

## **Restorative justice in prisons**

### **Definition of restorative justice**

The idea of restorative justice has moved to the forefront of public discourse concerning crime and criminal justice in recent decades. The term refers to a distinctive way of thinking about how our societies should respond to criminal conduct: about what our priorities should be in the aftermath of crime and how we can best achieve our objectives. These ideas are embodied in a range of experimental justice practices.

Restorative justice is a broad and complex notion, but we can identify three key themes:

1. The core idea is that, in the aftermath of an offence, our priority should be to identify the harm (material, emotional and symbolic) caused by the offence and to encourage those responsible for causing this harm to make efforts to repair it. Hence, the censure and punishment of offenders, whilst still important, becomes the secondary goal of criminal justice interventions. The primary goal is to heal and repair the damage suffered by victims, the wider society, and indeed offenders themselves.
2. Another key idea of restorative justice is that carefully facilitated personal encounters (often called conferences) between those who cause harm by criminal wrongdoing and those who are harmed, focused on sharing perspectives and developing an action plan to repair harm, can have a range of benefits. Such encounters can benefit victims, empower communities, and change the attitudes of offenders.
3. Third, restorative justice suggests that our response to crime should be guided by and should reflect certain social values. In short, the sort of values associated with healing, inclusiveness and peacemaking should be to the fore; the 'punitive', 'exclusionary' and 'militaristic' values which are often to the fore in penal interventions should move to the background.

### **The applications of restorative justice in prisons**

Those who advocate and practice restorative justice tend to be highly critical of the social practice of imprisonment, regarding it as a harmful social practice which does little to repair the harm done by crime and often compounds that harm. Hence, some advocates align themselves with the movement for abolition of prisons and virtually all advocates and practitioners of restorative justice adopt a reductionist stance towards imprisonment. At the same time, there is now a powerful current in the social movement for restorative justice which recognises not only that the practice of imprisonment will continue in modern societies, but also acknowledges that it is a necessary social practice and that it does perform important instrumental and symbolic functions. Within this group there are some who seek (i) to introduce restorative justice schemes within prisons and (ii) to transform prisons so that they are more aligned with the goals and values of restorative justice.

There are now many experimental schemes with restorative justice in prisons taking place around the world. These differ enormously in their origins, aspirations, objectives, form and scope. In some the goals are simply to bring imprisoned offenders to greater awareness of the harm they have caused and of their obligation to desist from further harmful acts in the future - either within the prison or on their release. An example is the policy of the Minnesota State Department of Corrections, in which prisoners are encouraged and assisted to write letters of apology to their victims, with the letters then being put in a 'victim apology letter bank' for reading by those victims willing to do so. However, there are more ambitious projects, in which the aim is to use restorative justice principles as a guide to prison reform – to create a restorative prison.

A good example of this more ambitious type of project is the Restorative Prison Project 2000-2004, which took place in the north east of England. It identified four changes that would have to take place in a prison for it to become restorative.

1. A new relationship between the prison and its local community should be fostered. The core purpose of prisons should become to prepare prisoners for return to the community as law-abiding citizens; strong links should be created between prisons and the communities in which they are located; prison walls should become more 'permeable' with members of the community coming in to participate in its work and prisoners going out to do constructive work in the community.
2. Prisoners should be provided with opportunities to work for the benefit of others.
3. Prisons should have a policy of helping prisoners to understand the effects that crime has on its victims.
4. In dealing with the conflict that inevitably arises in prisons, much more so than in other institutions, mediation and other alternative dispute resolution processes should be preferred to more formal and confrontational methods.

### **Obstacles and issues**

One clear lesson from existing experiments with restorative justice in prison is that there are fundamental tensions between key aspects of most prison regimes and the goals and values of restorative justice. These include, but are not confined to, the following:

- Restorative justice has a participatory ethos and a focus on negotiated resolution of conflict, which is difficult to integrate with – and can be seen as undermining of – regimental, hierarchical, authoritative regimes of prison discipline.
- The very function of the prison is to segregate certain offenders from the law-abiding community.
- Prisons often encourage and demand passive obedience to authority which can be an obstacle to the restorative emphasis on fostering a sense of personal accountability for one's behaviour and its consequences.
- Prisons are not conducive environments for victims and members of the community – prison walls function not just to keep prisoners in, but to keep others out.
- Degrading social conditions in many prisons are so antithetical to the values of restorative justice that the conditions for any authentic form of restorative justice are absent.

These obstacles and issues are not an absolute barrier to the successful use of restorative justice in prison. However, policies and guidelines need to be based upon a recognition not only of the potential of restorative justice schemes in prisons, but also of the gap between the ethos of restorative justice and the realities of the social practice of imprisonment.

### **Core guidelines**