

# DESISTANCE FROM CRIME AND RESTORATIVE JUSTICE IN PRISON

**Preliminary research results and  
reflections**

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# COMBINING (NEW) DIRECTIONS IN RESEARCH ON:

## ▶ Restorative Justice:

1. Focus on the social and moral rehabilitation
2. Focus on the capacity of the intervention to impact positively on the offender
3. Focus on offenders' likelihood of stopping committing criminal offences

# COMBINING NEW DIRECTIONS IN RESEARCH ON:

## ► Desistance from crime

1. Desistance as a process of stopping committing crime
2. Process of “two steps forward and one back”
3. Choice as a decision to give up crime
4. Focus on motivational and cognitive elements
5. Focus on fostering social and human capital
6. Focus on addressing the changing, rehabilitating or reforming potential of the individual prisoner

# COMBINING NEW DIRECTIONS IN RESEARCH ON:

## ▶ Prison Life

1. Focus on restorative justice practices in relation to the institution's structural and cultural elements
2. Focus on the relationship: daily social life – desistance – restorative justice practices

# COMPARATIVE QUALITATIVE RESEARCH

- ▶ Prison of Oudenaarde (Belgium) and HMP Leeds (England and Wales)
- ▶ 4-6 weeks of observations on the prison wings (12 hours/day)
- ▶ 30 interviews of prisoners who participated in a victim-offender mediation
- ▶ 14 interviews with prison staff (psychologists)

# FIELDNOTES

## SETTING THE SCENE

### VICTIM OFFENDER MEDIATION

- ▶ “The system focuses on all your negative characteristics, or defaults. They look at you as a doctor, trying to figure out what is wrong with you. I also have some good things to say about me. I am a whole person, with bad but also good parts, I don’t like it being reduced to just the crimes I have committed. (stops speaking) You know who the first person was who adressed me as Ahmed, my mediator (VOM).“

(prisoner, 36, murder, fieldnotes 04/07/15)

- ▶ “It is all about trust, having the possibility to show the mediator who you are, how you think, without being judged again. If not, it is not possible to show emotions, or talk about regret.”

(prisoner, 29, murder, fieldnotes 17/06/15)

# FIELDNOTES

## SETTING THE SCENE

### VICTIM OFFENDER MEDIATION

- ▶ “I had a hard life, I still have. Not everything was my choice, that needs to be acknowledged as well. That is important for me. I am not the only one to blame”.

(prisoner, 22, robbery, interview 02/02/16)

- ▶ “I did that for me, I want to apologise to the victim, and answer any questions, if I can. I wrote a letter to the victim, 6 pages, my whole life story, and everything that happened that night. (Bart) Have you done that before? (prisoner) No, never, Cathy (mediator), helped me, it took 2 weeks and a lot of thinking (starts laughing)”.

(prisoner, 25, violent assault, fieldnotes 23/01/16)

# VICTIM OFFENDER MEDIATION

## SETTING THE SCENE

- ▶ Role of the mediator
- ▶ Practice as a space of trust and openness
- ▶ It is about their life story (crime)
- ▶ Being able to take up responsibility
- ▶ Vulnerability and their own victimisation
- ▶ Strong focus on crime and victim
- ▶ Less focus on how to deal with the mediation process in prison

# FIELDNOTES

## SETTING THE SCENE

### DESISTANCE FROM CRIME

- ▶ “I told you Bart how I want to change, what I feel when thinking about my mistakes. I cannot sleep at night just thinking about what I have caused, not just for me and my family, also for the victims. I did apologise, afterwards, in an encounter in prison. Not easy at all, I was as nervous as for my first fight. Incredible how strong they were, and how small I was. That week was one of the hardest one’s. The encounter took me back to things I have done, it is like a new image of those people burned in my brains. My wife was there as well, that was the hardest thing, seeing her reacting with kindness to the victims, and being there for me as well (silence, he looks down, seems emotionally touched, looks up again). Fuck, it was hard, still is. It changed me Bart.”

(prisoner, 31, home-jackings, fieldnotes 02/06/15)

# FIELDNOTES

## SETTING THE SCENE

### DESISTANCE FROM CRIME

- ▶ “That is one of the things that makes me different in here, I do want to change, that is my decision to make and that is why I asked to do restorative justice.”  
(prisoner, 23, violent assault – domestic violence, interview 13/02/16)
- ▶ “I want to close a bad chapter in my life and focus on the future (...) I want to have a normal life.”  
(prisoner, 20, violent assault - robbery , interview 24/02/16)
- ▶ “It is not just about doing the right thing for her (victim), but also for my wife and daughter, I have talked a lot about that with my wife, it made us closer. And she sees now that I really want to change.”  
(prisoner, 29, violent assault – home-jacking, field notes 23/02/16)

# DESISTANCE FROM CRIME

## SETTING THE SCENE

- ▶ Reflecting about choices in life, and effects on their lives and that of others (victims)
- ▶ Cognitive shifts – insights / empathy
- ▶ Desire to repair the harm caused (context and victim)
- ▶ Constructing a narrative (around the decision to stop committing crime)
- ▶ Desire to change and the question of HOW
- ▶ Talking about their own victimisation
- ▶ Talking about remorse, shame and regret
- ▶ Seeking closure – future oriented narrative (outcome agreement)
- ▶ Expressing hope
- ▶ Wishing to desist from crime
- ▶ Creating and supporting a ‘community of care’

# FIELDNOTES

## SETTING THE SCENE

### PRISON LIFE

- ▶ “Life in prison is living three lives at the same time. One on the wing, you see the macho’s here walking around, putting on an image that they are strong, fearless. Being on the wing, prison talk is like talking about nothing. And a life, me alone in my cell. That is the hard one, when you cannot escape from yourself anymore, caught up in your own thoughts. And also one when I am talking with my wife, or even my personal therapist, that is when I really can open up. Oh no, sorry Bart, (he starts laughing), 4 lives, one towards the system, where I need to say what they want to hear. Everybody wants to get out of prison (continues laughing). Prison still is a jungle Bart, only the strong will survive, in body and mind”

(prisoner, 49, murder, fieldnotes 21/05/15)

# FIELDNOTES

## SETTING THE SCENE

### PRISON LIFE

- ▶ “You don’t share that (participation in a mediation) here, you keep it to yourself. (Bart) Why? (prisoner) Because it is private. You just don’t mention that. If someone asks, I will say it is restorative justice. People don’t care anymore, they are not interested anymore. (Bart) Would you give them more information if they would ask? (prisoner) It depends on who he is.

(prisoner, 29, robbery, fieldnotes 11/01/16)

# PRISON LIFE

## SETTING THE SCENE

- ▶ Everyday social interactions
- ▶ Small networks of relationships
- ▶ Set of unwritten rules
- ▶ Money talks, informal economy (with/and) drugs
- ▶ Masculinity
- ▶ Split between life in prison cell and wing
- ▶ Not in prison talks/discours: victims, regret, shame, change, taking up responsibility, reparation, victimisation

# CONCLUDING REFLECTIONS

- ▶ “I want to change, I really do, but that is not possible here, life on the wing makes it almost impossible, unless you isolate yourself from life inside”
  - ➔ prison environment doesn't destruct the will to change
  - ➔ disabeling environment to practice the desire to change
  
- ▶ “Dealing with your crime, I mean, dealing with the emotions, there is no support in prison, that pain cannot be shared. No, not true, a little bit in a mediation, but their focus is mainly on the victim. Or on me in a sense of doing something for the victim.”
  - ➔ prison environment blocks emotional transparancy
  - ➔ linking mediation and moral, social rehabilitation more explicitly?

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