



Interim Report: An Evaluation of Adult Prison RJ Mediation

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May 2009

Content	Page number
Executive Summary	3
Summary of outcome of evaluation	4
Recommendations	5
Introduction	6
Restorative Justice in Prisons: A Brief Review of the Literature	7
What is Restorative Justice?	8
How can Restorative Justice be incorporated into Prison practice?	9
<i>Victim Awareness and Victim Empathy Schemes</i>	9
<i>Community Reparation Projects</i>	10
<i>Victim-Offender Mediation Schemes</i>	10
<i>Conferencing Schemes</i>	11
Summary	12
Adult Offender Restorative Mediation: An evaluation of five cases	13
Methodology	13
<i>Research design</i>	13
<i>Ethical approval</i>	14
<i>Funding</i>	14
Restorative Justice Awareness Workshop	15
Stakeholder perception	15
<i>Prison Liaison Officers (PLO)</i>	16
<i>Mediator's perceptions</i>	17
Victim perceptions	19
Offender perceptions	21
Summary	23
Conclusions	24
Findings	24
Recommendations	25
References	26
Appendices	28
Ethics Committee approval	28

Executive Summary

Adult prisoner and victim mediation was recently introduced to the Sheppey Cluster with the intention of reducing fear of crime for the victim, improving offender empathy for the victim, to promote a reduction in re-offending, and enable offenders to resettle back into society more effectively whilst also seeking to identify and implement best practice. At present there is little research evidence regarding the success or otherwise of restorative justice (RJ) mediation for adult prisoners. This initial evaluation potentially signals the beginning of a comprehensive attempt to adopt a ground breaking approach to meet adult prisoner/victim needs, representing a significant departure from past attempts of rehabilitation and repair in a prison context within the UK.

The Department of Law and Criminal Justice Studies at Canterbury Christ Church University has conducted this independent evaluation from July 2008 to May 2009. The evaluation involved collecting observation data from RJ awareness training for prison officers and interviews with those involved in mediation process. In particular, it has focused upon the perceptions of victims, offenders and stakeholders (mediators, offender managers and supervisors) and their experiences of RJ mediation in five separate cases. The evaluation was based on qualitative interviews. Although quantitative data was collected as part of the evaluation, meaningful analysis of quantitative data was not possible at this stage, due to the small sample size. However, all statistical data collected as part of this evaluation will be added to the data to be collected in the next stage of the research.

Summary of outcome of evaluation

- All victims and offenders felt they were adequately prepared for the mediation
- All offender managers and supervisors would recommend the use of RJ mediation in the future although two respondents stated this should be dependent on the crime committed
- All offenders recommended RJ mediation should be used for other offences although one respondent stated this should be dependent on the crime committed
- All victims agreed that RJ mediation could be used in other cases with one respondent stipulating that it should depend on the crime committed.
- All victims and offenders reported that the mediation meeting was a positive experience
- No offenders and victims had experienced RJ mediation prior to this pilot
- Stakeholders (not including mediators) did not have a comprehensive knowledge of RJ mediation before the mediation meeting
- All stakeholders (mediators, offender managers and supervisors) reported that the mediation meeting was a positive experience
- Some cases did experience delays resulting in frustration to both victims and offenders
- All victims and offenders reported positively on the role of the mediator
- All stakeholders (mediators, offender managers and supervisors) believed the appropriate outcomes were met in the mediation meeting
- All offenders and victims believed the mediation resulted in appropriate outcomes
- All victims reported being able to 'move on' or described 'closure' as a result of the mediation meeting. All offenders except one (inconclusive) reported being able to 'move on' or gain 'closure as a result of the mediation meeting

Recommendations:

- Further research to increase the evaluation of the number of cases and range of offences used for RJ mediation
- To conduct further (longitude) research focusing on the reoffending rates of current and future cases
- Measure the time contributed by offender supervisor/manager to facilitating mediation
- Produce a standard guide, outlining the role of all stakeholders and researchers
- Plan to avoid delay and/or changes in the authorisation of mediation unless absolutely necessary.
- Increase practitioner awareness of RJ mediation

Introduction

The aim of this research was to independently evaluate restorative justice (RJ) mediation in the context of adult offenders serving a custodial sentence in Kent prisons. The research team, from Canterbury Christ Church University (CCCU) Department of Law & Criminal Justice Studies, evaluated RJ mediation process through observation of victim awareness training for prison staff and interviews with key participants (including victims, offenders and stakeholders). The selection of victims and offenders was conducted by the mediation services, probation and prison service. This report reflects the evaluation of five cases using a range of offences from prisons within Kent.

The research team contains a multidisciplinary group of academics with backgrounds in qualitative and quantitative research, psychology, criminology, law and restorative justice

The research team includes:

Dr Stephen Tong, Project Leader

Dr Robin Bryant, Director of Criminal Justice Practice

Dr Jo O Mahoney, Senior Lecturer in Applied Criminology

Dr Masi Noor, Lecturer in Psychology

M/s Jen Phipps, Lecturer in Crime & Policing

Mr Ben Waters, Senior Lecturer in Law, Director of the Mediation Clinic

Dr Dominic Wood, Head of the Department of Law & Criminal Justice Studies

M/s Anneka Stevens, Administration assistant

The CCCU research team has developed a good relationship with groups engaged with adult mediation in prisons from the voluntary, charity and public sector over the past 12 to 18 months. Partners in this initiative include RJ mediation services (Canterbury and District, Maidstone, Medway and West Kent Mediations Services), the Sheppey Prison Cluster¹ and Kent Probation Service. The research includes mediation cases conducted within the Sheppey Prison Cluster and other prisons in Kent. The research team have attended meetings, submitted an application to the ethics committee within the university and received approval, conducted twenty two interviews and completed one day of observation, in addition to conducting an analysis and submitting this interim report. These activities have been completed without funding amounting to 150 hours work delivered in kind. However, funding has now been approved from the Nuffield Foundation to evaluate a further 20 cases over an 18 month period.

¹. Sheppey Prisons Cluster represents a cluster of prisons (comprising HMP Stanford Hill, HMP Elmley and HMP Swaleside) which was established to better serve the two Prison Service priorities of protecting the public and reducing re-offending.

The research team intends to publish findings in a manner that provides anonymity to the participant and the agencies concerned. We would like to liaise with all partners concerned to ensure the descriptions of all agencies are presented in an acceptable manner and provides sufficient anonymity and confidentiality for all concerned.

This report contains a literature review, descriptions of the methodology employed, analysis of the data collected, conclusions and recommendations.

Restorative Justice in Prisons: A Brief Review of the Literature

At the time of writing, efforts at restorative justice range from relatively modest attempts to facilitate victim awareness schemes and victim-offender mediation, to ambitious projects aimed at creating wholly restorative prisons. Hitherto, in the UK, restorative approaches have played a fairly minor role within the adult prison framework. What becomes clear from the literature on the topic, largely from the rest of Europe, Australia and North America, is that further research is necessary in order to determine the effectiveness of various practices and programmes. In particular we need to look at specific samples in particular settings in order to document the responses of victims and offenders, mediators and prison staff to restorative initiatives in prisons.

What is restorative justice?

Marshall (1999) describes restorative justice as a set of principles rather than a particular practice. He has produced a useful working definition in collaboration with the multi-national alliance of non-governmental organisations on crime prevention and criminal justice. This definition emphasises restorative justice as a process:

‘Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future’

(Marshall 1999:5)

He suggests that justice agencies can have a central and active role in the process of bringing together victims, offenders and the community to participate in a dialogue and for offenders to take responsibility, make amends and apologise in an attempt to repair the harm that has been caused by crime. Restorative justice is concerned with outcomes as well as processes

whereby there is emotional healing for victims and reintegration for offenders back into the community with a commitment not to reoffend. As a key part of the criminal justice system, prisons can have a role in both providing a site for *restorative processes* as well as facilitating *beneficial outcomes*.

Why Restorative Justice in Prisons?

Prison is not an easy setting for restorative programmes, in fact there is an uneasy relationship between the principles and values of restorative justice and the idea of imprisonment. Imprisonment is closely associated with *retributive justice*. However, as Roche (2007) has pointed out, there is intense debate about the retributive/restorative contrast and the role of punishment in restorative justice (see for example Ashworth 1993, McCold 2000, Daly 2002) so that, together with the strong historical link that prisons have with treatment and rehabilitation programmes, imprisonment cannot be exclusively linked to retribution. It would be a mistake to rule out the idea that restorative approaches can be effective in institutional settings.

In fact Stern (2005) argues that the premise behind restorative work in custodial settings is central to several HM Prison Service goals. His argument is that, firstly, it provides purposeful activity in which staff and prisoners invest commitment and gain satisfaction. This point was recently supported by Kimmet Edgar of the Prison Reform Trust (2009) who pointed to job satisfaction for staff who want to make a difference, rather than just guarding prisoners, as a good reason for introducing restorative practices in prison. Secondly, restorative approaches introduce new and sustainable skills which can help with effective sentence planning and resettlement. Thirdly, restorative programmes may bring the work of prisons to the attention of the wider public in positive ways that could contribute to safer communities and crime reduction and lastly that restorative justice provides a framework for reducing the social exclusion of prisoners, which was identified as crucial in the Home Office Social Exclusion Unit's Report (July 2002) on reducing re-offending by ex-prisoners.

This suggests that despite appearing to come from opposing theoretical perspectives, the prison setting and restorative justice practices should be able to complement one another in terms of rehabilitating offenders. However, restorative justice is also likely to challenge the structure of the prison establishment and some procedures. For example, Kimmet Edgar (2009) pointed out that exposure to restorative principles changes the way that individuals

and groups respond to conflict in prisons and Vicky O’Dea, former governor of Ashfield YOI (2009) has said that following restorative justice introduction she had a 19% reduction in violence, which can at least partly be attributed to restorative justice, which also meant a significant saving in staff time and the costs of repairing damage to cells. She said there has been “*less graffiti and less internal conflict since RJ was introduced in Ashfield*” (O’Dea, 2009:4). She reports that staff are starting to use different and more effective conflict resolution methods as a direct result of restorative practice in other forms.

Further research is required to determine the levels of effectiveness and identify some of the issues involved including examples of best practice. At this relatively early stage of the development of restorative initiatives, it is important to evaluate attempts to incorporate restorative justice into the prison setting.

How can Restorative Justice be incorporated into Prison practice?

There are a number of ways in which prisons can offer programmes based on restorative principles and values and research provides important insight into the merits of the various models of restorative justice that have been developed, including partly restorative forms of victim awareness and reparation schemes, victim-offender mediation and more fully restorative conferencing programmes. Restorative programmes, both outside and inside prisons, are usually categorised according to the objectives they have.

Victim Awareness and Victim Empathy Schemes

Victim awareness and victim empathy programmes are designed to help prisoners move towards understanding the impact of crime on victims. This is based on the premise that victim ‘lack of awareness’ is very high in prisons. An example of this approach is the Focus on Victims programme in Hamburg in Germany (Hagemann 2003), in which prisoners are encouraged to think generally about victimisation without direct contact with victims. A variation of this model involves offenders in conversation with victims who are unrelated to their own crime. An example of this approach is the Prison Fellowship Sycamore Tree Project, in which 34 prisons are involved with 1700 prisoners, 200 volunteers and 60 victims being included each year. The evaluation of this programme carried out by Sheffield Hallam University (Feasey 2005) based on the Crime-PICS II tool, found significant improvements in victim empathy for those prisoners taking part.

Although there is currently no evidence to suggest that victim awareness programmes lead directly to increased mediation referrals in the UK, there may be a link between victim awareness generally and the willingness of prison staff to undertake more ambitious programmes. The Sycamore Tree project has now commissioned a randomised controlled trial from Cambridge University to look into re-offending patterns for up to two years on release from prison. Prison staff and offenders are frequently dubious about new programme initiatives and victim awareness may be a good way to introduce a change in thinking (Liebmann and Braithwaite 1999). In short victim awareness has the capacity to provide an introduction to more restorative programmes and run alongside them as part of developing a restorative prison culture that embraces a number of programmes.

Community Reparation Projects

One of the relatively few studies that have looked at restorative approaches in north east of England with adult male offenders in custody is the Restorative Prison Project (Stern 2005). This project involved offenders working on community projects, so the work was not strictly restorative according to Marshall's (1999) definition, but it could be classified under the broad spectrum of restorative justice. It provided a qualitative assessment of three prison community schemes. Positive effects were reported with prisoners stating that they now had a different attitude towards their communities, and members of the community reporting a change in their opinions towards the prisoners involved in the project. Overall the findings from 107 semi-structured interviews suggested that prisoners, prison staff and the public viewed the project as 'substantially positive' (Stern 2005:3).

Victim-Offender Mediation Schemes

Victim-offender mediation, aimed at facilitating mediation between offenders and their victims, involves a dialogue between offenders and the victim of their offence, which can be conducted indirectly, where information is passed by a mediator between victim and offender or directly in a face to face encounter between victim and offender. Geoff Emerson (2009) from the Thames Valley Restorative Justice Service has said that prisons are particularly good settings for victim-offender mediation for serious offences, because victims feel safe in the secure setting and they are also able to witness some of the realities of prison life for offenders. This environment creates a better opportunity for meaningful dialogue.

Most victim-offender mediation programmes in UK prisons have involved young offenders, such as that in HMYOI Stoke Heath, HMYOI Brinsford and, as part of the Thames Valley multi-agency commitment to restorative justice HMYOI Huntercombe, where young offenders met with their victims at the local probation office. The Thames Valley Police Restorative Justice Unit were also involved in training prison officers at HMP Grendon, for adult male prisoners which, in 1999, was offering both workshops in victim-awareness and victim-offender mediation and moving towards developing protocols for conferencing programmes (See Edgar 1999). Since then a number of prisons in England and Wales offer one or more of these modes of restorative justice but numbers of prisoners involved in these initiatives are small.

As Shapland et al. (2007) point out in their evaluation of three restorative schemes, which included the CONNECT programme (run jointly by NACRO and the National Probation Service in London) and REMEDI (a Sheffield based scheme offering indirect and direct mediation across South Yorkshire) and where meetings often took place in prisons, most cases during the funding period involved indirect mediation (37/50 cases). Few cases resulted in direct mediation (Shapland et al 2007:31) although direct mediation appears to offer more benefits for both victims and offenders than indirect mediation. In Shapland et al.'s research however, only a very small number of cases in these schemes involved prisoners convicted of the most serious crimes.

It would thus appear from the literature that victim-offender/face-to-face mediation schemes offer a good opportunity for significant benefits for offenders and their victims and, in cases where death has occurred, for victim's families. Shapland et al (2008) also address the issue of reducing re-offending in their fourth report into evaluation of the schemes. They suggest that, although crime reduction is not a key aim of restorative approaches, their findings show that there is potential for facilitating or consolidating a desire for desistance leading to reduction of offending (see also Robinson and Shapland 2008). Research into these schemes however still involves small samples and more research into direct victim-offender mediation would usefully add to our knowledge and understanding of the issues involved.

Conferencing Schemes

Conferencing also involves face-to-face meetings between victims and offenders with facilitators, but includes more people affected by the crime, including victim and offender

family members, those who may be important to the key stakeholders and other people who have been affected by the offence. As Shapland et al (2007) makes clear, conferencing offers the most fully restorative model with better opportunities for achieving stakeholder satisfaction but as the authors of the report also point out, solely offering conferencing (the third scheme in the evaluation was the Justice Research Consortium (JRC) which offered only conferencing) may prevent access to other forms of restorative justice (Shapland et al 2007:5). Conferencing is more ambitious, time consuming and more difficult to organise than victim-offender mediation, although research may be able to establish whether victim-offender mediation creates a positive environment for the conferencing model to take hold in prisons more widely.

McCold's (2000) typology of restorative justice practices puts conferencing at the centre of a fully restorative programme but outside this intersection are victim-offender mediation schemes which he defines as mostly restorative and victim awareness and community justice which is, at best, only partly restorative. Research into all these connected modes of restorative justice add to our understanding of the processes and potential outcomes involved in a field where greater understanding has implications for future commitments in policy and practice to a the variety of models of restorative justice being considered in a range of settings.

Summary

There are growing efforts to explore how a range of restorative justice programmes and practices might fit into the context of prison and in particular how these initiatives might be effectively evaluated. The focus of our research is to evaluate the victim-offender direct mediation model through the availability of opportunities of working with HMPS Sheppey and Kent mediation services.

One of the problems associated with existing research into restorative justice with adult prisoners convicted of serious crimes, has been the difficulty in finding sufficient cases. The research team at CCCU has the expectation that developing a research team with expertise in this field and the building of positive relationships with mediators and prisons in the local setting, will allow future research into a broader range of restorative programmes. Multi-agency partnerships make setting up mediation and conferences easier through improved communications and a partnership between practitioners and a professional research team

will be crucial to evaluating ongoing progress. With little research currently being conducted in the field of restorative approaches with adult prisoners it will be useful to expand our academic knowledge and develop our methodology for wider dissemination.

Adult Offender Restorative Justice Mediation: An evaluation of five cases

This evaluation is based upon five RJ mediation cases involving a victim, offender and mediators. The cases subject to the evaluation were selected by the prison, probation and mediation services. The role of the research team was not to select offenders or victims as suitable cases but rather to evaluate the cases already selected by the agencies concerned that had reached the point of a mediation meeting. This analysis has a duty of confidentiality and therefore the names of participants have been removed to ensure anonymity. All the cases in this research involved the loss of life.

Methodology

The analysis contained in this report is based on semi-structured interviews conducted from October 2008 to May 2009. The research was independently conducted by CCCU staff and reflects the first examples of adult offender mediation cases used within the Sheppey Prison Cluster (other prisons within Kent have also been used). This section of the report will outline the methodology adopted, ethical procedures followed, funding for future research and the analysis of the data collected.

The methods employed in this initial research therefore reflect both qualitative and quantitative techniques. The aim of the interview strategy was to provide a clear voice for participants involved in the process without restricting respondents to a narrow set of questions. Quantitative questionnaires requiring more directed responses were included in order to build a basis for future analysis. Statistical analysis of responses to these questions requires a larger sample than the five cases included in this initial stage of the research. In order to build a sufficient sample for quantitative analysis additional cases and further research is needed.

Research design

At the beginning of this project a staff awareness workshop was conducted for prison staff. The research team were present in order to observe the main themes and objectives of the

day. A brief description of activities and content of the workshop is included in this (see p15) report.

The interview strategy adopted involved semi-structured interviews for all participants. The research team approached victims, offenders, mediators, offender managers and offender supervisors to obtain their views of the mediation process. Of the 25 people approached for an interview, 22 agreed to do so. The three interviews that were not completed were due to participants declining, not responding or delays occurring with the interview. Interview questions were based upon a standard script containing open questions while allowing participants to digress where appropriate.

Questionnaires were completed by the research team with victims before and after the mediation aimed at measuring victim views of the offender and the crime. The Crime Pics II questionnaire has also been used for offenders to obtain their reflections on their offences before and after the mediation process. This data was collected by prison and probation staff and held by the prison service and has not been used in the report. It is important to note that both the victim and Crime Pics II questionnaires require a significantly higher number of responses in order for a meaningful analysis to be conducted. Due to the small sample size of this initial study this analysis was not possible and therefore was not attempted.

Ethics approval

Ethics approval was obtained from Canterbury Christ Church University, Business and Sciences Research Ethics Committee in July 2008. The application for approval requires the research team to outline the proposed research, ensure that confidentiality is adhered to and consent is obtained from all participants. All members of the research team have submitted applications for security clearance. The application and approval letter (appendix A) are evidence that the proposal has been subject to scrutiny and that the research team must abide by the conditions of the approval throughout the duration of the study.

Funding

The research conducted in this report was not supported by funding and as a result was conducted in kind by the research team. It would be beyond the capacity of the research team to conduct further evaluation without the appropriate funding. However, we have received

funding for the further evaluation of another 20 cases from the Nuffield Foundation. This would bring the total number of cases to 26 (five cases completed, one case in progress and another 20 anticipated). We would also like to propose an application for further funding to an external body to increase the number of cases following the completion of the proposed 20 cases.

Restorative Justice Awareness Workshop

A workshop was organised by the Canterbury and District Mediation Service and took place at HMP Standford Hill in June 2008. The purpose of the workshop was to make those attending, including Offender Supervisors, members of Victim Liason and Offender Supervisors, aware that they would be taking part in a pilot project involving victim-offender mediation. The organiser, an experienced victim-offender mediator, made it clear to the group of eight men and six women that the purpose of the day was not to provide training, but to bring awareness of the principles of restorative justice and particularly victim-offender mediation to those involved in the project.

The theoretical underpinning philosophy of RJ and victim-offender mediation was explained and discussed. The workshop also dealt with important issues such as ethical issues arising from the process, common reactions to crime, the importance of separating emotions of both victim and offender, factors affecting recovery which would also have an impact on risk assessment and issues relating to outcomes. The practicalities of undertaking victim-offender mediation was covered which included the referral mechanisms and typical structure of the process itself. Throughout the day the workshop was assisted by DVD footage. Those attending had regular opportunities to discuss the various issues arising and at the end of each topic a plenary session allowed time for reflection.

Overall the workshop was well organised and supported by a concisely structured handbook. It achieved its aims and learning outcomes effectively, by introducing the participants to the principles of RJ and victim-offender mediation and by providing a clear understanding of what role the participants would be expected to play in the project.

Stakeholder perception

‘Stakeholders’ consist of three groups: mediators, offender supervisors and managers. The mediators are not employed by the probation or prison service but work through the

mediation services outlined earlier in this document. Offender supervisors are prison officers responsible for monitoring offenders during their time in prison and offender managers are probation officers that are responsible for monitoring offenders on the sentence plan. The offender manager is not only responsible for managing the offender in prison but also during their release. In order to comply with confidentiality of participants, the offender supervisors and managers are referred to as 'prison liaison officers' in this evaluation document. All prison liaison officers and mediators were coded by the case in which they were involved rather than using an individual identification code. Mediators will be numbered as each case involved two mediators, there was only one PLO involved with the case so numbering will not be used for PLOs.

Prison Liaison Officers (PLO) perceptions

All the PLOs did not have a comprehensive awareness of RJ mediation as an available pathway for victim or offenders before the mediation. As the concept of RJ mediation was new to them there was no informed expectation about what could be achieved. It is important to note that despite absence of prior knowledge there was no evidence of negativity or reluctance on the part of the PLO's to engage with the process. The PLO's clearly had positive perceptions of the experience after the mediation had been completed, particularly with the benefits to the offender and victim involved.

'Offender B was positive and grateful for it. He wants peace from the whole thing. It has come as far as it can go, he may stay in touch. It's been a big part of his life.'

(PLO, Case A)

'...it was quite profound....it was nice to see offender C be made aware that in spite of their actions and the devastating impact of their actions....*victim C* hadn't crumbled and that something positive had come out of it....and *victim C* has gone on to stand on their own two feet'.

(PLO, Case C)

Based on the PLO's experience of mediation they were happy to recommend RJ mediation to colleagues or use it again themselves. The common view amongst the PLOs was that RJ mediation should be made more available in prison but that the careful selection of both offenders and victims was an important part of the process.

‘..it’s positive. I was grateful to be involved. Benefit a group of people. Better understanding, *offender B* is a better person. I hope we use it more, it’s positive and I’d use it again.’

(PLO, Case A)

‘Some serious offenders wish they could turn the clock back but then they can’t do anything at least with mediation they can do something....I thought it was something that was very positive and constructive and should be expanded....It can transform people’s lives but it is difficult to quantify in cost savings or tick a box because it provides long term benefits. If it was made more available offenders would make more sense of themselves.’

(PLO, Case B)

‘... the actual mediation was extraordinary, it took me a week or so to actually digest everything that had gone on....I’d be involved again because I came out with something, with a whole different concept of what some victims need to do and say. ...I would pass the process onto someone else. You know I’ve seen this work with *offender C* and maybe this would work for you.’

(PLO, Case C)

Arranging and facilitating the mediation meeting required coordination with victim liaison, victims, offenders and PLOs. The PLOs also needed to liaise with mediators, offenders and prison management. The time committed to organizing the meeting varied considerably based on the seriousness of the crime, the length of discussions with victim and offender, and the influences of prison management. Unfamiliarity with RJ mediation and the fact this was the first time mediation meetings had been arranged by all the PLOs concerned appeared to add to the time taken to make the necessary arrangements.

Mediator’s perceptions

The mediators appeared to establish a good rapport with both victim and offender. However, as described in the analysis for both victim and offender there is evidence of anxiety for both parties before the mediation. This can provide the basis for a powerful and positive impact for all concerned. As the accounts below illustrate the change in offenders and victims can be

life changing and it has been suggested that this can have particular significance in the most traumatic of cases.

‘The more serious the offence, the more powerful the effect. So the more traumatized the victim is, the more they have a need to ask questions to understand, and the more they have a need for their story to be heard to the person they perceived has caused the harm. The more damage a person has done the more they need to say they are sorry and to say why it happened, and to try to make it better. So for both parties the more serious it is the more they need this process.’

(Mediator 1, Case D)

‘I think that the people involved (the family around the victim) didn’t see that it was going to be positive, they were, as most people are, surprised at the outcome and that happens simply because for the first time two people have been able to talk through a mediator and listen to one another and realize there is hurt on both sides and both sides are hurting... if we were to take the offender for example, I think the offender in this case was more frightened than the victim...I think this was an overwhelming experience for the victim to realize this was an ordinary person...who had genuinely showed remorse and was afraid for himself and his family.’

(Mediator 2, Case D)

‘The victim liaison officer at the probation service had done such a good job in identifying that mediation would be useful in this particular case because there was such a lot of distress and upset.’

(Mediator 1, Case C)

'I've never seen it so intense as I did that day. It was amazing, it almost detracted from what was going on, ... the victim just stood up and said "I'm going to do something I never thought I'd do" and because of all this mirroring I thought it was safe for the victim to do that, the victim wasn't threatening, so the victim got up and moved round the table, put his/her hand on his shoulder.... and said "I forgive you" and you could see, well, the PLO was fighting back the tears, I was sitting there with every goosebump ... the offender had a tear in his eye, he was able to understand ... and the apology the offender gave was genuine, at the end we all stood up to go and the victim gave the offender a hug and the offender froze because he's never had a hug or at least he can never remember a time when anyone has hugged him or shown him any warmth, so that was major in him/her recounting'.

(Mediator 2, Case B)

There were examples of delays in conducting the mediation due to waiting for security passes or if prison management has decided against the mediation before the decision was reversed and the mediation going ahead. From the perceptions of the mediators concerned there is evidence that this can create additional support requirements and raises the question of whether the victim or offender would still be prepared to go ahead with the mediation at short notice. On the part of offenders and victims there was clear frustration caused due to delays in the run up to the mediation meeting. It is also clear that during this initial pilot that recognition of the needs of the different agencies have been more firmly established as the pilot has evolved with the development of protocols and an improved understanding of the requirements of mediation for all those concerned. The importance of practitioner awareness (across the prison and probation service) of RJ mediation in identifying appropriate cases is evident in the views of mediators.

Victim perceptions

All victims will be referred to by case number to ensure confidentiality and avoid gender identification. All the victims in this study were participating in RJ mediation for the first time, with this in mind they clearly were not electing to be involved in RJ mediation based on prior experience. The victims in all cases (one victim per case) reported back positive perceptions of their experience. The feelings of empowerment, closure and the acknowledgement and that the offender showed remorse were important indicators to the victim feeling positive about their mediation experience.

‘The Offender gave me answers I never had. People should be given this opportunity. I feel it is very importantIt (RJ mediation) can benefit anybody in the system let them read my experience. If one person can understand it is worth it. The offender expected anger from me but I wanted to do this I didn’t want to shut the offender down. I would do anything or speak to anyone to make them understand this benefits victim, offenders and families. But restorative justice must be used...I lost some of the anger for the offender, it is important. From a personal point of view it is important to feel at ease.’

(Victim, Case B)

‘I’ve certainly been able to move on, it’s given me some power back, I feel quite empowered by it.. and in that respect of being able to, I suppose we all live with a bit of guilt, could I have done anything, you know, although I know there is nothing I done that could have ...but there’s always those questions and I suppose its accepting that actually this was actually totally one persons fault and one person only and I’ve been able to release any irrational feelings....I’ve been able to push it firmly back where it belongs.

(Victim, Case C)

‘Brilliant ...I think it is really worthwhile and I think more victims should have the chance to face their perpetrators because I think it gives back some sense of power to the victim.’

(Victim, Case C)

‘I thought they were fantastic (the mediators), they had so much information that they came out with...They were very very supportive, they were just brilliant absolutely brilliant. Definitely the right people for the job and I felt that I really had someone to talk to.’

(Victim, Case D)

‘It was the right time for me. I just think it has to be at the right time for the victim to do it. I suppose at the time yeah, I suppose I got more out of it now because time has passed... It helped me personally to be able to move open and to actually see how it affected him and how actually he was, that has helped me as well because if he was someone who actually didn’t care I wouldn’t feel like I feel today, so I wouldn’t want to see anyone suffering but in a way I am glad the offender is upset and remorseful and I can see that clearly now. The offender has got to go on and build their life now and I’ve got to build my life. I suppose a positive outcome of the mediation is that I feel now that I can start doing that.’

(Victim, Case D)

Although victims were sometimes uncertain about what could be achieved prior to mediation, the driving force in their willingness to be involved in the process was the need for questions to be answered about the offence and the opportunity to meet the offender. The rapport and trust between the victim and mediators appeared to be an important factor in the success of the mediation. Victims in all cases acknowledged the importance of role of mediators and the support provided in the run up to the mediation. In two cases victims did report frustration at delays in the run up to the mediation.

Offender perceptions

All offenders (one offender per case) will be referred to by number to ensure confidentiality. The crimes for which offenders have been incarcerated will not be revealed although all offences concerned with these cases have all involved the loss of life.

‘... in the beginning I was frustrated and confused and shocked. I was worried about what was going to happen. Afterwards, I think both sides were happy it happened, very emotional...I learned a lot, positive. I try and see everything positively. Yes, I think they should keep on doing it. Especially cases like me, because things happen.’

(Offender, Case A)

‘At the present time, I have nothing against the people coming in ...if it will help the people understand. I try and look to the long term. It’s made me look for what I’ve done, I done...I’ve wrecked a family, I call it selfishness, it wasn’t right thing that I done. The mediation team has helped me look forward, not stay still or go backwards but go forward...It was non-judgemental, I was able to put my side over without being judged, I was able to talk rationally.’

(Offender, Case B)

[Most challenging aspect about mediation meeting] ‘To me it is being totally honest with people. Answering a questions as honestly as possible (to the victim)’ [Most rewarding aspect of mediation meeting] ‘Being totally honest with the victim’

(Offender, Case B)

[How did you feel before the mediation meeting?] ‘Very wary, you know what I mean? I didn’t know how the victim was going to react, or be like....You know it weren’t planned (the offence) or anything like that, you know, I just tried to put that over to the victim and hoped that the victim would not think too badly of me...when I do get out if I bumped into the victim I didn’t want to cause any friction or anything. That was what I was hoping for, you know, that the mediation sort of smooth over, so that you know, the victim wouldn’t be frightened to meet me in the street or I wouldn’t be frightened to meet the victim...In the end it went really well you know. That’s what I got out of it, a better feeling with not having the worry, you know what I mean, coming out and having the victim all anti and that, you know.... In the end ...the victim got up and hugged us. You know, that really put me out, you know, I couldn’t believe that. It was really good.’

(Offender, Case C)

‘The victim had always said they would not forgive me. After, the victim was a little more forgiving, that was a good thing... Afterwards when the victim left I couldn’t imagine the transformation. For the victim to say they would nod at me in the street was a good thing...I still think about it every day and deeply regret it. I hope the victim got something out of it.’

(Offender, Case E)

The motivation for offenders to be involved in the mediation process ranged from wanting to explain why the offence was committed, helping the victim's family, establishing closure in case of a chance meeting in the future and/or addressing their feelings of guilt or regret. Offender and victim perceptions coincided in that they were both positive about the role of the mediators. Offenders reported that they were comfortable with the role of the mediator as a neutral facilitator and this was a key factor to their involvement. An offender reported frustration where the timing of the mediation was disrupted and delayed but did not detract from the positive perceptions he experienced as a result of the mediation meeting finally taking place. All offenders in this study reported back positively on their experience and recommended RJ mediation as a useful experience that should be used for other offenders, although some offenders said this should depend on the case and the offender concerned.

Summary

The research team has managed to interview almost every participant associated with the five cases involved in this evaluation. The feedback from all the participants in this evaluation has been positive. There have not been any examples where the offender or victim regret taking part in the mediation meeting and all participants have reported back benefits in terms of achieving closure, better understanding of the offence and the ability to move on with their lives. These benefits appear to be consistent with government aspirations to improve community safety (particularly well being and quality of life) but any examination of reduction of future offending would require a longitude study. The role of mediators has been fundamental in the success of this initiative and their position in the process as neutral facilitators.

The feedback from all participants has revealed, as one would expect with a new initiative, that awareness of RJ mediation is not widespread across the probation and prison service or indeed the victim and offender population in the UK. Despite the lack of prior knowledge on RJ mediation practices for practitioners, all prison and probation staff involved in facilitating the mediation have reported back positively on their experience. We are unable to conclude that the impact of mediation has a more powerful impact for more serious offences than less serious crime, not because of the feedback provided but because of the small sample size used for this study. Although we can report that there appears to be short term benefits to RJ mediation in the cases we have analysed without a longitude or larger number of cases it is impossible to measure if there are any significant or long term benefits.

Conclusions

The introduction of adult prisoner and victim mediation was aimed at reducing the fear of crime for the victim, improving offender empathy for the victim, promoting a reduction in re-offending, and enabling offenders to resettle back into society more effectively whilst also seeking to identify and implement best practice. The conclusions in this study can provide some evidence for optimism for the future although more research will be needed in order to measure longer term outcomes. Each interview was conducted shortly after the mediation and based on the perceptions of victim, offender and stakeholders there is evidence of improved offender empathy for the victim, the potential for offenders to settle back in society more effectively (as a result of gaining ‘closure’ through mediation) and through the five cases mediators, all the organisations concerned have become more aware of policies and practices adopted in partner agencies. Moreover, there have been further outcomes that can be interpreted positively including the benefits for victims. Victims appear to have gained closure, empowerment, obtained responses to unanswered questions and have witnessed evidence of remorse from offenders. Offender managers and supervisors reported back positively on their experience of RJ mediation and were supportive of further adoption of RJ mediation.

This evaluation has provided evidence for the potential of the enhancement of longer term community safety for both victim and offender. The responses from the participants concerned point to the potential for longer term well being, reduction in the fear of crime and evidence of closure to traumatic and damaging experiences. However, it is important to note that this data represents a snapshot of the perceptions of participants shortly after the mediation meeting rather than evidence of a long term impact on community safety. In order to provide more methodologically grounded conclusions more cases are required.

Findings:

- All victims and offenders felt they were adequately prepared for the mediation
- All offender managers and supervisors would recommend the use of RJ mediation in the future although a couple of respondents stated this should be dependent on the crime committed
- All offenders recommended RJ mediation should be used for other offences although one respondent stated this should be dependent on the crime committed

- All victims agreed that RJ mediation could be used in other cases with one respondent stipulating that it should depend on the crime.
- All victims and offenders reported that the mediation meeting was a positive experience
- All offenders and victims had not experienced RJ mediation prior to this pilot
- Stakeholders (not including mediators) did not have a comprehensive knowledge of RJ mediation before the mediation meeting
- All stakeholders (mediators, offender managers and supervisors) reported that the mediation meeting was a positive experience
- Some cases did experience delays resulting in frustration of both victims and offenders
- All victims and offenders reported positively on the role of the mediator
- All stakeholders (mediators, offender managers and supervisors) believed the appropriate outcomes were met in the mediation meeting
- All offenders and victims believed the mediation resulted in appropriate outcomes
- All victims reported being able to 'move on' or described 'closure' as a result of the mediation meeting
- All offenders except one (inconclusive) reported being able to 'move on' or gain 'closure as a result of the mediation meeting

Recommendations:

- Further research to increase the number of cases and range of offences used for RJ mediation
- To conduct further (longitude) research focusing on the reoffending or otherwise of current and future cases
- Identify time contributed by offender supervisor/manager to facilitating mediation
- Produce standard guide outlining role of all stakeholders and researchers
- Plan to avoid delay and/or changes in the authorisation of mediation unless absolutely necessary.
- Increase practitioner awareness of RJ mediation

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APPENDIX A



2 October 2008
08/B&S/083

Ref:

Dr Stephen Tong
Department of Law and Criminal Justice Studies
Faculty of Social and Applied Sciences

Dear Stephen

Project Title: *East Kent Restorative Mediation Project.*

The Business and Sciences Research Ethics Committee reviewed your application during July 2008, and approval was given subject to certain conditions.

The Acting Chair of the Committee is content that these conditions have now been met in full, and I am writing to formally confirm that you can commence your research.

With best wishes for a successful project.

Yours sincerely

A handwritten signature in black ink that reads 'Roger Bone'. The signature is written in a cursive style and is underlined with a single horizontal stroke.

Roger Bone
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