

*‘Developing Restorative Communities’
Seventh International Conference on
Conferencing, Circles and other Restorative
Practices.*

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‘Restorative Practices in Probation & Parole’

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Presentation Overview

1. Typical Interview
2. Your Practice
3. Building a Restorative Justice Practice Framework
4. Connecting Theory to Practice
5. Integrating Restorative Justice Practice for client engagement & capacity building.
6. Case Study & The Game

Engaging Clients
Do Your Interviews Go Like This?

Probation Officer: “How can I help you today?”

Client:

“Thanks for fitting me in at such short notice, I know how busy you must be. I’ve been drink driving a lot lately, and I don’t seem to be able to stop. The Police wondered if I’d like to go to see the magistrate about it, because they thought he’d be able to help me. I discussed my issues with him, and he was very sympathetic. We chatted for a while about my drink driving, and he wrote out a referral for me to see you. I do hope you can help me to resolve this issue. I’m not sure if I’ve got an alcohol issue, or if it’s unresolved anger, but I’ll do whatever you say if you think it would help”.

Clients - What Is Really Going On?

What is your most usual experience of clients?

What do they have most in common?

What has their experience been in the criminal justice system prior to being referred to you?

What is going to make a difference in their lives?

What role can you play in this?

Your Practice

If I were to ask your client the following

Questions, what would they say? :

- What does your Case Officer offer you?
- How does he/she help you?
- How does your Case Officer treat you?
- What do you like most about your Case Officer?

Discuss what the benefits would be if your client were able to easily answer these questions?

Your Practice

How important is it that your clients (and their families) understand the rationale for how you practice, in other words, ‘where you are coming from’?

If you said “it is very important”, why is this so?

How would you explain your practice rationale to your clients?

Practice Rationale

If you struggle a little around explaining your practice rationale, it is probably because:

- You intuitively know what works;
- It is based on custom and practice, a range of assumptions and your own life experiences;
- You have probably never had to explain it in this way.

If yes to the above, your practices are likely to be located within an ‘implicit framework’.

Socratic Engagement Style

What have you noticed about my approach in this presentation so far?

What is meant by a ‘Socratic’ engagement style?

Who Is Socrates?

“Socrates was a Greek thinker and teacher. He held no classes and gave no lectures and wrote no books. He simply asked questions. When he got his answer he asked more questions. Socrates asked questions in order to make people think about ideas they took for granted.”

What would be the benefits of mainly asking your clients and their families questions [in your Probation role]?

Building An Explicit Practice Framework

Let us now explore how our restorative practice framework is able to provide explicit practice capable of building client relationships and stronger community connections.

BASIC TENETS OF RESTORATIVE JUSTICE (PRACTICE)

“Harm and Relationships”

Adversarial (Blame) approach:

“what happened, who is to blame, what punishment or sanction is needed?”

Restorative approach:

“what happened, what harm has resulted and what needs to happen to make things right?”

Adversarial

Focus is in the past

Preoccupied with blame

Deterrence linked to punishment

Restorative

Focus in past, present & future

Emphasis on resulting harm

Deterrence linked to relationships and personal accountability

‘For punishment and sanctions to be effective (in changing behaviours), they need to be delivered in a context that provides both meaning and relevance.’

Reflecting Values in Practice

“You have been working with John who leaves your office for the last time. As he walks through the front door, he stops and stares momentarily back [at your office].”

Reflecting Values in Practice

- What would you like John to say about his experience with you?
- What would you like John to take from this experience?
- Describe the impact you (personally) would like to have on John?

Your Practitioner Style

Who or what has influenced your own style?

Think of a person that you greatly respected.

What was it, that allowed you to feel this way?

In a word, what was special about this person?

Those We Respect

They had the following qualities:

- Listened
- Empathised
- Honest/integrity
- Open
- Respectful
- Showed interest
- Made time
- Firm and Fair
- Encouraging
- Challenging
- Set clear boundaries
- Non judgemental
- Accepting
- Believed in you
- Used humour & were fun
- Created learning environment
- Affirming
- Apologised - vulnerable
- Were real
- Shared their story
- Loving
- Compassionate
- Consistent
- Explained their actions
- Realistic
- Predictable

Respect and Challenge

Given that in your Probation role you will need to constantly challenge your clients, how would you do this in a respectful way?

If you were to treat all your clients in a “firm and fair” way, what would this involve?

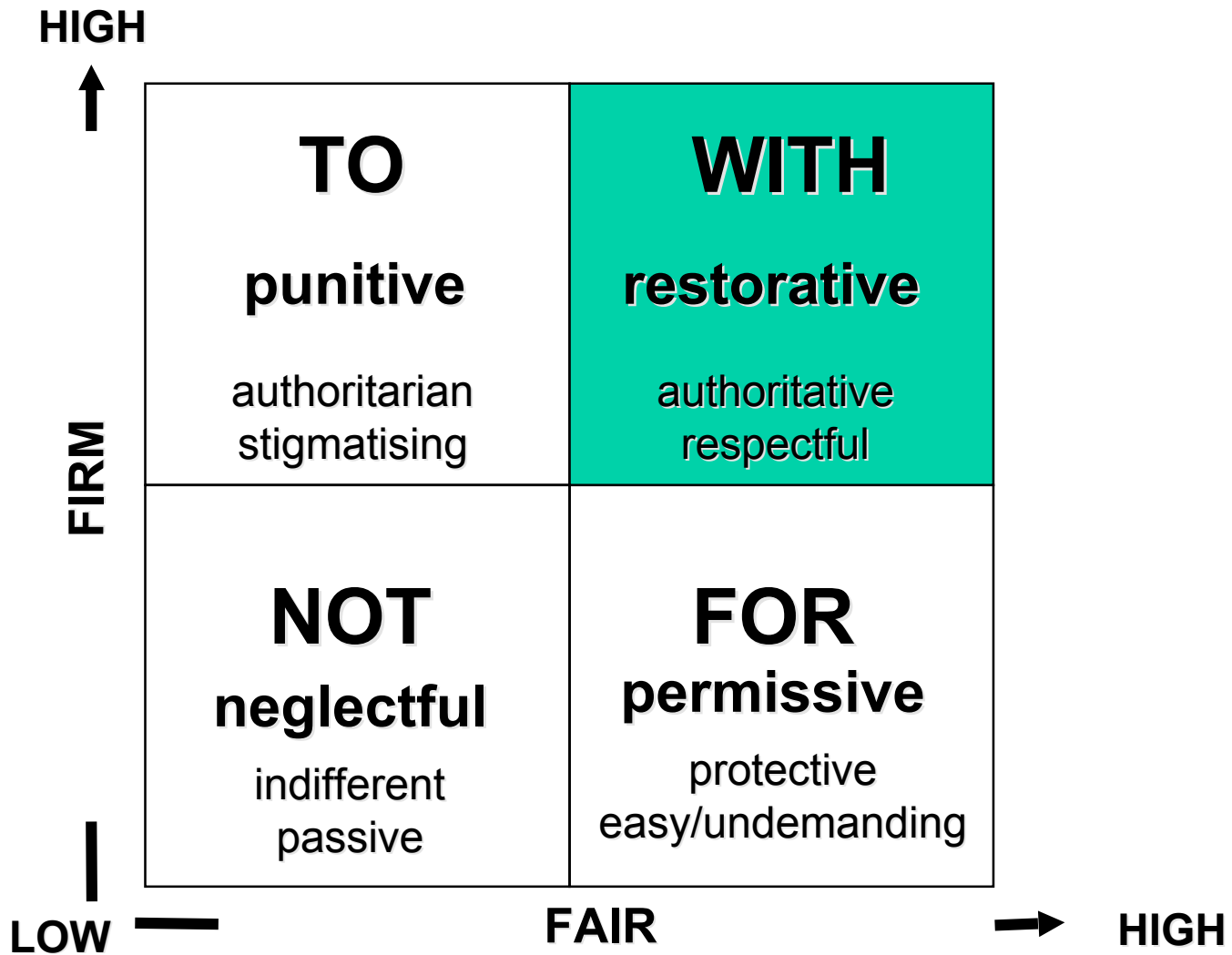
What are you being ‘firm’ about?

What are you being ‘fair’ about?

Balancing Firmness & Fairness

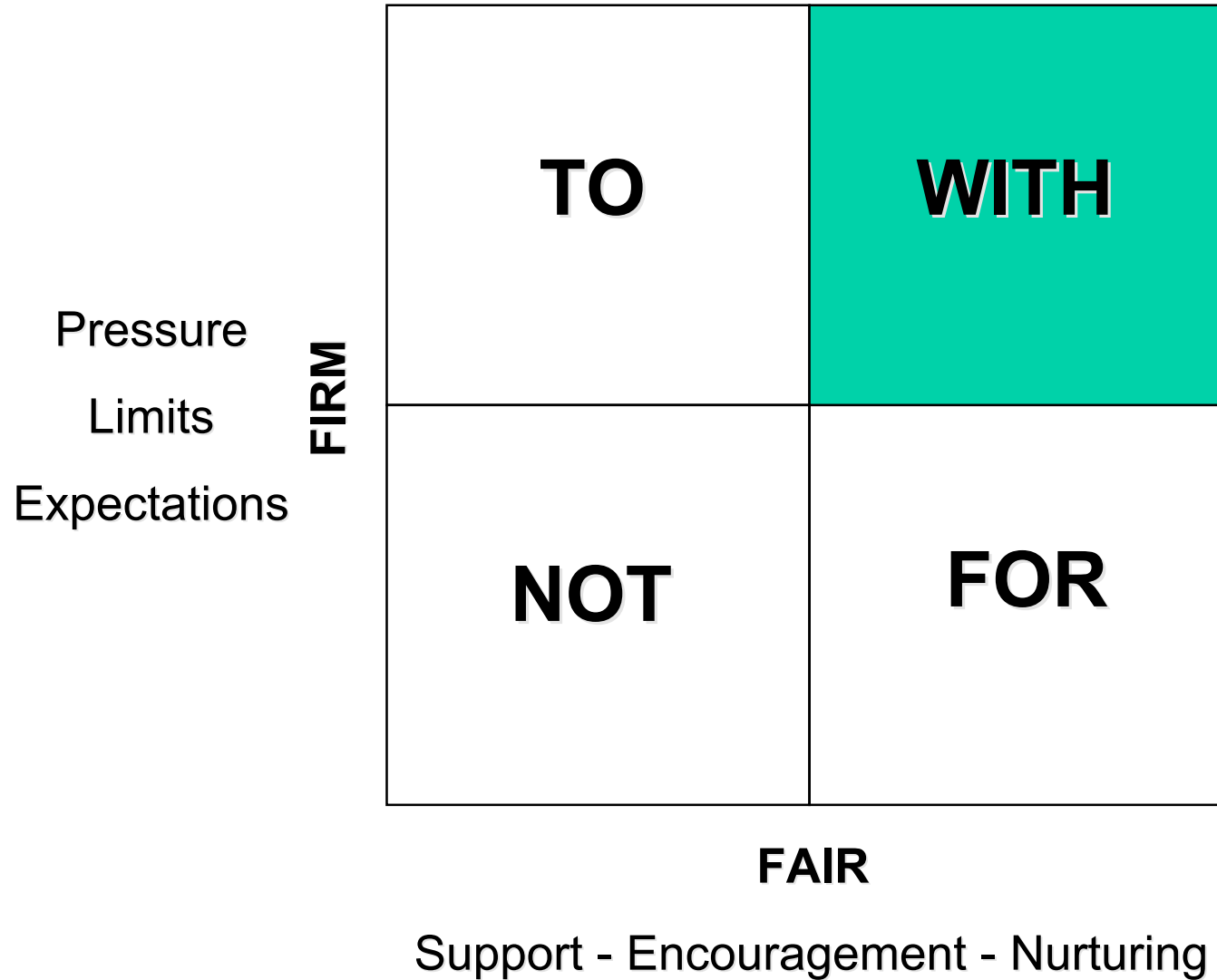
What is your experience of a person who was

- Firm but not fair?
- Fair but not firm?
- Neither firm nor fair?
- Consistently firm and fair?



Adapted from Social Discipline Window - Paul McCold and Ted Wachtel - 2000

OPERATING DOMAINS



Which domain do you practice within?

I know I will always be treated

“

by those I respect.

INSERT THE WORD WHICH BEST DESCRIBES YOUR
EXPECTATION

Most say ‘fairly’

What is ‘Fair Process’?

What is more important, process or
outcomes?

When is a client likely to accept an
outcome she or he does not like?

Fair Process

The Central Idea...

‘....individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems - when fair process is observed.’

Fair Process

What are the elements of 'Fair Process'?

Think of an experience in which you felt you were treated unfairly. What was missing or was needed to make it a 'fair' experience?

Fair Process

Principle 1

Engagement:

Involving your clients and their families in decisions that affect them, by asking for their input so they can tell their story.

Fair Process

Principle 2

Explanation :

Everyone involved and affected should understand why final decisions are made as they are. Creates a powerful feedback loop that enhances learning.

Fair Process

Principle 3

Expectation Clarity:

Once decisions are made, new rules are clearly stated, so that your clients and their families understand the new standards and penalties/sanctions for failure to honour undertakings.

What Fair Process Isn't

- Decisions by consensus or to seek harmony.
- About gaining support through compromises that accommodate every individual's opinions, needs or interest.
- Democracy for your clients (or any group process)
- Correctional officers or others forfeiting their prerogative to make decisions, establish policies and procedures.

What Fair Process Achieves

- Fair process builds trust, commitment and voluntary co-operation.

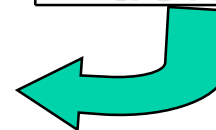
This results in the sharing of knowledge and experiences, providing greater opportunities for learning and builds strong rapport.

OPERATING DOMAINS

Pressure

TO	WITH Fair Process
NOT	FOR

How can you practice consistently in this domain?



Support

Restorative Questions 1

When challenging behaviour, why would the following questions consistently achieve ‘fair process’?:

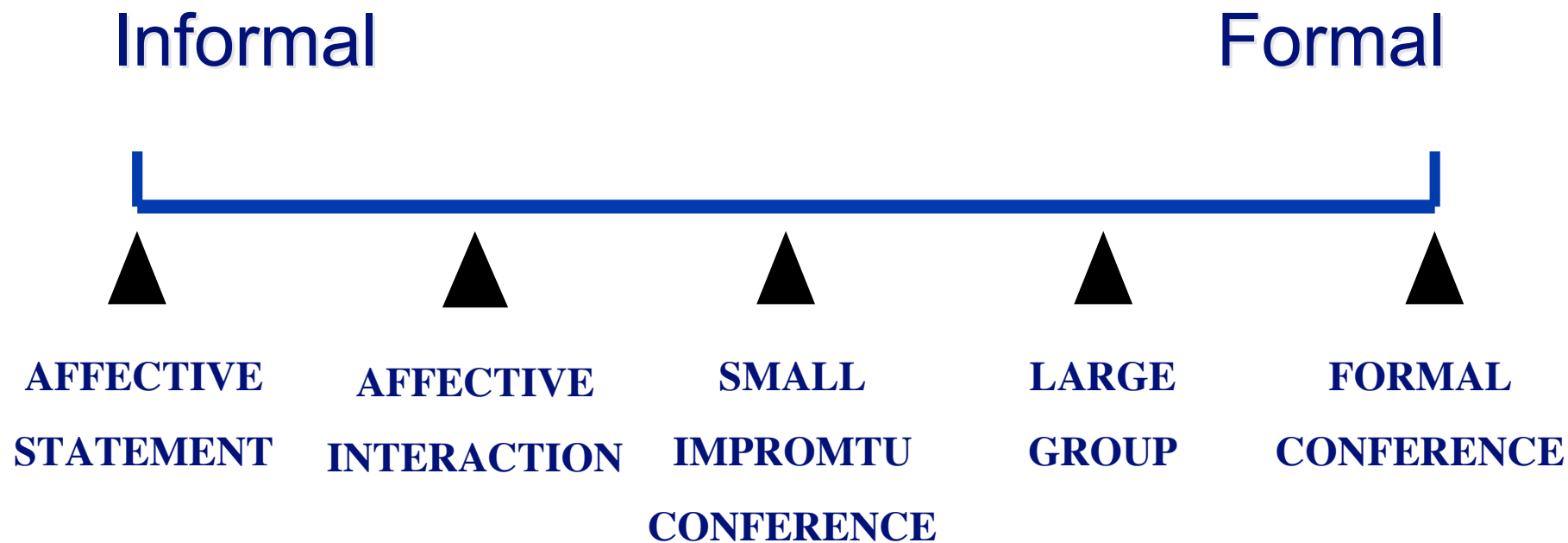
- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

Restorative Questions 11

Why would these questions assist, those harmed by other's actions, experience 'fair process?':

- What did you think when you realised what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

Restorative Practice Continuum



AFFECTIVE STATEMENT

“As your probation officer, I have observed the good progress you have made over the last six months, but when I heard about the way you dealt with the incident, I felt disappointed and let down”

AFFECTIVE INTERACTION

Engaging Your Clients

Probation Officer to client:

- Please explain what happened?
- How did you come to be involved?
- At the time, what were you thinking about?
- What have you thought about since?
- Who has been affected by what you did?
- How specifically have they been affected?
- What do you need to do to make things right?

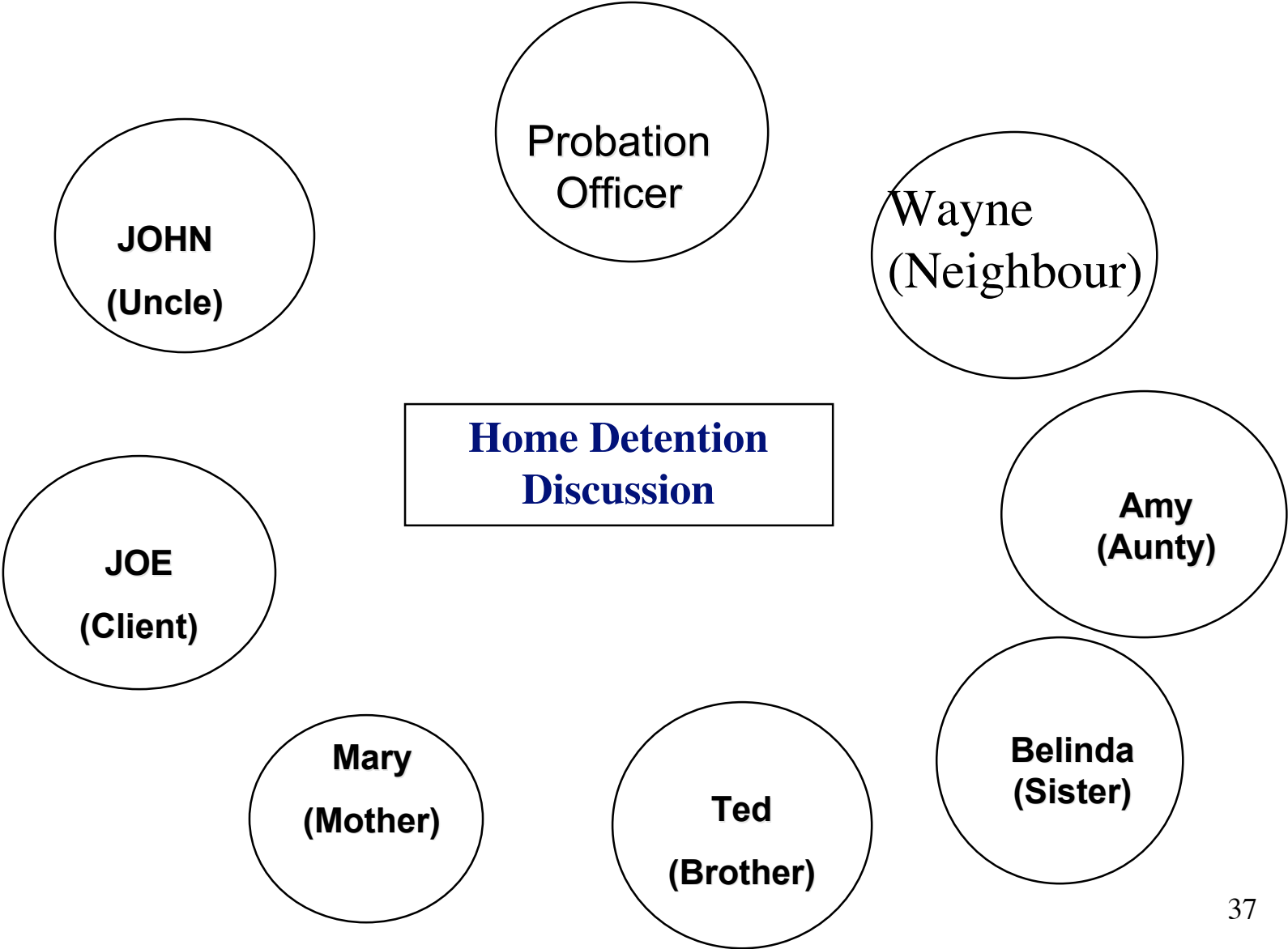
AFFECTIVE INTERACTION

INCIDENT : Client fails to comply with conditions.

Probation Officer to client:

- Please explain what happened?
- At the time, what were you thinking about?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you need to do to make things right?

SMALL IMPROMPTU GROUP



LARGE GROUP



Behavioural Influences

Why do you do the right thing most of the time?

What and who are the influences?

Behavioural Influences

- Socialisation
- Conscience
- Values
- Makes sense
- Feels right
- Easier
- Consequences
- Punishment
- Want to be loved
- Likely to hurt others
- Rewarded
- Want to belong
- What others think
- Parents
- Families
- Relations
- Friends
- Peers
- Teachers
- Significant others

Reintegrative Shaming

John Braithwaite suggest shame is innate, and is experienced in two ways:

Internal

- Socialisation
- Ability to decide between right & wrong
- Conscience

External

- Through sanctions or condemnation from family or significant others.

Braithwaite's Hypothesis

'Where individual wrong doers are confronted (SHAMED) within a continuum of respect and support, then a process of REINTEGRATION can begin'.

Braithwaite's Hypothesis

ALLOWS:

The act (unacceptable behaviours) to be rejected because they failed to reach expectations or standards

WHILST:

Acknowledging the intrinsic worth of the person and their potential contribution to society.

“I don't like your behaviour but I like you”

Reintegrative Shame V Stigmatising Shame

Inappropriate Behaviour

Informal / personal

(engaging & challenging)

**Reintegrative
Shaming**

**Ceremony of
restoration & re-acceptance**

Formal/impersonal

(confrontational)

**Stigmatising
Shaming**

Out-casting

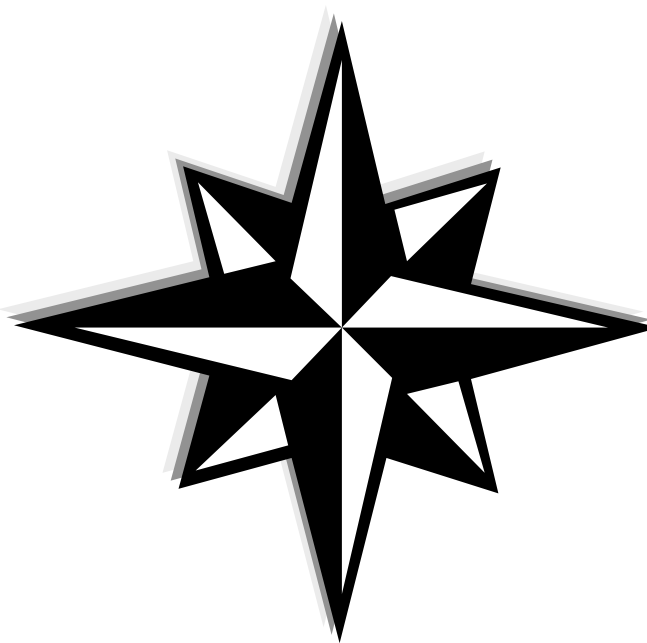
Shame Experiences

- Describe what experiencing shame is like.
What happens to you?
- Describe how you would respond in a positive way?
- Describe negative ways of dealing with shame?

Nathanson's Compass Of Shame

WITHDRAWAL

ATTACK OTHERS



ATTACK SELF

AVOIDANCE

POLAR RESPONSES TO SHAME

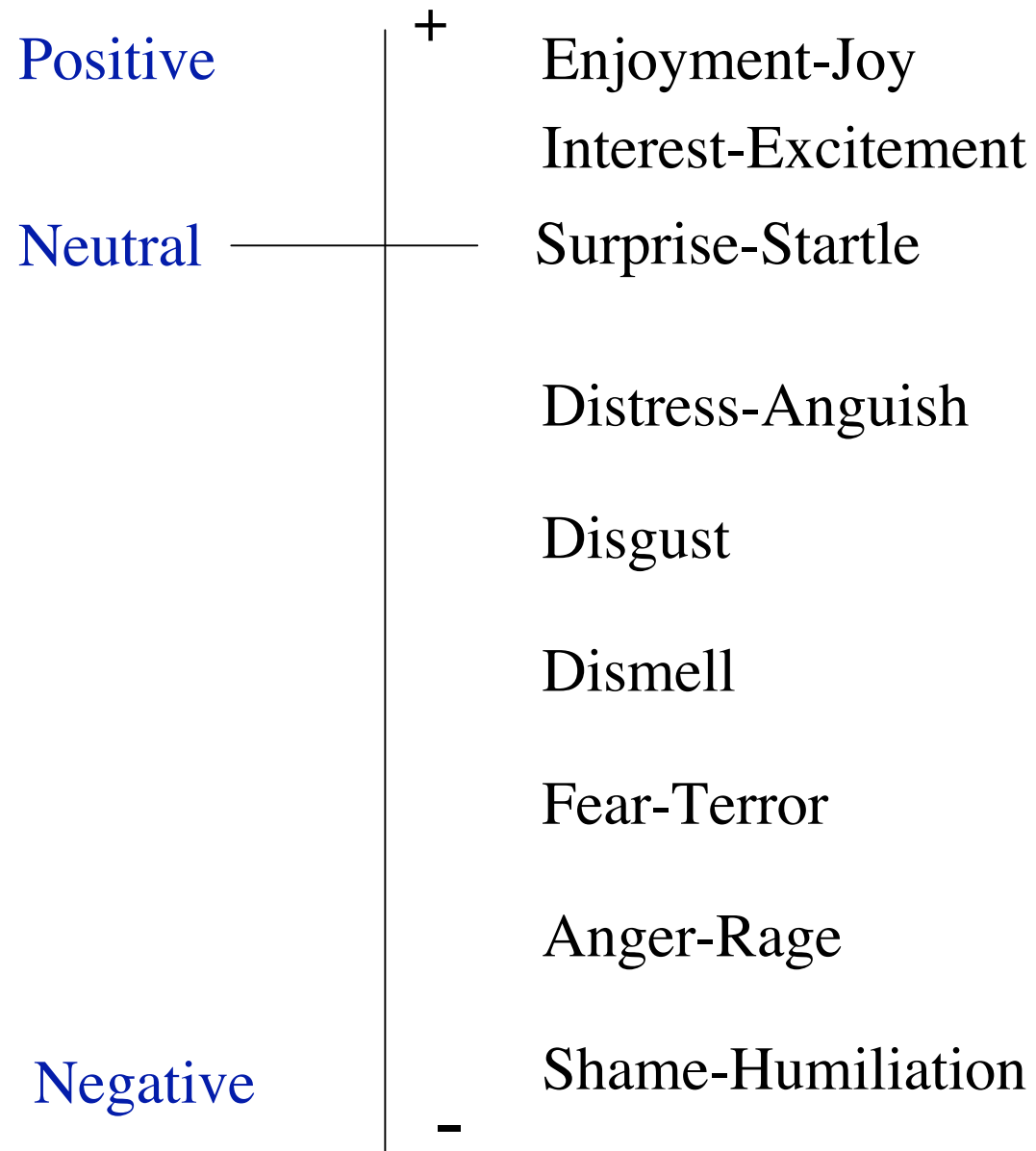
WITHDRAWAL : isolating oneself; running and hiding.

AVOIDANCE : denial; drugs and alcohol; workaholism.

ATTACK OTHERS: lashing out verbally or physically; blaming others.

ATTACK SELF: self put-down; masochism.

Silvan Tomkins' Nine Affects



Community happens when members agree to:

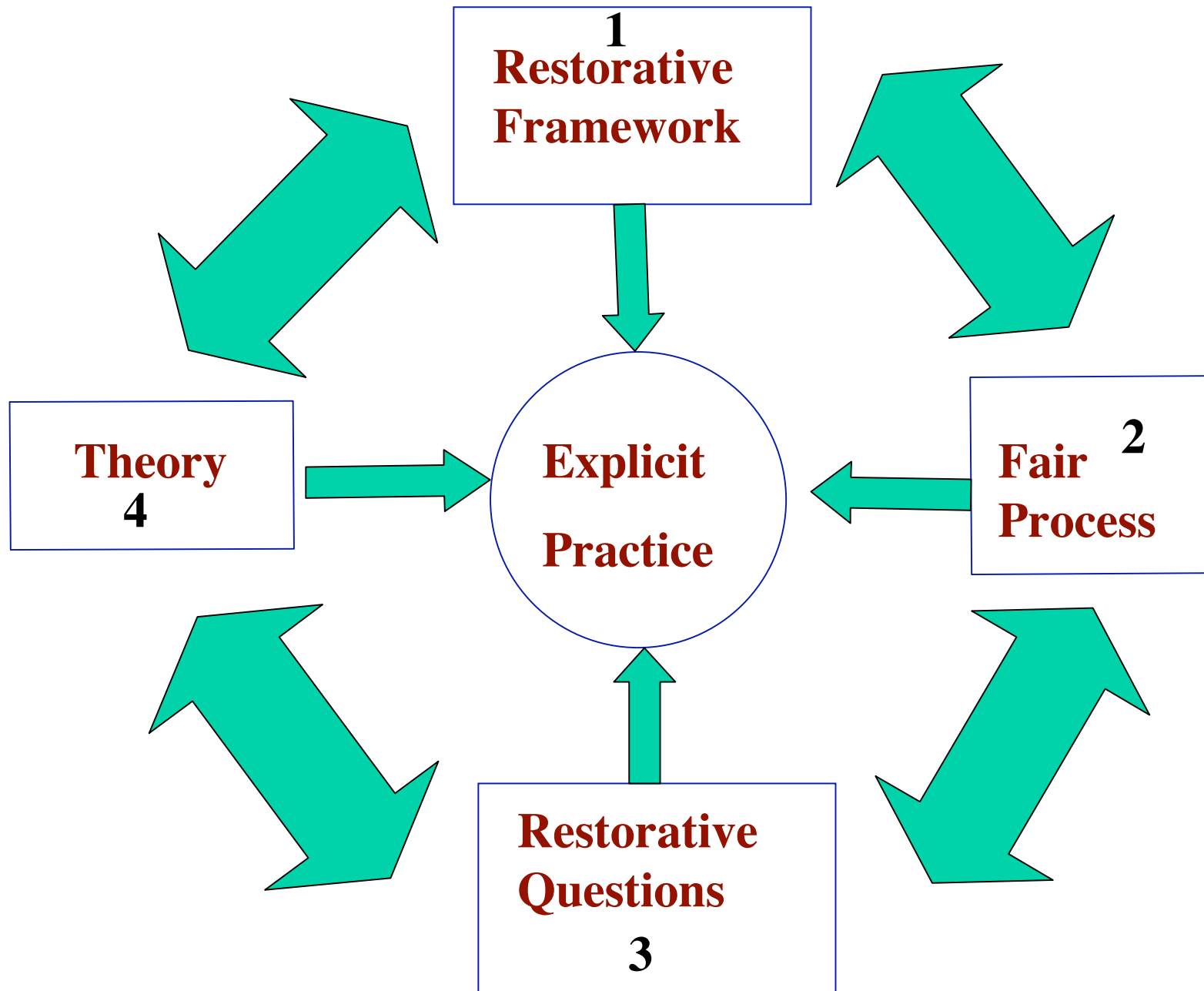
- * Maximise positive affect
- * Minimise negative affect
- * Freely express emotion
- * Do as much of the above three as possible

GOOD RELATIONSHIPS

ARE EXPERIENCED WHEN WE:

1. Share and reduce negative emotions (*best achieved by listening and acknowledging*)
2. Share and promote positive emotions (*achieved by affirming*)
3. Encouraging the venting of emotions as a way of experiencing 1 & 2.
4. Doing more of 1, 2 and 3 (*essential for building and maintaining good relationships*).

Linking Practice, Theory & Values



Integrating Restorative Practice

Restorative practice can help you to more effectively:

- Engage clients and their families
- Build client capacity
- Task clients to become proficient players of ‘The Game’.

Helping Clients to Build Capacity

- What is meant by capacity building?
- What is needed for this to happen?
- If ‘engagement’ is an important element of building rapport with your clients, how could restorative practice assist you?
- How would you begin the process?

A Case Study

A case in point; I had this offender under supervision up until recently. Mid 20's, Geoff's an aboriginal man, subject to probation and parole supervision, separated from de-facto partner, drugs, alcohol, kids taken by DOCS, himself in emergency accommodation.

Geoff was directed by the court to do a D&A program and I was the bunny who had to make him do it. I'd recently developed a program called The Game, and Geoff was inducted into it with about a dozen others.

I've picked Geoff to tell you about because he was the biggest mess, and he was the most resistant. Of all the clients that were at the induction, and bear in mind that it was my first induction into the new Restorative program, so I could have done it better, Geoff was the most resistant and argumentative.

A Case Study

What's significant about Geoff, is that just about every government department has had their hand up his back for years, but he was still fighting. Usually we just tell them what to do and they dither about and eventually do it, or don't. Then we get out the carrot and the stick. The stick is to punish them with, and the carrot is to get them close enough to hit them with the stick.

Assist Clients to Build Capacity

This is achieved through:

1. Narrative - client story telling.
2. Reflection - using the restorative questions.
3. Feedback - involves explaining your practice rationale to help clients to better understand their own behaviour e.g. compass of shame.
4. Future action - assisting clients identify 'the way forward' including ways of widening their 'community net'.
5. Clarifying expectations including reporting responsibilities.

1. Narrative - Client Story Telling.

Why is it important that you encourage your clients to tell their stories?

How difficult is it getting clients to talk about what has happened? What do you think influences this reluctance?

What percentage of your clients have some form of addiction?

Addictive Behaviours

Definition: An addiction is any substance or process that has taken over our lives and over which we are powerless.

Characteristics:

- *Denial - rationalisation*
- *Confusion - hard to know what is really going on.*
- *Self-centeredness - self is centre of universe*
- *Dishonesty - lies to avoid feeling and knowing*

“Addiction is sustained by co-dependence”

2. Reflection - Restorative Questions

- For those with addictive behaviours, why is it important to engage them using the restorative questions?
- How do the restorative questions help challenge your clients and their families?
- How do the restorative questions ensure you do not become another ‘co-dependant’ in your clients lives?

3. Feedback

What would be the benefits of your clients having some understanding of the restorative practice framework? For example, some insight into:

- Importance of balancing firmness & fairness in relationships (Social Control Window)
- What Fair Process involves
- The Restorative Questions
- The Compass of Shame

What are some of the ways of sharing this information with your clients?

4. Future Actions

How do you assist your clients begin to think about ‘the way forward’?

Using a ‘Socratic’ approach only, what questions would you ask your clients?

How would you help your clients to think about ‘widening’ their own community networks?

Using a ‘Socratic’ approach only, what questions would you ask those who are likely to become part of your client’s community network?

5. Clarifying Expectations

Why is it so important to clarify expectations with your clients?

When should you do this?

In terms of reporting or other responsibilities, when would be the best time to do this?

Using a ‘Socratic’ approach only, what questions would you ask your clients to ensure they have a clear understanding of what is expected?

The Game

The Game involves tasking clients to explore how their offending behaviour has impacted on others, particularly those who are most important in their lives.

Each client will:

- Gain an understanding of Restorative Justice Practice.
- Be required to complete a series on activity sheets that involve interviewing others [including family] using Restorative Questions.
- Participate in a number of group conferences to share their experience of The Game.

Geoff & The Game

We'd packed Geoff off with a series of activities that equipped him to start conversations with his (although fairly fragmented) various loved ones and significant others. The conversations were about finding out what's happening for them all, how they're being affected, and what they'd like to see happen.

By the time he'd finished playing The Game- he finished first, by the way, and made the biggest effort of any of them- he'd developed habits of punctuality and reliability, phoned me often with questions, and had all his and his kids' various case workers ringing me up to hear about how well he was doing.

Geoff & The Game

Geoff, for the first time in his life, succeeded. By the time he'd finished playing The Game, he had a history of small successes, and was like a Viking in Valhalla. He'd done it, not someone else doing it to or for him. This alone worked wonders for his optimism and gave him great hope.

Again for the first time, Geoff bought in. In effect, he said "This is something I can do, and it's something that I want to do. There are benefits in it for me and the kids." Not only did he buy into The Game, but he started buying into his parenting and relationship with his de-facto as well. Geoff found his voice.

Geoff & The Game

Geoff was treated with respect. He saw the approach of The Game as being one of decency towards him as a human being. He responded likewise. He went from being a sort of sneering victim at first contact, to a sort of professional associate. I know it's an odd description, but once he bought in, everything about our contact soon became man to man, and in good faith.

Final Comment

Whereas we'd normally teach them stuff, The Game impacts on how they relate to their loved ones. The Game starts conversations that they've never had before, around how what they do affects each other, and how they might improve things.

The Game

For more detailed information on Restorative Practices in Probation & Parole, visit the following website to download the Real Justice submission No 46 from the Law & Justice Committee submissions:

www.parliament.nsw.gov.au

Where To From Here?

- What are some of the ways you might begin to use restorative practice with your clients?
- How can you build stronger collegiate practice using restorative approaches?
- What are some of the measures you could use to show that your practice is actually making a difference?