

Restorative justice in prisons*

Justiça restaurativa em prisões

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Abstract

Leaning on the available international evidence, the article discusses the possibilities of employing restorative justice approaches in prisons, specifically in conferences between convicted prisoners and crime victims. The topic is especially relevant in Brazil in the face of the current scenario of the scarcity of prison rehabilitation programs, and the absence of a broader public policy focused on stimulating desistance from crime. The article synthesizes the conclusions of review studies and aggregates data on three programs developed in prisons in England and the United States of America (Victim Offender Education Group, Bridges to Life e Sycamore Tree).

Key words: restorative justice. prisons. desistance from crime. recidivism

Resumo

Com base nas evidências internacionais disponíveis, o artigo discute as possibilidades de utilização da justiça restaurativa em prisões para encontros entre condenados e vítimas. O tema é especialmente relevante no Brasil diante do atual cenário de carência de programas de tratamento penal e da ausência de uma política pública mais ampla que estimule a desistência do crime. O artigo sintetiza as conclusões de estudos de revisão e agrega dados sobre três programas desenvolvidos em prisões estadunidenses e inglesas (Victim Offender Education Group, Bridges to Life e Sycamore Tree).

Palavras-chave: justiça restaurativa. prisões. desistência do crime. reincidência

1 Introduction

In this text, we suggest the need for a debate in Brazil on the possibilities of successful penal execution through restorative justice (JR) projects, as suggested by evidence collected internationally. Such a perspective does not disregard the urgent need to reduce incarceration

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rates and to apply restorative approaches that avoid, as much as possible, custodial sentences. Thus, the perspective that motivated this article is that of prison reform in the contemporary world. We are dealing here, therefore, with a cut of reality whose importance, however, cannot be underestimated. If for no other reason, because it concerns the lives of more than 11 million people imprisoned around the world (Walmsley, 2018).

The theme has special significance for Brazil in the face of the largely disregarded challenge of building a public policy that guarantees a resocializing penal execution, as provided for in the Penal Execution Law (LEP). In Brazilian prisons, the government has long since given up on penal treatment. Exceptions aside, the rule has been to consider imprisonment only as "neutralization". The efforts of selfless people, in the public service and in society, to guarantee professional work, prison education and specific projects of a rehabilitative sense are commonly underestimated and treated within the framework of the paradigm of "*nothing works*" created after the famous and unfortunate work of Martison (1974) in the United States¹. Unfortunately, the perspective of "nothing works" in prisons appears, in different ways, in various discourses, from the most conservative and punitive positions to certain self-proclaimed progressive doctrinal positions that, when asked to discuss penal execution, have nothing to propose (Sarre, 2001).

When it comes to the challenge of formulating public policies based on evidence, for at least 40 years it has been known that it is possible to significantly reduce criminal recidivism with specific projects in penal execution, which has been sufficiently demonstrated by many review studies.

Our reviews of the expert literature have demonstrated that successful rehabilitation of offenders has been and continues to be carried out very well... Reductions in recidivism, sometimes as substantial as 80 percent, have been achieved in a considerable number of well-controlled studies. Effective programs have been conducted in a variety of community and (to a lesser extent) institutional settings, involving pre-teens, radical adolescent offenders, and repeat offenders, including heroin addicts. The results of these programs were not short-lived; follow-up periods of at least two years were not uncommon, and several studies reported even longer follow-ups (Gendreau; Ross, 1987 p. 350-351).²

¹ Reference to the work of the American sociologist Robert Martinson who concluded, in a research in the 70s, about rehabilitation projects in prisons that "did not work". Later, the author realized possible flaws in his work and that certain approaches could be very effective. Unfortunately, the original conclusion has become a kind of "official ideology" in the US and in many other nations that have come to disregard the need for investments in criminal execution.

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Currently, there are structured methodologies that are very well evaluated by careful studies for criminal treatment. Such practices were largely the result of an international movement, which became known, not by chance, by the expression *What Works Movement* (Cullen, 2013). Studies show that programs such as the RNR (*Risk, Need, Responsivity Model*) and the GLM (*Good Lives Model*), focused on the needs of inmates constituting criminogenic factors (RNR) or their human needs (GLM), which consider the risk principle and employ cognitive-behaviorist approaches and social learning strategies (*social learning strategies*) are very effective in promoting the phenomenon of desistance from crime³ (Bonta; Andrews, 2017; Robinson *et al*, 2012). Some authors such as Farringer, *et al* (2019) argue that the restorative approach can be articulated with these models based on psychological theories that explain the change in behavior of prisoners.

In addition to the possible rehabilitative results in the execution of penalties, it is necessary to seriously consider the situation experienced by the victims, especially those affected by the most serious crimes. Thus, under the hegemonic retributive model, they will not have the chance to meet with their violators and make them aware of the dimension of their suffering or to receive some kind of reparation. Restorative justice projects in prisons can fill this gap and offer, at least to some victims, a perspective of reducing their pain (Barabás; Fellegi; Windt, 2012).

2 JR in prisons: possibilities and limits

Penal execution, as we know it, shows signs of exhaustion all over the world. For a long time, the experiences of incarceration have not only frustrated the dissuasive promise of Criminal Law, but also seem to be transformed into concrete threats, increasing crime rates and contracting future violence. Such results, although they appear everywhere, are more striking in nations where, as in Brazil, the responses of the public authorities to crime and violence were circumscribed to repressive possibilities and where negligence and irresponsibility in penal execution were tolerated.

The results of these programs were not short-lived; follow-up periods of at least two years were not uncommon, and several studies reported even longer follow-ups.

³ In the specialized literature, desistance from crime is understood as the process by which people previously engaged in criminal behavior begin to build a trajectory of compliance with legal norms. This process is marked by particular characteristics and is related to certain experiences and events that are catalyzing factors and that mark "turning points" (Rolim, 2018).

In more developed countries, custodial sentences have promoted violence, led to high suicide rates among convicts, and promoted a particular type of racist exclusion (Alexander, 2018; Fazel; Ramesh; Hawton, 2017). Prison overcrowding is a penal execution that produces suffering, far beyond the deprivation of liberty, it affects prisoners and their families, stimulating new criminal opportunities and recidivism (Barabás; Fellegi; Windt, 2012). In addition, these dysfunctional results are achieved at very high costs. In the United States, where there are more than 2.2 million inmates, the annual cost of the incarceration system is \$74 billion dollars, which is more than the Gross Domestic Product (GDP) of 133 nations (Kinkade, 2018).

The Brazilian case stands out because of the extraordinary increase in incarceration rates in recent decades⁴, the reality of violations⁵ and illegalities⁶ that have been built in prison institutions with the participation and connivance of the Powers of the Republic, and the criminogenic power leveraged by the process of formation and empowerment of criminal factions that have emerged within prison institutions. that is, within the institutions of the Brazilian State.

Several studies have shown that the chances of recidivism are greater for people sentenced to deprivation of liberty, when compared to those who have committed the same crimes, but who have received alternative sentences to prison (Cid, 2009; Klein, 1986). "Harsher" prison sentences are no more effective than "lighter" sentences. In this regard, the study by Mears and Cochran (2017) demonstrated that, on the contrary, less stringent sentences are correlated with lower probabilities of recidivism, including for convicts who have already reoffended. Prison sentences weaken social bonds, increase the chances of criminal association, and produce social stigma (Clear; Frost, 2014; Kelly, 2015; Listwan *et al*, 2013; Nagin *et al*, 2009).

In addition to this evidence, there is nothing to indicate that modern states can give up custodial sentences. What has been observed, on the contrary, is the trend of increase in the world prison population – slightly above the rates of population increase (Walmsley, 2018).⁷

⁴ The incarceration rate in Brazil increased by 61.8% between 2004 and 2014. Currently, Brazil has a rate of 300 prisoners for every 100 thousand inhabitants, exactly double the world average.

⁵ See, for example, the reports of *Human Rights Watch* (2018).

⁶ This is stated by the National Council of Justice (2017) in its management report: "The overcrowding of Brazilian penal establishments is a clear example of deviation of execution, since it imposes on the prisoner the sacrifice of rights not covered within the limits of the sentence, in an illegal, unconstitutional and humanly intolerable way. In other words, overcrowding results in a permanent state of lawlessness. The prison contingent that Brazil presents is absolutely incompatible with the structures of its penal establishments or the purposes recommended by the Penal Execution Law."

⁷ In South America, the prison population has grown by an average of 175% and 122% in Southeast Asia. These were the highest growth percentages in absolute numbers in the world in the last two decades. In the same period, the number of prisoners grew by 86% in Oceania and by 29% on the African continent. Such averages make it

However, even where incarceration rates have been reduced, the perspective of penal abolitionism is not seriously considered, a view that does not seem to authorize any policy. Should we, then, live with prisons as we know them, guided only by the objective of reducing their criminogenic impacts?

In the international restorative justice movement, this is a controversial topic, because the restorative paradigm emerged as an alternative to custodial sentences. Along these lines, developing restorative projects within prisons seems contradictory. Johnstone (2014) comments on this strangeness:

For many restorative justice advocates, the practice of imprisonment is so antithetical to restorative justice that the only appropriate stance to take is to seek to divert offenders from prison to community-based restorative justice programs (Immarigeon, 2004). Moreover, from such a perspective, the idea of using restorative justice in prisons is not only futile – insofar as prison culture and environment seriously hinder the possibility of doing anything that could seriously be called restorative justice – but also dangerous (Guidono, 2003). A particular danger is that the option of restorative justice within prisons may make prison even more attractive as a sentencing option for many judges and sentencing authorities. (our translation)⁸element.

The same author points out, however, that the option not to develop restorative projects in prisons also has a cost.

While restorative justice and prisons will continue to be seen as opposite points on a spectrum, the potential of restorative justice to address serious crimes will be severely restricted. Victims of serious crimes are abandoned when prisons are not used as places of restoration for criminals, victims, and their communities. Prisons are full of people who desperately need restoration – the most damaged and damaging in our society. (Edgar; Newell, 2006, p. 24 *apud* Johnstone, 2014, trans. nossa)⁹.

Any restorative justice project within prisons must bear in mind some basic difficulties. The first of these arises when we deal with prison systems that do not have the objective of social reintegration. Restorative results will be all the more significant the more prison

difficult to perceive the differences between countries, where large increases in the prison population and large reductions are observed. Among the first, we have Cambodia (68% increase), Nicaragua (61%), Egypt (53%), the Philippines (48%), Indonesia (45%), Ecuador (37%) and Jordan and Turkey with an increase of 31%. At the other extreme, we have significant reductions in countries such as Mexico (-23%), Romania (-22%), Kazakhstan (-21%), Ukraine (-19%), Japan (-15%), Vietnam (11%) and the Russian Federation (-10%). (WALMSLEY, 2018).

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⁹*While restorative justice and prisons continue to be seen as opposite points on a spectrum, the potential of restorative justice to work with serious offending will be severely restricted. The victims of serious crimes are let down when prisons are not used as places of restoration for offenders, victims, and their communities. Prisons are full of people in desperate need of restoration – those most damaged and damaging in our Society.*

institutions are committed to rehabilitation (Dhami; Mantle; Fox, 2009). This, however, is a theme that translates the expectations and values most widely disseminated in society. Thus, in all countries where there is a high punitive demand and, more seriously, where necropolitical values (Mbembe, 2018) are in force regarding the prison system, there will be little openness to restorative projects in prisons.

Other characteristics can also offer difficulties in assembling a significant part of the prisoners, for example, suffer from different mental illnesses and disorders. The systematic review by Fazel and Danesh (2002), with 62 studies from 12 countries, with 22,790 prisoners, 22% of whom were detained for violent crimes, found 3.7% of men with psychotic illnesses, 10% depressed and 65% with personality disorder, including 47% with antisocial personality disorder. This type of circumstance, even if we question the degree of accuracy of the assessments or the consistency of psychiatric definitions with "personality disorder", reveal special challenges for approaches based on the assumption of personal responsibility and the encouragement of empathy¹⁰. Albrecht (2001) addresses the theme by recalling that the entire restorative process requires voluntary participation, which, in the case of possible encounters between prisoners and victims, will always be a difficult task.

Research conducted in several countries has shown that it is quite difficult to motivate prisoners to participate in restorative justice practices. There can be different explanations for this. One is that the offer to participate in restorative justice comes too late in the criminal justice process. The prisoner may feel that he is already taking responsibility for the crime when serving a sentence [...]. Experiences show, however, that it is not only difficult to motivate the prisoner, but also the victims of the crime [...]. Many of the victims understand that the trial provided closure for them and decide that they do not wish to open old wounds. In addition, they may be satisfied with the convicted person's serving of the prison sentence and consider it a legitimate punishment [...]. Finally, a final explanation may be that the prospect of a prison reunion is intimidating for victims. Many perceive prison as a very dangerous place, which, after the experience of being victimized, does not seem inviting to them for a visit. (our translation)¹¹element.

¹⁰ There are strategies to sensitize prisoners to restorative meetings known as "*victim-empathy training*" that can play an important role (Lummer; Hagermann, 2015).

¹¹ Experience from research in several countries has demonstrated that it was rather difficult to motivate inmates to participate in restorative justice or practices. There might be different possible explanations for it. One explanation is that the offer to participate in restorative justice comes too late in the criminal justice process. The offender might feel that he or she is already taking responsibility for the crime by serving a sentence. (...) Experiences show, however, that it is not only difficult to motivate the prisoner, but also the victims of crime. Here, as well, different explanations can be found. Same as for the inmates, and also for the victims, the offer of participating in restorative justice might come too late in the criminal justice process. Many feel that the trial provided closure for them and decide that they do not wish to open old wounds. Also, they might be satisfied with the offender serving a prison sentence and regard this as a rightful punishment. (...) Finally, a last explanation might be that the prospect of a meeting in prison is intimidating for the victims. Many perceive prison as a rather dangerous place, which, after the experience of having been victimized, does not necessarily invite for a visit.

The author also recalls that, in the restorative ideal, the objective of the reintegration of prisoners into their community is presumed. The first problem here is to define what is meant by "community", since spaces where residents know each other and share experiences are less and less common, especially in large urban centers, where daily interactions are impersonal and anonymous. Prisoners often come from densely populated regions marked by all sorts of deprivations and threats. In these places, few of them have considerable social capital and can be easily stigmatized and, not by chance, many prisoners would prefer to choose to start their lives again away from their communities. Even when this is not the case, it is known that the characteristics of total institutions (Goffman, 1974) are responsible for preventing the inmates from having contact with the outside world, formatting their lives for the incorporation of the "rules of the chain", which builds an institutional impermeability, causing the system to react badly to the possibility of "external projects", that is: initiatives that integrate people from the broader society.

With these and other caveats, restorative justice projects in prisons have been carried out in many countries, with different scopes. This led Van Ness (2017) to present a typology formed by: 1) programs aimed at promoting empathy among prisoners for the benefit of victims; 2) programs aimed at reparation for victims; 3) programs that facilitate mediation between prisoners and their victims, their families, and their communities; 4) programs to strengthen ties between prisons and the communities where they are located; 5) programs that create a culture of peaceful conflict resolution in prison⁵. A fifth goal of restorative justice programs in prison is to create a culture within the prison in which conflict is resolved peacefully. and 6) programs that aim to transform the personality of prisoners, their "*entire self*".

3 Evidence on restorative programs in prisons

The main theorists of Restorative Justice have drawn attention to the fact that the agonistic nature of Criminal Law has constituted a system of Justice in which authors are encouraged to deny or reduce responsibility for their acts, since it is a matter of avoiding conviction or, at least, of reducing the sentence that can be imposed on them (Zehr, 2008). The criminal process, by its very nature, would thus facilitate the processes of moral neutralization¹² described by

¹² A phenomenon by which the perpetrators of crimes tend to rationalize their acts based on motivations that would make them "acceptable" to themselves. In this way, it becomes simpler to live with the fact of having disrespected the norm, without feeling guilty about it and without having remorse for the damage caused to the victims. The encounter with the victims, within a model of restorative justice, makes it difficult to maintain fictional constructions of this type.

Sykes and Matza (1957), distancing the perpetrators from a true understanding of the impact of their actions on the victims. The imposition of punishment allows the perpetrators to concentrate their focus on the process they are suffering, very often understood as "too much", "unfair" or "fraudulent". In the restorative approach, on the contrary, the perpetrators are encouraged to take responsibility for their actions and do something in favor of the victims. In the words of Llewellyn and Howse (1998): "Restorative justice requires offenders to look at the victims and themselves from what they have done, which does not allow for the escape of responsibility." The social benefits of this type of approach are very wide-ranging. Studies have shown, for example, that victims' fear tends to be overcome after successful restorative dynamics, as well as identifying a potential for reducing recidivism and its severity (Latimer, Dowden; Muise, 2005; Sherman; Strang, 2007)

Belgium, for example, was the first country to set the goal of a prison system guided by restorative goals. The particular forms of development of restorative justice in Belgium are also interesting because they have developed in a country with a markedly conservative judiciary, which, in addition to all social and cultural differences, marks a point of contact with the Brazilian reality (Achutti, 2013). On October 4, 2000, the Belgian government announced that all prisons in the country would be guided by the concepts of restorative justice, a decision made after research carried out in six prisons by criminologists from the Universities of Leuven and Liège. To implement this objective, each prison now has a "JR Consultant" (*Restorative Justice Advisers*), all of them young (between 22 and 33 years old) and with no previous experience in the prison system (Dubois; Vrancken, 2015). Facing all the difficulties and in a context of overcrowded and violent prisons, these consultants built partnerships with non-governmental organizations and implemented training initiatives for restorative practices with managers, servers and inmates. In the course of the project, the Redress Fund was created, which allowed insolvent prisoners to compensate victims up to the amount of 1,250 Euros, returning this amount to the fund, through community work. Financial compensation is symbolic, but its effect is to develop a sense of responsibility (Aertsen, 2012). From 2008 onwards, consultants were absorbed by the system in managerial functions. Studies such as those by Stamatakis and Vandeviver (2013) and Dubois and Vrancken (2015) indicate, however, that this experience should still be more consistently evaluated.

There is encouraging evidence regarding restorative practices in the field of criminal and juvenile justice, especially in countries that have been applying it for a longer time, such as New Zealand (Morris, 2002). Studies such as those by Strang *et al* (2013), Latimer, Dowden and Muise (2005) and Sherman *et al* (2005) have shown that the restorative approach reduces

criminal recidivism and produces greater satisfaction among victims and perpetrators. Schwalbe *et al* (2012) and Hipple, Gruenewald and McGarrel (2014) found these same effects in the treatment of adolescent offenders. A longitudinal study conducted by Sherman *et al* (2017), which measured the results of an identical method of restorative justice in which 2,231 perpetrators and 1,179 victims participated, between 1995 and 2004, in Australia and the United Kingdom, after follow-up of perpetrators for up to 18 years and victims for up to 10 years, found a reduction in recidivism compared to control groups and clear benefits for victims, including a lower prevalence of post-traumatic stress symptoms. The study also showed that restorative justice produces its most important results with authors with an aggravated profile and several other studies (Hayes; Daly, 2003; Luke; Lind, 2002; Wilcox; Young; Hoyle, 2004; Tyler *et al*, 2007) found similar results, pointing out that restorative projects can reduce recidivism rates

Nevertheless, one must consider the difficulties of assessing the impact of the approach when the very concept of restorative justice can mean quite different things. Sherman *et al* (2017) highlight this point, drawing attention to the need to separate the different restorative practices for a careful evaluation, instead of dealing with "the average of programs and initiatives".

The available evidence suggests that it is possible to successfully implement projects of this nature in prisons, with encounters between prisoners and victims (related or not, as will be seen). The ongoing experiences allow some authors to consider the definition of policies for prisons to function integrally guided by restorative principles and practices¹³. The time of sentence, in this new model, would be dedicated, basically, to the restoration and desistance of the crime¹⁴. To do so, it would be necessary to think of a bold institutional reform. Summarizing the possibilities of restorative justice projects in prisons, Dhami, Mantle and Fox (2009) point out that the approach can "benefit prisoners, victims, communities, prisons and their staff"¹⁵.

Several international examples suggest that these benefits do indeed occur. In 1997, a non-governmental organization called *the Insight Prison Project (IPP)*¹⁶ was founded in the United States, with a class of 14 students incarcerated at San Quentin Prison, the oldest institution of its kind in California and the only one in the state with a chamber for the execution

¹³ A *fully restorative prison*, to use the expression proposed by Edgar and Newell (2006, p. 80, *apud* Johnstone, 2014), or a "restorative detention" as proposed by Blad (2006, p. 144-6).

¹⁴ The expression indicates the process by which someone involved in criminal practices ends up moving away from them. The phenomenon involves a set of factors and situations that can increase or reduce its chances (Sampson; Laub, 1995).

¹⁵ *RJ can have potential benefits for prisoners, victims, communities, prisons, and their staff.*

¹⁶ View at: <http://www.insightprisonproject.org/>

of death sentences. This NGO (Non-Governmental Organization) has developed a specific restorative justice project with those convicted of violent crimes, the *Victim Offender Education Group (VOEG)*, aiming at a process of behavioral transformation with a focus on ingrained patterns of destructive conduct. The cognitive approach allows participants to perceive how thoughts, impulses, and actions manifest physically and emotionally and to more clearly identify the nature of the choices they made that led to their imprisonment. The process takes advantage of the potential of the restorative justice methodology for people to work on memories and feelings linked to traumatic experiences lived and not overcome. The proponents' bet is that this effort takes place in a protected space, permeated by compassion, where people are listened to and treated with dignity, so that experiences such as loss, abuse and scenes of violence are more easily accessed and treated.

VOEG is an intensive program, with the participation of convicts, people who have been victims of crime and volunteers from society. The meetings take place with the help of a facilitator who may be a member of the IPP team or a well-trained volunteer, and a facilitator among the prisoners. What is expected is that the participants of the program improve their perception and develop critical thinking; that increase their emotional intelligence; who have a better understanding of the relationships between mind and body; that they better control their impulses and develop their empathic capacity; that they acquire greater capacity for conflict resolution; that they improve their communication skills, that they maintain healthy relationships with family and friends and that they significantly reduce their violent disposition. The program has a first phase that lasts for more than 52 weeks. After that, the inmates commit to participate in another program called *Next Step*, lasting one year, where they must apply the tools they have learned. *Next Step* graduates are considered VOEG program administrators.

The results have shown significant reductions in the rates of institutional violence, improvement in the process of returning to society, as well as better health and well-being indicators. The specific evaluation of VOEG, however, has become complex because several of the project's participants are part of other Insight Prison Project initiatives at the same time, which makes it difficult to measure the contribution of each of them to the aggregate results.

With regard to restorative justice projects that employ face-to-face meetings involving convicts with the victims of their crimes, with the participation of their families and friends, however, the favorable evidence *is already robust*. The Campbell Collaboration *Systematic Review*, carried out by Sherman *et al* (2005), for example, examined two randomized, controlled and completed studies in Canberra (*Pre-Court Diversion in Canberra*) and two studies of the same nature ongoing in London (*Pre-Sentence Meetings in London*), finding

positive effects in the four studies regarding the authors' sense of responsibility and the satisfaction of victims who participated in restorative conferences compared to the respective control groups.

These results show that, from the perspective of the victim of crime, restorative justice conferences create a successful ritual of interaction to renew commitment to group morality. In JR, authors are often more likely to admit that they have violated their moral obligations, and in apologizing reaffirm their commitment to those obligations, than similar, willing offenders who were not allowed to engage with JR. The apologies offered in JR are seen by victims as sincere, as yet another indication of a successful ritual of interaction. These conferences also manage to "normalize" the victim's contact with the perpetrator, as required by Cognitive Behavioral Therapy, in order to make the discussion about the crime and the nature of the criminal topic less threatening because it has become more familiar. (trans.nossa¹⁷).

The studies that were the object of this meta-evaluation included conferences structured in the same way, in a consistent manner, lasting 1.5 to 2 hours on average, in the format of circles in which the participants speak, alternately, based on the following sequence of themes: a) what happened at the time of the transgressive act; b) what the consequences were for those who were affected by the crime (victims, perpetrators and close people, family members and friends; and c) what should be done to repair the damage caused. In the conferences, the expression of the feelings involved made the meetings have a strongly emotional content, especially when the criminal act involved the use of violence. No evidence of re-victimization was found due to participation in the conferences. Second Sherman *et al* (2005), another point in common was that the facilitators were specially trained in order to know how to allow the expression of anger, without this deteriorating the rationality presupposed for a civilized debate on painful topics. In the end, restorative agreements were reached in the four experiments and monitored by the facilitators, and the estimate of the meta-evaluation was that the authors fulfilled their promises in 75% of the times.

An important result to be highlighted, also, was the effect of the experiments on the disposition of the victims, with the desire for violent revenge against the perpetrators being consistently reduced by random participation in the restorative conferences. Thus, it is possible that, in addition to reducing criminal recidivism, restorative justice will be able to interrupt the formation of a spiral of violence based on the reaction of the victims.

¹⁷*These results show that from a crime victim's perspective, restorative justice conferences create a successful interaction ritual for renewing commitment to group morality. Offenders in RJ are many times more likely to admit that they breached their moral obligations, and by apologizing reaffirm their commitment to those obligations, than similar, willing, offenders who are not allowed to engage in RJ. The apologies offered in RJ are perceived by victims as sincere, as a further indication of a successful interaction ritual. These conferences also succeed in normalizing victim contact with an offender, as required by Cognitive Behavioral Therapy, in order to make discussion of the crime and the nature of the criminal a topic less threatening by virtue of becoming more familiar.*

On the other hand, an evaluation of the results of the *Bridges to Life Program (BTL)*, a restorative approach with a religious component currently applied in 63 prisons in Texas (USA), since 2000, aimed at prisoners who are in the period of nine months prior to release, found, in three years of follow-up, a rate of 12.4% of new arrests (with only 3% among prisoners convicted of violent crimes) among those who participated in the program (n= 1,021), a percentage that contrasts sharply with the 31.4% rate of re-incarceration for the prison population in Texas and with the average of 67.5% in the USA (Armour *et al*, 2005; Armour; Silva, 2016).

This program works with face-to-face meetings between victims and prisoners, in small groups, with five prisoners each, two victims and the mediation of a volunteer facilitator from the community. Perpetrators and victims are not truly related and act in substitution; Thus, the victims report what they suffered (representing the suffering of the victims of those prisoners) and the prisoners tell their stories (representing the stories of the perpetrators who hit those victims). The meetings are weekly, last an average of two hours and are repeated for 12 weeks. All participants adhere to a strict confidentiality protocol, in order to facilitate the sharing of emotions and information. Despite the Christian elements present in the project, such as the suggestion of "homework" to prisoners for the reading of biblical texts or the singing of spiritual hymns at the graduation ceremony, the program assumes that evangelization, preaching, and religious proselytism are not part of its objectives. Among those arrested are participants of all faiths, including Jews and Muslims. In this way, the program also promotes the writing of letters of responsibility to victims and their families that are not sent, but that formalize the narrative of those who assume their actions and repent of them. Considering the total of 649 projects, with more than 23,000 participating prisoners, it is estimated that there will be an average saving of 610,468 dollars for every 100 participants due to the reduction of incarcerations (Armour; Silva, 2018).

The evaluations made it possible to identify changes in the understanding of the inmates about their crimes, with a clearer perception of the suffering imposed on the victims, which may explain the drop in recidivism indicators¹⁸. The hypothesis is that participation in the program could create a cognitive dissonance between the past and the present, which would allow the perpetrators to block the return to crime. In this way, the authors would experience

¹⁸ The authors note that data of this type should always be taken with caution, taking into account the possibility of the so-called "Hawthorne Effect". This expression, coined in the 1950s, usually designates the type of change in behavior that occurs when people know they are being watched. In this case, the type of response modulated when the respondents perceive that what they say may help or harm them. By the way, see: Oswald, Sherratt and Smith (2014).

an intense internal psychic process in which they realize that it is possible to "kill the old self" and build a "new self". Empirical data show that, very commonly, prisoners, when entering the program, have a very negative view of themselves. Participation in the programmes would allow for a displacement that can also lead them to abandon old codes of conduct. According to Armour *et al* (2005, p. 10):

Victim panels and victim stories break down the denial, self-centeredness, and ignorance of perpetrators, exposing them to the impact of their actions and helping them feel the pain their crimes have created. Small group interactions establish trusting and corrective relationships for the purpose of openness, mutual sharing, healing and acceptance, support, and forgiveness. The small group structure around personal stories and self-expression provides a channel for reactions to the panels, including acknowledging the pain offenders they also felt as victims and the pain they inflicted, as offenders, on others. The changes made by victims and perpetrators are surprising and impressive to themselves and to others. (our translation¹⁹).

The BTL program adds a reference on holding conferences with unrelated perpetrators and victims. The results suggest that the technique can be expanded and that the use of "substitutes", especially in more traumatic cases, can play an important symbolic role, facilitating the expression of feelings in a more free and open way.

The same technique of dealing with unrelated perpetrators and victims has been employed in other projects, such as the *Sycamore Tree Programme*²⁰, developed by the Christian NGO *Prison Fellowship*. Between 2017 and 2018, there were 127 courses of this project in 44 British prisons, with a strong presence of volunteers, with a total of 2,271 participating prisoners. Evaluation of this program, carried out by Feasey and Williams (2009), with five thousand prisoners, found positive effects, especially changes in attitudes among the participants. One of the points that caught the attention of the researchers was a greater awareness of the impact of criminal actions on victims and an increase in empathic capacity that was even more pronounced among younger prisoners. Other studies conducted on restorative justice programs in American prisons that also use religious elements, such as the "Restoring Peace Program" found similar results, identifying among participants (prisoners and victims) the development of empathy, willingness to forgive, and improvement in personal relationships, as well as a

¹⁹*Victim panels and victim stories break through offenders' denial, self-centeredness, and ignorance, exposing them to the impact of their actions and helping them feel the pain their crimes created. The interactions in the small groups establish trustworthy and corrective relationships for the purpose of opening up, mutual sharing, healing, and receiving acceptance, support, and forgiveness. The structure of the small groups around personal stories and self-expression provides a conduit for reactions to the panels including offenders' recognition of the pain they too have felt as victims and the pain they have inflicted, as offenders, on others. Changes made by victims and offenders are surprising and striking to themselves and others.*

²⁰<https://prisonfellowship.org.uk/our-work/sycamore-tree/> The name is a biblical reference (Luke 19:1-10) and gives an account of the tree (sycamore, or wild fig) where the wealthy tax collector Zacchaeus would have climbed to see Jesus. The story goes that Zacchaeus regretted extorting people, donated half of his possessions to the poor, and repaid four times what he had stolen.

reduction in recidivism (Armour *et al*, 2008). The results of this study, however, may have been influenced by selection bias²¹.

4 Conclusion

Restorative justice is not an approach centered on the perpetrator of the crime, it is a process that can be partially restorative even if it is not effective in promoting the desistance of the crime. Even so, it is important to know to what extent restorative practices can contribute to desistance when we think about the nature of penal execution projects.

The available evidence strongly recommends restorative justice projects in prisons, which should encourage such experiments in Brazil. It is necessary to consider, however, whether projects of this nature can produce a relevant impact without being the result of a defined public policy. It is most likely that, in the absence of this definition, we will have isolated experiences, which will affect a small number of prisoners and which will only be maintained as long as their creators and enthusiasts are present. Even so, if care is taken to carry out an experiment (with a control group), any positive results may open the way for a public policy.

The difficulties encountered in various international experiences point to obstacles to be overcome, including the need to arouse the interest of victims so that they participate in meetings in prisons. In the Brazilian case, in many prisons it is to be expected that there will be even greater difficulties, including in the dialogue with the prisoners, due to the absence of dialogue and links between the operators of the system and the prison mass. Institutional resistance can also be manifested by the actions of members of the Public Prosecutor's Office, the Judiciary and Parliament, with negative repercussions in the media and possibilities of political-ideological use of the issue by intolerant groups.

Preliminary care for the implementation of restorative projects in prisons must be taken, with special attention to the formation of institutional partnerships and the sensitization of those involved: prisoners, victims and servers. It is not possible, then, to implement projects of this type without the support and understanding of people who will have their routines changed.

More broadly, in order to be able to speak of a restorative prison, it will be necessary that the penal execution be guided by the identification of the capacities and the necessary guidance to the inmates in order to encourage them to restart their lives, acquiring the elementary

²¹ "Selection bias" occurs when the sample considered is not representative of the universe to be considered. In this case, it is possible that the prisoners who agreed to participate in the program were more predisposed to give up the crime and to change their behavior than the others.

conditions for the exercise of citizenship. An institution of this type would need to be founded on the ability to listen, respect, collaboration and conscious discipline, which would establish relationships and dynamics completely different from those that have become standard in prison institutions almost everywhere in the world.

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