

European Prize 2004

An example of implementation of the mediation-reparation procedure

Theme of intervention: mediation and reparation following intentional damage caused by minors in prison

Action location: young offenders' section of Amiens prison

1) The context of the action

The institutional environment

Amiens prison comprises several sections. One of these – the young offenders' section – has accommodation for 12 inmates. This section houses only minors aged between 13 and 18 inclusive who are in preventive custody or serving sentences. These young people are managed by referral wardens.

Until September 2003, the prison insertion and probation service or SPIP (prison service for insertion and probation) was in charge of monitoring minors and designing a range of activities for them. For some time, the youth judicial protection service or PJJ (youth judicial protection service) had already been working with the prisons authority at *département* (i.e. county) level and in Amiens prison. While PJJ youth workers did not work in the prison environment, they were already entrusted with the task of drawing up reports for judges concerning the behaviour of minors in detention and had responsibility for minors when they left detention.

Since September 2003 – in accordance with the Justice Orientation and Programming Law of 9 September 2002 – it is the PJJ (and no longer the SPIP) that is in charge of individual monitoring of incarcerated minors, and youth workers are continually present with those minors.

At this point, it should be noted that the PJJ, which is in charge of the educational monitoring of offenders and endangered minors within the judicial framework, is a State body. In other countries, the corresponding entity may report to local authorities or to community bodies.

There is therefore a partnership between prison-authority staff and the PJJ staff. These two groups do not have the same professional culture and may not have the same approach to educational work with the minors concerned – most of whom are multiple recidivists.

In this context, the action presented provides an illustration of the growing partnership between the judicial authorities, the prison authorities, the PJJ and community partners engaged in voluntary work. This partnership has contributed to understanding and agreement between the professionals concerned. It thus facilitates the prevention of repeat offending and is in the interest of the minors.

To what problem is the project intended to provide a response?

During April 2002, the Manager of Amiens prison informed the deputy public prosecutor with responsibility for minors of the extensive damage caused by the minors held in the young offenders' section of the prison (holes in walls and damage to television sets, wardrobes, toilets, etc.), which had rendered certain cells unusable.

Since minors under 16 years of age are not liable to be placed in disciplinary cells (article D 251-5 of the criminal procedures code) or to be confined to their cells, such inmates feel a certain sense of impunity. Moreover, minors under 16 years of age cannot be obliged to carry out cleaning or repairs (D 251-1-5 and 7 of the criminal procedures code), which would be a useful alternative to the other punishments mentioned.

2) Development of the project

Description of the institutional approach and procedure for consulting those concerned by the action

The deputy public prosecutor with responsibility for minors decided to visit the prison in order to meet the minors allegedly involved in the incident and to suggest that, as an alternative to prosecution, they opt for a direct mediation-reparation procedure of the type for which provision was made in the order of 2 February 1945 in respect of juvenile delinquents. This initiative was not devoid of risk, since the deputy public prosecutor did not know how the minors and their parents would react to this proposition.

One week later, the deputy public prosecutor spent several hours with the minors concerned and interviewed them concerning their roles in the alleged incident. Then, after showing them the relevant sections of the criminal code, he suggested that, instead of undergoing prosecution, they make themselves available to the person with responsibility for prison maintenance. He also explained to them that they could think over the matter for a period of one week before deciding whether to accept the alternative, and that their parents would also be consulted.

The deputy public prosecutor was surprised at the enthusiasm with which the young people opted for the alternative offered. They all said that they would rather work than stay in their cells. It should be pointed out that, at this time, the young offenders' section was overcrowded and that access to activities was restricted due to the limited number of wardens available. Of the eight minors involved in the vandalism incident, only one asked to be allowed time to give the offer consideration. That inmate also agreed to the alternative proposed.

Involving the parents in the implementation process

The consent of the person with parental authority – which is required by article 12-1 of the order of 2 February 1945 – was sought through the minors' PJJ referral youth workers. The youth workers were asked to present parents with the letter explaining the action and to transmit their responses to the deputy public prosecutor. Neither the parents nor the lawyers showed any signs of opposition to, or surprise at, this procedure.

Presenting the aims of the action

This direct mediation-reparation action and the work, which was performed willingly, were organised with a view to ensuring that the minors held in Amiens prison would adopt a more responsible attitude. The aim was to make them realise that they are

responsible for the state of their cells and for that of the other rooms in their section. This action is part of a global initiative which constitutes a first step towards greater responsibility both within the prison and outside.

3) The implementation

Concrete description of the action

The aim was to ensure that the minors could clearly identify the nature and scope of the exercise in which they were participating. To make good the damage caused, the young offenders performed a variety of work including cleaning, surface preparation and painting. During the reparation procedure proper, emphasis was placed on respect for the environment, for oneself and for others, as well as on the cost of the repairs. Moreover, the minors' reactions provided an insight into their level of interest for various activities.

The human and technical resources used and the procedures for cooperation among the various players

It was decided that, where the identity of the inmate responsible for the damage being repaired was known, supervision would be provided by prison staff. On each occasion, the number of minors was limited to one or two in order to maximise motivation and to achieve optimal focus on the performance of individual work of a high quality. It should be noted that these technical personnel are present only while the damage caused by inmates is being repaired, and not during any additional work being performed voluntarily for training purposes or with a view to enhancing the environment. This enables the minors to have a clear perception of the type of operation in which they are participating.

The SPIP social workers, who act as referral agents for the minors, verified that the work carried out corresponded to the educational objective associated with the measure. This verification was performed both through individual monitoring of the minors and through contact with other referral agents.

This direct reparation action was a success thanks to the partnership developed by the public prosecutor's department, the prison authorities and the PJJ and which enabled the requisite consultation, cooperation and joint evaluation to take place.

4) Results and evaluation

Since July 2002, the mediation-reparation procedure has been implemented more than ten times in response to isolated cases of vandalism. With one exception, these actions have been seen through to completion. This measure has proven its effectiveness as a means of preventing vandalism, since the bulk of the actions were implemented in 2002, while only four such operations took place in 2003 and none was required between 1 January and 1 October 2004.

The implementation of this measure led to a sharp decrease in the tension for which the young offenders' section had been noted in 2002. It breathed new life into the section – life which has been further strengthened by the ongoing work of the PJJ youth workers.

The personnel estimate that the number of punishable incidents has dropped by around 75% and that the incidents which do occur are, on average, less serious than in the past. The action and its extension – which is implemented on a voluntary basis – have made it possible to limit both disciplinary action and the use of the mediation-reparation measure. Use of disciplinary cells began to drop considerably in summer 2002, a trend which has continued, with an average of 8.5 placements per month in 2003 and only 3 per month in 2004.

The SPIP report has emphasised the positive impact of this measure in educational terms. The minors have become more responsible and have asked to be allowed to continue this type of activity on a voluntary basis. To begin with, they have expressed the desire – prior to any criminal or disciplinary measures – to carry out immediate repairs following apparent cases of vandalism for which they might be responsible. They have also volunteered to help enhance the living environment in the section.

Following the actions, the minors showed more respect for their section and for the people in charge of them. This fact has led to consideration being given to new activities.

Implementation of immediate, voluntary reparation in the event of damage

Given the effectiveness of the mediation-reparation measure and the desire on the part of minors to immediately repair damage caused without waiting to be obliged to do so, the mediation-reparation system has been modified. A variety of measures have been introduced with a view to preventing vandalism and to avoiding criminal proceedings where acts of vandalism have been committed.

- In order to prevent conflict – and, notably, to avoid disagreement regarding accusations of vandalism, a schedule of condition is now drawn up when a new minor arrives in the section.

- The Mediation-Reparation option remains available as an alternative to criminal proceedings, with work being carried out under the supervision of Amiens prison technical personnel. This has not proved necessary since the end of 2003 (4 cases in 2003).

- The system of immediate, voluntary reparation for acts of vandalism was instigated in December 2003.

Minors who have since perpetrated acts of vandalism have been strongly encouraged by wardens and PJJ youth workers to consider this option in order to avoid being subjected to a mediation-reparation measure or to criminal proceedings. This encouragement has been heeded, since minors have carried out painting work in two cells within the framework of the system.

To ensure that the minors were fully aware of the voluntary nature of the initiative, this work was carried out under the supervision of a master technician from the PJJ rather than from the prison itself.

This substitution measure was proposed and validated by all of the partners, and notably by the deputy public prosecutor with responsibility for minors, who viewed it as a preferred pedagogical alternative upstream of criminal proceedings.

The continuation of the painting activity, even in the absence of vandalism

The minors' evident interest in painting work and their strong wish to contribute to the enhancement of their prison living environment prompted the SPIP to examine the feasibility of continuing this type of initiative in full knowledge of the fact that the usual criteria for such activities would need to be met – i.e. satisfactory coordination with the other activities taking place in the section and the existence of this activity outside of the prison.

Two activities were organised:

- the creation of wall paintings:

In July 2002, the renovation of the activity rooms was supervised by a visual-arts specialist from an outside association. Such was the success of this activity that it was decided to repeat the experience in the summer of 2003 when a wall painting was created in the corridors of the young offenders' section, and in the summer of 2004, when another such painting was created in the young offenders' exercise yard (photographs).

- basic training in house painting:

Since December 2003, a master technician from the PJJ has been working in the young offenders' section every other week. This person also works with juvenile delinquents and young people in difficulty referred to the PJJ. The minors in detention can therefore continue their training with the same person after they leave prison.

As well as serving as an introduction to a variety of techniques, the training initiative also provided an opportunity to carry out improvements, since the minors involved renovated their cells. The young offenders are very enthusiastic as regards this type of action, which allows them to enjoy enhanced living conditions and to demonstrate their skills for the youth workers and wardens working in the young offenders' section. So far, 6 cells have been renovated (photographs).

These extensions of the mediation-reparation measure have prompted certain young offenders to consider taking a training course in painting on leaving prison.

The professionals concerned have noted that the actions undertaken have not only focused the minors' energies, but have also led to a change in their behaviour both in the exercise yard and indoors. As well as the reduction in vandalism, it has also been noted that involuntary damage has become less common and that the young offenders' section is now cleaner and better maintained. This positive behaviour may also be observed among new arrivals.

5) The outlook

During the multidisciplinary meetings held in the prison, this measure was seen as a key element in the young offenders' section development project.

The minors' respect for their living environment and their attention to hygiene have led to further developments being considered.

The professionals are looking for ways of rewarding the minors' improved behaviour by enhancing the equipment made available to them. Measures envisaged include the purchase of leisure equipment (table soccer, table tennis, etc) following the renovation of the activity rooms, and the purchase of new furniture for the cells.

Hygiene-related initiatives concern both the cleanliness of the living environment (purchase of fragrant cleaning products for cells and common areas) and inmates' personal hygiene (installation of laundry equipment for use free of charge by the minors). The team is also providing support for a health-education project focusing on personal hygiene and diet. This project is taking place thanks to a partnership between the ambulatory consultation and care unit or UCSA (ambulatory consultation unit) and the PJJ (youth judicial protection service).

None of these projects aimed at improving the care of minors in detention could have been undertaken until the vandalism-related objectives had been reached, thus freeing manpower for other initiatives. This experiment shows the extent to which it is possible to develop a sense of responsibility among minors – even when the minors in question are multi-recidivists living in a prison environment – thus releasing positive energy and preventing violence against people and property. It has also led to enhanced cooperation between the various players involved – i.e. the PJJ, the SPIP and the wardens.

7) People to contact

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