve staff were trained in restorative conferencing to do this work.

Two young men were on adjudications for fighting each other. The adjudicating governor established first that this might be a suitable case for the use of restorative justice and agreed to adjudicate the two cases in the room at the same time. The two prisoners knew one another ‘on the out’ and a third party had apparently told one of them that the other had been ‘bad-mouthing’ him and his relatives. This had resulted in a fight between the two boys on report. The process enabled both parties to realise that the fight had been about comments reported by a third party that were in all probability untrue, and most likely a ‘set-up’ for the express purpose of provoking bad feeling between them.

Having both parties to the fight in the adjudication room at the same time helped each prisoner to realise the perception of the other at the time of the fight. It also prevented misunderstandings of what each party had said to any other parties involved, thus preventing further escalation of ill feeling.

10. Bullying in the Juvenile Correctional Institution (Serbia)

Related by the mediator

Characteristics of the case

This case happened between two adolescent boys. The conflict lasted ten days and kept repeating on a daily basis. It is interesting that the offender was two years younger than the victim, and that his physical constitution was much weaker. Nevertheless, he continually teased, provoked and verbally maltreated his victim. It threatened to grow into something more serious, especially since the victim was a new inmate, surrounded by boys of this type for the first time, which produced considerable strain and also destabilised him.

We first dealt with this case according to the regular procedures at the institution. Individual meetings were held with both boys, explaining to both of them separately the position and condition of the other. Special attempts were made to awaken the offender's feelings for the victim, to help him understand the victim's position; while on the other side, I explained to the victim what type of boy he was dealing with, and what might be the motivations for his hostile behaviour. It helped only temporarily, but did not resolve the problem in the long run, and the situation continued. The victim was desperate and felt that the aggression against him was personal.

It seemed that there was no way out, and we decided to offer them an alternative method of resolving the conflict – mediation. I was happy to use mediation in this case, having in mind the balance of power, as both boys were going through a period of adjustment and accommodation to the institution's requirements; this, to a certain extent, placed them in an equal position. The boys knew about mediation, so understood what was being offered.

■ **The mediation process**

The interview was conducted with the offender first. The boy, who had suffered emotionally in his childhood, growing up with no love and affection, and who was mentally unstable, reacted violently at first, as he usually did, saying that he had nothing to talk about to the victim. Being aware of this side of his character, I waited until he calmed down, and explained to him the advantages of this way of problem-solving, i.e. resolving the actual conflict. He accepted immediately.

After that, the interview with the victim took place. He could not wait to solve the problem and also accepted mediation immediately. He was a boy capable of talking openly about issues bothering him and could express his feelings well.

Mediation took place straight after the individual meetings. I was the sole mediator for the case. The boys were sitting facing each other, separated by a desk. I sat closer to the offender, knowing that he was likely to act out, rashly, abruptly and thoughtlessly. The victim started to talk first. He explained the main reason he was upset, and how he felt 'in his heart' when the boy sitting opposite was abusing him. I watched the offender's reaction. First the colour of his face changed, then his chin trembled and his face muscles contracted. His breathing accelerated. It looked as if he was going into a hysterical crisis, so I touched him on the shoulder, telling him that everything would be OK. At that moment, he started to sob, and all the sorrow and misery of his life poured out uncontrollably. While he was sobbing inconsolably, I looked at the victim. His face showed an abundance of emotions: astonishment, dismay, fear, sympathy, sorrow. He could not believe what he was witnessing, that the offender had turned, in front of his eyes, into a boy who was anything but aggressor and offender. Some time later, the passions soothed. An agreement was made, and they both signed it.

■ **The agreement and outcome**

The offender did not apologise, but the agreement included promises that verbal provocations would not be repeated while the offender was in the institution. The agreement was followed up by personal officers and had not been broken at the time of writing.

On our way out, the victim approached me, saying:

“Officer, I cannot be cross with him any more, no matter what he does to me. I didn’t know he was so miserable.”

That is how this mediation ended. I could not avoid the feeling of sympathy and sorrow myself, though I have got used to various situations, after being on the staff in the institution for a long time.

■ **Comment**

What was important in this case was the victim’s perception. It was his perception that he was not the main actor in this story, and that he was chosen to be the object of verbal provocation only by chance. He realised that it was more the problem of the offender and he had understanding for his sorrow, his misery and his needs. Even if the offender himself did not learn very much about constructive problem-solving, the mediation was a success because the victim understood his position of being chosen by accident.

Once again, I saw proof of the fact that indirect explanation of other people’s feelings does not have the same power of apprehension, understanding and empathy as an authentic session of exchanging feelings. All talk about the feelings of the other is insignificant, until the moment you see it with your own eyes and experience it. And, once again, the victim had understanding for the offender and his motives, recognising that the offensive behaviour was not caused by external but internal factors. They originated in the offender’s need to take out his frustrations, which had accumulated for years.

11. Smashed milk crate

Matthew (16) was walking back from a party in the early hours of the morning with a few friends. It was the first time he had drunk alcohol and he also took regular medication. This combination appeared to have made him highly impulsive and affected his judgement. During their journey home they came across a milkman on his rounds. The group surrounded the float and started shouting at the milkman. Eventually, a crate of milk was smashed. Police arrived and arrested Matthew, who had led events. As this was his first ever offence, a Final Warning was considered appropriate. The Police Officer at the YOT arranged a conference to take place with the agreement of the victim and the offender. At the conference Matthew indicated that he was ashamed and sorry for what he had done, and listened as the milkman explained the economics of milk delivery and that he had had to pay for the lost milk. Matthew had already offered to pay for the lost milk, and had brought £20 compensation along with him. As discussions continued, all animosity was completely dispelled and the conference ended with the milkman offering Matthew a part-time job.

NOTES

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