

**Dr. Andrea Tünde Barabás PhD-
Dr. Szandra Windt PhD:**

The possibility of RJ in prison settings

An international project co-financed by the European Commission
Criminal Justice Programme 2008



**MEREPS Workshop
15 June 2010,
Brussels**



AIM OF THE PROJECT:

MORE INFORMATION

To gain a deeper insight into the applicability of RJ in prison settings
by doing empirical research about the attitudes of inmates and prison staff towards RJ to pilot VOM and
RJ practices with serious offenders

BETTER PRACTICE

by evaluating the pilot projects and summarize evidence-based recommendations for future
methodological, policy, legal and institutional developments
by developing training material for future RJ projects in prisons

MORE EXCHANGE

by national and international round tables, seminars, a conference and a study tour by creating a
publically available web-based resource centre (www.mereps.foresee.hu)



PARTNERS IN THE MEREPS CONSORTIUM

HUNGARY

Foresee Research Group – consortium leader

National Institute of Criminology – professional leader

Innokut Researching Nonprofit Ltd. – financial and administrative management

UK

Independent Academic Research Studies, London

GERMANY

University of Applied Sciences in Public Administration in Bremen

Victim-Offender Mediation Centre, Bremen

BELGIUM

(external) Suggnome

EU

European Forum for Restorative Justice

PARTNERS ON THE NATIONAL LEVELS

Juvenile and adult prisons

Criminal justice agencies (probation, victim support etc.)

Training centres (eg. the Judicial Academy in Hungary)

VOM and RJ trainers and practitioners

www.mereps.eu

OUTCOMES & ACTIVITIES (15 March 2009 - 15 March 2012)

- **Expert group meeting** and **study tour** to London for 13 Hungarian justice professionals to see RJ practices with serious offenders (Nov 2009)
- Qualitative and quantitative **research** in Hungary, UK and Germany about the attitudes of prison staff towards RJ
- **Pilot projects** to test VOM and other RJ practices in Hungary and Germany
- Mediation **training** for prison staff in Hungary by Marian Liebmann (UK) (October 2010)
- **Training manual** (EN, HU) about VOM and RJ for prison staff



OUTCOMES & ACTIVITIES (15 March 2009 - 15 March 2012)

- **Preparation seminars** for inmates in Germany and Hungary on responsibility-taking and victim awareness
- **Publication (EN, HU) of the national reports** from Hungary, UK and Germany, including the results of the research projects
- Final international **conference** and **final expert group** meeting in Budapest (18-20 January 2012)
- The MEREPS **website**: www.mereps.foresee.hu (EN, HU)
- **Dissemination** (web, newsletters, presentations, posters, workshops, networking, etc.)



Mediation/RJ in the pre and the post sentence phase

Pre sentence mediation:

The cases, which happen from exploration the crime *till* conviction of delinquent

Post sentence mediation:

The cases, which happen *after* the conviction of delinquent – including the imprisonment



BEFORE OR AFTER

Difference and similarity between the pre and post sentences Mediation types

	Pre sentence mediation	Post sentence mediation
Direct effect:	1. Restitution on the victim side 2. Regret on the offender side	1. Regret on the offender side 2. Possibly restitution for the victim
Long term effect:	3. Forgiveness on the victim side 4. Reformation on the offender side	3. Reformation on the offender side 4. Forgiveness on the victim side
Location	The office of the mediation service	Prison
Temporal location	Near to the crime – quick answer, quick effect	Far from the crime
Actors	Victim Offender /community/relations from both side, mediator	Offender Victim or community or any other crime victim, or relation of the victim, prison service officer, etc.
Outcome	More quicker and direct effect for the stakeholder and the community in normal way The outcome is very positive in most cases	More longer and straining for all stakeholder, needs more power and financial investment The outcome sometimes is not so clear




LEGAL LIMITS OF MEDIATION IN THE PROCESS IN HUNGARY

The using of mediation is **not available in all criminal cases**. In the Criminal Procedure Act are legal limits to the use of mediation. It can only be used:

- in crimes **against persons, traffic offences or property**
- crimes punishable by imprisonment of up to five years; in other words **it can not be used in the case of serious crimes.**
- There is a list of conditions under which mediation is inapplicable, amongst which the most emphasised is *cases connected to organised crime or committed by a repeat offender or a habitual recidivist,*
- the last stage at which victim-offender conflict-resolution can be carried out is **the court of first instance**. Later, including during the execution of sentence, it cannot be applied.



How to implement the RJ in the prison system ? Approach and methodology

- 1. attitude surveys (see later)**
 - 2. RJ training about the use of RJ techniques in prisons for practitioners, mediators by Mariann Liebman, and prisoners by Sycamore Tree program**
 - 3. organising and evaluating pilor RJ meetings – with supervising and evaluating an independent observer**
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Surveys in the prisons: The three types of the empirical survey

- 1. attitude surveys: 200 questionnaire in prisons**
- 2. Depth interviews**
- 3. Focus groups with informal groups of imprisoned persons**

Bonus: on the victim side

- Two forums for victims of crime with co-operation of local governments**
- Interviews with victims of crime**
- On-line questionnaire on the website of okri**



Researches in 2010

- **Use different methods:**
 - **Qualitative**
 - **Quantitative**
- **Focus groups discussions with the prison staff**



1. Quantitative research

○ Questionnaires – 200 inmates

- 121 questions
- 6 main topics:
 - Crime - background, what happened?
 - Guilty
 - RJ
 - Life in the Prison
 - Were they victims before?
 - Life before Prison



2. Qualitative research

- **In depth interviews – 2 different groups**
- *jailers, psychologists, teachers* (40 staff members) who work in the researched prisons: about their feelings in connection with the RJ, how they solve the problems in the jails (problems among the inmates, conflicts with them etc.).
- 60 depth interview with *inmates* (how they solve their conflicts, the attitudes towards the RJ)



3. The Focus Groups



- 8-10 leaders in every prison
- To recognise the attitudes of decision makers towards *mediation, problem solving*.
- Feedback





Researches in 2011

○ Qualitative:

- 4-4 focus groups (adults and juveniles)
- 2 victims' forum (Budapest, Székesfehérvár)



Focus group discussions

- **Selection: prison hierarchy**
 - Legally binding sentence
 - Victim
 - Never participated part of RJ training
 - More than 80% of their punishments
- **3 main topic:**
 - Family
 - Guilty, regret
 - Reintegration





Family

*‘what my mom said?... What shall she say?
She’s also in jail... ’* (Juvenile (19),
recidivious)

*‘I don’t speak with my father... he’s just a
jailbird... ’* (Juvenile (20), he has a 6 year
old son, homicide)





Remarks

- They have a picture about the ‘ideal inmate’- they try to behave according to this
- Person of the researcher (mainly women)
- Group structure
- They took effects on each other





THE MAIN HYPOTHESIS

1. **The restorative principle and its instruments have grounds in prison settings and also at serious crimes.**
2. **There are some obstacles to adopt this possibility in prisons (more than in normal settings are):**
 - **The attitude of inmates, victims, prison service staff and the society**
3. **The attitude of inmates to the reconciliation depend on their motion of reintegration**
4. **There are differences in the determination and the possibilities of the youth and the adult offenders**

Results of Research

The personnel circumstances of the inmates

- **Education:** Most of offenders have education deficit (48% of adults and 65 % of youth haven't finished the elementary school)
- **Family:** about the 50% of inmates have contact with her family. This rate is worse at the youth + more criminals relatives (no background)
- **Nationality:** The majority of the youth offender and more than half of adults have a Romany identity or double Hungarian/Romany, they are over represented in the prison.

The personnel circumstances of the inmates

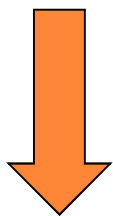
- **Criminal career:** For almost one thirds of questioned people it is not the first time that they were sentenced – relative high recividious rate
- **Religions:** Half of the adults and low rate of the youth are believer
- **Behaviour:** The good behaviour in prison doesn' t mean change in the life style after the release (family, friends)
- **Regret:** It's very rearly the honest regret - The prison is full with „innocent” people

Main results of the research about the attitude of inmates

- **Big differences** between the attitudes of prisoners in Tököl (youths) and Balassagyarmat (adults):
- The main part of the offenders aren't motivated for the reconciliation with their victims
- The youth offenders haven't shown **honest regret** (working prisonisation effect – adaptation to the prison settings)
- The adults look more opened for the possibility of mediation

Potentially Reasons – Youth offenders

- Most of the young inmates were sentenced because of committing **violent** crime
- The youths have in general social deficit **they aren't able to solve their conflict without violence** (see: behaviour and conflict in the prison)
- Their adaptation to prison settings is easier, because their life before the sentences in general were very hard and poor – they develop their own little hidden society in the prison



Potentially Reasons – Youth Offenders

- Double psyche (unemotional murder without regret and little child with dreams and tales)



Results of the research– Potentially Reasons Adults

- Most of adults have been sentenced because **crime against property**
- They are also relative young (between 21-44)
- The adults generally had own family before they had been sentenced (just 20% were single)



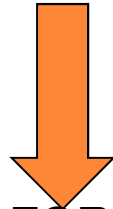
Because of it they are better motivate for the reconciliation

Main coherencies between the circumstances and the possibility of reconciliation

<u>(1) feeling guilt</u>	<u>it appeared as a relatively less important factor, e.g. integration seems to be more important</u>
<u>(2) age</u>	<u>it is important that the willingness to participate in mediation is higher for elder, more mature persons</u>
<u>(3) school (training, high school)</u>	<u>training it is important also from perspective of intelligence</u>
<u>(4) relationship with the victim</u>	<u>highly important</u>
<u>(5) victimisation of perpetrators</u>	<u>[we did not involved in 2011's research program]</u>
<u>(6) religiousness</u>	<u>it is less important, there is only a few cases when imprisoned perpetrators profess their faith are more open to the penance</u>

Results of the research - The prison staff's attitudes

- ❑ The management and the officer were high supporting using of RJ in prison in the focus group meeting **at the adults but just virtually at the youth**
- ❑ They can accept, that RJ is also useful for solving conflicts between inmate-inmate
- ❑ They can't accept the possibility of mediation in the conflicts between inmate and staff (because of the strict hierarchical order in the prison)



MORE TRAINING FOR THE STAFF

The first results of the pilot

What to implement? Basic principles of the pilot project :

- includes all types of RJ for solving the conflicts
- voluntary participation
- confidant process with supporting and control by facilitator/mediator
- many times for preparatory meetings
- restorative encounter involving offenders staying in the prison and victims from outside
- and for conflicts between inmate-inmate
- it doesn't effect any preference for the offenders

FIRST Results of the pilot

- ❑ Involving 20 prisoners
- ❑ 5 conflicts in the cell – between inmate-inmate - with using conference model (cell members, pedagogue, family members, members of the community) - to find a good solution together
- ❑ 1 family group conferencing (at a case of interrupting the prison sanction for support the family contacts)
- ❑ Pre and post meetings to support the participants and control the process
- ❑ Special working group of the professionals – facilitators, prison staff, researcher – to find new cases, to evaluate the running cases, to help each other (supporting)

The types and the outcome of the cases

<u>Type</u>	<u>Number of cases</u>	<u>No of Invol ved inmates</u>	<u>Type of crimes</u>	<u>First convicted prisoners</u>	<u>Involving outsider supporter</u>	<u>Types of RJ</u>	<u>The number of the hours/ average nu. pro cases</u>
<u>Cell conflict</u>	<u>5</u>	<u>14</u>	<u>Murder, robbery, theft Assault, Mobbing rape</u>	<u>75%</u>	<u>Own pedagogue, MEREPS supervisor</u>	<u>Restorative onference, case</u>	<u>30</u>
<u>Restoring family contacts</u>	<u>1</u>	<u>1</u>	<u>homicide</u>		<u>Family members Own pedagogue, MEREPS supervisor</u>	<u>Family group conferencing Supporting group</u>	<u>10</u>
<u>Reparation for victims</u>	<u>4</u>	<u>4</u>	<u>Robbery, theft, assault,</u>	<u>75%</u>	<u>Own pedagogue, MEREPS supervisor</u>	<u>Sycamore tree program Training Personel encounter Supporting group</u>	<u>10</u>

The first results of the pilot

Difficulties:

- ❑ Formal institutional frame (rules, administrative procedures - strict hierarchy)
- ❑ Promotion motivations and interests
- ❑ Personal Fears (inmates and staff)
- ❑ Social psychological constraints, limitations due to the informal context - lack of partnership communication
- ❑ it needs to many times for preparatory meetings
- ❑ official problems to contact victims from outside - data protection

PUBLIC VOICES AND POLITICS TOWARDS RJ in Hungary: cold climate

- The actual criminal policy appears to demand more severe and longer punishments, real life imprisonment, three strikes, etc. and the reintroduction of capital punishment.
- Several politicians and public figures believe that more serious and stringent punishments and a lowering in the age of criminal liability would be successful measures to take in order to decreasing crime rates and these people regularly voice their views in public.

LONG-TERM AIMS AFTER THE EVALUATION OUR RESULTS:

Developing

- a special model of mediation, which can be used in prison settings in Hungary;
- the legal conditions and criteria for restorative justice and its implementation;
- the way for evaluating and supervising the process



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MEDIATION AND RESTORATIVE JUSTICE IN PRISON SETTINGS

The role of Restorative Justice in addressing serious crimes

2010. 04. 16



Report of a Study Tour: 9th - 11th November, 2009. London, UK, The Delegates

The Hungarian delegation included representatives of the [Prosecutor's Office](#), high-ranking officers of the

[\[more\]](#)

Restorative Justice in Prison: Lynette Parker's report from the UN Crime Congress

2010. 04. 15



The Government of Brazil hosted the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in Salvador, from 12 to 19 April 2010.

On the third day of the UN conference, the 15th of April an ancillary session was held, discussing the use of restorative justice in prisons. Panel presentations included an international overview of restorative justice in prisons, racism in the prison setting and in-prison programmes serving...

[\[more\]](#)

Restorative Justice Conference in Rome (25-26 March 2010, Rome)

2010. 04. 01

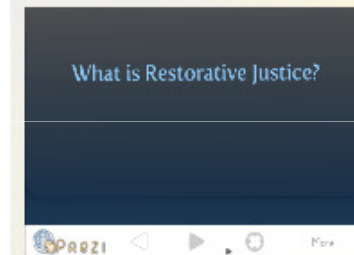


A two-day conference on restorative justice was hosted by Nsidia in Rome, on 25 and 26 of March,



[Go to the gallery](#) >>

[What is restorative justice?](#)



Poll

Question of the week

What's your opinion about the new foresee.hu site?

- I really like it!
- I wait until it's finished.
- I don't really like it.

Partners and Sponsors:



HOW CAN YOU BENEFIT AND CONTRIBUTE TO MEREPS?

Through www.mereps.foresee.hu

&

By writing to

borbala.fellegi@foresee.hu or barabas@okri.hu

or windt@okri.hu

&

See You at our Final Conference
in Budapest in January 2012!



Questions:

Using RJ in prison is very different of in earlier stage:

- ❑ How can we choice the suitable cases?
- ❑ How can we motivate the offenders/ or is it necessary to motivate anybody for the reconciliation?
- ❑ How can we work with the victims? – the danger of a **re-victimisation**
- ❑ How does the mediation/RJ work in the cases of the youth offenders it? What specially prepatation we need before beginnig the real RJ work?

**THANK YOU FOR YOUR
ATTENTION!**

