

MEDIATION AND RESTORATIVE JUSTICE IN PRISON SETTINGS



With Financial Support from Criminal Justice Programme 2008, European Commission—Directorate—General Justice, Freedom and Security

Supporting and challenging factors of implementing mediation and RJ in prisons

Budapest, 18.01.2012

Starting point (one of several)



800 YEARS
1209 - 2009

Restorative justice reduces crime by 27%
1 July 2008

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Does restorative justice affect reconviction?

The fourth report from the evaluation of three schemes

<http://www.iirp.org/realjustice/library/cambridgerjreport.html>

Aims in Bremen

- Implementing a pilot project
- Evaluating whether restorative justice can work in German prisons

Evaluation in Germany

- Evaluation of the legal framework
- Survey among prison staff regarding restorative justice
- Evaluation of the pilot project

Legal framework

- The legislative competence for prison laws have the 16 federal states. Therefore we have 16 more or less different prison laws for juveniles and and nearly 16 different prison laws for adults.

One example

- Sec. 2: Aim and task of imprisonment: Rehabilitation, social reintegration and defens of the society.
- Sec 3 Principles for the management of imprisonment:
 - amongst others: the inmates should be encouraged to reflect on their offenses and the consequences of these offenses.
- Sec. 8, 9 Elaboration of a concept for the time of imprisonment
 - Sec. 9 Nr. 18: Restoration of the consequences of the offense.
- Sec 5 par. 2: The inmates should be motivated, to compensate the victims for the material and immaterial consequences of their offenses.

Evaluation – Survey amongst prison staff

Figure 3: Knowledge of RJ instruments

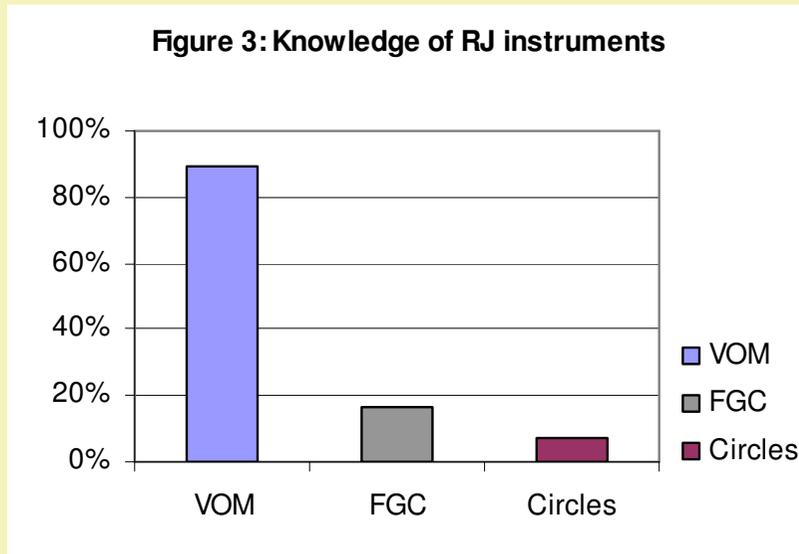
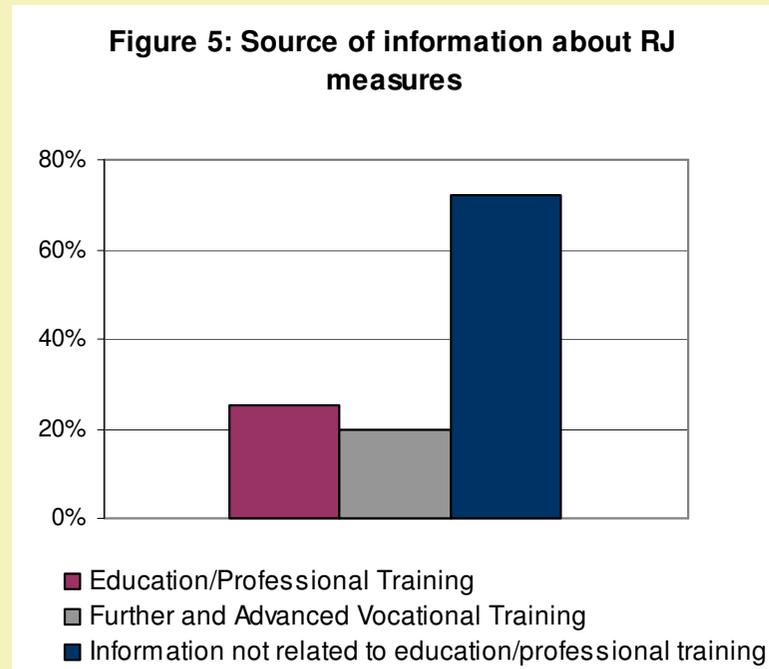


Figure 5: Source of information about RJ measures



Evaluation – Survey amongst prison staff

Abbildung 6: Compensation despite imprisonment

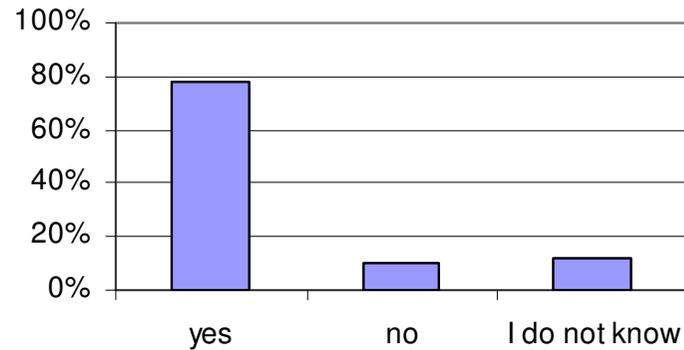
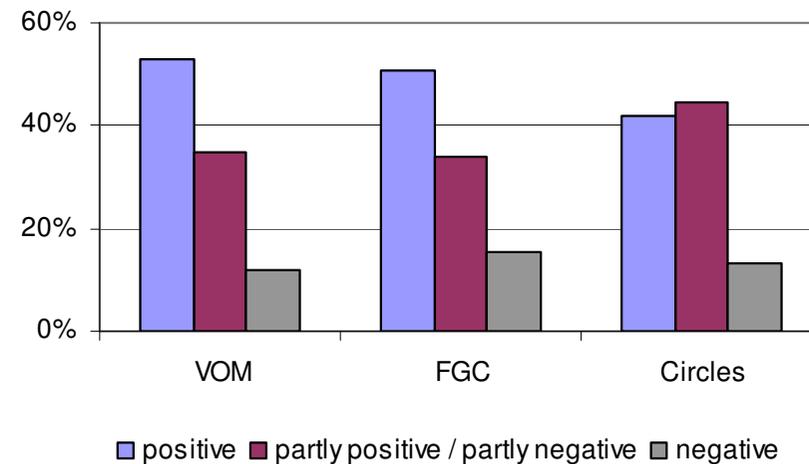


Figure 7: Perspective Assessment of the implementation of RJ measures at the own prison



Evaluation – Befragung im Strafvollzug

Figure 9: For which domains would you recommend an implementation of VOM?

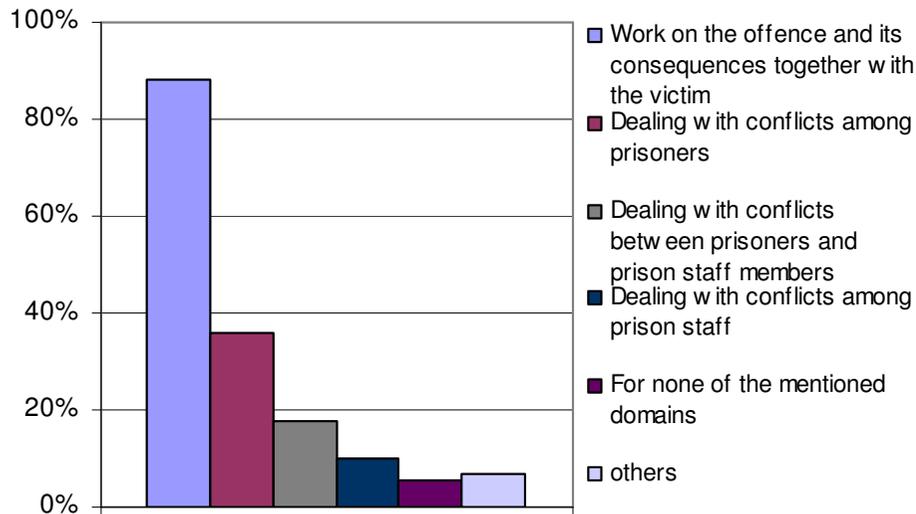
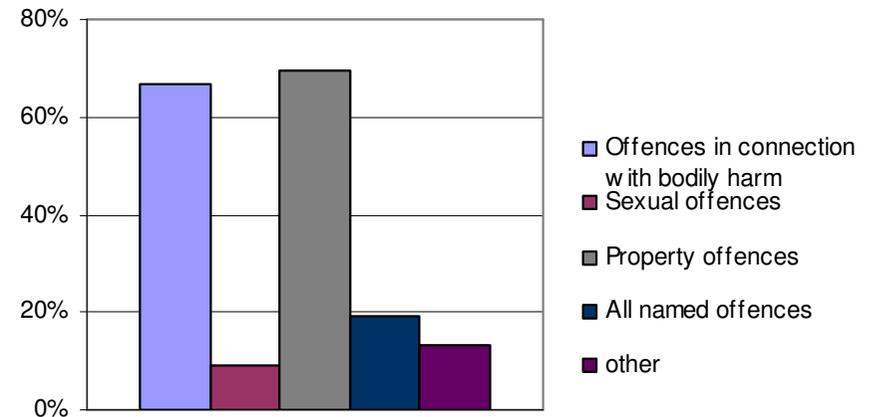


Figure 10: Domains of crime appropriate for VOM



Evaluation – Pilot-project Bremen

Readiness of the victim to participate	N
Victim could be contacted in principle.	22
victim has not been contacted yet	7
contacting the victim was not possible, victim did not respond to the invitation	8
victim was not ready to go on with the mediation process after one mediation talk had taken place	0
victim stopped the mediation process during the preparing mediation talks	0
victim was only ready for indirect contact/communication with offender	3
victim was ready for a joint session with the offender	4
Total	22

Evaluation – Pilot-project Bremen

Readiness of the imprisoned to participate	N
Offender is interested in a victim-offender-mediation in principle	27
offender quits during the preparing talks or is uncooperative which results in termination	5
- partly successful reconciliation with the offender, however, no contact with the victim	8
- successful reconciliation without joint session, indirect mediation	3
- successful reconciliation, joint session with both parties	4
- open cases	7
Total	27

Evaluation – Pilot-project Bremen

Type of agreement/ compensation	Indirect VOM	Joint session	One-sided effort
Mediation agreements (7)	3	4	0
Apologies (15)	3	4	8
Protective affidavit (12)			12
Financial compensation (5)	1	1	3
Presents (1)	0	1	0
Obligation to therapy (4)	2	0	2

Thank you for your attention