



A Consideration of the Sycamore Tree Programme and Survey Results from the Perspective of a Restorative Justice Practitioner

**A Report prepared for
Prison Fellowship New Zealand
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May 2005**

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Introduction

The Sycamore Tree Programme (STP), delivered by Prison Fellowship of New Zealand, is a restorative justice programme which brings together a panel of six inmates and six crime victims over eight two-hour sessions. The victims attending these meetings are not the particular victims of the inmates. The programme includes large and small group discussions, victim/offender interactions, role-plays, and readings that create a contemporary retelling of the biblical story of Zaccheus, a man who admits to his offending and sets about to restore to his victims what he has defrauded them of.

Participation in STP is strictly voluntary for both inmates and victims. The programme seeks to increase victim awareness on the part of offenders by giving victims an opportunity to explain the effects of crime on their lives. It also encourages offenders to take responsibility for their offending. The programme is intended to be for the benefit equally of offenders and victims.

Leading theorist Professor Howard Zehr proposes that justice interventions fall along a continuum from fully restorative to not restorative at all.¹ In order to analyse whether a particular restorative justice model is effectively restorative, he suggests asking the following questions:

1. Does the model address harms, needs, and causes?
2. Is it adequately victim-orientated?
3. Are the offenders encouraged to take responsibility?
4. Are all relevant stakeholders involved?
5. Is there an opportunity for dialogue and participatory decision-making?
6. Is the model respectful to all parties?

This analysis will consider STP and its Survey results in the light of these key questions.

The Survey collates the information gathered from evaluation forms completed by victims and offenders involved in 11 Sycamore Tree programmes. The information was compiled from 57 inmate evaluations, 51 victim evaluations, and 15 case officers' evaluations. The numbers for victim and offender forms are sufficient to provide a basis for reasonably sound

¹ Howard Zehr, *Little Book of Restorative Justice* (Intercourse PA: Good Books, 2002), 54-57.

analysis. The number for prison officers is too few to allow other than suggestive comments.

It should be noted that the structure of the questionnaire changed somewhat over the course of the evaluation. There were differences in the questions asked of each type of participant and a reduction in their number. The questions discussed in this report feature in the latest questionnaire, but they can be easily correlated with earlier forms of the questionnaire.

Information about the content of the STP has been gathered from the *Guideline for the Implementation of the Sycamore Tree Programme* ("Guideline"). This document forms part of the contractual arrangement between PFNZ and the Department of Corrections for the delivery of this programme in the prisons. The Guideline establishes a context for the evaluation of the STP and the Survey results.

1. Does the model address harms, needs, and causes?

Underpinning the integrity of a restorative justice process is a commitment to truth. According to the recent publication *Restorative Justice in New Zealand: Best Practice*:

Truthful speech is essential if justice is to be done. In restorative justice, truth entails more than clarifying the facts and establishing guilt within strict legal parameters; it requires people to speak openly and honestly about their experience of offending, their feelings, and their moral responsibilities.²

The agreed *kaupapa* of the STP includes participants actively taking part in discussions, listening to each other without interruption, telling the truth at all times, and showing respect. All inmates who answered said they stayed "staunch to the rules" (Q4). 73% found it easy to do so, with the remaining inmates having varying degrees of difficulty. 70% of victims found it easy to commit to the *kaupapa* (Q5). This indicates that there was a high commitment to truth-telling and to meaningful and open communication between participants. This in turn ensured that issues of accountability and responsibility for offending were discussed, as victims explained the impact of offending on their lives.

During the programme each victim is given the opportunity to tell their story and describe their feelings, physical hurts and losses. The results show that the process increased victims' awareness of the benefits of expressing themselves in this way. 63% felt very clear about the need to be open and

² Ministry of Justice, *Restorative Justice in New Zealand: Best Practice* (Wellington: MOJ, 2004), 24.

talk about the past in an honest way, and a further 27% had a lot more understanding about this need (Q6b). 67% were very clear about the need to own their feelings about the harm done to them and 25% had a lot more understanding of this need (Q6c).

The Survey indicates that the programme is also successful in increasing inmates' understanding of the need to be open to talk about the past in an honest way. 86% said they had a lot more understanding or felt very clear about this need (Q6b). 80% had a lot more understanding now about owning their feelings about the harm done to them and the harm they have done to others (Q6c).

Session 2 of the Guideline ("What is Crime") explores the nature of crime and its consequences. Session 3 ("Responsibility") deals with what it means to take responsibility for offending. In view of the above findings, it is reasonable to assume that these matters have been discussed by the participants with reference to their own experience.

Howard Zehr explains that the central focus of restorative justice is seeking to put right the wrongs and harms of offending. This requires offenders to address the causes of their behaviour. In this connection he emphasises the role of trauma.

Trauma is a core experience not only of victims, but also of many offenders. Much violence may actually be a re-enactment of trauma which was experienced earlier but not responded to adequately. Society tends to respond by delivering more trauma in the form of imprisonment. While the realities of trauma must not be used to excuse, they must be understood, and they must be addressed.³

In relation to this it is noteworthy that the Survey asks both victims and inmates if the programme increased their understanding that most people are both victims and offenders (Q6a). 92% of inmates said they had gained a lot more understanding or felt very clear about this. 94% of victims felt the same. It seems clear that both groups grew significantly in their empathy for each other and their understanding of the causes of offending behaviour.

Finding: the Sycamore Tree programme addresses harms, needs and causes in a comprehensive manner, befitting a genuinely restorative approach.

³ Zehr, *Restorative Justice*, 31-32.

2. Is the Sycamore Tree programme adequately victim-orientated?

(a) *Victim-Safety*: The first consideration is whether there are adequate structural safeguards in the process to maintain the safety of victims and to provide an opportunity for them to experience validation and empowerment.

The Guideline provides a clear statement of the goals for victim participants, including:

- to help them to further resolve issues around the offence committed against them
- to help them to become more fully informed about crime, offenders, and restorative justice
- to allow them to hear offenders take responsibility for their offending and recognise that what they did was wrong
- to assist them to move towards a sense of closure, forgiveness and peace.

It is made clear to participants that the feelings, experiences and questions of victims are to be accepted without reproach or criticism. There is also an emphasis on the confidentiality of the process.

All victim participants go through a two-stage selection process consisting of an information-sharing session, which sets out the objectives and ground rules for the programme, and a personal interview with the programme facilitator, who has the responsibility to determine whether the victim is suitable for the process. The interview addresses any concerns victims may have about the process and ensures that they can determine their own level of involvement. The benefits and risks of participation are also explained, together with the roles and rights of victims.

Victims must agree, as part of the selection process, to have no further contact with inmates after the completion of the programme (the same applies to inmates). There is also a thorough system in place for the selection, training and monitoring of facilitators. Included in their training is the development of skills to recognize any signs of re-traumatisation in victims or an inability to cope with the programme.

(b) *Victim response*: The second consideration is to look at how victims responded to the programme. The Survey indicates that an overwhelmingly majority (94%) enjoyed the process and would recommend it to others (Q14). As a result of participation in STP, 80% became very clear that talking openly about the past can lead to inner healing (Q6d). 50% said they had an increased desire to make changes and 33% wanted to make positive

changes(Q8). These results indicate that victim participants found the process both beneficial and empowering.

When asked why they would recommend the programme to others(Q14), the most common reply of victims was to refer to the healing process they had witnessed and experienced and the value of explaining to inmates the full impact of crime on victims and their communities. One victim described the process as a “healing journey that opens heart and life”. Another wrote, “Best thing I’ve done in my life, has set me free, like I could never believe!”

In sum, the goals of the programme, the ground rules followed, the processes involved for the selection of participants, the training of facilitators, and the demonstrated satisfaction of crime victim participants are all factors which indicate a robust system which takes account of the needs and safety of victims.

Finding: The STP is adequately victim-oriented.

3. Are offenders encouraged to take responsibility?

Goals for inmates in the Guideline include:

- to encourage them to take responsibility for their actions
- to allow them to the experience confession, repentance, forgiveness, and reconciliation related to specific criminal acts
- to help them make amends by taking part in a healing act of restitution.

Four sessions in the programme are devoted to exploring the concepts of responsibility, confession, repentance, forgiveness and restitution. Such concepts are key components in becoming fully accountable.

The Survey had a number of questions which address these issues. As a result of participation in STP, 60% of inmates felt very clear about the idea of repentance and making up for what they did (Q6(f)). 70% said the programme had made it very clear to them the need to restore relationships with whanau and victims, and with those whom they had hurt in the past (Q6h).

The Survey also had a number of questions around whether there was any increased motivation to change as a result of the programme. 72% of inmates said they strongly desired to make changes (Q9). When asked about new future goals (Q8), 20% stated they wanted to leave crime or go straight, 25% wanted to be a better parent or partner, 5% wanted to do more for the community, 25% wanted to work on personal development (e.g. to develop new attitudes, to be drug free, to be honest with people) and 10% wanted to show respect to others (wives, children and victims). In response to the

question “what do you want to change?” (Q10), 50% mentioned relationships, 60% referred to attitudes and 35% cited specific behaviour. 71% said that as a result of STP they wanted to put things right with those they have hurt (Q11).

Relevant to this discussion is the perspective of the case officers. Eight out of the fifteen officers thought there was some or a substantial improvement in the inmates. The main change they identified was in terms of inmates’ motivation more than observable behaviour.

The STP cannot address the issue of restitution to specific victims. It does however provide a forum in which offenders are encouraged to consider the need to make restitution to their victims.

Finding: The STP is effective in increasing the awareness of inmates of the harms they have caused and enhancing their sense of responsibility for their actions.

4. Are all the relevant stake-holders involved?

The STP is not designed to bring inmates together with their actual crime victims. This means it is not able to bring all the relevant stake-holders together as may happen in other restorative justice models. However the STP does provide crime victims an opportunity to tell their stories, and gives inmates the chance to learn about the probable effects of their own offending. It also provides a forum for offenders to make symbolic acts of restitution and for crime victims to participate in a process which promotes some healing in them.

It should also be noted that Session 8 of the programme takes the form of a celebratory meal to which members of the wider community are invited. At this meal participants share their new understandings about crime and healing. This meal reinforces the belief that restoration for both inmate and crime victim must involve the community at large.

Finding: the STP involves relevant stake-holders insofar as is possible within the specific design constraints of the programme.

5. Is there an opportunity for dialogue and participatory decision-making?

One core restorative justice value is empowerment. This is spelled out well in *Restorative Justice in New Zealand: Best Practice*:

All human beings require a degree of self-determination and autonomy in their lives. Crime robs victims of this power, since another person has exerted control over them without their consent. Restorative justice seeks to re-empower victims by giving them an active role in determining what their needs are and how these should be met. It also empowers offenders to take personal responsibility for their offending, to do what they can to remedy the harm they have inflicted, and to begin a rehabilitative and re-integrative process.⁴

Freedom to participate fully in dialogue is fundamental to empowerment. The structure of the STP recognises this by making adequate room for dialogical participation in both large group and smaller groups settings. Crime victims are given the opportunity to tell their stories and explain how the offending has affected their lives. The programme runs for sixteen hours.

When asked what would make the programme run better (Q14), 45% of inmates nominated more sessions or more time for discussion. Victim responses were similar. This implies that their experience of dialogue was sufficiently constructive for participants to want more.

Another means of empowerment is participation in decision-making. Given the character of the STP, it is not possible to arrive at a restitution plan for the specific victims of the inmates. However the idea of restitution is given some prominence. In Session 7, "Towards Reconciliation", inmates and crime victims share letters and covenants they have prepared. This feature of the STP could potentially be strengthened. Perhaps participants could agree to specific, achievable and verifiable post-programme plans, so that changes in attitude are matched by positive behavioural changes.

Finding: the STP empowers participants by enabling them to participate in dialogue and to talk together about concrete outcomes, a feature that could be further enhanced.

6. Is the Sycamore Tree programme respectful to all parties?

An impressive 90% of victim participants thought the programme was great (Q10). 82% rated the running of the programme as excellent (Q11), and 84% rated the tutor as excellent (84%). From the inmates' perspective, 70% thought the programme was great (Q13), 80% considered the running of the programme to be excellent (Q14), 96% rated the tutor as excellent (Q16), and a full 100% would recommend the course to others (Q17). Such

⁴ *Restorative Justice in New Zealand*, 25

overwhelming endorsement of the STP indicates that participants found the process to be respectful and safe

Finding: the STP process is competently-managed, and participants feel valued and respected in it.

Conclusion

The STP includes most of the core elements of a fully restorative justice process. Victims are provided with a safe and respectful place in which to tell offenders their stories. They also hear inmates accept the wrongness of their actions. Victims have a significant experience of vindication, while inmates are given a realistic context in which to consider their own offending. Elements of restitution are considered and given some symbolic form. The interests of the wider community in the process are recognised in the form of a celebratory meal. Some victims will find that the STP process is sufficient to meet their emotional needs arising from the harm suffered. For others it will be a further step in the healing process. For both victims and inmates, involvement in the STP may be an excellent preparation for having a restorative justice conference with their own specific victims/offenders.

All things considered, STP can be considered as a “mostly” restorative process, using the Zehr continuum. It is an approach which gets as close as it can to being fully restorative, without offenders meeting their actual victims.

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2 May, 2005

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