



Nuffield Foundation Social Science Awards Schemes (Small Grants Scheme)

Evaluation of Adult Prison Restorative Justice Mediation

Final Report (April 2014)

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Executive Summary/Abstract

In the mid-2000s, adult prisoner and victim restorative justice (RJ) mediation was introduced within a number of prisons in the South East region of England. The intentions were to reduce fear of crime for a victim (and/or the victim's next of kin), improve offender empathy for the victim(s), to promote a reduction in re-offending, and to enable offenders to resettle back into society more effectively. The Department of Law and Criminal Justice Studies at Canterbury Christ Church University conducted an independent evaluation from February 2009 to February 2014 (inclusive) of one such initiative. The analysis involved a literature review, collecting observation data on RJ awareness training for prison officers, undertaking semi-structured interviews with those involved in mediation process and collecting other forms of data. In particular, the evaluation focused upon the perceptions of victims, offenders and stakeholders (mediators, offender managers and supervisors) and their experiences of RJ mediation in eleven separate cases.

The findings of our research suggest that:

- preparation and assessment of cases is a crucial factor for RJ mediation success;
- the victims and offenders involved in this particular initiative were very supportive of the process and would recommend it for appropriate cases;
- there was evidence of delays in some cases, which correlated with the less successful RJ outcomes;
- awareness of RJ approaches was lacking among stakeholders, prisoners and some victims prior to their involvement;
- there is a perceived resistance to RJ approaches by prison management in some prisons.

A full report (including a comprehensive literature review) is available on request.

1 Background

A total of £7450 funding was awarded by the Nuffield Foundation to support the project. (The summary financial statement is included as an Appendix). The project commenced in February 2009 (although there was some preparatory research before this date) and concluded (after a number of extensions agreed with the Nuffield Foundation) in April 2014.

The research team set out to examine the use of RJ mediation in prison with the objective of identifying the benefits or otherwise of RJ mediation for adult prisoners; identifying which factors impact on the success or otherwise of the mediation process; evaluating best practice for the preparation of victims, offenders and stakeholders for RJ mediation and to investigate the impact of the mediation process on victims and offenders.

The original target of obtaining 25 RJ cases was not reached due to difficulties beyond the control of the university. The initial difficulties in securing a higher number of cases within the original research region led to the research being extended from Kent to the wider South East of England region. Finally, the research team secured a total of 11 cases to evaluate (which involved 31 interviews). Offences included death by driving, murder and sexual offences (including rape).

The challenges that were encountered included the morale and pressing workloads of prison and probation staff impacting on their ability to respond to requests for interviews, and gaining access to offenders. The requests for interviews from researchers that were most successful came from victims and mediators. This success was based on the ability of researchers to establish a good relationship with mediator organisations and through these links secure interviews with victims. Requests for interviews were least successful with offenders and stakeholders (e.g. prison or probation managers/supervisors). On some occasions access to the offender was dependent on a probation or prison staff 'gatekeeper'; if the gatekeeper did not respond to researcher requests this inevitably had an impact on access to the offender. Although researchers established good relationships with prison and probation services the size of organisations and the movement of prisoners made it particularly difficult to promote involvement with the evaluation throughout prisons and probation offices in the South East compared to the smaller mediation organisations.

The completion of victim and CRIM PIC questionnaires were both included in the original research design. However, the completion rate of questionnaires was low. The sample size was not originally intended to be large enough for a meaningful analysis for this particular research but to feed into a future study subject to additional funding. On reflection, due to the challenges faced in securing a larger number of cases it is unlikely that a future study will be feasible. For this reason the final evaluation report focuses on the qualitative data collected from the 11 cases examined.

2 Research Design and Methodology

The interview strategy adopted involved semi-structured interviews for all participants. Semi-structured interviews were selected as a primary method of data collection to allow respondents freedom to discuss their experiences of RJ mediation without the restrictions of a rigid set of questions, but whilst retaining the advantage of comparing responses to identical questions across the sample.

The research team interviewed victims, offenders, mediators, offender managers and offender supervisors to obtain their views of the mediation process. Of the 48 people approached for an interview, 31 agreed to do so. The interviews that were not completed were due to participants declining, not responding, delays occurring with the interview or interview recordings not being viable for transcription. Mediators and victims were the most responsive participants to the study. This was probably due to strong relationships with the mediation services and the access mediators provided to victims. Inversely, the low numbers of responses from probation and prison staff resulted in difficulties in accessing offenders.

3 Recommendations

A full report of the evaluation is available on request. In this section we summarise the two most important recommendations.

Successful RJ mediation in prison requires commitment from prison management

There remains some perceived resistance (within at least some prisons) about the appropriateness of RJ mediation. This resistance introduces delays within the process and subsequently negatively impacts on the victim(s) and/or next of kin. RJ should perhaps be encouraged 'from the top' of a prison establishment and processes should be put in place to support the delivery of RJ. In turn, by developing a more systematic approach, awareness would be raised. This needs to be matched with an internal infrastructure to assist with the delivery of mediation. For example to provide accessible training to ensure that mediation delivery is systematic, to formalise the stakeholder role profile within prisons to raise the profile of RJ, to enhance the management of the practical logistics of the mediation process.

A more flexible approach to the RJ process is required, developed in collaboration with the needs of the victim and the offender

Whilst the research would support the development of an infrastructure to further formalise the process of RJ in prisons it is also clear from our research that there is no standard model to delivering the process itself. Issues such as intended outcomes, information provision, feedback on the process etc. need to be led by, and developed within the partnerships involved - the needs of victim and offender are paramount and will differ from case to case. Given one of the perceived aims of RJ is to enhance victim involvement being prescriptive around expectations and outcomes is likely to limit the empowerment that victims can experience as part of their involvement in RJ mediation.

Appendix - Financial Statement