

Restorative justice in corrections

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The groundwork for a restorative approach to justice is found in the Correctional Service of Canada's (CSC) core values and guiding principles that emphasize individual dignity and respect, the potential of offenders to live as law abiding citizens, as well as those that recognize the importance of community connections and partnerships. The concept of restorative justice has early roots at CSC in its Aboriginal and Chaplaincy divisions. In 1996, CSC established the Restorative Justice and Dispute Resolution Unit as a separate, dedicated division to explore emerging trends and initiatives in the fields of restorative justice. Other restorative justice initiatives within CSC include "Restorative Justice Week", the Ron Wiebe Restorative Justice Award, and the Dispute Resolution Fund. This article discusses the use of restorative justice initiatives in correctional settings.

Restorative justice in federal institutions

Most of the research on restorative justice to date has examined its use at the front-end of the system, such as police and court diversion schemes. In particular, much of the interest in restorative justice research has focused on young offenders at the time of arrest. However, restorative justice programs are increasingly becoming more available in correctional environments. The goal of these programs is not typically to benefit offenders by early release, parole consideration, or restitution agreements. Rather, they often occur because the victim wants to meet the offender to learn more about what happened, to reach beyond fear and anger, and to facilitate the healing process. Restorative justice programs for adult offenders in custodial settings range from victim-offender mediation, surrogate victim and offender groups, prison adjudication among inmates, community reintegration strategies at the pre-release stage to community group conferences or community service work for parolees.

The common goal of victim-offender mediation is to bring together the victim and offender in order to reconcile the relationship, discuss feelings about the crime, and address issues of re-victimization. With the assistance of family, victim, and officials, some of the programs

develop reintegration plans prior to the offender's release from prison. Victim-offender mediation varies in terms of the number of participants attending the meeting, the types of crimes mediated, and the point of the prison sentence in which the mediation occurs.

Surrogate victim and offender groups involve offenders and matched or random victims who meet together in direct dialogue to discuss the crime in general terms. Citizens, victim advocates, and family members may also attend these sessions. The programs vary, but may be comprised of discussions, exercises, role-plays, letters of apology, and in rare instances, actual encounters with the victims. The groups help to address offender accountability, participant awareness, victims' rights, and the long-term effects of crime.

Some institutions have implemented inmate adjudication using a restorative justice framework with the goal of improving relationships in prisons. These workshops focus on developing strategies of conflict resolution and effective communication. The goal is to reduce hostile attitudes and social avoidance as well as to increase self-esteem and thinking skills of inmates.

Community reintegration programs with a restorative focus attempt to reduce the risk of re-offending and ease offenders' transition into the community. Such a program allows for community consultation and involvement, offender-release planning, and face-to-face interaction with the victim, if possible. All of this occurs prior to conditional release.

Restorative justice in the community

At the post-incarceration stage, there is one restorative justice program in operation in Canada for federal offenders. The Restorative Options to Parole Suspension program uses a community group conference for parolees who are deemed to be at risk of either re-offending or of committing a technical violation. The parole officer, offender, victim, family supporters, counsellors, and community members attend the conference to discuss the offender's present

behaviour, to develop a comprehensive plan, and to assist the offender in further reintegration into the community².

In a review of the program, it was found that, of the eight conferences held at that time, only two cases had remained in the community without further re-offending or parole violation. However, the conferences seemed to imply other successes such as changes in offender behaviour and victim perceptions. The review found that there were some areas of the program that needed to be improved. For example, community support was mandatory for the program to proceed, conferences needed to be more flexible, case preparation is critical to success, and conferences must be held immediately after release from custody³. A formal evaluation of this program is currently being conducted by the Solicitor General of Canada.

Gaps in the research

One of the primary research gaps is the lack of research on restorative justice programs in institutional and post-institutional settings. In particular, there is a lack of formal evaluations of existing programs. Much of the research to date involves program descriptions rather than outcome evaluations. The absence of standardized measures indicates the need to develop a set of indicators to consistently measure success across programs and jurisdictions. It is also important for evaluations to include measures besides the standard offender-focused measure of recidivism. There is the need for large and random samples, control and treatment groups, or at least matched samples. Finally, longitudinal analysis is required to examine long-term recidivism patterns, long-term effects along the different stages of the criminal justice system, and participation effects for long-term offenders.

Another research gap is that there is little information on the community component of restorative justice. There are many short- and long-term effects on the community that require examination. For example, strained resources, public acceptance, sense of security, fear of crime, perceptions of the criminal justice system, and community member participation are important issues to be addressed. In addition, obtaining and maintaining community partnerships, commitment, and responsibility is critical for effective program implementation and delivery. Griffiths and Patenaude (1990) reaffirm this point by stating that “community-

based corrections strategies will only be effective if they are incorporated into a larger framework of localized corrections”⁴. The racial and ethnic diversity of communities also affects the success of a program both in how different cultural communities interpret, participate, and support the program.

The importance of conducting further research on restorative justice programs in corrections is evident for a number of reasons. First, it is important to gather empirical data to support the expansion of programs or to prevent the implementation of programs that are not effective. Second, the Canadian population needs to know whether these programs are effective at reducing the incidence of crime and are contributing to the safe reintegration of offenders. Lastly, there is a need to study individual programs, to determine what factors make one program more successful than another. These factors may include community commitment, the offender’s belief in acceptance, and the victim’s willingness to accept restorative solutions.

Research priorities in federal corrections

The following are some important considerations for future research and practices in corrections including the institutional and community settings. These priorities offer a potential framework that may guide future restorative justice research initiatives.

Implementation

The integration and application of restorative justice into institutional and community correctional programs is a high priority for CSC. It is necessary to examine how restorative justice practices have been implemented, and the ways in which we are able to expand on these programs. Further, expansion of current programs requires consultation with key individuals within CSC and outside organizations. More importantly, it is important to examine whether we are able to implement restorative justice into prisons and parole systems, while at the same time doing “good corrections”.

Feasibility

The suitability of restorative justice in correctional settings is a valid concern for those involved. The type and seriousness of cases appropriate for restorative intervention remains a primary concern. An additional priority is determining whether “end-of-the-system”

approaches can be considered as restorative in nature. For instance, when considering the retributive prison environment, the inmate culture, and management issues, there is some doubt whether prisons can provide safe and constructive communication for participants.

Policy

It is important to identify and address any implications for policy and practice. The extent to which restorative justice initiatives affect correctional legislation (i.e., *Corrections and Conditional Release Act*) and the mandates of correctional agencies (i.e., National Parole Board) require further exploration. It is necessary to recognize the limits within this legislative context, and to find a balance between a restorative and traditional justice system.

Program evaluation

Program evaluation is a critical priority. Besides having very few programs at the correctional stage, there are even fewer evaluations to report. The important question is how to evaluate programs in institutions. There are a number of unique factors that may affect program outcomes and the evaluation due to the particular setting. Some of the issues include coerced participation, lack of interest, inconvenient schedules, conflicting programs, and unavailable staff and space. The specific outcome measures must also be identified, and the extent to which they vary from other evaluations at different stages. Measuring a program in terms of its restorative nature and whether it is adhering to a restorative model is a difficult task.

Outcomes

It may be beneficial to examine the differences in outcomes achieved between a front-end approach and an end-of-the-system approach. Similarly, it would be important to identify which stage of the justice process is most effective in employing a restorative justice program. For example, would direct confrontation be more effective in securing offender attitude change shortly after arrest or after sentencing? Once again, it is necessary to examine how the seriousness of the offence and the respective program environment affect the process and outcome. As previously mentioned, a number of different outcomes need to be evaluated besides the typical measure of recidivism.

Public opinion

Public acceptance of restorative justice initiatives can be difficult to measure, but such opinions are necessary to sustain the vitality of programs. There is likely considerable variance in opinion regarding the appropriateness of restorative justice processes and outcomes. Community representation and consensus building are areas that need to be supported. The debate between restoration and retribution needs to be filtered in respect to restorative programs in institutions in order to identify emerging problems. Furthermore, CSC should actively encourage public awareness of, and discussion about, restorative justice approaches.

Reintegration potential

Restorative justice initiatives at the post-incarceration stage offer offenders the opportunity to deal with their emotions and behaviour in a non-confrontational atmosphere. The skills learned at this stage can be instrumental in how the individual copes and deals with life situations upon release. Participation in restorative justice programs while supervised in the community can help facilitate the reintegration process by offering positive and encouraging supports, maintaining healthy communication networks, and re-establishing a community connection.

Community involvement

Community participation in restorative justice programs is critical for effective program delivery. Definitions of the community may be revised due to the nature of the prison environment. There is also the concern that participation may be more difficult to obtain in this particular environment due to physical barriers, public stereotypes, and the tense atmosphere. Furthermore, the involvement of the victim, community, and professionals in the restorative process are important to success. To another extent, the roles of correctional staff will ultimately be changing in terms of their involvement in mediation and facilitation.

Aboriginal offenders

Similar to other research in corrections, it is fundamental to consider the perspective of Aboriginal peoples. The current application of restorative justice programs to Aboriginal offenders in institutions and the community needs to be reviewed. An inherent problem identified in past research includes the different definitions and practices of shame and

reintegration in Aboriginal culture. It needs to be taken into consideration that Aboriginal communities operate under different patterns of socialization and authority, and program implementation and delivery need to accommodate those differences. Once again, we need to appreciate the role of customary law and tradition. There may also be differences in obtaining support and participation in Aboriginal communities compared to traditional communities.

Obstacles

Finally, the potential advantages and disadvantages of restorative justice initiatives in correctional institutions need to be considered. For example, do restorative justice approaches present a solution to overcrowded prisons or an

obstacle to prison release? Some are concerned that parole decision-makers will be more likely to grant parole to an offender who has participated in a pre-release restorative justice program. These factors need to be taken into consideration before moving ahead.

Conclusion

Restorative justice offers the potential for offenders to effectively deal with both external and internal relationships while incarcerated. The extension of these practices upon release can help facilitate their successful reintegration and development of community ties. However, as noted, more research is necessary to address some of the gaps in knowledge about the use of restorative justice in the correctional system. ■

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² McWhinnie, A. (2000). *Restorative justice options to parole suspension project: Interim report, May 11th 2000*. Report prepared for Correctional Service Canada. Victoria Parole, Victoria, British Columbia.

³ *Ibid.*

⁴ Griffiths, C.T., & Patenaude, A. (1990). "The use of restitution and community service sentencing in the Canadian north: The prospects and problems of localized corrections". In B. Galaway & J. Hudson (eds.) *Criminal justice, restitution and reconciliation* (pp. 145-154). New York, NY: Willow Tree Press, Inc.

Research in Brief

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