

# **Resolving Conflict and Restoring Relationships: Experiments in Community Justice within a New Zealand faith-based prison**

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**Abstract:** In October 2003, a faith-based prison unit was opened at Rimutaka Prison, near Wellington, New Zealand, being a joint Department of Corrections and Prison Fellowship of New Zealand programme that promotes peace and reconciliation. The model of biblical peace making, and processes for 'conflict resolution and the restoration of community peace, presented both staff and inmates with conflict in terms of established disciplinary procedures, and the impact of 'prisonisation' on inmates. The paper explores the role of restorative justice in prisons, and the applicability of "best practise" restorative justice principles and practises within an institutional setting. It also examines the implications of this model for inmate family/whānau restoration, and victim/offender reconciliation. The paper concludes with a discussion on the implications of this model for the wider correctional system.

## **Exploring the Context – The History of Faith-based Prisons**

In 1972, Brazilian lawyer Mario Ottoboni, inspired by his understanding of God's unconditional love for him, developed a programme to actively demonstrate that same unconditional love in the darkness of a prison. Dr Silvio Marques Neto, then a local Magistrate, Dr Hugo Veronese, a prominent educational psychologist, and a group of committed lay people joined him. Over the next ten years, this team developed a methodology that was applied first at the Humaita prison in San Jose dos Campos, in the state of Sao Paulo. By the end of 1973, the program was caring for inmates in half the cells at Humaita. In 1979 the prison was closed, but political pressure led to an offer

by government to reopen it as a private facility. It reopened in 1984, as the first fully functional faith-based prison.

In October 1994, Prison Fellowship Ecuador established a faith-based unit called Hogar San Pablo in the Garcia Moreno prison in Quito, and another at the adult male prison in Guayaquil. Prison Fellowship volunteers in Peru opened the Saint Augustine Community at the Socabaya prison outside Arequipa in February 1997. Similarly Prison Fellowship Argentina has established faith-based prisons in Cordoba and Concordia. Prison Fellowship Ministries (USA) opened the InnerChange Freedom Initiative (IFI) in Houston Texas in April 1997, in Newton, Iowa in October 1999, and the Winfield Correctional Centre, Kansas, in January 2000.

Prison Fellowship New Zealand (PFNZ) began actively negotiating with the Department of Corrections in 1995, and following seven years of negotiation, opened the first faith-based unit in the British Commonwealth, at Rimutaka Prison, on 16 October 2003. The Department of Corrections provided the facility and custodial staff, and Prison Fellowship New Zealand developed and implemented the core program through its program staff and church volunteers.

### **The Characteristics of He Korowai Whakapono <sup>1</sup>– the Faith Based Unit**

The Faith Based Unit is a 60 bed prison unit with the overall objective of reducing the re-offending of prisoners, based on international evidence of the effectiveness of programs based on a Christ-focused, community-centred, environment characterised by prayer and a process of Christian development and spiritual transformation. Its operational characteristics are as follows:

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<sup>1</sup> He Korowai Whakapono – A Cloak of Faith

- a) The unit is explicitly Christian based, with the faith ethos reflected in an 18 month long program delivered in the unit, a prayer-centred daily routine, and a combination of faith development programs and regular worship involving a variety of external church groups and Christian volunteers.
- b) Although the Department of Corrections 'Integrated Offender Management' system, mandates interventions consistent with behavioural-cognitive theory, the Department has explicitly accepted that there should be room to test other compatible interventions.
- c) Offenders are confronted with the harm they have done in committing crime, and work toward restoring relationships with their victims, with family members and with the wider community. They are challenged to restore key relationships and come to terms with the harm they have caused others. That in turn motivates them to address the behaviour and beliefs which drives offending, including violence, drug and alcohol abuse and other inappropriate behaviours.
- d) Through Operation Jericho, a PFNZ Prisoner After-Care program, trained Christian mentors work on a one to-one basis with the prisoners up to eight months before they leave the prison, and for up to two years after they are released. The mentors are supported by their church, which undertakes to provide the offender and their family with moral and spiritual support after release. Built on a firm foundation of Christ-centred leadership, the faith-based approach empowers offenders and volunteers alike to take responsibility for solving their personal and communal problems. Careful programming ensures that the incremental change process is successful in restoring the offender to their peers, family and the community. Lower

recidivism rates, lower levels of prison incidents and savings to taxpayers are clear benchmarks of their effectiveness.

## **The Core Program**

The Program goes through four phases over an 18-month period.

- a) Induction and Orientation
- b) Spiritual Transformation
- c) Restoration
- d) Reintegration

### *Phase One: Induction and Orientation*

Once an inmate is transferred to the FBU after undergoing an initial assessment, he enters the induction and orientation phase, which lasts for 3-4 weeks. It is the start toward rebuilding and transforming inmates' values, beliefs and character.

### *Phase Two – Spiritual Transformation*

In Phase Two there is a strong emphasis on Christian development, combined with work programs and internal support that facilitates the internal transformation process. The overall goal of this phase is for each member to begin life transformation through the Gospel. Each module has specific goals which if achieved, enable participants to rebuild their value system and establish a solid foundation for spiritual growth.

### **Phase Three – Restoration**

During Phase Three , transformation and restoration are deepening, and inmates newly developing value system is tested in many ways. In this phase there is an emphasis on restoration of the offender with family, the community and where appropriate, the victim, in accordance with recognised restorative justice principles and practice. Inmates will ideally have completed the Sycamore Tree Program (refer to p.13) and will where appropriate made reparation, and be actively seeking reconciliation with family, victim(s) and the wider community.

#### **Phase Four - Reintegration**

Phase Four is the aftercare phase of the programme and begins the day the member enters prison. The transformation of the inmates continues through this phase and is never really over. FBU core values are now transferred to a new community.

In this phase, mentors are the primary point of contact with inmates. They serve as a bridge for inmates.

The goal of this phase is to successfully reintegrate the member back into the community and have productive relationships in the family, the church, and the workplace.

#### **Outcomes**

At the outset, PFNZ posited that each offender who undergoes the faith-based program would:

- a) Develop an understanding of and commitment to, the Christian faith, and through the support of a faith community, understand the implications of that in the development of a Christian worldview and lifestyle;
- b) Achieve a positive attitudinal and behavioural change of orientation, values and beliefs through a process of spiritual transformation;
- c) Demonstrate improved institutional behaviour, and treat one another with increased respect, demonstrating empathy for the circumstances of other prisoners, and for their victims;
- d) Be motivated to change their behaviour. Offenders who had previously resisted taking part in rehabilitative programs, or had resisted changing their behaviour, will exhibit improved behaviour, and be more likely to set positive goals for the future;
- e) Take personal responsibility for the harm they have done to others in committing crime, and work toward restoring relationships with their victims, with family members and with the wider community, through a process based on forgiveness, love and reconciliation;
- f) Reintegrate successfully with their families/whānau and the community, through a program of mentorship and church support;
- g) Demonstrate reduced offending behaviour.

### **The Concept of Spiritual Transformation**

Within the context of the FBU, 'spiritual transformation' refers to a subjective and private change of orientation and values through religious or spiritual allegiance. <sup>2</sup>The idea of spiritual transformation reflects the theological understanding that we are spiritual and eternal beings, who share humanity's God-consciousness. It may sometimes be suppressed, but it keeps coming to the surface.

### **Spiritual Transformation – A Developmental Process**

The faith-based unit utilizes a biblically based program with an overt emphasis on spiritual growth and moral development. The expectation is that this will substantially enhance achieving the secular and correctional goal of rehabilitation. As inmates proceed through the program, therefore, it is expected that we can observe changes in attitude and behavior among program participants and those who interact with them.

In recent research, Johnson and Larson identified five themes of spiritual transformation that not only correspond with but provide the impetus for various characteristics and attributes associated with the process of rehabilitation. <sup>3</sup> They are:

**Theme 1** *I'm not who I used to be.* Recognition on the part of the offender that their previous behavior was justifiably unacceptable to society. In fact, the person they have become actually condemns their previous behavior because the new person now appreciates and promotes pro-social rather than antisocial behavior. According to research on British offenders, Shadd Maruna states this process of

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<sup>2</sup> Gillespie, V., *Religious Conversion and Personal Identity*. Birmingham: Religious Education Press, 1979

<sup>3</sup> Byron R. Johnson and David B. Larson, "The InnerChange Freedom Initiative – A preliminary evaluation of a Faith Based Prison Program", Center for Research on Religion and Urban Civil Society, University of Pennsylvania, 2003.

“willful, cognitive distortion” helps offenders desist from crime and to “make good” with their lives. <sup>4</sup> For those who have been in prison before, maybe multiple times, this time they feel like they are on a mission as they prepare to leave prison.

**Theme 2: *Spiritual growth.*** Recognition that the person is very much a work-in-progress. While many report they have made a great deal of progress in putting their life back together, most acknowledge they still have a long way to go. Importantly, they are quite surprised and encouraged about their own spiritual growth, and this progress is confirmed and validated by staff, volunteers, and mentors—further strengthening their resolve to continue this path of spiritual development. In order to transform their deviant histories into the present good, desisters employ “redemption scripts.” <sup>5</sup> This process establishes the goodness of the individual and marks the emergence of the desisting self. Particular events like being “born again” or the recognition that God and others actually love and care for them appear to be critically important turning points in their spiritual development.

**Theme 3 *God versus the prison code.*** Many correctional staff concede that the penitentiary mentality or prison code is so pervasive and strong as to be beyond the possibility of reclaiming. The prison code runs counter to the various components of offender rehabilitation programs. To be able to successfully oppose or even reverse the influence of the prison code is a significant achievement.

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<sup>4</sup> Maruna, Shadd “Making Good: How Ex-Convicts Reform and Rebuild their Lives”, Washington DC, American Psychological Association, 2001

<sup>5</sup> Laub, John and Sampson, Robert J. “Understanding Desistance from Crime”. In “Crime and Justice” edited by M.Tonry and Norval Morris, 1 – 70. Chicago, Ill: University of Chicago, 2001

**Theme 4** *Positive outlook on life*, This reflects a paradigm shift for many offenders typified by hope and purpose. Instead of viewing their life in a fatalistic way, where offenders might relapse or decide to commit crime due to a minor setback with a friend, family member, or employer, those with a positive outlook are much more likely to be resilient in the face of adversity during their societal reentry. Believing that their life now has meaning and knowing that they are loved and accepted by God and others, they are much more likely to view their life and circumstances in an upbeat rather than negative or hopeless way.

**Theme 5** *The need to give back to society*, is something many seemed to be overwhelmed by. They report feeling compelled to give back, to make a contribution to society in a way that improves the situation of others, especially others who come from similar backgrounds and experiences as their own. respondents viewed their circumstances positively. Noted criminologists Robert Sampson and John Laub, <sup>6</sup>who work on factors that contribute to the desistance of crime, discuss “transformative action” and “subjective reconstruction of the self,” concepts they found to be quite common among people who develop new commitments and find purpose and meaning in life and consequently stay out of trouble.

In sum, all five spiritual transformation themes reflect behaviour and attitudes consistent with those one would hope for in achieving offender

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<sup>6</sup> See above

rehabilitation. It bears some resemblance to the emerging “Good Lives Model” of rehabilitation.<sup>7</sup>

The FBU unit is to be evaluated by the Department of Corrections through the period 2005-2008. Once that is completed, Prison Fellowship will be more certain as to whether these themes are reflected within the community living in He Korowai Whakapono. The subjective and anecdotal evidence, through discussion and interviews with participants, staff, and volunteers, is that they are.

### **The Potential for Conflict**

At the outset, we anticipated that there would be potential for personal and interpersonal conflict, as both participants and staff worked together to move beyond the prevailing prison culture, and create a community based on Christian principles and values. In fact, the FBU’s change environment is designed to create conflict. It was therefore important to set mechanisms in place to manage and resolve conflict, and to avoid the escalation of conflict. The potential for conflict was identified in six areas, namely;

1. The Impact of Prisonisation
2. Building Trust
3. Pro-social vs. Anti-social Values

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<sup>7</sup> Ward T and Brown M. (2004) - “The Good Lives Model and Conceptual Issues in “Offender Rehabilitation, Psychology, Crime” ; XIX 00 243 – 257 It argues that there is too much emphasis on the negative aspects of the offending process (i.e. reducing risk factors), and fails to address the necessary preconditions for effective interventions. Ward advocates a “strength based approach”, which focuses on the transition of offenders to a meaningful and richer life characterised by high levels of well-being.

4. Discipline vs. Conflict Resolution

5. Community Building

6. A Biblical Peace-making Model

### **The Impact of 'Prisonisation'**

The existence and adopting of a distinctive prison culture, what has been referred to as “prisonisation” or “prison code” is widely acknowledged by those who live and work in prisons.<sup>8</sup> The existence of gangs, other racially motivated groups, violence, widespread drug use, sexual aggression, and other antisocial behavior represent just some of the widely known aspects of the prison culture. There are others. Displays of machismo are often considered acceptable—showing love, affection, or compassion, can be viewed as signs of weakness and are not acceptable. The prison culture provides fertile ground for the breeding of a mentality that supports the notion of rehabilitation or reform as something very much needed by the prison—not the prisoner. The issue of trust, or more precisely the lack of trust, is a central feature of the prison code. For example, a new prisoner learns very quickly that outside a select group of prisoners, inmates should not trust other people. This is especially true when referring to prison staff or others who work in or represent some aspect of the criminal justice system. Further, the prospect of “opening-up” or becoming transparent about one’s needs, or shortcomings—a major feature of the faith-based program, can be problematic because it not only shows weakness, but it may require one to trust in something or someone else—a prospect that may well run counter to the prison code.

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<sup>8</sup> Clemmer, Donald “The Prison Community” 1963

One of the biggest obstacles to more regularly achieving successful outcomes in various treatment programs is the inability to counteract the deleterious effects of the prison culture. At the core of the faith –based context, is the premise that a faith-based program will eventually erode the negative or harmful tendencies of the “prison code” or “penitentiary mentality.” In essence, this approach is based on the assumption that the prisoner’s spiritual transformation and spiritual growth will help to provide an antidote to the present prison subculture. Thus a spiritually transformed prisoner will be more likely to choose a pro-social response over an anti-social response when faced with a moral dilemma. The program is based on the belief that spiritually transformed prisoners will, in fact, accept good over evil, or ‘God over the prison code.’

### **Building Trust**

One of the key principles arising from the ‘prison code’, has to do with ‘trust.’ Prisoners are supposed to mind their own business. For inmates who had been in prison multiple times (and many had) this was a deeply embedded rule. However, the philosophy of the Faith Based Unit is just the opposite of that promoted via the prison code. Namely, members were taught they had the responsibility to hold each other accountable for various kinds of faith community infractions. The issue of trust, therefore, is something that did not come easy for many inmates, since “the code” taught otherwise—especially when and where custodial staff were concerned. Particularly among the new participants, there was still the firmly held belief that “informing” on another inmate, regardless of the situation, violated the prison code.

## **Pro-Social vs. Anti Social Values**

FBU is a values-based program. In the context of this paper, “values’ mean specific, overall purposes, and guiding principles in the program. A value is a standard or quality that is good, needed, and wanted. In the FBU, values are Christ-centred and Bible based.

As transformation took place, offenders debated, accepted and experienced the seven core values of the program; i.e.

1. Affirmation
2. Integrity
3. Accountability
4. Spiritual Transformation
5. Restoration
6. Community building
7. Productivity

Each value was constantly reinforced through biblical teaching, through daily interaction with staff, and during evening community meetings. These values were referred to during any conflict resolution process. A values framework in the staff manual, described each value, identified the guiding principles for their implementation, and described when the value was being implemented, (i.e. by way of a performance indicator). As participant’s struggled to adopt these values, staff, through processes of discussion, case studies, and dialectic, worked through actual situations with inmates.

## **Discipline vs. Conflict Resolution**

The custodial staff are responsible for inmate discipline, and are required to enforce the department's Code of Discipline. The introduction of a biblical peace-making model required some dextrous thinking, and an ability to work collegially with prison staff, so that their custodial function was not compromised. Custodial staff were unable to exercise discretion where a serious breach of evidence was revealed; e.g. physical assaults, drug use, or behaviour that threatened public safety.

## **Community Building**

The community model that we envisaged provided a greater opportunity for inmate participation and involvement in community-based decisions than is usually the case. We wanted to introduce a tiered system, in which inmates would have the opportunity to resolve lower-level conflict themselves. To do that, we needed to build a community infrastructure, which provided for those opportunities, and reinforced community values and living principles.

## **A Biblical Peace-Making Model**

Finally, we needed to introduce a biblical peace-making model, that could be understood and implemented by both staff and inmates, on a daily basis. We did not want to escalate the conflict resolution process into a formal and time-consuming exercise, but rather teach participants how to address conflict themselves, through a process that could be replicated when they re-entered society.

## **Issues and Challenges in Conflict Resolution**

## **New Beginnings**

He Korowai Whakapono opened on 16 October 2003, after Corrections staff had been selected, and completed a five-day training program, jointly implemented by Corrections staff and personnel from Prison Fellowship. The original intention was to phase the 60 participants into the unit over about three months, with an initial group of 15 men “hand-picked” for their Christian maturity and leadership qualities – the ‘first fifteen’. Because of a national muster blow-out, the staff selected 60 participants from 89 inmate applicants at Rimutaka and Wellington Prisons.

The first six months were difficult, as staff struggled to create a critical mass of participants who understood Christian values and principles, and actively engaged in and contributed to the development of a Christian community. The general staff view was that 30 of the participants were fully supportive of the program, and wanted to change, 15 were positive but struggling, 10 were neutral and had adopted a ‘wait and see’ approach. The remaining group, (about five) were disruptive, manipulative, and had an adverse influence on the other inmates. The balance righted itself after nine months, through a more rigorous inmate selection process, and the exiting of participants who refused to comply with the community rules, or committed serious breaches of discipline.

## **Biblical Teaching**

The Spiritual Transformation component of the 18-month program is of 8 months duration. The eight modules taught a basic understanding of the scriptures, with a strong emphasis on challenging participants to change, and to adopt pro-social biblical values and life-style changes.

Participants were divided into four 15-person groups, known as Living Unit Groups

( refer to p.11) who studied under a facilitator, and met each evening to discuss progress, affirm each other, and resolve community issues.

Participants shared their issues, prayed for each other, discussed the teaching program, and learned to live and work as a faith community.

After four months, staff realised that the biblical teaching program was too intense, and some participants were unable to process the information, and apply the teaching to their daily lives. The teaching program was reduced from four two-hour sessions a week, to three, and the Spiritual Transformation program was divided into two segments of four modules, introducing the “Forty Days of Purpose’ Christian Living program in the between. This provided the opportunity for a period of reflection and consolidation, which relieved the program intensity.

## **A Biblical Peacemaking Model**

The biblical teaching made it clear “what” was expected of participants in seeking to reconcile differences. What was unclear for most was “how”.

Many of the inmates had been raised in families where the fist ruled, and had

been victims of physical and sexual abuse. That environment, and the prevailing prison code, meant that participants had to be taught a process by which interpersonal and disciplinary issues could be resolved. We chose the methodology developed by Peacemaker® Ministries, a non-profit organisation founded in 1982 to equip and assist Christians to respond to conflict biblically. The methodology suited the unit community, as it was grounded in biblical principles, which were already being reinforced through daily teaching, and the core values.

Briefly, the process was underpinned by the following principles:

- **As Christians we believe that** conflict provides opportunities to glorify God, to serve other people, and grow to be like Christ.
- **Glorify God:** Instead of focusing on our own desires, we seek to please and honour God – by maintaining a loving, merciful and forgiving attitude.
- **Get the Log out of our own Eye:** Instead of attacking others or dwelling on their wrongs, we will take responsibility for our own contribution to conflict.
- **Go and Show Your Brother His Fault:** We will choose to overlook minor offenders, and talk directly and graciously with those whose offences are too serious to overlook. When a conflict can be resolved in private, we will ask others to help us settle the matter in a biblical manner.

- **Go and Be Reconciled:** Instead of accepting premature compromise or allowing relationships to wither, we will actively pursue genuine peace and reconciliation – forgiving others, and seeking just and mutually beneficial solutions to differences.
- **By God’s Grace,** we apply these principles, as a matter of stewardship, realising that conflict is an assignment, not an accident. Success is a matter, not of result, but of faithful, dependent obedience.

The process was difficult for both the staff and the inmates to implement. Some staff feared that the process might undermine the official disciplinary process. Staff from other units, not fully aware of the process, took the view that all inmates had to do was to apologise, to avoid disciplinary action. Initially, inmates were reluctant to invoke the reconciliation process, fearing that it might result in standover tactics, and worse.

The concept was introduced during the initial orientation and induction module. Gradually, the more mature inmates started to experiment with the process. A major advance was made after three months, when two participants, leaders from competing gangs, placed in a room to resolve a major difference. They emerged after twenty minutes, and walked around the yard, signifying reconciliation and affirming the process.

### **Staff Involvement in Conflict Resolution**

One of the first challenges was to encourage staff to implement a graduated process of conflict resolution, based on the biblical principles of peace making. As each incident occurred, the issue was discussed with and

between staff, in terms of the most effective way of maintaining community peace, and upholding the community's values.

PFNZ staff had anticipated that this approach to conflict resolution would be difficult to implement. That was not to be the case. The Corrections staff selected for the unit, were chosen on the basis of their support of the units' values. About two-thirds were Christians, and all staff grasped the opportunity to exercise discretion in order to resolve interpersonal conflict and breaches of discipline. Initially, some struggled with issues of repentance, forgiveness (and seeking forgiveness) and reconciliation. But as they became more familiar with the concepts, it became easier to refer issues to the community meetings and to the eldership, for resolution.

Over time, a graduated process for resolving conflict emerged. Briefly; the following principles were developed:

- a) Most offences committed by one inmate against another could be addressed between those two inmates with eldership being the mediator for a lot of cases. The men first are separated and calmed. Then the victim was required to call attention to the offence in a calm, direct way. Participants would help each other through exercising accountability and responsibility to the group.
- b) If the offence was committed by one inmate against another, the victim may bring the matter to the attention of the inmate's Living Unit Group, or the Eldership.

- c) If an incident was against the community in general, or could not be resolved through a one on one meeting, then the inmate could take the matter up with the Eldership, or the LUG.
- d) If the matter could not be resolved by the eldership, the matter was referred to the Program Officer (Pastoral Support) for mediation. .

## **The Eldership**

Over the first six months, the unit began to take on the identity of a “church community” within the confines of the prison. By design, leadership and staff sought to create an environment that drew upon the best features of a church setting.

After the first six months, a clear leadership emerged within the participants. Through consultation with staff and participants, a group of eight prisoners, together with the Programme Manager , Pastoral Adviser and Principal Corrections Officer were selected as the community’s eldership. They assumed a role similar to that of deacons or elders referred to in scripture.

The Eldership served the community by upholding the values base of He Korowai Whakapono. They encouraged and actively helped those in the community by example and encouragement, and by meeting with those who were struggling. They encouraged and placed strategies in place that assisted and built value back into the individual. They also worked with the FBU faith community (management, staff, volunteers, and fellow inmates) to encourage full attendance and participation from community members, in all aspects of the program and community values.

The Eldership also served to reconcile differences at the community level, and were consulted in order to identify participants who were ready to take leadership responsibilities. They were also consulted when a participant was proving difficult to manage within the community, and not prepared to comply with the community's rules. In some cases, the recalcitrant participant's attitude shows marked improvement after discussion with the eldership, and/or the Living Unit Group.

### **The Living Unit Group (LUG)**

Every inmate was part of a LUG, the basic family unit of He Korowai Whakapono. Each group of approximately 15 inmates stay together for almost all activities. The LUG served as a surrogate family where inmates could experience Christian love, concern, trust and commitment. It was accepted that, as in any normal family, there would be conflicts, disagreements and hurt. Participants were helped to accept responsibility for their choices and actions and worked together collectively solve problems.

The LUG met five times a week, and inmates regularly evaluated each other's contribution to the community through group discussions. Each LUG had elders within the group but do not necessarily run the group. It became the place for people in the unit community to share and feel safe. From the outset, staff emphasised the need to respect each other, knowing that each person's hurts, joys, achievements and victories were about that person's journey. Information was shared so people in the group could build each other up and encourage each other in their journey.

### **Volunteers – Breaking Down the Walls**

One unique feature of the unit, is the high level of volunteer participation and involvement in the unit. All the biblical teaching, and many of the daily programs, are facilitated and taught by volunteers from churches throughout the Wellington region, from a wide range of denominations. They also contribute to constructive activity within the unit; choir leadership, an art class, music tuition, and pastoral visiting.

One unique feature of this program is the matching of a prisoner with a trained mentor, about eight months before the inmate is due for release. The mentor meets regularly with the inmate to help plan the details of his release, and assist with employment, accommodation, financial planning, relationship issues and other concerns. The mentor and their church commits to support the inmate and their family for up to two years following release.

In speaking on the issue of penal reform, Vivien Stern emphasised the importance of normalising the prison environment.

*“I now think there are two basic things for which one should aim. One, get as many people as possible out of prison, and two, get as many people as possible from the outside, non-prison world, into prisons.”<sup>9</sup>*

## **Disciplinary Processes**

Over the first six months, staff developed a process of dealing with disciplinary issues. The overriding principle was that rules broken, or inappropriate behaviour, offer opportunities for teachable moments—a time to reflect on actions and learn how they reflect or deny Christ-centred,

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<sup>9</sup> Vivien Stern, “Are Prisoners Enemies or Citizens? What is the Responsibility of the State?”, Justice Reflections 2004, Issue 6.

biblically based values. Where a participant continually breached the rules or the values of the unit, it usually became an issue for the Living Unit Group and /or the Eldership. Unit staff usually formally counselled or cautioned the participant, and where there was a serious breach of discipline, continued lack of contrition, or a continued refusal to comply with the community rules, participants were exited from the unit. All exited participants were given an opportunity to apply for re-admission to the program – of the eleven exited for disciplinary breaches in the first year, two have since been re-admitted, and have demonstrated markedly improved conduct.

### **Providing Pastoral and Counselling Support**

After the first four months, some participants were struggling personally with the mechanics and challenge of change, and needed to dialogue with significant others. Because they were still wary of Corrections staff, the inmates inundated the PFNZ Program Manager and volunteers with requests to discuss personal issues, to resolve interpersonal disputes, and to provide spiritual guidance. These staff were unable to meet the demands of the participants, and it became clear, that the Unit needed to build additional mechanisms to provide opportunity for dialogue, and opportunities for conflict resolution.

The Department of Corrections responded to the need by resourcing the appointment of additional part-time staff; i.e. a pastoral support person, and a counsellor. PFNZ engaged an experienced Samoan church elder, to provide pastoral support for the participants. He, provide spiritual guidance, discipleship, and mediated on matters of interpersonal conflict. A part-time counsellor dealt with referrals relating to relationship and personal issues.

The staff and the counsellor referred more deep-seated issues, e.g. sexual abuse history , to a clinical psychologist, or other specialist agencies.

### **A Turning Point – Murder in the Unit**

At 10.30am, on Thursday, 4<sup>th</sup> April, six months after the unit opened, an event in 'He Korowai Whakapono' the faith based unit at Rimutaka Prison, became a turning point in the unit's history. An inmate was found dead, with a garden fork thrust through his throat.

The incident that triggered this event, could only be described as the sort of encounter that inmates have many times each day. A request was made and declined. No one could have predicted the savagery and violence of this attack, either from the nature of the incident itself, or the assailant's previous history.

On the day after the murder, the inmates were unlocked for a two-hour service, organised by Prison Fellowship and the chaplaincy. The prison unit staff, devastated though they were, moved amongst the inmates, hugging them, crying with them, praying with them. Christians and non-Christians alike, including prison staff from other units, joined to support each other. There was a sense of unity and anointing, as inmates and others struggled to establish God's purpose in all this. The inmates as a group, resolved that this was a call on their lives to Godliness, to stop grizzling and complaining, to desist from pettiness and power plays, and follow Christ with more determination than ever before. The shock and disbelief of the tragedy was eventually overtaken by recognition that this event served to bond staff and inmates alike, into a group determined to treat each other differently. It proved to be a turning point in the life of the unit.

The Regional Manager, Dept of Corrections, visited the unit later that morning, and was amazed at how settled and "together" the inmates and staff were. It can often take weeks for inmates to settle after such an incident; he acknowledged that there was a supernatural power at work.

Visitors, the Police and staff were deeply touched by the prisoner's response. A Maori elder (kaumatua) who took part in a blessing of the unit following the incident, wrote, " I was so touched by the support and endorsement displayed by the men. As we blessed each house they acknowledged by taking off hats, bowing their heads in prayer, and at the end gave a little wave of appreciation. It added essence and value to what we were doing. And to then hear them singing hymns was like the icing on the cake."

Over the next week the prison chaplaincy and Prison Fellowship shared in taking evening services in the home of the victim's family – taking the opportunity to share their faith with them, and to share in the grieving and healing process.

And so the staff e moved forward, their resolve strengthened, and demons put to rest. As one inmate noted, if there was one scripture that gives us direction and inspiration, it surely must have been Paul's words in Romans. The Living Bible puts it simply:

*"And we know that God causes everything to work together for the good of those who love God and are called according to his purpose for them".*

*Romans 8:28*

## **Embedding the Peacemaking Model**

Our review of progress over the first twelve months suggests that we may have been more successful in embedding the peace-making model within the community, if we had adopted the following measures:

- a) Implemented formal and regular training on the framework and application of the peace-making model, with all corrections staff, and during the initial orientation program for new participants;
- b) Implemented a 'case study' review of issues as they arose, to consider whether the peace-making model was being effectively applied;
- c) Emphasised to Corrections staff that the peacemaking approach was entirely consistent with the Department's 'active management' philosophy. 'Active Management' is the interaction between staff and inmates, where every contact is viewed as an opportunity for positive influence. It encourages the use of discretion in a rules-based environment.

As a result of our experience, a project team developed a set of guiding principles for the management of offenders in the unit. It includes guidelines for the resolution of conflict.

## **Two Years On – Achievements**

The results produced so far support the overseas experience; namely, that if we can encourage prisoners to explore and develop a sound belief system,

based on Christian principles and values, and surround them with mature Christian support on release, then the chances of them reoffending after two years drops from around 60 - 70%, to something like 15 – 20%.”

## **Key Indicators**

There are three key indicators, which suggest that the programme is working.

Firstly,

many of the inmates have found the inner strength to change embedded behaviours.

### *Low Drug Use*

Drugs are rife in prison, and if someone is determined to use drugs, they can usually find a way of accessing them. In the last 12 months none of the FBU inmates randomly tested for drugs, showed positive results. Of all those tested outside the random testing regime, less than 2% tested positive. That compares favourably with a national prison average of about 14%. We find that inmates are prepared to challenge those that may be suspected of using or supplying drugs, and make it clear that such behaviour is unacceptable in the unit. That is a reversal of the way prisons usually function – God is winning over the ‘Prison Code’.

### *Low Reported Incidents*

The unit has three reported incidents (one murder and three assaults) in the first six months of operation, and none since. That is an extremely low level of incidents, and an indicator that something

special is happening in the unit. The high level of volunteer-inmate contact contributes to the 'normalisation' of the prison environment. Visitors always comment on the peaceful nature of the unit, and the efforts of the staff to assist inmates through a process of biblical peacemaking, when issues of conflict arise.

### *Values vs. Rules*

Much of the success of this unit must be attributed to the Corrections staff, who have worked with Prison Fellowship to develop an environment where inmates and staff treat each other with mutual respect. The standard is high – 11 inmates who weren't prepared to comply with the standards, were exited in the first year. Two of those have been re-admitted at their own request, and their attitudes have totally changed. There is a waiting list of around 50 inmates who have requested entry to the unit, and an equally large group up of prison officers keen to work in the unit.

### *Reduction in Re-offending*

The ultimate Corrections measure relates to a reduction in reoffending. Nationally, 25% of all men leaving prison are back in prison within 12 months. That number increases to 35% after two years. While it is too early to produce any statistically significant results, the current information indicates that the re-offending rate for men leaving the unit is very low.

The implications are significant. If the Department could achieve a reduction of 5% in the national reoffending rate, it would mean 350 less inmates in the system – the equivalent of a new prison. One less prison saves the taxpayer \$150m in construction costs. Each inmate costs around \$60,000 a year to

maintain. If there are 350 less inmates in the system, that represents an annual saving of \$21m, for inmate upkeep.

It would be wrong to present the faith-based approach as a panacea to the challenge of rehabilitating offenders. The prisoners who come into the unit volunteer, and most of them volunteer because they want to change. Many of them have been in the system a long time, and have reached a point in their lives where they want something better. The existence of the faith-based unit offers them a haven, a sanctuary, in which they can explore their spiritual lives, and go through a process of transformation without having to cope with the negative aspects of prison culture. We believe that the faith-based response is making a valid contribution to breaking the crime cycle. We further consider that its potential within the criminal justice system has yet to be fully explored.

### ***Beyond Prison – the Role of Restorative Justice in Prisoner Reintegration***

Once released from the faith-based unit, ex-prisoners find themselves in a totally different environment. The high levels of accountability, solidarity and support are gone. Without a proactive plan in place before release few ex-prisoners will solidly connect with a church after release. Without this source of spiritual and social support there is little else to do except to return to old friends, habits, and eventual failure.

Recent research shows that where former inmates are well integrated into a faith community, then it contributes significantly to the reduction of reoffending. It might be of little consequence that a given inmate “finds” religion in prison unless this also involves or is followed by immersion in a like-minded group. Prison conversions will not have lasting influence unless

persons retain or replicate religious group support upon their release. The Prison Fellowship aftercare program, Operation Jericho, provides support and continuing pastoral care for prisoners released from He Korowai Whakapono, and other released prisoners.

For those faith-based ex-prisoners, familiar with the concepts and practise of restorative justice, Prison Fellowship staff have experimented with the development of restorative and community justice practise, where an ex-prisoner transgresses or re-offends. Experience so far, demonstrates that the foundations set within the prison, and the processes learnt by prisoners for resolving conflict, can be usefully transferred to the community setting, to resolve domestic and relationship issues, facilitate discussion on such issues as substance abuse and conflict with employers or probation staff, and to resolve infractions of the law.

Aftercare practice has been stymied historically by an insular focus on the needs and risks of offenders. Having identified these needs and risks, intervention professionals then proceed to develop supervision plans that gear levels of surveillance to the documented levels of threat presented by the offender. In New Zealand, corrections staff also conduct offender needs assessments and attempt to match offenders with appropriate services and treatment or remedial programmes designed to address the deficit in question. Though various aftercare models talk about community-based agencies, and occasionally about the role of work and educational institutions, the aftercare enterprise is primarily a highly individualized one. The Department of Corrections in New Zealand is in the process of appointing Work and Income Case Managers and Work Brokers who will by the end of 2005, be based in every prison to help prisoners find work in time for their release. The policy framework that is emerging places the coordination of the

reintegrative activity at the core of the reintegration strategy, rather than as a component of a comprehensive reintegration framework which involves iwi, hapu, and community organisations in the support and sanction of offenders within the community i.e. a “continuum of care” approach.

The concept of *reintegration* implies a recognition that returning offenders to the community raises larger issues than those associated with offender surveillance and service. Indeed, reintegration has always been as much about the community as the offender. Historically, however, the traditional literature of aftercare remains devoid of broader policy visions and of theory that places the offender in the context of community and gives specific consideration to the role of church and faith-based organisations, whānau, hapu or iwi groups, and other socialising influences in the reintegration process. The risk management and service needs focus, limits debate about re-entry practice to alternative means of applying varying amounts of government intervention to bring about offender change while typically failing to address community transformation. Moreover, current approaches seem disconnected from research based or normative data that demonstrate successful negotiation of desistance pathways throughout the life course of offenders - independent of the influence of correctional intervention.

Policy makers need to give strategic consideration both to the community role in reintegrating offenders and to the impact of offender re-entry on communities. It also raises the possibility of a different framework for reintegration grounded in the principles of restorative justice.<sup>10</sup> Broadly conceptualized as a new way of thinking about crime that gives emphasis to the harm caused by offences, restorative justice will provide an opportunity to move beyond the individualizing tendencies of offender-focused treatment

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<sup>10</sup> Zehr, H. (1990) *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA'.Herald Press.

and punishment paradigms.<sup>11</sup> Such a broader focus may open doors to what Sampson and Wilson refer to as 'a community-level perspective'.<sup>12</sup> Though somewhat marginal to mainstream criminal justice practice, restorative justice practice could be effectively linked to the issue of offender reintegration through the related concepts of informal social control<sup>13</sup> and social support.<sup>14</sup>

Three 'big ideas' provide the basis for a normative theory of restorative justice. These core principles - *repairing harm*, *stakeholder involvement* and *the transformation of community and government roles* in the response to crime<sup>15</sup> - most clearly distinguish restorative justice from other orientations, and define the core outcomes, processes, practices and structural relationships that characterize restorative models.<sup>16</sup>

The last principle reminds us that offenders grow up and live most of their lives in communities - not corrections programmes - and it is families, extended families, teachers, neighbours ministers and others who provide both support and guidance in socialization and maturation processes. These 'natural helpers' accomplish the primary work of reintegration informally by identifying mentoring adults and community groups that offenders develop new skills and understandings, connect with other community organizations

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<sup>11</sup> Bazemore, G., Nissen, L. and Dooley, M. (2000) 'Mobilizing social support and building relationships: broadening correctional and rehabilitative agendas', *Corrections Management Quarterly*, 4 (4): 10-21.

<sup>12</sup> Sampson, R. and Wilson, J. (1995) 'Toward a theory of race', in J. Hagan and R.D. Peterson (eds) *Crime and Urban Inequality*. Stanford, CA: Stanford University Press, 37-45. .

<sup>13</sup> Hunter, A.J. (1985) 'Private, parochial and public social orders: the problem of crime and incivility in urban communities', in G.D. Suttles and M.N. Zald (eds) *The Challenge of Social Control: Citizenship and Institution Building in Modern Society*. Norwood, NJ: Aldex.

<sup>14</sup> Cullen, F.T. (1994) 'Social support as an organizing concept for criminology. Presidential address to the Academy of Criminal Justice Sciences', *Justice Quarterly*, 11: 527-59.

<sup>15</sup> Van Ness, D. and Strong, K.H. (1997) *Restoring Justice*. Cincinnati OH:Anderson.

<sup>16</sup> Bazemore, G. and Walgrave, L. (1999) 'Restorative juvenile justice: in search of fundamentals and an outline for systemic reform', in G. Bazemore and L. Walgrave (eds) *Restorative Juvenile Justice: Repairing the Harm of Youth Crime*, Monsey, NY', criminal Justice Press, 45-74,

or small businesses who may provide employment opportunities as well as creativity and access to vital resources. .<sup>17</sup>

## **Comment**

The new Sentencing, Parole and Victims' Rights Acts of 2002 each make extensive reference to restorative justice and/or principles of restorative justice recognising that this concept is now a critical component of our criminal justice system. These provisions not only impact on offenders prior to and during the sentencing process, but after an offender has been sentenced to prison, or remanded in custody.

Section 6 (1) (d) of the Corrections Bill 2004, which came into force on 1 May 2005, reflects the government's support for restorative justice, by providing that prisoners must, where appropriate and so far as is reasonable and practicable in the circumstances, be provided with access to any process designed to promote restorative justice between offenders and victims.

It is clear that the implementation or proposed implementation of restorative justice provisions and principles will impact on offenders while in prison. The law envisages facilitated meetings between the offender and their victim, and prisoner involvement in restorative justice programmes or processes while in prison. Under the Parole Act it is a guiding principle that the Board consider any offender involvement in victim awareness programmes, or victim-offender restorative justice programmes while in prison.

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<sup>17</sup> Sullivan, M. (1989) *Getting Paid: Youth, Crime and Work in the Inner City*. Ithaca, NY: Cornell University Press.

What is the place of a prison unit that focuses on peace making, conflict resolution, and the restoration of relationships? The faith-based methodology grew out of experience and experimentation. It was not the result of deduction by intellectuals from a particular school of criminology. Consequently, there is still a need to develop a theory of justice within which it can be understood and implemented. Restorative justice may be that theory.

Restorative justice creates processes through which parties are able to discover the truth about what happened and the harms that resulted, to identify the injustices involved and to agree on future actions to repair those harms. Secondly, restorative justice argues that the response to specific crimes should emphasize recovery of the victim through redress, vindication and healing, recompense by the offender through reparation, fair treatment and habilitation, and reintegration of both into the community. Repentance and reconciliation are understood to be important parts of an inmate's spiritual transformation and restoration. Affirmation is viewed as critical to effective reintegration, creating opportunities for prisoners to break free from old habits. Restorative processes can offer greater sensitivity to indigenous needs as they enable cultural diversity to be recognised, and may also be a mechanism for affirming and strengthening the power of indigenous communities.

It is not yet clear the extent to which restorative justice theory will be accepted as the criminological context within which to place the faith-based methodology. If so, it may also help staff, volunteers, and inmates to identify new programmes that will strengthen its overall restorative effect as well as to clarify when it is appropriate as an intervention.

## **Conclusion**

The faith-based unit then, provides a place where inmates can learn new ways of resolving conflict and restoring peace. That context leads naturally toward an environment that promotes restoration between offenders and victims.

It is a place where the secular and correctional goal of rehabilitation, is achieved through a process of spiritual transformation. It is a sanctuary, in which inmates learn to resolve interpersonal conflict through a process of confession, redemption, forgiveness, and reconciliation, in order that relationships are healed and restored.

If it is anything, it is a place where the community promotes behaviour and attitudes consistent with those one would hope for in achieving offender rehabilitation.

Our experience suggests that it also a place where prisoners can learn the skills and values which will enable them on release, to smoothly integrate and usefully participate in society, and equip them to resolve life issues both within and with the community, thus contributing to their reintegration as fully functioning members of the community.