

RESTORATIVE JUSTICE IN PRISONS

Resource Book and Report

Arising out of a conference held in Friends House, London on Monday 11th February 2002 and a project of work in three prisons - Bristol, Norwich and Winchester

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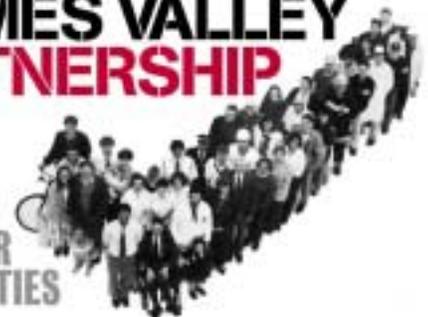
International Centre
for Prison Studies



Restorative Justice Consortium

**THAMES VALLEY
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Restorative Justice in Prisons

“With a little imagination and a lot of courage, prisons could become a natural setting for Restorative Justice”

Kimmet Edgar, Oxford Centre for Criminological Research
Prison Service Journal – Issue 123

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Introduction

*Tim Newell, Restorative Justice in Prisons Project,
Thames Valley Partnership*

Restorative Justice in Prisons

Widespread disillusionment with the current punishment-based and rehabilitative approaches to crime control has created a climate ripe for reform. Factors which contribute to the possibility of reform include:

- the rise in the prison population at a time of reducing crime rates
- the debate about effectiveness in sentencing and about the role of the courts
- the emphasis on community involvement in reviving democracy and civil society.

A third approach to tackling crime is encapsulated in the paradigm of Restorative Justice which has a history older than state justice. The growth of interest in Restorative Justice in recent years has resulted in a wide range of interpretations. We have experienced this dynamic in seeking to explore the possibility of working with the ideas and principles in prison of England and Wales. There is a need to be clear about what is meant by Restorative Justice because of the sensitivity of working in a fundamentally coercive setting in which respect for human rights remains a fundamental priority.

According to Restorative Justice, crime violates people and relationships. Justice is done when the needs of the primary stakeholders, victim, offender and community are met to the extent possible. Restorative Justice prefers that most crimes are handled using a co-operative structure including those impacted by the offence as a community to provide support and accountability. Marshall (1996) defines Restorative Justice as “a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future”. This provides a minimum requirement for restorative programmes. This must involve victims, offenders, and their communities in face-to-face meetings where they determine the outcome.

Restorative Justice emphasises the need to provide opportunities for those most directly affected by crime (victims, communities and offenders) to be personally involved in responding to the impact of the crime by helping to restore the losses incurred by victims. The acknowledgement of the wrong and the active participation in the reparation of harm is believed to be the most direct way to healing for all those affected by a specific crime.

This purist model of Restorative Justice may help us look at the development of work in prisons that aspire to become restorative in their practice. Critical concepts include the idea that crime injures people and relationships, and that justice is a search to repair the injuries between and among those affected.

Key concepts are people, injury, reparation and reconciliation. Linking people to injury more than establishing needs and responsibilities.

Practice that involves the primary stakeholders in an empowering process addresses the needs of:

1. Victims for reparation
2. Offenders for responsibility and
3. Communities of care for reconciliation and reintegration.

These are the three pillars of Restorative Justice theory in that it engages the victim, offender and their communities of care in a co-operative process to determine what is needed to repair the harm. The means and the ends are inseparable. Processes are healing in themselves when properly facilitated. Most of the needs of victim/offender/community are met as part of the informal gathering of stakeholders. Empowering the victim in this process meets the victim’s need for validation, for answers to questions and for control over the disposition of their conflict. Engaging the offender in the reparative process meets the offender’s need for accountability and responsibility and provides the opportunity to regain self-respect and learn empathy. Most of the wider community needs are met by the fact of the gathering in which the need for problem solving processes, validation for victims and holding offenders accountable takes place.



Three categories of Restorative Justice Programmes can be seen.

- Fully restorative ones address the needs of victims, offenders and their communities of care (conferences and circles)
- Mostly restorative address two of the three sets (one to one victim-offender mediation)

- Partly restorative only address one of the sets of needs (victim support)
- Pseudo restorative programmes are largely determined by professionals or volunteers with no connection to the crime (community courts, boot camps and zero tolerance programmes).
- Fully restorative programmes involve concern for three stakeholders but also call for clear standards of practice. Sometimes the practice has been very offender centred; victims can feel re-victimised by the process.

Partly restorative programmes should be developed and encouraged in working through the practical difficulties of being fully restorative.

Working Definition of Restorative Justice

“Restorative Justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implication for the future”. (Tony F Marshall 1996)

Parties with a stake in an offence include the victim and the offender. They may include the families of each and any other members of their respective communities who may be affected, or who may be able to contribute the prevention of an occurrence.

Coming together may occur as one event, as in Family Group Conferencing, or it may occur through a series of less all-embracing meetings such as victim-offender mediation and a separate conference between offender and family members. The coming together may occur just once or may happen repeatedly over a more or less extended period of time.

In order to effect the coming together and collective resolution there is a crucial role for the neutral facilitator with the skills to prepare people for the process, ensure that it progresses in a safe and civilised manner, guide parties through difficult phases, and encourage them to enter fully into the process.

The aftermath of the offence includes ensuring the material well-being or satisfaction of the victim, the re-affirmation that they are not to blame, attention to the victim’s emotional needs, resolution of any conflict between the victim and the offender (whether because of the offence or existing beforehand) the resolution of similar conflicts between their families or communities, resolving any difficulties between the offender and his/her family and other friends as a result of the offence (such as being ashamed to know him/her) and giving the offender a chance to absolve his/her feelings of guilt through apology and reparation.

The implications for the future include tackling the reasons for offending, producing a plan for rehabilitation, and agreement among the family and community members present on a system of support for the offender to ensure that he/she is able to adhere to the plan.



This chart shows some of the current work being done in prisons in the context of the model described before. The absence of victim reparation work is clearly demonstrated when considered in this way. It gives us a focus for work in the future.

Setting the Scene in the Modern Prison Service

Ken Sutton

Director of Resettlement, Prison Service

I am delighted to be able to set the scene for this important and timely conference about Restorative Justice. Martin Narey, the Director General of the Prison Service, wanted to be here himself. He is not able to be here because he has been called before the Public Accounts Committee of the House of Commons to give some evidence today about the Prison Service's policies on resettlement following the National Audit Office's recent report on reducing re-offending.

There is a link between that event and this conference. The reason the Public Accounts Committee is interested in resettlement is because it sees it as an important part of the Prison Service's responsibilities. I am here today as the Director of Resettlement in the Prison Service, because I believe that Restorative Justice can have a part to play in the resettlement and reintegration of prisoners into society, but that events such as these, and the work in between, are needed to establish what that part should be.

In thinking about Restorative Justice I believe that it is helpful to think about the conventional view of how criminal justice works.

We see crime as an offence against the Queen's peace. In court offenders are prosecuted in the name of the Queen, and we lock up convicted criminals in Her Majesty's prisons.

Of course, in this sense the Queen represents all of us. But there is no doubt that this model leaves both the individual victim and the community on which crime is committed, somewhat on the margins of the process.

Some years ago we began to recognise the importance of the needs of victims within the criminal justice process. The police, the courts and the Probation Service now all have responsibilities for keeping in touch with victims of crime. Nevertheless, I know that there is a strong feeling that victims are still not placed as near to the centre of the process as they need to be. I am sure that we will hear much more about this in the course of the day.

But I would like to talk a little bit more about the offender, because, although it may seem strange to say it, there is also a sense in which the offender is often marginalised by the criminal justice system.

When offenders are sent to prison, it is as though society has washed its hands of them. They remain hidden behind high walls. We are on our way towards 70,000 of them.

But offenders do not simply disappear when they go to prison. All but a small handful of prisoners will return to society sooner or later – the vast majority sooner, since more than half of those committed to prison are sentenced for six months or less. So the process is an important one for the community in the long run.

It is one of the leading priorities of this Government that wherever possible prisons should seek to have a positive influence on the lives of offenders. I do not pretend that this is easy. But I believe that Restorative Justice in all its many guises is something which we can harness to the benefit of prisoners.

I see at least three ways in which Restorative Justice is relevant to prison and prisoners.

First with schemes of reparation. This gives prisoners a real opportunity to develop their own sense of worth by helping others. The ability to be generous is an important part of our humanity. Prison provides few opportunities for generosity and therefore we value schemes like those of the Inside Out Trust or of the Albert Park project in Middlesborough, which give prisoners the opportunity to make some repayment to society. Often these schemes are the first occasions when prisoners had been able to see themselves as making a contribution to society and can relate that contribution to the family, boosting that crucial relationship. I am sure that we will hear more about them today.

This leads me to the second way in which Restorative Justice is relevant in prisons. It brings the community into the prison and makes prisoners more visible to those outside the prison walls. Although they are rarely seen in this way, prisons are actually services to the community. It is important that prisons are seen as part of the community, rather than separate from it. And that the community recognises its responsibility for prisons and those in them. Restorative Justice provides an avenue for this.

Third, and perhaps most important, Restorative Justice provides a concrete way for prisoners to understand and confront their own behaviour and the damage which it can cause. This happens most obviously when victims of crime are involved in restorative schemes and particularly in victim/offender conferences. But some prisons are also using restorative approaches in adjudications for disciplinary offences. Here the object is not simply to punish prisoners who offend against the rules of the prison, but to help the prisoner understand how to live as a part of the community within a prison, and ultimately, within society.

Of course restorative techniques have been used in prisons for many years. I am aware of at least six prisons that are involved in victim/offender mediation work and that there are over 20 projects involving victim/offender groups. The creation of the Youth Justice Board and a new concept in sentencing – the reparation order – have confirmed that restorative approaches to addressing offending behaviour are here to stay.

The Home Office is funding pilot projects being run by the Justice Research Consortium in Northumbria, Thames Valley and London - which some of you are involved in. These aim to evaluate the crime reduction effects of Restorative Justice conferences involving direct contact with victims and offenders during the sentencing process. The Prison Service is participating in these by providing facilities for the conferences to take place.

But there is a new climate in the Government's approach to criminal justice which will, I believe, give a new emphasis to Restorative Justice. The Auld Review of the workings of the Criminal Courts recommended that the Government should develop a national strategy for the use of Restorative Justice techniques across England and Wales.

We expect the Government's response to appear in a wide-ranging White Paper in the spring. The Prison Service is participating in that work and will play its role in implementing the strategy once it is agreed.

In addition the Government has been discussing new approaches to sentencing which would place the emphasis far more upon rehabilitation than at present. And last week David Blunkett announced his vision of a new sort of "light touch" prison, which would keep prisoners in contact with their communities while serving their sentence. All these initiatives will provide new opportunities for restorative approaches.

I am impressed with the fact that the ground has already been laid for these ideas to take root. Many prison staff and governors are already looking imaginatively at Restorative Justice and how it can be brought into resettlement programmes. Prison staff are using their talents, along with the skills of other agencies, to test and develop new ways of working – with offenders, victims and the community.

I am sure that the keys to the success of Restorative Justice in prisons is commitment and joined up working at the local level by the police, prison and probation staff, the local voluntary sector and all the other practitioners who contribute to the process.

I would like to stress two or three more issues, which I hope can be reflected in the course of the day.

In doing so I would like to refer back to the National Audit Office's report into reducing re-offending which is being discussed with the Public Accounts Committee later today. I note, too, that I am able to stay for only part of this morning's proceedings because of a meeting of the Prison Service Management Board. On the agenda for that meeting is the Prison Service drug treatment strategy and the accreditation of drug programmes.

I mention these events because I see it as one purpose of conferences such as today to lead restorative programmes in prison so that it too is higher up the agenda. It is conspicuous that the National Audit Office's report does not cover Restorative Justice and that to date, the Prison Service Management Board has not considered the role of Restorative Justice. In order to force itself further up the agenda, we need to confront these issues.

Firstly, to be clearer still about the link between prisons and the community which restorative schemes can build. These issues are fresh on my mind because I had the pleasure and privilege to participate in the seminar on 25th January at Barnard Castle celebrating the work of prisons in the North East. I should like to thank the International Centre of Prison Studies for that event. It was a marvellous day which provided a very welcome recognition for the work of Deerbolt, Holme House and Kirklevington Grange.

The Prison Service itself, in its drive to raise performance in the last couple of years, has necessarily focused on an agenda about improvement which has left little room for congratulations. But, of course, much excellent work is going on and I thank the International Centre for the recognition that seminar achieved.

The linked issue with that is community. We need to work out what is being said about the role of restorative measures and building the links with the community. The Albert Park Project demonstrates one way in which restorative schemes can build that link. I hope the discussion today can prompt further discussions about this. In particular that the scheme shows how restorative schemes can bring prisons into a close relationship with local and regional authorities. They have the potential to help the prison develop its relationship as an organisation with a place and profile in the community. But is there more to this? Can such schemes really affect the community's perception not just of the prison but also of prisoners? To see them as part of the community and to be more open as a result to their resettlement? This would appear to me to require a visibility for prisoners and their work in the community. How could this be achieved?

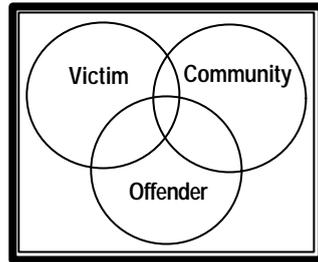
Secondly, I think the issue of the link with reduced re-offending has to be confronted. Restorative Justice, in my view, will only develop if a view is taken on that link. Are we saying that prisoners who do work of a restorative kind are likely to re-offend less? If so, how is the evidence for that to be developed? If not, then what link with re-offending and reconviction is being suggested? Although there is not a specific item on the agenda today, I hope the opportunity will be found to consider this.

And, thirdly, there is the victim. We need, I think, to become clearer about what is being said about the victim. In particular what is the potential for work done between the offender and the victim of that specific offence. I am aware of a small number of inspirational encounters. But in developing policies, is that the foundation we should be building from? Or should we be linking it to victims more generally? Encouraging prisoners to be thinking about the victims and encouraging victims, separately, to be registering the work done by prisoners generally, rather than in their own specific case.

We have an opportunity to get into some of these issues. That is why conferences like this are so important in bringing together those who can contribute to new ideas and ways of working. I look forward to hearing the outcome of the conference, and am sure that you will have fruitful discussions on which we can all build.

The Stakeholders in Restorative Practice

*Introduced by Barbara Tudor, West Midlands Probation Service,
Consultant to the Project*



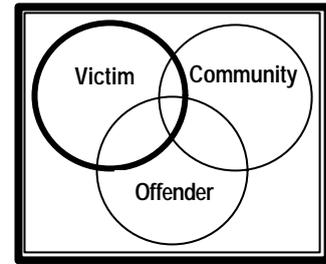
Barbara Tudor, working with the West Midlands Probation Service, has been developing restorative work between victims and offenders for the past 17 years, well before Restorative Justice became a recognised term. She continues to lead the work being established in the three prisons of Bristol, Norwich and Winchester, through developing staff awareness, delivering staff and community agency training and supporting the core team in each prison. Her view is that it is only through an appreciation of the complexity involved in a crime conflict that one is able to work with the people involved. Trying to work from only one perspective is approaching it with one hand tied behind your back. She is involved in helping victims and offenders communicate, through a process, she refers to as restorative 'work', rather than 'justice'.

Barbara introduced Marian Partington, John Dexter and the words of an 'offender's mum'.

It is my privilege today to introduce three very special people to you. A lot of us here are driven by the pain and suffering we have witnessed to press for changes in the way we work with people within the criminal justice system. So are the people we are going to hear from now. But it takes much more courage to tell your personal story as they are going to.

They will set the tone and backcloth to the rest of today. We know that what they have to tell us is frank and hard-hitting. It is their living reality and often they are wary to speak of these things because there is a tendency for the rest of us to withdraw from them in our pain and embarrassment. They know they need to tell us and we need to hear what they have to say.

There may be a little time at the end of this session for questions but they all want me to say that they will be available throughout day and would welcome questions and conversation with you.



A Sister's Perspective

By Marian Partington

In December 1973 my younger sister, Lucy, and I were students, home for the Christmas holidays in Gretton, the village of our childhood, near Cheltenham. Two days after Christmas Lucy went to visit her friend Helen in Cheltenham. In the evening she left her house to catch the 10.15 bus back to Gretton, hoping to post her application to the Courtauld Institution of Art for a post graduate course in Medieval Art on her way to the bus stop. She didn't arrive at the bus stop, and the letter was never posted. Lucy became a 'Missing Person' for 20 years. Over 20 years later, on March 4th (her birthday) in 1994, Frederick West told the police that there were also bodies in the basement of 25 Cromwell Street and that one of them was called Lucy.

In her late teens, musing on her future, Lucy had written in a letter. *P.S. Talking of wanting to work in a cathedral, I no sooner discovered the other day, that the Inns of Court were still in existence, than I had a desire to become a lawyer – obvious need to belong to some exclusive and tradition ridden organisation.* The place and manner of her death could not have been further from that imagining. To Rosemary West, education was a *bloody load of rubbish*. But she did lure Alison Chambers to live with them by enticing her with a fantasy about a farm in the country, where Alison could write poetry and ride horses if she came to live with them. Did she know that Lucy spent her childhood doing this?

I have been struggling to understand the roots of the Wests' behaviour, ever since we learnt the violent, grotesque details surrounding Lucy's death. There is no going back. It has changed us all in different ways. They demolished 14 lives including the two unnamed, almost full term fetuses and two of their own children: Anne, Rena, Charmaine, Heather, Therese, Shirley, Shirley-Ann, Carole, Lynda, Juanita, Alison and Lucy, my sister. Their bodies were dismembered, their families were dismembered, our society was dismembered. The missing live on in the hearts of relatives, friends and communities. Their lives had equal value. (Silence was kept here).

In April last year, I found myself sitting in a circle of people in Grendon prison. Six prisoners and six visitors. No one else. This was 'any questions' time. The prisoners were on line. So were we. We had been shown into a room with a circle of chairs on 'D' wing. 'Tom', one of the prisoners was the facilitator in our group. Visitors' day is part of their therapeutic regime. He suggested that we went around the circle saying why we were there. He began. His name, his age, the time he was serving, his crime '*Rape*', in his early 30s is what I remember.

I was the first visitor to speak. *I have been searching for some sort of truth and understanding about my sister, Lucy's, brutal death. Like all of you in Grendon, I have ended up having to search inside me, investigating my own cycle of violence and abuse. I have found debilitating grief, fear, shame and murderous rage. I would like to be able to understand what kind of circumstances lead to the acting out of the criminal impulses that I have found within myself. Lucy was gagged when she died. That is one of the most difficult aspects of her death for me. She couldn't speak her truth. I am here to listen to you.*

Next came 'Rob'. I am serving 12 years for murder. I'd like to say that 'Bill' from A wing made me feel very angry this morning when he talked about himself as a victim. (Yes, he'd spoken with emotional detail about his victim years, which had led to his perpetrator years.) I had flashed back to the endless graphic details of sexual depravities and brutality that were read out hour after hour, day after day at Rosemary West's committal trial. If I had heard one sentence about her childhood years of victimhood I would have found something about the truth that I was searching for then. A broader context for her crime, a sense of her history as a damaged human being. Later I discovered that she had been abducted from a bus stop and raped when she was 15, shortly before she met Frederick West. Four years later Lucy was stolen from a bus stop, raped, tortured and killed.

Grendon prison fosters a culture of enquiry. Within the therapeutic community prisoners continually challenge each other and learn to express anger in words rather than physical violence. They learn about trust and honesty. Rob continued. *Yes we know that we have all been victims in our childhood, but we would tear open the ass of anyone who used that as an excuse for his crime on this wing. I feel fucking angry about that.* Vigorous nods of agreement. How would we continue? Tom took the lead. He turned to look me in the eye. *What you said has really affected me. Until I heard you speaking like that, I think I had just been playing at 'victim empathy'. Something has hit home.*

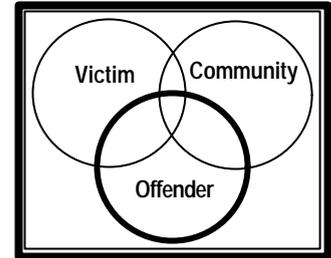
A moment of contact and impact that leaves us both exposed and vulnerable. For me it goes something like this.

I am seized by the realisation that by sharing something of my experience of Lucy's death with men who have committed violent crimes maybe it helps them to experience 'victim empathy', which may help them not to re-offend and to integrate their own victim pathology. I wasn't expecting this. Tom's response moved me in a way that is impossible to define in words or logic. It felt healing. An openness, a shared suffering, a truth.

Through Lucy's death Rosemary West has become part of my life. I have worked hard to find a place for her which allows me to go on living without hatred and bitterness. She has always denied any involvement in Lucy's death. But it seems meaningless for her to be simply locked away for the rest of her life with no hope of change. I need to know more about her life as it is now. Is she being helped to understand the roots, context and impact of her crime on others? Do I have a responsibility towards her in this process? In my heart I have grown to know that I do. My encounter with Tom has shown me that in an unknown, profound way, her healing is connected to mine, and to our children's future.

I have realised that Restorative Justice is an approach to crime that answers my needs as a so-called 'secondary victim'. It offers the structures that are missing in the present criminal justice system. It allows victims, offenders and their communities to explore the context and impact of the harm done by crime in a way that releases unresolved pain. The best in humanity can be nurtured; empathy, respect and a caring responsibility. Restored relationships defuse the need for crime.

John Dexter
Ex Offender

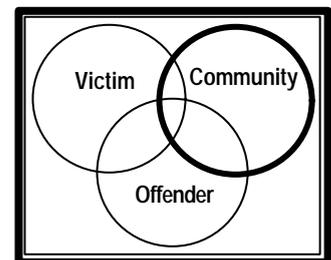


John Dexter spoke of his experience as an armed robber. He never saw any victims in his crimes. Cashiers were trained to hand over the money and the companies got it back from their insurance. So no one was a victim.

John was in prison just doing his time and waiting to get out. He was into drugs and was content to sit out his time. He saw a programme on the television about children who have no parents and then he suddenly realised that his children had no Dad. That he had hurt them, his parents and the victims of his crimes. It was a turning point for him to have this insight. It was only this crisis that led him to look into himself and realise what he had really done to others through his behaviour. He began to accept responsibility for his crime.

John went to Grendon in order to learn what his crime had done to others and himself. He went also to learn why he had been so full of himself. Through this experience he was certain that he would not offend again. Although he was facing many ups and downs since being released he was more convinced of his capacity to survive in law-abiding ways. He was grateful for the support he had had from Grendon and recommended that all ex-offenders needed help and support in facing up to their responsibilities. The community has a responsibility for this as well as the individual.

Viv Hanson
Community



Viv Hanson, a mother of a lifer coming to the end of his sentence had described her experience as a member of a community affected by the crime. Her words were read to the conference.

Andrew was arrested. My fear for him was a real fear of what was going to happen to him? Were they going to hurt him? What was going to happen? What was going to happen to us? Life just stopped – it worked around Andrew. Everyday we went to prison to see him, while he was on remand. We went through the court trial with him. It was dreadful, people talking outside.

They should hang him, they should this, they should do that. I tried to keep my mouth shut and say nothing back in return although it was difficult. There was just so much going on. I couldn't go out. I couldn't look at people. At one stage I nearly had a nervous breakdown. It was that hard. I blamed Peter (my husband) for a lot of things. Pete tried to keep going to work. But I suppose I played him up in a lot of respects. But it wasn't that I wanted to hurt Peter, it was that I wanted to prove Andrew innocent. I wanted him home. I just couldn't take the impact of it all. It was really, really dreadful.

The looks you got if you did attempt to go out, as though you were a piece of dirt under their feet. And you are not, you're just part of what is going on. And you can't explain how you really, truly feel in yourself. You're worked up inside. Doctors have no time for you. There is nobody to help you. You've never faced that before. You don't know where you're going and don't know what you're doing. It's just awful.

And then I read a case about a young man by the name of Russell Bishop and I was very fortunate to be able to get hold of his lawyer. So I contacted someone in London who was very kind and came up and talked to Andrew, but that didn't alleviate any worries. The worries were coming stronger all the time. I was pleased when the trial was over but then you're thinking God now I've got to go and face him. He's gone down for life. How do I face him? How do I tell him it's going to be all of this? How are we going to cope and pull together? Your mind is just a total blank, its complete shock. And people look at you as if you are a piece of dirt.

When did it begin to make sense?

I don't think it ever has made sense. The first bit of real sense it started to make is when Andrew first came to Grendon. In the interim period, as you know, there is no one prepared to help you in any of the prisons no matter how you try to ask. So I suppose I began to look at things differently when Andrew could look at things differently. That was when he came to Grendon.

When he began to make sense?

Yes, when he started to make sense, then I could start to make sense of things. Until Andrew could admit what he had done, I was in denial as well with him. You know Andrew said 'No I didn't do it'. Mum said 'No he didn't'. But once he started to come to terms and I could see him starting to look a bit better in himself, then I could start to pick myself back up.

It sounds like a painful time.

It broke my heart. I sat in a conference day in Grendon and I believe when we all met downstairs and Andrew said everything in front of everyone. And yes, I suppose it came as a bit of a shock, but my words were well look, I still love you. You are still my son. I still love you. And it's happened but we'll stand by each other. And we have done.

What about you as a member of your community?

Well, I moved 200 miles away three years after it happened. Because the community just looked on you as just dirt. I couldn't concentrate on my job any longer. Peter used to work for NACRO and he felt he couldn't work with them any longer. We thought the only way to give Andrew a true chance in life and a start in life was to move away. And as you know we went 300 odd miles away from it all. So really the community up there knows nothing about Andrew. I haven't kept him a secret, I've just said he has a life of his own to live. So Andrew has never been hidden away in that respect.

Is Andrew intending to come back home?

He most certainly is and his bedroom is there waiting.

How will you explain his presence?

I think I will have to meet that one when I come to it. Andrew has had a life of his own, things have gone wrong where he was so he has decided to come home. We'll see where we go from there.

Andrew was never any trouble and he kept a low profile. My biggest fear of him coming back is that he has been away that long. How am I going to cope with it? How is Andrew going to cope with it? And that is a genuine fear. Things are going to be so different, he was 17 when he went away. He's 35 this year. He is now a man, he should have had a life of his own, but he's never had that. But I just thank God we've got through it together.

Has he changed a lot?

Yes he has. When he first went to prison he was that timid little lad and other prisoners treated him like muck. Not very pleasant. He's had to do a lot of growing up – he's had to watch his back on many occasions. Fortunately he rose above any trouble and avoided that situation.

He came to Grendon and it has helped him grow up all the more. And truly grow up. So he can face up to what he has done. He knows now how other people feel. And that's an important part of it all. He understands how I feel. How hurt we've been. How other families have been destroyed by it all. He's been destroyed himself. It only takes 30 seconds of a person.

What can he do to make things right?

Just be a young man as he now is. He has to put everything to the back of his mind otherwise he will never go on with life. He could work in the community, a lot of places do need help, and that would be a head start. Once there is trust there.

What about his future?

Well, we know I don't think he will ever get married. He'll avoid that situation. But I think he'll be only too pleased to come home, find himself a job and have a little place of his own, but always remain in contact with us. He may have a girlfriend but I don't think it will be anything serious. And I think he has gained a lot of strength and has given me a lot of strength as well because I'm going to need that.

Is Andrew safe?

Andrew, safe? I would think so. As you know yourself, he should have been released. It was just circumstances that stopped that.

How does the community now react to offences?

I don't think offences are looked on as much as they used to be. I think people are getting more open-minded. I think people have got too much to think about themselves. It is a ten-day wonder with people now.

I would say you can never truly understand unless you've been there yourself. You can talk but people have to be more understanding themselves – understand it can come to their own doors. It can knock at any door, anytime of the day, any time of the night. And just because it's not at your door today doesn't say its not going to be there tomorrow. And then they will want other people to help them and not want others to look down on them either.

This is something you can never forget. It will be with you for the rest of your life. You couldn't walk away and say that's it because it's always there. And you're always being punished for it. If other people aren't punishing you, you are punishing yourself. I often say to Peter, what did I do so wrong to have this? What have I done so wrong? I've loved him, I've cared for him. You know, so if no one else is punishing you, you are punishing yourself.

You have to learn to forgive yourself. But sometimes it's very difficult. It took me a long time to forgive myself. To understand that it was not me that had caused the problem. It was just something that had happened and it was not going to go away, it could have happened to any one of us and it was not going to go away. There but for the grace of God go I.

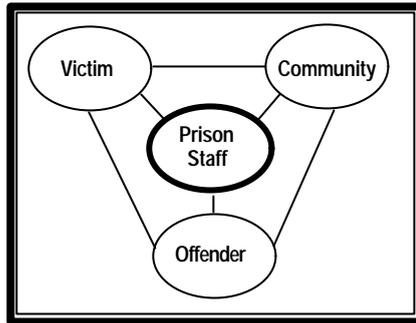
I forgive Andrew 100%. I will never throw anything like that into his face. He'll never go back. I would like to think they could forgive him but whether they can or not is another thing. If they can forgive him then perhaps they can forgive themselves of all the hate they feel for him. People do generally hate. Not just the person that has committed the crime. They are generally hurting themselves inside. They are hating everyone around them because there is just no forgiveness there from them. But if they could forgive Andrew then they could start to pick up their own lives and they'll forgive the way they feel.

Is there anything Andrew can do?

I don't know. Perhaps Andrew could write to them and ask for forgiveness. But it is not a thing I would force on him. Because I think that would be wrong of me to force him to do anything and another it might make them more intent on revenge when he comes out.

Developing Practice in Prisons

Introduced by Stephanie Braithwaite, Consultant to Winchester Prison



Stephanie Braithwaite, a Prison Psychologist for 24 years and the leader of a Young Offenders Project using restorative approaches in Southampton and Consultant to Winchester Prison, introduced the developing work of the Restorative Justice in Prisons Project.

- The staff groups involved have had to be highly motivated and work outside normal hours.
- Each prison has developed a strategic approach to the development of the work seeing it as at least a three year commitment to establishing effective practice.
- Each prison has a core team of multi disciplinary staff who have been trained by the consultants of the project to take the work forward.
- Each team has worked with victim contact staff from the Probation Service and with the agencies in the community that work with the prison and that can support community awareness and responsibility.
- This was pioneering work which provided much intervention of added value and was becoming integrated within regular regime activities.

Eleanor McLean **Winchester Prison**

- The involvement with induction, sentence management and pre-release work would ensure a full cover of the time of a prisoner.
- Involvement had commenced with staff grievances, inmate grievance procedures, adjudications and race relations with anti-bullying procedures.
- Working with visitors to prisoners involved sending a booklet designed by staff and prisoners for children to use in an interactive way and return a questionnaire for prison staff when they next visit. There is an awareness that family members are often victims and key members of the community of care.

- Custody To Work was having Restorative Justice processes integrated within it so that some good community consultation took place in preparing for release, with the possibility of meeting with victims and community members.
- The Prison had worked up a proposal for a Victim Liaison Manager at Principal Officer level whose role would be to co-ordinate and develop work with victims and community as well as reviewing internal processes of the prison to help develop the holistic approach to Restorative Justice.
- Modules had been developed to add to the accredited programmes once they were completed. So far completed were CALM and ETSP Programmes. Work was planned to do the same on the MORE one – Motivating Offenders to Re-evaluate Everything . None of these programmes had any victim awareness content.
- Restorative Justice work was included now with the Prison Me No Way programme in their presentations to school groups and in their Crime Days when Prison/Police staff take over the school programme.

Rob Fenwick and Marion Phillips ***Bristol Prison***

In Bristol Prison the focus had been on:

- Raising staff awareness through workshops – some 40 staff had been involved so far.
- 20 staff were trained in mediation skills over four days of training.
- Work within a Partnership Group had prepared a priority bid for independent funding for a Restorative Justice Worker in the prison.
- They had adopted a whole prison approach to affect the culture of the establishment so that all processes would be worked upon. Induction and the anti-bullying strategy were priority areas for action.
- The prison was working with Police and Probation Services on a RED initiative, considering the 100 most persistent offenders in the area with an emphasis on working through their resettlement needs.
- The prison was associated with the training of staff in mediation skills to work with staff complaints as an alternative to investigations and formal procedures.

Caroline Vine

Norwich Prison

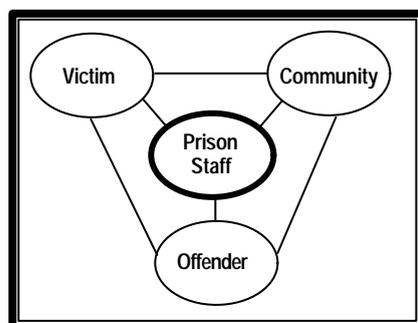
Norwich Prison was building on existing good practice in partnership with their multi-agency contacts, meeting the needs of offenders in a co-ordinated way.

- There was a focus in the induction programme now on helping young offenders think about their victims and to prepare a letter to them (not sent, but discussed).
- Pre-release work, particularly, was designed to restore the offender to his community of care and responsibility, though working with family, friends and employers.
- Work opportunities had developed through support from Marks and Spencers, who paid wages for two workers from the prison, into the Restorative Fund – part of the wages went to the prisoners who worked with Marks and Spencers in Norwich and who have been promised employment in any branch when they are released. Excellent restorative work for those who have committed crimes against businesses.
- Staff training was seen as they way ahead for the prison as it prioritises areas for work through an active core group of staff and agencies.

Restorative Practice in Prisons

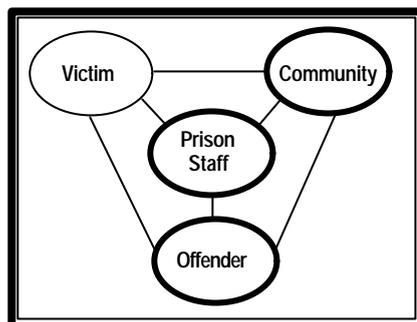
Key issues which came from the three prisons:

- Staff development and awareness is crucial in this work.
- A whole prison approach is more effective in establishing and developing good practice.
- Partnerships with agencies in the community are essential as are links with statutory groups like police and probation.
- The involvement of victims is difficult but the goal of including them in the work should not be lost.
- Families of prisoners are a resource and an opportunity.
- The development need not be resource intensive.



Developing Practice Prisons

Introduced by Anne Mace, The Restorative Prison Project in the North East, International Centre for Prison Studies



The Restorative Prison Project started in January 2000 as part of the International Centre of Prison Studies' examination of the future of imprisonment in the 21st Century. The Project is seeking to introduce the principles of Restorative Justice into the way prisons are run and the way prisoners spend their time.

There are four pillars on which the project stands:

- Prisoners work with victims.
- Prisoners working for the benefit of others.
- A new basis for resolving conflict in prison
- A new relationship between the prison and its community

The project has initially focused on prisoners working for the benefit of others and thereby developing a new relationship between the prison and its community.

In the North East prisoners of Holme House, Kirklevington Grange and the YOI of Deerbolt had been involved in the work which has concentrated on working with Middlesborough Council in developing and restoring the Albert Park. This project has enabled prisoners to be linked through part time work to the community to which they are returning. It has enabled them to make amends for their past damaging actions and to see themselves as accountable, responsible citizens.

Albert Park was given to the people of Middlesborough in 1866, and forms an important green living for residents in a densely populated area of the centre. The area around the Park has high levels of unemployment, low mobility and a concentration of single parent households. The Park had been allowed to deteriorate over the last few decades, but following extensive consultation with park users and the local community and a grant of £3.3 million from the Heritage Lottery Fund, plans to restore the Park were finalised.

The prisons of the area have been involved in making material contribution to physical improvements in the park. They will be working with The Friends of Albert Park, Primary Schools, the Multi Cultural Community and the Community Service Unit of Teeside Probation Service.

Work being done by prisoners is in:

- Providing contemporary style furniture for the café and community rooms.
- Creation of flags and bunting to designs prepared by local school children.
- Creation of a decorative exhibition screen, working with an artist and the local community.
- Production of public art work, for permanent display.
- Refurbishment of the original Victorian clinker built rowing boats for use on the lake.

Feedback to prisoners has involved visits to prisoners from park authorities etc, letters of thanks, photographs for display in the prisons, media coverage and acknowledgement of the work through plaques, etc. Families of prisoners are aware of their loved ones involvement and are expressing their appreciation of the opportunity and are proud of the contribution made by their family.

There are many advantages for the prisoner that are being evaluated:

- They acquire knowledge and skills
- Enhance self-esteem and sense of worth
- Improve attitudes towards community responsibility

The prisons have benefited from:

- Introducing purposeful activities which can maximise opportunities to learn
- Demonstrating the perception that prisoners' time is being used positively
- Increasing interaction with the community by promoting work undertaken by prisoners and securing feed back

The community has gained by:

- Enabling the community to receive tangible benefits (new furniture, restored rowing boats, railings, flats, artwork and so on)
- Having an enhanced awareness of the contribution that is made by prisoners to the community
- Provide a focus for more public debate and information about the purpose of imprisonment

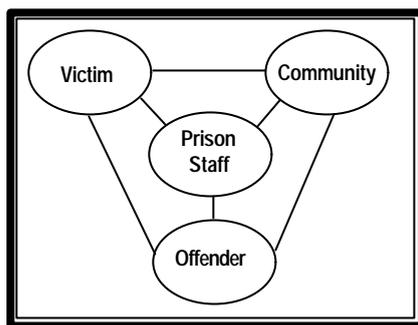
The Albert Park is a pioneering piece of work. It will establish the standard of Good Practice for such initiatives:

- Having an underlying set of principles.
- Having the commitment of prison staff.
- Developing partnerships with statutory agencies and community authorities.
- Working with the imagination of prisoners.

There are at least 15 more major parks in need of such restoration, nationally.

Drama Presentation

Directed by Alex Scrivenor



An enactment of a circle took place of a victim of burglary meeting the offender with supporting members of both parties. The conference explored:

- What happened in the words of an offender and victim.
- What the offender was thinking at the time and what the victim felt.
- Who had been affected by the crime and in what ways.
- What should result from the events and the discussion to repair the harm.

The drama presentation was put together to demonstrate how a restorative conference works in bringing together the victim and their supporters with the offender and their supporters in a conference, with a facilitator following a script. The scenario focused around Mr Taylor who had burgled Mr Sutton's home at night when he and his wife were in the house. Mr Taylor had brought his parents and Mr Sutton had brought his brother. The drama demonstrated the way in which the conference script enables Mr Taylor to talk about the offence, his use of cocaine and alcohol and the effect on his parents and his girlfriend. Mr Sutton said that he had been ashamed that he had not been able to do more to prevent the burglary and described graphically the knock-on affects on himself and his wife. The drama demonstrated what at times was raw emotion and ended with a recognition by Mr Sutton that Mr Taylor's apology was genuine and that he was serious in tackling his drink and drugs problem and staying away from trouble in the future. Mr Taylor acknowledged from the very outset that he had not considered the effect of his actions on Mr Sutton and his family.

The drama presentation was followed by a lively discussion which covered the following points:

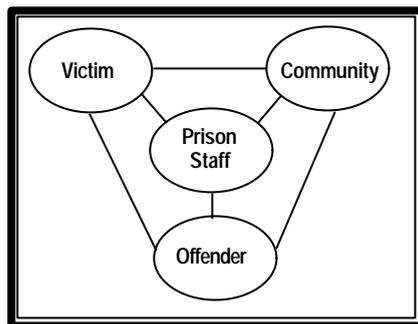
- The importance of preparation
- The strength of the script in helping victims and offenders to express their feelings
- The importance of the offender acknowledging that they have caused real harm – the development of a broader understanding of harm (as opposed to the expression of remorse)
- The importance of allowing the emotions to be expressed and for the process of the conference and its impact on the participants to be the vehicle for reaching resolution
- Issues about ground rules in challenging language and the balance between maintaining the peace and allowing the expression of real emotion

- Discussion on the effectiveness of Restorative Justice conferencing on re-offending (with reference to the Canberra Rise research and West Midlands)
- The importance of battling to measure the right outcomes for Restorative Justice, not just re-offending
- The importance of following up and providing support to both victims and offenders after the conference
- The importance of ensuring that any agreements reached are fair – even though they are not legally binding in most cases

Alex Scrivenor is available to help with the enactment at training events in prisons over the next few months. Contact through the Thames Valley Partnership or direct on alexscriv@ukonline.co.uk.

Video & Restorative Practice

Introduced by Billy Ridgers, Team Video



Billy Ridgers works for Team Video Productions, producing and publishing video-based resources for education and training. He has recently produced *Crime and Punishment* and *Resolving Conflict* which are widely used by teachers and tutors in Prisons and YOIs, by Youth Offending Teams and in schools.

Video and Restorative Practice

Restorative work is caught between a rock and a hard place. It is seeking to be more widely known to other professionals and to the general public. Practitioners are looking to video and the media to assist. But in practice the work is confidential, almost confessional. How do you square the circle?

Video and TV does have a place in this work but it must operate collaboratively, respecting the values and objectives of restorative practice. The main means of dissemination, the broadcast media, has its own agenda and is full of pitfalls.

Media Priorities

The fast-moving, entertainment-led values of mainstream media tend to prioritise conflict and adversity. Relationships that operate outside those constraints tend to get overlooked or distorted. Victims and offenders are at opposite polarities for the media; any idea that both parties could collaborate in some kind of healing process is both difficult for the media to grasp and likely to be viewed with suspicion and cynicism.

Nor can any comfort be taken from the media's preoccupation with victims. The way that victims are portrayed is rarely empowering, and when the voice of a victim is broadcast, it tends to be strident, adversarial and vengeful.

Broadcasting Restorative Practice

So the challenge for the video maker is twofold:

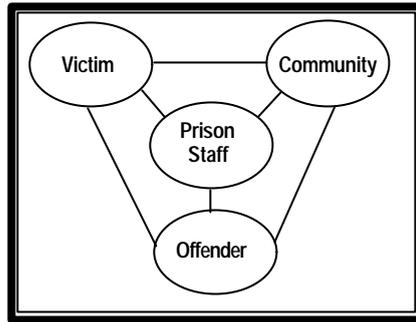
- To gain access to the confessional world of restorative work via the testimonies of those directly involved.
- Not to succumb to the reductionism of mainstream media.

Is there a restorative approach to video making? Probably not. But the video maker needs to work closely with practitioners. At the same time, many of the characteristics of restorative work must be applied to video production practice – confidentiality, trust and the empowerment of the participants. This respect for the parties involved will mean inevitably, an extended production process because, as in restorative work, control of the process is in a very real sense in the hands of the main parties – the victim and the offender.

Retaining the trust and loyalty of the participants means involving them in the production process in such a way that they feel empowered and not abused. Conceding that degree of editorial control will be discomfoting for many video and programme makers. All of which is a challenge to the received way of doing things. But that's what restorative practice is all about.

Stepping Into The Future

Introduced by Rob Mackay, Chairman of Restorative Justice Consortium



In this paper I intend to explore a number of questions. What are the ethical implications of attempts to introduce Restorative Justice into the prison system? Do Restorative Justice principles face particular problems in application in this setting? Are Restorative Justice values compatible with progressive views about how prisons should develop and perform their service to the community?

1. The Problem of Application – Complexity and Values Conflict

Restorative and Quasi-Restorative Practices

- Mediation
- Conferencing
- Victim awareness programmes (impact of offending)
- Victim information programmes (for victims about the prison system, about the circumstances of the perpetrator of their offence, release plans, etc)
- Victim-offender ‘stranger’ meetings
- Reparation to the community or surrogate victim either connected with or separated from consideration of reduction of sentence
- Conflict resolution measures or programmes within the prison
- Training prisoners in conflict resolution and negotiation skills
- Training staff in conflict resolution and negotiation skills
- Victim support to prisoners subject to offences within the prison

2. Restorative Justice Principles in a Prison Setting

This statement was made in a paper to the conference of European Forum for Victim-Offender Mediation and Restorative Justice in 1999¹. The principles are devised to be compatible with human rights conventions and with the injunction from the European Council of Ministers on the development of mediation in penal matters². It is related to the Standards in Restorative Justice (SINRJ) document³. This statement of principles is framed in such a way that it can be used to cover both civil and criminal cases. This has a bearing upon the distinction above between penal and non-penal mediation in prisons.

(1) Principles relating to interests of parties (needs and rights)

1.1 Those relating to all parties

- Voluntary participation and informed consent
- Non-discrimination, irrespective of the nature of the case
- Accessibility to relevant helping agencies (including restorative practice agencies)
- Protection of vulnerable parties in process
- Maintaining accessibility to conventional methods of dispute/case resolution (including the courts)
- Privilege should apply to information disclosed before trial (subject to public interest qualification)
- Civil rights and dignity of individuals should be respected
- Personal safety to be protected

1.2 Those relating to parties who have sustained loss

- Their needs and feelings to be taken seriously
- Their losses to be acknowledged
- Their right to claim recompense to be vindicated.

1.3 Those relating to those liable for loss imposed on others (including those facing criminal sanctions)

- Right to offer reparation before it is formally required
- Right to due process in trial (including presumption of innocence in any subsequently legal proceedings)
- Reparative requirements, where imposed, should be proportionate, primarily to the capacity of the perpetrator to fulfil, and secondarily to the harm done
- Reparative requirements should be consistent with respect for the dignity of the person making amends
- Voluntary participation

(2) Principles relating to the interests of local community and society

- Community safety should be promoted by measures to bring about crime prevention, harm reduction and social harmony
- Social solidarity should be promoted by respect for cultural diversity
- Social solidarity should be promoted by attitudes which promote public morality and respect for the law

(3) Principles relating to agencies working alongside the judicial system

- Consideration should be given to settlement of the case without prosecution except when the level of harm done, the risk of further harm, issues of public policy, disagreement about the facts or the appropriate outcome, requires open court action
- The exercise of discretion either individually or systematically should not compromise rights under the law or lead to discrimination
- Restorative Justice measures should not be subordinated to other criminal justice objectives such as diversion or rehabilitation

(4) Principles relating to the judicial system

- Reintegration of the parties should be the primary aim of court proceedings
- Repairing the harm should be the key objective in disposal of the case
- Restorative requirements should be proportionate to the case (see above)
- Where a restorative requirement is possible and proportionate, it should be imposed regardless of the wishes of the parties in criminal cases. Where a victim refuses to participate, a surrogate should be found
- Genuine willingness on the part of the perpetrator to repair harm should be taken into account in disposal
- The content of mediation/conferences to be considered privileged, subject to public interest qualifications

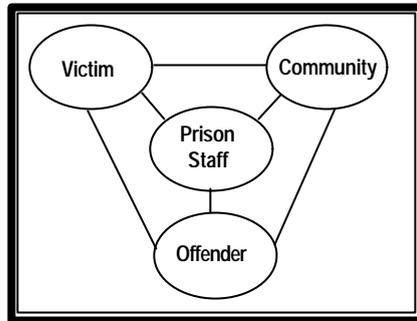
(5) Principles relating to Restorative Justice Practice Agencies

- Commitment to rights based practice, including a requirement that parties are advised of rights, and are encouraged to seek advice before commitment to mediated agreements
- Impartiality of mediators
- Neutrality of mediators
- Confidentiality as between parties and with regard to other agencies, including 'Chinese walls' with another part of the same agency having a distinct function in respect of the case (this is to ensure that restorative practices are not undermined by drives towards system integration)
- Facilitating the participation of a weaker party in negotiation
- Upholding public moral standards of behaviour in the mediation/conferencing process and in proposed settlements
- Mediators to have no other role in respect of the case
- Adherence to best practice guidelines within the Restorative Justice movement
- Commitment to initial and continuing accrediting training
- Commitment to an ethos of constructive conflict resolution within the workplace (this is to ensure internal integrity)
- Commitment to improving practice through monitoring, audit and participation in research
- Commitment to improving practice through reflection upon practice and personal growth on the part of mediators

These principles relate to mediation and conferencing, the most fully-fledged Restorative Justice practices. Questions arise about whether they are applicable to (1) those measures which are restorative in intention or compatible with Restorative Justice and (2) the types of ethical issue that might arise within the Prison when restorative approaches are attempted.

Conclusion

*Tim Newell, Restorative Justice in Prisons Project,
Thames Valley Partnership*



Tim Newell closed a very successful conference and picked up once again on the theme of hope and frustration. It is clear that there is a huge amount of energy and enthusiasm and a lot going on across the country. There is still frustration that the work is not recognised, that many people are undertaking Restorative Justice work outside their normal work and that it is not being taken seriously or as a mainstream issue. The Auld and Halliday reports both give an opportunity to incorporate Restorative Justice into the mainstream of the criminal justice system and this work is being supported by the Thames Valley Partnership and the Restorative Justice Consortium. The ICPS has led the way in showing it can be integrated into Prison Service culture.

Deborah Clark from the Restorative Justice Consortium described the work that they would be doing to continue to draw together good practice, publish this on their website and maintain up-to-date information on what is going on. There will be further conferences in future and the Restorative Justice Consortium also has a new area of work with funding from the Esmée Fairbairn programme 'Rethinking Crime and Punishment' which will be consulting and working with a wide range of members of the community to develop an understanding of the work of the criminal justice system.

In conclusion, there were references to Restorative Justice and its effect in 'transforming lives' – a theme which had come from all the presentations throughout the day.

Restorative Justice in Prisons Delegates

Phil Aspinall, Director of Offending Behaviour, HMP Whatton
 David Atkinson, Throughcare Manager, HMP & YOI Guys Marsh, Shaftesbury
 Sue Baker, Programme Manager, Quaker Peace & Social Witness, Religious Society of Friends
 Bill Balfour, YMCA, HMP & YOI Norwich
 Kate Beattie, Senior Probation Officer, HM Prison Buckley Hall, Rochdale
 Keith Beaumont, Governor, HM Prison Nottingham
 Philippa Benge, PSO, London Probation Area, Feltham
 David Bowes, Research Officer, Thames Valley Police, Kidlington
 Gail Bradley, Prisoner Administration Group, HM Prison Service, Headquarters
 Stephanie Braithwaite, Reparation Office, Mediation & Reparation Service, Southampton
 Pat Brimble, HMP Rye Hill, Rugby
 George Brooks, Instructional Officer, HMP Wymott, Preston
 E Brown, Community Chaplaincy Project Officer, Erdington
 L A Brown, Community Chaplaincy Project Officer, Erdington
 Gavin Brunton, Resettlement Manager, HMP & YOI Parc, Bridgend
 Dave Bunt, RJ Trainer, HMYOI Huntercombe, Henley-on-Thames
 Julie Burgess, HMP Winchester
 Steve Carter, St Albans
 Giles Charrington, Executive Coach, Kidlington
 Ann Christie, c/o Scottish Prison Service, Edinburgh
 Sandy Chubb, Director, The Prison Phoenix Trust, Oxford
 Deborah Clark, Chief Executive, Restorative Justice Consortium, London
 Alison Clarke, Head of Inmate Activities, HMP Sudbury, Ashbourne
 Ann Conibear, Restorative Justice Facilitator, Justice Research Consortium, Bicester
 Stella Crosby, A.O. Discipline, HMP Whatton
 Paul Crosland, Restorative Justice Co-ordinator, Mediation UK, Bristol
 Devinder Curry, Researcher, De Montfort University, Leicester
 Christine Dale, Youth Crime Project Manager, Essex FGC Service, Braintree
 Joy Dalkin, SPO, London Probation Area, Feltham
 Pat Dannahy, Director Touchstones, Spreading NVC, Oxford
 John Dexter, Luton

A Dickinson, HM Prison Liverpool
 Paul Douglas, Senior Probation Officer, National Probation Service: Devon & Cornwall Area, Exeter
 John Dring, Management Mentor & Consultant, Henton
 Wayne Driscoll, Probation Officer, HMYOI Swinfen Hall, Lichfield
 Mal Elliott, Officer, HMP Kirklevington, Yarm
 Basil Elliston, Rickmansworth
 Geoff Emerson, Project Manager, Justice Research Consortium, Bicester
 Elwyn Evans, Principal Officer, HMP Swansea
 Rob Fenwick, Residential Governor, HM Prison Bristol
 Ray Fishbourne, Senior Manager, National Probation Service: Thames Valley Area, Bicester
 Steven Forde, Prisoner Administration Group, HM Prison Service, Headquarters
 Sam Gee, Secretary, Thames Valley Partnership
 Simon Gee, Regional Co-ordinator, Inside Out Trust, Suffolk
 J Grant, Psychologist, HMP & YOI Norwich
 Pete Green, Restorative Justice Facilitator, Justice Research Consortium, Bicester
 Barry Greenberry, HMP Whatton
 Viv Hanson
 Jane Healey, HM Prison Winchester
 Allan Heazleton, HMP Winchester
 Victoria Hodgett, Director of Resettlement, HMP Whatton
 Lorraine Holt, HMYOI Thorn Cross, Warrington
 Stuart Hopwood, Juvenile Unit Manager, HMYOI Thorn Cross, Warrington
 George Hutchins, Education Manager, HMP & YOI Norwich
 Ernest Ihezukwu, Co-ordinator, African Transformative Justice Project, PRAWA (Prison Rehabilitation and Welfare Action), Bristol
 Jewell Jackman-Jones, Policy Advisor, Youth Court Section, Home Office
 Ann Jacob, Seconded Probation Officer, London Probation Service
 Mick Jamieson, HMP Whatton
 Brian Johnson, HMP Winchester
 Nigel Johnson, Probation Officer, HMYOI Swinfen Hall, Lichfield
 Lynda Jones, Restorative Justice Facilitator, Justice Research Consortium, Bicester
 Ned Kelly, RJ Trainer, HMYOI Huntercombe, Henley-on-Thames
 Denise Kenealy-Fox, Resettlement Manager, HMP High Down, Sutton

Lawrence Kershen QC, Took's Court Chambers
 Martin Kettle, What Works in Prison Unit, Prison Service
 M Kildin, HM Prison Service, Wellingborough
 M L Knight, Governor, HMP & YOI Norwich
 Gretchen Lamendola, Volunteer, I.C.P.S., London
 Steve Lawton, Probation Officer, HMP Featherstone
 Graham Lee, Officer, HMP Kirkclevington, Yarm
 Bernie Lendon, HMP Winchester, Winchester
 Mel Lofty, Head of Youth & Restorative Justice, Restorative Justice Consultancy, Kidlington
 Anne Mace, ICPS
 Rob Mackay, Restorative Justice Consortium, London
 Tony Marks, HMP Bullingdon, Bicester
 Abigail Marshall, PSO, London Probation Area, Feltham
 Guy Masters, Referral Order Project Manager, Essex FGC Service, Braintree
 Bryan McAlley, Governor, HM Prison Shepton Mallet
 Josephine McHale, Director, Touchstones, Spreading NUC, Churt
 Eleanor McLean, HMP Winchester
 Colin Midwinter, Governor, I/C Residence, HMYOI Thorn Cross, Warrington
 Lorraine Millburn, Administration Assistant, Thames Valley Partnership
 Lesley Moreland, Potters Bar
 Ann Newell
 Tim Newell, Restorative Justice in Prisons Project, Prison Service, Thames Valley Partnership
 Chris Newman, HMP Pentonville, London
 Lolly Nolan, Restorative Justice Consultant, Winchester
 Mark Ongley, Senior Officer, HMYOI & RC Lancaster Farms
 Ian Parr, Prison Officer, HMP Winchester
 Marian Partington, Caersws
 Colin Pearce, HMYOI Stoke Heath, Market Drayton
 Claire Phillips, Policy Officer, Restorative Justice Consortium
 Marion Phillips, HMP Bristol
 Alan Physick, Officer, HMYOI & RC Lancaster Farms
 B Player, Probation Officer, HMP & YOI Norwich
 Julia Potter, Victim Liaison Worker, Justice Research Consortium, Bicester
 Rosy Prue, Arts Development Officer, Thames Valley Partnership
 Stephen Pryor, The Responsible Prisoner, Bicester
 Sue Raikes, Chief Executive, Thames Valley Partnership
 Tigger Ramsay-Brown, The Phoenix Trust, Oxford
 Steve Raven, Induction/Resettlement Officer, HMP Whatton
 Ray Reveley, Head of Regime Service, G4 Prison Services, Liverpool
 Stephanie Anne Riddle, Personal Secretary to Penny Robson, Head of Regime Services, HM Prison Service, Croydon
 Billy Ridgers, Team Video, London
 Nigel Roocroft, Business Development Manager, HMP Wymott, Preston

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VICTIMS

The Power of Apology

An active and articulate woman, Amy, was well aware that life was full of surprises. Her abundant store of memories told her that. But shocks were something she could well do without, especially at the age of 82.

Amy resided in a flat in accommodation specifically reserved for elderly people. She was popular, thanks to a keen sense of humour and amiable demeanour, and had a regular routine that afforded her a sense of purpose and pleasure. But what happened one particular day was something she never bargained for. It had been an enjoyable day, she thought, while waiting at the bus stage for her bus home. But when it arrived, Amy noticed that her bag had gone.

She was upset and scared. Why had it happened to her? What was she going to do? But, luckily, the theft had been noticed ... on a security camera.

A man was soon arrested and, when he appeared in court, his case was adjourned for a Probation Officer to prepare a Pre-Sentence Report.

These reports provide a thorough assessment on the causes behind a person's offending and, on this occasion, revealed an offender for whom crime was a way of subsidising a drug addiction.

Explanation Not Excuse

But it did more than that. On discovering that the bag belonged to an 82 year old women, the man was deeply ashamed. Expressing his shame to the Probation Officer and the court was not sufficient for him. He desperately wanted to say sorry to Amy herself, especially on hearing how the incident had shaken her and made her reluctant to go out.

Through the involvement of Lynne Ferron, the Mediation Officer in Coventry, Amy was contacted.

Yes, she was agreeable to him writing an apology to her and, with Lynne Ferron's assistance, he was able to compose an appropriate letter.

Amy herself was actually saddened to hear about the man's drug addiction though, as Lynne Ferron emphasises: "Explanations shouldn't be mistaken for excuses. We can easily spot when self-pity is masquerading as concern for the victim."

Reassurance and Remorse

This view is supported by Jan Boggis, Probation Officer, at the Birmingham Victim Unit: "Many offenders are genuinely shocked and upset once they know the consequences of their crime for the victim."

"Victim/Offender work may take a variety of forms – verbal messages which the mediation worker may relay between victim and offender, letters, or actual face-to-face contact. But in giving reassurance to the victim, the offender's expression of remorse can be a powerful force for change in their lives too.

As for Amy, she wanted to know the reasons for the theft of the bag. The explanation of drug problem was therefore not an excuse, an outpouring of self-pity, but a statement of re-assurance that Amy hadn't been specifically 'targeted' by him.

“This put my mind at rest” said Amy. “And knowing he was really sorry for what he did also reassured me. Now I feel I’ve got confidence back and that I can go out again.”

And for the offender himself there was relief that Amy had accepted his apology, which filled him with a greater sense of self-belief in facing his own difficulties in life.

Professional Perspective

The process of dialogue can have benefits for both victim and offender but the position of the victim has to take precedence in the whole process.

Letters are important vehicles for dialogue but they shouldn’t be regarded as token gestures on the part of the offender.

The letters they write may be revised several times before being regarded as satisfactory.

As Sally Nash, Senior Probation Officer in Wolverhampton states: “We undertake a professional assessment on the potential effects of contact. And whatever form of contact does take place will require a prolonged period of preparation.”

Facing Up

This question of reparation is particularly pertinent when a face-to-face contact is arranged between victim and offender.

Inevitably emotions will run high, especially prior to the meeting but, as Sheila Lockley in Wolverhampton suggests “It is up to the victim/offender workers to ensure such feelings don’t escalate out of control and that the meeting becomes a healing, not a damaging encounter.”

And in mediating at such sessions she can testify to their powerful impact both for victim and offender. “Many offenders are able to commit offences by detaching themselves from what the victim will suffer as a consequence of their crime.”

Sheila recalls one session when the offender, who was certainly no stranger to crime, met the stranger whose car he had stolen – a disabled man from whom his car was his main connection with the outside world.

Said Sheila “The realisation that his crime had, in effect, rendered this disabled man a virtual prisoner in his own home, reduced the offender to tears.”

For Janet Lay, who also covers the Wolverhampton and Walsall area, the reactions of the victims may also confound certain popular perceptions. “Many of them prove to be remarkably forgiving and there are times when they even express sympathy for the offender.”

Benefits For All

In the view of Barbara Tudor, Victim-Offender Development Officer, the work can also have benefits for the potential victims and the community as a whole. Referring to the service’s work in Coventry, she remarks: “Over a third of our cases come from the youth sector. Yet only 2% of them have come to the police’s attention again after victim/offender work.”

Dear Mrs Smith,

I sincerely feel an explanation should be given to you as to why your shopping bag was stolen. The truth of the matter is it was me who committed this appalling offence. The aftermath must have been a very upsetting experience for you. I never realised your age or condition. I was homeless and hungry but this does not justify my action – I am very sorry for what I did and shall pay you back in full. Please accept my apologies.

*Yours truthfully
A. Jones*

My Name is Marian

"My name is Marian and I'm here because my sister, Lucy, was a victim of violent crime. She was abducted, gagged, raped, tortured and killed by the Wests. We didn't know what had happened to her for 21 years. Her body was dismembered, she was decapitated and buried in the cellar of 25 Cromwell Street. I'm here because I want to bring something positive out of the senseless cruelty of Lucy's death. I need to understand how and why that happened and how to help prevent that from happening to anyone else. I have been searching for some sort of truth and understanding about this crime. Like all of you in Grendon, I have ended up having to search inside me, investigating my own cycle of violence and abuse. I have found debilitating grief, fear, shame and murderous rage. I would like to be able to understand what kind of circumstances lead to the acting out of the criminal impulses that we all have within us. Lucy was gagged when she died. That is one of the most difficult aspects of her death for me. She couldn't speak her truth. She became faceless; flesh and bones. Hidden for 21 years. I don't believe in labelling, writing off and locking away. The conspiracy of silence and denial. We need to find and share our truth as human beings, not remain separate and opposed as perpetrators and victims. I don't believe that punishment is the way to reduce recidivism. How can a regime that is based on fear and aggression hope to achieve anything but a continuing rage and terror? I'm here because I know that you have chosen to look for a way of understanding the roots of your crimes, and the effect that they have had upon the lives of your victims, in the hope that you won't make the same huge mistakes again. I would like to listen to you." *Where did all that come from? You'll end up pacing up and down Oxford Street with a billboard strapped to your chest. I go quiet. Rather a long silence...then, next.*

It is early April 2000. I am sitting in a circle with eleven others. We are on 'D' wing at Grendon prison. Six of us are prisoners, six are visitors. Earlier in the day my friend Chloe and I drove up the drive towards Grendon prison. The prison wall made us crane our necks upwards. It was crested with the inevitable coiled barbed wire, spikes of no man's land. Which was the way in? We took a wrong turn, finding ourselves walking towards poly-tunnels and compost heaps. Maybe we were avoiding something, delaying the moment when we too would be locked in. But only for a day. Visitors' day.

There they were: the fortress gates with the pedestrian door, the door within a door, with the barred grill. Over the sill, keys clicked and jangled, medieval style. Door locked, blotting out the green hedges. I glanced up at the system of wires encased in pipes. School buildings. Institutions. We were asked for our identifications. Driving licence or passport. No mobile phones or cameras. We were treated with professional suspicion, 'to make the event a safe and secure one for us all'. I moved away from our small group towards the notice board:

"Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and provide constructive regimes to enable them to live law abiding lives in custody and after release".

The next portal was before us (a metal detector), the frisking ('prison service rub down search'), and the sniffing (wide, indifferent black lab, waiting for me to walk by half way along a short corridor, a nonchalant sniff, 'the passive drug detection dog'). Into the canteen, being ticked off the list and told who was 'looking after us for the day'. Chloe and I were on different wings. 'Tom' approached me. He asked me if I would like a coffee. He seemed distracted, shy. I observed him greeting someone else from our group (there were six altogether). I began to taste the anxiety in his mouth. He told me later that a Visitors' day is part of the therapy. It was part of mine too, I was soon to realise.

The conference hall was high-tech (lap-top to large screen), with curved purple seating below the stage. We were asked to 'spread out and mix together'. Tom sat on one side and a tall, broad man in his early 30's wearing a white nylon shirt on the other. Their badges marked them out as residents. "Do you know what the theme is today?" the man in the white shirt asked, leaning towards me (affectionately?). "No, I didn't realise that you had themes." "It's victims. And when we were looking through the list of visitors we were told that one of them is the sister of a West victim." "That' me." I disclosed in a matter of fact way. His response was immediate and authentic. He showed concern and curiosity, which was shushed by the beginning of the presentations. He offered me a peppermint and whispered that he was 'on soon', and implored me to give him 'some eye contact. I'm dead scared'. I felt strangely maternal, nodding with encouragement.

Soon he was up there. He began to speak, tearfully, discarding his written speech that he must have sweated over. " My name is 'Fred' and I'm serving 8 years for armed robbery. I entered the bank and held up a customer at gunpoint. I held her from behind in a neck hold and put the gun to her head." Silence. I suck the peppermint and catch his eye. "There isn't a day goes by when I don't think about her. There isn't a day goes by when I don't think about 'Anne'. I wonder how her life is now. I wonder if she had to give up her job because of my crime. I wish I could know. I wish I could tell her how bad I feel about what I did. I wish she could know that." He breaks off and says that's enough. Then he's sitting next to me. I pat his shoulder. His forearms and his huge hands agitate. So this is an 'armed robber'. Why don't I feel threatened by him, now that I know the violence of his crime? Our first contact was direct and empathic, no room for prejudice. I hope we can keep it that way. It would be easy to slip into fear or fantasy.

A community of seekers, that we were part of for a day. I felt privileged. We divided into our 'wings' and left the hall, walking past football pitches, raised flowerbeds and barbed wire horizons, until our small group entered D wing. First the smell of school dinners and the sound of loud rap music coming from the kitchens. I learnt that part of the therapeutic regime involves doing their own cooking and cleaning. We were shown into a room with a circle of chairs. Again we were offered a coffee. A few tablespoons of instant coffee granules sagged in the corner of a polythene bag, next to scattered tea bags and some dried milk. The stainless steel jug of hot water was getting cooler, and no one seemed to be serving, so we began to help ourselves. The tension was increasing. We sat in the circle. Six prisoners and six visitors. No one else. This was 'any questions' time. The prisoners were on line. So were we. Tom was the facilitator in our group. He suggested that we went around the circle saying why we were there.

He began. His name, his age, the time he was serving, his crime. 'Rape', in his early 30's is what I remember. I had been the first visitor to speak. Next came 'Rob'. "I am serving 12 years for murder. I'd like to say that 'Bill' from A wing made me feel very angry this morning when he talked about himself as victim." (Yes, he'd spoken with emotional detail about his victim years, which had led to his perpetrator years. I had flashed back to the endless graphic details of sexual depravities and brutality that were read out hour after hour, day after day by the barrister at Rosemary West's committal trial. If I had heard one sentence about her childhood years of victimhood I would have found something about the truth that I was searching for then. A broader context for her crime, a sense of her history as a damaged human being. Our present criminal justice system excludes the context of criminal actions and the voice of the victim.

Part of the therapy at Grendon is to continually challenge each other and learn to express anger in words rather than physical violence. 'You can't con a con?'. Rob continued, "Yes, we know that we have all been victims in our childhood, but we would tear open the ass of anyone who used that as an excuse for his crime on this wing. I feel fucking angry about that.' Vigorous nods of agreement.

I find myself musing about the possibility that it must be more acceptable to identify with the part of oneself that has become a perpetrator (as a man) than truly own one's victim part. Also easier for a woman to identify with her victim side rather than her perpetrator side. I have certainly found and tried to face both within myself. The cycle of violence that we all perpetuate in extreme or subtle ways. Our society is full of structures that promote and condone humiliation. Shame and the need for justice are at the root of all violence.

I have come to see how the predominant penal system separates, locks away and humiliates. Perpetrators are removed from the victims and the context of their crime. Their punishment removes them further from the possibility of understanding their actions. The prison environment enforces the cycle of violence and abuse, within and without. There is no place for trust and understanding. They return to their communities driven further within their defences, a lonely place that fuels rage, shame and a feeling of dismemberment. How can they ever join any thing up, become more whole? Society has hacked them into further disintegration. They have become further decomposed.

Meanwhile, victims are left with the trauma, the uncertainty, and the insecurity. They can remain frozen and separate. They cannot express their pain to the perpetrator. They are often avoided and misunderstood by their community. The community has lost two members. Has become less integrated. One is locked away until s/he returns. The other is locked away with no prospect of healing because there is no context for reconciliation. The polarisation is hardened by the tabloid media's vengeful ignorance.

Back to this circle and the 'culture of enquiry'.....a Buddhist prison minister (now that interests me) , rape ('I haven't done just one crime'), armed robbery, a probation officer, a woman who had set up a victim support service, a student of criminology, a dear local woman who is 'always popping in and out, these young men need someone to listen to them', violent drug related crime and finally arson, a man who spoke of his experience of extensive sexual abuse as a child in various homes.

The suffering of these men remains mostly unspoken but it seeps into the air, as if they have been flayed to the bone, aching to understand. None of the men that I met had come from the 'liberal elite'. Their common soil was a ruined childhood. Is it possible to heal from such social, economic and emotional deprivation, which we have created as a society? The fact that they are still alive seems miraculous to me in that moment. Or wanting to be alive.

How would we continue? Tom took the lead. He turns to look me in the eye. "What you said has really affected me. Until I heard you speaking like that, I think I had just been playing at 'victim empathy'. Something has hit home". A moment of contact and impact that leaves us both exposed and vulnerable. For me it goes something like this. I am seized by the realisation that by sharing something of my experience of Lucy's death with men who have committed violent crimes it helps them to experience 'victim empathy', which may help them not to re-offend and to integrate their own victim pathology. Is this really happening? Lucy. I wasn't expecting this. Questions came from other visitors, gentle, searching. The tone was loving, encouraging. Shame was disclosed without fear of humiliation. An openness, a shared suffering.

Later Tom told me that he hadn't wanted to eat his lunch and chat to the visitors. He had gone to be alone in his room to stay with the feelings that had arisen during our session. Pacing, questing. Who am I? Who are we? As we queued for lunch I was approached by another member of our group. "What you said really did something to me." He was thin and younger than my oldest sons. "How did your life end up here?" He spoke intensely, urgently and honestly. We sit opposite each other with our plates of fish, chips and lurid mushy peas. Transport cafe style. Wedges of chocolate cake, already choking in their imminent dryness. I listened to him and tried to eat. Suddenly aware that I had been cooked for and invited to share a meal with 'dangerous criminals'. All I could see were brutalised, betrayed children trapped in adult bodies, desperate to find understanding and inner strength, to find a way of taming their rage and terror.

'Nod' told me about his father's violent discipline. He said he loves his Dad, because when he got into violent drug related crime in his mid teens until his early twenties (when he was caught) his Dad had acknowledged recently that it must have been something to do with the way he had brought him up. "But I told him last time they visited that I couldn't use that as an excuse. When I get out of here I'll do any ordinary job, like sweeping up in a supermarket. I just want a proper job. But you need to know that there are some people out there who would never want to change. The bloke I was doing robberies with. He couldn't go back to being straight. Never." I couldn't manage the chocolate cake.

During the afternoon session, back in the conference hall, I was invited to join the panel on the stage. I appealed to our common humanity. What do I mean by that? As I reflect, unexpectedly I flash back to a time when I was 20 in 1968, when my friend and I were hitching back from Spain. Our glamorous racing car drivers had driven us off the road into a forest near Le Mans. We were trapped in the back seats as the car drew to a halt. My friend kept screaming, "They're going to kill us, Marian", as one of them pinned her down wrenching at his flies. The other was poised to pounce and I found myself staring into his eyes, appealing in French, to our shared humanity. (Et après? Vous serez content? Et nous? Nous serons contents?)He was taken aback.

He pulled his friend away and they told us to get out of the car. They left us there. Then we saw the headlights returning. My friend started to scream again. We thought about hiding in the bushes, but it was too late. They pulled up. They said that they wanted to apologise and take us back to the road. I persuaded my friend to trust them. All the time speaking in French to them. Thanking them for their change of heart. They waited with us until we got another lift, from a woman.

Rosemary West was fifteen years old when she was abducted from a bus stop and raped. She was nineteen years old when Lucy (21 years old) was gagged into anonymity, raped, tortured and killed, or left to die. Lucy may have trusted a couple with a younger woman. She may have been forced into the car. It was certainly a huge part of my survivor's guilt that she was so against hitching and that I did it all the time.

The 'it should have been me' syndrome that most siblings and friends suffer for a while. Le Mans wasn't the only narrow escape.

Rosemary West is one of the few of the 66,000 prisoners in Britain who will probably 'never see the light of day again' (be released)... 'Take her away', ordered the judge in grave theatrical tones. I have thought a lot about justice in relation to murder. I don't think that there is any human sentence that can appease or repair the hugely devastating loss of a loved one to murder. We hear angry cries of "Life should mean Life"/ bring back the death penalty". Whatever punishment the perpetrator suffers, if the victim is stuck in supporting and fuelling the need for revenge (make the perpetrator 'pay for' the terrible pain that his/her actions caused so many people) his/her health will suffer and the cycle of violence continues into the next generation. But how to work through and contain these intense feelings that are a natural response to murder? Survivors are left in no man's land. Barbed horizons. They need a safe space in order to be with their pain and find a way forward. (I acknowledge my huge privilege at this point).

We will probably never know the truth about Lucy's suffering. How did she die? When did she die? Was she alone? What were the last sounds that she heard? Could she pray? I have come to accept that, after much investigation. But reconstructions and speculations underline the human need to know the truth. How to stop the loop, draw the line? Leaving it closest to the truth (that we don't know) seems more honest and respectful to Lucy. But how to live with that?

I worked out (in my head), during a Buddhist retreat in 1995 (a year after the unearthing of Lucy's bones, shortly after their reburial), that forgiving offers the most creative, positive way forward. But how to do it? I made a vow to try. I could understand that it would be the kind of full stop that would offer a new relationship with the present moment, with myself and with my environment. It would be a commitment and an alignment. It would be a hope. My initial motive for beginning this journey towards compassion was for the sake of my children. I have realised, in terrible depth, the reality of the cycle of violence and abuse: we pass on our unresolved pain to the next generation.

But my immediate experience after this vow to forgive was murderous rage. Pain scapegoated. My desire to forgive was premature, pretentious and impossible. The emotion rushed up from my navel, dashing its heat and power against the inside of my skull, swilling, scouring, and eroding like a river in flood. It had no logic, no reason. Its energy was terrifying in its involuntary seizure. I pulled my hair, banged my head on the bed, screamed, rushed outside and stamped and clawed at the earth. I had no words, just a roar that tore the membranes of my throat. I was opened up the part of me that as a human I would prefer to conceal or edit out. I could never lightly dismiss murderers again. The vow to forgive unleashed its opposite. Now I had begun to realise the dimensions of the journey and the unavoidable necessity of going on with it, as a daily discipline.

Through Lucy's death Rosemary West has become part of my life, and I have worked hard to find a place for her which allows me to go on living without hatred and bitterness. I hear the occasional rumours about her via the media. 'I may as well be dead', 'working towards an appeal'. She has always denied any involvement in Lucy's death. But it seems meaningless for her to be simply locked away and written off without any hope of change. I need to know more about her life as it is now. Is she being helped to understand the roots and context of her crime?

Back together, in the hall at Grendon the culture of enquiry continued. I could feel frustrated remorse which had no where to go, no structures in place for its appropriate expression. A cultural block on the potential healing process. Again, I experienced emotionally what I have recently formulated intellectually. Something about the needs of victims and perpetrators being ultimately the same. We need safe spaces to dare to feel the pain and horror, be vulnerable, help each other to face the truth about ourselves as human beings. We need to share that with utter honesty. This is bringing the fantasies and the prejudices into a real situation. The remorse (which is always the result of a deeply painful, reluctant journey of facing the reality of the destructive effect of one's actions on oneself and others) and the accompanying shrivelling shame need to be witnessed and heard. Maybe not always by the people whose lives have been deeply scarred by their actions, but at least by people who believe in restoring human relationships rather than driving them further apart.

The trial decides upon whether the perpetrator is sad, bad or mad. Details about the person's emotional and social context are not admissible evidence. It is possible to see the perpetrator at the trial, hear the facts built up by the statements from witnesses, pathologists and the questioning of the defence and the prosecution. But there are many questions that a victim's family is left with after a trial. For many there is a need to know all the details. The victim can benefit and possibly be released in some way by witnessing the authenticity of the perpetrator's shame and need for forgiveness. The reconstruction and rehabilitation of the victim's family involves the question why? The question that is never asked in the trial. The question whose answer lies beyond reason, in a moment of release, a moment of grace.

This truth is beyond the sad, bad or mad of the court process. This truth is beyond the decisions about the sentence, the punishment, the locking away. To experience this truth it ultimately involves coming face to face with the perpetrator. The imaginations move into reality. It involves risk and preparation. It is a deep need that our present system does not cater for. For some victims, this need, if unfulfilled, increases their stress and leaves them unable to move forward with their lives in a positive way. This can lead to vengeful, violent deviant behaviour which carries the cycle into the next generation. The men in Grendon have understood this. It is why they are there. So have I.

So how can we re-structure our society so that our communities are safe, creative nurturing environments that foster compassion and eradicate fear, suspicion, shame, cruelty (all the emotions that lead to murder, rape, child abuse and are present within each of us to some degree or other)? We all need to be respected and valued as individuals. We need to develop the culture of enquiry that allows people to dare to find and speak their truth, to challenge each other, to learn to trust and love. We need to realise the interconnectedness of our lives, to bridge the chasm created by violence, widened by imprisonment. To be able to face each other and listen to each other's questions and answers is the most profound, irreversible, human justice available. We need to understand that more violence (revenge, punishment) must be stopped at all costs. The pay off is the deep realisation of our common humanity. A step away from crime towards healing.

Marian Partington

Face to Face

with the man who killed my father

In a remarkable article, Lorraine Nolan talks about her feelings on meeting in Kingston Prison the murderer of her father

Bob Pedley — the man who had murdered my father and destroyed my family.

He had been in my thoughts almost every single day for the past ten years. If I could ask just one question, what would it be? How could I choose one question, when I had so many? I had to meet him; it was just something I had to do.

The only way to do it was to get him to agree to me visiting him. So I wrote thinking I would not even get an acknowledgment.

Three days later I had a reply; not only a letter, but a visiting order. I could not believe that after all these years the door into the unknown was open. This was going to be either the best or the worst thing I would subject myself to. But I had to do it.

DECISION

For the next few days I thought about my decision. The hardest part was having nobody to share this with, as I could not possibly tell my family what I was about to do. I was still in two minds whether to go or not. Bob Pedley had stated in his letter that he too had thought about my forthcoming visit throughout the day after he had received my request. He said that my interests must take priority — whatever my reasoning. He also said that he thought it must have taken great courage and humanity for me to make contact under the circumstances, when a rebuff might easily have extended my hurt.

He too wanted me to keep thinking about it before I actually faced him. I expect he was just as apprehensive as I was.

I did not tell him why I was doing this, or what I wanted to know. I did not know myself at the time, but I guess deep down inside I wanted to know what happened that night, and why he and Robert Watson had shot my father in the face with a sawn-off shotgun, whilst he was sitting in his lounge.

After sitting through the trial for two weeks, there were so many missing links. I just had to have the chance to ask some questions myself.

REASONS

A second letter arrived. I began to get worried as my request must have come to the attention of the authorities because of who I was and what my reasons might be for writing to Bob.

At first they would not allow me a visit in the normal way. They asked for it to be held in a private room with a probation and prison officer present. Bob did not agree to this. He thought it would not be the best atmosphere for us to talk. Therefore, the prison eventually allowed the visit to be held as normal.

My mind was made up and the day had come. There I was stood outside HMP Kingston. He had only been an hour away from me and I had no idea. I had originally written to Long Lartin Prison in Worcestershire.

I stood outside looking at the enormous wooden door. It reminded me of television programmes, yet this was real and I had to go inside.

The time in the waiting room seemed like an eternity. I was so scared reading all the signs and procedures on the posters on the walls. Everyone in that room seemed to look at me as if they knew it was my first time.

Finally we were called to go in and I went through the security check and the door was locked behind me. I was very aware that all the staff knew exactly who I was and looked at me sympathetically. I was so frightened, and I felt like I was a criminal. What was I about to experience?

PANIC

I was the last into the visits room and everyone else had sat down. I could not see him for looking. I started to panic inside. I was fighting the tears, scanning the room. Then, all of a sudden, there he was standing looking at me. He had not changed at all. The man I remembered from when I was a child, who had the cheek to be smiling at me! I could not look him in the eyes and my hurt had now changed to anger and resentment.

After the initial introduction, I asked the one question which haunted me, "Do you regret killing my dad?" He replied, "the second your dad died, my life ended."

I did not know what to believe. I tried to read more into his answer by looking at his facial expression, but it was all too much at that point. I asked him if he would tell me everything that happened that night. He agreed, and started at the beginning. He was so candid that shock took over from grief.

I had always thought that he had fired the first bullet and so believed that he had been the one to end dad's life. Yet as I listened, the story began to unravel. Watson had apparently shot him first and by Bob Pedley's account this seemed quite plausible. My whole attitude started to change now. My feelings and outlook on this incident started to change — it seemed to make things easier to find out that Watson had done it. I had never liked that irrelevant little man anyway, but Pedley I had known since November 1979. He had been an employee of my father for years, and in my eyes then he was a nice, kind man to me. I guess that is why I found it so hard to accept that he could have cold-heartedly taken my dad away from me.

QUESTIONS

I asked many more questions that helped me piece together that night, but I can never understand why it all went so far, and why they killed him knowing that he was all alone in the house with my four-year old brother. How could they have done that knowing what my brother would wake up and discover?

Visits were closing, and we were only half way through the story. I had to know everything and was faced with having to ask if he would accept another visit. He agreed and told me to go home and apply for another visiting order.

Three weeks later I was back. The fear was not as great this time, yet when we started to talk again, he no longer showed so much remorse or shame. This time I no longer felt in control of the conversation. He was now blasé and made me feel as if I was there for his benefit and not mine.

We had come to the end of the events of the night my dad was murdered and there was still an hour left of visiting, so I asked some trivial questions about him and now the answers were not what I wanted to hear.

He still had a marriage and a home to go back to — his family visits him on a regular basis. His children still have their father and his three grandchildren are able to see and grow to love their grandfather. He can repair and rebuild his life on his release, I can only try to continue to come to terms with what was so violently taken away from me overnight and can never be replaced. My whole life was changed that night by someone who had no right to take another's life.

HONESTY

Throughout this deep discussion with him, I also discovered that my family had kept so much from me, possibly to protect me, but their action had done nothing to help me or ease the pain. Honesty is by far the best policy, regardless of the pain and hurt. That way you learn to deal with what has happened and to come to terms with such tragedy. I will never accept it, but hearing the other side enables me to form my own opinion.

After putting myself through all of this, I do not regret it for one moment. Facing one of the men who killed my father was the hardest thing I have done. By doing this I now feel that I can lay some ghosts to rest and start to progress with my life that has been in remission for 10 years.

Maybe this is not everyone's answer in these circumstances, but after years of being unable to deal with such a trauma, it has helped me.

Lorraine Nolan

An Experience of Restorative Justice

Last autumn I interrupted a burglar in the Rectory. We had been entertaining visitors from our Twin Towns in the Church Centre, and I left early to do some work in my study next door. As I walked through I heard movement upstairs, and as my wife was with the rest of the party in the Church Centre I suspected that it was an intruder. Feeling very scared and uncertain I went upstairs into our bedroom where I found a man hiding behind the door. It quickly became clear he was pretty drunk (he had a can of beer in his back pocket), and he was as scared as I was. So I got him downstairs, tried to frisk him to discover whether he had taken anything, and got him out of the house as quickly as possible before phoning the police. To cut a long story short, he was eventually caught, having assaulted a policeman in the course of his arrest, and after his trial (at which I was a witness) he was sent to prison.

That was last March. Then a couple of months ago I received a letter inviting me to take part in a Restorative Justice Conference. This involves bringing together offenders and their victims in a controlled environment so that both parties can listen to the other and share their feelings. This is a method that has been used in Australia where adult re-offending has been reduced among those involved by a third.

The person who has broken into the Rectory had asked for this meeting, so we agreed to take part. It was well prepared for. We were visited twice by a representative of the Restorative Justice team to explain what would take place and answer any questions. When we arrived at the prison we were met and escorted to the suite of rooms set aside for this purpose. We were given a cup of tea while we waited for Mr. X to be brought (we had chosen to refer to each other formally). When he and his Probation Officer were seated we were brought into the room.

It was not easy to look at him directly. This was a person who had invaded our privacy desecrated our home, and caused us great heartache, disruption and anger. To see him in the flesh was a shock. And it took time to adjust. Fortunately the person chairing the meeting was very professional. First of all, he invited Mr. X to tell us in his own words what had happened as far as he was concerned. So he described how he had been on drugs and alcohol for several days and had picked our house at random, broken in, and was upstairs trying to find money or jewellery, when I had disturbed him. He described his fear – he thought about hiding under the bed, or jumping through the window – but in the end opted for going behind the door. He said that all he wanted to do was to get out and get away, and added that he was very sorry for what he had done.

It was then my turn to describe events from my perspective. I talked about my fear, the disruption that he had caused, and the effect that his intrusion had had upon our lifestyle, particularly with many different people coming to the door for help. My wife talked about her anxieties, and the anger she felt at being forced to be aware of external threats. We stressed that the effects had not only been felt by ourselves but much more widely. Then his Probation Officer spoke of the different ways in which Mr. X had been attempting to take greater control of his life, and the steps that together they were taking to prepare him for life on his release.

They were trying to find a place for him to live and were thinking about the kind of work he could do. He was preparing himself to live without dependency upon alcohol and drugs.

As the session went on it became less a series of structured remarks from individuals and more of a conversation. For our part we stressed that what we wanted was that Mr. X should be able to make a new start, and that once he was released he should know where he could go for help. One of the worst effects of prison must be to tend to turn one in on oneself which is unlikely to be the best way forward for people with a low sense of self-worth. Self-esteem grows when other people think we are worth something, so perhaps it is a matter of putting ourselves in situations where appreciation can develop. But the most important effect for all of us was, I suspect, that we were able to move forward from our fantasies. The imaginary picture we had of the man who had invaded our home was undermined by the well-dressed, calm, articulate person in front of us. Similarly, I suspect, our readiness to want the best for him without expressing anger or bitterness, was a help to Mr. X. That, at least, was what he suggested.

At the conclusion of the meeting we discussed ways forward. It was agreed that we should be kept informed by his Probation Officer of his progress, and that Mr. X would not attempt to get in touch with us again without our permission. He undertook to explore the possibilities of further education and training. These agreements were written down and signed by us all. We left feeling that there was hope for the future and that maybe our meeting had helped him to take a step forward. It had certainly helped us come to terms with what had been a very traumatic and painful experience. We were glad too that slowly our society is beginning to widen its understanding of justice to include not just the punitive but also the relational and restorative elements for offender and victim alike. Our hope is that this will be seen to be not only more humane, but also more effective in reducing criminal behaviour.

Michael Goode

The Experience and Needs of Victims of Crime

Experience

Restorative Justice stresses that we take crime seriously because one person has been harmed by the wrongful acts of another. It is the concrete damage which crime causes that is the problem, partly material but mainly psychological and relational. Being a victim of crime is a deeply traumatic occurrence because it damages the person's sense of autonomy, order and relatedness. There is thus a need for justice to repair this psychological and relational damage.

Damage

The pattern of reaction common to victims contains three phases: -

- **Emotional:** Victims are overwhelmed by feelings of confusion, helplessness, terror and vulnerability.
- **Recoil:** These feelings decline but powerful emotions arise such as anger, guilt, anxiety, wariness, shame and feelings of self-doubt. Victims experience mild mood swings with their feelings of being safe and in control of their lives shattered and their trust in others damaged. Victims experience traumatic adjustment in their self-image. Those who see themselves as trusting and caring persons have to adjust to take account of their increased cynicism and fantasies of vengeance. Their view of their environment changes. What they felt to be secure and predictable becomes a potentially perilous place. Relationships become strained. When the victim needs the emotional and practical help of others they tend to distance themselves from them. Those who hear the story themselves often experience some of the painful feelings of the victimisation. They seek to avoid such feelings by insisting the victim puts the experience behind him or her and 'moves on'. Being a victim can impinge on all areas of life. It can have a detrimental affect on victim's health, close relationships and sex life.

All crimes are experienced as attacks on the person. This challenges our belief that the world is an orderly, meaningful place and our belief in personal autonomy.

If the above needs of the victim are met they move onto the recovery phase.

- **Recovery Phase:** In this they recover from the emotional trauma, regain their sense of autonomy and power and resume normal relationships with others. While their experience may still affect them, it no longer dominates them. If the victim's needs remain unmet, however, recovery can be difficult and limited. In many cases, perhaps the majority, these needs are unmet and victims remain permanently in the recoil phase.

What Victims Say They Need

- Compensation from the offender – even for its symbolic value.
- Answers as to why the crime happened to them.
- Some questions can only be answered by others and offenders especially.
- Understanding why they responded as they did.
- Knowing what to do if it happens again.
- Having opportunities to communicate emotions – anger and fear – to have them endorsed by others.
- Expression of retributive emotions. This can be a crucial part of the healing process for victims. If this cannot happen then justice is denied.
- Empowerment is necessary. Personal autonomy has often been stolen from victims and they need to have the sense of personal power returned.
- To recover a sense of security – they need the reassurance that steps are being taken to avoid the recurrence of the crime.

The following papers seek to advise those in prisons working with Victims and offenders about safe procedures to enable meetings to take place. There is also a draft of a pamphlet that might be used in the future after further consultation.

- What Victims Want from Prisons
- Protocol for hosting Victims in the Prison
- Arrangements in prison for mediated visits
- Pamphlet for Victims of Crime and the Prison

What Victims Want From Prisons

- To be respected as the individuals they are and taken into account in regard to their future safety and security – physical and emotional.
- To be able to comment sometimes on the future safety and security of the prisoner
- To be recognised as having some significance in the criminal justice scene and to be consulted over decisions
- For other agencies to take seriously the behaviour of the offender and its consequences
- For others to be aware of the impact of the crime upon their circumstances and on their neighbourhood – shock, fear, loss, anger, bereavement, guilt, understanding
- For the offender to be held to account for the damage the offence has caused through the process of the sentence
- For the offender to be encouraged to improve his/her behaviour so that he/she does not repeat the damaging behaviour
- For the offender to have opportunities to learn
- For the offender to offer to make reparation
- For the offender to express remorse and to say sorry
- To be kept informed about the progress of the offender and the decisions about release and other arrangements

Protocol For Hosting Victims in The Prison

Requests For Information

- The victim may want information about what happens in the prison that is readily available and could be provided.
- There should be some contact with the probation service if the sentence of the offender is for a year or over for a sexual or violent offence. The request should be discussed with the probation service and information could be relayed through that contact.
- If the information is about the offender then the matter will have to be discussed with him/her to get their permission and agreement for information to be made available, such as location, likely date of release, any progress being made, and thoughts about the offence. Should the prisoner wish to send a message – this needs to be negotiated with the victim, through their contact, either the probation service or Victim Support.

Requests For A Visit

- If this is to see what happens in the prison then due consideration should be given to facilitating this, perhaps through the probation service or the chaplaincy. It might be that part of this visit is to learn about the impact on the offender through the experience. This should be explored in the context of permission from the prisoner.
- There may be regular opportunities for visitors to the prison, either through an open day event or through a focused visit such as with magistrates. The possibility of joining such a group could be considered and offered, so that the victim was not so obviously a special visitor. There should be a supporter for the victim before, during and after the visit.

Requests to Meet The Offender

- Such requests must be taken seriously but will need to be carefully planned if the meeting is to take place to both parties' benefit. The victim should be referred to the probation service to ensure there is support and preparation for the visit. Ideally the visit should be facilitated by one person who prepares both the offender and the victim.
- Key principles include voluntarism at all times, good preparation so that both parties are aware of the possibilities in the situation, confidentiality – in that no one else needs to know what happens between the two parties apart from the facilitator, mutual agreement about the conclusion, and respecting each others wishes. The boundaries of confidentiality need to be clearly defined and adhered to.
- Differing needs of family members of either party need to be respected and facilitated.
- The request should be considered by both victim and offender with their support person. The agreement of the suitability of the facilitator should be obtained from both parties.
- The facilitator should make certain arrangements agreeing the date, time and venue. If it has to be in the prison then suitable arrangements for the length of the session may have to be made – usually at least one and half hours – with the possibility of carrying on straight after rather than waiting for another day. The room should be private with just the two parties, their supporters and the facilitator in it. The need for privacy is paramount as is the need to ensure that other prisoners are not aware of the meeting. There should be refreshments available for the participants, and preferably the opportunity to have something to eat together at the end of the session so that there can be informal contact.
- There will be a need for a debriefing session after the conference and this may be straight after the session or a day or so later.
- There may be a need for internal support arrangements (short term) for offenders through a service or person identified to the facilitator pre and post meeting e.g. personal officer, probation, chaplaincy, medical colleagues.
- Some prisoners may be released for the purpose of meeting with victims. Suitable liaison arrangements need to be in place for negotiation regarding issues such as risk assessment, supervision, transport and emotional support to take place.

Arrangements in Prison For Mediated Visits

- A liaison officer who understands what restorative work between victim and offenders is about – to make dialogue and communication with prisons much easier
- Quiet, safe areas within the prison where victims and offenders can meet in dignity and talk with one another as comfortably as possible (considering their anxiety levels)
- Facilities to provide them with basic refreshment (tea, coffee, biscuits, water)
- A trained officer to assist the administration of victims and mediators entering the environment (examples have been known about staff being so anxious about the offender meeting the victim that they have intervened in the meeting, thus necessitating the return of victim and mediator for another meeting later)
- A trained officer who can escort offenders to the meetings within the community where risk assessments will allow

- Trained staff who can assist in supporting prisoners after the meetings whilst they re-adjust
- Quiet areas which are as confidential as possible in which the group can undertake all the prior preparation and assessment meetings. In many prisons interview areas have to be used where prisoners are in full view – much of the work is emotionally painful. Despite doing the work with care it is not unusual for prisoners to break down or become distressed. It is difficult to go back in the prison environment if this has been witnessed.
- Some trained personnel to ‘keep a supportive eye’ on those involved in restorative work. Greater reassurance comes when prisoners are so supported and where there is a system to alert mediators if there are any problems.
- Trained staff who are able to welcome victims into prisons, help support them into and in the environment, without being officious, patronising or embarrassed. They should be aware of comfort areas to which victims can be shown to collect themselves on arrival and in breaks from meetings if necessary and prior to departure.
- Time allowances if possible for meetings to run at their own pace rather than having to finish exactly to prison routine and have to come back later.
- Arbitrary decisions about how long a meeting should take are impossible to work with. It is not possible to determine how long any meeting may take. It may take time to break down reserves and remove blockages before victim and offender can communicate usefully. Restorative meetings take place usually just once. We need to maximise every moment for their future well-being. The ‘moment’ can easily be lost if it is ‘end of visit’ time and it has to break.
- If people feel hassled and pressured it will increase the anxiety level and decrease the optimum use of time.
- Participants in meetings are prepared to own the meetings themselves – mediators will hold a supportive but ‘back seat’ position. Just because they are not talking it does not mean they are not working. They will be very alert and watchful about what is happening.
- Mediators have to be honest, respectful and non-judgemental with everyone with whom they work. In restorative situations they need others to be working in the same way. All parties including professionals need to communicate and work with one another respectfully at all times.

Victims of Crime and the Prison

(The draft of a possible pamphlet to be available to those victims with an offender in prison.)

The purpose of this pamphlet is to provide information for those who have been affected by the trauma of crime or conflict. We hope it will provide you with support and practical advice about the hidden world of imprisonment so that you can find out what you may need to know. We hope also that it will help you to find out how you can be heard when decisions are made in the justice system.

Preface

1. Although much has been done during the last decade to help victims of crime much more could be done to keep you informed, particularly while the perpetrator of the crime is in prison. While, for example, the initial contact with victims has been improved and your needs are better recognised during the trial, once the offender is in prison you as a victim often have great difficulty finding out what is happening. If the Criminal Justice agencies mean what we say about giving the victim due recognition and respect, then we must seek ways to ensure that throughout the process, from pre-trial preparation to arrangements following the offender's release from prison, you are kept fully informed. Perhaps the most constructive way to ensure this is to answer the questions that some victims ask :

- **What is the aim of imprisonment?**
- **What happens during a sentence?**
- **What determines whether the person who made you a victim goes to prison?**
- **What is the atmosphere like in prison?**
- **Who does one find in prison?**
- **How many prisons are there in England and Wales and what kinds are there?**
- **Under what conditions can someone be released from prison?**
- **What say can the victim have in a prisoner's release?**

2. This pamphlet is intended to answer such questions, and a great many more that may occur to you. It is set in the context of trying to repair the harm done by crime. By answering these questions the criminal justice agencies try to positively engage with the victim and enable the restorative process to begin. By placing greater emphasis upon repairing the harm we actually make the punitive purposes of the criminal justice system more effective. Unless you can be engaged in the process (should you want to be), the entire purpose of the criminal justice system is flawed.

Imprisonment

What is the aim of imprisonment?

3. ***The sanction of depriving someone of their liberty is designed principally to protect society from those whom the courts consider as dangerous.***

As with all punishments, it can be argued that the purpose of imprisonment is threefold: first, retribution (a wrong done, requires a proportionate measure of punishment); secondly, deterrence (i.e. it is supposed to deter both the offender and others who might offend); and thirdly, reform (it should help the offender not to re-offend). What this classical justification of punishment does not explicitly address are the needs of the individual who has suffered the harm done by the offender – the needs of you, the victim. The retributive purpose of punishment is almost always expressed in terms of the harm suffered by society generally as a consequence of offending; and the reformative purpose of punishment too often is narrowly focused upon the needs of the offender to the exclusion of due consideration of the needs of the victim.

4. **Furthermore, no complete reform of the offender nor any rehabilitation following his or her release from prison can occur without a restoration of the offender in the community and with the victim. This is not to say that the training prisoners may receive in prison is not useful - help with relationships with their family and assistance in retaining or securing accommodation and a job are also very valuable. In prisons it is often hard to achieve a modicum of purposeful activity of this sort, and even this omits consideration of the victim. The recent introduction of programmes, which address very specifically the causes of offending behaviour and victims, is a welcomed step in the right direction but even here victims themselves are still omitted from the process.**
5. **What we hope will happen through our work with victims and communities is that we will be able to meet your real needs as part of reducing the damage caused by crime and trying to prevent it. This is where 'reparation' is occupying a more central position in the development of prison thinking. Thus imprisonment could have as a primary objective, to repair the damage caused and to restore the troubled relationship between the offender, the victim and society. In this respect, victims occupy a central position with your need for information, recognition and for reparation of a material and a human kind. This requires that the offenders shake off their passive and defensive attitudes; assume an active responsibility towards victims and society; and thereby earn a chance to repair the damage they have done. In this way the relationship between the offender and the community can be restored.**
6. **The Prison Service is developing these ideas of community involvement and restorative work and will continue to need support in becoming open to new influences and interests.**

What Happens During a Sentence?

7. **Essentially imprisonment involves the deprivation of the individual's liberty. What this means in practical terms depends to a large degree upon the type of prison in which they are held and the prison's regime. In some prisons, prisoners spend twenty-two out of twenty four hours in a cell of a few square feet, sometimes alone, sometimes with another prisoner.**

In other prisons they spend a large part of their time in workshops and in places of association or meeting. These different circumstances define, to a greater or lesser degree, what this loss of liberty means. But whatever the circumstances, all imprisonment involves the individual surrendering a responsibility: doors and gates are opened for the prisoner, meals are made for them and served to them; they cannot just go for a walk, or see a friend – even giving and receiving a kindness in prison is made very difficult. It is difficult to imagine what this loss of responsibility means and how it can inhibit prisoners from taking responsibility for the offences that brought them to prison. Imprisonment can be a very depriving experience with the loss of liberty and the ability to make decisions about small matters such as the daily routine, the places you can go to, the people you can meet, the food you can eat and when you get it and the time you can sleep. This regulation of your life can make people more dependent upon the prison – more childlike, whereas what is often needed to help people grow up and make better decisions when faced with pressure and temptation is an ability to make decisions as independent people leading to them becoming more interdependent with their community.

8. **It is because of this possibility in prisons that regimes are increasingly becoming more sharply focused upon addressing the causes of a prisoner's offending behaviour and planning for their eventual release. The structure for this is 'sentence planning'.**
9. **Each prison has a planned approach to the sentence involving prison staff of different disciplines working together to develop prisoners' potential and plan their futures. This plan is to help concentrate on each prisoner and his problems. But they are concerned chiefly – and inevitably – on those prisoners whose freedom is near. At that moment, the reports must be finished. They will serve as a base that will help decide whether the prisoner is ready to leave prison. This planning process comprises the following key elements:**
 - **Assessment of needs**
 - **Purposeful activities to match these needs**
 - **Offending behaviour courses to address specific needs**
 - **Visits to maintain family ties**

Assessment

- 10. The Prison and Probation Services are developing a joint assessment procedure that will develop a more planned approach towards the use of time. This will look at all the factors that led to the offence and any areas of risk that may have contributed to that behaviour such as heavy drinking, use of drugs and regular gambling.***

Offending Behaviour Courses

- 11. There is a fully developed series of accredited courses that the Prison Service runs for prisoners in order that they can focus on aspects of their behaviour that put them into trouble through their offence. These range from courses to help people to think more logically and clearly when making decisions to more specific ones that address offence work such as the Sex Offenders Treatment Programme (SOTP).***

Purposeful Activities

- 12. It is important – especially in prisons which house prisoners with long sentences – that the time of detention is occupied in a rational manner and be fixed on the future, on allowing them to work and to gain a skill or some other course. Each prison will work to make opportunities within the limits of time and budget available.***
- 13. The possibilities of work are always limited in prison. There are some skilled workshops where high quality work can be learned. But often it is a question of unskilled work, such as the cutting and folding of cardboard boxes, sorting of old clothes, laundry and sewing. Some establishments are equipped with a printing press, and other workshops, whilst others offer the chance to do bricklaying, cooking, painting or some similar trade. Those who work generally earn not more than £10 a week.***
- 14. The offer of learning facilities varies greatly from one prison to another. All prisoners can improve their literacy and numeracy in an attempt to help them develop employability. Some prisoners have the opportunity to choose from language courses, reading courses, current affairs and business studies. Most prisons organise sporting activities. In certain places these are limited to football, basketball or weight lifting. Elsewhere the prisoners can have the use of a gym everyday or a sports ground. These activities are included to help prisoners develop a healthy approach to living and occupying time with a purpose, rather than drinking and gambling.***
- 15. Many prisons have cultural activities such as drama productions or musical evenings. All prisons enable prisoners to maintain or develop their faith through worship and learning during their sentence.***

Visits

- 16. In recent years, an increasing attention has been paid to the relationship of the prisoners with their families. These relationships form the basis of offender's successful resettlement back into society. Therefore in many prisons special places and visiting hours have been arranged for family visits. Usually visits take place at a table in a visiting room. Sometimes a prisoner has to have the visit behind a grill, or glass, because of security needs if there has been a history of drugs being brought in to the prison.***

What Determines Whether The Person Who Made You a Victim Goes to Prison?

- 17. Far from all those who commit crime go to prison; and when the offender is sent to prison, the sentence starts often a long time after the event. A number of factors determine whether the offender will go to prison rather than receive a non-custodial sentence (a fine, a probation or supervision order, or community punishment, for example). The following are the main factors which courts take into account before passing sentence:***

- *the nature of the crime: some sentences, like murder and repeat violent and sex offences carry a mandatory 'Life' sentence;*
- *the age and previous history of offending of the offender;*
- *the offender's attitude to the offence for which they have been convicted (for example, a 'guilty' plea always attracts a certain reduction in the length of the custodial sentence);*
- *the offender's home and personal circumstances; (if, for example, they have nowhere to live and have a serious drug addiction, then the chances of them succeeding if they were given a non-custodial sentence might be small);*
- *the length of time a prisoner may have spent in custody on remand awaiting trial and sentence;*
- *the danger the offender presents to the public and the risk of them reoffending; and,*
- *precedent and sentencing directions issued by the Lord Chief Justice.*

18. A custodial sentence may be suspended, which means that the offender does not go to prison unless they re-offend during the period of the suspended sentence.

What is The Atmosphere Like in Prison?

19. Each prison is a world apart: a closed and complex place in which cultures of prisoner relationships, prisoner and staff relationships, and staff relationships create and shape a varying atmosphere. And within and between each of these sets of relationships, cliques can develop – some positive and supportive, some subversive and negative. Because of the lack of privacy, news spreads quickly.

Relationships Between Prisoners

20. Although prisoners share a certain camaraderie, borne of adversity and the seeming presence of a common enemy or opposition (the staff, the 'screws'), too easily the atmosphere of a prison is dominated by suspicion and plots. The presence of drugs or the prevalence of violence or its threat can accentuate this atmosphere of uncertainty and lack of safety. For many prisoners it is not easy to know who to trust. Without friends it is not easy to survive behind bars.

21. When they are in a group the prisoners prefer to put on a macho front for it is too risky to appear weak. Some retreat into solitude in their cell. Others take full advantage of all that is offered in the way of work or education or relaxation. Sport is much appreciated because one can get rid of the frustrations of life in a prison and the lack of affection. Prisons have developed ways of reducing bullying and trying to make the daily life in prison safer.

Relationships Between The Prisoners and The Staff

22. The quality of life in prison does not depend only on the possibilities of work and sport, education or visits but also on the relationships which exist between staff and prisoners. Prison is a little community made up of the prisoners on one side and on the other side, the people who come and work there everyday. It is sometimes tricky to find a balance between too friendly an approach to prisoners and being too authoritarian, particularly as in an enclosed environment little troubles take on large proportions. Training is given to staff to help them work with those who present provocative attitudes and hostile threats. Prison officers are skilled in peace-making after years of experience in managing a very complex setting.

Insert From a Prisoner

A 'click' starts my day, the sound of the electronic bolt in my cell door telling me I can now turn the handle and let myself out onto the landing. I empty my bucket. After the 'whoosh' of the bucket comes the clatter of my shoes down the steel stairs, to pick up my milk carton, which goes towards my breakfast.

Jail is all noises and smells, it is all quick rushes of adrenaline and bouts of apathy, a brick and steel mask over a face of depression, a black gallows humour, laced with plenty of self pity. The occasional shaft of penetrating insight does happen. It happened to me. I suddenly thought to myself "It's all my fault" then I

did something about it. In any jail there is the facility to sort yourself out, it does happen, sometimes. It also happens that the shaft of insight gets squashed, as the enormity of what people do to others is a fear too painful to face. Reluctance to face it is reinforced by other cons in the same boat.

Sometimes it takes others to hold a mirror up to the con and say look it is you; this is what you have done. Now what are you going to do about it? It is a paradox of crime that the offender goes into jail to hide, while all the victims of the crime have to carry on in the full glare of life. As a con the hardest thing I found was to face the truth, the truth should always come first. The victim of my crime is the truth and she should always come first. The other paradox about crime is that the victim has more power to change the convict than the bricks and bars of a jail.

The prison regime can only act as a toolbox. It can only give me the opportunity to find the tools that can help me. I only I can choose to pick up the tools and use them. Prison is not a holiday camp; it deprives me of doing what I want, when I want. Prison makes me mix with people who don't mix well. But a 'click' ends my day as I'm locked up for the next eleven hours.

I find prison a breathing space that helped to start a new life. It is a place where the victim can face the person who has hurt them and give them a piece of their mind, and thus change a mind, mine. I would argue that jail can be a hiding place, stopping people from facing the truth, let them see the truth and watch them change. I would argue that people who suffer crime, would feel themselves change as self empowerment takes the place of being left in the dark, if victims were encouraged to face, criminals.

As a coward and a bully I turned myself into a convict. It took a victim of mine to show me what bravery was and that helped me change into a caring person. Only people can change people.

Whom Does One Find in Prison?

23. It is not helpful to define prisoners only by their security category or by whether they are convicted or unconvicted. While the greater part of the prisoner population is comprised of adult (i.e. aged 21 years and over) men, there are significant other minorities. The under 21 year old, male prisoner population, of whom there are roughly 10,000, is now subdivided into those aged under 18 years (referred to as 'juveniles') and those aged 18-20, commonly referred to as 'young offenders'. All those aged under 21 who have been sentenced are held in Young Offender Institutions (YOIs), while those held in custody before being sentenced are held either in remand centres or local prisons.

24. The number of women prisoners has doubled in the last ten years and currently stands at about 4,000. In addition to the women prisoners and under 21 year old men, there are also small numbers of those detained by the immigration authorities. Overall, most prisoners are young, with 75 per cent of them aged under 40.

How Many Prisons Are There in England and Wales and What Kinds Are There?

25. There are 138 prisons in England and Wales which currently hold about 68,000 prisoners. The likelihood is that the number of prisoners will continue to rise as it has inexorably in the last seven years, partly because prisoners are now serving longer sentences and partly because the courts are sending more people to prison. There are various types of prisons and essentially two groups of prisoners: those who have been convicted and those who are unconvicted:

- the unconvicted represent about 20 per cent of all prisoners: they are held in custody 'on remand', either immediately following their arrest or while awaiting trial;
- convicted prisoners are those who have been tried and found guilty. Once a guilty verdict has been returned, reports must be written before the court can pass sentence, and some prisoners are convicted but unsentenced while the great majority are sentenced and are undergoing punishment.

26. **Unconvicted prisoners are held in Local Prisons or Remand Centres, which are generally located near the courts where the trial will be held. The Prison Service has to accommodate all those whom the courts detain and so the local prisons and remand centres are the prisons which are most overcrowded - at the end of 2001, 19,000 prisoners were sharing cells designed for one prisoner. Another characteristic of local prisons and remand centres is that the prisoner population changes quickly: the pressure to receive the increasing number sent by the courts means that as soon as prisoners have been sentenced they are transferred to training prisons. For this reason, the facilities for work and training in local prisons and remand centres are often poor, which means that there is little purposeful activity for prisoners to do.**
27. **Although the term 'training prison' covers all those prisons in which prisoners serve their sentences, they vary a great deal. Prisoners are categorised according to the security risk they represent. There are four security categories: A, B, C and D. A Category A prisoner is someone who, if they escaped, would present a great danger to the public or the state (spies are often made Category A prisoners). Prisons which hold Category A prisoners, the high security prisons, are sometimes referred to as 'Dispersals' because of the long-standing policy to disperse high security prisoners in several prisons rather than hold them all in one 'super-max' prison.**
28. **Category D prisoners are those who are assessed as presenting no risk to the public. They are held in Category D prisons which, because they have no walls or fences, are often referred to as 'open' prisons. Category B and C prisons are graduations between 'Dispersal' and 'open'. Young offenders (those aged under 21 years) and women prisoners are not categorised in the same way, unless they are very dangerous, in which case they are made Category A. Most young offenders and women prisoners are categorised as being suitable to be held either in prisons which have perimeter security ('closed' prisons) or in 'open' prisons.**

Release From Prison

Under what conditions can someone be released from prison?

29. **The law governing how prison sentences are served allows prisoners to be released temporarily before they are finally released and released early - on parole or Home Detention Curfew (HDC) arrangements. Such early releases are only authorised when prisoners (and each case is considered very closely on its own merits) have been carefully assessed as to whether they represent a risk to the victim, to the public generally or are likely to reoffend again in any way.**

Escorted Absence

30. **Exceptionally a prison governor can authorise a prisoner to be taken out of the prison under escort (that is with handcuffs on) for such reasons as to attend to funeral of a parent or child, or to visit a dying parent. Even these escorted absences have to be carefully considered although they do not involve the prisoner being at liberty.**

Release on Temporary Licence

31. **Release on temporary licence is an authorisation for a prisoner to leave prison for a period of up to four days but usually for a single day. It can only be granted when very careful consideration has been given to whether the prisoner can be trusted not to reoffend and trusted to return. The views of the victim are taken into account. The reasons a prisoner can be released early, other than for compassionate reasons in exceptional circumstances (as outlined above), include helping a prisoner to re-establish his relationship with his family or to visit potential accommodation (usually official run and approved hostel accommodation).**

- 32. Before a prisoner can be considered for release on temporary licence he must have completed the major part of his sentence and be able to benefit from the temporary release.** You will be informed about the likelihood of such a temporary release if you ask to be involved in this way through the Victim Contact Unit of the Probation Service. **Conditions are applied to every temporary release licence and include, for example, requirements only to travel directly to the set appointments at the appointed time and place; and not to drink or take drugs. The assessment of the risk each prisoner applying for temporary release presents includes consideration of whether the prisoner has addressed issues to do with the victim of his offence.**

Home Detention Curfew (HDC)

- 33. Home Detention Curfew has been used in England and Wales since 1998 and is available only to prisoners who are serving sentences of less than four years, who may apply to be released under HDC conditions up to but no more than three months earlier than their automatic release date. Before a prisoner can be released he must have suitable accommodation (as assessed by his local probation officer) and present no unacceptable risk to the victim or of reoffending generally. Release on HDC involves the prisoner being 'tagged' (having an electronic device attached to his ankle) which enables the authorities to check whether he is observing the conditions of the curfew – to live at a particular address and to be at that address usually from 9.00pm until 6.00am.**
- 34. It thereby allows the prisoner to finish the custodial part of his sentence at home rather than in prison. He must observe a daily timetable which states when he will be at home and when at work or following an educational or training course. The prisoner's liberty to come and go is reduced, but the person has the possibility of maintaining and restoring his family, social and economic contacts.**
- 35. When under electronic surveillance the person wears an ankle bracelet equipped with a transmitter. A central control unit verifies whether the wearer is in the right place as arranged. Not everyone can be considered for this measure., The authorisation to be placed under electronic surveillance depends on the crimes committed (sex offenders are not considered for such tagging) and the length of the sentence. The risk of a further offence and the possibility of successful resettlement are considered as well in making the decision about Home Detention Curfew.**

End of Sentence Release

- 36. Only a very small number of the 68,000 prisoners currently in prison will never be released (it has been decided that only about 30 prisoners will never be released). Most prisoners are serving what are called determinate sentences – that is, sentences of a specified length. Prisoners serving sentences of less than four years less will automatically be released after serving half of their sentence (and may also apply for a release three months earlier than this under the HDC arrangements – see above).**
- 37. Prisoners serving determinate sentences of more than four years may be released on parole after they have a half of their sentence and, if they do not get released on parole will be released after they have served two thirds of their sentence. However, all prisoners serving determinate sentences may have days added to their sentence by the governor if they misbehave. Parole is an early release given by an independent body (the Parole Board) based upon thorough assessments of a prisoner's prospects for a successful return to the community. The Parole Board also taken into account any representations made by the victim.**
- 38. Every adult prisoner serving a sentence of 12 months or more, and all young offenders and juveniles, are released on licence and are subject to supervision by the probation service. Adult prisoners serving sentences of less than 12 months are not released on licence or under supervision. The evidence is clear that if they are supervised on their release they have a better chance of settling back satisfactorily.**
- 39. An example may clarify matters. An offender has a prison sentence of six years. He is freed having done half his sentence but his freedom is conditional. He will have to spend a year on supervision respecting certain conditions and will be controlled by the probation service. If he does not respect these conditions he can be imprisoned again to carry out the rest of his sentence. This method allows him to be tested in conditions of freedom but with support.**

40. *The prisoner is also less likely to cause problems during his detention, because of this incentive; his behaviour plays a part in his early release. On the other hand, the person who must undergo his sentence to the last day has nothing to lose neither while he does his sentence nor afterwards ...*

What is The Aim of Early Release on Licence or on Parole?

41. *The aim of parole is to support a progressive transition from the stay in prison into complete freedom. The time limit for various conditions imposed on him allows an assessment to be made of whether the protection of society and also your protection as the victim is not compromised, and whether the resettlement of the prisoner is going well. If this is not the case, the judge has the right to put the man back behind bars to carry out the rest of his sentence.*

Life Sentence Prisoners

42. *Prisoners serving 'Life' sentences have a different sentence structure and have different arrangements for their release on licence and under supervision. First, when they are sentenced to life imprisonment the trial judge and the Lord Chief Justice determine, based upon the gravity of the offence, what the minimum period must be served in prison by the prisoner to satisfy the retributive element of the punishment: this period is called the 'tariff'. Life sentence prisoners cannot be considered for release on licence and under supervision before the expiry of the tariff period. You can find out the tariff from the Victim Contact Unit.*
43. *Once life sentence prisoners have completed the tariff period, they may be considered for release: the Parole Board takes a close look at each prisoner's case and has a range of detailed assessments as to the risk the prisoner continues to present to the victim and the public generally. Lifers are released on licence with the Home Secretary's authority under the supervision of the probation service: this licence lasts for the rest of their life and life sentence prisoners never complete their sentences and remain subject to recall to prison if they reoffend or if their behaviour is deemed likely to result in their reoffending.*

What Are The Conditions of Parole?

44. *The Parole Board decides on the conditions and will consider if they are met or not through reports received from the supervising probation officer. The Parole Board is composed of judges, psychiatrists, independent members of the public and those who have worked in the criminal justice system as governors or probation officers. They only meet in the prison for Discretionary Lifer Panels, otherwise all decisions are made away from the prison setting.*

How is The Decision Taken?

45. *The Parole Board takes its decision on the basis of advice from prison reports, from the probation officer, and other sources. It hears representations from the prisoner through an individual member of the Board visiting the prison and producing a report for the hearing. The victim can also write to the Parole Board and your views will be considered. You can express your views through the Victim Contact Unit of your local probation service.*

What Does The Decision Mean?

46. *If the Parole Board decides on the conditional release of the prisoner he will have a general condition imposed on him not to commit further offences. In addition, specific conditions are introduced to help the social reintegration of the ex-offender, the protection of society, and/or your interests as victim (for example a ban on appearing in a certain street or district).*
47. *Sexual offenders may need to follow a supervised treatment programme by a specialised service. Those paroled must declare explicitly that they are prepared to respect those conditions. Parole is a voluntary process.*

What Say Can The Victim Have in a Prisoner's Release?

48. *The probation service responsible for contact with victims will record information if you (or those connected with you) are victims of serious violent or sexual offences for which the offender received a sentence of over one year's custody. They will make contact with you to take your views into account about how much you wish to be kept informed during the sentence.*
49. ***If you have*** expressly stated in writing that you wish to be involved in the procedure the probation service will contact you to check whether certain conditions that are in your interest **(for example a ban on the ex-offender making contact with you) should be imposed.**
50. ***It is the*** responsibility of the Victim Contact unit to answer your concerns to do with the sentence and the period of supervision on release, so that you feel informed, respected and that you have a say in what should happen during and after the prison experience.

The Victims Needs

It is clear from all surveys with victims that the system needs to change if it going to meet victims' needs even remotely. The first thing that should happen is that the need for change is recognised.

The process for victims' families involves things like the following: breaking the news to the victim's family; identification and viewing of the body; short term support (and special support if the crime took place in the home); the post-mortem and inquest; the funeral; settling the victims' affairs such as will and probate, custody of children and financial affairs; the pre-trial/committal hearing; the trial itself; sentencing; media attention; and the release of the offender. The effect of each of these stages in the process has a direct impact upon all those close to the victim, and can damage their ability to cope with coming to terms with what has happened.

The survey demonstrates that the first change required is that the professionals involved in the process must examine how they perceive the victim and the bereaved family. It is a question of understanding and attitude. Symptomatic of the need for a change of attitude is that we too often still hear the comment that the 'victim died because he/she was in the wrong place at the wrong time'. I was upset and angry when I read this about my daughter because she was exactly where she should have been at that time, in her place of work. The statement 'in the wrong place at the wrong time' appears to transfer responsibility for what happened onto the victim.

The harsh truth for the victim's family is spelt out on day one of receiving the notice of death. On the same day one may have chatted over breakfast with a loved one, or planned over the phone a get together at the weekend or offered to pick their clothes up from the cleaners, just normal everyday life, but suddenly that warm loving person with whom one's life has been shared – has gone – and he or she has now become the 'body', property of the State, evidence in a criminal investigation.

One is left in shock, bereft, disbelieving, full of pain and anguish. The heartache is unbelievable. It is against this background of dreadful loss and trauma that the families have to face the 'process' ahead and what should have been a private grief is exposed in the glare of publicity.

OFFENDERS

Meeting of Minds

The Lifer's Story by Jeff Lock – Lifer

All the names in this article have been changed to protect those involved.

A full account of my experiences in meeting the people I offended against and other mistreated people, aiming for a wider understanding of what may be possible when considering 'restorative justice'. I have no wish to cause worry to anyone.

These are three accounts of meeting victims, along with what I feel the affects were upon myself and upon them.

Account 1: The first account involves my index offences some years ago:

After phoning for an ambulance near the scene of my crimes, I ran off for 200 miles, ending up walking into a Cambridgeshire police station and telling them I was wanted in Liverpool for a serious crime. Three months later while on remand in Risley, I received a letter from Pam saying she wanted to see me. I got in touch with a friend of mine (Paul) who I had worked for before remand, I asked him to find Pam and give her all my belongings so she could sell them and have herself a few bob. This he did away from her home. I felt remorse for what I had done both to her and her daughter Claire. My crimes were GBH on Pam and rape on Claire. Paul met Pam in the street and told her of my wish, after she got all my stuff and sold it she then asked Paul if I would accept a visit from her and could he drive her up. Before she came up to Risley to see me I wrote her a long letter explaining what I knew to have happened on the night of the crime. I had to send it to a friend of Pam's as all contact was done away from anyone in her family. In the letter I talked of some of my background that I thought was relevant to the state I was in at the time of the offences. (Today I would call what I wrote self-serving drivel full of self-pity, just designed to minimise what I had done at the expense of blaming everyone else).

At this time Pam was living at her mother's having given up the flat that we had shared for 18 months, she was 35 with a 15-year-old daughter. Living at her mother's were some of her brothers and sisters. All the family would have killed me on sight so she strived to keep her contact with me a secret. They found out some weeks later and gave her verbal as well as physical abuse. (To say our lifestyle before I came to prison was dysfunctional is an understatement. We were both alcoholics, and damaged in many ways. This we had in common).

Having sent the letter to Pam, I awaited the visit with some fear and waves of guilt. The Principal Officer in charge of the hospital in Risley where I worked called me into his office just before the visit around 1.30. "Is this the woman you stabbed coming to see you?" he asked. "Yes", I said. "I will let you have the visit in the small visiting room. There are only about 12 people in there. Do you have any worries about the visit?" "No", I said, but the visit could have been a good or a bad one. She was on drink and could swing into different moods and do anything, that included stabbing me.

She came into the room. It was full of other people. She walked in and spotted me at the far end of the room. I stood up and opened my arms and she gave me a hug and I kept hold of her for a few minutes. Then we sat down. I made her put some cans of Special Brew away back in her bag, and then we got talking. She did not hold back about what she felt about my crimes, she told me exactly what she thought of me and she showed me the scars of the wound I had caused. After the visit I hid in the recess away from everyone and cried myself dry.

For the first time in my life it was not self-pity but sadness at what I had done and what my actions had caused. I was ashamed at what I had done and it was the first time in my life that I had faced the consequences of my actions. We arranged more visits and worked out ways of getting letters to her, over this remand period of 12 months.

Lots of things happened to us around this time. I got sober. She got more drunk. She was found out at home to be writing to me and visiting. Claire wanted to visit but I was too ashamed to face her and just kept up a conversation in Pam's letters. Then I changed my mind but her mind changed too due to pressure from her uncles. Talking to each other via comments in Pam's letters appeared to help her, especially any fears the extended family and the police were adding by their accounts at court of what happened. I told everyone that I would be pleading guilty, but no one except Pam believed me. I badgered by solicitor to get me to Park Lane for a psychiatric assessment, because I thought I was mentally ill to have done what I had done. I was determined to do something about it this time. This feeling started with Pam's first contact and got stronger. In Park Lane is where Pam and I had our best visits. All the above had far reaching consequences.

To name a few; as I was getting more sober I was realising how much my life had revolved around drink. Pam had been in and out of drying out clinics but I had not. She had drunk less in my company, but while I was away she went back to drinking the way she had before. I had escaped the squalor we had lived in, as my head got clearer hers got more muddled, many things happened to her while I was on remand and in jail after sentence.

When her brother found out she was writing and visiting he verbally abused her, as did all the family. He kicked her on one occasion. They used to tell her that I was only seeing her so I could plead not guilty when I got to Crown Court. In fact Pam wanted me to plead not guilty but I wouldn't. The family got around to sending me sick letters along with newspaper coverage of any trial events concerning me. These I passed back to Pam when she came up, they were unaware of just how many times she visited me. Claire just wanted to forget what had happened and get on with her life. Then they both got a lot of money via criminal compensation. Both used to tell me what they were spending it on. Pam used to carry hundreds of pounds in her bag, which used to worry me a lot.

It took me nine months to get to Park Lane for an assessment. The visits there were longer and more comfortable. We talked more about lots of heavy things from our pasts and although never sober she appreciated why I had to be there and eventually go to jail. She did not think I would get a life sentence but I knew I would. My time was spent pretending to her that things were not as bad as she thought. Her visits after that were in prison visiting rooms and we were treated like any other parties. Towards the third year Pam was now in the worst stage of her alcoholic illness.

Our last visit in Yorkshire was spent in the corridor as she had experienced some fits in the visiting room. They allowed me to have the visit, and then I demanded they let her go home after a hospital check up, which they did. I wrote my last letter begging her to go back into a drying out place; my next contact was through the probation service telling me that she had died while asleep in bed. The details still make me cry 13 years down the line.

Our visits were discouraged by everyone. The probation officers had an opposite view to our own, as to what was going on. Both our families disowned us and thought us mad, as did our solicitors. Fighting to get to Grendon was a consequence of our visits, as was the honesty I used on subsequent courses. As you can see in the description there are many complex levels to the act of coming together, along with many types of reaction from the other people who can have an influence upon any outcome. Paul's attitude along with my principal officer's as well as the other people's are all considerations that need bearing in mind. There are so many levels that a subject as involved as 'restorative justice' needs to be worked on.

Account Two: Victim Support member brings a student to a jail visit:

After my years in Yorkshire I was getting visits from a number of different organisations, New Bridge, the Bourne Trust, Aftermath, to name a few. On a visit in the visiting room I was asked by one of the visitors if I would allow a student to come in on the Visitors Order and have a chat with me about why I thought “some people become victims of rape and some do not”. It came to light that the student, a young woman in her early 20s, had been raped and wanted to talk to someone who had done such a crime and she wanted to know why “they do it”. The three of us had a two-hour visit going through her experience and helping her by answering honestly her direct and sharp questions.

Her main question was “Why me?” We talked of the possible answers; “You were in the wrong place at the wrong time, if it was not you it would have been the next woman who came along”. We went a bit deeper talking of why I did it, and what other reasons might have been. We talked of her anger and people having power and control of others. We talked of a strategy whereby she reversed her victim status and took the power away from the person who had turned her into such an object. She gave me a big hug before she went and sent me a couple of healthy letters. I found it very painful but rewarding as well seeing that the visit had been a skilful act on her part.

Account Three: Face to face at Grendon

From day one at Grendon I came across people who had been victims of sexual offences and of other physical violent acts. When sitting on groups one would hear graphic accounts of what a person did to another. In essence people described what I had done to others and one could see the long-term effects of the perpetrator’s actions upon the person in front of one. On more than one occasion I was able to talk to women who had suffered at the hands of men and I would hear what I had done from the receiving end of such actions. One particular event that took place, which had a profound effect upon me and others around me.

It was the showing of a funeral of someone who had been murdered and all the friends and family talking about the person killed. Jeff Morris, an officer at Grendon, who died not long after in a car crash, was our facilitator on this particular session. Its power can not be exaggerated. Also Jinny Jefferies and her psychodrama work generated such victim empathy as to be surgical in its effect, cutting away any selfish notion that any criminal action was justified.

The accounts above show that coming face to face with the people one has offended against or their families has more effect than any sentence or prison cell experience. People go to jail not experiencing or realising what they have done to others. In fact they are able due to prison’s very nature, to escape their actions, and use other prisoners and staff to carry on transferring their own victim status upon others.

I would say facilitating the ability of a person affected by crime to vent their anger and pain and to see through the media demonising of the person who offended against them, the actual weakness of the criminal as against their strength in the act of confrontation, would benefit all concerned. If nothing else it would show the perpetrator the consequences of their actions, so he could not escape into jail without being given a look at reality. It would also help victims to build back the power and control in their lives, that the shocks of what others have done to them have destroyed. If the victim could not appear then people close to the victim could on their behalf, or people nominated by the victim could carry messages back and forth, building up a foundation for work later on.

The hardest thing would be the initial vetting of people who would be able to benefit from such contact and not use it to carry on destructive behaviour. This includes the victim and the perpetrator. Altruism is a rare commodity when it comes to prison matters, although I have come across it on more than one occasion. There is the volunteer and the coerced volunteer, there is the victim that wants to understand and move forward, and the one who wants to stay in the role. How does one set out the stall beforehand? If left to others my meeting with Pam might not have taken place at all. The start must come from the injured party and be carried out at the pace of that party, the offender can then be approached through a trusted third person. So there is the go-between and the back up for both sides of the seesaw. But the most important thing is the commitment to say sorry and then do something about it.

Walking the walk as opposed to talking the talk. God, I wish we could use accurate lie detectors in this country, as even Grendon had some spectacular failures. In medicine the point is to do no harm. That's the priority that all roads must lead to when building the act following on from the idea.

The community benefits in many ways also, it may see as a body the reality of a situation and not the slanted media or political coverage. It knows both the parties and their backgrounds, it goes beyond naming and shaming. It is confrontation of a most primitive kind, leading the perpetrator to make amends not only to the immediate victim but to all those secondary victims as well.

How it would work is how Grendon worked 10 years ago, you build both parties up, to be able to face each other in a positive forum surrounded by people who are working for positive goals. You have small units not large jails in each ward of the city and towns.

They are staffed by the people who staff them now, but the emphasis is upon community participation, confrontation and education. You can keep some of your big places for the violent cons, who are not ready, able or willing to change, but if one looks at who has done what to whom, it's usually people who know each other who hurt each other, or the poor steal from the poor. I have not noticed any riots in Hampstead or Henley-upon-Thames recently. I think many court cases could save much by offenders pleading guilty after seeing the person they had harmed. Grendon is a small place with the same goals and the means to carry out these goals. It could bring greater benefits. Our present system encourages crime and does not seem to work. It only postpones sorting the problem out. I would say if you want to stop crimes against the state then sort the state out. Whatever approach, it all comes down to the individual and the person next to them.

Jeff Lock
December 2001

COMMUNITY

Statement of Home Office Purpose and Aims

Purpose

1. **To work with individuals and communities to build a safe, just and tolerant society** enhancing opportunities for all and in which rights and responsibilities go hand in hand, and the protection and security of the public is maintained and enhanced.
2. **To support and mobilise communities** so that, **through active citizenship**, they are able to shape policy and improvement for their locality, overcome nuisance, anti-social behaviour, maintain and enhance social cohesion and enjoy their homes and public spaces peacefully.
3. **To deliver the Department's policies and responsibilities fairly, effectively and efficiently** through the most up to date project and day to day management, the best use of resources and the development of partnership working.

Aims

1. **To reduce crime and the fear of crime**, tackle youth crime and violent, sexual and drug-related crime, anti-social behaviour and disorder, increasing safety in the home and public spaces.
2. **To reduce organised and international crime**, including trafficking in drugs, people and weapons, **and to combat terrorism and other threats to national security**, in co-operation with EU partners and the wider international community.
3. **To ensure the effective delivery of justice**, avoiding unnecessary delay, through efficient investigation, detection, prosecution and court procedures. To minimise the threat to and intimidation of witnesses and to engage with and support victims.
4. **To deliver effective custodial and community sentences to reduce reoffending and protect the public**, through the prison and probation services, in partnership with the Youth Justice Board.
5. **To reduce the availability and abuse of dangerous drugs**, building a coherent, co-ordinated drugs strategy, covering education and prevention, supply and misuse. To focus on effective intelligence and detection, preventative measures at local level, community regeneration, and – with other relevant departments and agencies – the provision of necessary treatment and rehabilitation services. To reduce the incidence of drugs in prisons and provide appropriate follow-up and remedial services.
6. **To regulate entry to and settlement in the United Kingdom effectively in the interests of sustainable growth and social inclusion**. To provide an efficient and effective work permit system to meet economic and skills requirements, and fair, fast and effective programmes for dealing with visitors, citizenship and long term immigration applications and those seeking refuge and asylum. To facilitate travel by UK citizens.
7. **To support strong and active communities in which people of all races and backgrounds are valued and participate on equal terms** by developing social policy to build a fair, prosperous and cohesive society in which everyone has a stake. To work with other departments and local government agencies and community groups to regenerate neighbourhoods, to support families; to develop the potential of every individual; to build the confidence and capacity of the whole community to be part of the solution; and to promote good race and community relations, combating prejudice and xenophobia. To promote equal opportunities both within the Home Office and more widely and to ensure that active citizenship contributes to the enhancement of democracy and the development of civil society.

Taking Down the Walls: Measures to Integrate the Objectives of the Justice System with the Community's

(by Mark Carey, Director, Dakota County Community Corrections, originally published in *Community Corrections Report*, 1997, reprinted with permission)

The criminal and juvenile justice system has been closely scrutinised in recent times by academic pundits, elected officials, and the public. Generally, the evaluation has not been favourable, whether based on factual data or perception. The justice system has been ineffective at stemming the conditions that breed crime. Sentencing serves a useful purpose, but large-scale crime reduction is not one of them. The public is dissatisfied with the system's ability to create the kind of societal change, which would reduce their fear of crime. In addition, people tend to globalise their fears and anxieties, often applying sweeping judgements about an entire set of players, in this case toward both offenders and justice system personnel. The justice system will face a "we-they" response from the public until it addresses the human condition of fear due to the lack of familiarity with the justice process and the system's inability to resolve inter-personal conflict.

This article illustrates some of the ways the current Justice system inadvertently isolates the public from the halls which seek to dispense Justice, describes its consequences, and identifies some ways in which jurisdictions have begun to bring the work of justice into its communities.

Justice System Features that Isolate and Insulate

You know the analogies: the Berlin Wall, the Great Wall of China, the Walls of Jericho, etc. All of these historical events contain a common theme: walls separate people from each other. Regardless of any positive benefits they are perceived to produce (such as security), walls create a set of unintended consequences. America's justice system is no different in this regard. Its walls may be impervious to the casual observer, but the resulting separation is no less imposing than a physical fence. If the justice system is serious about serving the public, then a close examination of the ways it keeps the community away is worth exploring.

In the beginning of this century, the courts were closely bound to the community. Probation officers were seen as part of the community from which they served. Police officers were well known to the residents whose streets they walked and patrolled. Societal changes prompted the modern justice service delivery process. For example, the courts centralised judicial functions due to factors such as the shift from the dominance of the rural community, specialisation, court unification, and severing the link between the courts and local politics (Rottman, 1996).

It is useful to examine how the modern day Justice system's process keeps the public away, which perpetuates a fear and anxiety-based cycle. The following are some prevalent features in today's US justice system which tends to create an insulation effect:

1. **Data Privacy and Convenient Access to Information:** States have data privacy laws that prohibit the release of private data on offenders. It is hard to argue the sensibility of having such laws. However, data privacy laws can be applied in extreme measures. For example, victims may not be able to get information on offenders which would help protect themselves. The public cannot get easy access to information that tells them where offenders convicted of serious offences are living. Information cannot be shared with schools on juvenile offenders when certain information can help the school protect the other students and teachers.
2. **Sterilisation of Information:** Public agencies have access to private, public, and summary data, which is critically important to the development of public policy. How and whether this information is shared with the public is often a source of debate. When summary information is eventually made public, it is often "massaged" to such a degree that it appears sterilised to the casual reader or observer. It usually takes persistent inquiries and thorough information analysis to determine what major policy implications might be drawn from the data.

1. **Removal of Emotion from Justice Process:** The justice process seeks to establish a calming, orderly environment. When individuals express raw emotions, attempts are made to control and remove these expressions from the proceedings. Yet, it is precisely these emotions that need an avenue for expression. Crime is a form of interpersonal conflict. This conflict is emotionally charged and solutions often require the expression and remedy which makes justice system personnel uncomfortable. The process promotes a type of blanched participation. Often, one of the system goals (e.g., speedy case processing) takes precedence over the restoration of the victim, offender, and the community. The system machinery loses sight of a core objective, determining responsible parties and seeking a dispositional process and outcome that repairs the harm to the degree possible. In many cases, efficiency becomes an antithesis to effectiveness.
2. **Intimidating and Foreign Structures:** Courthouses are built with imposing and forbidding structural designs and materials. They take on a form of majestic air, complete with marble tile and mahogany panelling. Judges sit higher than others, and wear robes. Participants stand as the judge is introduced. The judge maintains order through the surroundings, bullet-proof glass, metal detectors, use of the gavel, the presence of a bailiff, and the power inherent in the position. The language and legal process is foreign to most participants, especially victims who may have never entered a courtroom before this sombre occasion. This is not a setting where a participant is made to feel welcome and where the message is given that one's input is sought and valued.
3. **Professionalisation:** The Justice system is operated by those with a required education and experience background. The procedures are carefully scripted, as based on law, Court Rules, policies, or historical practice. Unless you're a member of the "system club" you cannot know what the unwritten rules are as to conduct and appropriate protocol. One gets the sense that one should "not speak unless spoken to."
4. **Public Service Convenience:** In many ways, American society is handcuffed to a 911 mentality. When problems exist among members of a community, they call government officials whether that be police, the local housing inspector, the neighbourhood association officer, or the animal control officer. Conflict is seldom resolved directly by the affected parties, but is referred to professional experts. We have become a society of specialisation that has led to a reliance on experts to handle our conflicts. We have willingly given over our conflicts and our autonomy to these experts, only to lose our ability to influence and shape the outcome of that conflict. It is precisely our anxiety around crime which propels us to seek solutions from professionals, which ultimately disempowers us and diminishes our sense of community responsibility.

These factors, in combination, create a fortress-like effect. It takes on a self-fulfilling role. For example, as justice system personnel gain more education and expertise in their field, there is a natural tendency to use this specialised language and procedures like a foreign language. A type of dress and courtroom code of conduct is established. Friendships and social cliques develop. Over time, a type of closed system culture develops that shuns public scrutiny or influence. In fact, public input tends to mess up an otherwise fairly tidy set of procedures for those who work closely within the system.

Nils Christie (1977) describes interpersonal conflict as personal property. Conflict is something that is "owned" by those involved, and he argues that more conflict is needed in industrialised society, not less. He describes justice representatives as "professional thieves" in that they are trained at stealing conflict which has a paralysing effect by disempowering victims and communities.

Consequences of the Isolation

The community's response to crime should not be surprising. Anger and fear leads to a tendency to isolate ourselves in order to keep potentially harmful events away from us (Pranis, 1996). Isolation leads to a breakdown of social bonding. We have retreated to the safety of our backyards. Front porches have been abandoned and, with that, our collective responsibility for the safety and welfare of our neighbours. We look out for ourselves. It is through social bonding activities between neighbours (such as joint garage sales, block parties, bridge clubs, informal gatherings, etc.) which promote interpersonal relationships and trust. Isolation, however, breeds unfamiliarity, which leads to the loss of trust and further isolation.

This cycle creates fertile ground for crime to grow, thus accelerating a spiralling effect (figure 1). In addition, isolation creates an environment of anonymity whereby the offender is unknown to the community and not held accountable on an on-going basis. By being anonymous, the offender is freed from many informal societal constraints which can embolden the offender to partake in anti-social activities.

CYCLE OF CRIME

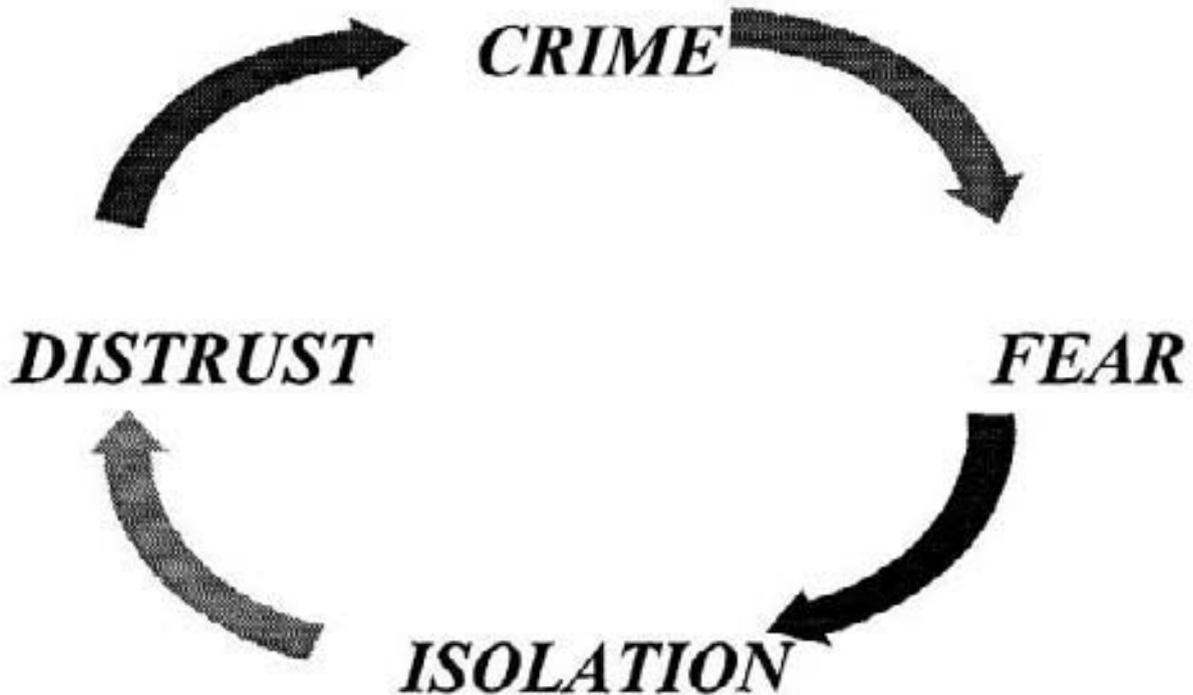


Figure 1

This emotional response to events which create anxiety unfolds similarly by personnel in the justice system. When justice system personnel are criticised for their actions, there is a natural inclination to defend those decisions. Over time, there is a tendency to retreat in isolation from those who might seek blame when crime, especially repeat crime, occurs in local communities. One way to insulate itself, is for the system to limit easy access to information, or to control the nature of that information when it is released. Not surprisingly, the public ultimately will either stop listening, trusting, or understanding. This creates a spiralling cause and effect, which ultimately thickens the wall of insulation (figure 2). Like a piece of sand which irritates an oyster, provoking a chemical reaction and layers of substance that build up to form a pearl, both the public and the justice system simultaneously finds itself irritated and defensive, only to build up a wall of separation. In this case, however, what is left is not a pearl, but a wall of insulation.

THICKENING OF THE WALL PROCESS

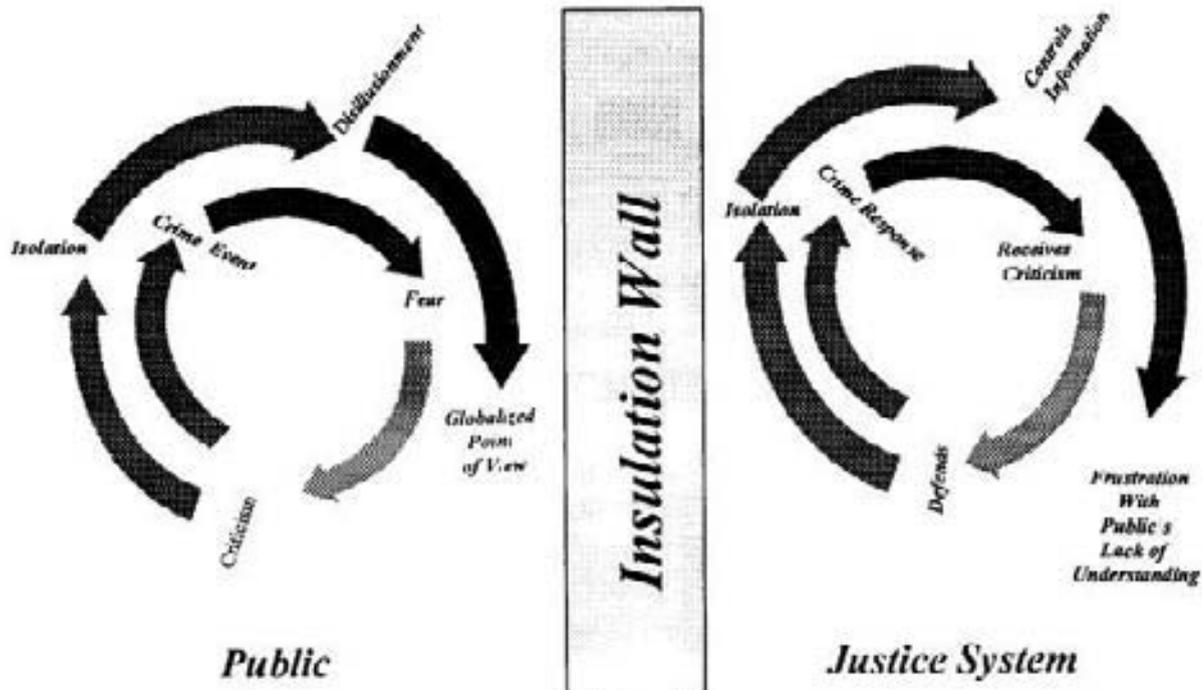


Figure 2

One way to understand the effects of system isolation is to examine how a justice system might answer these questions:

1. Is the justice process easy for a citizen to understand upon observation, or is it so filled with legal and expert jargon to make it largely incomprehensible?
2. Does the public have real access to the system (i.e., comfortable, respectful, inviting), or are there roadblocks to participation?
3. Do community members have an opportunity to truly influence the outcome, or is it almost entirely determined by the system personnel?
4. Is the system respectful of cultural, gender, socio-economical differences by the way it operates, or is it inflexible?

Promising Conceptual Frameworks Which Reduce System and Community Insulation

Fortunately, much is changing. System professionals and citizen members alike have recognised the need to join efforts to regain control over their neighbourhoods. Crime can serve as a type of catalyst or "social fuel" which, if channelled, can provide the motivation and energy to empower a community to take fuller and more direct responsibility for crime and deteriorating social conditions (Christie, 1977).

A number of practical conceptual models have been popularised lately which provide compelling frameworks to help organise and articulate community based practices in responding to social problems, including crime. Some of these include communitarianism, community policing, devolution, Communities That Care, civic responsibility, community justice, and restorative justice. Programs operating out of a restorative or community justice model are producing tangible results which put the community on centre stage.

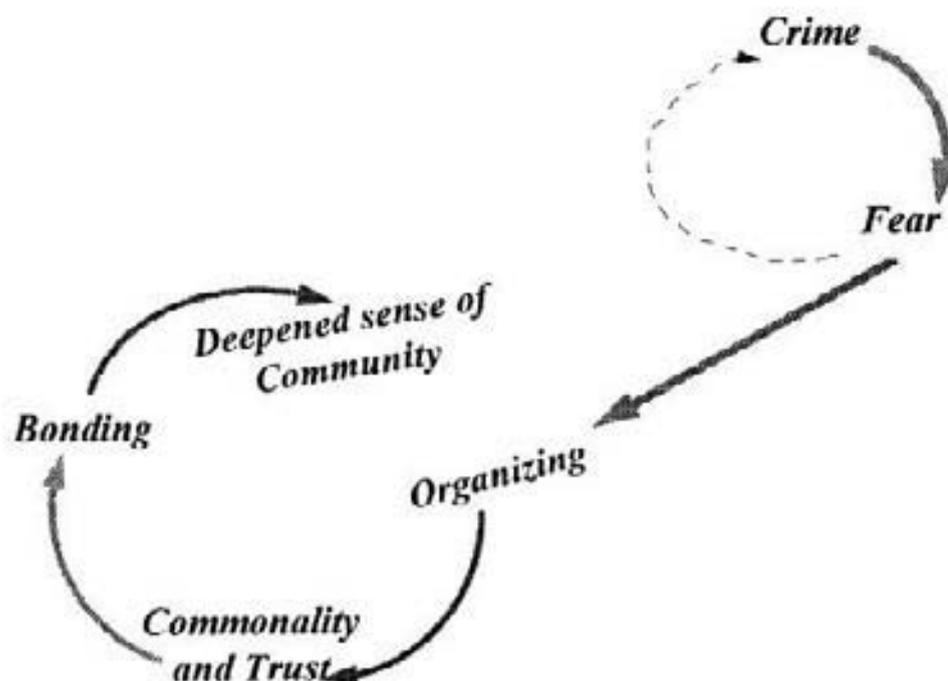
Restorative Justice is a philosophical framework which puts the repair of crime as the predominant goal of intervention. Crime is viewed as a violation of one person by another as opposed to a violation against the state. The focus is on problem solving for the future rather than solely establishing blame for past behaviour. Victims are given opportunities for input and for closure by gaining a better understanding of what happened, being able to move on with lives, impressing upon offenders the real human impact of their behaviour, and promoting restitution payment plans. It puts victims and offenders in active and interpersonal problem solving roles. The community plays an important role in restorative justice as well. Some specific roles and responsibilities of the community are:

1. Supporting crime victims;
2. Establishing standards of conduct and condemning crime;
3. Providing opportunities for the offender to make amends (i.e., to "earn their redemption" and gain competencies which the community values); and
4. Establishing and maintaining community harmony.

Government can play a critical role in helping communities regain their sense of control and identity. This role is not to take over the community's organising activities but to serve as a catalyst and facilitator by providing technical assistance, information, and seed funds when needed. Community organising efforts have a better chance to break the cycle of crime by tapping into this "social fuel" and promoting activities that disrupt social conditions that breed crime. It is precisely the process of organising and delivering these activities that bring about familiarity, bonding, and trust which ultimately builds long-lasting community capital (see figure 3). The activities cannot simply be superimposed on existing service delivery corrections structures. Rather, neighbourhoods and communities need to take on the responsibility for managing crime conditions.

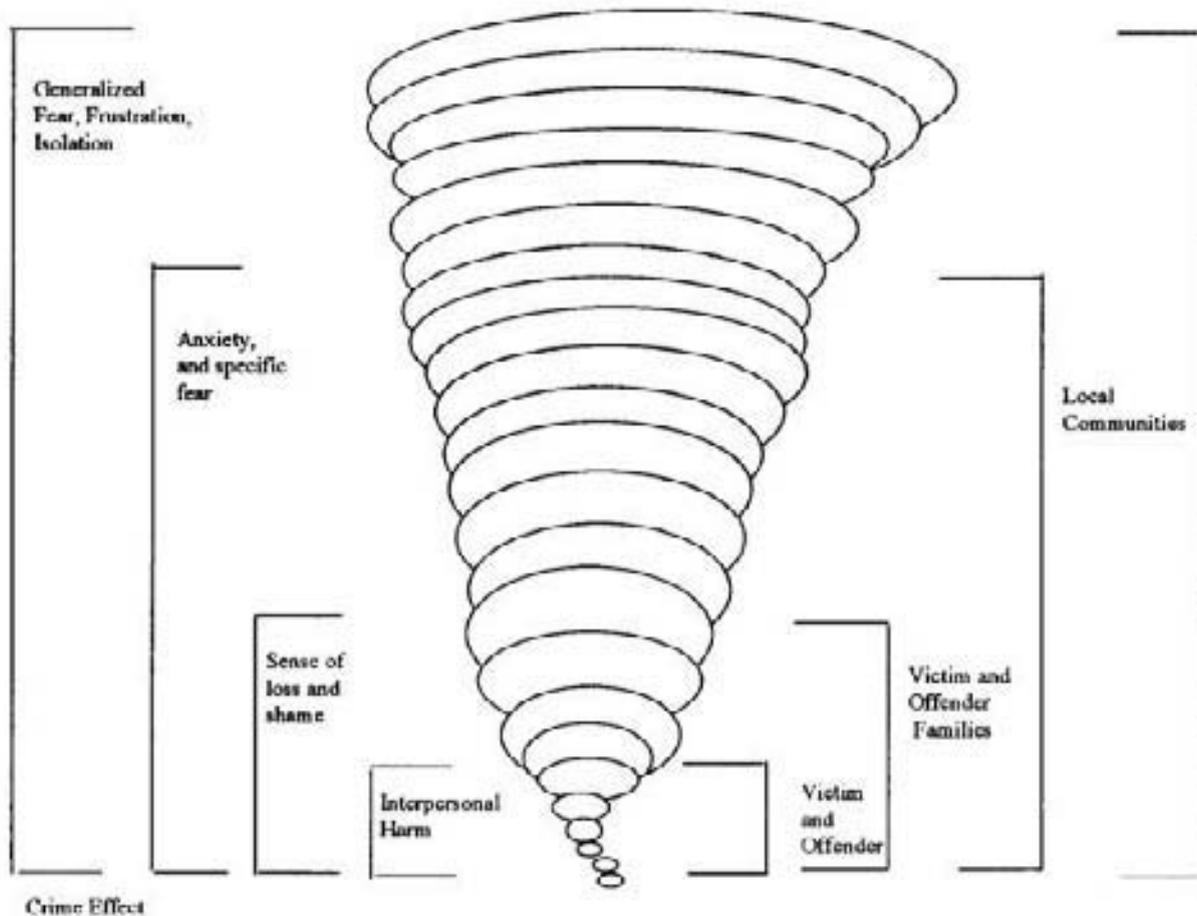
RESTORATIVE COMMUNITY RESPONSE

Figure 3



Justice system interventions, then, need to be more broadly applied. Rather than viewing crime simply as an illegal act against the state, it must see it as an interpersonal conflict against a victim and an entire community. Crime affects the large public body, as evidenced by generalised feelings of fear and anxiety, and by altered behaviour (such as not leaving the home at night, purchasing security systems, avoiding normal social activities which put us at risk, etc.). It is helpful to see the affect of crime in its expansive form, as having a type of "whirlwind affect." A twister wreaks havoc on a wide-scale basis. The area where the twister touches the ground creates the most direct damage. However, the winds associated with the storm have a far-reaching impact, well beyond the point of ground contact. And, even in those areas where the twister does not cause damage, fear and anxiety are prevalent. The Justice system has traditionally focused solely on the point of contact: that of the offender, and to a lesser degree, to the victim (figure 4). Yet, the community is both a key victim and a resource for resolution.

WHIRLWIND OF CRIME EFFECT



Community-based and restorative-minded practices serve to remove the insulation between the system and the public in a meaningful way. They directly involve the public. These practices seek to restore the harmony at the community level. They may even access the community's resources to bring about restorative changes. Most importantly, the process goal is not to bring the community to the justice system, but to bring the justice system to the community. The common features in the promotion of a community-based, restorative approach are that they 1) fully inform those affected by the crime, 2) provide full access to decision making (in a way that is comfortable, convenient, and respectful), 3) use processes that are raw and real, 4) are consensual in nature whenever possible, 5) unite instead of break apart, 6) use the justice system as a backstop, not the backbone, and 7) are empowering in nature.

Promising Practices

Some of the newest applications of Justice in the community are truly connecting the justice system and the public in unique ways. *These practices are serving as bridges, gates, and pathways to integrate system and community objectives to such a point that they are being blended into one indistinguishable outcome: justice.*

Circle Sentencing: Circles are composed of offenders and their supporters, victims and their supporters, interested members of the general community, and criminal/juvenile justice system representatives. They focus on peacemaking or healing. Circles are facilitated by community "keepers." The participants use a consensus building process. The needs of the victim and the community, as well as the needs and responsibilities of the offender are addressed through the circle process that results in the development of a plan. If the offender fails to fulfil his/her responsibility, the case is returned to the formal court process. Circles can also be used for family, civil, and other conflicts.

Crime Boards: Also known as reparative probation, Crime Boards are designed for offenders convicted of misdemeanours and non-violent felonies. The program involves face-to-face meetings between the offender and volunteer Community Reparative Board members. These members are citizens who are trained to intervene on cases referred by the court process. The purpose is to work out an agreement on how the offender is to make reparation to the victim and the community. Offenders are sentenced to the program by a judge following adjudication of guilt. The Board may meet with the offender after the initial meetings in order to monitor progress on conditions.

Family Group Conferencing: Conferencing is a process of intervention whereby community members affected by the crime come together to meet with the victim and the offender. The meeting is facilitated by a trained volunteer or police officer. The purpose is to talk about how the crime has affected each others' lives, and decide as a group how the harm is to be repaired. Conferences may be held before or after the adjudication process, or as an alternative to the formal justice system.

Community Policing: Community policing involves the assignment of law enforcement officers to a specific geographic area and may include the opening of "mini-stations" in neighbourhoods. The officers develop trust through routine communication with community leaders, citizens, and business owners. Officers take on a problem solving approach rather than waiting to respond to a call after a crime had already occurred. The officers may also organise block clubs, support local merchant associations, and conduct other crime prevention efforts.

Neighbourhood Probation: Also known as beat probation, neighbourhood probation is similar to community policing whereby probation officers are assigned to geographic areas instead of having dispersed caseloads. They view the community as their client and establish community partnerships. They will often join the area neighbourhoods in working with offenders to prevent recidivism, deal with community "hot spots," gang intimidation, drug houses, and other quality of life concerns. Efforts are also made to collaborate with other service agencies such as social services, public health, churches, etc.

School Based Probation: Similar to neighbourhood probation, school based probation involves placing juvenile probation officers in schools. They are assigned the same geographic area as the school's and provide problem solving assistance to school for those students on probation. The objective is to monitor probationers while seeking ways to increase the likelihood of school success through improvement of grades, reduction in truancy and expulsions, and increase in high school graduation.

Community Courts: Community courts respond to the need to be closer to community needs by decentralising court facilities. Also known as court devolution, the courts permit access at many remote locations whereby citizens can file forms, pay fines, and participate in the court process more conveniently. It requires collaboration between the court and one or more community groups in order to forge a more broadly based connection between the court and community. It includes three components including: resolving disputes directly and with the help of those affected, treating parties of a dispute as individuals rather than abstract legal entities, and using community resources in the resolution of disputes.

Community Prosecution: Community prosecution helps communities resolve immediate, specific crime related problems identified by the residents. Prosecutors may be assigned to specific neighbourhoods and assist communities by explaining legal constraints that prevent law enforcement from acting, and devising alternative tools citizens and police can use when conventional ones fail.

Community Defence: Community defence seeks to provide legal services for the purpose of solving problems that foster crime and injustice before crime occurs. It seeks to address structural problems that are in existence in many communities. Rather than just representing individuals accused of crime, community defence attorneys are based in the community, are accessible to the public, and represent clients in an effort to avoid problems. The highest priorities are given to cases before an arrest is made. Assistance is offered to families and community members who are experiencing difficulties that can be addressed, in part, with legal assistance.

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PROCESS

Restorative Practice in Prisons Incorporating Restorative Practice into the Adjudication Process

1. Background

1.1 Restorative Justice

Restorative Justice is an approach to crime that understands it mainly as a harm, and that seeks to respond by repairing this harm rather than by identifying and punishing offenders. In doing this, a more comprehensive and balanced process and outcome are sought, with both the victim's needs and the wider impact of crime on an offender's community being recognized, considered and addressed in the hope of resolving the conflicts inherent in the setting.

1.2 Restorative Justice within the Prison Environment

A prison may seem to represent the very antithesis of the ideals of Restorative Justice, and its environment an unlikely backdrop for any application of its principles. However, when we see a prison both as a community and as an institution which prepares those within its walls for their safe return to the wider community, it can be seen as an ideal environment for the practical application of restorative practice.

1.3 Practical Application of Restorative Practice within the Prison Environment

There are various ways in which the principles of Restorative Justice may be applied within the context of a prison. One such application springs from the recognition that crime is not something that only happens outside the walls of a prison. Within prisons too there is 'crime', as well as infringements of the prison's own set of rules and laws, which result in the invocation of the corresponding administrative measures and punishments.

Currently this process of calling individuals to account for their actions, deciding on guilt, and instigating punishment happens primarily through the 'adjudication' system. This is essentially a kind of mini-court, where having been formally charged with a particular offence, prisoners are brought before the Governor to answer the charges against them. The environment of the adjudication is normally formal and rigidly inquisitorial. Procedures are tightly laid down leaving little room for wider discussion, and punishments meted out often without reference to thought of reparation or of preventing reoccurrence.

There is often dissatisfaction with the process of adjudications and a concern for a more satisfactory method of resolving conflict has led to consideration of alternative approaches to carrying them out.

2. Alternative Models of Adjudications using restorative principles

2.1 Directly through the Restorative process, without formal disciplinary or adjudicatory procedures being invoked at all

Although there is much that may be practically desirable in having two separate systems to deal with offences in prison, which can be run independently and need never risk compromising each other, this option is not practical. Under current rules there is a rigid time constraint on the laying of formal disciplinary charges ("as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence") which realistically means that if a restorative conference were to fail or transpire to be unsatisfactory for whatever reason, it would be too late to initiate alternative, adjudicatory, proceedings. This would invite the prospect of prisoners readily agreeing to the idea of a restorative conference for the sake of not being placed on report, knowing that if the process were to be aborted at any stage, even for so simple a reason as their refusing to continue to acknowledge guilt, other avenues of action would be closed to the prison authorities. Incorporating restorative practice into adjudications would seem more likely to be acceptable and considered legitimate.

Utilising rather than bypassing the prison adjudication system also has the advantage of maintaining a complete prison record of offences and their perpetrators, which is fully auditable and enables the establishment to retain a cohesive picture of the disciplinary profile.

2.2 Formally placed on report, adjourned for separate, independent case conference. Resulting decision conveyed to adjudicating governor who re-opens adjudication, and pronounces on the adjudication in accordance with the decision of the case conference.

This cannot happen because an adjudicator is acting in a quasi-judicial capacity, and therefore their discretion cannot be fettered. It would be inappropriate to tell the adjudicator what to decide.

2.3 Formally placed on report, adjourned for separate, independent case conference. Once restorative process is complete, and an outcome acceptable to all parties has been decided upon, the adjudicating governor is notified and concludes the adjudication with a decision of 'not proceeded with'. (NB: such a decision ('not proceeded with') is legitimate when factors other than lack of evidence make it inappropriate to continue the proceedings, e.g., an adjudication is adjudged too trivial to continue. This is distinct from a finding of 'dismissed' which is legitimate when there is insufficient evidence to proceed.)

This option would seem to be the best way of balancing the different demands on the process. The restorative proceedings are allowed full autonomy, not being constrained by any other process, but loopholes that might be left open which would allow the model to be abused are closed. The adjudication process itself is not compromised, and the option of re-opening the adjudication to proceed along the lines of a conventional adjudication would be left open if the restorative process were interrupted or stalled for any reason.

A report from the restorative process should be included in the record of the adjudication.

3. Procedures

3.1 Which Incidents/Offences should be considered for inclusion?

There is often a fine line between those incidents and events that proceed to adjudication, and those that are dealt with informally. This depends on many variables: the precise circumstances of the incident, the background to the incident, and the personalities of the individuals involved. This suggests there are currently two categories of offence, those that proceed to adjudication and those that are dealt with informally. Both of these could be brought under the control of a Restorative system.

However, examples of those incidents that might normally be adjudicated restoratively include:

- damage to property
- lower class adjudications for cannabinoids
- minor assaults
- fights
- verbal offences involving threatening and abusive words

3.2 Who decides to refer an incident to a process of restorative adjudication?

The process of deciding to proceed to a conference could involve a number of people, although ultimately, the perpetrator and the reporting officer would have to agree to the process. In the first instance once a report has been written out there is clearance through a Principal Officer and it is at this stage that a check could be made about the suitability for a restorative approach. As far as more minor incidents are concerned the matter can often be dealt with through discussion between staff and those affected. In addition, the decision could be taken by a combination of wing staff, affected parties, and finally sanctioned by the adjudicating governor.

3.3 Who is responsible for conducting the Restorative Justice procedures?

Perhaps the preferred method of implementing restorative adjudications would be to develop a protocol, dependent upon training several members of staff from across the multi-disciplinary spectrum of the prison. These individuals would all be trained practitioners, and would be available in different combinations to conduct a restorative process.

This protocol would provide for an element of independence from the prisoner's wing, and a steering group could fulfil the function, in the early stages at least, of fine-tuning the system and evolving further ways in which its principles might be applied in the establishment. Wing representation in the process as representing 'the community', might be useful, and indeed peer facilitators could not be trained in time.

3.4 Staffing implications

The implementation of restorative adjudications would carry with it implications for staffing practice at various levels. This will include: time-taken after an incident to decide how to proceed, time taken to conduct the process itself and any follow-up, and in the first instance, time taken by staff involved in meetings setting up the protocol for restorative work. However, it should not be forgotten that conventional adjudications are currently costly in terms of the time taken to deliver. In addition, while the processes of restorative justice might be time-consuming, in their favour, they are flexible, so that conferences can be convened when staff are available, and when it is convenient to the establishment.

There is also evidence of greater satisfaction from all those involved, perpetrators, victims, and their communities and in the prison setting - the staff members.

3.5 Training / awareness implications

In order to do justice to a system of restorative adjudications, it is necessary that all staff involved directly in the process are trained, and that all other staff have an awareness and understanding of the essential principles that underpin the process, and of their responsibilities in relation to it. Initially, it will be necessary to train enough staff to give the procedure a fair trial.

3.6 Honesty / Audit

In order to establish the system within an auditable and testable setting it is important that the procedures are well documented through the adjudication process. The suspended adjudication will include a report from the restorative process which is agreed by all parties and which describes the process and outcomes. These reports will form part of the adjudication checking system and will also be subject to a regular management audit as required from the standards programme as well as a research project to determine the effectiveness of the protocol.

The findings will be subject to the same system of appeal as adjudications, through the Area Manager and the PCU.

4. Protocols

- It is a fundamental principle of Restorative Justice that consent to deal with the situation along restorative practice lines should be given by all parties involved. In the practical terms of prison, this would include the 'reporting officer', (i.e. the person responsible for placing the prisoner on report), the prisoner himself, any victims who might be affected, the adjudicating governor, and possibly the staff group on the wing. It should be made clear that if consent is withdrawn by any of these parties at any stage, the process is stalled and if agreement cannot be reached, the matter should be dealt with through normal criteria and process.
- Admission of guilt would be a requirement for the restorative process to be initiated. If the prisoner against whom the charge has been made does not admit responsibility, it would be appropriate to deal with the incident as a traditional adjudication.
- Where reparation agreements cannot be reached, they should not be forced for the sake of a neat conclusion. Negotiations can be continued, or alternative ways of dealing with the situation considered.
- All conferences must be voluntary, with all parties giving and being seen to give their consent. This should be secured in writing before the conference.
- The agreeing and enforcing of reparation agreements is similarly voluntary; prisoners cannot be forced to adhere to agreements made. If prisoners withdraw co-operation at this stage, it will depend on the specifics of the situation as to whether the case is re-conferenced, or whether alternative avenues are resorted to, such as a report to the wing staff and the adjudicating governor.
- Reparation agreements should reflect the circumstances of the offence, and should not be disproportionate to the offence.
- While 'facilitating' the parties to reach an agreement and ensuring that the agreement is not unreasonable, facilitators should not take sides, impart their own opinions, or direct proceedings in any way.
- Consideration should be given to the practicalities of how the agreement should be completed and the completion recorded and fed back to the affected parties.

5. Principles of the Restorative model to be considered in relation to its application in a prison setting

Fundamental to the restorative process, derived from the underlying ethos of Restorative Justice, are principles which would have to be applied in a restorative adjudication in some form or other if it is to be parallel to the original model. These include:

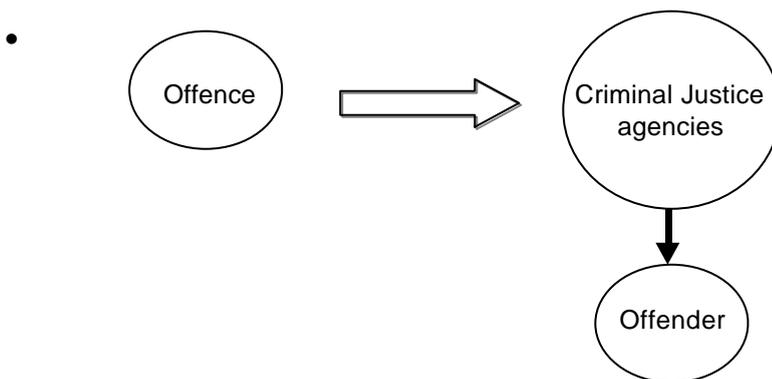
1. Inclusion of victim, offender, and members of the prison community in the process
2. A safe environment in which to operate
3. Prior acceptance of responsibility by the perpetrator
4. All parties participate on an entirely voluntary basis
5. All parties are properly supported before, during and after the process
6. Offenders to be selected as able to manage the process (understand and participate actively with informed consent)
7. Careful preparation for all parties
8. All facilitators should be trained and experienced
9. The conclusion of the conference should entail an element of reparation
10. There should be a feedback to staff and prisoners involved in the process.

Restorative Practice in Preparing Prisoners for Resettlement, Integration and Return to Their Communities

1. The return to community after a prison sentence presents the offender and the community with opportunities for creative restorative approaches towards reintegration and reconciliation. Sadly the experience is often perceived as a risky one by prisoners and as an unwelcome one by their wider community. Restorative Justice approaches can address some of these tensions through preparation and an open approach communicating the progress of the prisoner, his/her concerns about returning to their community and intentions on release, key agencies, individuals and groups that may be able to assist in the process of return.

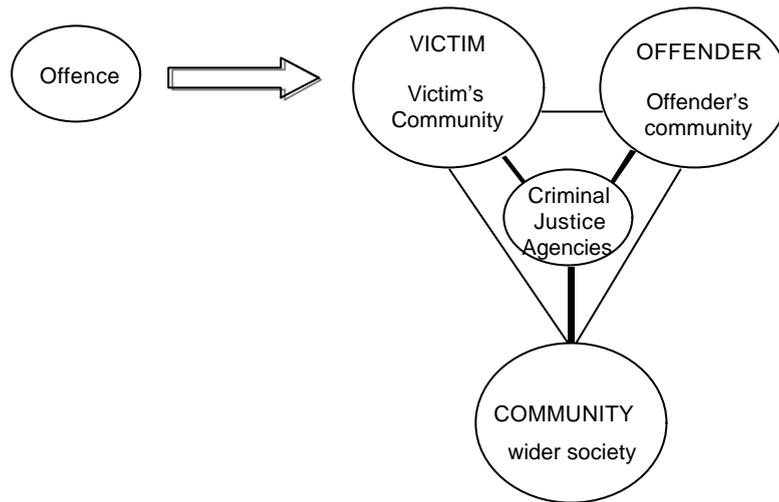
2. Restorative processes seek to involve the key stakeholders in a conflict in reaching resolutions that are willingly and voluntarily entered into. The conflict inherent in return to the community after a prison sentence can bring:
 - uncertainty for the prisoner facing a changed environment and relationships that have moved on
 - stress for the ex-offender’s family who are receiving back a changed person with questions about their intentions
 - concerns among members of the community who may remember the crisis in behaviour which led to the offender being convicted and sentenced to custody
 - anxiety for the Criminal Justice/and community groups receiving the ex-offender back into their responsibility and locality.

3. Traditionally prisoners have been prepared for release through the focus the Criminal Justice Agencies have on crime matters in concentrating on the offender. Much effort has gone into informing the prisoner about processes he will face and giving some information about agencies he can call upon. Little is done with local community members or with the family in an interactive way apart from through probation service preparation for temporary release that may be available. The Probation Service leads on much of this community based interaction.



Traditional Criminal Justice Dynamics

- Using restorative principles we could develop the resettlement planning for prisoners. We could pay regard to the context of return of the offender to his community to his family and to the criminal justice and other agencies eventually involved with him.



Restorative Justice Dynamics

- Using this model of restorative justice:
 - the complexity of the process of the offender returning to his community is evident
 - the need for the key agencies – police, prisons, probation – to work together becomes clear
 - the need to pay regard to the offender’s community (family), the victim and his/her family and the community groups in the locality is also apparent.
4. This dynamic can be explored in the development of a conferencing process during the temporary release/home leave of a prisoner, to which the key stakeholders involved in the process of receiving him back into the community are invited. This provides all with:
- the opportunity of meeting to review the issues of returning home
 - any unresolved anxieties remaining from the offence
 - the risks that community members feel are still present
 - the commitment the prisoner may wish to make to the agencies and community members
 - the concern the family may have about their involvement by association with the prisoner
 - the responsibilities the agencies may feel to maintain supervision and vigilance which should be explained for all to be aware of the process of accountability
5. The conference could best be convened by an independent community-based agency in order to provide focus and legitimacy for the process of sharing concerns and reaching understandings. The meeting should be prepared for by the agency outlining:

The Purpose

- to provide a safe and inclusive process for the prisoner to leave prison to benefit the prisoner, his family and the community

The Process

- through an arranged meeting of interested stakeholders to discuss concerns and seek resolutions, gain understanding and develop an agreement for future action from all parties

The Desired Outcome

- everyone will have been able to voice their concerns and face each other rather than harbour anxieties, resentments, suspicions and fears
- the meeting should conclude with a written understanding in which the prisoner commits himself to certain behaviours (including ongoing treatment programmes) in which community groups offer support and involvement, in which the agencies outline their responsibility and define expectations of support available and the family accept the complexity of the situation within which they may be able to support their loved one.

The Follow Up

- This work will be followed up in subsequent home leaves and in prison-based work – and eventually on the prisoner's release through supervision.
6. In the presentation material during the conference it will be important for the Prison to support the prisoner in describing the process, gains and problems inherent in a prison sentence – particularly as it comes to its conclusion. The Probation Service may be best placed to support the family during the conference in relation to the pain they have experienced during the sentence and in their ongoing concerns of adjusting back with the family changed. The Police may wish to represent the concerns of the community and the victims of crime in the area to whom the prisoner is felt to be a risk – this may involve a commitment to offer support to the offender in relation to risk of relapse.
 7. Given the response from victims and offenders seen in other examples of the restorative justice process it is clear that a major benefit is feeling they have had a say in the process and this is reflected in the higher completion rate of action plans subsequent to a restorative justice conference than in other non-custodial disposals. The likelihood of the process assisting in the resettlement process is considerable and any project commenced should evaluate the effectiveness of the approach both in relation to reconviction rates but also in terms of the prisoner's feelings about returning from prison and those of the community receiving the prisoner back.

Tim Newell

Restorative Justice and Prison Staff

Restorative Justice is to do with repairing the harm caused by a criminal act. Unlike conventional justice, which focuses almost exclusively on the offender, restorative justice places emphasis upon the victim and requires that the offender does also. It 'restores' victims by helping them come to terms with what happened and thereafter to move on. Too often the criminal justice system leaves the victims with their horrors, fears, anxieties of the crime unresolved. And too often the criminal justice system, even though it focuses on the offender does not deal at all with the harm the offender has caused and their responsibility for it. Restorative justice does this, for the victim, for the offender and ultimately for the community which also is a victim. Restorative justice can be seen as a means of restoring the balance, of reconciliation, of resolution rather than dissolution. It involves

- The participation of the victim and the offender in the process
- Community involvement in justice
- Problem solving approach to conflicts
- Flexibility and creativity in the process of exploration and decision making.

Restorative justice is not about going soft on offending – it is actually a lot harder for an offender to confront what they have done, to understand the full implications of their behaviour, than to be dealt with in the conventional way. Conventionally, the criminal justice system separates the offender – often literally – from the victim and the community. While this is sometimes important, if separation is all that happens, offenders can quickly distance themselves from the harm they have caused, forget it, deny it, or create elaborate justifications for why they did it which absolves them of all responsibility. Meanwhile the victim, denied a voice in the formal process of prosecution, is left with the experience of harm which can be deeply scarring.

Where the traditional justice system separates the victim and the offender, restorative justice brings them together. The victim and offender decide how and what reparation should be made and this is punitive too but punishment is not the main focus. Crucial to the victim is that reparation is mediated and may be nothing to do with money or repairing physical harm, but everything to do with repairing emotional damage. Where the victim can see that the offender understands the psychological harm done and has taken responsibility for this, the victim is freed from the damage of their experience, not to forget about it but to be able to recover and move on. Restorative justice is an essentially forward looking process. It begins where traditional justice ends.

Process

A central feature of restorative justice is normally a meeting or 'conference' where all those who have a stake in what happened come together. A typical conference would involve both the victim and the offender together with any friends or family who may have been involved or affected. The conference can only take place with the consent of all involved. The role of the facilitator is crucial and the effectiveness of the conference may depend on the amount of time spent by the facilitator with each of the parties to the conference exploring their experiences and preparing them for what may happen at the conference.

During the conference each person will talk in turn about what has happened and how it has affected them. The purpose is to identify the different aspects of harm done to each person, not only the victim but also the friends and family of the offender, and indeed the offender as well will have suffered or been affected in different ways. By talking about their experiences face to face both the victim and the offender may begin to see each other for who they really are and what has really happened. Clearly, not all offenders and nor all victims will want to take part for no one can be coerced into a conference.

A typical conference ends with an agreement between the parties in terms of any reparation that may be done. This might involve an apology, the repayment of some money or perhaps some voluntary work for the community. The real reparation may be more psychological, with the victim having been able to separate the offender from the offence, gained an understanding of how the harm they suffered came to be committed and so move on from the harm, not forgetting it but coming to terms with it.

The offender plus family and friends will have had a chance to show remorse and make real amends to the victim. Offenders also, as experience has shown, understand in a humbling way, how responsible they are. Accepting that responsibility is something which conventional criminal justice neither encourages nor fully understands.

Effectiveness

Research has shown a consistently high level of victim satisfaction with the process as compared with traditional forms of justice – going to court. There is a higher level of completion of the reparation agreements that conclude the conferences as compared with reparation ordered by the court.

The effect on offenders is more difficult to assess. Research has shown a small positive effect on re-offending rates and certainly a common comment from offenders is that Restorative Justice process is a much more painful one and much more effective than going to court.

In terms of costs there may be short term savings by using restorative justice, as opposed to the court process, even though the time spent by the facilitator in preparing the conference may be considerable and therefore expensive. However the real saving would be by removing offenders permanently from the criminal justice system with all the benefits that that would bring. It is too early yet for there to have been any long term research in this area.

Limitations

Restorative processes can only take place if the parties are willing. The conference takes place by consent. A good facilitator will not impose a meeting on victims or offenders who clearly do not wish to take part in or benefit from the process.

The success of the process and the conferences depends very much on the individual facilitator. There are guidelines and standards in place and some supervision of the conferencing process by those who are using it, but it is still an arbitrary process where one cannot be sure of the expertise and impartiality of the facilitator.

The restorative conference can be a very private form of justice, compared to the open court procedure. This represents a risk to both the victim and the offender.

The likelihood is that restorative justice procedures will continue as complementary to the traditional justice system.

Restorative processes in handling complaints

Mediation is becoming more commonly used in resolving internal and workplace complaints and disputes. We could make good use of them in the Prison Service. Some piloting of the work in a formal manner is taking place but line managers are expected to be able to deal with issues daily without many guidelines or training. Some support in this way would prove valuable and would reduce the number of issues which emerge as much more serious because they have not been handled sensitively or seriously at an early stage.

Dealing with complaints through restorative processes is more rare although other public services are developing experience in the subject – the health service in Leicestershire, Lloyds Bank nationally, the police in New South Wales and the Thames Valley have experience of the subject.

Stakeholders

The public have an interest in seeing that a complaint is effectively resolved.

The complainant

Most complainants want an effective response and would like it to be immediate. Some look for retribution but many look for an apology and some reassurance that their experience will not be repeated for others and that lessons have been learned. Some complainants are seeking compensation.

Most complainants would prefer a fair and open process rather than an adversarial procedure in which their complaint may well not be upheld. And when a complaint is not upheld, the complainant feels they are accused of being a liar, their bad experience has been denied. The process does not give sufficient of a hearing to complainants, who often want to be listened to at length, some direct personal acknowledgement that would be meaningful to them.

The staff

Staff want the same of a complaint process as the complainant – an open, fair and speedy process. They often feel the victim of a complaint, even though there are many situations in which they are complained about because they are doing their jobs. Working in a prison will inevitably bring complaints.

Some staff are robust about the process of being complained about and take complaints in their stride, while others feel hurt and sometimes angry when a complaint is made against them. This is particularly so when they have been trying hard to deal with a difficult situation. There are also some complaints which are felt to be malicious and certainly many where the staff feel that criticism is unjustified.

Like those who complain, staff need to be listened to so that they can give their explanation of what happened to fill in the human details around the bare facts. This can be the case equally where the member of staff has done wrong, has neglected their duty or handled a situation badly. Under the current system, the underlying reasons for what happened will only ever come out, if at all, in formal interview. The person complaining will never get to hear that the officer concerned was having problems at home, or was working excessively long shifts, or had just come from a very difficult and violent situation.

Staff feel left out of the current complaint process. At the beginning of the process they are served with a notice giving them details of the complaint made against them. It may be weeks before they are offered the opportunity of giving an interview about the allegations made against them. It may be more weeks until they learn of the decision of the person conducting the inquiry. Where there are further decisions to be made or a further inquiry to be carried out, the complaint can hang over the member of staff for even longer, affecting their career or movement.

The Service

The Prison Service can only benefit from a quick and effective way of resolving complaints at source. We need to be able to satisfy prisoners and members of the public (the complainants) and we also need a process that is acceptable and supported by our staff. The Service needs a process which will enable it to manage effectively, to improve practice generally as well as the performance of individuals. The current punishment-based misconduct process with its ultimate sanction of dismissal is sometime talked of in terms of getting rid of the bad apples. But if the apple is not rotten to the core we are doing ourselves a disservice. How effective as a learning process are lesser sanctions to a substantiated complaint or following a proven finding at a disciplinary hearing? Will a warning, a small financial loss, or advice from a superior really make a difference to future behaviour.

Above all the Service needs a complaint process which will build trust and confidence between staff and prisoners.

Restorative Justice for complaints

In theory there is no situation which might not lend itself to some form of restorative intervention. In practice some constraints would have to be imposed particularly where a complaint involved criminal allegations. There are some sort of complaints that lend themselves more readily to a restorative approach. For instance complaints where it is the 'system' that is at fault rather than individual members of staff, complaints of attitude or oppressive behaviour and complaints of incivility.

The restorative approach is infinitely adaptable to the needs of the particular people and the situation which the conference is dealing with. The process is better suited to deal with the emotional and psychological issues of complaint as opposed to the physical or factual in an assault or a straightforward breach of the Code.

Complaints about attitude and behaviour are notoriously difficult to prove under our current evidence-based system. If a complainant feels that a member of staff's behaviour has been rude, oppressive or indeed racist, then that experience is real to them. The fact that the current process cannot prove that real experience for the complainant unless there are physical words or actions which have been witnessed by other people, does not make that experience any less real. The result is frustrating for the complainant but also for the investigator. A common reaction when told that their complaint cannot be supported on evidence is that we are telling them they must be lying.

When complaints are proved it is not clear that simple punishment, be it advice, warning or even dismissal, is the answer. Often the 'punishment' can achieve little in a constructive sense other than showing the Service taking robust action.

It is in the area of complaints about racism and discrimination that the greatest opportunity and challenge to a restorative approach arises. There has been a dramatic rise in the complaints of such a nature in the past three years. Few such complaints are substantiated. Many staff when told of the complaints deny vehemently that they are racist or hold racist attitudes. If it were possible that staff and complainants to meet face to face, to explore each other's attitudes and experiences, to see each other as individuals rather than stereotypes, to consider an apology as a strength rather than a weakness, then the service could move forward.

Restorative intervention cannot be imposed, it must be entered into willingly by those taking part. There will thus always be the need for the more traditional process, not only for those complaints which are not of themselves suitable for a restorative process, such as serious criminal matters, but also for those complainants and staff who do not wish or are not able to consider the idea of restorative intervention.

Restorative Justice and complaints in the Police experience

Much of the work involved in the widening of the application of restorative justice principles has been pioneered by Terry O'Connell of the New South Wales Police.

Fair process

Central to the needs of stakeholders in the complaints procedure is the need for fairness. People are more likely to trust and co-operate freely with systems when fair process is observed – even though they may win or lose by those systems.

There are four ways of dealing with a conflict

- the punitive approach where punishment is imposed and something is done *to* the offender
- the neglectful approach, where the conflict is ignored
- the permissive approach, where you do something *for* the offender in terms of training, advice, rehabilitation, in effect apologising for the offender and doing little for the victim
- and the restorative approach, where the conflict is resolved *with* and *by* the victim, the offender and all those involved.

Fair process has principles of engagement, explanation and an expectation of clarity about it. It is not decision by consensus, it does not set out to achieve harmony, nor win support through compromises. It is not democracy in the workplace and not does it involve managers losing their prerogative to make decisions, establish policies and procedures. Fair process builds trust and commitment, which leads to voluntary co-operation and then to improve performance by people sharing their knowledge and applying their creativity.

The process is best seen by case history and studying the process of conferences.

The model of conferences involve following a flexible script of key questions which are put to the various parties in order during the course of the conference. The key question for the offending officer will be –

- Tell us what happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by your actions?
- How have they been affected?
- What do you think you need to do to repair the harm or regain some trust?

The complainant and other parties will be asked similar questions allowing them to explain their initial and subsequent experience, to reflect on how they and others have been affected, and to consider a way forward.

It is this open-ended approach- exploring and inquiring rather than judging and condemning – that is the key to overcoming the main obstacle to introducing restorative practices into the complaints process. This obstacle is the culture which normally is influenced by blame and punishment and reinforced by command and control management styles.

If prison service managers were able to adopt this approach, using the key questions in the model where there is a need to challenge inappropriate behaviour, this would have a considerable impact on the level of complaints. It provides supervisors with an effective way of challenging problem behaviour through early intervention, rather than recording a series of incidents and then relying on formal disciplinary processes to respond. The application of restorative processes will depend then on the degree to which supervising staff integrate restorative elements in their day to day working practices.

The process cannot be applied in isolation to a misconduct process. It need to be an integral part of the management and running of the organisation as a whole. In this way the full potential of restorative justice and the change in prison culture can be achieved. The process of change should take this holistic approach.

Mediation at Work in Prison

In June 2000 prisoner S, sentenced to 5 years for fraud, was at Spring Hill prison. He had spent a year in the prison preparing for working out on resettlement, initially on community and then on paid work. He was a trusted prisoner involved with the race relations management group and participating in voluntary activities in the prison.

Having progressed onto resettlement S was working on paid employment in Oxford with a firm of building suppliers. On the particular day in question he returned to the prison and was searched in Reception by G, one of the prisons reception officers, who found that S had a video tucked in at the back of his waistband. As this was the second time to G's knowledge that S had brought in a video and there had recently been an instruction seeking to control such items G placed S on report to the governor.

The adjudication was taken by the Governor. S admitted he had tried to bring in the video without permission. He complained that G was racist in his approach as he had been searched by him the week before coming out the kitchen with a bag of foodstuff and he had insisted they be returned. G had not searched everybody.

The Governor suspended the adjudication and S wrote a formal complaint of racist behaviour. The matter was investigated initially by the Grendon RRLO with support from a Spring Hill officer - the prisons are one establishment. During the investigation the possibility of mediation was discussed with S and G and they both agreed upon it as a way forward. S particularly was anxious to involve the local Community Relations Council in the process.

The Aylesbury Community Relations Council has been involved with Spring Hill for several years, attending RRM group meeting and assisting with the high numbers of cultural issues raised by the high minority population - some 25% of the prison's population. With the high level of release on temporary licence Spring Hill uses as a Resettlement prison there are often sensitivities of equal opportunities concerned with religious and cultural observation issues. The CRC have been very helpful in resolving some of these with the staff.

The mediator who agreed to come into the prison to assist us is a respected member of the community in Aylesbury and knows the prison well.

He saw Mr S to hear the complaint. He saw Mr G (accompanied by the RRLO and his POA friend) and asked for his account of the matter. Then a meeting between Mr G, Mr S, the RRLO and POA friend was led by the mediator, who outlined events and asked each party for clarification, implications and the way ahead. Mr G apologised to Mr S for his comments - he is renowned for directness in the prison (allegedly a Yorkshire characteristic). Mr S accepted the apology and they shook hands apparently satisfied.

Mr G got a letter from the Governor after he had received a report of the mediation. The Request & Complaint was concluded formally for Mr S and relationships continued in a more understanding way. The adjudication continued with a caution. Mr G was satisfied with the outcome although he had found it very demanding. He would recommend it to anyone else as a good way of getting to the truth with dignity and being able to continue relationships afterwards.

Mr S found it less satisfactory but accepted that the matter had been thoroughly considered and that his complaint had been dealt with seriously.

Staff and prisoners regarded the process as important in maintaining relationships of trust.

The CRC saw the prison as taking race issues in a serious way and acting on them. The process has been used since to good effect but may not be suitable in every instance, depending on voluntarism, awareness of prison dynamics and trust between mediator and participants.

Tim Newell

Report on a Meeting Between Victim and Offender at HMP/YOI Guys Marsh – 20th April 2001

In September 2000 the Throughcare Manager of Guys Marsh was contacted by the field Probation Officer for the prisoner Tom Smith. He had been in touch with Mrs May Green, the victim of one of Tom's offences, and she had expressed an interest in meeting her assailant. In the course of a robbery at a newsagents, Tom had held a knife to Mrs Green's throat. However, he had said to her that it was an act of desperation and that his drug supplier was waiting outside for the money. He gave her his name and invited her to call the Police. He handed over the money to his dealer and waited for the Police to arrive.

The Throughcare Manager saw Tom with his personal officer at that time, Miss Austin, and he said that he would be willing to go ahead with a meeting, as he was keen to apologise to her. Mrs Green then went on holiday, so the process was delayed, but the meeting was finally arranged for 20 April 2001.

Mrs Green was brought to the prison by the field Probation Officer. She had never been in a prison before, and the Throughcare Manager spent some time with her and the Probation Officer, answering general questions about prison routine, education, training, offending behaviour work, etc. They met the prison officers and they had lunch in the Mess, having arranged to meet Tom Smith at 1400 hours.

The meeting itself was attended by Mrs Green, the Probation Officer, Tom's current Personal Officer, Tom and the Throughcare Manager. It started with a handshake between Tom and Mrs Green. He brought with him copies of certificates for all the courses he had done, and this provided an ice-breaker for the meeting. It allowed him to prove that he had worked hard to turn his life around, and Mrs Green was duly impressed. This led on to quite detailed discussion on his former addiction and his hopes for the future. He has, of his own volition, written to a drug rehabilitation centre in his home area and his Probation Officer will follow this up. Tom was able to describe his lifestyle at the time of the offence and he made no attempt to minimise the seriousness of what he had done. He made a fulsome apology for the distress caused to Mrs Green which she accepted with good grace.

All in all, it was a very worthwhile exercise. Clearly, it would not work in every case, but it showed that in the right circumstances it can be beneficial and therapeutic for both parties and the Throughcare Manager hopes the prison may be able to keep an eye open for the chance to do it again.

From a prison point of view, a number of staff became interested in what was going on, and a number of people co-operated to help make sure that it happened.

Case Study from Brinsford YOI

Ramming a Police Vehicle Resulting in Serious Injuries: Direct Mediation

Several offenders were caught stealing a lorry with a crane. As the police went to arrest them, the offender driving the lorry deliberately rammed the police car in an attempt to escape. Both police officers received injuries requiring hospital treatment. Other police officers arrested the offenders. The principal offender, who had a history of similar crimes, was sentenced to three and a half years youth custody.

When one of the injured police officers was contacted by the probation service, he expressed an interest in mediation and was referred to the mediation project. The mediator checked with the YOI that the offender was suitable, and went to see him. The offender expressed his remorse, having come to realise that his actions could have had even more serious, possibly fatal, consequences.

After several meetings, both victim and offender wanted to meet each other. The meeting took place in the YOI, with the offender having a prison officer of his choice there for support. Both talked openly about the incident, answering questions honestly. After the meeting they both expressed their thanks for the opportunity to meet in a safe atmosphere to discuss the events and their consequences.

Offender

I felt bad about the offence because I was the person that drove the car at the copper and he was only doing his job, but it was panic that made me do it. The offence was nasty because it involved lives. I feel guilty and ashamed of what I did. It continually bothers me and is on my conscience. I have thought about the effect on the victim and I've read all the statements and I know it could end his career. It also affected him mentally as well as physically. I wanted to say sorry, to explain why I committed the offence and I wanted to know what he was thinking about.

I thought it was quite surprising how calm the victim was towards me. My experience of the process was that it was a mind-helping setting for both of us.

As a result of the meeting I know I've caused him great difficulty because a relative died through the same sort of vehicle incident. I feel totally responsible because someone could have died in the process. I will change my actions in the future because there are lives at stake. I hope I will be able to think about the things I do far more in future.

Meeting the victim was a brilliant idea as it has taken a lot of pressure off both of us in understanding why it happened and what happened. I think it has helped the victim knowing that I never meant to hurt him the way I did.

I would like to thank the facilitator for the process. I think more people would benefit from the process in the long run by understanding why things happen and what they mean to others.

Victim

I would like to thank the facilitator and the Mediation Service for initiating the process between the young man and myself. I thought the whole process worthwhile.

I was very apprehensive when the idea of the meeting was put to me, but after discussing it with my family and friends and the mediator I decided that there was mileage to be gained by meeting up with him.

I wanted some simple answers from him about the incident, I did not want a slanging match or for me to hurl abuse at him. I wanted it to be conducted in a civilised manner. I wanted to show him the consequences of his actions, showing him that I am a real person not just a police officer.

All went well with the process. I was very apprehensive but he answered all my questions to the best of his ability. It is clear that he had been thinking about his actions over the past year.

Overall looking back on the situation I think the mediation process was worthwhile. I can now put most of the questions and answers to the back of my mind and get on with my life.

I hope that he will strongly reflect on the meeting too, which I think he may. It is not just me that has suffered. My colleague and I are still suffering the physical and mental problems as a direct result of his actions. Likewise he said that his girlfriend and his two children are suffering as well. This makes them his victims also, which is very unfortunate. Yet another sad result of this whole situation. I hope that once he leaves prison he will refrain from any criminal activities and if he continues I hope he will think of the possible consequences more clearly in future.

Statement by Keith Bradley

At the launch of the major research project on Restorative Justice with Serious Adult Offenders, the Home Office Minister of State, Keith Bradley, said:-

Restorative justice brings a fresh, constructive dimension to dealing with offenders; and offers the prospect of various positive outcomes. It emphasises responsibility, reparation and reintegration. It can help offenders to understand that their offending behaviour is against the law, but also bring home to them vividly how it damages their victims and local communities. At its most effective, restorative justice should help to reduce the risk of offenders committing further crimes and give a better deal to victims.

The project forms part of the Home Office's Reduction Programme, which is looking for evidence-based responses to the problems of crime.

In all cases the restorative justice work will form part of, rather than operate as an alternative to, the normal criminal justice response; and be done within the existing legal framework.

We are excited by the potential of these projects to answer some of the remaining questions about restorative justice and to influence future policy decisions.

Restorative Justice

An Excerpt From the Auld Report

We expect too much of the courts as a medium for reducing crime, for remedying wrongs to victims and society and for rehabilitating individual offenders. By the time criminal courts have reached the point of sentence, particularly with young offenders and when custody has become an option, the offender is often well established in a criminal lifestyle. Previous responses to his criminality have failed for one reason or another, mostly because the causes of his crime were so overwhelming as not to be capable of resolution by the limited and under-resourced forms of disposal available. It is at this late stage, or when the offence is so serious that the court must mark society's disapproval by punishment or to protect it from further harm, that the courts are called on, as a backstop, to do the best they can. Before then, there is a wide range of offences and stages of offending which call for a more sensitive and sustained attention than most courts are presently equipped to give, if reduction in crime, rehabilitation and reparation are to have a chance.

These are trite sentiments. But they have been given fresh impetus and expression in recent years by exponents, world-wide, of 'Restorative Justice' – in part a modern version of a familiar concept of community involvement in the administration of justice. It has been described as more a philosophy than a specific model. Charles Pollard, the Chief Constable of the Thames Valley Police, a leading exponent and practitioner of the philosophy in this country, has described it as follows:

"Restorative Justice seeks to balance the personal/local needs of victims and communities with the broader goals for society of deterring criminality, punishing crime and reintegrating offenders. Thus it is an *inclusive* process, in which *all* the parties directly affected by the offending behaviour are involved in discussing its causes and consequences, how to prevent its reoccurrence and what should happen to the offender."

There is a vast body of contemporary literature, research and practical studies on the subject, and there are many well established versions of it world-wide. Interestingly, a number of these examples can be found in areas where indigenous people have suffered as a result of the imposition of western legal systems without common reference points.

As Charles Pollard has noted, most of the progress towards restorative justice in this country has been in the youth justice system. This has been given statutory impetus by the Crime and Disorder Act 1998, including its creations the Youth Justice Board and reparation orders, and the Youth Justice and Criminal Evidence Act 1999 enabling youth courts to make referral orders to youth panels to deal with matters on 'restorative principles'.

The purpose in mentioning restorative justice is to note that it embraces diversion in many different forms at different stages of the criminal process and that those responsible for considering any of the alternatives or minimising exposure to the criminal process should include it in their general consideration. Any initiatives in this field should be part of an over-all and principled reform aimed at removing from the courts matters for which they are not appropriate or necessary, while leaving them, in the main, to deal with matters for which they are well suited, in particular, marking society's disapproval and safeguarding public and private safety.

There seem to be at least six stages at which notions of restorative justice might be applied to a case as it approaches or makes its way through the criminal justice process. General features of all or most of them are the offender's acceptance of guilt, his informed consent to the process, his recognition of the harm he has done and desire to make reparation for it, his rehabilitation, some involvement of the community and, where there is an individual victim, the victim's willing involvement in the process. The stages are:

- before charge, in cases identified by the police and/or prosecutor in accordance with general criteria or guidelines, and subject to return to the criminal justice system if the diversionary disposal fails;
- between charge and first appearance in court, in cases identified by the prosecutor and, again, subject to return to the criminal justice system if the diversionary disposal fails;

- at or after the first appearance in court and during the pre-trial process, in cases identified by the parties and/or the court, and with the approval of the court;
- after conviction, in cases identified in the judicial process by the parties and Probation Service and/or other social service, by referring the matter of disposal to some non-court agency or agencies and/or involved persons, possibly including a conditional withdrawal of the conviction from the record;
- in sentencing, as a complement or alternative to traditional court disposals;
- after sentence, in cases identified by the parties and Probation and/or Prison Services and/or social services, through a judicial process of conditional vacating of the conviction and/or sentence.

Whilst the mechanics of, and criteria for, intervention at any of those stages are likely to be different, there might be something to be said, as part of an exercise of over-all reform in this field, to put them under the oversight of direction of a single agency or joint body.

There are considerations of the types and level of seriousness of the offences appropriate for some form of diversion, of the cost and the efficacy of various proposals when compared with forms of disposal now available and of the attitude of defendants, victims and of the public at large.

As to the offences appropriate for some form of diversion from or in the course of the normal criminal justice process, even the most enthusiastic and experienced supporters of restorative justice recognise that there are limits. There are some cases that are just so serious and/or where the public needs protection and/or those which require to be publicly aired, that they will need to go through the court process at least some of the way. However, I note that in New Zealand restorative justice procedures are used for serious and persistent offenders, though mainly in the youth justice system.

There are three further points. The first is that restorative justice in the short term is expensive in the range and level of resources necessary to give it a chance of success. However, there is experience in Canada, Australia, New Zealand, parts of the USA and other countries that proper investment can secure significant long-term and wide spread savings to the community in the reduction of crime. Immediate and adequate commitment of resources by all the necessary agencies at the diversionary stage and maintenance of them thereafter is the key to successful restorative justice schemes. Lack of such immediacy and resources has blighted or impeded many initiatives already in the system. At the most basic level it has prevented the Probation Service from making more than it has of the various forms of community disposal that have been around for years. Similarly, schemes for psychiatric diversion of mentally disordered defendants, which have been set up in the last ten years or so in many magistrates' courts, are faltering for want of adequate planning, organisation and resources. And, as is now well recognised but largely absent in the present working of the criminal justice system, such diversionary schemes are the shared responsibility of many agencies. These are not just those immediately concerned with the criminal justice process, but also other agencies vital to the success of the wide range of non-custodial responses already available and under consideration – notably those responsible for mental and physical health, housing, education and employment. There are models in the inter-agency panels in young offender cases, their strength lying in their responsibility for assessment, recommendation and implementation. The recent introduction by the Youth Justice and Criminal Evidence Act 1999 of mandatory referral to a youth offender panel of all young offenders who plead guilty, unless the crime is serious enough to warrant custody or the court orders absolute discharge or a hospital order.

Second, it is important to have a machinery for symbolic and practical involvement of the courts as the representative and ultimate protector of society for this purpose, in:

- determining whether diversion from the traditional court process is appropriate;
- in protecting defendants and victims from bureaucratic oppression or insensitivity;
- in ensuring that defendants and, where appropriate, victims are heard and that both are treated fairly;

- in monitoring and, where necessary, ensuring compliance with agreed forms of disposal;
- where there is default, in bringing the matter back to court;
- over-all, in securing fair and proportionate outcomes.

The goal of fair and proportionate outcomes is important, particularly in the light of Article 6 requirements for a fair trial, given that restorative justice procedures can be a complementary part of or substitute for the criminal justice process. For example, out of court processes that may be determinative or highly influential as to outcome could be challengeable as unfair if the offender is not afforded adequate representation before or in the course of them, or access to documentation.

Third, it is plain that the courts, in particular, judges and magistrates, especially magistrates – will continue to have an important initiating, supervisory and fall-back enforcement role in the working of restorative justice in its developing and different forms. Some may take to it more readily than others. Most will require encouragement and training to make proper use of it. As it develops, the judiciary and magistracy should be closely consulted about it and trained in its possibilities and disciplines, as also should legal practitioners, court staff and those involved in the various criminal justice and social service agencies. Piloting of all new initiatives is obviously desirable. Care will also need to be taken to inform and persuade the public that it is a force for good, in particular crime prevention. Finally, it should be accompanied from the start by a practical and simple system of monitoring so that it can be seen whether it is such a force in all its aspects, including justice and fairness to all, reduction of crime and cost.

**I recommend the development and implementation
of a national strategy to ensure consistent, appropriate and effective use
of restorative justice techniques across England and Wales.**

Victims

An Excerpt From the Auld Report

The increasingly recognised role of victims in the criminal justice process arise at at least three stages; first, between the time of the alleged offence and the plea of guilty or trail; second, if the case is contested, at the trial; and third, during the sentencing process. In the event of an appeal there is a fourth stage.

For almost every criminal there is a victim – and often also indirect victims in the form of bereaved, upset or closely involved relatives and friends. Yet, until recently, the focus has been on the criminal or alleged criminal, leaving the victim, or alleged victim, with only a walk-on part – ‘the forgotten party’ – in the criminal justice system. 74% of those questioned in the British Crime Survey 2000 “felt” or “were not confident” that the criminal justice system met the needs of the victims.

However, there has been a gathering momentum in recognition of the importance of the victims in the system. It was initiated in the mid-70’s by Victim Support, a national charitable organisation, and carried forward by it and, more recently, by JUSTICE, an all-party organisation dedicated to assist victims of miscarriage of justice. But it is only in the last few years that government has turned its mind to the more formal involvement and rights of the victim in all stages of the criminal process. In 1996, after a process of consultation with, among others, Victim Support, the Home Office introduced a non-statutory Victim’s Charter and guidance in the form of National Standards of Witness Care covering, among other things, listing, waiting times and witnesses’ needs for information and protection. And there is now a proposal for a Victim’s Bill of Rights of the sort promulgated in the United States, and for a Victims’ Ombudsman.

The primary role of Victim Support has been to comfort and support victims in the aftermath of the offences of which they have complained and to advise them in general terms of what any ensuing prosecution may require of them. Victim Support also runs the Witness Service, which is well established in every Crown Court Centre in the country. There, usually in dedicated accommodation within the court-building, trained volunteers offer support and information to witnesses, victims and their families before, during and after hearings. This includes pre-trial familiarisation visits to courts and provision of a leaflet of advice in most languages, *Going to Court*. It is an impressive and valuable service conducted with financial support from government. Magistrate’s courts though, dealing with about 95% of all criminal prosecutions in the country, have had to depend, until now, on modest local initiatives by the courts themselves. However, a recent increase in government funding has enabled Victim Support to embark on a programme to provide, by early 2002, witness support services at every magistrates’ court in the country.

There is also much governmental examination of specific measures to increase the formal involvement of victims in the criminal process. This flows from pilot projects promoted by the 1996 Charter, the Glidewell and the Narey reports into the way in which prosecutions are prepared for trial and the MacPherson report.

All this is a belated recognition that, whilst it is for the state to prosecute crime and for victims and others to assist it in doing so, there would be no effective criminal justice system without the ready co-operation of victims in reporting and assisting in the prosecution of offenders. It is in everybody’s interest, and the entitlement of the victim, that he should be treated in a civilised manner and with due regard to his special needs at every stage of the process. This is not just a matter of expediency for the efficient prosecution of crime. It is, as JUSTICE has put it, one of ‘integrity’ in the criminal justice system itself.

In addition, there are a number of practical reasons for giving victims, whether or not they are witnesses, more involvement and recognition in the system. They include: first, to inform the court of the effect of the offence on the victim so as to enable it to match the sentence to the seriousness of the offence; second, to inform the court of the victim’s vulnerability to further injury from the offender or others so as to alert to the need for his future protection, whether by sentence or otherwise; third, to equip the court publicly to acknowledge the wrong done to the victim and the need, where appropriate, for treatment; fourth, to enable the victim to have his say especially where a plea of guilty has deprived him of the opportunity of doing so in the trial; and fifth, to enable the court to assess and order compensation.

The English Criminal Justice System is most open to criticism in the information, or lack of it, given to victims and witnesses about the arrangements for hearings and their progress and outcome. Many complainants say "Never again" or words to that effect. This may not be representative of the attitude of all or most victims who have been involved with the courts, since those who have suffered bad treatment are more likely to complain than those who have not. However, there are enough of them to confirm a similar picture emerging from other studies, and with it a serious risk of alienation of the public, victims in particular, as a result of their bad experience of the criminal justice system.

The complaints are straightforward enough and are vouched for by many who work in the criminal courts, including police, prosecuting and defending advocates and representatives of Witness Support. They are of: long delays after victims have made witness statements without information as to whether and when a prosecution is to be undertaken or of its progress after commencement; abortive attendances at court because of last minute adjournments or because of late decisions that their evidence is unnecessary or is agreed; and failure to inform them of an appeal, when it is to be heard and of its outcome. These shortcomings are more serious where victims need support, particularly in the early stages or where, because of their relationship with the alleged offender or the nature of the offence, they feel vulnerable and in need of protection or, at least, of reassurance.

Then there is the treatment of witnesses who, on attending court to give evidence – often their first exposure to such an experience and at some personal and emotional cost – have to wait for long periods, sometimes for over a day, before being called into the witness box. Sometimes too there is bewilderment, in the absence of explanation, at the course a trial may take for example, an acceptance by the prosecution of a change of plea to a lesser offence, or the matter being removed from the jury at the close of the prosecution case, or at some other stage.

There are, of course, great difficulties in time-tabling the forensic process, however well planned it may be. But all too often these ordeals for witnesses result from a combination of inadequate preparation by the parties and/or case management by the court, and almost always by a failure to keep them sufficiently informed of what is going on. For witnesses who are not victims, it is bad enough; for those who are – those who rightly consider the process to be in part a vindication of their suffering – it must be worse.

Efficient preparation for trial has as one of its important objects the reduction of uncertainties in listing and in the planned progress of cases so as to avoid waste of time and money and inconvenience and distress to many, including victims who are witnesses. Such uncertainties result from 'cracked trials' – late pleas of guilty in cases listed for trial and from 'ineffective trials' – trials not proceeding on their listed commencement dates for one last minute reason or another.

For the sake of victims and witnesses too there is a need for a significant improvement in the efficient preparation of cases, for trial so that the trial process runs more closely to plan than it does now, and a better system of informing them and all others concerned of the state of progress, the outcome and the reason for it. No single agency has responsibility for the care of victims and witnesses. Traditionally, the police have kept them informed; Police National Guidelines impose the responsibility on the officer in charge of the case, but he is not always best placed to do that once the prosecutor has the conduct of it. Even if, which may be difficult, liaison between the two is good, it is undesirable for the police, or more likely some civilian assistant, to relay information about developments for which the prosecutor may be responsible. Under new and developing practices prompted largely by the Glidewell and Narey Reviews, prosecutors, together with the police in special units, are beginning to share the responsibility. There should be a clear understanding between them at the start of each case involving a victim, who is to keep him informed, of what and how. At the point when such decisions are made there should be a clear understanding, to be noted on the file, as to whose responsibility it is to communicate the decision to the victim.

The circumstances of each case and the concerns of the victim are different. However, there are some decisions of the prosecutor that are or may have such an important effect on the victim that the prosecutor should personally inform him of them, for example, the substitution for the original charge of a lesser one, the acceptance of a plea of guilty to a lesser charge and a dropping of the whole prosecution. The police and Crown Prosecution Service are already making arrangements for such a shift of responsibility, and these will be finalised by October 2002.

In addition, in every case victims and witnesses should be given at the outset a point of contact and, wherever possible, the name of the person whom they can ask for information or advice. They should also be given an indication of the extent and timing of information that they can expect, so that they do not have unrealistic expectations, and the contact point of a senior person to whom they can complain if they are dissatisfied with the information they receive.

There is also a suggestion that once a prosecution has reached the courts, court staff should be responsible for keeping everyone, including victims and witnesses informed of the progress, listing and outcome of the case. This suggestion may become stronger and more realisable as and when the criminal justice system as a whole is properly served with a common system of information technology. A first step could be an automatic telephone 'bulletin board'.

These proposals are directed towards information of, not consultation with, victims, for example as to the charges, discontinuance or as to the level of court for trial. There are a number of reasons why the victim should not be part of a consultative process, all or most of which are acknowledged by Victim Support:

- in many instances, at the pre-trial and trial stages of the process it has yet to be established whether the alleged victim is in truth a victim;
- he would not normally have the necessary knowledge or experience;
- he would be unlikely in most cases to have the necessary objectivity and would expose the criminal justice process to the risk or at least the perception of prosecuting decisions being influenced by the vengefulness of victims, hardly a recipe for fairness or consistency in the enforcement of the law;
- it could create false expectations if his view are not acted upon;
- if it were thought that victims could influence the dropping of prosecutions, it would expose them to intimidation or pressure to urge it in individual cases;
- it would place a heavy responsibility on them that they might not wish, or be psychologically prepared to bear.

All these and other associated questions have been the subject of many reviews, national and local initiatives and pilot studies over the last few years. This Review is the broadest, but only one, of a number of current searches for improvement of the system.

Can Prisons Reduce Crime Through Restorative Approaches?

With the reconviction rates of imprisonment being so high, is it time to consider alternative ways of working with those who commit offences? Is it time to focus less upon the offender, who is really only part of the whole situation in which crime occurs, and could we look at the community context and particularly at the needs of those who have been damaged by crime – the victims? We know that repeat victimization is a common feature for those unfortunate enough to be on the receiving end of antisocial activity. The fear of crime is exacerbated through this often-ignored phenomenon.

The traditional approach to reacting to crime in current circumstances is shown in Figure 1. The resolution of the conflict brought about by the offence is seen in the treatment the system can provide for the offender through sentencing. Clearly this has not been a very satisfactory approach, given the rates of reconviction and breakdown of offenders and the continuing dissatisfaction expressed by the public about sentencing, and the probation and prison services. The focus in this approach ignores the context within which crime is committed and forgets about the harm suffered by the victim. The risk of scapegoating the individual on behalf of a community which might well bear some of the responsibilities for the breakdown and the consequent dynamic of the culture of blame which results are matters of concern as we seek to develop a culture of crime prevention and conflict resolution.

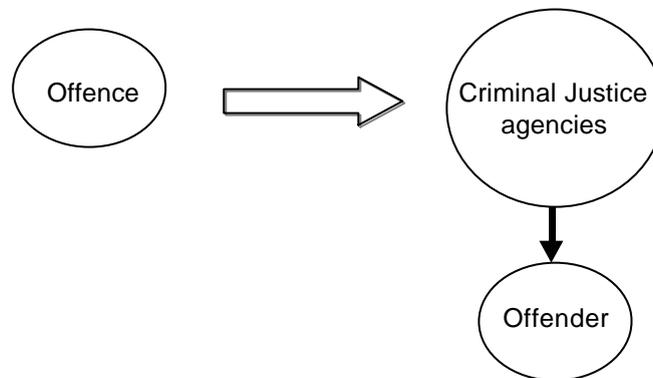
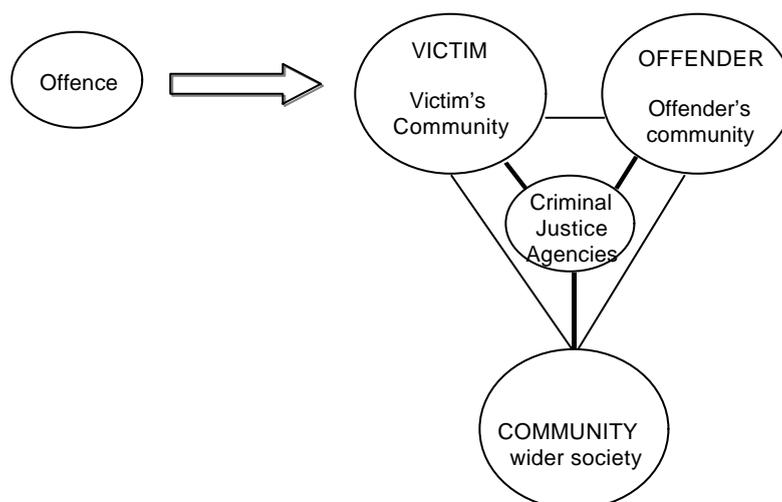


Figure 2 shows how a restorative justice approach would address the process with a much wider view of the context of the offence and a more comprehensive approach towards the opportunities for working through the issues. Relationships and interaction become the centre of the means of resolution. **Restorative principles** include



- An emphasis between the offender and the victim
- Its main aim is for the satisfaction for the victim within a framework of reconciliation and possible forgiveness
- The offender is helped to understand the harm done through the crime, to accept responsibility for the consequences and is brought into a new relationship with the community
- Instead of restorative justice being considered an alternative to current systems there is a growing acceptance that it can work in a complementary manner and can indeed be applied within prisons.

If we recognise prisons as places of punishment and not primarily as places of treatment, to satisfy the public demand for punishment and in the interests of public safety then we are likely to be able to view them as places of last resort. Within this narrow context we can then establish some clear **objectives for prisoners**.
People in prison

- Should not be made worse by the experience of punishment
- Should be encouraged to face up to the crimes they have committed
- Should consider ways to repair the damage they have done and to provide satisfaction for the victims of crime
- Should be given opportunities to improve themselves
- Should be encouraged to prepare themselves for return to the community.

Within prisons there are significant **objectives** that would be our concern were they to be run on restorative principles. These elements would include

- Creating more awareness amongst convicted prisoners of the impact of crime on victims and programmes of direct mediation between victims and offenders
- Creating a new direction for activities within prisons so that prisoners spend some of their time working for the benefit of others
- Remodelling the way disputes are settled within the prison and incorporating restorative principles into grievance and disciplinary procedures.
- Building a new relationship with the community outside the prison to emphasise the need for prisoners to be reconciled with the wider society and received back into it.

Through applying the restorative principles and working to establish the objectives the need to consider the **whole prison** experience will become evident. Thus the following elements could be considered for their impact on all prisoners and particularly the short-term prisoner

- Reception and induction processes could become more inclusive for short term prisoners
- Sentence planning would include reconciliation with the community and making restitution to either the victim of crime or wider society. The kind of work and activity that would stem from this consideration and priority would go towards creating good interaction with local communities and meeting their needs
- Work with charities would provide constructive and purposeful activity so that workshop focus would also improve
- Education could become restorative. Literacy and numeracy are vital towards return possibilities. They could be taught with opportunities to learn knowledge of communities and their needs, with awareness of local and national current affairs which could link in with work experiences. Environmental issues such as conservation and recycling could be studied. Social skills teaching could be associated with the need for all prisoners to rebuild relationships, restore self-esteem and resume citizenship outside the world of prison. All this work could be based on each prisoner's involvement in restorative and reparative work during the sentence.
- Sentence plan and group work could also focus on the concept of restoration and willingness to take responsibility for actions. Group work could raise victim awareness and seek to explore ways of restoring the balance in relationships to which crime can do so much damage.
- Local charity contact, fund-raising, access to prison facilities such as the gymnasium by local groups, all help focus the prison as part of a wider context of community.

- Recruitment of volunteers and visitors to help in the prison with an understanding that their role is to help the relationship between the prison, prisoners and the community. Local organizations and charities and churches could play a crucial role in helping this interaction.
- The philosophy can affect procedures for daily routines – complaints and grievances. It can also be applied within anti-bullying strategies, within race and cultural programmes so that through the process of restorative principles at work it is possible to restore dignity, self-esteem and mutual respect of everyone involved.

The evidence from several pieces of research is that restorative processes, when applied with discipline and the maintenance of standards can have a significant impact on victim satisfaction rates with the criminal justice system and that the rates of reconviction of offenders have also been seen to reduce. The feelings of involvement and participation of offenders in the process are however perhaps as significant as they undoubtedly contribute towards reducing crime and helping difficult citizens become more participative and responsible.

Tim Newell