

Victim-Oriented Work in Prisons (BoAS)

An approach centered on people who are affected by crime within the framework of Restorative Justice

INITIAL SITUATION

The German penal system and, consequently, prisons contribute greatly and undeniably to the maintenance of a peaceful and just society, both in terms of specialised and general prevention. Due to historical reasons, the focus in criminal proceedings is primarily on the offender in almost all areas, while little to no attention is given to how the individuals affected by the offense process and cope with the crimes. One option for addressing the consequences of a crime with the affected parties and the offenders is the victim-offender mediation (TOA), which is recognized in numerous legal regulations.¹ This procedure is also partially applied in the criminal justice system.²

If a criminal conviction was not possible or if there is a lack of willingness to participate in a TOA, the crime cannot be addressed in direct dialogue between the parties involved. When the individuals impacted by the offense are not involved in the process of addressing the crime - and their perspective on its consequences is missing - offenders may not experience lasting change in their future thinking and behavior. This may likely result in continued criminal behavior. To facilitate addressing and processing criminal offenses - even without the direct involvement of those affected - the Restorative Justice approach has been incorporated into the TOA framework in several European countries, such as Belgium,³ France,⁴ and Switzerland.⁵ Similarly, the Restorative Justice

concept 'Victim-Oriented Work in Prisons' (BoAS) was developed for the context of the German prison system. The implementation in correctional facilities has shown that this approach provides a suitable framework to integrate the perspective of individuals affected by crime into existing intervention programs.⁶

LEGAL BASIS

According to consistent rulings by the Federal Constitutional Court, the prison system also aims to rehabilitate prisoners. The legal basis for the intended rehabilitation within the prison system can therefore be found - largely in line with § 2 of the Federal Prison Act - in the prison legislation of each federal state. However, regulations regarding the interests of those affected by the offense vary significantly in their scope and implementation.

OBJECTIVE

With the implementation of the BoAS concept of Restorative Justice, a facilitated group dialogue is created to address the needs of those affected by the offense and their relatives within the prison system. These needs vary greatly in emotional, social, and material aspects.⁷ For prisoners, participating in the program leads to lasting changes in their future thinking and behavior.⁸ For the correctional facility, media coverage contributes to an improved atmosphere within the prison and a more positive public image.



TARGET GROUP

The program is aimed, on the one hand, at prisoners in either closed or open correctional facilities. On the other hand, it is intended for individuals who have been affected by a crime, as well as for their relatives.

Individuals from the broader society who have no direct involvement in a crime can also take part, offering a different perspective. This group brings a societal perspective on delinquency, values, and norms. These individuals can be recruited through internal prison volunteer networks or external organizations, such as offender support or probation services.

BENEFITS

As part of the implementation of the BoAS concept, prisoners engage in a deep and lasting reflection on their crimes and their consequences. Those affected by a crime and their relatives experience a form of justice that goes beyond the criminal proceedings and supports them in processing and coping with the consequences of the offense.⁹ Within a correctional facility, the practice of Restorative Justice can contribute to improving the institutional climate. Additionally, positive media coverage can enhance the reputation of a proactive

correctional facility and strengthen the public's sense of security. In the long term, this may contribute to a reduction in crime rates.

DESCRIPTION AND METHODOLOGICAL PROCESS

BoAS is a restorative justice concept designed to incorporate the perspective of those impacted by crime into the prison system. The program brings individuals affected by crime together with incarcerated persons in a group dialogue. However, these are individuals who were not involved in the same offense, though care is taken to ensure that the crimes are as similar or comparable as possible. These group dialogues, as a form of Restorative Justice, follow a structured process in which participants meet multiple times in succession after thorough individual preparation. A safe and trusting space is created to process offenses and their consequences. First, individual conversations are held with all participants of the respective group to clarify the prerequisites for participation in the project. Afterward, group sessions take place, with each group participating separately. Subsequently, all participants come together in joint group sessions. The group size should not exceed twelve people. After the program

concludes, a final meeting is held separately for each group.

FACILITATORS

The external, specially trained project facilitator guides the Restorative Justice process from a neutral and independent stance, ensuring a sensitive and trauma-informed approach to those affected. The implementation takes place in a resource-oriented collaboration with two staff members from the relevant specialized services (psychological service, social service, or chaplaincy) of the correctional facility.

TIMEFRAME

The timeframe is adapted to the individual resources of the correctional facility. The number of group sessions can be spread over fifteen half-day sessions. Preliminary discussions with potential participants take place in advance, including both preparation and follow-up. The group meetings are scheduled at regular intervals, with the follow-up meeting taking place six to eight weeks after completion. Overall, the program is designed to last between nine and twelve months.

LOCATION

The preliminary discussions, group sessions, and follow-up meetings with the incarcerated participants take place within the correctional facility. Meetings with those affected by the crime and members of the broader community are held in external locations. The joint group sessions are conducted within the correctional facility.

COSTS

The costs are determined based on the overall effort involved. This includes not only the number of individual and group sessions but also services such as recruitment, public relations, and reporting. A specific cost estimate is prepared according to the needs of the correctional facility.



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¹ https://bmj.de/DE/themen/praevention_opferhilfe/opferschutz_strafverfahren/taeter_opfer_ausgleich/taeter_opfer_ausgleich_node.html (abgerufen am 31.07.2024, 17.15 Uhr).

² Vgl. Kilchling, Michael (2017), „Täter-Opfer-Ausgleich im Strafvollzug“, Kriminologische Forschungsberichte (MPIK), Band 175, (für Baden-Württemberg); Mayer, Stefanie (2018), „Täter-Opfer-Ausgleich im Strafvollzug – Vergleich der gesetzlichen Regelungen der Bundesländer und wissenschaftliche Begleitung des Pilotprojekts in Bayern“, 1. Aufl. (für Bayern).

³ <https://restorativejustice.org/rj-archive/victim-offender-mediation-in-severe-crimes-in-belgium-what-victims-need-and-offenders-can-offer/> (abgerufen am 14.05.2024, 11.10 Uhr).

⁴ Vgl. von Dewitz, Clivia, (2023) in: Bartsch, Tillmann; Hoven, Elisa; Limperg, Bettina; Maelicke, Bernd; Merckle, Tobias (Hrsg.), „Resozialisierung, Opferschutz und Restorative Justice. Grundlagen und Rahmenbedingungen“, 1. Band, Baden-Baden, S. 77-100.

⁵ Christen-Schneider, Claudia, „Restorative Dialoge nach schweren Verbrechen – Erfahrungen aus der Schweiz“, in: „Bewährungshilfe“, 2020, 4, S. 346 f.

⁶ Vgl. Hirt, Daniela; Rilli, Daniel (2024), „Betroffenenorientiertes Arbeiten im Strafvollzug (BoAS), umgesetzt in der Justizvollzugsanstalt Bielefeld-Brackwede“, in: „Forum Strafvollzug“, 2024, 1, S. 17-22.

⁷ Bolívar, Daniela, Sánchez-Gómez, Victoria, de Haan, Marit (2022), „Uncovering justice interests of victims of serious crimes: A cross-sectional study“, in: Victims & Offenders, 1 f.

⁸ Sycamore Tree Project® der Prison Fellowship International Association wird in afrikanischen und lateinamerikanischen Ländern sowie in Spanien durchgeführt, vgl. <https://restorativejustice.org/where/in-the-field/> (abgerufen am 31.07.2024, 09.47 Uhr). Die geringere Rückfälligkeit wurde durch eine Studie der Sheffield University belegt, vgl. Feasey/Williams, An evaluation of the Sycamore Tree programme.

⁹ Bolívar, Daniela, Sánchez-Gómez, Victoria, de Haan, Marit (2022), „Uncovering justice interests of victims of serious crimes: A cross-sectional study“, in: Victims & Offenders, 1 f.