

**Inside out: how does an in-prison victim awareness
programme affect recidivism?**

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Declaration

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except where specifically indicated in the text.

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Chapter 1

Introduction

This dissertation examines the Sycamore Tree Programme (STP), a programme delivered inside prisons that seeks to utilise the rehabilitative opportunities imprisonment offers by combining it with the essential element of Restorative Justice (RJ): a meeting between offender, victim, and the community. The name *Sycamore Tree* is taken from the Biblical story of Zacchæus (Zac), the corrupt tax collector, who climbed a sycamore tree to see Jesus (Luke, 19:3-5). He becomes a symbolic offender. Jesus noticed him, called him down and they met over a meal. The meeting changed Zac's life, which he demonstrated by making restitution to his victims and giving half of his wealth to the poor. This story provides the restorative elements of a meeting, mediation, and reparation/restitution.

The STP was chosen as a 'case study' because it atypically combines two apparently mutually exclusive approaches, imprisonment and RJ, and has never been qualitatively described before. The question arises whether RJ, currently conceived as a diversionary process, can be successfully (in terms of reduced recidivism) delivered after trial and conviction to incarcerated offenders. In order to answer this question, I will describe the history of RJ and some rehabilitative opportunities it offers in prisons and lay the foundation for an exposition of the development, aims and success of the STP.¹ The background illustrates why imprisonment as a concept appears fundamentally opposed to RJ principles and aims.

Background

Imprisonment is the most severe punitive sanction that a society without capital punishment can deliver and follows a process which need not actively involve the main protagonists (where an offender pleads guilty and the only evidence is forensic, for instance). In the post-war years rehabilitation became an aim of punishment but there was a growing awareness that punitive detention not only frequently failed to

¹ It should be made clear from the outset that the original research proposed, for an outcome analysis of the STP, an in-prison victim awareness programme, had to be abandoned when essential data requested from the Home Office was not forthcoming. Therefore a qualitative study was undertaken because, as mentioned above, the STP has never been qualitatively described before and it has the potential to extend RJ's use beyond current practice.

rehabilitate, it sometimes caused harm. There were also concerns about proportionality and indeterminate sentencing imposed with a view to facilitate a 'cure' (Allen, 2004; von Hirsch and Maher, 2004). RJ treats crime as a harm that involves victim, offender, and the community and, by involving these people in a meeting, seeks to repair the harm caused and restore peace between them (Zehr and Mika, 1998). RJ is usually regarded as a means to divert offenders from court appearances and, subsequently, prison and can be effective in reducing recidivism (Sherman and Strang, 2007). Therefore, RJ inside prisons may seem like a contradiction in terms.

Following the famous 'nothing works' article (Martinson, 1974), the rehabilitative aspects of imprisonment lost impetus. Concurrently, proponents of RJ proffered it as a better alternative to 'standard' criminal justice, targeting it towards young and first offenders as a means of preventing their initiation into a 'criminal career'. Thus RJ came to be seen as an informal and rehabilitative method for dealing with youths and minor offences. Although this approach was effective in reducing recidivism and perhaps preventing the *development* of persistent offending behaviour, an inherent disadvantage was that more serious offenders had no opportunity to express remorse or offer reparation, especially if they had been imprisoned. A problem for the conventional criminal justice process was that rehabilitative programmes and projects operating in prisons frequently measured success by participation and compliance, rather than reintegration and desistance following release (Maruna, 2001:111). Motivation is vital to reintegration and desistance because recent research has shown that offenders endure considerable obstacles after release from prison and require significant levels of motivation to overcome them (Farrall and Calverley, 2006:21). To achieve this offenders often require a fundamental change in their self-narrative, or perception of themselves (Maruna, 2001:87) and RJ is noted for its positive influence on the self-narrative and motivational levels of offenders.

There is a dearth of research and information about RJ in prisons. The little that exists concentrates on changing prisons systemically rather than integrating RJ within the existing regime. There are programmes that integrate RJ with criminal justice such as a project to refurbish a local amenity at HMP Holme House but they are frequently short-term and finite (see Shapland et al., 2006a and 2006b for the implications of combining RJ and criminal justice generally). There is a need to understand how these programmes work and build on that knowledge for the future. With increasing use of

imprisonment as a sanction to separate offenders from the public, there is an opportunity for new approaches to restorative interventions.

However, many current programmes may be categorised as *rehabilitative* rather than *restorative* because they do not bring together the essential elements of RJ, the victim, offender, and community. But the STP is both because it purports to rehabilitate through the restorative process of discussion and victim empathy. Essentially the STP is a victim-awareness programme atypically applying RJ principles by using surrogate victims and communities and is delivered by volunteers rather than professionals.

STP and rehabilitation

The STP is a victim-awareness programme, and a retrospective analysis showed that it produced positive changes in many prisoners' attitudes towards victims and re-offending but also raised further questions (Feasey et al., 2005). Despite significant improvement in prisoners' attitudes, no post-release follow-up of prisoners was possible to see whether these changes withstood the criminogenic pressures that ex-prisoners face, as measured by re-convictions. Neither was any profiling possible to ascertain whether certain categories of offender responded better to the programme than others. There is little literature about such contemporary programmes, so resolving these questions would help us understand how well RJ can adapt to conditions within the existing prison regime and help prisoners acquire the motivation necessary for successful desistance and reintegration. Most available literature concerns projects, pilot schemes, or well-funded experiments and does not address these questions.

Together with Feasey et al.'s findings, anecdotal evidence supports the hypothesis that the STP alters prisoner motivation but this is not collated in a systematic way. Based on this information, it is reasonable to expect reduced rates of re-offending in released participants of the STP. The programme providers, Prison Fellowship, were keen to test whether the programme met the needs of the participants, thus producing good outcomes in terms of reduced recidivism. A quantitative outcome study that corroborates the existing evidence would not only mean changed lives for offenders but provide encouragement to course tutors and constitute further justification for continued investment in the programme by the Prison Service. Financial considerations are particularly pertinent as there is

occasionally resistance to allowing prison funding for the STP, which is offered by the faith community, even though it is often less expensive than other prison courses (tutor: interview).

Dissertation overview

In Chapter 2, I outline the general context of RJ, tracing the development and diversity of practice that exists. RJ is a 'process' or 'movement' rather than a theory but it is underpinned by criminological and psychological theories. However, some theorists object to its principles and highlight its weaknesses; these are mainly found in its implementation and the width of its parameters. For example, participants may not be fully cognisant of the process, which can lead to disappointment, and the many varieties of schemes described as RJ lead to a lack of uniformity or standardisation. With regard to its implementation in prisons, proponents of RJ face structural and conceptual difficulties but are not deterred from promoting schemes and projects aimed at restorative and rehabilitative ideals. Within a total institution the concept of equality between protagonists, as with RJ at its most basic, is quite novel. Chapter 2 concludes with a description of the STP from its inception to its current use in prisons in England and Wales. Its restorative principles are maximised and it works with the existing prison regime, permitting it to be consistent and ongoing where many restorative projects are short-term and finite.

Chapter 3, 'Why Zac is interesting', elucidates the rationale behind the present study. Increased use of RJ, particularly in prisons, follows the victim/offender meeting model but the STP is unusual in several aspects and its differences are explored. Motivation is an important aspect of successful desistance and reintegration, both of which are notoriously difficult to define accurately (Foote and Frank, 1999 cited by Maruna, 2001:26). The motivation leading prisoners to participate in the STP and their reaction to it is the focus of this study. Chapter 4 describes the methodology (which was heavily dependant on Home Office-generated data), and presents limitations on the extent and use of the data available. Fieldwork was carried out at a men's and women's prison where a final 'community day' session of a STP was observed in each. Participant observation left no scope for in-depth interviews, and the time scale proved too short for broader enquiry with other prison staff.

Chapter 5, 'A bridge too far? improving the methodology', returns to the literature to discuss my approach and how the research design might have been improved. As a process entirely dependent on voluntary participation, RJ is susceptible to selection bias and this affects the design methodology. Additionally, when data collection is not controlled by the researcher, a study is vulnerable to collapse. Chapter 6, 'Men, women, and Zac', reports the observation periods of the two STP 'community' sessions and informal conversations with both men and women prisoners, relating them to the RJ literature and some desistance studies. An STP tutor was further interviewed to gain an insight into prisoners' progress through the programme and the assessment criteria used, as well as to illustrate the role and character of the volunteers who implement the STP. Chapter 7, 'Discussion', presents conclusions drawn on inferences from the fieldwork and suggests avenues for further research of RJ within the prison setting.

Chapter 2

Restorative Justice: how and why

Crime as a harm

RJ generally treats crime as a harm to people and relationships. In outline, RJ takes a wider view than criminal justice, identifying 'stakeholders' in crime as the victim, offender, and community to which they belong. Where criminal justice identifies what rule is broken, who is responsible, and punishes them, all as discrete concerns, RJ aims to bring these stakeholders together so that reparation and restitution can be agreed rather than imposed by a 'neutral' body. Restoration begins when all stakeholders are treated equally, recognising their humanity, that the offender now has obligations, and that the victim needs to be empowered in the justice process. Community involvement can allay fears, support the victim, and ensure the offender's reparative undertaking is achievable and acceptable. The process of meeting and discussion enables all concerned to understand the circumstances of the event; the victim might realise that the offender is similar to himself; the offender might realise that his actions caused trauma beyond his imaginings²; and the community might realise they have the ability to take an active role in the outcome. Reintegration and repair of harms through understanding (if possible), restitution, and dialogue are the aims of RJ. These are achieved through various types of meeting: *mediation* between victim and offender, when they either meet face-to-face with an appointed mediator (direct), or where they do not meet but use the mediator as a go-between (indirect); *conferencing*, a form of mediation where both offender and victim have supporters present (often family members); or *circles*, when the wider members of the community are involved³. These meetings are voluntary and usually used as alternatives to court appearances occurring early in the criminal justice process; they require an agreement with the facts, if not a formal admission of guilt by the offender.

² For the sake of clarity 'himself' and 'his' are used as generic terms with no sex bias.

³ For a fuller description Zehr and Mika offer a definition of the elements that constitute RJ (1998), and Daly and Immarigeon review in more detail the various practices (1998:24-7).

RJ in action

Theory

The paradigm of restorative justice encompasses several different practices and extends into other fields than criminology (schools and civil disputes for example Wright, 2000:60). Since the 1970s, when ideas about the success of standard criminal justice procedures led to moves towards other, traditional methods of dispute-settling, RJ has established a place for itself within the criminal justice of many jurisdictions. However it would be wrong to claim that RJ has revived traditional, especially aboriginal, ideas (Daly, 2003a:200-2). Advocates have suggested that it pre-dates current practice but critics refute this, positing that this is an attempt to legitimise RJ. Rather, it has incorporated and/or adapted such ideas and has a claim to be rooted in less adversarial means of dispute settlement (Mantle et al., 2005:3). Perhaps these diverse roots have led to the varieties of mediation and dispute resolution that pertain at present.

Along with a growing awareness that custodial punishment did not rehabilitate offenders was the realisation that it could be positively harmful. 'Prisons *always* do harm. That's the most important thing that people have to get into their heads: that prison always does harm' (McLellan, 2006:10). In this atmosphere RJ seemed to offer a means to avoid the stigma and pains caused by both the criminal justice process and criminal behaviour. The term 'restorative justice', first thought to have been coined by Eglash in 1958, was adopted and it began to be seen in opposition to so-called 'retributive justice'. But these terms themselves are problematic. Proponents of RJ, Zehr and Mika, discuss the difficulties of definition and linguistic limitations of the phrase (1998:47-49) and Daly questions how different the two concepts really are, exposing the dangers of seeing them as natural opposites (2003a:197-200). From these beginnings RJ might be more aptly termed a 'movement' rather than a new criminological theory (Daly and Immarigeon, 1998:21; Cunneen, 2003:192; Mantle et al., 2005:1). Strang et al. also offer 'deconditioning' and 'interaction ritual', non-criminological theories, to support RJ particularly in respect of victims of crime (2006:285).

RJ relates to several criminological theories: narrative (it allows one's story to be told), labelling (it seeks to avoid stigmatisation), strain (material and human differences between offender and victim become minimised during discussion), or

control (it uses the moral dimension to arouse shame and involves a wider social context) are some examples, but there is no actual theory of what RJ is; rather, it works within the ambit of all, taking strengths and reflecting weaknesses (see Mantle et al., 2005 for RJ's relationship with classicism, positivism, conservatism and Gehm, 1998, for narrative, and equity theories). Mantle et al. identify that "Perhaps the major limitation of RJ is that, to date, it has paid little attention to the causes of crime" (2005:26). As a movement based in the social aspects of crime and which sees itself as dealing with the aftermath of crime rather than preventing it, this 'weakness' may be understood. Patently, whatever system exists to deal with crime's prevention or prediction, offending is a fact of social existence. Once a crime is committed, society must find a way to deal with the results to all parties, the offender, the victim, and itself. When crime is seen as a wrong, or broken rule, and the appropriate, response as punishment of the wrongdoer, the result resembles an adversarial system where the offender and society, or its representative, are at opposites; the victim need not be concerned. Further, even when all parties concur that punishment is appropriate they may not agree what amount or type is suitable. Conversely, when crime is seen as a harm that concerns all parties, it encompasses everyone involved and is inclusive in deciding on outcome, which may include punishment but need not.

At its simplest, society might be regarded as a cohesive organisation of heterogeneous individuals and to maintain that cohesion, John Braithwaite posited that the reintegration of offenders was a crucial step in preventing re-offending, and that the offence rather than the offender should be condemned (1989). Zehr (2002) argues that a sense of "belonging" to a group is vital and Maxwell and Morris (2002:278) make the distinction, emphasised by Maruna (2001:161), that for the offender it is society's actions rather than intentions towards them that are important. Seeing reintegration in terms of social cohesion might be perceived as a revival of the rehabilitation ethic but restorative reintegration is concerned with a dialogue between offenders and society rather than offenders merely 'fitting in' or 'doing good'. Braithwaite's theory of reintegrative shaming thus informs a part of RJ. Offenders themselves are not condemned and they are not stigmatised retrospectively. The theory was operationalised in the ReIntegration and Shaming Experiment (RISE) in Canberra, initially producing encouraging results (Sherman and Strang, 1997)⁴. The methodology

⁴ Three years later results proved to be mixed as re-offending increased with certain offences such as drink driving (Sherman et al., 2000).

was victim/offender mediation together with any supporters, facilitated by a specially trained police officer. Outcomes included a form of restitution but, importantly, gestures of love and acceptance back into the community were made (Braithwaite, 1989).

Practice

Not all programmes involved shaming or mediation and other models developed. In New Zealand, for example, the Children, Young Persons and Their Families Act 1989, requires that all young offenders attend a conference. Similar to mediation, but including family members, the crime is discussed with a trained facilitator and reparation is agreed, limited by statute, and legally binding (Maxwell and Morris, 1993; 2006; Umbreit, 2000). In Canada sentencing circles include civic elders and perform a similar function (Huber, 1995 cited in Gehm, 1998:4). During these procedures the victim and the offender meet face-to-face and, generally, high levels of satisfaction with the process and outcome are reported (Strang et al., 2006:282). The alternative, indirect mediation, where victim and offender do not meet leads to less satisfaction with the procedure. No firm reason for this result is posited but the main protagonists' lack of empowerment and doubt about the genuineness of apologies are suggested (Shapland et al., 2006a:71). With such multiple models of practice RJ has been described, and criticised, as more resembling a procedure than a specific programme or intervention (Ashworth, 2003:164). Nevertheless RJ takes a wider view of crime than standard criminal justice and it is fair to say that improvements in victim support and the increased importance of victim satisfaction have helped to sustain the rise in RJ processes (Aertsen, 2006:74).

Of interest to criminologists, however, is whether such procedures rehabilitate, reintegrate, or reform offenders. The methods described above have been tested and trialled extensively with varying results. The most recent meta-analysis found that, on the whole, RJ 'works'; interestingly it works best with serious offences (Sherman and Strang, 2007:8). However, whatever the diversity of method or process, a common theme in that review is the youth of the offenders⁵. This is supported by the bulk of the literature which describes schemes designed to divert young offenders from court

⁵ Of 25 studies reviewed by Sherman and Strang (2007:16-18), twenty described the participants as youth, young adults, or under 30.

appearances (Umbreit and Coates, 1992; Bazeman and Umbreit, 1995; Cavanagh, 1998; Umbreit, 2000; Maxwell and Morris, 2006; Strang et al., 2006). Also, there has been a tendency to confine RJ procedures to specific, or less serious, offences. Sherman's and Strang's findings should challenge this. As indicated above, RJ practices are diverse, this leads some to question whether certain programmes are RJ or "repackaged [retributive and punitive programs]" (Zehr and Mika, 1998:48-9). Alternatively, 'RJ' is used to describe mediation or conflict resolution outside criminal justice jurisdiction (Miller and Blackler, 2000:77; Ashworth, 2003:167). Thus, if RJ is not instituted across the whole criminal justice system, encompassing all degrees of offence and ages of offender, it may be criticised as not fulfilling its promise and the expectations claimed for it (Daly and Immarigeon, 1998:38). Or, when used outside criminal justice, RJ is potentially too much of a catch-all term for less formal justice approaches.

It isn't all good

This diversity and the lack of a specific, underpinning theory, have led to criticism of RJ procedures. RJ may be susceptible to prejudice, race or class for example, which could pervert the good intentions of diversion from court and reinforce the supremacy of white, middle-class values (Delgado, 2000:768; Cunneen, 2003:190). Delgado also considers inconsistency a fault (p. 759 and see Mason, 2000) although advocates see this positively as flexibility and are concerned about rigidity and standardisation because it can prevent innovation and dealing with matters on an individual basis (Zehr and Mika, 1998:49; Braithwaite, 2000:17). Umbreit and Coates insist that RJ should always be voluntary but there are coercive aspects to using it as a selective alternative to court (1992:10), and the potential to induce guilt in reluctant victims needs to be recognised (Brown, 1994 quoted in Braithwaite, 1999:82; Delgado, 2000:762). Practitioners are thus responsible for ensuring the thorough preparation of participants, clarifying what is involved and what outcome might be expected (Umbreit and Roberts, 1996:16). Theoretically Ashworth and von Hirsch (1993) note the potential, and actual lack of proportionality and fairness of RJ methods fearing excessive demands by vengeful victims (although see Daly (2003b:227) who finds no supporting evidence of this fear, also Wright and Masters (2002:56) and Shapland et al., 2006a:72). Zedner (1994:245) sees an inherent unfairness in considering harm rather than culpability and that victim involvement removes impartiality in outcome. These

concerns extend to the involvement of non-criminal justice bodies. Pratt, for example, worries about the vengeful potential of RJ, 'clearly vigilantism is not the same thing as RJ, as Morris (2002) [...] assured us. The problem is, though, that vigilantism, along with similar forms of 'community justice', shares the same penal DNA as RJ' (2006:62). The dialogue becomes ironic when critics consider diversion from court or judicial enquiry because they fear that admissions of guilt may be prejudicially used later or a net-widening effect could result if RJ is applied to offences that may otherwise be dismissed or not proceeded with (Zedner, 1994:244; Minor and Morrison, 1996:127; Polk, 1994 cited in Cunneen, 2003:190). But little research has investigated such phenomena (Latimer and Kleinknecht, 2000:15).

Without a precise theory (Miller and Blackler, 2000:88) the literature advocating RJ practices is vulnerable to criticism as aspirational or Utopian rather than realistic (von Hirsch et al., 2003:24; Daly, 2003a:205; 2003b:234). Indeed Ashworth is moved to call it "evangelism" (2003:176).

Several goals may be proposed simultaneously, without priorities among them specified. Some purported goals appear to have analogical rather than literal meaning. [...] An injunction to seek numerous imprecisely delineated good ends tells us little about what peculiar purposes should be so pursued, and how these ends should be achieved (von Hirsch et al., 2003:22-30).

This is a valid observation given the variation in RJ claims, methodologies, and applications, however it is not a reason to dismiss it; rather, as some have done (above), an aim could be to seek the theoretical bases that enable it to function. von Hirsch et al. also disagree with some measurement criteria such as 'satisfaction' and 'impact on recidivism' (2003:23) and for desert theorists one can see that a position such as Morris', 'I will assess whether or not restorative justice 'works' on the basis of offenders' and victims' sense of empowerment and inclusion in and satisfaction with restorative justice processes' (2000:26) has little meaning, since it appears to have scant connection with the crime that begat the procedure. But often criminal justice proceedings (with or without just deserts) leave nobody satisfied and it is undeniable that more victims and offenders have preferred RJ procedures to criminal justice procedures once having experienced them (Morris, 2000:29; Shapland et al. 2006a:63-4; Sherman and Strang, 2007:8;). Having regard to recidivism, it is surely the aim of *any* criminal procedure, whether restorative or retributive, to dissuade the offender from

repeating the criminal act? Ashworth concedes that RJ has the potential to improve the current system but he believes it should possess the theoretical framework first (2003:177). These are the general themes and concepts of RJ but how might they operate within the prison environment?

RJ 'inside'

RJ is unpopular with some scholars and politicians. This discussion so far has involved some of the theoretical and practical concerns that RJ generates. Many of those concerns originate in the perceived need to protect the public from criminals and the increasing use of imprisonment fulfils this objective by separating and isolating convicted offenders (and un-convicted remand prisoners). Political reasoning suggests this is being 'tough on crime'. Tonry graphically illustrates that incarceration rates in the U.S. have spiralled upwards when compared with other jurisdictions. This is alongside a comparable crime rate and his inference is that 'policy drives imprisonment rates' (2006:7-10).

Imprisonment is the ultimate non-capital penal sanction for criminal behaviour and, by its nature, seems incompatible with RJ (Guidoni, 2003:66). Nevertheless innovative projects have sought to bring a restorative ethos into prisons. Such efforts often centre around projects seeking to establish relationships between prison inmates and the community around prisons. For example prisoners at HMPs Holme House, Kirklevington Grange, and Deerbolt Young Offenders' Institution helped refurbish a run-down local park thereby benefiting the local community and learning new skills themselves (Stern, 2005). New park furniture was fabricated and old was restored and renovated in the prison workshops. Dinsdale measured the enthusiasm and restorative potential of this project, interviewing prisoners and staff, to ascertain prisoners' motives for involvement. She found various motives, and recommended improvements to the restorative aspect of such projects because, although keen to improve their own reputations and stereotypes, prisoners had less observable change in their attitude to re-offending (2001:13); Daly had similar findings (2003a:207). This is consistent with labelling theory where reputation and stigmatisation are important factors influencing offending behaviour (Becker, 1973). No post-release research was done so there is no evidence of any changes to criminal behaviour or desistance. As

Maruna discovered, ex-prisoners do have to overcome stereotypes as they attempt desistance and reintegration (2001:154).

An extreme form of community involvement is a prison in Brazil run entirely by volunteers from the surrounding area. Nobody is paid and prisoners progress from enclosure to open conditions during their sentence within the same institution (Van Ness, 2005a; 2005b).

But most of these projects are finite, dependent on Non-Governmental Organisations (NGOs), charitable or research funding, and with no certainty of continuity for prisoners. Whilst they inspire futuristic visions (Mace, 2000; Coyle, 2001), they have the potential to leave prisoners, especially new cohorts who have not shared the experience, with a sense of disappointment, if not bitterness. Additionally they are more rehabilitative than restorative in nature since they do not involve victims.

As the concept of RJ has grown and successes with reduced recidivism have been reported (Umbreit and Coates, 1992; Strang et al, 2006), restorative practices have been more fundamentally introduced into prisons. Belgium now has 'restorative prisons' where mediation and discussion is the norm for settling disputes and victim/offender meetings are facilitated (Biermans, 2002; for further description see Edgar and Newell, 2006:73-9). The emphasis there is on the RJ principles of conflict resolution and repairing harm rather than on projects that establish links with the community. Community projects are encouraged however and these focus on reparation and restitution for victims rather than on the project itself. Victims and offenders can meet and financial compensation is facilitated through a 'restoration fund' to which the prisoner contributes by working for the community, either directly or from within the prison (Newell, 2001:4; Eyckmans et al., 2002:76). Such schemes are rare in the literature, tending to be uncoordinated and piecemeal (Liebmann and Braithwaite, 1999). (Shapland et al. (2006a) conducted a study of RJ within the criminal justice system of England and Wales, where some prisoners near the end of their sentence were offered victim/offender mediation or conferences, but the report focused on the success of establishing restorative meetings rather than RJ in prisons *per se*). There is little empirical evidence or literature concentrating on RJ principles in prisons, especially involving both victims and community which are intrinsic to what RJ represents. There tends to be a blurring between rehabilitation, which does not require offenders to take responsibility for their crimes, and restoration, which does that and expects motivational changes in the future.

A gap has appeared between the aims of punishment with rehabilitation and the unified involvement of all parties affected by a crime. Within the existing criminal justice system each party is dealt with in isolation and prisoners, by their removal from society, embody that isolation which, in turn, allows the formation of stigma and stereotypes. The classical view, retrospective dispensation of punishment for past actions, effectively closes the matter for everybody except the offender and, often, the victim. The sentence imposed may have rehabilitative elements, such as learning new skills, but this is a positivist emphasis on external compliance rather than internal motivation. RJ, on the other hand, is future oriented via the offender taking responsibility and rectifying the wrong, but looks backwards to the crime that is central to the RJ encounter (Zehr and Mika, 1998). Prisoners without hope of RJ fall into this gap, they may 'do their time' and leave unmotivated to change and with little idea, or in denial, of the trauma their offences have caused (Thompson, 1999:11). There is no doubt that prison regimes, as conceived within standard criminal justice, are resistant to RJ and a systemic change will be necessary to institute it (Biermans, 2002:63; Newell, 2002). Van Ness summarises some of the difficulties inherent in establishing RJ within prisons, not least that the core element of RJ, 'prisoner responsibility', may be undermined by the 'authoritarian and hierarchical' nature of the prison environment (2005b:2). Yet it is the ability to accept responsibility for past and future actions which underlies the motivation to repair harms and reintegrate after release.

With so few specific and sustained RJ initiatives in prisons speculation exists about possibilities. Newell described the Belgian experience and concluded that prisons should offer more 'legal information, professional training and therapeutic treatment' (2001:4). He later emphasised that fundamental changes are necessary in our thinking about prisons' very purpose (2002:9). Coyle painted an idealistic picture:

Potentially a restorative regime would offer growth of mutual understanding, learning and co-operation between prisoners, prison staff and society, with rich opportunities to experience the value of working together and developing positive attitudes and behaviour of lasting influence (2001:10).

Mace (2000) used similar conditional language in what she acknowledged in her title *was a vision for the future* (my emphasis).

If 'standard' RJ procedures such as victim/offender mediation and conferences have still to make inroads into mainstream prison regimes, there is some evidence that,

when it is used, it can be beneficial, albeit with some logistical problems. Lovell et al.'s pilot study (2002), which brought together the stakeholders in criminal events - victims, offenders, and community - for purposeful discussion in a prison, found common ground between them (although these were not related to the same crimes). However there was difficulty in finding enough victims and concern that most community volunteers were women. Although individual narratives give reason to be optimistic, RJ has to overcome structural as well as conceptual resistance in the prison environment. So far few jurisdictions have embraced it wholeheartedly and most restorative programmes operate as an adjunct to the existing prison system. Some initiatives have brought RJ mediation into the internal justice system of prisons for adjudications or staff disputes but this is not widespread practice (Liebmann, 2002).

Scholastic and practitioner dialogues illuminate the ease with which RJ divides opinion. The philosophical, theoretical arguments such as von Hirsch's and Ashworth's prefer the clear, ideological framework of theories from which to develop practice. Conversely the persuasive 'do-it-and-see' approach of practitioners such as Van Ness and Umbreit encourages innovative development and experiments ahead of theory⁶. Somewhere between are more judicious scholars such as Daly who support RJ but who resist the urge to claim it as a panacea for solving problems within criminal justice. This debate surrounds prisoners who neither benefit from the diversionary practices that mainly characterise RJ nor from the piecemeal implementation of finite pilot schemes and well-funded experiments. Even desert theorists who repudiate RJ suggest that imprisonment should be used parsimoniously and proportionately (von Hirsch and Ashworth, 2004:305), yet it is not. With high imprisonment rates and high recidivism (64.7% Home Office Statistical bulletin, 06/07) can RJ make a sustained difference in prisons?

Along came Zac

There are ongoing initiatives that use RJ principles within the existing prison framework (Liebman and Braithwaite, 1999; Liebmann, 2002; Van Ness, 2005a:2; Armour, 2006) and this study concerns another, the Sycamore Tree Programme (STP), a

⁶ Although Braithwaite's reintegrative shaming is both theory and practice, theorists such as von Hirsch do not like it and not all practitioners subscribe to shaming as an intrinsic part of RJ since it does not directly involve victims (Umbreit, 2000:3).

victim-awareness course offered at any stage of incarceration. A RJ practitioner concluded that it 'includes most of the core elements of a fully restorative justice process' (Marshall, 2005:9). Prisoners 'encounter' the symbolic offender, 'Zac' (Zacchæus), who was a corrupt official in the Bible. They also meet a real victim of crime, the community, and they make symbolic acts of restitution.

The STP began in 1998 when it was piloted in New Zealand, Houston, Texas, and HMP The Mount in England. Each country used a slightly different version to accommodate cultural and judicial requirements (Van Ness: unpublished correspondence, source Prison Fellowship). It is now operated in many countries through Prison Fellowship affiliates⁷. Up to four programmes are run *per annum* in 40 prisons across England and Wales.

What Zac hopes

Through Zac the STP aims to teach prisoners the principles of RJ, give them an understanding of victims' experience, help them think about the wider implications of their crimes, their own reparation, and reintegration after release. It is a short-term but intense programme which can have a profound impact (Van Ness, 2005b:4-5). All participants should be volunteers and the only requirements are that they are sufficiently literate and speak enough English to complete their workbooks and join in discussion. They must also have at least one month left to serve after completion of the STP.

Unlike RJ schemes that foster community links or hope to establish fully restorative prisons, the STP is designed to work with individual prisoners in the existing prison culture. By targeting the individual, encouraging them to take responsibility for their crimes and, crucially, offering hope for the future, it avoids the trap illustrated by Guidoni where RJ practices risk 'providing new legitimacy for prisons' (2003:66). In other words, Guidoni is concerned that RJ efforts might tend to reinforce the punitive ideology that prisons represent rather than replacing it. His view is that RJ is best aimed at reducing incarceration and operating outside it.

However, this position risks denying incarcerated offenders the opportunity to confront their wrongdoing once they are sentenced. Punishment is not incompatible

⁷ 'Prison Fellowship is a nonprofit volunteer-reliant ministry focused on the mission of transformation through the grace and power of Jesus Christ' (website).

with restoration (Duff, 2003:43) and motivation is an important factor in desistance after release (Maruna, 2001:96). Further, the individual should be the focus of attention (Maruna et al., 2004:16). The STP aims to address individual prisoners' motivation concerning re-offending and their empathy with victims. Although this is an offender oriented programme, many victims who have participated report benefits to their own victimisation experience (Van Ness, 2005b:4). One volunteer victim explains:

Ten years earlier my younger sister had been attacked and murdered as she walked on a nature trail while travelling in New Zealand. I was invited to the prison to tell my story and explain how the crime of my sister's murder had impacted on my life and the life of my family. [...] As I told my story I was aware of the impact it was having on them [prisoners], their compassion was really important to me, as a victim this was the first time my feelings were being considered. [...] Four years later [...] I found myself consoling a woman who had committed murder and was coming to terms with the grief she had caused her victims [*sic*] family, in particular his sister. She doesn't know my story so was unaware that she was being comforted by a 'sister' from another murder story! My compassion was sincere, despite the parallel, and my commitment to the restorative justice system affirmed by the healing made possible by our remarkable meeting (Wordsworth, 2005: unpublished article).

Thus the prison environment does not detract from the restorative process at a personal level for victims. As Daly reminds us (2003a:204-6), this single story should not be generalised to stand for all but, as a volunteer victim, she represents the calibre of people recruited for the STP.

Acts of restitution are symbolic although some prisoners express an interest in contacting their victim (field notes). It is advantageous that the STP is relevant at any time in the criminal justice process and it neither impedes nor is impeded by it (Miers et al., 2001:34). Past RJ outcomes have been variable; Miers (2004:33) speculated that poor implementation and support may undermine mediation, for example, and Braithwaite (1999:81) comments on a badly managed conference which led to threats of further victimisation. Daly (2003b:232) points to inconsistency in delivery and Umbreit et al. (1996:16) suggest that preparation and encouragement is vital for offenders and victims about to undertake mediation. There have been concerns that RJ victim/offender meetings may lead to further victimisation (see above) but the reverse can be true, co-operative offenders may be denied RJ if a victim refuses a meeting or cannot be found (Gehm, 1998:6; Toews, 2003:5). Braithwaite cautions that domination

by individuals during RJ meetings must be prevented by good practice (2000:18). The STP aims to mitigate these effects by using a familiar environment, surrogate victims and community, and volunteer facilitators who are impartial but not remote. Additionally, the storytelling methodology acts indirectly to challenge offenders' attitudes and they adopt less defensive stances (tutor: interview). Prisoners have 'public' discussions with their peers and group leaders but they are able to write private reflections in their workbooks, which are only seen by tutors. "The women often write more about their crime and its effects in their workbooks than talking about it. I am often amazed at how much the women reveal about their crime in their workbooks" (tutor: interview). This programme is also suitable for so-called 'victimless' crimes because no prisoner is allowed to view their action as 'victimless' (tutor: interview).

Thus the STP through Zac has produced significant improvements in prisoners' victim empathy and attitudes to re-offending. However, researchers observed that some prisons had better results than others, noting that no prisoner-profiling was carried out to identify the type of offenders most suitable for the programme (Feasey et al., 2005:14). To date no outcome research or offender-profiling has been carried out with participants in the STP.

How Zac works

The following outline will mainly be confined to the STP operating in England and Wales. Although a faith-based programme, the STP is open to anybody from any background and is not used for proselytism or evangelising. Prisoners are enabled to see Zac's crime from all perspectives: offender, victim, and the 'ripple effect' into the community. They then meet a real victim who describes the impact of a crime they have suffered from. Invited members of the public representing the 'community' attend the final session to witness acts of reparation and restitution. Prisoners are strongly encouraged to produce evidence that they have accepted responsibility for their crime, for example, a letter to their victim⁸. Symbolic reintegration is achieved by mixing with members of the public. This aspect of the programme appears to be appreciated:

⁸ This is not sent to the victim.

It's nice to know that you don't look at us as though we're two-headed monsters or something (woman prisoner, field notes).

Trained Prison Fellowship volunteers run the programme comprising six, weekly, two-hour sessions. A maximum of sixteen prisoners may participate and they must undertake to attend every session. Discussions take place in small groups and among the whole group with at least two hours 'homework' expected between sessions. Each prisoner completes a workbook and is presented with an attendance certificate after the final meeting. Workbooks are assessed and marked by tutors with external monitoring provided by the Open College Network. Pass certificates are sent to prisoners later. Additionally the Crime Pics II questionnaire is administered before and after the course. This tool is a structured questionnaire designed to measure attitudes to offending on discrete scales and is nationally recognised in the evaluation of offending behaviour programmes (Feasey et al., 2005:1). A separate room, large enough to accommodate all participants and tutors both together, and when divided into small groups, is required for the programme. The prison Chapel is frequently utilised for this purpose.

The course comprises a progression through a cognitive trajectory which takes participants downwards to the meeting with a victim of crime where they confront first hand the trauma victimisation causes, then leads upwards to encourage hopefulness and give them a sense that change is possible. The note of hope on completion of the course is detectable in prisoner comments:

I've been an offender since I was seventeen, that's sixteen years ago now. It got more serious over the years but you don't see a way out. This has made me think. No other courses in here do that (man prisoner: field notes).

Prisoners learn about RJ through the story of Zac and see offending from his perspective, they are then enabled to understand the evasive techniques often used by offenders to avoid taking responsibility for their actions and are challenged to think about the consequences of their own crimes. The victim attends the third session to help prisoners identify with them. "Until I saw [the victim] I never really thought I had any victims. She could've been my mum, and that really got to me" (woman prisoner: field notes). Once they have met a victim prisoners are helped to understand that restitution is a part of reconciliation as well as repentance and forgiveness, and then

session five encourages prisoners to begin a restorative process for themselves. The victim returns for the final session, along with invited guests, to see prisoners make their symbolic act of restitution.

The STP was accredited by the Open College Network in 2004, which has increased demand for it; wherever it is offered there are waiting lists (Walker: personal communication with the author). However, there are inherent disadvantages in this approach as prisons concentrate their resources towards accredited schemes (Newell, 2002:1). The STP is no exception. Since accreditation it has become apparent that prisoners with pre-existing good victim empathy and attitudes towards re-offending are attending and reluctant prisoners are 'volunteering' because it is in their sentence plan (tutor: interview). As a course that is 'open to all' no applicant is turned away. Targeting is an area that would benefit from further research and the policy may need reviewing if future research identifies that certain applicants may be unsuitable.

Chapter 3

Why Zac is interesting

Zac is central to the STP. Using him as an approach to victim-awareness seems to resonate with prisoners. The STP, unlike many RJ interventions, works in parallel with criminal justice. Without being too reductive, it may be said that RJ practices to date have aimed at changing existing systems. The rationale behind this impetus being to improve the criminal justice experience for victims; encourage healing and understanding; treat offenders with respect, and to treat each case on its own merits (Shapland et al., 2006b:523). This has tended to polarise criminal justice practitioners along a continuum of enthusiasm, ranging from outright opposition to wholehearted support. It has also concentrated efforts in particular areas, mainly youth justice. But the existing criminal justice system, which is adversarial in nature and dependant on professional advocates, is resistant to change. In these circumstances, a programme appearing to offer genuine restorative principles without challenging the existing system, further, which operates inside prisons with people that most RJ practices have missed, is of criminological interest.

The STP is such a programme, radically different from many others both inside and outside prison.

It [the STP] really makes you think. It's not like any other course I've been on. It makes you think about feelings. It's about what's inside. [touching chest] it changes how you feel about victims and that. I've done the ETS [enhanced thinking skills] and that's easy. You know all the answers before you go in there. That doesn't change anything. The whole thing with that [ETS] is unrealistic, this [STP] is different because it's about what's in here [punches chest with both hands] (male prisoner: field notes).

This comment represents many made by STP participants who had experienced other 'treatment' programmes. It demonstrates that some prisoners comply with the prison regime in order to progress through it as unproblematically as possible (Crewe, 2007:273) but that this assent does little to change their inner perceptions of themselves or others, particularly victims. Release will often be to the undesirable circumstances that initially led to their offending (Maruna et al., 2004:5). Many genuinely intend not to re-offend but find themselves returning to their previous behaviour when faced by

what Maruna describes as a brick wall: 'it is surmountable but is enough of an obstacle to make most turn around and "head back". In this scenario, "back" refers to back to crime, back to the lives they are familiar with, but mostly back to prison - where recidivist offenders seem to go again and again' (2001:55). Prisoners like the one quoted above, who had no words to express the impact his newly awakened feelings had had, seem to be well motivated to attempt to surmount the 'brick wall' but no systematic study has followed them after release.

Although based on the RJ element of victim/offender/community meeting, the STP uses only volunteers and surrogates. Miers et al. (2001:37&80) found both victims and offenders could be reluctant to attend face-to-face meetings although having done so the majority were happy with the procedure. Utilising volunteer victims unconnected with individual prisoner's crimes ensures that each offender has the opportunity to meet a victim; it also reduces the administration required which Miers et al. (2001:34) found could be problematic. Anecdotal evidence from STP participants suggests that using surrogates does not reduce the impact on offenders, indeed it may enhance it since prisoners are less defensive than when facing their own victim (tutor: interview).

Where community members take part in RJ conferences they are usually supporters of the main protagonists and may assist in deciding outcomes. Volunteer community members impart a different aspect to meetings from victim or offender supporters. Generally their presence is an affirmation to prisoners:

It's really nice for you all to come in here. Sometimes we feel as though no-one's bothered about us once we're in here, we're written off.
(woman prisoner: field notes).

Community volunteers witness symbolic acts of reparation and also have the opportunity to speak informally to prisoners. This is rare in RJ procedures. A pilot study also using unconnected volunteer victims and community members found similar affirmations for prisoners (Lovell et al., 2002:267).

Course facilitators are also volunteers, a fact not lost on prisoners. They come from all walks of life and are not usually criminal justice professionals. The interaction between volunteers and STP participants seems to generate support and openness within which the programme's impact is maximised for individuals. A consumer critique of standard criminal justice is its impersonality and an affirmation of RJ is its

concern with individuals (Lovell et al., 2002:268,270; Shapland et al., 2006b:522). A past criticism of interventions has been focus on professional facilitators because this diminishes the individual's own input into behaviour change (Bazemore and Erbe, 2004:35). Desistance begins within the individual and is not consistently applied from without (Maruna, 2001:28). Therefore individuals need encouragement to look within themselves which is what STP tutors aim to facilitate.

Additionally the STP targets the most serious offenders, prisoners (often lifers) who have usually missed the opportunity for diversionary RJ. It does not challenge existing prison regimes and has already been operating since 1998. As a voluntary programme there should be no coercion involved for prisoners to attend and there are no suggestions that it will influence parole applications or sentence length. It is well known that self-selection bias is an inherent problem for RJ procedures because of this voluntary nature (Latimer et al., 2005:142; Sherman and Strang, 2007:21) but motivation is an important factor in desistance from crime (Maruna, 2001:154; Farrall and Calverly, 2006:25) and part of this research question is whether the motivation to change exists before prisoners apply for the STP. Feasey et al.'s (2005:13) findings of a significant change in prisoners' attitudes suggest *a priori* that recidivism will be reduced after participation. Further research could ascertain more precisely the influence of the STP and assess, if possible, where this might be best targeted.

Chapter 4

Methodology

Aims

The aim of this study was to test whether the STP's use of RJ elements achieves any reduction in recidivism; also to explore prisoners' motivation to participate in and complete it, and the rationale that volunteer facilitators have for such a large commitment⁹. The STP is particularly interesting because its primary function as a victim-awareness programme used after conviction is able to utilise the philosophy of what is, essentially, a judicial process commonly used to avoid conviction.

As a measure of the programme's success, reduced recidivism would have implications for all RJ practitioners. Whilst it may undermine arguments seeking to promote RJ instead of prison, it would strengthen the case for using RJ with more serious and adult offenders and for using surrogate victims. Reduced recidivism is politically attractive because the STP is an in-prison programme that enables the continued use of custodial punishment whilst simultaneously providing 'treatment'. A Home Office official said, "Victim-awareness programmes are really good, we were very surprised" (personal communication with the author). For prisoners, motivation to desist might be expected to assist their reintegration into society. The promise that Zac, through the STP, offers prisoners seems ripe for investigation.

Quantitative data

Data collection began with the names of all prisoners who had completed the STP before June 2005. These data are held securely at Prison Fellowship headquarters but being related to their own archive requirements do not include release dates of the participants. The STP was accredited by the Open College Network in April 2004 and Prison Fellowship requested that the study refer only to participants after that date. Accordingly the names, dates of birth, and prison numbers (where recorded) were extracted from the records between the above dates. In order to compare participant re-

⁹ As noted above, however, limitations imposed by data protection legislation on the data available led to a redefinition of the aims of this study; thus the quantitative data amassed was not utilised in the findings.

convictions with Home Office statistics, June 2005 was chosen as the cut-off date because re-conviction figures are based on re-conviction within two years of release. No other profiling information, such as offence type, was available except age, gender, and prison.

The sampling frame comprised 431 prisoners who had completed the STP between the selected dates. The National Offender Management Service (NOMS) agreed to provide release dates for these prisoners and the sample was refined to those who had been released¹⁰. This was done by using an Excel spreadsheet copied onto a password protected CD and posted to NOMS in December 2006. The reply in January 2007 revealed that 234 prisoners fulfilled the required criteria. Of these, 47 were released before June 2005; 136 between June 2005 and June 2006, with the remaining 51 released later. Thus the final sample comprised 47 prisoners who had been free for two years or more by the time of writing the dissertation. But this process had identified a difficulty with the Data Protection Act 1998. No prisoner had signed a release authority containing the words “access to criminal history” (although they do sign a more general release for work completed during the STP). Therefore any criminal history information, including reconvictions, would not be released by the Home Office. Additionally there was no guarantee that the Data Access Board, who approve data-release for research purposes, would authorise data-release for this study.

NOMS were prepared to supply an anonymised re-offending rate for the sample as a whole to prevent identification of individuals. This ruled out any comparisons outside the sample but the lack of demographic information was not problematic because the STP is not targeted to particular offender profiles or offence-types. It was suggested that the Reconviction Analysis Team, using the Offender Group Re-conviction Scale, could generate a predicted and an actual re-offending rate for the sample. This was an acceptable compromise since any differences between the two rates might indicate an effect and further avenues for research. Therefore a second dataset, comprising 183 prisoners who had completed the STP and been free for at least one year, was entered into the NOMS template and returned on a CD. This was accompanied by Prison Fellowship’s Data Protection Act registration and the Home Office information request form.

¹⁰ The STP is offered to all prisoners at any stage of their sentence so some may not be released for several years after they complete it. Once prisoners have finished the programme any further assistance is accessed through the Chaplain or education department, therefore Prison Fellowship have no further record of them in relation to the STP.

Despite an indication on 13th April 2007 from the Reconviction Analysis Team that some data would be forthcoming, none were returned until 25th June (see 'epilogue'). Time constraints prohibited any attempt to trace this sample to provide further data, obtain consent for access to criminal histories, or to assess their individual reintegration and desistance so the qualitative aspect of the study was re-focused.

Qualitative data

There has been no qualitative study of the STP to date and the quantitative enquiry outlined above would give no indication of *why* or *how* it works. Since motivation is an important factor in 'why' desistance begins and 'how' it is maintained (Maruna, 2001:26), and as participation in any kind of restorative programme such as the STP should be voluntary, this was an opportunity for a brief enquiry to address these questions and describe participant's motivation and reaction. Offenders may have a desire for change but, equally, as Crewe has shown, motive may be no more than cynical compliance with authority (2007:273). However, motivation and voluntary participation can also lead to selection bias and threaten the internal and external validity of a study (Bachman and Schutt, 2001:209). Therefore qualitative data, which may give an indication of what motivates prisoners to apply for the STP, was a useful supplement to the general data expected from the Home Office (Bachman and Schutt, 2001:328; Robson, 2002:310). Lack of time prohibited in-depth interviews or surveys so the author attended the final session of two STPs as an informal observer. The two observation periods were to take place at HMPs Send, a closed women's training prison with resettlement unit, and Wayland, a category C men's training prison.

Both sessions took place in the prison chapels and the author was a part of the symbolic 'community' component of RJ, at Send. At Wayland, coincidentally, several students from Ridley Hall, a theological college for ordinands, attended, so her presence was not separately explained. Each opportunity was necessarily short so covert observation was used. Following Bachman and Schutt (2001:289), being an anonymous 'member of the public' meant the author needed no 'role' and little 'reactive effect' should have been produced (Wolcott, 1995). Additionally, any questions asked were unlikely to arouse suspicion (Bachman and Schutt (2001:289). The disadvantage of this method was that no contemporaneous notes could be taken and prisoners were unaware of a research element in the session. However, the brevity

of the observation and the generality of the conversations meant that the resultant notes could not be extensive and losses would be minimised. All visitors at both prisons were invited to speak with the prisoners. At Send this was during a tea-break and with adjacent prisoners during lulls in the presentation. Additionally at Wayland there was an opportunity to join a small group, as well as conversation during a tea-break. No informed consent was obtained from prisoners but it was felt that this was justified by the 'public' nature of these sessions. Preceding the observation at Send, a course tutor briefed the author on protocol and provided background information about the session. The preparatory discussion and the debrief between the tutor and group leaders was observed at both prisons (Bachman and Schutt, 2001:290).

The author's questions were confined to aspects of attitude towards the programme, such as "Why did you decide to do the STP?" and re-offending. It was emphasised that there were no 'right answers' (social desirability) (Foddy, 1994: 189) and prisoners were encouraged to 'speak their minds'. The disadvantage of this informal approach was gaining an unrepresentative view of the proceedings by speaking only to a few prisoners and allowing interpersonal factors to influence choice of respondent (Robson, 2002:325). However, visits to two different prisons permitted a broader overview and strengthened the reliability of impressions common to both establishments (King, Keohane, & Verba, 1994 cited in Bachman and Schutt, 2001:294).

These observation periods gave only a flavour of the impact the STP had had on these prisoners and could not lead to any wider generalisations. But, together with the changes suggested by anecdotal evidence from previous STP participants and the findings of attitudinal changes by Feasey et al. (2005:13), a reasonable hypothesis was that both men and women are affected by the programme; further, that some of the sample submitted to the Home Office would have been similarly affected. No firm conclusions could be drawn from these data but they may give directions for further research of the STP. No post-release follow-up of these prisoners was possible because some were 'lifers' and the author's research role had not been disclosed.

Short, informal interviews were also conducted with the Chaplain (Wayland) and assistant Chaplain (Send) to understand the criteria for participation in the STP. These took place in the Chaplain's office at Send and the reception waiting area at Wayland. Notes were written on the evening of each visit and the following morning, later recollections were added within a few days (Bachman and Schutt, 2001:297; Robson, 2002: 323). The STP is delivered by volunteers and one tutor was interviewed

in slightly more depth to ascertain the motivation, training, and skills that are involved. This is relevant because volunteer-based schemes may be susceptible to becoming routine and inflexible when associated with mainstream criminal justice (Dhami and Joy, 2007:20). Also, as Latimer et al. remark, facilitators can have a considerable impact on programme effectiveness and few studies give any information about them (2005:140)¹¹.

Despite the superficial level of the conversations with prisoners, the opportunity to observe was a valuable if slightly frustrating one with hindsight. The qualitative data collected comprised statements from prisoners and ex-prisoners of all kinds who had participated in the STP, field notes from two observations, and brief interviews, they will be discussed below.

Challenges and limitations

A reduction in expected re-conviction rates may indicate some 'success' for the STP. But the quantitative data to measure this were to be supplied by the Home Office and, as experience proved and Merrington and Stanley observe, using the Home Office for data is problematic (2007:429). Further, reconvictions are not always a reliable indicator of desistance (*ibid*:443) because, as Maruna et al. point out, desistance is really a continuous process rather than a finite achievement (2004:5) (although they believe it should, and may, begin during confinement). Nevertheless Merrington and Stanley conclude that reconvictions are the preferred method of measuring 'what works' while quoting Lloyd et al.'s caution, "'Reconviction rates cannot and should not be ignored, nor should they be accepted uncritically'" (2007:444). Therefore the author believed that these data would be relevant and important to indicate whether the apparent changes induced by the STP are robust enough to withstand the challenges of life post-release.

Ethical considerations

Ethical issues raised by this study were mainly concerned with the covert nature of the two observation periods and access to previous convictions and reconvictions of the

¹¹ Feasey et al. comment on result differences between institutions and facilitators may be a salient factor (2005:14).

sample. The observational issues (discussed above) were relatively straightforward since these were not sustained periods of observation and an observational element is a requirement of the STP. The Data Protection Act 1998 issues were harder to overcome and a compromise was made to the quality of data requested from the Home Office. This meant that quantitative data were not available to inform profiling, retrospective comparisons, and suggestions for improvements to the STP. However, Prison Fellowship has amended the latest reprint of their documentation to include a data release clause with the words "access to criminal history" so ensuring that any future research of the STP is not compromised by similar problems. Security and access matters for both prison visits were arranged and co-ordinated through Prison Fellowship tutors.

Chapter 5

A bridge too far? Improving the methodology

No longitudinal evaluation of the STP has been done before and the original aim of this dissertation, to seek longitudinal, quantitative evidence of any effect on recidivism by the STP, proved unfeasible for reasons already stated. There are doubts within statistical and scholarly circles about the use of recidivism as a reliable guide to actual behaviour after treatment. For example, offending may decrease in frequency or seriousness as a result of a programme, or it may continue as before but be unreported or undetected, in which case the former circumstance may give a false negative, the latter a false positive effect (Merrington and Stanley, 2007:444). Although re-conviction data are not ideal, they have been used before as measures of 'what works' with RJ (Miers et al., 2001; Sherman and Strang, 2007:68-71; see also Friendship et al., 2002; Bottoms et al., 1995 cited in Wilkinson, 2005:76 for using re-convictions generally). In fact Miers et al. concluded that RJ, especially with serious offenders, gave encouraging re-conviction results even though these should be treated with caution (2001:82).

A characteristic of RJ studies is the haphazard nature of many projects which may limit their generalisability, and the reliability of re-convictions as a measurement (Miers et al., 2001:28). The subject of this study, however, is a victim-awareness programme delivered consistently and regularly within prisons and the data available had been collected systematically and uniformly. However, the chosen methodology was insufficiently flexible, due in part to the restrictions of the Data Protection Act 1998, which protects offenders' identities. Ideally the chosen sample should have given permission for their criminal histories to be released so that some retrospective matching and profiling was possible. This would have enabled more reliable comparisons with Home Office statistical bulletins which categorise offence-type, age groups, criminal histories and the like; it would also have enabled predicted and actual recidivist data to be generated for individuals. Such information would have been valuable, not just for the general body of knowledge about this victim-awareness course, but also for the course administrators in the light of Feasey et al.'s finding of differences in performance between institutions (2005:14).

Evaluations for treatment programmes are best carried out with random control trials and the Home Office is currently encouraging their greater use (Merrington and

Stanley, 2007:453) but this is difficult to operationalise for RJ in general because of its voluntary nature (although see Sherman et al., 2000). Equally, Merrington and Stanley cite Pawson and Tilley 1997 who advocate against the use of randomised control trials in criminal justice (2007:455). Indeed, specifically concerning the STP, the programme operators, Prison Fellowship, are ethically opposed to refusing any prisoner a place (subject to their literacy and language levels being suitable for the course content). For the STP the most suitable design would have been a quasi-experimental comparison between matched pairs or groups. Together with the data obtained from the observations and the pre-test/post-test results from Feasey et al. (2005:13), this would have been a much more robust indication of the treatment's success in terms of recidivism.

In order to have conducted a comparison group study, the comparison group sample would need to qualify as 'eligible for the programme' (Rossi et al., 1989:13). The STP has a good reputation amongst prisoners, "I heard about the course [STP] before I came here so I put my name down as soon as I arrived. They made it part of my sentence plan so I could do it" (prisoner: field notes). Prison Chaplains maintain a waiting list of applicants for the STP and this would have provided a suitable source for such a sample. With offending histories known, good matching would have been possible for the non-treatment group (Taylor 1999 cited in Merrington and Stanley, 2007: 445). It would have been ethically acceptable to use these prisoners because not all applicants are able to attend a STP before their release (field notes). (Logistical reasons, for example other appointments or courses, can prevent prisoners from attending every session, which is a STP requirement). Using Sherman's Maryland Scale a well-matched comparison group study scores 4 and results would be widely accepted as robust (Merrington and Stanley, 2007:445). With more time available a longitudinal study would follow prisoners after release, ideally for at least a year, to gauge their re-offending levels more accurately. Although self-report is not always reliable and depends upon the honesty of the respondent, it has the advantage of being independent of convictions (Merrington and Stanley, 2007:444). Most prisoners who do re-offend will have done so within twelve months (Home Office statistics bulletin 06/07:5).

Attrition rates may threaten the group validity (Bachman and Schutt, 2001:209) but it would be possible to combat this by using official re-conviction data. A large database could be created using every STP participant (potentially 1,920 *per annum*

(Walker: personal communication with the author)) and waiting list volunteers. With data release authority re-convictions would be much easier to track. All participants on the STP complete a Crime Pics II psychometric assessment for victim empathy, general attitude to offending, anticipation of re-offending, and evaluation of crime as worthwhile before and after the programme. The waiting list sample would be asked to complete it to control for testing bias (Bachman and Schutt, 2001:209). (A Solomon Four design would be a feasible design to account for testing bias, but the random assignment within this approach would offend the ethical considerations mentioned above). Thus improved tracking of prisoners post-release, together with a well-matched comparison group, would have improved the quality of re-conviction data even within the timescale allowed. With fewer time constraints a more comprehensive longitudinal study would have been a better instrument, for such studies Latimer and Kleinknecht recommend twelve to thirty six months (2000:20).

A longitudinal study would have permitted fuller implementation of the participant observation. Scholarly debate surrounds the merits of participant observation¹² but it is an ideal method for the STP. According to Robson small groups, a reasonably short time, frequent events, accessibility, and 'to see what happens' are good criteria for the method (2002:315). The STP fulfils them. Although confirming preconceived ideas is a potential for observer bias in this situation, it can be guarded against. Prisoners are taken through quite intense discussions, encouraged to actively participate throughout the programme, and tutors note changes apparent in their verbal contributions, these would have been valuable phenomena to have observed. The nature of the STP, where prisoners meet tutors and group leaders who are usually strangers to them, should produce few reactive effects (see above). Finally, current opinion discourages covert observations (Kirby and McKenna 1989 cited in Robson, 2002:317) so the research element of the author's presence would have been fully disclosed which would have enabled more prolonged and productive periods of observation.

With this disclosure would have come the opportunity to conduct some in-depth interviews with the men and women doing the programme. Although they seem to undergo cognitive changes some prisoners are more affected than others (Feasey et al., 2005:14). Also, since recidivism would be a measure of the treatment's 'success',

¹² See, for example, Bachman and Schutt, 2001: 284-93 and Robson, 2002: 314-25.

interviews would have provided the opportunity to further explore the participants' understanding of what they learned and how this would affect their future. For example one inmate said, "This [STP] kind of finishes off all the other courses I've been on", or another, "It's [STP] the hardest thing I've ever done - but the best" (field notes). One would have liked to know what other courses had been completed and how they had affected the prisoner. Why did the STP "finish them off"? It is easy to surmise that the comment implies a kind of acme of quality or affect, but it could have meant that the participant had had enough of courses designed to affect behaviour. The second comment, from someone incarcerated, is also ripe for further probing: what other things were hard or difficult, for example? Is the prisoner referring to everything else in life to that point or just other programmes? Such probing was not appropriate to the 'generally interested' member of the public role adopted by the author for the present study.

In-depth interviews would be recorded thus avoiding interpretation by the memory. Recordings would then be content analysed and coded for a grounded theory approach. It would have given respondents the chance to be heard in their own terms (Rubin and Rubin, 1995:3 quoted in Bachman and Schutt, 2001:302). With a victim-awareness programme this may be very relevant since offenders often see themselves as victims (Thompson, 1999:7) and a frequent comment during the STP is that "nobody's ever listened to me before" (tutor: field notes).¹³ Additionally, especially with reference to reintegration and re-offending, the self-narrative of prisoners prior to release could have been explored. A feature of the feedback from participants in the STP is the hope that they articulate. This fits well with Maruna's observations that active offenders see little hope in the future (2001:55-71 & 154-5), suggesting that reduced offending or complete desistance might follow the STP. A woman prisoner, who had completed the STP in 2005 wrote to Prison Fellowship afterwards:

[...] The course [STP] left me with such a sense of hope and positivism. Being of the Hindu faith, I felt the religious element of the course was very well balanced and 'not in your face' [*sic*].

Every inmate should do the Sycamore Tree course and I hope in time the Home Office realises this.

¹³ It is notable that Miers et al. report similar comments from RJ mediation and conferences (2001:37).

Never let the course ever cease, it simply makes too much of a difference to those who attend (source: tutor).

The expression of hope does not confirm any desistance and the author does not know whether this prisoner has been released, but the implied importance this person attached to participation in the STP cannot be denied and the motivation to scale Maruna's brick wall does appear to be present. A quasi-experimental approach could have revealed whether the same motivation is present in other participants.

Chapter 6

Men, Women, and Zac

Zac is the STP's emblematic offender. The STP encourages prisoners to take responsibility for their own crime by looking at it from different viewpoints. There is positive anecdotal evidence that this model produces remarkable changes in some prisoners who 'encounter' Zac. This study began with the aim of ascertaining whether these changes persisted after prisoners' release, measured by recidivism.

Understanding the motivation for completing the programme was important because of concerns with selection bias when designing a study that measures 'treatment' outcomes. As described above, no generalisable or comparative quantitative data proved forthcoming, so a simultaneous qualitative approach was undertaken to see at first hand the reactions of men and women as they made their symbolic acts of restitution, the 'restorative' element of RJ. This chapter describes how men and women faced the harm they had caused and concludes with an interview with one of Zac's business partners, a STP tutor.

'Ladies first': a women's prison

The first observation period was at HMP Send, a women's prison, during the final session of a STP. Six members of the public, including the author, were taken to the prison chapel, a separate building, briefed about the session format, and asked to sit in random positions, not together, in the chapel. This was so that the women did not feel daunted by a large 'single body' of people and could sit where and with whom they pleased. Also present was the victim of an unconnected crime, who had attended the third session of the STP to relate the impact the crime had had upon her and to witness the acts of reparation and restoration that the women would make. Sixteen women prisoners then arrived and sat down; several were carrying pieces of artwork, all had their course workbooks. The women were quiet, seeming subdued, a few appeared to exchange a few words with 'guests', several held each other's hands. There was a general air of expectancy but not eagerness. The tutor explained the forthcoming session format and the women were asked to break into their (three) small groups to prepare a short (5 minutes) presentation of what they had learned on the course. These were to be (1) Zac's offence from his point-of-view, how he had changed, and how the

change had improved his life; (2) from his victims' point-of-view, what life was like before Zac changed and how their lives had been impaired by him; (3) from the community's point-of-view, how Zac's crimes 'rippled through' and the effect since his change, plus the difference between retributive and restorative justice. The presentation could be in any format of their choosing. Whilst the women prepared, the guests were shown a video of a woman who had forgiven her son's murderer, an example of RJ. Once prepared, the groups went to the front in turn and presented their aspect of the impact of Zac's crime; each group highlighted the knock-on effects of crime into family and community beyond the main protagonists. Notably they focused on children as ultimate victims and every woman except one had at least one speech.

The women were then asked to go to the front individually to read aloud a letter they had written to their victim or present an alternative symbol of reparation; this was what some of the artwork represented. They were invited to drop a pebble into a bowl of water to demonstrate the 'ripple effect' that crime has. The atmosphere became quite charged at this point with a reluctance to be 'first'. Each woman went to the front; some in tears, some visibly shaking, and two were unable to read their prepared letter (the tutor read it for them). The procession to the front was full of pauses, occasionally a few minutes, but every woman got up. Some had written poems, some made drawings or paintings, all were obviously relieved when they had finished. This had plainly been quite an ordeal for most of the women and was no 'soft option'. However, from comments made afterwards, many found it cathartic. "This is the best thing I've ever done" or, "I've been in here a long time, thirteen years, and nothing's ever got to me like this". (This last comment indicates a very serious offence-type and fits well with Sherman's and Strang's finding that RJ seems to work well with serious offenders (2007:8)). One woman expressed pleasure that the religious content was only contextual, "I thought it was going to be God-bashing and all that but it wasn't like that at all. It was really good" (field notes). Some women referred openly to their crimes and it was apparent that they were quite varied (see below). The session concluded with completion certificates being presented by the governor.

'Gentlemen'

The second observation was at a men's prison, Wayland, and followed a similar format. However, the seating was in a horseshoe shape (the women's had been in rows) and the chapel was, generally, larger and more 'church-like', with a hymn board and covered altar. There were fewer members of the public but, once the men entered and were seated, the chaplain arrived and asked permission for some ordinands from Ridley Hall theological college to be present as observers, the men consented.

Everybody, including guests, facilitators, and prisoners wore first-name labels. The men exchanged some banter with each other about their preparation for the session and there was a different atmosphere from that with the women. Voices sounded slightly high pitched and there was an air of expectation. When the men were asked to prepare their small group presentations about Zac's offence all the observers joined them. They seemed very focused and, as with the women, a theme in the group observed by the author, was families and how the individual's behaviour had affected those close to them. There was co-operation between the men in the small group and they all participated in the discussion.

The presentations were less imaginative, on the whole, than the women's and, noticeably, not every man spoke, some preferring a spokesman for the group. An exception was a presentation designed as a television interview to illustrate the 'before and after' changes in Zac's behaviour. It was interesting that the men conceived it could be so noteworthy as to deserve television coverage. Finally the men were asked to stand before everyone (in the middle of the open end of the horseshoe of chairs) to read out, or make, their gesture of reparation and to drop a pebble in a bowl of water. There were small tea-lights available for the men to light if they wished to symbolise changes, all did and one man lit two, one for his victim, the other for his children; the second candle being lit after a separate and very long consideration. Three men had collaborated on a poem but, otherwise, most confined their statement to a word of apology mainly to, "my victim" or "my family". All expressed relief at having "done it, I never thought I could" (man prisoner: field notes). The session finished with the showing of a video on RJ featuring restorative interviews between a notorious IRA bomber and one of his victims whose father had been killed in a terrorist explosion. This illustrated the victim's need to understand an offender's thinking as they plan and

execute a crime. The prison Chaplain presented each man with his certificate of completion.

Prisoners at both sessions were requested to hand in their workbooks for marking and assessment, they also completed various administrative forms and the Crime Pics II psychometric assessment form before leaving.

Zac's 'work-in-progress': session structure and feedback

Halfway through each session was a break for tea during which inmates, facilitators, and guests were able to mix and chat. This took place in a small anteroom adjacent to the chapel but not closed off from it. The women were ill-at-ease, compared with the men, at the prospect of standing in front of their peers and making their apology. One man viewed the STP favourably in comparison to several other programmes that he had already completed. He had regarded it as another step in his sentence progression but was surprised to find his thinking profoundly changed.

Q. Do you think it's [STP] changed anything?

A. Definitely. I'm even thinking about writing to my victim's family. The trouble is she might be sorting things out by now and I don't want to stir things up for her if she's got things settling down (man prisoner: field notes).

The sentiment expressed illustrates not only the potential to restore the offender but also the victim if she would be willing to meet him. One might put a cynical interpretation on the proviso of not "stirring things up" and assume it relieves the prisoner of his obligation. However, it may also indicate a further degree of concern for others given his realisation that, although it would be restorative for him, his victim may not feel the same.

Once the prisoners from both sessions had left the chapel the tutor led a debrief with the small group leaders. There had been a problem with the video presentation at the men's session and group leaders felt this had interrupted the flow of the session, they also commented that the victim, a woman, had played an unusually small part on that occasion. The tutor expressed his satisfaction that all the men had gone forward to make gestures of reparation, acknowledged the harm their crime had done, and showed that they had accepted responsibility for their actions. All the

facilitators agreed that this had been an unusually difficult group in terms of individual participation and acceptance of responsibility. After the women's session the tutor and group leaders were equally pleased that the women had participated fully as they had feared that certain women might miss the session knowing what was expected of them.

Only first names were given and no details of an individual's crime were disclosed openly, although conversation produced some details (below). Some of the men and women suggested in conversation that they had had either drug or alcohol abuse problems. It was also clear that there were men and women serving life sentences. No ages were given but the age range for men and women was from early twenties to early forties, with most of the men being younger, the women looked mostly older. Offences represented were drug dealing, human trafficking, homicide (not clarified whether manslaughter or murder), death by dangerous driving, burglary, and assault. Ethnically most women were white, there were three black men and some non-white women who were either Asian or Middle Eastern.

Zac's partners: how volunteers help

The STP was developed and is delivered by Prison Fellowship, an international Christian charitable organisation serving prisoners in several countries. STP tutors and small group leaders are unpaid volunteers who give their time as a commitment to their faith. Being prison based, there is no shortage of offenders and prisoners often recommend the programme to others. Volunteers to run the programme usually come from church communities and through the recommendation of other volunteers. The time commitment involved limits the scope of recruits to those who are either retired, or whose other commitments allow flexibility. The author saw both men and women volunteers, but women were the majority. As might be expected, most appeared middle aged. Volunteering is also important from the point-of-view of changed attitudes towards prison and offenders. Tutors, group leaders, surrogate 'community', and victims all learn that RJ is not a soft-option response to crime (Dhami and Joy, 2007:20). All are committed to the programme and, at Send, no STP has ever been cancelled.

Because the STP is a faith-based programme the tutor interviewee is a Christian. She undertook a year's training which comprised an intensive weekend's

teaching followed by a series of assessments. Experience as a STP small-group leader and shadowing a tutor preceded this year.

A professional nurse working full-time, she spends between six and ten hours per week as a Prison Fellowship volunteer. Her motivation comes from her faith:

As a Christian I feel concern for the welfare of the people in particular that Jesus was concerned about, that is the marginalised. Christian teaching in the Bible recommends followers to visit prisoners and so I decided, after thinking about it for a number of years, to give it a try. That was ten years ago (interview).

Although there are many secular organisations that aid prisoners and their families Prison Fellowship, as a Christian enterprise, was chosen because, "I [...] believe that God can change lives" (interview). Indeed some early proponents of RJ were from a faith background seeing in its principles a Judeo-Christian philosophy (Van Ness and Strong, 2002:116)¹⁴. The RJ paradigm can be seen at first hand by volunteers as it offers "healing and closure" for victims and an "aid to reintegration in the future" when prisoners and the surrogate community mix and talk (interview). The quotations above illustrate an altruistic concern not only for prisoners but the wider considerations important to RJ, victims and reintegration into the community.

Volunteers are also motivated by the evidence of apparent changes to prisoners' attitudes. Whilst acknowledging that not all are affected in the same way or to the same degree, changes are measured by the level of engagement prisoners exhibit during the course. Measurements include their participation in discussions, the degree to which they address their own crime in their workbooks, and their attendance at the STP sessions and the extra 'clinics' offered for those who miss sessions or who would like extra help, for example with language or literacy. Some committed prisoners cancel visits to prevent clashes (interview). The willingness with which prisoners address their own crime, particularly standing in front of their peers to admit their guilt, is considered an important indication of responsibility especially where prisoners have been "guilty by association". (This might be what is termed 'victimless crimes' and an example given was of a woman convicted for receiving a financial reward for "turning a blind eye" to irregularities at work). The influence of alcohol is often used to evade responsibility. One woman's change from naming a victim "random" to "now I

¹⁴ See also Hadley (ed.) 2001.

understand what victim empathy is" demonstrates the progress felt to be achieved (interview).

Tutors maintain flexibility of delivery in the STP by assessing each prisoner as an individual and adapting the context when necessary. For example, prisoners who do not get on, although kept on the course, may be moved to different small groups, or some material is cut if the session is overrunning (interview).

As illustrated, Zac, through the commitment and faith of his 'partners', challenges prisoners' attitudes to their crime and expects them to accept responsibility for their actions, the harm they have caused, and to understand the need for reparation.

Chapter 7

Discussion

Then and now

It is clear that RJ and prisons have made uncomfortable bedfellows. Much past effort has been to use RJ as an alternative to, or diversion from, courts and, consequently, imprisonment. This effort has had two main results; first, the tendency to see RJ and criminal justice as opposites (Daly, 2003a:197) and second, attempts to change existing arrangements in criminal justice, especially where proponents wish to implement RJ in prisons (Immarigeon, 2004:150; Edgar and Newell, 2006:38). The literature for diversionary schemes is broad but mainly related to specific offence-types, for example drink driving, or to juvenile justice (Shapland et al., 2006b:506; Sherman and Strang, 2007). More recently RJ has been applied to adult offenders and conferencing or mediation has been introduced into some prisons. Nevertheless the literature on RJ in prisons is rarer and often includes an idealistic 'wish-list' as to how a 'restorative prison' would look (Mace, 2000; Coyle, 2001; Stern, 2005; Edgar and Newell, 2006). RJ also has its opponents, those ideologically opposed to its lack of proportionality, fairness and consistency. Indeed, these are weaknesses if what is required is an impartial, standardised, and remote adjudication on the facts (Delgado, 2000:763; Ashworth, 2003:172-3). This is the context surrounding the STP.

But the STP is a victim-awareness programme which takes RJ principles and applies them without opposing procedural justice or challenging existing prison regimes. Here the literature shrinks even further. Systematic searches of the internet and electronic catalogues revealed very few studies of victim-awareness programmes or 'treatments'. What did surface were researchers recommending evaluation and reporting of such programmes (Thompson, 1999:5; Howells et al., 2004:84; Fretz et al., 2005:10; Latimer et al., 2005:137; Wilkinson, 2005:82). The STP itself features seldom (but see Van Ness, 2005b:3-5 and Armour, 2006:3). One exception is the Feasey et al. (2005) evaluation of the STP cited above. They found significant improvements on all attitudinal scales but with reservations about uneven results across different offence-type or prisons, also recommending further empirical evaluation. Although there is anecdotal evidence of some sustained desistance from crime after completing the STP,

Fretz et al. are clear that this is not sufficient to evaluate an intervention (2005:3). Until the present study, there have been no attempts to study recidivism in ex-prisoners who have completed the STP.

RJ is mainly conceptualised as a victim/offender mediation (often without a face-to-face meeting) or conference which includes supporters of each party. Yet where actual meetings do not happen outcomes may remain 'potential' (Gehm, 1998:6). Rarely is the wider community involved, yet studies have shown that this is a factor in breaking down barriers and destroying stereotypes (Lovell et al., 2002:268) as well as empowering communities to act *in community* for the purposes of social control (for a fuller discussion of social control and RJ see Bazemore and Erbe, 2004). Whilst RJ meetings often promote greater understanding between offender and victim, they are not conceived as victim-awareness processes. Many studies show that RJ meetings lead to reduced re-offending but, equally, increased offending or absence of change have been reported (see Sherman and Strang, 2007 for a meta-analysis). One mechanism that may be involved in reduced or less serious re-offending is the offender's realisation of the trauma caused, this is what victim-awareness programmes such as the STP are designed to emphasise (Thompson, 1999:5).

I can see now it was all greed; I never had enough money. I didn't care how they [drug addicts] got their money, as long as it was in my pocket (woman prisoner: field notes).

This quotation is from the perpetrator of a so-called 'victimless crime', a drug dealer. The STP had demonstrated that she was not untainted by the crime her customers were committing in order to buy drugs. In this case the surrogate victim was the mother of a drug addict who had spoken of the trauma of seeing her daughter's addiction, bringing up her granddaughter, and living surrounded by the debris of addiction in the immediate vicinity. For example, used needles in her garden and people calling at all hours, day and night, to buy their drugs from the local dealer. However few victim-awareness programmes employ the RJ philosophy of meetings between victim and offender or involve the wider community. As a STP tutor remarked, "I don't think there's anything else like it [STP] on offer for serving prisoners. I think it's unique. Our course is oversubscribed. It's not unusual for prisoners to say it's the best thing they've ever done" (interview).

The STP is the only victim-awareness programme the author found assessed as having all the elements required for RJ (Marshall, 2005). The victim-awareness programme examined by Thompson (1999) uses similar techniques to the STP, but without a victim. Yet being faced with a real victim, although not their own, is a challenging experience for prisoners. "People tell you about victims and that but when they got [victim] here it made me realise how much I'd hurt people" (woman prisoner: field notes). Offenders adopt various strategies to avoid responsibility; denial, rationalisation, or justification (Thompson, 1999:7) but, as the two prisoners' quotations above illustrate, meeting a real victim had a great impact. Thompson doubts the suitability of such programmes for women because they do not deal with fundamental concepts of enforced dependency or abusive male power (*ibid*:10). However, a woman prisoner told the author:

I come from a country where the men look after the women, protect them. I thought my brother would look after me but he didn't. Now I realise that it wasn't up to him to protect me but for me to look after myself, take responsibility for myself. It was my choice (field notes).

This prisoner thought that "someone would do it, so it might as well be me" (field notes) and that her sex protected her from choices, but she realised that she was responsible for her actions. The STP made her recognise that her criminality could not be excused by saying it would have happened anyway, neither could her brother be blamed for her imprisonment.

Part of encouraging prisoners to accept responsibility for their actions is addressing their own needs. Fretz et al. report that need as well as risk should be assessed (2005:10). On the STP prisoner needs are important. Tutors address prisoners' emotional needs, low self-esteem, and sense of hopelessness. Additionally there is the opportunity for prisoners to be truthful about their crime, often a cathartic experience (see Miller and Blackler, 2000:85 for the relevance of confession in RJ), and to have someone listen to them because offenders think it important to be heard (Miers et al., 2001:37). Finally, as above, offenders need to be made aware of how their victims have been affected (interview).

A notable reaction to the STP is the hope that participants express once they have completed it. "I really think I can stay clean now" (woman prisoner: field notes).

Or:

In particular the course has given me hope. When I did the course I was feeling so bad and worthless. The ST helped me to feel good about myself again and showed me that I can change my future. I feel so glad about that (source: tutor).

The last quotation was from a Muslim woman who had completed the STP three months earlier and is a part of the anecdotal evidence of some lasting effects of the STP. It is also remarkably similar to the narrative changes observed in desisting offenders and the theory of a constructed self (Maruna, 2001:42). No re-conviction data were available and so the recidivist/desistance aspect of this study had to be abandoned.

Limitations of this study

With no quantitative data this study remains descriptive and ungeneralisable but the observed effect of the STP on many of its participants seemed powerful. Motivation and attitudes are difficult to assess but crucially important for participation in restorative or 'treatment' programmes. In the small sample observed motivations were varied, for example, "I was curious, I've heard about it" and, "I wanted to do as many courses as I could while I was in here" (man and woman prisoner: field notes). Neither response indicates a desire to, or expectation of, change. The first prisoner, when asked about the course and whether it had changed anything, elucidated:

It's been up and down. I didn't like the first two weeks, then it got better, then it went down again. I wasn't going to come today, I was dreading it. I didn't want to get up [to drop a pebble in water] but something made me. It really makes you think. You don't think about those things, how people are affected by what you do, this [STP] makes you do that. It's going to be hard.

This man clearly did not find participation easy and his original curiosity did not seem to predispose him to change yet his thought processes had obviously been challenged. His comment "It's going to be hard" the author presumed to mean the future (whether or not that includes re-offending) because he could no longer deny the harm his past behaviour had caused or would cause in any future criminal activity. Every prisoner spoken to expressed how deeply affected they had been by the STP. This cannot be generalised because these were brief conversations with very few prisoners.

Additionally not all prisoners pass the course and none had been assessed at the time of the observations. But the combination of RJ elements used as a 'treatment' seemed to be an effective means of communicating the trauma of victimisation to prisoners.

Not only is the STP a RJ programme, its primary function is victim-awareness and, therefore, may be regarded as 'treatment' or rehabilitative in function. Attitudinal changes such as described above seem to be important in future desistance. However Wilkinson questioned whether attitudinal change leads to reduced reconvictions. He found evidence pointing to less serious offending (2005:77) but he included non-completers in the programme he reviewed. It might be said that any programmes designed to bring about attitudinal changes require completion and drop-outs should not be included in outcome measurements. Wilkinson supports the 'medical' view of research where all starters of a programme should be included in outcome measurements, but attitudes and motives are not physical attributes and programmes designed to affect them require the 'full dose' to be taken. The final session is vital to the STP since it is then that prisoners make their act of reparation and acknowledge in public their responsibility for their crime. The observation of embarrassment, inability to speak, trepidation, crying, nervous laughter, shaking, and hesitation at the two final sessions indicated that this was a deeply affecting time for prisoners. If prisoners do not complete this aspect of the STP they are unlikely to have experienced its full impact¹⁵. Wilkinson also questions the validity of Crime Pics data taken as an outcome measure alone, recommending longitudinal validation against re-convictions (2005:82). This is a valid argument and one that the present study set out to achieve as the only empirical examination of the STP to date uses Crime Pics data (Feasey et al., 2005).

Can Zac influence RJ in prisons? The STP's advantages and disadvantages

Zac's pluses

The advantage of the STP over other forms of RJ in prisons is that it does not depend on meetings between each prisoner and their victim. It also avoids the delays that the careful preparation of participants for individual mediation often bring. By using a

¹⁵ Wilson suggests that Wilkinson's results could be explained by the extensive use of 'best practice models in managing offenders' (2005:319). In other words Wilkinson's comparison group may well have received cognitive-behavioural management in other ways than the specific programme he was reviewing because these practices are so widespread.

single, surrogate victim it is more efficiently delivered to a group and the victim poses no vengeful threat; additionally as a volunteer knowingly going into a prison there is less likelihood of re-victimisation (Miers et al., 2001:34&80). Victims' reluctance has been a noted difficulty with RJ, especially where it is not a mainstream practice, so the use of volunteers as surrogates overcomes such problems. Using victims routinely does seem to have beneficial effects on recidivism (Miers et al., 2001:53) so utilising surrogates exploits the advantages of face-to-face meetings without the potential disadvantages of mediation or conferences between an offender and their victim. Equally important, the STP does not alter the *status quo* or require changes to the prison regime. When compared to other restorative schemes (discussed above), the STP is a more personal challenge to prisoners. They are encouraged to confront their own offending behaviour and its impact on their victim during the programme. At HMP Holme House, for example, the reparation in the form of 'good works' may have been undertaken without such considerations and Dinsdale found that many prisoners were more concerned about their reputations than their behaviour (2001:8&13). Whilst such projects may have many benefits, they are not 'restorative' as regards victim-awareness. Prisoners' recognition of the harm they have caused is at the root of change and, when coupled with a hopeful future, this has the potential to aid future desistance. A desisting ex-prisoner 'described Sycamore Tree as being a key turning point' (source: tutor).

Minuses for Zac and his ilk

Threats to rehabilitative programmes include the difference between implementation and programme integrity. Such threats come from many sources for example fiscal restraints or administrative problems (Rhine et al., 2006:349). Indeed funding has been a difficulty with many RJ programmes (Miers et al., 2001:28). The STP is controlled by Prison Fellowship and delivered by their trained volunteers so should not suffer from threats to integrity. However the variations found by Feasey et al. (2005:14) may be explained by poor delivery or some administrative weakness. Prisons pay for each programme so the STP may be vulnerable to financial constraints but this should only affect its availability not its quality of implementation. Because it is delivered by committed volunteers it should also be immune to pressures such as financial remunerations; but it is vulnerable to recruiting difficulties. Also, given some negative

responses to the Christian base, the STP could be susceptible to lack of financial support on prejudicial grounds (tutor: field notes).

Zac's implications for prisons

As an externally administered programme, the STP makes few demands on prison regimes apart from security clearances for tutors, group leaders, and community 'guests'. However all security arrangements are undertaken by tutors in the usual way for any prison visit as a part of their course preparation (tutor: field notes). Prison Chaplains conduct most in-prison administration such as vetting applicants and assigning places on the programme. The prison chapel is usually the venue for the STP so there is little impact on the prison in terms of providing suitable accommodation (Chaplain: field notes). As a RJ programme which does not challenge prison regimes, the STP poses little threat to internal prison policy. It has also been noted that prisoners who complete it become more co-operative and are often more willing to comply with other programmes and sentence requirements (tutor: interview).

Where to go from here?

Prisoners' general co-operativeness and expressions of changed thinking patterns indicate some of the outward evidence of the STP's effect on participants. However these are not sufficient as evidence of permanent changes and only indicate potential to reduce re-offending. Future research should conduct a longitudinal study to measure reconviction and reintegration outcomes for STP participants. Past research is inconclusive about whether RJ is more suited to particular offence-types. The author noted both acquisitive and violent offenders exhibiting similar reactions, this suggests that responsiveness to the STP is not specific and should be further researched. Thompson's reservations about the suitability of a victim-awareness programme for women (1999:10) and the contradictory highly emotionally charged observation at a women's prison, suggests that future research might investigate the influence of gender and culture and how these interact with the STP. (This may be quite pertinent given the adjustments to the STP between England and Wales, New Zealand, and the United States). All RJ initiatives may benefit from increased use of surrogate victims, this would be a useful area for more research.

Conclusion

Given the paucity of literature on victim-awareness programmes in general, and the STP in particular, this dissertation has described its observed effect on a small sample of prisoners. It has also assessed the advantages and disadvantages of a programme that utilises the essential elements of RJ, a meeting/discussion between victim, offender, and community within a cognitive-behavioural model for victim-awareness. Although only a collective measure of recidivism was available, the findings support existing evidence giving optimism for participants' desistance from crime. This dissertation has demonstrated that RJ principles can operate after conviction within existing prison regimes and are able, in this respect, to answer critics' fears that RJ is not, fair, proportional, or consistent. More importantly, perhaps, the STP offers restorative opportunities for people who have progressed so far into the criminal justice system that they are usually beyond most RJ schemes. Some characteristics of the STP facilitators have also been reported and hence the importance that NGOs can have when working in conjunction with the criminal justice system. The author has shown that RJ is more than a diversionary 'soft option' and that its philosophy has practical as well as theoretical implications for criminology.

Epilogue

On 25th June 2007 the Reconviction Analysis Team responded. The dataset submitted in February was reduced to N=62 ex-prisoners because PNC data were available only for releases up to 4th May 2005. The statistical model used to predict re-offending rates could not be used for reconvictions within one year, so no predicted rate was available for this cohort. However, the actual reconviction rate for the 62 ex-prisoners was 32.3 per cent. Thus 67.7 per cent, or N=42 prisoners, had not been reconvicted within one year. According to the latest Home Office Statistical Bulletin, 46 per cent of the national sample had re-offended by one year after release and, of those who go on to re-offend within two years, 82 per cent had already done so (06/07:5). Thus, although these figures cannot be compared, there is an indication that recidivism rates may have been favourably affected by the STP. A more rigorous, longitudinal study (as suggested above) is needed for confirmation.

REFERENCES

- Aertsen, I. (2006) 'The intermediate position of restorative justice: the case of Belgium' in Aertsen, I., Daems, T. and Robert, L. (eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 68-92
- Allen, F.A. (2004) 'The Decline of the Rehabilitative Ideal' in von Hirsch, A. and Ashworth, A. *Principled Sentencing: readings on theory and policy* (2nd edn), Oxford: Hart Publishing, pp. 14-19
- Armour, M. (2006) *Bridges to Life: A promising In-Prison Restorative Justice Intervention*, Online available at, <http://www.restorativejustice.org/editions/2006/jun06/2006-05-23.6472027063> [accessed 14.5.07]
- Ashworth, A. (2003) 'Is Restorative Justice the Way Forward for Criminal Justice?' in McLaughlin, E., Fergusson, R., Hughes, G. and Westmorland, L. (eds) *Restorative Justice: Critical Issues*, pp. 164-181
- Ashworth, A. and von Hirsch, A. (1993) 'Desert and the Three Rs' *Current Issues in Criminal Justice* 5(1), 9-12
- Bachman, R. and Schutt, R. K. (2001) *The Practice of Research in Criminology and Criminal Justice*, Thousand Oaks: Pine Forge Press.
- Bazemore, G. and Erbe, C. (2004) 'Reintegration and restorative justice: towards a theory and practice of informal social control and support' in Maruna, S. and Immarigeon, R. (eds) *After Crime and Punishment: Pathways to offender reintegration*, Cullompton: Willan, pp. 27-56
- Bazemore, G. and Umbreit, M. (1995) 'Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime' *Crime and Delinquency* 41, 296-316

Becker, H. S. (1973) *Outsiders: Studies in the Sociology of Deviance*, London: Free Press of Glencoe.

Biermans, N. (2002) 'Restorative Justice and the Prison System' in Pelikan, C. (ed.) *Paper from the second conference of the European Forum for Victim-Offender Mediation and Restorative Justice, Oostende (Belgium)*, Online available at <http://www.euforumrj.org/readingroom/oostendeconf.pdf> [accessed 6.3.07]

Braithwaite, J. (1989) *Crime, Shame and Reintegration*, Cambridge: Cambridge University Press.

Braithwaite, J. (1999) 'Restorative Justice: Assessing Optimistic and Pessimistic Accounts' *Crime and Justice* 25, 1-127

Braithwaite, J. (2000) 'Reconciling Models: Balancing Regulation, Standards and Principles of restorative Justice Practice' in Mika, H. and McEvoy, L. K. (eds) *International Perspectives on Restorative Justice* (Conference Report), Belfast: Queen's University School of Law, 16-25

Cavanagh, T. (1998) 'Adopting New Values for the Courts: What is Restorative Justice?' *The Court Manager* 13(2/3), 24-27

Coyle, A. (2001) *Restorative Justice in the Prison Setting*, Paper presented at the conference of the International Prison Chaplain Association (Europe), Driebergen, The Netherlands, Online available at, http://www.kcl.ac.uk/depsta/rel/icps/restorative_justice.doc [accessed 6.3.07]

Crewe, B. (2007) 'Power, adaptation and resistance in a late-modern men's prison' *British Journal of Criminology* 47, 256-75

Cunneen, C. (2003) 'Thinking Critically about Restorative Justice' in McLaughlin, E., Fergusson, R., Hughes, G. and Westmorland, L. (eds) *Restorative Justice: Critical Issues*, pp. 182-94

- Daly, K. (2003a) 'Restorative Justice: the Real Story' in McLaughlin, E., Fergusson, R., Hughes, G. and Westmorland, L. (eds) *Restorative Justice: Critical Issues*, pp. 195-214
- Daly, K. (2003b) 'Mind the Gap: restorative Justice in Theory and Practice' in von Hirsch, A., Roberts, J. V., Bottoms, A., Roach, K. and Schiff, M. (eds) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?*, Oxford: Hart Publishing, pp. 219-36
- Daly, K. and Immarigeon, R. (1998) 'The past, present, and future of restorative justice: some critical reflections' *Contemporary Justice Review* 1, 21-45
- Delgado, R. (2000) 'Goodbye to Hammurabi: Analysing the atavistic appeal of Restorative Justice', *Stanford Law Review* 52, 751-75
- Dhami, M.K. and Joy, P. (2007) 'Challenges to Establishing Volunteer-Run, Community-Based Restorative Justice Programs' *Contemporary Justice Review* 10(1), 9-22
- Dinsdale, J. (2001) *Restorative Justice in HM Prison Holme House: A Research Paper by Jennifer Dinsdale*, Online available at, http://www.kcl.ac.uk/depsta/rel/icps/holme_house.doc [accessed 6.3.07]
- Duff, A. (2003) 'Restoration and Retribution' in von Hirsch, A., Roberts, J. V., Bottoms, A., Roach, K. and Schiff, M. (eds) *Restorative Justice and criminal Justice: Competing or Reconcilable Paradigms?*, Oxford: Hart Publishing, pp. 43-59
- Edgar, K. and Newell, T. (2006) *Restorative Justice in Prisons a guide to Making It Happen*, Winchester: Waterside Press.
- Eglash, A. (1958) 'Creative Restitution. A Broader Meaning for an Old Term', *The Journal of Criminal Law, Criminology, and Police Science* 48(6), 619-22

Eyckmans, D., Dufraing, D., Regelbrugge, M. (2002) 'The concept of restorative justice in prison seen from the community and illustrated by the practice of victim-offender mediation' in Pelikan, C. (ed.) *Papers from the second conference of the European Forum for Victim-Offender Mediation and Restorative justice, Oostende (Belgium), 10-12 October 2002*, Online available at <http://www.euforumrj.org/readingroom/Oostendeconf.pdf> [accessed 6.3.07]

Farrall, S. and Calverley, A. (2006) *Understanding desistance from crime: Emerging theoretical directions in resettlement and rehabilitation*, Maidenhead: open University Press.

Feasey, S., Williams, P. and Clarke, R. (2005) *An Evaluation of the Prison Fellowship Sycamore Tree Programme*, Sheffield: Sheffield Hallam University, Online available at, http://www.restorativejustice.org.uk/RJ_&_the_CJS/pdf/Sycamore_tree_evaluation.pdf [accessed 5.2.07]

Foddy, William (1994) *Constructing Questions for Interviews and Questionnaires*, Cambridge: Cambridge University Press.

Fretz, R., Heilbrun, K. and Brown, D. (2005) *Outcome Research as an Integral Component of Performance-Based Offender Treatment*, Online available at <http://www.cecintl.com/UploadedFiles/Outcome%20Research%20Corrections%20Compendium-04.pdf> [accessed 13.6.07]

Gehm, J. R. (1998) 'Victim-Offender Mediation Programs: An Exploration of Practice and Theoretical Frameworks' *Western Criminology Review* 1(1), Online, available at <http://wcr.sonoma.edu/v1n1/gehm.html>. [accessed 14.5.07]

Guidoni, O. (2003) 'The Ambivalences of Restorative Justice: Some reflections on an Italian prison project' *Contemporary Justice Review* 6(1), 55-68

Hadley, M. L. (ed.) (2001) *The Spiritual Roots of Restorative Justice*, New York: State University of New York Press.

von Hirsch, A. and Ashworth, A. (2004) 'Restorative Justice' in von Hirsch, A. and Ashworth, A. *Principled Sentencing: readings on theory and policy* (2nd edn), Oxford: Hart Publishing, pp. 300–11

von Hirsch, A. and Maher, L. (2004) 'Should Penal Rehabilitation Be revived?' in von Hirsch, A. and Ashworth, A. *Principled Sentencing: readings on theory and policy* (2nd edn), Oxford: Hart Publishing, pp. 26–33

von Hirsch, A., Ashworth, A. and Shearing, C. (2003) 'Specifying Aims and Limits for Restorative Justice: A 'Making Amends' Model?' in von Hirsch, A., Roberts, J. V., Bottoms, A., Roach, K. and Schiff, M. (eds) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?*, Oxford: Hart Publishing, pp. 21–41

Home Office Statistics Bulletin: Re-offending of adults: results from the 2004 cohort, 06/07, Online available at, <http://www.homeoffice.gov.uk/rds/pdfs07/hosb0607.pdf> [accessed 19.5.07]

Howells, K., Heseltine, K., Sarre, R., Davey, L. and Day, A. (2004) *Correctional Offender rehabilitation Programs: The National Picture in Australia*, Forensic Psychology Research Group, Centre for Applied Psychological Research, University of South Australia. Online available at, <http://www.aic.gov.au/crc/reports/200203-04.pdf> [accessed 13.6.07]

Immarigeon, R. (2004) 'What Is The Place Of Punishment And Imprisonment In Restorative Justice?' in Zehr, H. and Teows, B. (eds) *Critical Issues in Restorative Justice*, Cullompton: Willan, pp. 143–54

Latimer, J. and Kleinknecht, S. (2000) *The Effects of restorative Justice Programming: A Review of the Empirical Research Literature*, Ottawa: Department of Justice Canada.

Latimer, J., Dowden, C. and Muise, D. (2005) 'The effectiveness of restorative justice practices: a meta-analysis' *The Prison Journal* 85(2), 127–44

- Liebmann, M. (2002) 'Restorative justice and the prison system in the UK' in Pelikan, C. (ed.) *Paper from the second conference of the European Forum for Victim-Offender Mediation and Restorative Justice, Oostende (Belgium)*, Online available at <http://www.euforumrj.org/readingroom/oostendeconf.pdf> [accessed 6.3.07]
- Liebmann, M. and Braithwaite, S. (1999) *Restorative Justice In Custodial Settings*, Report for the Restorative Justice Working Group in Northern Ireland, Online available at, <http://www.extern.org/restorative/Rjreport.htm> [accessed 6.3.07]
- Lovell, M., Helfgott, J. B. and Lawrence, C. (2002) 'Narrative accounts from the citizens, victims, and offenders restoring justice program' *Contemporary Justice Review* 5(3), 261-72
- Mace, A. (2000) *The Restorative Prison Project*, Online available at, http://www.kcl.ac.uk/depsta/rel/icps/restorative_prison.doc [accessed 6.3.07]
- Mantle, G., Fox, D. and Dhimi, M. K. (2005) 'Restorative justice and three individual theories of crime' *Internet Journal of Criminology*, Online available at, <http://www.inttenetjournalofcriminology.com/Mantle,%20Fox%20&%20Dhimi-%20Restorative%20Justice.pdf> [accessed 8.5.07]
- Marshall, M. (2005) *A Consideration of the Sycamore Tree Programme and Survey Results from the Perspective of a Restorative Justice Practitioner*, Report prepared for Prison Fellowship New Zealand, Online available at, http://www.pfnz.org.nz/downloadables/STP_Evaluation_Report_2005.pdf [accessed 10.5.07]
- Martinson, R. (1974) 'What Works? - Questions and Answers About Prison Reform' *The Public Interest*, 35, 22-54
- Maruna, S. (2001) *Making Good: How ex-convicts reform and rebuild their lives*, Washington, D.C.: American Psychological Society.

- Maruna, S., Immarigeon, R. and LeBel, T. P. (2004) 'Ex-offender reintegration: theory and practice' in Maruna, S. and Immarigeon, R. (eds) *After Crime and Punishment: Pathways to offender reintegration*, Cullompton: Willan, pp. 3-26
- Mason, A. (2000) 'Restorative Justice: Courts and Civil Society' in Strang, H. and Braithwaite, J. (eds) *Restorative Justice: Philosophy to Practice*, Dartmouth: Ashgate, pp. 1-9
- Maxwell, G. and Morris, A. (1993) *Family, victims and culture: Youth justice in New Zealand*, Wellington, NZ: Social Policy Agency and Institute of Criminology, Victoria University of Wellington.
- Maxwell, G. and Morris, A. (2002) 'The role of shame, guilt, and remorse in Restorative Justice processes for young people', in Weitekamp, Elmar G.M. and Kerner, Hans-Jürgen (eds), *Restorative Justice: Theoretical foundations*, Cullompton: Willan publishing, pp. 267 - 284
- Maxwell, G. and Morris, A. (2006) 'Youth Justice in New Zealand: Restorative Justice in Practice?' *Journal of social Issues* 62(2), 239-258
- McLellan, A. (2006) 'Passionate about prison' *Movement: termly magazine of the student Christian movement*, autumn 2006, pp. 10-12
- Merrington, S. and Stanley, S. (2007) 'Effectiveness: who counts what?' in Gelsthorpe, L. and Morgan, R. *Handbook of Probation*, Cullompton: Willan Publishing, pp. 428-458
- Miers, D. (2004) 'Situating and researching restorative justice in Great Britain,' *Punishment and Society* 6(1), 23-46
- Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin K., Hallam, A., Enterkin, J. and Newburn, T. (2001) *An Exploratory Evaluation of Restorative Justice Schemes*, Crime Reduction Research Series Paper 9, London: Home Office.

- Miller, S. and Blackler, J. (2000) 'Restorative Justice: Retribution, Confession and Shame' in Strang, H. and Braithwaite, J. (eds) *Restorative Justice: Philosophy to Practice*, Dartmouth: Ashgate, pp. 77-91
- Minor, K.I. and Morrison, J.T. (1996) 'A theoretical study and critique of restorative justice' in Galaway, B. and Hudson, J. (eds) *Restorative Justice: International Perspectives*, Amsterdam: Kugler Publications, pp. 117-33
- Morris, A.(2000) 'What Works In Restorative Justice?: Towards Effective Practice and Performance' in Mika, H. and McEvoy, L. K. (eds) *International Perspectives on Restorative Justice* (Conference Report), Belfast: Queen's University School of Law, 26-38
- Newell, T. (2001) *Responding to the Crisis – Belgium establishes restorative prisons*, Online available at, http://www.kcl.ac.uk/depsta/rel/icps/restorative_prison_paper4.doc [accessed 6.3.07]
- Newell, T. (2002) *Restorative justice in prisons: the possibility of change*, Report of the Cropwood Fellow, Online available at, <http://www.crim.cam.ac.uk/research/cropwood/documents/RestorativeJusticeinPrisons.doc> [accessed 8.5.07]
- Pratt, J. (2006) 'Beyond evangelical criminology: the meaning and significance of restorative justice in Aertsen, I., Daems, T. and Robert, L. (eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp.44-67
- Rhine, E.E., Mawhorr, T.L. and Parks, E.C. (2006) 'Implementation: the bane of effective correctional programs' *Criminology and Public Policy* 5(2), 347-58
- Robson, C. (2002) *Real World Research: A Resource for Social Scientists and Practitioner-Researchers* (2nd edn), Oxford: Blackwell
- Rossi, Peter H., Freeman, Howard E. and Lipsey, Mark W. (1999) *Evaluation: a systematic approach*, (6th edn), London: Sage

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006a) *Restorative justice in practice – The second report from the evaluation of three schemes*, Centre for Criminological Research, University of Sheffield. Online available at, http://ccr.group.shef.ac.uk/papers/pdfs/Restorative_Justice_Report.pdf [accessed 23.5.07]

Shapland, J., Atkinson, A., Atkinson, H., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006b) 'Situating restorative justice within criminal justice' *Theoretical Criminology* 10 (4), 505–532

Sherman, L. W. and Strang, H. (1997) *Reintegrative Shaming Experiments (RISE), The right kind of shame for crime prevention*. RISE Working Papers, no. 1, Centre for Restorative Justice, research School of Social Sciences Australian National University.

Sherman, L. W. and Strang, H. (2007) *Restorative Justice: the evidence*, London: The Smith Institute.

Sherman, L.W., Strang, H. and Woods, D. J. (2000) *Recidivism patterns in the Canberra Reintegrative Shaming Experiments (RISE)*, Canberra: Centre for Restorative Justice, research School of Social Sciences Australian National University.

Stern, V. (2005) *Prisons and their communities: testing a new approach*, London: International Centre for Prison Studies, Online available at <http://www.prisonstudies.org/> [accessed 31.3.07]

Strang, H., Sherman, L., Angel, C. M., Woods, D.J., Bennett, S., Newbury-Birch, D. and Inkpen, N. (2006) 'Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis' *Journal of Social Issues* 62(2), 281–306

Toews, B. (2003) 'Listening to Prisoners Raises Issues About Prison-Based Restorative Justice' *VOMA Connections* 14 (Spring), 5 & 8

Thompson, D. (1999) *Towards Restoration (victim awareness programmes for adult offenders in South Australia)*, Paper presented at the Restoration for Victims of Crime Conference convened by the Australian Institute of Criminology in conjunction with Victims Referral and Assistance service and held in Melbourne, September 1999, available online at, <http://www.aic.gov.au/conferences/rvc/thompson.pdf> [accessed 12.6.07]

Tonry, M. (2006) 'The prospects for institutionalization of restorative justice initiatives in western countries' in Aertsen, I., Daems, T. and Robert, L. (eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 1 -24

Umbreit, M. S. (2000) *Family Group Conferencing: Implications for Crime Victims*, Washington: U.S. Department of Justice.

Umbreit, M. S. and Coates, R. B. (1992) *Victim Offender Mediation: An analysis of programmes in four States of the U.S.* (Research Report), Minneapolis, M.N., Minnesota Citizens Council on Crime and Justice.

Umbreit, M. S., Roberts, A.W., Kalanj, B. and Lipkin, R. (1996) *Mediation of Criminal Conflict in England: an assessment of services in Coventry and Leeds*, Centre for Restorative Justice and Peacemaking, online, available at http://rjp.umn.edu/img/assets/13522/Mediating_Criminal_Conflict_England.pdf [accessed 8.3.07]

Van Ness, D. (2005a) *Restorative Justice in Prisons*, Online available at, <http://www.restorativejustice.org/editions/2005/july05/rjprisons> [accessed 6.3.07]

Van Ness, D. W. (2005b) *Restorative Justice in Prisons: Two Examples*, Paper given at the Ancillary Meeting 40th Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, Online available at, <http://www.pficjr.org/programs/un/11thcongress/rjprisonsmeeting/danspre> [accessed 14.5.07]

Van Ness, D. W. and Strong, K. H. (2002) *Restoring Justice* (2nd edn), Cincinnati: Anderson Publishing co.

- Walker, P. (2006) Executive Director, Prison Fellowship England and Wales
- Wilkinson, J. (2005) 'Evaluating Evidence for the Effectiveness of the Reasoning and Rehabilitation Programme', *The Howard Journal*, 44 (1), 70-85
- Wilson, R.J. (2005) 'Are Cognitive Problem-solving Skills Programmes Really Not Working? A Response to 'Evaluating Evidence for the Effectiveness of the Reasoning and Rehabilitation Programme' The *Howard Journal* 44(3), 319-21
- Wolcott, H.F. (1995) *The Art of Fieldwork*, Walnut Creek, C.A.: Alta Mira Press.
- Wordsworth, C. (2005) Prison Fellowship volunteer victim for the Sycamore Tree Programme
- Wright, M. (2000) 'The Centrality of victims in Restorative Justice: Policy and Practice' in Mika, H. and McEvoy, L. K. (eds) *International Perspectives on Restorative Justice* (Conference Report), Belfast: Queen's University School of Law, 50-61
- Wright, M. and Masters, G.(2002) 'Justified criticism, misunderstanding, or important steps on the road to acceptance?' in Weitekamp, Elmar G.M. and Kerner, Hans-Jürgen (eds) *Restorative Justice: Theoretical Foundations*, Cullompton: Willan, pp. 50 -70
- Zedner, L. (1994) 'Reparation and Retribution: Are they reconcilable?' *The Modern Law Review* 57(2), 228-50
- Zehr, H. (2002) 'Journey to Belonging' in Weitekamp, Elmar G.M. and Kerner, Hans-Jürgen (eds) *Restorative Justice: Theoretical Foundations*, Cullompton: Willan, 21-31
- Zehr, H. and Mika, H. (1998) 'Fundamental concepts of Restorative Justice' *Contemporary Justice Review* (1) 47-55

BIBLIOGRAPHY

The following works, although not referred to in the text, have been consulted in the preparation of this dissertation.

Acorn, Annalise (2004) *Compulsory Compassion: A critique of Restorative Justice*, Vancouver: UBC Press.

Ashworth, A. (2002) 'Responsibilities, Rights and Restorative Justice' *British Journal of Criminology*, 42, 578-595

Blad, J. (2006) 'Institutionalizing restorative justice? Transforming criminal justice? A critical view on the Netherlands' in Aertsen, I., Daems, T. and Robert, L.(eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 93-119

Boutellier, H. (2006) 'The vital context of restorative justice' in Aertsen, I., Daems, T. and Robert, L. (eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 25-43

Braithwaite, J. (2003) 'Restorative Justice and Social justice' in McLaughlin, E., Fergusson, R., Hughes, G. and Westmorland, L. (eds) *Restorative Justice: Critical Issues*, pp. 157-163

Burnett, R. (1992) *The dynamics of recidivism: Summary report*, Oxford: University of Oxford, Centre for Criminological Research.

'Prison labor/computer repair program/CA' (1998) *Christian Science Monitor*. Online available at,
http://www2.nando.net:80/newsroom/ntn/info/060498/info19_5659_noframes.html
 [accessed 22.5.07]

Goffman, E. (1961) *Asylums*, Harmondsworth: Penguin.

Hagemann, O. (2003) 'Restorative justice in prison?' in Walgrave, L. (ed.) *Repositioning Restorative Justice*, Cullompton: Willan Publishing, pp. 221-36

Hamilton, Z. K., Sullivan, C. J., Veysey, B. M. and Grillo, M. (2007) 'Diverting multi-problem youth from juvenile justice: investigating the importance of community influence on placement and recidivism' *Behavioral Sciences and the Law* 25(1) 137-158

Home Office Statistics Bulletin: Re-offending of adults: results from the 2003 cohort, 20/06, Online available at, <http://www.homeoffice.gov.uk/rds/pdfs06/hosb2006.pdf> [accessed 6.3.07]

Home Office Statistics Bulletin: Sentencing Statistics 2005 England and Wales, 03/07, Online Report available at, <http://www.homeoffice.gov.uk/rds/pdfs07/hosb0307.pdf> [accessed 20.4.07]

Howard League for Penal Reform (2006) *Government failing to tackle re-offending by young men*, Press release 8th May 2006, Online available at, http://www.howardleague.org/fileadmin/howard_league/user/pdf/8_May_2006.pdf [accessed 26.11.06]

Howard League for Penal Reform (2007) *5 principles and 5 actions to solve prisons crisis*, Press release 8th May 2006, Online available at, http://www.howardleague.org/fileadmin/howard_league/user/pdf/press_2007/5_principles_-_8_February_2007.pdf [accessed 6.3.07]

Johnstone, G. (2002) *Restorative Justice Ideas, Values, Debates*, Cullompton: Willan.

Kinner, S. A. (2006) 'The post-release experience of prisoners in Queensland' *Trends and Issues in crime and criminal justice* 325, Online Report available at, <http://www.aic.gov.au/publications/tandi2/tandi325/html> [accessed 24.4.07]

Levrant, S., Cullen F., Fulton, B. and Wozniak, J. (1999) 'Reconsidering Restorative Justice: The corruption of Benevolence revisited', *Crime and Delinquency*, 45(1), 3-27

Liebmann, M. (2006) *Restorative Justice - an Overview*, Online, available at <http://www.ctbi.org.uk/chsoc/Restorative%20Justice.doc> [accessed 25.11.06]

Matthews, R. (2006) 'Reintegrative shaming and restorative justice: reconciliation or divorce?' in Aertsen, I., Daems, T. and Robert, L.(eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 237-60

Morris, A. (2002) 'Critiquing the Critics: A Brief Response to Critics of Restorative Justice' *British Journal of Criminology* 42, 596-615

Prison Reform Trust (2007) *Making Sentencing Clearer*, Online available at, <http://www.prisonreformtrust.org.uk/uploads/documents/MakingSentencingClearerJan07.doc> [accessed 6.3.07]

Roach, K. (2006) 'The institutionalization of restorative justice in Canada: effective reform or limited and limiting add-on?' in Aertsen, I., Daems, T. and Robert, L. (eds) *Institutionalizing Restorative Justice*, Cullompton: Willan, pp. 167-93

Roche, D. (2003) *Accountability in Restorative Justice*, Oxford: Oxford university Press.

Shannon, Tom and Morgan, Christopher (1996) *Invisible Crying Tree*, London: Doubleday.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2004) *Restorative justice in practice – findings from the second phase of the evaluation of three schemes*, Home Office Findings 274, Online available at, http://www.restorativejustice.org.uk/Resources/pdf/Implem_rj_schemes_1st_report_pdf [accessed 28.1.07]

Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Pennant, R., Robinson, G. and Sorsby, A. (2004) *Implementing Restorative Justice Schemes (Crime Reduction Programme) A report on the First Year*, Home Office Online Report available at, <http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3204.pdf> [accessed 25.11.06]

Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit.

Soloman, E. and Edgar, K. (2004) *Having Their Say: The work of prisoner councils*, London: Prison reform trust.

Taylor, G. and Sims, P. (2004) *Prison Fellowship of New Zealand/Sycamore Tree*, Online available at, http://www.massey.ac.nz/~wtie/Work/prison_fellowship.htm [accessed 14.05.07]

Toch, H. (2005) 'Reinventing Prisons' in Liebling, A. and Maruna, S. (eds) *The Effects of Imprisonment*, Cullompton: Willan, pp. 465-73

Toews, B. and Katounas, J. (2004) 'Have Offender Needs And Perspectives Been Adequately Incorporated Into Restorative Justice?' in Zehr, H. and Teows, B. (eds) *Critical Issues in Restorative Justice*, Cullompton: Willan, pp. 107-18

Willemsons, J. (2003) 'Restorative justice: a discussion of punishment' in Walgrave, Lode (ed.) *Repositioning Restorative Justice*, Cullompton: Willan, pp. 24-42

Workman, K. (2001) *About Sycamore Tree: A Community Managed Restorative Justice Programme*, Online available at, http://www.pfnz.org.nz/downloadables/STP_About_the_Sycamore_Tree.pdf [accessed 14.5.07]

Zhang, L. and Zhang, S. (2004) 'Reintegrative Shaming and Predatory Delinquency', *Journal of Research in Crime and Delinquency* 41(4), 433-453

Appendix A

Questionnaire schedule.

1. Who are the programs meant for?
2. Are there any stated aims and objectives in terms of participant selection?
3. Are the people specified in these aims and objectives the people that, in practice, are selected for the programs?
4. How are issues such as motivation determined? And who determines them?
5. Why are these programs important?
6. What is the level of need for these types of programs?
7. What offending-based needs are targeted by this program?
8. What other sort of needs are addressed in this program?
9. What methods and strategies are used in this program? Examples of activities
10. Who determines the content of programs? Is there any staff input into program delivery or program design? Authors of the program? Feedback or planning procedures that impact upon content?
11. Who decides on changes to the program content?
12. Have you needed to modify the program from the manual to attend in any way to the individual needs of participants? In what ways? (order of material covered, exercises run to time specified? Any changes in style of delivery, any extras added? Rationale for changes?
13. How many programs do you complete per year?
14. What is the timetable for delivery of this program?
15. When program or program sessions are disrupted or cancelled (due to staff leave, sickness, staff workload, offender crises) how is this managed? (catch up sessions, staff and time allocated to catch up sessions? Is there provision for proper sequencing?)
16. Describe the accommodation and facilities available for program delivery. Have you found them adequate? (room size, chairs, tables as required, audio-visual equipment, any resource inadequacies?)
17. Are outcomes measured in any way? What are you looking for when measuring outcomes? Short term? Long term?

18. How are outcomes measured? *Tools employed? Is client feedback sought?*
19. In what ways do you check the participants learning or change? What do you find works best in gauging their learning? How do you measure change?
20. What happens to clients after they leave the program? How are participants monitored/ followed-up post-program?
21. What provisions are there for intervention or 'through-care' post-program? Is there any provision for therapeutic intervention? In residential settings, officer/staff involvement in after care? Any obstacles to after care?

(Adapted from a questionnaire in Howells *et al.* 2004)