

Summary

In recent years, an increase has been observed in restorative activities in the Dutch justice context that provide victims, offenders and other stakeholders with opportunities to respond to crimes in a personal manner and work on repairing material and intangible damage to, and between, parties. Restorative work with offenders in a detention setting is consistent with this development; the objective there is not primarily to bring offenders and victims together via mediation but to set in motion a process of awareness and restoration in offenders that have been convicted of a crime. This working method is also consistent with one of the pillars of the Dutch Custodial Institutions Agency (DJI) charged with the detention of convicted offenders: 'detention, *restoration* and prevention'. DJI is striving for a more restorative prison culture over the coming years: a more open and restorative climate in the institutions (among prisoners and staff) so that more and better opportunities are created for working in a victim-focused and restorative manner. In line with this objective, this study aims to evaluate three restorative courses, two of which have been provided in Dutch custodial institutions for several years: the *Puinruimen* course (since 2004) and *SOS* (since 2006) for adult prisoners. The third course is *DAPPER*, designed in 2012, for juvenile prisoners, rolled out at the national level in November 2015.

Since the existing (form of these) three courses have not been studied before, a plan and process evaluation was performed. More specifically, this study aimed for a plan evaluation of the three courses in which the backgrounds, working methods, mechanisms and objectives of each course were clarified and major similarities and differences between the courses were identified. This plan evaluation also used the literature to examine whether evidence could be found that points to the potential achievement of the courses' objectives. In addition, an exploratory process evaluation was performed in this study, to obtain an idea of the implementation of the courses in practice. It mapped out the frequency with which the courses were given in recent years, and to whom, the providers and participants' experiences of the courses and the extent to which formal objectives could be or were achieved according to participants and providers. To implement this plan and process evaluation in a comprehensive and prudent manner, a decision was made to use a mix of research methods: in the plan evaluation the course documentation was studied and interviews were held with the course developers. In addition a systematic literature study was carried out. For the process evaluation the courses' registration data were analysed, interviews were held with providers and repeated measurements (surveys) were conducted among participants of the courses.

All findings considered, this study produces a cautious yet clearly positive picture of the design and substantiation of each of the three courses and of the implementation of the *Puinruimen* and *SOS* courses. These conclusions will be elaborated and substantiated below. Unfortunately, gaining insight into the implementation of the *DAPPER* course (process evaluation) was only possible to a very limited degree in this study. This was because the course was only rolled out and provided as of November 2015, which meant that few registration details and experiences of participants and providers could be examined. For this reason no conclusions can be drawn with regard to the implementation of *DAPPER* - this will have to be done in future research (see also recommendations).

Plan evaluation

First and foremost, the plan evaluation reveals that the background, design and substantiation of each of the three courses are described comprehensively and in detail. It became apparent that the description and design of Puinruimen and SOS courses are based more on (foreign) experiences in practice, whereas the DAPPER course is characterised by a more theoretical basis due to its embedding in the YOUTURN methodology that is adopted in Juvenile Offenders Institutions (JIs). The course documentation, supplemented by insights from the interviews with the developers, also made it possible to establish an *intervention-process-outcome* model for each course. These models specify through which sessions (or activities) specific change processes are initiated in participants (i.e. mechanisms) and how these sessions and mechanisms are believed to contribute to achieving specific objectives and outcomes.

Similarities between the courses

With regard to the similarities between the three courses the first notable aspect is that in each of the courses potential participants are first screened to assess their suitability with regard to being able to function in a group. In addition, the course documentation outlines several common objectives for which each course strives:

- Increasing prisoners' understanding of the consequences of their crimes for (direct or indirect) victims.

In each of the courses, an important mechanism for achieving this objective is that prisoners put themselves in the place of victims of crime and consciously reflect on the thoughts and feelings victims experience (experiencing empathy for victims).

- Increasing the responsibility prisoners feel for their actions.

That is, the courses focus on increasing the responsibility prisoners feel for their actions in general as well as their crime in particular. This increased responsibility could be expressed in the fact that prisoners attribute the causes and consequences of their actions more to themselves after the course (instead of mainly to others or circumstances, so-called fallacies or neutralisations) and reflect more on or are more motivated to repair the damage caused.

- Increasing prisoners' knowledge and insight into the possibilities or impossibilities of repairing material or intangible damage.

In each course this takes place using (partially) different methods, but one common working method is that in all courses participants are informed of the possibility of mediated contact with victims via the organisation Slachtoffer in Beeld (victim-offender mediation).

In addition, the course documentation and interviews reveal that building a safe group process and creating trust is an important method for achieving the proposed objectives in all the courses. The courses aim to stimulate the group process and create an atmosphere of safety and trust by making clear agreements at the outset, performing icebreaker exercises, offering room for prisoners'

experiences of victimisation and/or discussing the topics of the course more loosely in the beginning and involving prisoners more closely later on.

Differences between the courses

The main differences between the courses first concern the target group and inclusion criteria: Puinruimen and SOS focus on adult offenders, who can participate on a *voluntary* basis. Therefore, an important criterion for participation in these courses is the motivation to work on restoration and change. The DAPPER course is aimed at juvenile prisoners, for whom participation is a compulsory component of the day programme. Thus, motivation is not an inclusion criterion for participation. There are also differences related to recruitment: in Puinruimen and DAPPER this is handled by the providers in the prisons, whereas in SOS this varies more (sometimes handled by the providers in the prisons, sometimes by prison staff members that do not give the course).

The main differences in objectives concern reducing the risk of recidivism among the participating prisoners. Puinruimen and DAPPER explicitly include this objective in the documentation, whereas this is not the case for SOS. In addition DAPPER strives for the objective of recognising and acknowledging feelings of guilt as constructive feelings and shame as more destructive feelings that do not contribute to the restorative process. Feelings of guilt and shame are cited in the Puinruimen and SOS courses, but not as an explicit objective and are also not differentiated as constructive versus destructive for the restorative process.

The courses also differ with regard to the position of the course providers. In Puinruimen and DAPPER the course is given by staff that work at the institution itself. The SOS course is given by unpaid volunteers of Gevangenzorg Nederland, an external, non-justice-related organisation.

Lastly, there is another major difference in that SOS is characterised by several programmes (longer group courses, individual courses, and short group meetings) in which prisoners with sentences of different lengths and individual needs can be accommodated. Puinruimen and DAPPER are both characterised by a single mode of implementation.

Evidence in the literature for common objectives

Support for the 'increasing understanding of the consequences of crime for victims' objective

The systematic literature study in the plan evaluation revealed that clear evidence exists that points to the achievement of the 'increasing prisoners' understanding of the consequences of their crime for (direct and indirect) victims' objective, included in the Puinruimen, SOS and DAPPER courses. Six of the eight best evaluation studies into restorative courses for prisoners (i.e. 'impact of crime' or 'victim impact courses') that we encountered in the literature revealed that knowledge about and sensitivity to the consequences of crime for direct and indirect victims could increase as a result of a restorative course.

No unequivocal evidence for the 'increased feeling of responsibility' objective

The literature is less unequivocally positive when it comes to the question of whether courses such as Puinruimen, SOS and DAPPER can achieve the 'increasing prisoners' feeling of responsibility for their

actions' objective. Restorative courses among prisoners do appear to offer this potential, given that it was demonstrated in two of the eight evaluation studies. However, this effect was less clear and robust in two others of the eight best evaluation studies that researched responsibility.

Unclear whether the 'increasing knowledge of and insight into repairing material and intangible damage' objective can be achieved

No information was found in the literature about the question of whether the three courses could be successful in increasing knowledge of and insight into the possibilities or impossibilities of repairing material and intangible damage in prisoners.

The importance of the 'building safe group processes and creating trust' working method for achieving the objectives

Moreover the eight evaluation studies revealed little with regard to the question of whether 'building a safe group process and creating trust' is an important or unimportant working method for achieving the proposed objectives and outcomes of restorative courses. This question also appears to have been examined to a limited degree. We only found some support for this in one of the eight studies. Other research, not conducted into restorative courses, provided further support: judicial (juvenile) institutions characterised by a more open group climate go hand in hand with greater empathy for others among juvenile prisoners, a more active way of coping with imprisonment and a greater motivation to participate in treatment by these juveniles. Translated into restorative courses, developing a safe group process and creating trust thus might have a positive effect on achieving the aforementioned objectives.

Evidence in the literature for objectives that differ between courses

Unclear whether courses influence recidivism

Few statements can be made about the 'reducing the risk of recidivism in prisoners' objective that specifically applies to DAPPER and Puiruimen (but not for SOS) based on the eight evaluation studies. It can be established that the effects of restorative courses that emerge in the eight evaluation studies are considered as factors that *indirectly* reduce the risk of recidivism (e.g. being able to cope with (negative) personal emotions towards others more effectively and consciously). Research into the question of whether changes in these indirect factors resulting from participating in restorative courses are sufficient to actually reduce recidivism once released, is not available.

Feelings of guilt and shame during restorative courses

Based on the eight evaluation studies no statements could be made regarding the specific objective 'recognising and acknowledging feelings of guilt as constructive feelings and shame as more destructive' formulated in the DAPPER course, but not in the Puiruimen or SOS courses. However, it was possible to reflect on this objective based on other research not conducted into restorative courses. Based on this research, support does appear to exist for the concept related to the constructive nature of feelings of guilt and the more negative, destructive effect of shame. However, shame also appears to have an interesting, alternative dimension: because shame is linked to wanting to hide from others (or not wanting to 'fail' in the eyes of others) it can also have a favourable effect and prelude a reduction in recidivism.

Process evaluation

The process evaluation of the Puinruimen and SOS courses reinforces the moderately positive picture of the courses created by the plan evaluation – this is explained below through the main findings.

Execution and participant characteristics:

A small, heterogeneous group of participants, of which a vast majority completed the course

The registration data reveal that both courses are given regularly in different PIs (Penitentiary Institutions), but that the number of course participants is small (around 500 participants in two years) – especially if you compare this with the number of adult prisoners in the Netherlands in recent years (in 2014, for example, over 33 thousand prisoners were incarcerated in a PI; Linckens & Loeff, 2015).

The registration data make it clear that a heterogeneous group of adult prisoners voluntarily participate in both courses. Both courses are also characterised by a remarkably high percentage of participants that complete the course (between 75 and 83%), especially if one considers that many participants have committed serious crimes, are often reoffenders and, on average, have been imprisoned for between 13 and 34 months.

However, the picture painted by the registration data is that both courses are often a stand-alone project, which offers few follow-up steps for participants. After the course, a minority of participants take the step towards victim-offender mediation via Slachtoffer in Beeld, take part in follow-up discussions or a visiting project with staff from Gevangenzorg Nederland, but in many cases there does not appear to be any follow-up.

Interviews with the providers: the importance of awareness and execution as planned

Interviews with the providers of the Puinruimen, SOS and DAPPER courses revealed that participant recruitment differs between the courses, which the plan evaluation already demonstrated. Restorative consultants and spiritual caregivers involved in the Puinruimen course recruit participants in the PIs, whereas for the SOS course the PI in question determines whether staff from the external organisation Gevangenzorg Nederland will recruit or whether PI staff is responsible for doing so. Juvenile participation in DAPPER is mandatory and therefore only participant selection takes place.

All the interviews revealed that positive awareness of the course in the institution helps to recruit participants and achieve success for the course. When adult prisoners discuss the course with others and/or PI staff possess knowledge and experience related to the course, recruitment is effectively promoted and more prisoners appear to want to participate in the course in the PI. Recruitment is more difficult when this applies to a lesser extent.

Another important finding is that all providers appear to implement the course in broad lines as indicated in the course documentation. Most variation in the implementation seems to emerge in the Puinruimen course at the various locations, while for SOS and DAPPER based on the interviews the variation appears not to be as great. One reason for this could be that Puinruimen is not managed by a central organisation or foundation which also organises training courses for (new) course leaders or trainers (such as Gevangenzorg Nederland for SOS and Stichting180 for DAPPER).

Lastly, the providers indicate that most objectives established in the course documentation can also be achieved in practice, although providers find it difficult to indicate *how* objectives that include a long-term change (such as reducing the risk of recidivism), can actually be achieved by the course.

Positive participant experiences:

The importance of the group, greater understanding of the consequences and an increasingly positive view of victim-offender mediation

Prisoners that have participated in one of the three courses and who were willing to complete the surveys, evaluated the course as positive: it was viewed as educational and useful, was effectively implemented by the trainer and was awarded 8.1 (on a 10-point scale) as an average score. The Punruimen and SOS courses were assessed equally positively; due to the low number of participants in DAPPER that completed the surveys, this course could not be compared with the others.

Participants also cited the possibilities offered by the course group to tell their story and how they were able to obtain social support in the group for processing the crime as important properties of these courses. These aspects *do not* recur in the formal objectives but are cited as positive aspects by many participants.

An analysis of the repeated measurements in the surveys revealed that after following the course, participants reported a sound, increased understanding of the impact and scope of crime for direct and indirect victims (compared with before). This is consistent with the outcomes of the plan evaluation. However, participants reported no major change in taking responsibility for their actions (the second common objective) in the repeated measurements of the surveys. This is also consistent with the findings of the literature study in the plan evaluation. Lastly, in the surveys, participants reported feeling more positive with regard to what victim-offender mediation could mean to them personally after completing the course. This finding appears to suggest that the courses contribute to achieving the common objective of 'increasing knowledge of and insight into the possibilities and impossibilities of repairing material and intangible damage'. This is an interesting finding, which has not been previously observed in earlier studies in the literature.

Limitations, reflections and recommendations

Some limitations of this study

Before making a number of recommendations based on this study, some limitations must be discussed in relation to the modest, yet positive, picture that has emerged with regard to the courses based on the plan and process evaluations performed.

The literature related to the objectives that could be achieved among prisoners by providing restorative courses is limited. Furthermore, the studies encountered primarily examined the overall effect the course had on prisoners, without specifically examining the operational aspects of a course that actually contribute to achieving an objective. It is possible that when this lacuna in the literature is filled in a few years and an increasing number of *process-oriented* studies have been performed, the picture of the courses as implemented in the Netherlands will have to be adjusted.

The registration of execution and participant characteristics used in the process evaluation are subject to a large amount of missing data. As yet there is clearly no central information gathering or standard method of information gathering for all restorative courses. The fact that many different people had to gather information about individual participants at our request could mean that the information was also reported in different ways and might therefore be less reliable as a result.

Lastly: the findings of the surveys paint a favourable picture of the courses. However, it is not inconceivable that there is an increasing self-selection bias in the repeated survey measurements: participants that were positive about the course and had good experiences may have been more inclined to complete the second and third questionnaires than those whose experiences were less positive. Given the significant number of dropouts between the first and final measurement, one must seriously consider this when interpreting the findings. It is also extremely important to mention that in this study we did not have access to a comparison or control group. This is particularly important when interpreting the outcomes of the repeated measurements: in theory it is possible that the changes observed in participants were not the result of participating in the course, but purely a change occurring over time (separate from the content of the course). Nevertheless, this seems unlikely given that the changes observed are also consistent with the formal objectives established by the courses. Nonetheless, it is not impossible.

A few theoretical reflections (and recommendations) in relation to the evaluation

In the design of the courses studied implicit, and in DAPPER explicit, presumptions related to emotions such as guilt and shame sometimes play a role. In DAPPER it is presupposed that shame is an obstructive emotion, which can impede socially constructive, restorative behaviour, whereas guilt is viewed as a constructive emotion. However, as indicated in the plan evaluation and as revealed by other literature, it appears to be more complex than that. For example, Nathan Harris - following the example of Braithwaite, among others - states that a particular form of 'shame' could be very productive in adopting social conventions and developing the desired social behaviour. However, this is related to the person's management of his - simultaneously existing - different identities, the degree of integrity he can develop and enforce and the context in which he is addressed. This not only raises the question of the significance of certain moral emotions, but also of how and whether these emotions can be promoted, or counteracted, by means of a specific methodical approach in the context of judicial institutions and the best practices that exist in this field.

Furthermore, in this evaluation it is noteworthy that the courses' objective to encourage prisoners to take more responsibility for their actions is predominantly demonstrated as a verbal or psychological outcome. However, an increased feeling of responsibility could also manifest in terms of specific behavioural changes in prisoners after the course. If, for example, after completing the course prisoners take steps to offer their apologies to indirect and/or direct victims or want to engage in mediation, this could also indicate an increased feeling of responsibility. In brief: in addition to focusing efforts on internal change in prisoners, the courses' body of thought could more explicitly include the fact that specific behaviour or actions could also be an indicator for an increased feeling of responsibility. Such a broader operationalisation might also give rise to enhanced insights into the potential of these courses for achieving this objective.

It is recommended that the development of the theory related to the above two themes be promoted to the restorative course providers, through for example targeted, joint expert seminars.

Recommendations for follow-up research

First and foremost it is recommended that a process evaluation for the DAPPER course be performed in the near future. This study has made it clear that since its national rollout in November 2015, various DAPPER courses have been launched in the JJI's; as explained, these courses could not be included in this study. Now that the implementation of DAPPER is gaining speed, it can be expected that sufficient experience will be acquired in the next few years to perform a process evaluation. The two interviews with DAPPER providers that we were able to conduct in this study offer interesting focal points for a future process evaluation. An important focal point that was cited by one of the providers is, for example, the timing of DAPPER during short prison sentences; a phase in which many juveniles are still suspected of a crime and are waiting for the outcome of their criminal case. The provider argued that this appeared to result in many dropouts among participants (many juveniles that are released) and could also constitute an obstacle for achieving the course objectives, due to the often negative attitude adopted by suspects.

This study has demonstrated that the *Puinruimen* and *SOS* courses appear to be very promising in their ability to achieve (a number of) the objectives with prisoners, not only directly after completing the course, but also four to six weeks later. As outlined above under the limitations, these findings are still preliminary. To obtain a more effective and more reliable idea of the potential, positive effect that restorative courses have on prisoners, follow-up research could perform the adopted repeated measurements on a larger scale and over a longer period among course participants. The same measurements could also be extended to prisoners that do not participate in the course (using the same time intervals between measurements), so that a (matched) comparison could be performed. These types of standardised measurements could be supplemented with interviews with course participants, to compile an additional, more in-depth picture of their experiences during the course.

Recommendations for policy related to restorative courses in prisons

This study offers a number of different recommendations and focal points for further policy formation in the field of restorative courses in prisons.

The first specific recommendation is to implement a more standardised registration method for executing restorative courses. If the intention is to continue (and expand) the provision of restorative detention, more effective and more complete registration is necessary, with the aim of being able to monitor courses in an institution, embed courses more effectively in institutions and further (policy) research. This standardised registration should preferably be established in each institution where restorative courses are provided.

One focal point for further policy formation related to restorative courses is the question of the extent to which it is desirable/necessary to get prisoners to name and discuss their crime in the actual course. This study does not clarify whether this is an essential element for achieving certain objectives, but the interviews with the course providers make it clear that there are differences in opinion and practices in

this area. Some providers indicate that it is difficult to steer and work towards this element with prisoners, and this is why they prefer to avoid it. If (working towards) confronting their crimes and attitude is viewed as an actual component, this may require additional training, screening and selection for trainers, to ensure that they can and dare address such issues with prisoners.

Another focal point involves the question of whether it is necessary and desirable for the *Puinruimen* course to be more standardised at the various locations where it is provided. These evaluations reveal that the planned structure of the course is not respected everywhere, and that there are few possibilities and time for contact and alignment between the providers at different locations. Centralised training or intervision meetings could help with this issue. At the same time, room for providers (and participants) to have some say in how the course is given may be important to be able to create support for the course in a number of PIs. A balance between standardisation and room for personal input therefore seems important.

A final recommendation is to improve the courses' structural embedding in the PIs and JJIs. The interviews with providers clearly reveal that greater awareness and the positive attitude of staff in a PI or JJI is beneficial prior to the course - participant recruitment is subsequently much more effective and trouble-free. The difficulty in getting a course off the ground in an institution is almost always attributed to resistance to or unfamiliarity with the course in the PI.

This evaluation also reveals that the courses are often stand-alone efforts, without any (possibility of) follow-up in the institution once participants have completed the course. This seems to be a missed opportunity, especially if one considers what the course appears to achieve among participants. Participants cite the possibility of sharing feelings and stories with the group as an important and essential aspect of the course. More effective embedding of the course in the PI or JJI could also involve participants being given the opportunity to keep in touch after completing the course. This could be done, for example, by allowing participants from various divisions to occasionally spend recreational time together, as is the case at one location where *Puinruimen* is provided.

In the interview with one of the providers of DAPPER specific suggestions were made for embedding a (new) course in an institution more effectively (e.g. organising plenary sessions with all institution staff and allowing them to take part as 'participants' in the course). Another option is to invite course participants to serve as ambassadors for the course: for example, researchers involved in this project attended a meeting during which former participants of the *Puinruimen* course (along with the restorative consultant) showed a video about themselves and what the course had meant to them. This meeting was also attended by staff members from the institution, who were still (relatively) unfamiliar with the course. At the end, there was an opportunity to talk to the participants and the provider about the course.

In conclusion

This report makes it clear that the implementation of restorative courses in detention in the Netherlands currently takes place on a small scale. DJI intends to further develop restorative detention practices in the coming years. The results of this study demonstrate that restorative courses are well-

designed and substantiated, and suggest that they can also set in motion restorative changes in prisoners. In combination with the focal points and recommendations cited here, this report hopefully provides a major incentive for making restorative courses a greater and more significant element of restorative detention in the Netherlands in years to come.