

Restorative Justice in Prisons: Two Examples

By Daniel W. Van Ness

Before I describe two examples of restorative justice programmes operating in prisons in a number of countries, let me make one cautionary observation. Trying to run restorative justice programmes in a prison setting raises a number of issues that have been discussed since early days in the movement about how well restorative justice can be applied in the justice system.

For example, can we say that a defendant's participation in a restorative programme is truly "voluntary" when she chooses to do so in order to avoid a more burdensome outcome, such as going to jail? It may be voluntary in the sense that no one made her participate, but it is not as voluntary as if she had done so without the looming pressure of a sentence hanging over her.

But prison raises some unique issues as well, due largely to the prison environment. I want to review some of these briefly so that we place these conversations in context.

Vidoni Guidoni, writing of his experience with a restorative justice initiative in an Italian prison, identifies a number of obstacles that restorative justice programmes face because of the realities of prison life:

First, prison regimes control the lives of prisoners, making it difficult for them to exercise personal responsibility. Yet, responsibility is a key value of restorative justice.

Second, prison subcultures are typically deviant, making rejection of deviance more difficult for prisoners. Inviting them to participate in a process of restoration and transformation puts them in a position of vulnerability and requires tremendous strength on their part to move against the prevailing culture.

Third, force is used or threatened to keep prisoners from escaping and to control their movement in the prison. Furthermore, life among prisoners is typically characterised by threatened or actual use of violence. These realities work against efforts to instil in prisoners a strong value for conflict resolution.

Fourth, prison administrators, staff and prisoners seldom have the same goals, making it difficult to maintain a single restorative purpose. Restorative justice programme directors may be victim-centred, while the prisoner is interested in getting his sentence reduced. The prison administration may place restrictions on the programme for security reasons or because of the increased burden on staff. I'll give an illustration of that in a moment.

Fifth, prisons are authoritarian and hierarchical, making it difficult to develop prisoner autonomy. This is related to the issue of prisoner responsibility and to the reality of power imbalances in the prison setting.

Finally, prisons are offender-focused, making it difficult to for restorative justice programmes in the prisons to maintain a focus on the rights and needs of victims.

I would like to speak this afternoon about two programmes being used by Prison Fellowship national affiliates in different parts of the world. One helps prisoners and victims develop an understanding of the other by having them meet weekly for a series of five to eight conversations. The second programme seeks to develop and sustain a fully restorative prison environment, one in which prisoners are taught to love and respect themselves, each other, their families and those they have harmed.

Sycamore Tree Project

The first program is called the Sycamore Tree Project. **The** name is taken from the story in the New Testament about Jesus' encounter with a corrupt tax collector and the people he had defrauded. In an attempt to see over the crowd, the tax collector (named Zacchaeus) climbed a sycamore tree. Jesus saw him, had him come down into the crowd and in the end Zacchaeus repented of what he had done, agreed to pay restitution to everyone he had harmed, and gave half of what was left of his ill-gotten riches to the poor.

In its generic form, six victims and six prisoners agree to meet with each other over an eight week period. These are not each others' victims and offenders. Here you see three men meeting in a break-out session. They meet weekly for 2-hour conversations about questions of crime, personal

responsibility, confession and repentance, forgiveness, making amends and reconciliation. A trained facilitator uses a prepared curriculum to guide the discussion.

The **aim** of the programme is to help offenders understand the experience of victims, and to consider how they can begin to make things right in their own cases. However, we wanted the programme to serve victims as well, and we have consistently found that they do benefit from it. At the end of the programme, the prisoners are encouraged to write a draft letter of apology to their victims. (These letters are not sent, but are reviewed with the victim participants to help the prisoners understand what the response might be). The victims and offenders are also given the opportunity to decide on a specific individual or group project to perform as a symbolic way of moving toward reconciliation and **restoration**. These prisoners and victims (those with their backs to the camera are some of the prisoners) decided that they wanted to plant a sycamore tree on the grounds of their prison, and they created a banner of a bare tree and put their names on leaves that they attached to the tree. Their intention was that participants in future projects would add their leaves as well.

The project is short-term, intense and requires careful preparation. It relies on volunteers or Prison Fellowship staff to facilitate group discussions and recruit the victims and prisoners. They must get permission from the prison authorities to gain access to the prison to conduct the programme, to bring victims and facilitators into the prison, and to use a room or other place in which to carry on the discussions.

What I have described is the programme as originally designed. As it has been used in different countries, it has been adapted to respond to the cultural and law enforcement environments. This is a list of the countries in which Prison Fellowship affiliates have used Sycamore Tree. In most, it is being used on an ongoing basis.

It is a simple program, but it can have a profound impact. There is growing anecdotal evidence of this, particularly as the programme has expanded into a number of countries and gotten very similar results. The programmes in New Zealand and in England are currently being evaluated to determine the extent to which prisoners' beliefs have changed in specific areas that have been shown to be related to recidivism. This grew out of the observation of prison treatment staff that prisoners who had been resistant to participation in programmes that do reduce recidivism, have volunteered for the programmes after going through the Sycamore Tree Programme.

The programme has been adapted in several intriguing ways. Our **Rwanda** affiliate used an adapted form of the programme, which they call the Umuvumu Tree Project (there are no sycamore trees in Rwanda), to help prepare men and women being held in the genocide prisons for their appearances before the Gacaca courts as well as to prepare communities for the return of the genocide prisoners. This slide shows recently-released prisoners constructing a house for genocide survivors.

Communities of Restoration (APAC)

By far the most ambitious approach in introducing restorative justice into prison is to try to create a fully restorative environment – one in which the prisoner’s entire self may be transformed. Frank Cullen and others have called this a Virtuous Prison, one in which restorative justice and rehabilitation would be combined in an effort, they write,

...to foster ‘virtue’ in inmates, which is usually defined as ‘moral goodness’ or ‘moral excellence.... Prisons should be considered moral institutions and corrections a moral enterprise. Inmates should be seen as having the obligation to become virtuous people and to manifest moral goodness.

This statement announces that there are standards of right and wrong and that offenders must conform to them inside and outside of prisons. The notion of a virtuous prison, however, also suggests that the correctional regime should be organized to fulfil the reciprocal obligation of providing offenders with the means to become virtuous.

The best example of this that I have seen is a model developed by the Brazilian organisation Association for the Protection and Assistance of the Condemned, or APAC. This group has become the Brazilian affiliate of Prison Fellowship. Their approach, which they call the APAC methodology, has been adapted and used in other countries, although outside of Latin America it has been significantly adapted because of local requirements. We call the collection of APAC regimes and their adapted replications, Communities of Restoration.

The original APAC prisons use no correctional or police staff. They are run entirely by volunteers from the community who come to express the love of God

for the prisoners. It is believed that if the staff were paid, both prisoners and staff would recognize that they come because they receive money to do this. No payment means they come out of love.

Love is the operative principle here. The philosophy of the methodology is that crime is the violent and tragic refusal to love. Humans were made to love and to be loved. **But** love is like speaking and writing; we are born with the innate ability but need to be taught how to do it. Unfortunately, some families are not able to love or to teach what it means to love. When that happens, and when the result is criminal behaviour, the prisoner needs to be taught how to love. APAC creates a community in which that can happen.

There is a strong emphasis on prisoners taking responsibility for themselves, for each other, and for the community within the prison. Prisoners are given positions of trust; the prisoner on the left is a doorkeeper to the prison, for example. This love has expectations as well. Prisoners are taught to take responsibility for themselves and for fellow prisoners. Through meetings in the cells, discussions on values, participation in education and therapeutic labour, the prisoners grow to understand themselves and others. They are also given responsibilities – there is an inmate council that advises the volunteers who run the prison. Inmates are released in pairs to run errands for the prison, such as to get medical supplies for the health clinic.

The regime is progressive in nature. Prisoners start in a closed unit, move to a unit where they live at night and work in the community during the day, then they move outside the prison entirely and report back on a weekly basis. **The**

time in the closed unit is spent helping the prisoner understand his unique gifts and the remarkable person that he or she is – this is called human valorization. The key programme each week is the human valorization class. A volunteer gives an opening presentation on a **topic** such as:

“For as long as there is in the world a person unjustly treated, hungry, in prison, sick, unemployed, alone or abandoned, I have a responsibility.”

“Every person is more than the mistakes he has made.”

“Kill the criminal to save the person.”

The prisoners then break into small groups to discuss this.

These and other slogans are painted on the walls of the prison, and are designed to spur thought and conversation.

Medical, social and psychological needs are also addressed. Prisoners are admitted in small numbers so that the community culture remains strong.

Family is very important in the APAC regime. Families are treated with great respect and dignity when they visit, and there are many opportunities for them to come. The APAC volunteers have special seminars for the families, with the goal being to prepare the prisoner to return to a healthy family on release. If the family of the prisoner wants nothing to do with him, a volunteer couple will become his godparents, taking on some of the roles the prisoner’s parents have relinquished. Here you see, from left to right, the father, the mother, the son and the wife of a prisoner, whose arms embrace them all.

The important restorative ingredient that was initially absent from the programme has been a focus on the victims of the prisoners’ crimes. Initially, I

believe, this was because the volunteers viewed the prisoners themselves as victims. **But** lately, in response to requests by prisoners, the APAC leadership has been exploring ways to help the prisoners deal with their responsibility for the harm that they have done to others, and to respond in love and compassion to those victims. The first step has been to create programmes to offer support to those who are victimized by crime. A second will be to begin using an adapted version of Sycamore Tree Project. It is early days, yet, but it will be interesting to see what emerges.

Is the APAC methodology successful? Dr. Byron Johnson, a researcher now at Baylor University, found that three years after release from the original APAC prison, only 16% of the prisoners had been rearrested, with even fewer convicted or re-incarcerated. This was less than half the recidivism rate for another model prison (36%).

The APAC methodology has been adapted and initiated in a number of countries. Outside of Latin America they have been required to have paid staff and to allow corrections officials to secure the outside of the prisons. However, they use large numbers of volunteer mentors and find other ways to demonstrate increased trust for the prisoners. These are the countries in which Prison Fellowship affiliates are running the APAC methodology or adapted versions of it.

This is a picture of the one of four replications in the US, called InnerChange Freedom Initiative. This is the last of the four to start, in Lino Lakes, Minnesota. A recidivism study of the first IFI programme outside of Houston, Texas, conducted by the Texas Criminal Justice Policy Council, found that after

following IFI program graduates for a two year period, they had a significantly lower rate of arrest (17.3% compared to 35%, 34.9% and 29.3%) and incarceration (8% compared to 20.3%, 22.3% and 19.1%). Than comparison groups.

Conclusion

If you would like further information on either of these programmes, please talk with me or go to our website www.pficjr.org and click on Programmes.