Restorative Prisons: Towards Radical Prison Reform

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Abstract

The words ‘restorative’ and ‘prison’ seem somehow incompatible. Consequently, it ought to be acknowledged that ‘[a]t one level there can be no such thing as a restorative prison’ (Coyle 2001b:7). However, as Coyle (2001b:8) also notes, ‘in the interests of prisoners, of prison staff and of civil society one has to set one’s ambitions higher than that’. It is already acknowledged that the prison systems we have in the developed world fail to compel offenders to take responsibility for the harm they have caused, fail to recognise the importance of victims in the equation, and fail to demonstrate values inherent in civil society. Accordingly, this article explores the notion of the restorative prison and looks at ways in which restorative and therapeutic processes might work to establish a wholly restorative and therapeutic prison in Australia. That is, a prison whose regime is run entirely on restorative and therapeutic principles rather than a prison that might have established a therapeutic or restorative unit or a prison which runs therapeutic or restorative programs. As Liebmann (2007:250) suggests, ‘it is not enough to have a single project to demonstrate “look how restorative we are” – rather a prison needs to look at all ways it can fulfil the values’.

Background

One of the major features of the Australian criminal justice system has been the extraordinary growth in prison numbers. The Australian Institute of Criminology monitors prison numbers in Australia and notes that the average prison population in Australia has grown by 5 per cent each year between 1984 and 2004 (Australian Institute of Criminology 2007). This phenomenon of increasing incarceration rates appears to be a world wide trend with no jurisdictions reporting reductions in prison numbers over that time. As Garland (2001:199) contends, the prison has moved ‘from being a discredited institution destined for abolition, to become an expanded and seemingly indispensable pillar of late modern social life ... today’s reinvented prison is a ready-made penal solution to a new problem of social and economic exclusion’.

Such growth in prison populations and associated cost might be justifiable if either there was a concomitant growth in crime and/or imprisonment was an effective mechanism for reducing crime. Sadly, there is no such justification since crime rates have fluctuated over this period showing both increases and declines in various offence categories.

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Today’s world of crime control and criminal justice was not brought into being by rising crime rates or by a loss of faith in penal-welfarism, or at least not by these alone … It was created instead by a series of adaptive responses to the cultural and criminological conditions of late modernity – conditions which included new problems of crime and insecurity, and new attitudes to the welfare state (Garland 2001:193).

There is no evidence that increasing imprisonment results in decreasing crime. Indeed there have been many studies related to the counterproductive, harmful and brutalising nature of imprisonment (Aungles 1994; Carlen 1994, 2002; Coyle 1994; Foucault 1977; Garland 1990; Stern 1998, 2005) yet imprisonment rates continue to increase alarmingly in the developed world. For example Coyle (2001a:6) also notes that:

One should be very cautious of any suggestions that an increased use of imprisonment is an efficient form of crime control. There is little evidence from anywhere in the world that there is any relationship between high rates of imprisonment and low rates of crime. Indeed the contrary is often the case. High rates of imprisonment are frequently an indicator of the break down of society’s sense of community values.

The effectiveness of imprisonment both as a preventative measure and as a tool of rehabilitation is indeed questionable. Prisons by their nature, their hierarchical organisation and their architecture, are the embodiment of secrecy, invisibility, isolation, and lack of accountability. These factors encourage, rather than discourage, coercion, brutality and violence amongst prisoners and prison staff (Goulding 2007:140). One of the consequences of this is that imprisonment, as it is presently constituted, does not prepare inmates for productive and pro-social living in the wider community. As Mace (2002:2) claims:

There is a real risk that people will emerge from prison feeling numb, dispirited and fatalistic rather than to any degree reformed or better equipped to lead a law abiding life when they return to the community. There is also a danger that when released they will lack a network of links with the community which might be helpful in bridging the distance between institutional life and the challenge of resuming a law abiding life outside prison walls.

Not only do prisons destroy law abiding networks, they often build anti-social networks. When a prisoner is released from prison, many previous pro-social contacts have been lost and have been replaced with anti-social networks built up during the period of incarceration.

It can then be argued that imprisoning more people for longer does not make communities safe. Indeed it is often argued that prisons are part of the problem of crime in communities. It is evident that the Australian public have been asked to pay more each year for our prisons with no real benefit; but more critically, with decreasing benefit. That is, continued high rates of imprisonment have few if any benefits but very high costs. In short, in their present form, prisons have served their time and real reform is called for. With such reform in mind, this article seeks to explore the notion of the wholly restorative and therapeutic prison as an acceptable alternative to the current system. This article also outlines how such reform might be introduced within at least one Australian jurisdiction.

Restorative Justice: The Underpinning Philosophy

For the purpose of this article, we have defined restorative justice as:

An approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime – victims[s], offender and community – to identify and address their needs in the aftermath of a crime, and seek a resolution that affords healing, reparation and reintegration, and prevents future harm (Cormier 2002).
The concept of restorative justice has, in recent years, attracted much attention from penal reformers, justice activists, criminologists and others within the field of criminal justice. In the first instance restorative justice presents a challenge to prevailing adversarial criminal justice systems, which are organised under the notion that crimes are perpetrated against the state rather than recognising that crimes are perpetrated, in the main, against victims and/or communities. Restorative justice is a ‘philosophy that moves from punishment to reconciliation, from vengeance against offenders to healing for victims, from alienation and harshness to community and wholeness, from negativity and destructiveness to healing, forgiveness and mercy’ (Consedine 1995:11). Further, restorative justice is based on the concept of re-integrative shaming which stands in stark contrast to the notion of stigmatic shaming which is prevalent within current criminal justice systems. Put simply, the re-integrative shaming process attempts to shame the action rather than the actor and encourage mutual understanding, healing and forgiveness amongst all parties involved. Braithwaite (1989:55) describes the concept of re-integrative shaming in this way:

Re-integrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. These gestures of reacceptance will vary from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant. Disintegrative shaming (stigmatization), in contrast, divides the community by creating a class of outcasts.

Broadly speaking, restorative justice is a process that involves active victim participation, requires offenders to take responsibility for the harm they have done and to make apology and amends to their victims. One of the fundamental principles of restorative justice is a will to restore ‘the balance between the victim, the offender and the community’ (Coyle 2001a:6). Keeping in mind that ‘in many respects the victim is badly served by our current adversarial system of criminal justice’, restorative justice also seeks to bring all parties (victims, offenders and communities of interest) together with a view to achieving some form of reconciliation through a mutually acceptable outcome. In support of restorative justice principles, Judge McElrea (cited in Consedine 1999:56) argues that:

Criminal justice has been divorced from the community for far too long. Justice has come to be seen as a contest between the state and the defendant … As a result there is little incentive for anyone to take responsibility for the offending itself or for putting right the wrong. By contrast restorative justice is essentially a community-based model that encourages the acceptance of responsibility by all concerned and draws on the strengths of community to restore peace.

The contention here is that the basic principles of restorative justice could be successfully adapted for use within the prison setting; thus moving the brutalising and punitive characteristics of current prison regimes, as previously outlined, towards a more reparative and healing approach. This, we argue, would be to the benefit of victims and communities as well as prisoners. Restorative justice offers demonstrable benefits to victims of crime in such areas as satisfaction with the criminal justice system through to reduction of the impact of crime (Maxwell & Morris 1993; Beven et al 2005; Goulding & Steels 2006). Restorative justice also results in a reduction of offending behaviour of around 7 per cent (Latimer, Dowden & Muise 2001), but more critically, if combined with effective therapeutic interventions, has been shown to have a combined 31 per cent reduction in offending (Bonta, Jessee, Rugge & Cormier 2006).
The Restorative Prison at Work in Other Jurisdictions

This section on the functioning of restorative prisons is heavily reliant on Newell (2001) and Coyle’s (2001) work. Basically, the concept of restorative prisons is relatively recent and more or less limited to the Belgian prison system and the current research in this area by the International Centre for Prison Studies. Accordingly there is a paucity of other published sources.

Restorative prisons are a relatively new concept. In Belgium an action research project involving the introduction of restorative justice practices into six prisons was introduced in 1998. Newell (2001:1) reports that this was in response to ‘the horrors of the Dutroix affair of child abuse and child murder in the summer of 1996’ and subsequent community concerns regarding the ‘malfunctioning of the criminal justice system’. The fundamental concern within the Belgian community was that victims of crime and concerned communities were effectively ignored within the criminal justice process. The dreadfulness of the Dutroix crimes gave victim groups and communities the necessary impetus to lobby parliamentarians and to push for radical change. Newell goes on to say:

The decision was made to involve victims within the criminal justice system using the principles of restorative justice … This focus was partly in response to the repeatedly formulated requirements of an active self-help group of parents of murdered children and several groups of battered women and because there were trends within criminology that gave some direction towards the possibility of reform … From surveys of victims Belgian research showed there was great dissatisfaction with the way that public agencies like the police, public prosecutors and judges dealt with the aftermath of crime. Victims expected there to be a public reaction to delinquent behaviour, which includes listening to the needs of victims … repairing the harm done to individual victims and of the need to restore the confidence of the victim, his neighbourhood and the public belief in the functioning of the criminal justice system (2001:1).

This catalyst for change within the Belgian criminal justice system was widespread community concern that what existed did not achieve the basic aims of crime deterrence, rehabilitation of criminals and general community safety. It was this awareness of the failure of prisons to challenge offending behaviour, the victim’s need to be heard, together with insistence on more effective actions to implement greater community safety, that provoked the Belgian authorities to seek alternative options within the criminal justice system. It was also the courage and vision of prevailing politicians that directed such public outcry towards a restorative rather than a more retributive criminal justice system.

Newell (2001:2) states that the Belgian experience ‘focused on the restoration of damage caused by crime and towards the resolution of conflict between people and communities’. He goes on to comment that there have been some very good examples of restorative projects with juvenile offenders, ‘a project about material damage at the police station … and the experiments of victim-offender mediation in cases of serious violent crime’. Each of these projects has undergone evaluation and the outcomes suggest that most victims, judicial decision-makers and offenders support the restorative process. Newell (2001:2) sums up by saying that ‘it became clear to be really effective, the victim’s perspective must be integrated in all stages of the criminal justice procedure, including any period of custody’.

The positive evaluation of the restorative initiative in the six Belgian prisons concerned resulted in the Minister for Justice introducing restorative justice practices to all Belgian prisons. According to Newell (2001:2), ‘each of the thirty (Belgian) prisons now has a restorative justice counsellor appointed to work with the governor in order to introduce concepts and practices in line with those developed within the community’.
In January 2000 in Britain, the International Centre for Prison Studies at King’s College, London, also embarked on a restorative prison project. This was the result of one of the recommendations from *A New Agenda for Penal Reform*, an international conference on prison reform organised by the International Centre for Prison Studies. One of the main themes to emerge from the conference was the recognition that ‘formal criminal justice systems have marginalized victims of crime and have failed to oblige offenders to face up to the damage and harm which their actions have caused’ (Coyle 2001a:6). The ensuing argument was that prisons could become more effective as places of rehabilitation if they were run within a restorative framework which actively encouraged ‘prisoners to take responsibility for the consequences of their behaviour by providing greater opportunities to make amends, and by establishing formal channels of mediation between prisoners to resolve conflict’ (Coyle 2001a:7).

The British restorative prison project has been implemented in collaboration with the Prison Service in England and Wales and includes the active involvement of three prisons in the north east of England. One of the main aims of the project is to generate debate ‘about the purpose of imprisonment and prisons by examining the relationship between the prison, the prisoner and the wider community’. There was also an effort to discover whether the ‘development of a restorative regime inside a prison can contribute to altering human relationships and to changing the perceptions that prisoners, prison staff, victims and the wider community have of each other’ (International Centre for Prison Studies Web Page: November 2001).

Indeed the restorative prison project has effectively enhanced relationships and perceptions amongst the aforementioned social groups. For example, the Albert Park Project in the north east of England, involved prisoners from two local prisons in a total renovation of the badly run down public facility. A boat had been ‘rebuilt by prisoners in the workshops of one of the local prisons. Men in nearby prisons had also produced mosaics for the … visitors’ centre, had built tables for its café and had constructed the ornamental railings surrounding the lake’ (Stern, 2005:8). At a press conference held to launch an information booklet on the Albert Park renovation, the Director General of Prisons (cited in Stern 2005:8) said:

> It gives me enormous pleasure to launch this publication. I was brought up just round the corner from Albert Park. I saw it gradually fall into disrepair. Now it is being refurbished with a major contribution from prisons in the area … The prisoners are putting something back into the community. They are learning useful skills. And, hopefully, when they leave prison they will feel that they have more of a stake in the community and be able to make a new start in life.

Another restorative justice park project in Reading was completed by young prisoners. A public park area which had also fallen into disrepair, become a dumping ground for rubbish and was frequented by drug abusers was cleaned up and is now used again as a local park and children’s playground. During the clean up there were reports of local community members taking refreshments to the teams of young offenders. According to Leathlean (2004:3) the parks projects gave:

> offenders a chance to undertake active, meaningful work, and make direct amends to the community. Offenders have clearly valued this opportunity, and have been moved to see how much it has meant to the residents. In the words of one offender: ‘You can feel good that you are doing something for the community, not just sitting back and doing your time. And it was nice to see that they had faith in us, that they believed that we could be rehabilitated. In that sense, they were giving something back to us’.
Within a restorative prison setting, prisoners have the opportunity to make some form of reparation to local communities through meaningful work. This could be by way of supplying goods manufactured in the prison to charitable organisations or through the sale of such goods with profits donated to the relevant organisation. According to Coyle (2001:9):

The prisons are working with a non-government organization called ‘Inside-Out’ refurbishing goods, such as motorcycles, spectacles and books, for use by disadvantaged people in the United Kingdom and in other countries … Non-governmental organizations and other voluntary groups report that, when offered the chance, prisoners will work with enthusiasm on projects they know will help people who are more disadvantaged than they are: the old, the ill, the poor … The high motivation, active commitment and on-going enthusiasm that people in prison can bring to work of this kind and what they can achieve should not be underestimated.

Prison therapeutic communities have also been established in several prisons in England and Wales. HMP Grendon, arguably the best known therapeutic prison, contains more than 200 high security prisoners. At Grendon, ‘the program is based on therapeutic community principles, where a dedicated multidisciplinary team of staff works together with prisoners … This therapeutic dialogue leads to greater understanding of their usual behaviour’ (Liebmann 2007:247). Importantly, more than 30 years ago in 1973 a therapeutic prison unit was established in Barlinnie Prison in Scotland. The Barlinnie Special Unit was set up to hold Scotland’s most violent and troublesome prisoners. Disturbingly, and despite its success in rehabilitating many violent offenders, the Unit was closed in the late 1980s because of high running costs (Boyle: 1984). The Barlinnie Special Unit was a crucial breakthrough in the treatment and rehabilitation of the most violent offenders.

Various restorative and reparative processes are currently in place in prisons in several other jurisdictions around the world. However, these have been described as ‘piecemeal, uncoordinated and largely dependent on the initiative or chance involvement of enthusiastic individuals’ (Liebmann & Braithwaite, cited in Mace 2001:2). Liebmann (2001) goes on to say that such initiatives ‘can often be short lived or become marginalised under the pressure of other priorities if they have not been integrated as part of the prison’s regime’. Currently, Belgium is the only country which has its entire prison system based on restorative justice practice which includes, but is not limited to, prisoner reparation to victims and community, victim and community involvement in the process and prison staff who are trained in the principles of restorative justice.

Within the West Australian prison system, for example, a few reparative projects are currently in place. In Casuarina maximum security facility a few prisoners re-classify used spectacles as part of an international eye care project to enhance sight within the populations of third world countries such as Nepal. In support of Coyle’s previous argument, these prisoners have a sense that they are contributing to society in a positive manner by helping those they perceive to be worse off than themselves (personal observation and conversations with the prisoners and prison officers concerned, Casuarina Prison 2001). These reparative activities do not, however, occur within a restorative prison setting. In line with this, Liebmann and Braithwaite (cited in Mace 2001:2) found, that there were few prisons worldwide which had adopted restorative justice as a ‘total philosophy informing all their activities’.
Restorative Processes within a Prison Context

We have argued that the current operation of prisons offers very little to the community. Victims of crime are not recompensed for their losses. The community is not safer. Prisons do not reduce crime but, conversely, are themselves criminogenic. And finally, the community gains little benefit because the continued high cost of incarceration eats into the public purse with ever increasing imprisonment rates. Granted, incapacitation does in most cases limit the criminality of prisoners to the prison, but since almost all prisoners are eventually released, the community is rightly justified in demanding a system which reduces future criminal activity rather than one which supports the further development of criminogenic attributes.

We have also shown that restorative justice offers victims, offenders and the community better outcomes than traditional criminal justice sanctioning. Our work with adult offenders in the West Australian Magistrates’ Courts resulted in significantly better outcomes for both victims and offenders (see Beven et al 2005; Goulding & Steels 2006 for a full discussion). It also illustrated how restorative justice works towards the reduction of offending through a decrease in levels of offender neutralisation (Beven et al 2005). As part of that discussion we have shown that restorative justice can be transposed to a penal philosophy and that it now operates throughout the Belgian prison system.

In order to work effectively within the prison setting, restorative justice processes should address some fundamental areas of concern. These are (in no particular order):

1. Providing reparation to victims and communities through meaningful prisoner work activities which effectively assist individual victims and/or local communities.
2. Restructuring of all grievance procedures within prisons to include and promote alternative dispute resolution processes. This would include prisoner to prisoner disputes, prisoner to prison staff disputes and all prisoner and prison staff grievances.
3. Encouraging prisoners to recognise that their criminal actions have caused harm to victims and their families, their own families and communities.
4. Encouraging prisoners to engage in counselling and/or therapeutic programs within the prison with supportive networks of family or peers in order to address the underlying issues which resulted in their offending behaviour patterns.
5. Encouraging prisoners to engage in interaction with victims (not necessarily their own victims) where appropriate within the prison setting.
6. Building positive relationships between prisoners and prison staff.
7. Fostering new relationships between prisoners, the prison and the local community as a first step towards reconciliation and successful prisoner reintegration.
8. Counteracting the negative stereotypical images of prisoners within local communities, thus effectively increasing the opportunity for successful reintegration.

According to Coyle (2001:10), the truly restorative and therapeutic prison setting would: present prisoners with a series of duties, challenges and learning opportunities. It would invest trust in the prisoners’ capacity to take responsibility for performing tasks, for meeting challenges and for using learning opportunities. The task for prison staff at every level and in all departments would be to work with prisoners to identify the skills, guidance and support they
need to restore their lives, equipping themselves for renewed citizenship and a life away from crime.

A key factor in a restorative and therapeutic prison is an environment of safety for both prisoners and prison staff. This stands in marked contrast to the violent and brutalising nature of our current prisons (Foucault 1977:266; Aungles 1994:185). As Newell (2001:3) argues, ‘unless prisoners can avoid experiences of being victimised in prison they are unlikely to be able to focus their attention upon those they have damaged by their offending behaviour. Thus the need to create and sustain safe healthy prisons is vital for restorative justice to flourish’.

The Implementation of a Restorative and Therapeutic Prison System

The Belgian experience began ‘with the cultivation of a prison culture which allows and stimulates restoration processes between victims and offenders’ (Newell 2001:3). In order to implement restorative practices and establish the underpinning philosophy, all prison staff in the initially selected Belgian prisons had to undergo extensive training and education in the principles and practice of restorative justice. Many obstacles had to be overcome, not the least of which was the attempt to combine restorative practices with traditional prison modes of administration. Newell (2001b:4) suggests that the tension between the two is still apparent. He maintains that:

Restorative justice requires respect, the assuming of responsibility and the freedom to solve problems by those involved in the conflict. These attitudes are opposed to the deprivation of freedom and limited personal responsibility that form the basis of current prison practice.

In the Belgian reforms prison officers have been required to develop generic therapeutic skills to facilitate restorative and therapeutic processes in diverse situations. The restorative and therapeutic procedures require a fundamental lack of prejudice on the part of members of staff who have to deal with offenders and their support networks (and victims and their support networks) regardless of the criminal act which led to the prisoner’s incarceration. These skills are also displayed in the restorative management of situations of conflict between prisoners and between prisoners and prison staff. In order to better accommodate the transition from retributive to restorative systems, consultants are employed in each prison to raise awareness of restorative processes and to establish meaningful dialogue between prisons and community.

In their turn, prisoners have to learn to accept responsibility for the harm their criminal activities have caused to individual victims, family and neighbourhood. This largely transformative component is implemented at the beginning of any given prison sentence and is maintained throughout the term of custody. Newell outlines the process thus:

Staff organized support to help them (prisoners) take up responsibility for the crime and the consequences for the victims … Prisoners are given awareness training so they are conscious of the psychological and emotional consequences for the victims. This program is called ‘Victim in Focus’ and is a confronting approach aimed at changing attitudes (2001a:3).

Prisoners are also made responsible for any financial compensation owed to victims. To this end, a restoration fund has been established and prisoners are now able to earn money in order to pay victim compensation. This has the effect of instilling some degree of responsibility in prisoners whilst providing reparation for victims.
In the early stages, both victims and community were given preparation for the radical change towards a restorative criminal justice system. This was initially through provision of information about restorative justice practices and ‘the situation of imprisoned offenders and what is likely at the end of their sentences’ (Newell 2001a:3). Victim aid groups were also consulted throughout the introduction of restorative practices, which came into play from initial arrest of offenders, through the investigation process, the court process to incarceration in restorative prisons. In Belgium then, ‘at all stages of the process victim orientation and the possibilities for mediation, reparation, community service or other alternative ways to react to lawbreaking are becoming the norm’ (Newell 2001a:3).

Restorative and Therapeutic Prisons: An Australian Context

For principles of restorative and therapeutic justice to work in Australian prison systems there would need to be profound cultural change across all jurisdictions. This would need to be initiated amongst the prisoners, prison staff and community members. Rather than attempt to achieve this across the board – an unlikely proposition as it would arguably meet with strong resistance and do little to initiate real cultural and philosophical change – the suggestion here is that an action research project involving the development of one wholly restorative and therapeutic prison be considered. Because our experience and knowledge base is largely within the Western Australian system, our selected example is unashamedly parochial. The recently commissioned and privately run Acacia Prison has stood alone in resisting (to date) the entrenched culture of the Western Australian state run prison system. For this and various other practical and logistic reasons, Acacia prison arguably presents as the most appropriate starting point for the introduction of such radical reform.

Acacia is a 780 bed, relatively new prison largely staffed by personnel with little or no experience in the state prison system and, consequently, the prison is not yet steeped in the punitive and divisive cultural practices which have haunted West Australian state run prisons. Further, because it is a privately run prison, Acacia is somewhat distanced from its state counterparts. Also, Acacia prison’s simpler organisational structure with its parent company, Serco, appears to allow senior management more discretion in the day to day running of the prison. As a result of this, prison management and staff may be more prepared to adopt restorative and therapeutic practices than those entrenched in the traditional state system. In addition to these factors Prison Fellowship (Australia) has already introduced their faith based restorative ‘Sycamore Tree’ program within Acacia prison where surrogate victims meet with prisoners, explain restorative justice philosophy and engage in symbolic actions of responsibility taking, apology and reparation (www.users.bigpond.com/pfansw/projects/pf_sycamoretree.html). Although we view the ‘Sycamore Tree’ program as a welcome move in a positive direction, we also contend that a more inclusive restorative approach which is secular rather than simply Christian based and faith focused is merited.

At the time of writing, Prison Fellowship (Australia) has completed several ‘Sycamore Tree’ programs at Acacia Prison. Conversely, senior management at several state run prisons have been reluctant to introduce the restorative program, offering little or no support to the concept. However, in opposition to the majority of state run prisons, senior management at Karnet Prison Farm have recently permitted the first ‘Sycamore Tree’ program to be run at the minimum security facility. Certainly, for those implementing restorative programs in custodial settings, it is important to acknowledge that prisons prioritise security concerns and run to rigid schedules which, if interrupted, can cause
logistic problems for staff. Prison Fellowship also applied to run a restorative justice program in a state run facility; Bandyup Women’s Prison (Personal Conversation with Patrick Chong, Prison Fellowship Australia, May 2006). However, permission was denied. Interestingly, in most countries where restorative programs are implemented in prisons, there are far fewer opportunities available for women prisoners to participate (Liebmann & Braithwaite 1999). Going against this trend, however, in 2003 HMP Cornton Vale, the only women’s prison in Scotland, introduced several restorative justice programs. Liebmann (2007:251) notes that, subsequent to the establishment of a more restorative culture within Cornton Vale, there were ‘reduced levels of self-harm, bullying and assaults/fights; and prisoners reported that they felt safer’.

Within a West Australian context, the already established restorative justice program in Acacia Prison addresses only one of the four main elements required in a restorative and transformative prison environment; that of establishing an awareness of the impact of crime on victims through direct mediation between victims and offenders. The remaining three elements are considered to be:

- The implementation of meaningful workplace activities for prisoners so that a proportion of their time is spent working for the benefit of others within a spirit of reparation.
- Incorporating restorative justice principles into dispute, grievance and disciplinary procedures.
- Initiating positive relationships with local communities in order to illustrate the need for prisoners to be ‘reconciled with the wider society and received back into it’ (Francis 2001:2).

There is no set formula or plan for the establishment of a restorative and therapeutic prison. Such prisons are few and far between. Even so, valuable lessons can be learned from the Belgian experience and from the current research being conducted by the International Centre for Prison Studies in Britain. What is clear from the outset is the need for intensive training and education of prison staff at all levels in the theories, practice and generic applications of restorative and therapeutic justice. This would require, as in the Belgian system, the employment of restorative and therapeutic justice consultants (reporting directly to the prison superintendent at each prison) to initiate, maintain and oversee ongoing development and implementation of positive practices. Running parallel with prison staff education and training, there would need to be an intensive program of community information similar to that carried out by the Belgian authorities. This would require the close involvement of victims of crime, victim aid groups, church and community organisations and the general public.

It is acknowledged that the concept of a restorative and therapeutic prison in Australia would involve sweeping change from within the various state run criminal justice systems. The introduction of such radical transformation would require clear vision and political fortitude from relevant state government ministers. However, the prison system we have does not serve either victims or the community effectively. It is economically unaffordable, reproduces criminality and comes with a tremendous social cost. The restorative and therapeutic model has provided the Belgian community with a more effective and pro-social system, which satisfies most community concerns with regard to the workings of the complete criminal justice system. As Newell (2001b:1) points out:

Whilst we continue to regard restorative justice and prisons as opposite points of the spectrum the public will not recognize its validity as a realistic approach to resolving the conflicts
involved in the decisions central to criminal justice. The debate about prisons must become more central in seeking to establish restorative justice as more than an interesting alternative for the less serious offenders and offences. The victims of serious crimes are being let down by the current exclusion of prisons as places of restoration for offenders, victims and their communities.

In conclusion, all of us who constitute ‘community’ – including victims of crime and offenders, as well as ordinary community members – are being let down by retributive prison and criminal justice systems which do little to heal the effects of crime and nothing to create safer communities. The concept of a restorative and therapeutic prison systems Australia wide may seem a remote possibility at present. But it must be acknowledged that the vast majority of our prisoners have come from local communities and, in time, all but a handful will return to these communities; most of these men and women will have been harmed and made worse by their experience of imprisonment. The contention here is that prisoners who have served their time within restorative and therapeutic custodial settings would be returned to the wider community with a vastly better chance of successful reintegration as law abiding, valued citizens.

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