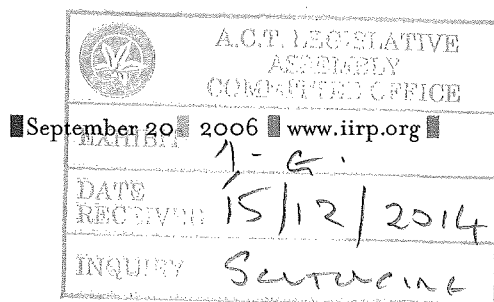




## The Game: Restorative Community Supervision for Adult Offenders

BY JOSHUA WACHTEL

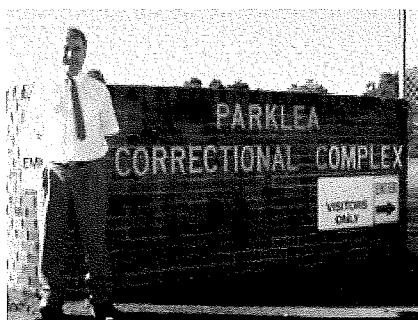
Grahame Chaseling, a 20-year veteran of corrections in New South Wales, Australia, critic of traditional criminal justice and restorative practices devotee for over 15 years, developed a unique model for supervising adult offenders in community-based programs. He calls it The Game.

Chaseling discovered the limitations of punitive justice when he began work as a prison officer. He was disturbed to see inmates stripped of responsibility and free will: "From arrest to release from the criminal justice system, whether gaol [jail] or supervision... decisions will be made for them. Things will be done to them, or required of them. In terms of fair process or meaningful engagement, the chances are that very little will be achieved."\*

Chaseling believed in community reintegration for offenders. But he found that "the whole idea of gaol is to isolate offenders. Get them out of the community, away from those affected, restrict communication, avoid emotionality, remove choices and responsibility."\*

On his quest for alternatives, including earning a graduate diploma in mediation, Chaseling met Terry O'Connell, a former Australian police officer, early restorative conferencing proponent and current director of the IIRP affiliate Real Justice Australia. O'Connell and his team trained Chaseling in restorative conferencing, a process that brings together victims, offenders and their respective families and friends to help repair the harm caused by crime or wrongdoing.

The basis of a conference is a script of questions for victims and offenders, such as: "What happened?" "How were



Graham Chaseling, creator of The Game, at Parklea Correctional Complex, New South Wales, Australia

you affected by the crime?" "How can you repair the harm?" These restorative questions are at the heart of Chaseling's work. He finds restorative conferencing to be "astonishingly effective at repairing harm and damaged relationships."

One day an inmate came into Chaseling's prison office in an agitated state. He was about to be charged for being abusive to an officer. "A normal response for an officer in my position would be to issue a direction to calm down and get out of the office. That response invariably made things worse. Applying a restorative approach, I asked him questions to try to develop insights into the decisions he'd made that had contributed to the offense, questions a prison officer might not normally ask."†

The inmate told his story, and Chaseling asked him to bring his friends back to the office to support him. With the inmate's friends present, Chaseling asked again, "What happened?" The inmate's story changed, as his friends had witnessed the incident and wouldn't let him minimize his part in it. Chasel-

ing asked the inmate, "Who has been affected by your actions?" "His friends were happy to help him with the answer to that one," as they had been affected by his behavior through reduced access to facilities. When Chaseling asked, "What can you do to repair the harm?" the inmate's friends helped him again, suggesting that he apologize to the officer and get their restrictions lifted.

Minutes later the officer called Chaseling, asking what he'd said to the inmate, because he'd just apologized, "abjectly." The officer no longer intended to charge the inmate: "No, mate. Why would I?"

"All I'd done was got his mates in, asked a few questions and let them work it out," wrote Chaseling. "If you ask the right questions, you can confront quite strongly and it doesn't damage your relationship. Offenders must be made to look at the harm they've caused, but then there must also be a chance for them to make amends and take responsibility to do something."‡

Devising a program to implement these effective, informal practices called for an imaginative approach. It also required support from supervision, which Chaseling received as a parole officer at the District Parole Office in Windsor, near Sydney. He was given leave to develop The Game, a program for supervising men and women adult offenders on parole, good behavior bonds and community service sentences. Chaseling ran two groups of 10 offenders through the complete program—roughly 50 hours of activity per person over about 12 weeks.

The Game, which includes instructions, rules, a game master and playing board, aims to engage participants re-

storatively rather than punitively. When Chaseling ran The Game, the players didn't choose to play; they were required to participate as mandated by their court orders, which directed them to accept certain supervision and guidance. But what makes The Game different from traditional criminal justice processes is that it was designed to be something offenders could "buy into." The introduction to The Game states: "The court has sent you here to discover what sort of issues led to your offence, and to deal with those issues so you don't re-offend. By playing The Game, you will be exposed to lots of different experiences. Your beliefs will be challenged, and you will be asked to account for yourself."

The first phase of The Game involves a series of activities for the players, including identifying a four-member "cheer squad" of family, friends and others who are affected by their offending behavior, attending AA or NA meetings, watching films that raise social questions and interviewing loved ones. "It's restorative practices by 'remote control,'" said Chaseling. Players then complete questionnaires, activity sheets and journals to reflect on their behavior and attitudes. Restorative questions are used throughout The Game, especially in an activity called "The Cave," where players ask their friends and loved ones how they were affected by their crimes.

"The thing that surprised me the most is that the offenders took some ownership," said Chaseling. "They would come back and say, 'I'm up to here now.' It gave them a history of success rather than a list of meaningless tasks."

The next phase of The Game, "The Eight Gatherings," has players meet once a week for eight weeks in facilitated conferences. Unlike in a restorative conference, friends and family are not present, but the process relies heavily on restorative questions.

The Game demonstrated the potential of restorative practices to empower offenders, rather than see themselves as victims, as they often do. "There was a higher retention rate than for other programs; less time went into making offenders attend, and families seemed to trust us more and were less likely to see us as adversaries," said Chaseling.

One of The Game's successes was Geoff. In his mid-20s, "just about every government department had had their hand up his back for years, but he was still fighting. ... He was the biggest mess ... the most resistant and argumentative. ... I caught him off guard with The Game. For a change, someone was asking him what he wanted for his life, inviting him to have a look at some stuff that might assist him to get himself there. ... Geoff went from being paralyzed by hopelessness to a blur of activity. ... For the first time in his life, he succeeded. He'd done it, not someone else doing it to or for him. This alone worked wonders ... and gave him great hope. ... Not only did he buy into The Game, he started buying into his parenting and relationship with his de facto [wife] ... 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 ... to a sort of professional associate. Once he bought in, everything about our contact soon became man to man and in good faith."\*

When Chaseling's supervisor at Windsor left, The Game pilot ended. Chaseling is hesitant to discuss its outcomes. "It's unreasonable to say there's reduced recidivism. All I have on The Game is anecdotal stuff, because it was something I came up with and was quite early in the development process."

Now Chaseling is launching a pilot program at the works release center at Parklea Correctional Centre, preparing offenders for release back into the

community. "I find restorative practices particularly helpful in engaging offenders and their families in planning robust and meaningful post-release supervision case plans," he said. "It's an opportunity for families to express any needs, concerns and fears they have about reintegration of their family members, and to forge positive relationships with staff from Community Offender Services (formerly known as Probation and Parole), who conduct parole supervision."

Traditionally, said Chaseling, "We only engage families when things are going wrong," but he believes that when you engage families in the process before the offender is released, they buy into the plan and view the parole officer as an ally, not an adversary.

Chaseling hopes to see restorative processes applied throughout corrections, from pre-sentencing to parole. "If we create opportunities to engage those significant to offenders in the justice process in a meaningful way, we are building networks of support around the offender." That's the kind of "justice" that drew Chaseling and others like him to criminal justice in the first place. Through efforts like his, the vision of restorative justice is becoming a reality.

#### REFERENCES

\* Chaseling, G. (2005). The Application of Restorative Justice Principles and Processes to the work of Probation and Parole/Community Corrections Officers.

† Chaseling, G. (2005). A 20 year Misguided Tour through Corrections—Background to The Game.

Portions of the above two papers were submitted by Terry O'Connell to Australia's Legislative Council Standing Committee on Law and Justice for its inquiry into community-based sentencing options for rural and remote areas and disadvantaged populations (2005).

## **Restorative Probation**

Working as a probation officer in the corrections field can be a challenging role. Engaging offenders [and their families] is often difficult and can at times be frustrating when working with those offenders who seem incapable of change.

This overview is a summary of an early conversation [around 2003] I had with Grahame Chaseling. Grahame works as a probation officer with New South Wales Corrections, having previously been a prison officer for 17 years. If you were to interview Grahame today, you would get a very different overview of his role. No longer is there any reference to frustration but rather a conversation about how much he enjoys his work because he feels he is actually making a difference. What influenced this change?

In brief, Grahame would attribute this change to a complete rethink in how he now engages and challenges offenders [and their families]. In other words, a fundamental change in his day-to-day practice. The catalyst for this change came from a series of conversations I had with Grahame when he first began working as a probation officer. I challenged Grahame about his practice:

- How would you explain your practice rationale?
- What do you do, why do you do that, and how does this make a difference?
- What assumptions inform your practice?
- What is the theoretical underpinning that shapes your practice?

In other words, I was challenging Grahame to think about what works and why. He initially struggled with these conversations – it was something that he had not previously thought about. He explained that his practice was largely intuitive and he was required to operate within a set of prescribed correctional procedures and protocols. Grahame eventually came to describe his 'old' practice as being driven by good intentions, common sense and hope – hope it works!

Today Grahame describes himself as a 'Restorative practitioner' someone whose practice is explicit and built upon a restorative foundation with a focus on harm and relationships rather than blame and punishment. Grahame now integrates restorative processes in his day-to-day practice because he has developed a sound understanding of the following:

- What works and why.
- The importance of explicit practice.
- How to build a restorative practice framework.
- Effective engagement through restorative dialogue.
- Facilitation and capacity building.

One example of Grahame's work is described in an article called "The Game: Restorative Community Supervision for Adult Offenders" – it can be found on the following: <http://www.realjustice.org/library/thegame.html>

If you want to know more about Restorative Probation contact me below:

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## Grahame Chaseling – Restorative Pre Sentence Reports [2013]

Although each jurisdiction has their own template for Pre Sentence or Background reports [as they are variously called] each seems to serve similar purposes and as such, contain similar formats.

Generally, a report is divided into three sections;

- What the offender is about (past supervision/ offending history, response to supervision, family background, employment/ education, etc)
- What the offence is about (Factors relating to offence/s such as AOD, Social Relationships, Emotional, health/ mental health). Sometimes in this middle bit is mention of Attitude to the offence. Generally end with a summary of all of the above, perhaps conclusions reached about what's going on with the person.
- What sentencing options are available, such as Community Service Orders, supervision/ treatment needs, etc.

The information that is provided to the courts in that format can vary widely, depending on the author's bent, the offender's attitude [this can often be more about the officer's attitude to the offender], and the emphasis put on the information contained within the report. From the magistrate's point of view, pre sentence/ background reports provide them with the information they need to make an informed decision about sentencing.

Whereas probation and parole traditionally see the report writing process as a vehicle for obtaining, verifying and delivering information to the court, it is possible to do it in a way that is intrinsically objective [avoiding the personal stuff] and gets the offender and the magistrate on the same page regarding the offender's obligations as a result of their offending. This is likely to result in greater compliance with orders and more meaningful supervision.

The Restorative Practice framework provides a simple scaffold for help frame such a report:

- What is the offender all about - **Past**
- What is the offence all about - **Present**
- What sentencing/ supervision options are available, - **The future**

This thinking relies on the basic premise that:

- Wrongdoing damages relationships,
- Wrongdoing creates obligations and;
- Wrongdoing is unsustainable within healthy relationships.

When family background is explored, the initial discussion identifies those most significant to the offender and those whose relationships have been damaged by the behaviour. It is these relationships that connect the past and the present with the future. It is important to remember that an offence is transient, so is the court's involvement. All supervision has an end. The report process [this is much more than just writing the actual report] provides a

unique opportunity to begin the conversation needed to bring into focus the importance of relationships, for all involved. With very few exceptions, alienation is an obvious outcome of tenuous relationships. Inappropriate behaviour is nothing more than a manifestation of an offender's inability to deal with this alienation. Not making relationships the central focus of any discussion, intervention or report is akin to 'ignoring the elephant in the room'.

In order to give you a sense on how this approach works, the following are practical examples of sort of suggestions, thinking and questions that will help you effectively engage offenders and their significant others:

**PAST:**

- Identify the offender's most significant relationships. This isn't necessary straight forward – you will need to probe. Find out who's stuck with them over the years, through thick and thin. Ask 'who is most upset with what has happened?'
- If possible get them in. Who's sitting up the back of the court that came with them? Bring them into your interview. The offender might think the person just gave them a lift to court but there is always a different reason they're there. What service providers have developed a relationship with them? Involve them.

**PRESENT:**

- When you make your enquiries about the offender, where possible, make sure the offender is present. *The magistrate needs the information, but the offender needs the conversation.* Only involve those who have a relationship with the offender.
- Ask the offender the following questions: What happened? How did you become involved? Who's been affected? In what way? What do you need to do to repair some of the hurt or harm you have caused?
- Ask those who are with the offender [support people] similar questions: What did you think when you heard about John's involvement? How has this affected you? What has been the hardest thing for you about what has happened? What do you think needs to happen from here?
- Return to the offender and seek his/her thoughts on what they have just heard: What do you think of what has just been said? What have you learned? What do you need to do?

This process is largely about the use of questions. Called a 'Socratic' style it relies on simple questions to engage offenders and their significant others and does so in a 'fair and respectful way'. It is very likely to result in everyone involved experiencing a new conversation, one that gets them talking about issues they have never previously done so.

Include this information and summarise the conversations in the report. It's solid and relevant background that will give the magistrate and more importantly the offender has a very good understanding of how he/she came to be where they are and their resultant obligations. As you ask these questions, you'll find that they fit very neatly into "factors relevant to the offence", such as AOD, Social relationships, etc.

As the offender comes to an understanding of the harm and later their obligations, you will be well placed to provide very useful information regarding their attitude to the offence. If you fail to engage offenders around harm, relationships and obligations, the best you can hope for is an offender who agrees with the police facts, but who has a bad attitude, who has no idea about the harm s/he's caused and will take no responsibility, particularly given that neither you or the offender knows what this looks like or involves.

You may have experienced offenders who blurt out "I'm remorseful" early in the interview. When that happens ask, "What does that mean?" Most will struggle with understanding or articulating what remorse is. This is where the restorative questions are invaluable in helping offenders to really understand who they have affected - the basis for empathy and remorse. It takes the guesswork out of knowing whether or not an offender is remorseful.

If you have previously prepared pre sentence reports, you may be viewing the restorative engagement process as somewhat complicated and well beyond the usual approach of gathering, verifying and serving up information. Ask yourself the question, "*to what extent does my way of preparing pre-sentence reports engage and challenge offenders and their families?*"

**The Future;** Once you have brought the offender to an understanding about how they came to be where they are, the harm they have caused and importantly how that has impacted on those most significant to them, you will find yourself in the room with a very different person. However; it is an essential caveat that you can only do this if you can then lead them through a process that provides them with an opportunity to take responsibility in practical and relevant ways, in the presence of the people who have the entitlement to wipe the debt- those affected. Our expectation is that they take responsibility, but no one seems to know what that looks like. Our justice system is structured to attribute blame and deliver punishment. As a result, sentencing often has little to do with repairing harm, and often results in added resentment on all sides and further alienating those involved and affected. We really need to do better than that.

It is most important that we are able to ask offender's in the presence of those affected, "do you think you need to do something to make things right", and "what specifically do you think you need to do". Involve those affected in the conversation. Negotiate a plan with those involved and affected. This, if endorsed by the court, will form the basis of the supervision case plan. If the magistrate likes it, don't be surprised if s/he includes it in the order.

As an aside, have you ever tried to supervise someone when those significant to this individual are uninvolved, absent or avoidant of your service? Or when the offender and those significant to them don't see the sense in the court order? It's pretty difficult and unlikely to be very successful.

Think how it could be if those involved in the conversation are significant and want to be involved in the offender's life, and therefore have a real investment in helping the offender change. The order becomes their talisman.

So there's your report, past present and future, constructed around harm, relationships and obligations, agreement around lifestyle/ behavioural change, and it's off to court.

### **Now lets look at your report [from a Magistrate's perspective]**

You have an offender you know nothing about beyond the police facts, criminal history and the solicitor telling you what a decent person his/her client is. Before you sit you have had the benefit of reading two Probation Reports.

The first has been prepared in a more traditional way and includes things like:

- The offender came from a broken home, has unresolved personal issues and has a tenuous relationship with his/her parents.
- Heavy cannabis abuser.
- Agrees with the police facts.
- Can do a community service order. If placed under supervision will be required to do a drug and alcohol program.

The other report has been prepared using the restorative practice framework and includes things like:

- The offender has a lengthy history of offending and anti-social behaviour, damaged relationships and previously no idea about the harm their behaviour had caused.
- It describes how the offender has been brought to a common understanding with those affected regarding the harm their lifestyle, choices and behaviour have caused, their obligation to make things right, and how, specifically they might go about that.
- The report tells you that a network of support is available to the offender, who they are and who have made a commitment to work with your service in assisting the offender to deal with their behaviour and make things right.
- The report clearly articulates not only the proposed supervision case plan but also the offender's commitment to it.

No surprise as to which report the magistrate is going to view favourably. Whilst it is hard to deny the sensibility of the latter report, its real value has little or nothing to do with the court itself. Imagine what offenders and those who are important to them take from an experience of having 'the right conversation'. Where else in the criminal justice system will they get to have such an experience?

If you are disposed towards the Restorative approach in pre-sentence reports, professionally you will find the quality of your reports will improve and the time taken to prepare them, substantially reduced. Importantly you will begin to see every interaction with offenders [and those significant to them], as an opportunity to challenge all involved to think about their relationships.

## **How To Measure If It Works**

Recently, Grahame developed a survey instrument and has already tested it with his two most difficult offenders. Grahame has been supervising them for at least six months. He used this survey as part of the review process. The following is some of the feedback Grahame received:

### **Offender 1**

40 year-old male, child sex offender. Victim was friend of his own child. Offender intoxicated at time of offence. Completed sex offender program in custody. Since release, heavily supported by community organization with full time caseworker and accommodation. Interview attended by offender and caseworker.

### **How are your personal relationships compared to 12 months ago?**

Regular contact with my kids and the support of my ex-partner has stopped me doing my head in, kept me mentally balanced.

### **Of the three choices below, what do you think my supervision has been all about?**

- **Behaviour;** Only regarding avoiding risks such as alcohol and anti-social relationships.
- **Rules;** Not really. There were a few restrictions early on, but less as we got to know and understand what we could expect from each other.
- **Relationships;** Mostly relationships, in the sense of who I was developing friendships with, how I've been getting on with family and [community agency].

### **Has this helped, and if so, how?**

It's made parole a lot more supportive. It's also been good that you both (parole and community agency) agree on how to help and work well together with no contradictory expectations of me.

### **Has this approach been different from previous supervision? If so, how?**

It would have been a lot worse if you were strict in the sense of not being prepared to listen to me and discuss things as equals.

### **What areas of your personal life have improved, and if so, by how much?**

**Confidence:** I'm a lot more confident than when I was in gaol and soon after I got out of gaol.

**Self-Awareness:** A lot. I think more about my future, and what I have to do to develop my relationship with my family to recover from what happened.

**Self Esteem:** A lot.



**Social Skills:** A lot. I've learnt to talk about things. This has also helped me get on at work.

**Communication:** As above

**Relationships:** My relationship with my kids, mother and ex-partner are getting stronger all the time.

## **Offender 2**

Aboriginal male parolee, aged mid 20'. Armed robbery. Mental health; addiction; and, violence. Sentenced 5 yrs, on parole since December 2012.

### **How are your personal relationships compared to 12 months ago?**

They were alright when I was in gaol, but fell apart when I was released. Now they're better than ever.

### **Of the three choices below, what do you think my supervision has been all about?**

- Behaviour; A bit.
- Rules; Not really.
- Relationships; Yes. It's been mostly about my relationship with my grandfather, father and friends. Constant questions about these relationships, insistence that grandfather attends interviews with me. Mother encouraged to attend. Supportive of pro-social relationships around sport and encouragement of positive relationships with mental health team.

### **Has this helped, and if so, how?**

Good relationships have resulted in pro social behaviour and activities, and few opportunities to hang around the old crowd, therefore staying out of trouble.

### **Has this approach been different from previous supervision? If so, how?**

Yes. All my old parole officer (described as bossy) did was threaten me with breach. It got to the point where I had no confidence, couldn't seem to make progress with anything. I hated coming here, and couldn't talk about any of the difficulties I was having because it only made things (strict supervision) worse.

### **What areas of your personal life have improved, and if so, by how much?**

**Confidence:** A lot.

**Self Esteem:** A lot.

**Social Skills:** A lot.

**Communication:** A lot.

**Relationships:** A lot.