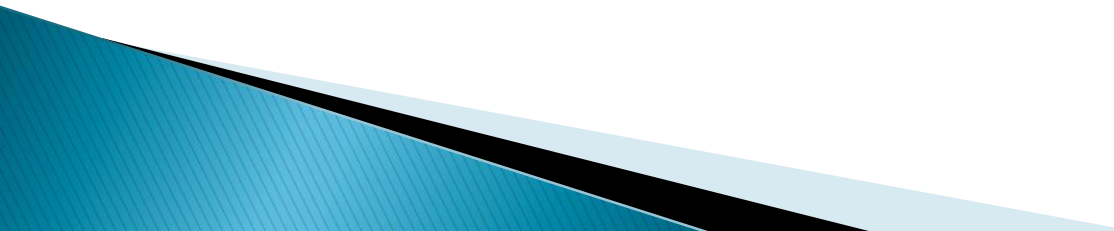


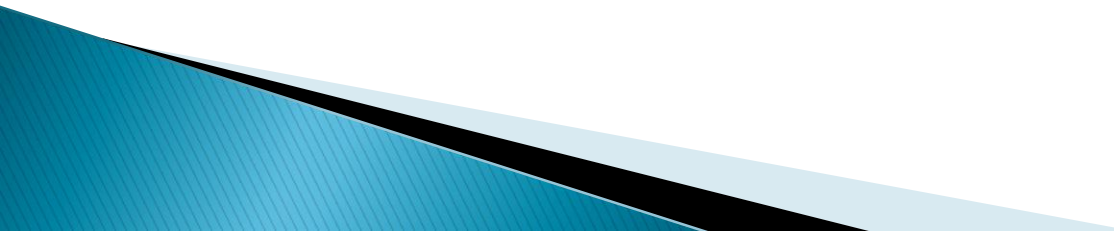
Restorative Justice in prisons

For PC-CP

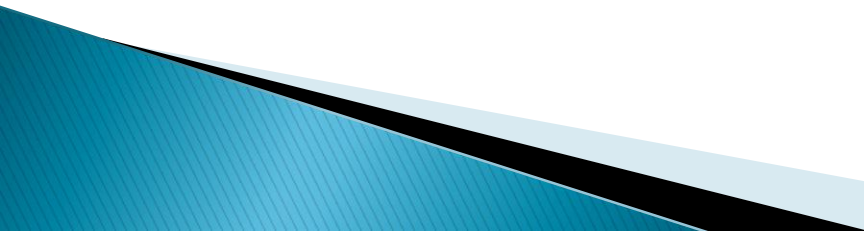
Outline of presentation

1. Personal introduction
 2. Brief guide to the restorative justice movement
 3. Overview of the idea of restorative justice in prisons
 4. Reasons to be cautious
 5. Some ways forward
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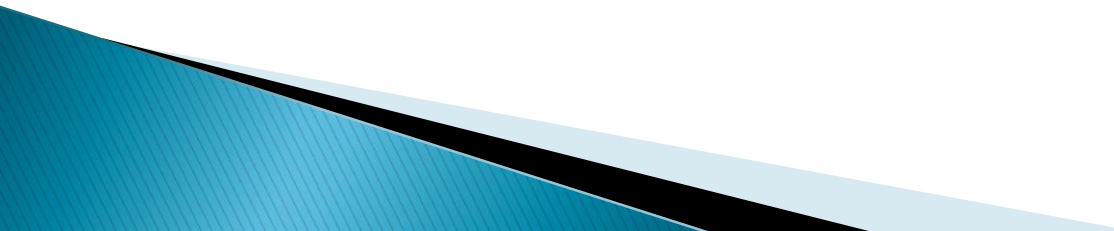
1. Personal introduction

- ▶ Professor of Law at the University of Hull, UK
 - ▶ Research field is the social and philosophical study of processes of criminalization and punishment
 - ▶ Seeks :
 - to understand the meaning of changes in our penal attitudes and practices; and
 - to evaluate these changes by reference to a range of ethical values
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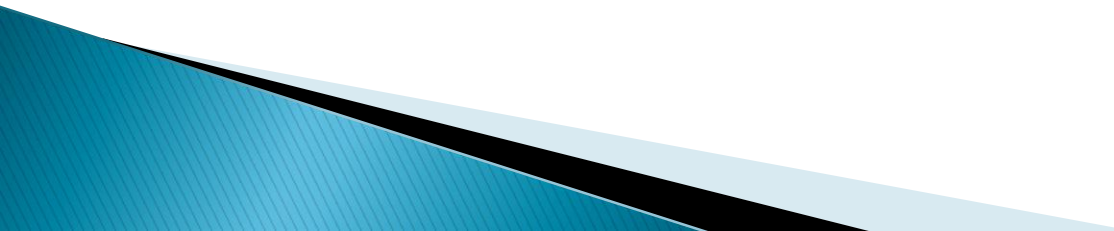
Key books

- ▶ *Medical Concepts and Penal Policy* (1996)
 - ▶ *Restorative justice: ideas, values, debates* (2002, 2nd edn. 2011)
 - ▶ *A Restorative Justice Reader* (2003, 2nd edn. 2012)
 - ▶ *Handbook of restorative Justice* (ed with Daniel Van Ness, 2007)
 - ▶ *Law and Crime* (with Tony Ward, 2010)
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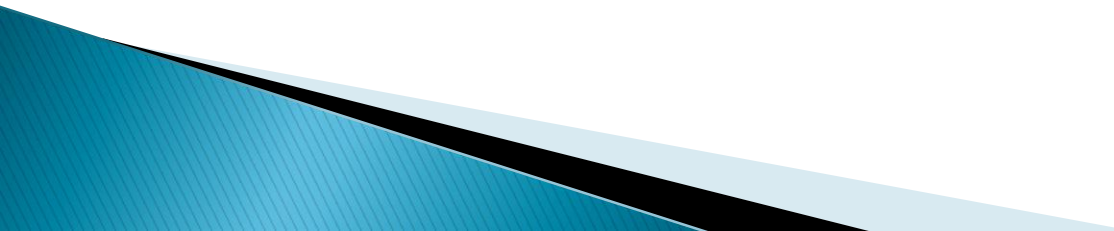
Some current work

- ▶ Director: MA in Restorative Justice (online)
 - ▶ Book review editor: *Restorative justice: an International Journal*
 - ▶ Research partner: 'Building Bridges'
 - EU action grant funded project
 - implementing victim–offender mediation with the Sycamore Tree Project methodology in prisons in Europe (Feb. 2014–2016)
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2. The Restorative Justice Movement (RJM)

- ▶ A global social movement which seeks to transform the way societies view and respond to crime and other forms of wrongdoing
 - ▶ Emerged in 1970s
 - ▶ Has grown rapidly and become increasingly influential since mid-1990s
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Key goals

- ▶ Change our *priorities* in the aftermath of a crime
 - ▶ Change the processes by which we make 'penal' decisions
 - ▶ Align the field of 'penal' interventions with the more noble values of our societies
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Priorities

- ▶ Two concerns in the aftermath of crime: justice and security
- ▶ Usual method: punishment of wrongdoer
- ▶ RJ suggests we focus on:
 - repair of harm
 - Material, emotional and symbolic harm to direct and indirect victims
 - community censure and support

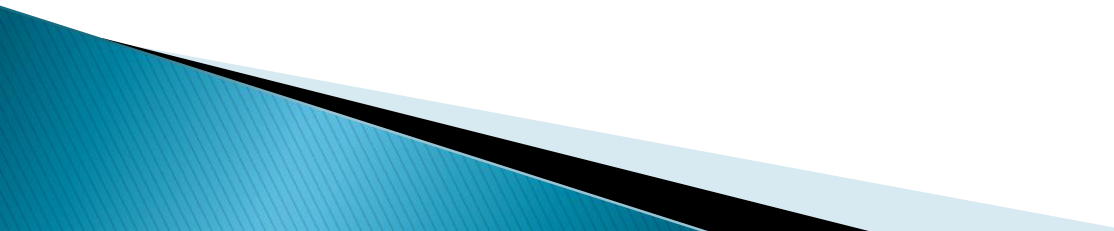
processes

- ▶ We delegate delivery of justice and security to professionals and formal institutions
- ▶ RJ:
 - Stakeholders (offenders, victims, members of their communities) can do justice and create security through informal encounters
 - Professionals as facilitators

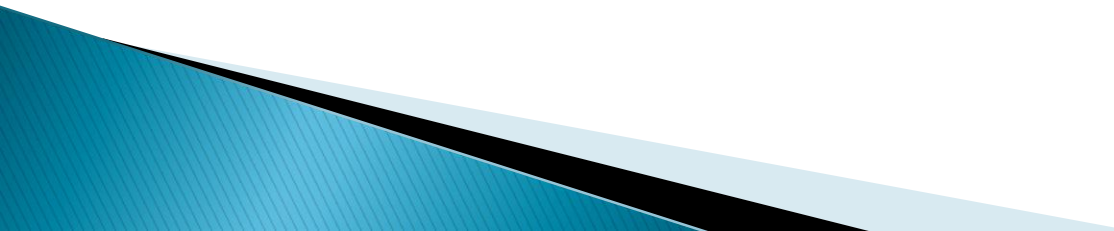
Values

- ▶ Penal systems guided by:
 - retributive values (vengeance tamed by law)
 - Exclusionary/segregation values
 - military values
- ▶ Realign penal systems around values of:
 - Healing and Repair
 - Inclusion/connection
 - Peacemaking

3. The idea of Restorative Justice in prisons – an overview

- ▶ The RJM tends to regard imprisonment as difficult to justify
 - ▶ Reflects retributive/exclusionary values
 - ▶ Many in RJM are abolitionist or reductionist
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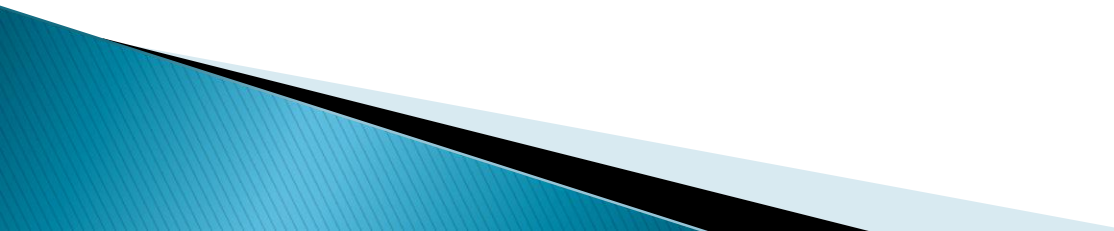
Counter (emerging) view

- ▶ the practice of imprisonment will continue in modern societies
 - ▶ a necessary social practice:
 - performs important instrumental and symbolic functions.
 - ▶ introduce restorative justice schemes within prisons
 - ▶ transform prisons so that they are more aligned with the goals and values of restorative justice
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Levels of Restorative justice in prison (Edgar & Newell)

- ▶ 1. Community-based victim/offender mediation projects extending to prisoners
 - Victims of serious crimes encounter offenders
- ▶ 2. Partnerships between single establishment and outside body
 - e.g a mediation service works with staff of a prison
 - Time-limited, clearly defined projects

Levels (cont.)

- ▶ 3. Projects that work with a number of establishment to facilitate restorative approaches
 - e.g. Sycamore Tree Project
 - Supports imprisoned offenders in acknowledging harm they have caused
 - ▶ 4. A package of restorative approaches developed jointly with prison management
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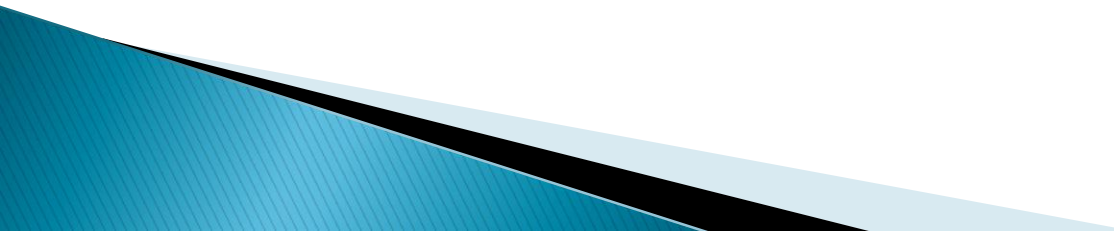
Levels (cont.)

- ▶ 5. Initiatives driven and owned by prison staff to influence running of prison
- ▶ Use of RJ to deal with
 - complaints
 - Staff grievances
 - Personnel management

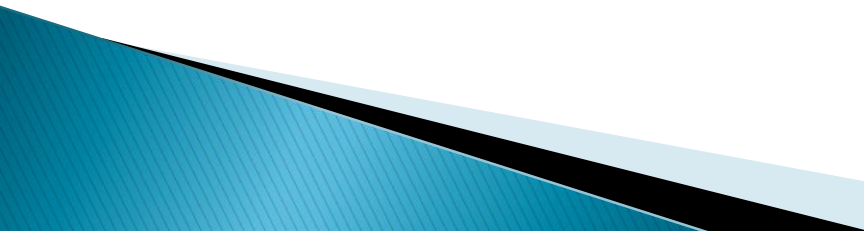
Levels (cont.)

- ▶ 6. Whole prison commitment to incorporate restorative justice into its mission
 - Model: HMP Grendon's therapeutic community experiment
 - Implications of prison policy at national (and European?) levels

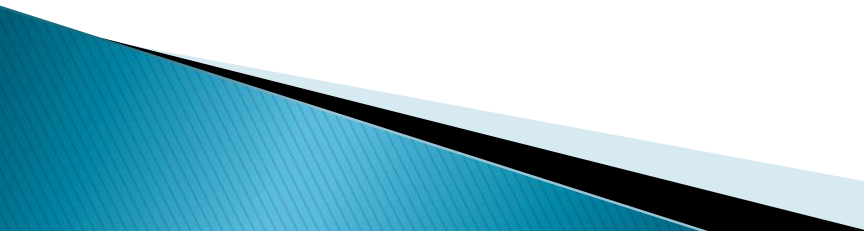
Operational principles of a restorative prison

1. Forge a new relationship between a prison and its community
 2. Provide prisoners with opportunity to work for the benefit of others
 3. Help prisoners understand the effects of their crimes on others (moral awareness – cf. other models of rehabilitation)
 4. Use RJ to deal with conflict within prison
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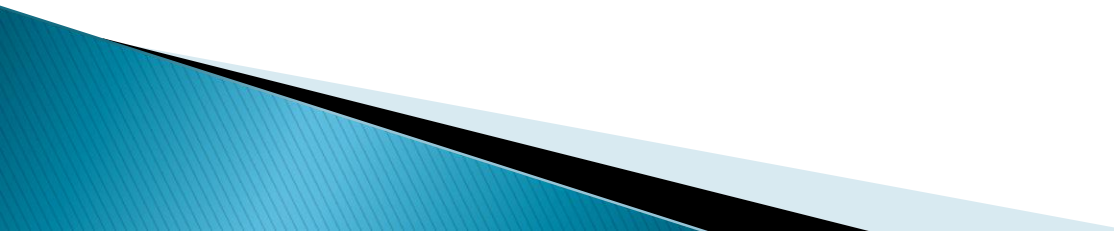
Reasons to be cautious

- ▶ Imprisonment works on inmates in the complete opposite direction of restorative justice.
 - ▶ Difficult, given the pains of imprisonment, to get prisoners to focus on the pain and needs of others
 - ▶ Negotiated forms of conflict resolution in prison?
 - ▶ Professionals will have difficulty in yielding control – especially in prison
 - ▶ Restorative approaches co-opted to serve non-restorative goals of the prison
 - ▶ ‘Positive’ initiatives help legitimate penal institutions
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The way ahead

- ▶ Restorative justice taps into hope and positive aspirations
 - Benefits for prison staff
 - ▶ Aspirational statements need to be supplemented by realistic accounts of what restorative justice can achieve in prisons
 - ▶ Need for a variety of practices and models
 - Early standardisation problematic
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The way ahead (cont.)

- ▶ Need for caution (but not cynicism)
 - Limits and dangers of restorative justice in prisons
 - ▶ Sensitive and sophisticated approach to evaluation
 - ▶ Connect with other areas of crime policy
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Homework!

- ▶ Prison Cell
 - <http://www.restorativejustice.org/prison>
- ▶ Edgar, K. and Newell, T. (2006) *Restorative Justice in Prisons: A Guide to Making it Happen* (Winchester: Waterside Press)
- ▶ Van Ness, D. (2007) 'Prisons and Restorative Justice', in Johnstone, G. and Van Ness, D. (eds.) *Handbook of Restorative Justice* (Cullompton, Devon: Willan), 312–24.