

**Views and Attitudes of Professionals
in the Irish Prison Service
to the use of
Restorative Justice Practices**

By

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Declaration

I declare that this dissertation and the research involved in it are entirely the work of the author. This work, or part of it, has not been submitted for a qualification to any other institute or university.

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Dedication

To everyone in the Irish Prison Service who for 365 days of the year, 24 hours a day can through a kind word, a flash of humour and a little insight alleviate distress, defuse impending confrontations and forestall suicide and self-harm. But, above all, to acknowledge that life can move in many directions for some people which can be far from idyllic.

Abstract

“Restorative Justice is respect. Respect for all, even those who are different from us; even those who seem to be our enemies. Respect reminds us of our interconnectedness, but also of our differences. Respect insists we balance concerns for all parties. If we pursue justice as respect, we will do justice restoratively.”

Howard J. Zehr (1944-), American Criminologist and pioneer of Restorative Justice Movement.

This study set out to explore the attitudes, opinions and views of professionals at senior management level to the use of restorative justice within the Irish Prison Service.

The objectives were to examine the professional's understanding and views on the restorative models and approaches. To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service. Furthermore, to identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

This study used a qualitative method of data collection and analysis given the exploratory and broad scope of research. The participants were all senior professionals employed within the Irish Prison Service who kindly consented to be interviewed. Semi-structured interviews were used as they provided an opportunity for the professionals to reflect on their own ideas of restorative justice in a structured prison environment. The sampling method used was a ‘non-probability’ convenience sample. This successfully accessed the professional’s willingness to give their views, opinions and beliefs on restorative justice theories. The interviews were recorded, transcribed and the results thematically analysed.

There was a very limited range of literature in the restorative justice area in relation to prisons and especially Irish prisons. What was available was consulted with particular reference to restorative justice approaches in other countries and how Ireland is positioned in relation to them.

The main findings of the study were that two pilot schemes have been introduced into Dublin prisons – Wheatfield prison and the Dochas prison (females). This has raised a type of awareness of restorative justice philosophy with selected staff and prisoners. The benefits were a more normalised environment with prisoners having control of what was taking place on their landings. Also cited was the negative perception that prevails, it is far too soon to introduce

restorative justice to victims of crime in Irish prisons. It must have mechanisms in place to facilitate this avenue of restorative justice. It did transpire that all professionals interviewed appeared to have differing views and perceptions of varying aspects of restorative justice.

The recommendations included the need to raise the level of awareness for all staff and prisoners. To distinguish the difference between restorative justice and restorative practices and to put the latter on a more formal recognised basis. To acknowledge the parts the communities have to play in restorative justice and the need for more interaction with them. More involvement of external agencies and the type of roles they can play in the implementation of restorative justice. Also cited was the need for prison staff to become more involved in sentence planning, especially the class officers on a landing. Policy direction from Government personnel and the need for senior management to “*buy in*” to any restorative practices was also highlighted. This would ensure successful implementation of any restorative justice projects.

Finally, the spirit to develop further restorative justice schemes in prisons was very evident in the study with a particular aspect relating to the selection criteria that would be available for all concerned.

TABLE OF CONTENTS

Title Page.....	1
Declaration.....	2
Acknowledgements.....	3
Dedication.....	4
Abstract.....	5-6
Table of Contents.....	7
Section One	
Introduction.....	8-10
Section Two	
Literature Review.....	11-21
Section Three	
Methodology.....	22-29
Section Four	
Results.....	30-43
Section Five	
Discussion.....	44-54
Section Six	
Conclusions and Recommendations.....	55-58
References.....	59-64
<i>Appendix 1: Letter of Consent.....</i>	<i>65</i>
<i>Appendix 2: Interview Schedule.....</i>	<i>66-67</i>

Introduction

Introduction

A brief history of Restorative Justice:

The concept and use of restorative justice has a lineage encompassing many indigenous traditions and practices. These include the Aboriginal of Australia, the Maori of New Zealand and the Native American tribes within the United States (Strang, 2001). In Ireland, many of the ancient Celtic practices found in the Brehon Laws also had elements of restorative justice (Quinn, 1998). The use of the term “*restorative justice*” is a relatively recent development, mostly associated with criminal justice practice. It was first used in the 1970’s to refer to victim-offender mediation programmes that emerged in North America (Strang, 2001). During the 1990s it became a widely accepted way of describing a variety of programmes and initiatives that had as their core philosophy, the participation of victims, offenders and the wider community. They all shared the view that all agencies working together may aid in repairing the harm caused as a result of the wrongdoing (National Commission on Restorative Justice Interim Report, 2008).

Therefore, this study sets out to explore the attitudes, opinions and views of professionals at senior management level to the use of restorative justice within the Irish Prison Service.

The specific objectives of this study are:-

- ✓ To examine the professional's understanding and views on the restorative models and approaches.
- ✓ To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service.
- ✓ To identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

While this research is a small study which makes no generalisations about restorative justice as a whole, it will attempt to demonstrate that there is a value to seeking opinion from the professionals within the Irish Prison Service. Often professionals who are working on the front line possess different values, norms and understanding of the complex issues they are dealing

with. This study may highlight voids which may be detrimental to progress future effectiveness of restorative justice practices in a prison environment.

The study is divided into six sections. The first section outlines the research study. Section two reviews the literature relating to restorative justice. In section three, the rationale for the study and the methodology adapted will be presented. The findings of the research study will be highlighted in section four. These findings are analysed and discussed in section five. Finally, section six concludes the significant and relevant points of the research. It also outlines recommendations for the future.

It is wished for this research to be of benefit to the reader. It also hopes to add to the knowledge in the prison sector of the Department of Justice, Equality and Law Reform where limited research exists pertaining to restorative justice in Irish prisons.

Literature Review

Literature Review

*“There is a higher court than courts of justice and that is the court of conscience.
It supersedes all other courts.”*

Mahatma Gandhi, South African anti-war activist (1869 – 1948)

This section will provide an overview of the Irish Prison Service and restorative justice practices in other countries. A critical analysis of current research on restorative justice will be presented. The section concludes with an identification of the restorative gap in Irish prisons and proposes the reasons and aims of the study.

The Irish Prison Service:

Political responsibility for the prison service is vested in the Minister for Justice, Equality and Law Reform. The Irish Prison Service operates as an executive agency within the Department of Justice and is headed by a Director General. He is supported by senior, mainly male dominant, managerial staff.

The latest figures from the Irish Prison Service, 2015 reveal there are approximately 3,695 prisoners in the custodial system. The prison service deals with male offenders who are 17 years of age or over and female offenders who are 18 years of age or over. There are 14 residential institutions in the prison system consisting of 11 traditional ‘closed’ institutions, two open centres, which operate with minimal internal and perimeter security. By international standards, with an overall population of 4.2 million inhabitants, Ireland has a relatively low prison population and a moderate rate of imprisonment (O’Malley, 2008).

O’Mahony (2005) has stated that a central fact about the vast majority of Irish offenders whom are imprisoned is that there is no pristine motivational state, no foundation of personal achievement and no secure, congenial place in mainstream society to which to bring them back. There is only lifelong history of failure and of being failed in areas that link to economic success and social acceptance. Is therefore restorative justice a missing link to reduce recidivism? Is restorative justice the new concept for the prison service? Critics would agree that restorative justice being a philosophy that emphasises reparation, rebuilding and reintegration is the best prospect for a twenty-first century criminal justice system that will not only be better capable of

managing crime and offending, but will also be based on the fundamental principles of human rights (Cavadino et al., 1999).

The Irish prison system has suffered for decades from a lack of capital investment and has relied almost exclusively on Victorian buildings dating from the early 1800's that have neither been developed nor maintained to any discernible degree. Most recently, with growing national and international criticism from human rights groups of existing standards and facilities (slopping out) there has been a new policy response involving substantial capital investment (Irish Prison Service Capital Expenditure Review Report, 2006). This has resulted in extensive prison building and renovation work resulting in better prisoner conditions and facilities. It has improved visitor facilities, improved staff facilities, security enhancements, and the facilitation of staff efficiencies. Criticism can be encountered from the public fuelled by the media on any prison reform investment as they can be hostile to prisoners having any privileges, especially if funded from public money. According to the monumental Woolf Report (1991) it was made clear that prison authorities are not seeking to achieve more comfortable surroundings, greater luxuries or increased privileges for prisoners for their own sakes. They are seeking to ensure that a prisoner serves their sentence in a way which is consistent with the purpose behind the court's decision to take away their liberty and their freedom of movement while ensuring they are treated with humanity and justice.

Prisoner care and rehabilitation are listed as a core aim of the Irish Prison Service. An Integrated Sentence Management (ISM) system was developed by the prison service to ensure a multi-disciplinary co-ordination of interactions with prisoners based on agreed sentence plans. Carroll and Meehan (2007) express that there needs to be better facilities within detention institutions particularly in relation to the education of young offenders. There should be improved co-ordination between the relevant agencies and the need for ongoing research to be carried out. Currently, there is no research available to track the recidivism of prisoners that are on the ISM database. Retired Justice Catherine McGuinness (Supreme Court Judge and President of the Law Reform Commission) stated in her 2005 conference address to the Irish Association for the Study of Delinquency, *“that a major difficulty in the study of delinquency in general and of the effectiveness of criminal sanctions is lack of detailed statistical information on which rational reforms need to be built.”*

People who offend and re-offend often work with a range of different professionals. The absence of and the need for a unified approach has been widely recognised in order to reduce levels of crime (Clarke and Eustace, 2010). Critics will predict that the national prison

population will continue to grow as new sentencing laws appear, repeat offender statutes and the continued failure of prisons to 'do corrections'. Unfortunately, prisons today have become human warehouses with fewer programme opportunities (educational or vocational) and resources to train prisoners to be productive citizens. The more time they spend in prison and the higher the security level, the more institutionalised and less chance for a successful return to the community (Maruna & Immarigeon, 2011).

Advocates of restorative justice would argue that a criminal justice system needs to be retained, but be orientated primarily towards justice through restoration and not through punishment. The criminal justice system should evolve towards being a fully-fledged restorative criminal justice system (Johnstone & Van Ness, 2009). But, to have any successful restorative justice programme in a prison there is one vital component necessary and that is prison staff.

Today, the majority of prison officers see themselves as part of an unvalued, unappreciated and occupational group. Their understanding is, that they are regarded by the public as unintelligent, insensitive and sometimes brutal and that their work is perceived as entailing no more than the containment of society's deviants and misfits (Crawley et al., 2007). Despite the challenges and potential problems of working in a prison, inwardly, officers do find value in what they do – in helping and supporting prisoners (Liebling et al, 2011).

In 2007, a two year higher certificate in custodial care (HCCC) was introduced to the Irish Prison Service. This was a recognised third-level educational award which was a requirement in order to become an established prison officer. It combined academic and vocational training designed to develop the skills and knowledge required for the role. Since 2008, due to a public service embargo there has been no recruitment of prison officers and this course has been withdrawn. Therefore only a certain number of prison staffs have this third-level award.

Brown and Clare (2005) explain that prison officers have been historically linked and remain the mediators of all schemes and systems within the prison environment. They have been identified as one of the most important mechanisms of order and control within the prison. The influence therefore of restorative justice on social order in prison depends on the extent of commitment to restorative values by prison Governors and senior management teams. Many prison officers now feel undirected and unsure of their role. Few have been asked by prison managers to provide input into the regimes in which uniformed staff work, as a result, there is significant dissatisfaction with and to some extent alienation from the work itself. Increasing numbers of prisons officers are reporting work-related stress (Crawley, 2011). According to Blood and Thorsborne (2005) the demands of managing the change process must be addressed because

most change initiatives fail because innovators fail to listen to people's concerns and those expected to change are not actively involved in the change process.

According to Edgar and Newell (2006) prison officers recognise that each prisoner has individual and complex needs; the impact of prison affects each prisoner in different ways, and to different degrees. They also state that staff working within prisons alongside prisoners and former prisoners can provide powerful testimonies to improve prison life that can help inform wider debates and improve penological literacy. But, in most cases they are not asked for their views. The shape of any prison's philosophy can be related to history, current conditions and management style. Much of the time, individual officers feel frustrated by their own establishment's culture, but feel powerless to change it (Liebling et al, 2011).

Scott and Godd (2010) state that on the day to day wing at officer level it can involve treating a prisoner as a human being and acknowledging their inherent human dignity. At a higher level it can involve challenging and changing occupational cultures in an institution. People who work in prisons have to do what they can, where and when they can. This approach has its limitations and can take an immense personal toll on those who choose to challenge prison life whether as prisoners or prison staff (Salah-El, 2007). There are two fundamental challenges for any restorative justice programme to work in a prison. Firstly, commitment must be gained from senior management, a shared vision for everyone, develop an effective practice and finally integrate the practice into the prison's organisational policy. Secondly, to ensure that staff fully accept and embrace the new approach since achieving staff '*buy-in*' to any project is central to effective implementation (Blood & Thorsborne, 2005, Morrison et al, 2005). There is a perception from prison staff that these approaches are not taking place in prisons today.

But, what really matters in prisons? Hans Toch (1992) listed seven basic needs of prisoners: privacy, safety, structure, support, emotional feedback, activity and freedom. Prisoners need support and emotional feedback to feel as though they are being treated as individuals, and human beings, rather than units to be managed. Toch also states that they need both structure, to organise their day, and activity, in the sense of opportunities to interact and spend their time in meaningful and personally fulfilling ways. But, prisons are authoritarian and hierarchical, controlling virtually all aspects of the lives of prisoners, making it difficult for them to exercise personal responsibility. Yet, responsibility is a key value of restorative justice (Guidoni, 2003). Prisoners have reported an unwillingness to approach prison officers for help, perhaps as a result of the inmate code, although some will seek practical support from officers. Prison officers must

contain the prisoners; they must protect them and should have a rehabilitative role (Liebman 2006).

Marshall and Merry (1990) found that many prisoners who participated in mediation and reparation were affected by the experience to a greater extent than if they had gone to court. Roche (2003) states that being accountable for most prisoners must involve them accepting that they had a choice, only that they made the wrong choices in life. Although restorative justice is crucial and effective in most societies, it is also crucial to acknowledge that some crimes are difficult to restore in many societies, even after the application of these practices (Johnstone & Van Ness, 2009).

According to Zehr (1990) one of the chief ways in which victims are harmed by crime is that they lose their sense of personal power. Hence for the harm of the crime to be repaired this sense of personal power needs to be returned to them. However, in the criminal justice processes in which victims are largely neglected and expected to play a passive role while professionals make the key decisions, the victim's sense of power is further damaged. The victim impact statement may help ease the harm, but this is usually directed at the court and not the offender. Edgar and Newell (2006) surmise that although there is very little formal relationship prisons have with victims of crime, there is experience that when the needs of the victims are understood by staff there is a clear commitment to work with prisoners to reduce risk. There is caution though, as critics of restorative justice fear that individual victims may enter restorative processes bent on humiliating and stigmatising offenders. The recent victim and community led campaigns resulting in '*Megan's Law*' in the United States and the fight for '*Sarah's Law*' in the United Kingdom suggest that this concern be taken seriously (McConville, 2012). When putting things right in society it starts with one step of belief in one's actions. Empowerment is a deeply challenging principle, but without it, the power of restorative justice to engage all parties to the offence is weakened. Therefore the criminal justice system will continue to fail to meet the needs of victims of crime (Coyle, 2002a).

Advocates of restorative justice have argued that one of its strengths is its' ability to take into account the interests of victims, prisoners and the community as a whole. Therefore, restorative approaches may have much to offer the prison service in seeking to make its operations effective. This will result in improving life within the prison walls for all the stakeholders concerned (Edgar and Newell, 2006).

Restorative Justice:

Restorative justice is the system of criminal justice that is responsible for the rehabilitating of prisoners. This is mainly done through reconciling them with people within the community. It is a theory of justice that emphasises on repairing the harm members have caused in society due to their unjust behaviour (Zernova, 2007).

Stickland (2004) has defined restorative justice to be the process in which the victim and the offender and where appropriate any other individual or community member affected by a crime participate together actively in the resolution of matters arising from the crime with the help of a coordinator. Most of these programs are made in order to bring together the affected parties in order for them to discuss the way forward on how to respond to criminal activities in their society.

The aim of this research study is to explore senior professional's attitudes and opinions involved in the task of rehabilitation of prisoners and to look at their part, if any, in role of restorative justice in the Irish Prison Service. Imprisonment can present a constant challenge to a person's self-respect, autonomy, security and personal security. Intense feelings of loneliness, hopelessness, guilt, depression, anxiety, fear and distress can create great discomfort within a prisoner which in turn can have a detrimental effect on the prison environment (Scott, 2006).

As society aims to make prisons more effective in restoring prisoners to community living, the Director General of the Irish Prison Service is in the process of implementing restorative justice practices on a pilot basis in two Dublin prisons as part of the Irish Prison Service's three year Strategic Plan (2012-2015). This is to provide prisoners with another avenue to address and take responsibility for their offending behaviour. It also gets prisoners to try and make reparations to the community and above all to raise victim awareness among the prison population.

Power structures or hierarchy reflect the effort and drive required to carry out the essential works of the organisation plus prison power structures can tend to be rigidly hierarchical (Edgar and Newell, 2006). The authors also state that two of the core principles of restorative justice hold that the response to the crime should be first about healing the harm done and that the process of reintegration must be built on empowering the prisoner to take responsibility for making amends. The value restorative justice gives to the empowerment of the prisoner implies that the prisons must be transformed so that they cease to symbolise and practice the state's total power over prisoners. The Inspector of Prisons in his Annual Report 2008 radically suggests that imprisonment should be the last resort for non-violent crimes and that community sanctions

based on restorative justice measures could be the answer to overcrowding and recidivism in Irish prisons.

Restorative Justice Projects

The organisation **Restorative Justice Ireland** delivers restorative practices to local communities. Their agencies have offices throughout Northern Ireland which provide programs of arbitration and mediation. Some of these programmes include conferencing, family group conferencing, youth programmes, family support, school work and also victim support. Their agencies also work with the Youth Agency, Public Prosecution Services, Police Services Northern Ireland, Northern Ireland Housing Executive and the Social Services Departments so as to ensure the community is involved in the justice process (Fradella & Neubauer, 2010). Literature suggests that the success of any restorative programme in an interagency setting depends on the support for the programme among senior managers in the various organisations (Hopkins, 2003). McEvoy and Mika (2002) state that restorative projects in Northern Ireland were established in large part to facilitate paramilitaries moving away from violent punishment systems developed over the past three decades. Community-based restorative justice projects were designed to allow such paramilitaries to (in their terms) '*disengage responsibility*' from such acts, handing dispute resolution back to the local communities from which the conflicts emanate.

Think First is a treatment programme which was specially devised for offenders who are deemed medium to high risk of reoffending and have displayed a general pattern of offending not specialising in any type of crime in their past. This programme has been used in prisons in England and Wales and has been adopted by the correctional services in Australia. It addresses offender's attitudes and underlying thought processes that contribute to offending behaviour. Evaluations of the programme to date have provided positive evidence for its rehabilitative qualities (Liebman, 2007).

The **Sycamore Tree Project** (STP) is an intensive five to eight week in-prison scheme run in the United Kingdom which offers unrelated victims and prisoners the opportunity to discuss the reality of crime and its impact on their lives. Victims tell their stories and hear the stories of prisoners. Prisoners come to understand the impact of crime on victims and the community and take responsibility for their behaviour. An obvious advantage for offenders, especially those who are diverted from the criminal justice process by participating in a restorative justice programme is the avoidance of a criminal record, court appearance or alternative sanctions

(Edgar and Newell, 2006). Evaluations of this programme have suggested significant attitude changes in ways known to reduce the likelihood of reoffending (Feasy, et. al. 2005).

In the **Hollow Water (Province of Manitoba) Resource Group** this programme was initiated at community level by survivors of sexual abuse. Offenders apologise publically to the victims and to the community for the harm that has been done. The response is one which is designed to consider the needs of all parties to the abuse and is directed beyond merely punishing the offender for a special behaviour (Lajeunesse, 1993). The concern here is that under the guise of restorative justice it could be harmful for the victim as they may not have access to professional clinical treatment.

In **Mediation in Belgium**, the Minister of Justice decided that restorative justice practices should be used in prisons. Since November 2000 restorative justice advisers (civil servants) have been working in almost every Belgian prison and one of their tasks has been to facilitate communication between victims and prisoners. Their role is to work with the Governor to introduce restorative justice concepts and practices in line with those developed within the community and to counsel prison personnel on how to promote a restorative environment. In 2005, Belgium passed an act making mediation a part of the Code of Criminal Procedure and mediation was introduced to address the problem of overpopulated prisons. The main goal is reinforcing prisoners to think about the harm they have caused and how they can mend that harm. Training takes places in basic restorative attitudes to enable prison staff to discuss the responsibility for the offence and its consequences with the prisoner without losing their confidence. The approach towards prisoners was to help them benefit from a more personal, open way of dealing with aftermath of crime from the beginning of their period in custody. Restorative justice in Belgian prisons must be seen in the context of a restorative policy in the whole of their criminal justice system. A restorative approach is employed at the police station at arrest, during the investigation period and by the Judge and Barristers at court. At all stages of the process, victim orientation and the possibilities for mediation, reparation, community service or other alternative ways to react to law-breaking are becoming the norm (Edgar and Newell, 2006). When there is a wider collaboration between organisations and stakeholders it usually leads to best outcomes (Hopkins, 2003). In comparison to Ireland this would involve a complete overhaul of our criminal justice system and a change in the mind-set of the judiciary. It would also involve the public and the media as public opinion is very much swayed in how the media portrays the criminal justice system.

Despite the widespread appeal of restorative justice a number of concerns have arisen in relation to its design and implementation. These are concerns about the authenticity of apologies and the willingness of offenders to engage in the process in the absence of the threat of a more formal response (Cavadino et al., 1999). Concerns have also been expressed about the lack of legal representation and the erosion of rights, as well as procedural fairness and accountability (Roche, 2003). However, despite these limitations restorative justice continues to flourish in other countries, and is now being incorporated into many organisations as a way of dealing with conflict (Matthews, 2009).

Evidence from the restorative justice projects shows that the process of introducing restorative work within prisons can bring about a conceptual change in staff practices. Prisons can adopt a restorative ethos as its preferred method in a range of areas, for example, charitable community projects in workshops; staff grievance procedures; personnel management practice and the resolution of complaints from prisoners can all be considered from a restorative perspective. Prisons would then have an opportunity to become places for creating change in individuals and society rather than administering punishment (Edgar and Newell, 2006).

Cavadino and Dignan (2002) have suggested that the key attributes of restorative justice are the principle of '*inclusivity*', the balancing of interests, non-coercive practice and problem-solving orientation. Therefore, this gives much scope for innovation and creativity as the future beckons within the prison environment. Marshall (1999) argues validly that attention must be paid to the resource implications of restorative approaches, especially if the benefits to be gained from the process cannot easily be justified by the resources invested in them. In Ireland, especially, where transparency, accountability and above all public scrutiny are the main focuses of a recession this will have a serious impact on prisons. In particular, prison budgets are stretched to the very limit and this will be a deciding factor in the implementation of restorative justice schemes within prisons.

The prison as an institution does not attract a great deal of public attention in the normal course of events. Politicians, the media and the public generally become aware of prisons only when something goes wrong, for example when a high-profile prisoner escapes or when there is a major incident such as a riot in a particular prison. Similarly, discussion about the appropriate use of imprisonment usually only occurs in the aftermath of a high-profile crime or when the release of a notorious prisoner is being considered (Coyle, 2002a). Therefore restorative justice, if introduced to Irish prisons will become a focal point of much discussion.

Prisons are complex institutions. Inevitable there are aspects of prisons that welcome restorative justice and others that stand in opposition to it. There are strongly held values in prisons that make it very difficult for the prison to put restorative justice into practice. In every prison there are also values which would be supportive of all that restorative justice hopes to achieve for prisoners, for victims of crime and for the wider society. There is a wealth of restorative processes available, but prison personnel need to be open to working with the syllabus (Edgar and Newell, 2006).

Prisons as organisations do not like uncertainty; they see it as destabilising and threatening. That is why they need to be set in the context of an agreed set of ethical values linked to clear leadership. If that is the case, the change process will lead to better managed prisons which are more secure, safer and more effective in their rehabilitation of prisoners (Coyle, 2002a).

Conclusion:

It is evident from the literature that restorative justice has a role to play in the criminal justice system. But, despite this being recognised by various critics, very little research has explored restorative justice in Irish prisons. If restorative justice initiatives are to be introduced into Irish prisons, factors need to be identified which will facilitate and inhibit restorative justice. The literature review has given an overview of the Irish Prison Service, the role of prison staff and limited restorative justice practices in other countries.

The purpose of this research study was to explore the attitudes and opinions of senior professionals in the Irish Prison Service towards the desirability of implementation of restorative justice. It also hoped to look at the type of restorative justice that could be used in the prison service. The research utilised all the available information to draw the best conclusions.

This study hopes to be useful in the development of literature relating to the role of the restorative justice in Irish prisons.

Methodology

Methodology

Introduction:

This section discusses the research methodology. The purpose of this section is to permit the reader to follow the researcher through the path of this research process. It highlights the qualitative approach used to obtain and analyse research findings. This section details how the sample was drawn. It considers the ethical issues involved and limitations encountered. It also describes the process that was followed to undertake the research. It considers factors that influenced the methodology, the topic investigated and the nature of the research questions will be discussed.

The Research Question:

This research aimed to explore the attitudes, opinions and views of professionals at senior management level to the use of restorative justice within the Irish Prison Service.

The specific objectives of this study are:-

- ✓ To examine the professional's understanding and views on the restorative models and approaches.
- ✓ To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service.
- ✓ To identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

Research Design:

Many commentators outline that the choice of appropriate research methods is essential (Cargan, 2007; Bryman, 2012). The researcher explored a number of research methods. When choosing an appropriate research method, the researcher considered both qualitative and quantitative approaches and took into account the advantages and limitations of both methods.

Focus groups were given consideration. Wilkinson (1998) notes that in group situations participants may not have actively participated or may have '*borrowed*' ideas from others, therefore, it would have been difficult to identify participant's real experiences. Nonetheless, due to time and travel constraints this approach was discarded since some of the participants in the study were extremely hard to pin down and in different locations. Also, the researcher aimed to get a deeper insight and understanding of the participant's views and experiences. Bryman (2004) advises that questionnaires can collect data in much the same way as interviews. Similarly to Masson (2002) who outlines questionnaires can evoke the same responses from an interview. However, due to the fact that the researcher aimed go get a personal, face to face interaction and understanding of the participant's view this method was discarded.

The author decided upon the method of qualitative research in the form of semi-structured interviews which allows the interviewee to speak openly and freely from their observations and experiences. Flick (2006) outlines that it is generally understood that the interviewee has information and subjective knowledge about the topic. Bryman (2004) claims that semi-structured interviews allow specific information on the research topic to be elicited, while affording flexibility and freedom of expression to both the interviewer and the interviewee. Qualitative research gives participants the opportunity to tell their narrative of experiences and perceptions (Masson, 2002). The advantages of the interview process is that broad stated questions about the professional's experiences can generate rich descriptive data that helps the researcher to gain a clear picture (Kvale & Brinkmann, 2008; Corbin & Strauss, 2007).

The author's aim was to explore the professional's attitudes and viewpoints at senior management level to the use of restorative justice practices in the Irish Prison Service. Therefore, an interview approach was regarded as the most suitable approach as the author wished to get an in-depth understanding of their views and experiences. The author also believed that the participants had the flexibility to explore issues, discuss experiences and events that were significant to them. This appropriate technique would elicit rich data required to examine the aims and objectives of the research concerned. The justification for this research stemmed from the author's involvement in the Irish Prison Service for the past fifteen years and how attitudes of professionals within the service can impact on progressive work practices. As a result of this the author established restorative justice as an area of particular interest. In order for restorative justice practices to be proposed for implementation into Irish prisons the viewpoints of professionals needed to be explored for the first.

Semi-structured interviews rely on a set of questions which aim to guide the researcher. The conversation must leave space for unexpected direction in the conversation (Hesse-Biber and Leavy, 2011). It also permitted the participants and the interviewer to find some common ground prior to receiving the data (Kvale and Brinkman, 2008). One of the advantages that the author of this research had was their experience in the prison service and this enabled each of the participants to speak freely on the topic. The interview questions were open which allowed for the participants to go into depth on certain areas and topics. Holiday (2007) notes that in an interview, opportunities can arise for the researcher to ask follow up questions and to clarify information and questions. This is reciprocal as the interviewee also has the opportunity to seek clarification on uncertainties. The strength of the qualitative method lies with the personal face-to-face interaction between the interviewee and the interviewer. Other data collections methods do not have the ability to probe and explore areas like the semi-structured interview which gives participants an opportunity to say everything they wanted to say (Bryman, 2004).

In-depth verbal and non-verbal communication skills are a vital aspect to successful qualitative research (Bryman, 2004). Whiting, 2007 outlines the importance of listening beyond oral communication, acknowledging non-verbal; such as the participant's tone of voice, modulation and body language. The researcher must acquire the skill of manipulating their communication skills in order to gain additional information, such as asking probing questions, being responsive to participants and above all the ability to actively listen (Patton, 1990). During the interviews the author used tools such as observing body language and taking note of the participant's tone of voice on the answers given. This ensured valuable data was obtained from each of the participants.

Participant Selection:

A sample is a portion or a subset of a larger group referred to as a population (Bryman, 2004). A non-probability sampling technique was applied in the form of purposive sampling and convenience sampling. The sample of participants selected for the research study was a convenience sample meaning that it involved asking and using participants that were conveniently available for participation. This is more commonly referred to as purposive sampling for convenience sampling (Flick, 2006).

Due to the nature of the study, the researcher also used the process of snowball sampling. Snowball sampling is explained as the process of where the researcher makes initial contact with a small group of people who are relevant to the research study and then uses the group of people

to establish contacts for other possible participants (Bryman, 2004). The researcher contacted the Irish Prison Service Headquarters and spoke with a participant who provided contact information for other participants. The participants all had extensive experience in different disciplines which were very relevant to the topic being researched. Participants were selected based on their senior professional discipline and interactions with other sections of the service. A small sample of five participants was used to gain valuable information for the research study. The genders of the participants were five males. This was not a conscious decision by the researcher but because of the experience and role they perform within the service.

Materials:

In order to undertake the semi-structured interviews a consent form (appendix 1) and an interview schedule (appendix 2) were designed so the participants were fully informed and aware about the study. The interview schedule was designed to ensure that the theme and the topics were covered during the semi-structured interviews. The schedule was created in advance of the interviews and constructed to allow flexibility and fluidity in all areas of the research. It took into account how the interviewee was approached and the sequence of questions. It also acted as a guide in the interview process as it aided in keeping the author's questions and the conversation focused.

The use of a digital Dictaphone was used when carrying out the semi-structured interviews. All participants agreed to follow the use of a recording device. This ensured accurate information was obtained by the researcher and for the purposes of analysing the data. Additional observations were made and notes were taken to support the data recorded. Patton (1990) recommends the use of a tape recorder when conducting interviews which is helpful for analysing the data.

Procedure:

In order to gain insight on attitudes of professionals to the use of restorative justice practices in the Irish Prison Service the researcher facilitated interviews with five professionals at senior level currently working within the Irish Prison Service.

The researcher conducted face to face semi-structured interviews. Qualitative in depth interviews were then conducted over a three month period commencing in April 2014. At the beginning of each interview it was reiterated that all information was confidential and the

recordings and notes would only be used solely for the purpose of this study. Participants were informed that the information recorded would only be transcribed by the author of the research. The author verbally reminded all participants that the transcriptions from the semi-structured interviews would be kept in a locked filing cabinet and that all typed information would be saved on a password protected file on my computer.

Interviews were conducted in locations convenient to the participants. The participants decided the dates and the times of the interviews. Burns and Grove (2005) advise that interviews be held in a venue of the participant's choice. All the interviews were conducted in areas with no distractions. All five interviews were conducted over a period of time due to the time constraints of the professionals involved. To this end the author is very appreciative that they took time out of their busy schedules to enable this research to be conducted. It also highlights the commitment that senior management have within the organisation to improving the service.

The interviews consisted of 3 sections with four or five core questions attached to each (appendix 2). These questions were decided upon after guidance from the author's supervisor to ensure suitable questions were asked in order to get the relevant information for this research. Interviews varied in length lasting approximately from one hour to two hours. At the end of each interview participants were asked if there was anything they wish to contribute or omit any information. Participants signed a consent form (appendix 1) agreeing to participate in the interview and were advised they were free to withdraw from the research at any time.

Method of Analysis:

To analyse the findings a thematic approach was used by identifying prominent and re-occurring themes that emerged from the data collection. Thematic analysis focuses on identifying similar data that emerges from fieldwork research. According to Joffe and Yardley (2004), in order to identify themes, coding must be applied. This enables the researcher to identify the patterns in the data. Thematic analysis allows the researcher to increase their understanding about individuals, situations and organisations (Braun & Clarke, 2006). After each interview a typed transcript was completed verbatim. The author read and checked the transcripts in order to form common themes and get a general understanding of the data. Field notes were also written up which aided in identifying common themes that emerged from the semi-structured interviews. The researcher revisited and reflected on the emerging themes in line with the literature before the findings were presented.

Reliability and Validity:

A common characteristic of qualitative research is that it is difficult to measure the reliability and validity of the piece of research. Validity refers to whether a researcher is actually measuring what they are saying they are measuring and reliability refers to the degree in which a study can be replicated (Flick, 2002). This particular research study cannot be replicated. To safeguard a factual understanding of the participant's responses the interviewer asked for clarification when unsure. The interviewer also encouraged the participants to ask questions and give feedback to guarantee that effective communication took place ensuring accuracy before writing up the findings. Reflexivity is referred to as reflectiveness among social researchers in relation to the implications that can arise from values, bias, decisions and the mere presence of research while investigating a topic (Bryman, 2012). Reflexivity entails that the researcher is sensitive to the participant's knowledge and culture. Flick (2002) discusses the importance of the researcher while investigating a topic and outlines that the researcher must be aware of their presence, the understanding of bias and observations in the way in which an account is transmitted in the form of a text. This was the author's first time to conduct research interviews and so was conscious of inexperience. The author was mindful of all these points set out in the literature

Ethical Issues:

Ethical issues are becoming increasingly important in social research especially when working with vulnerable groups. Flick (2006) outlines that research should be based on informed consent and require that the research should avoid harming the participants and not deceiving them about the aims of the research. According to O'Leary (2004) research should be conducted in a manner that protects the dignity and welfare of the participants. All participants were guaranteed confidentiality and anonymity with an assurance that no identifying information would be used in the final research document (Walliman, 2005). The Irish Prison Service requested that the researcher obtained ethical approval from the college ethics committee. The author submitted an application to the Athlone Institute of Technology Ethics Committee for the meeting in February 2010. They recommended some minor adjustments which the researcher made and AIT ethical approval was received in April 2014.

Limitations:

As the researcher was working full-time in prison care it proved to be very difficult to meet college deadlines on time. This was further compounded as the interviewees also worked within prison settings in different locations, were extremely busy, so allocating time slots for interviews was difficult. As the author is involved in the Irish Prison Service for a number of years and this is their first time in conducting research on a prison topic, there may be a degree of subjectivity on their part as to the way the research has been presented. The author reflected many times on the study to ensure there was no bias in the interpretation of findings, and if there is any indication of bias in the research this was not intentional on their part.

Another limitation to be acknowledged regarding this research was that sample size of the study was quite small. It would have proved impossible to extend outside the range of professionals involved. The participants were all male that were involved in this research. This was not a conscious decision by the researcher but because of the experience and role they play within the service.

This study was not designed to make generalisations about restorative justice; it merely was an opportunity for these five senior professional participants to express their views. Nevertheless, this can arguably be recognised as strength of the current study enabling five professional participants to eagerly share their views and observations of restorative justice.

Conclusion:

This section outlined the methodology applied to the gathering and analysis of the primary research data. It described research design, along with materials used before outlining a profile of the research participants. The procedure used to carry out the research was explained prior to considering ethical issues and limitations of the study. The researcher reflected on and analysed the gathered data to determine the emerging main themes. The findings of the research and the themes which emerged from the interviews are presented in the following section.

Results

Results

Introduction:

This section presents the findings obtained from the semi-structured interviews which examined the professional's views and attitudes at senior level towards the use of restorative justice in the Irish Prison Service. The objectives are to examine the professional's understanding and views on the restorative models and approaches. To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service. Furthermore, to identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

General Information:

To analyse the findings a thematic approach was used by identifying the reoccurring themes which emerged from the semi-structured interviews. Thematic analysis allows the researcher to increase their understanding about individuals, situations and organisations (Bryman, 2012). The author of this research primarily focused on the recurring themes and themes that were directly related to the research. While presenting the results of the participants, each participant will be referred to as participant 1, 2, 3, 4 and 5 in order to protect the identity of the participants.

The themes that emerged will be presented under the following headings:-

- ❖ Professional understanding of restorative justice.
- ❖ Professional's view on restorative models and approaches in a prison environment.
- ❖ Professional's experience of restorative justice programmes in prisons.
- ❖ Factors that contribute or detract from the use of restorative justice practices in prisons.
- ❖ Changes and recommendations for the effective delivery and practice of restorative justice within the prison service?

Individual factors:

This is a small sample, ideally a bigger sample would have provided more data, but this was not feasible due to time constraints. Five male participants at senior management level volunteered

to take part in the study. Each of the participants was asked about the length of time they have worked in the Department of Justice sector. The results are shown the table below.

Table 1: Participants and the length of time worked in the Department of Justice sector.

Participants	Length of time in Justice Sector
Participant 1	20 years
Participant 2	11 years
Participant 3	50 years
Participant 4	34 years
Participant 5	24 years

Professional understanding of restorative justice:

The dominant theme which emerged under this heading was retribution and making amends. Each of the participants was asked to define their understanding of “restorative justice”. The general consensus was that restorative justice is designed to make wrongdoers aware of the nature and magnitude of the harm they have caused to other people. It looks at how to try and put it right for all concerned. Each participant understood the meaning of restorative justice and was very open to the idea within the prison service.

“Restorative justice is something about people saying sorry for offending, for what they have done and putting it right. It is a very positive and powerful tool if used correctly.” (Participant 1)

A similar view were expressed by Participant 3 in regard to how powerful restorative justice is.

“Restorative justice is a very powerful tool. If you enquired with prisoners on what restorative justice is some of them do not know? To ask those restorative questions - what happened and why has a huge impact on the victim, families and society as a whole. For it to be successful the victims must be willing to participate in the process.” (Participant 2)

Participants 3 and 4 had the same understanding that restorative justice can bring together a wider circle of people.

"Restorative justice brings together everybody affected by a crime to decide how to repair the harm caused. It allows the person affected by the crime to say how they have been affected and allows those who have committed the crime the opportunity to accept responsibility and to make amends." (Participant 3)

"Restorative justice focuses on the needs of the victims and the offenders and the background to the offences. It looks at positive outgoings rather than incarcerations for any crimes that are committed and above all justice for the victims." (Participant 4)

Participant 5 also has a similar understanding to the rest of the participants, but makes an additional point in explaining there is a difference between restorative justice and practice.

"Restorative justice is making the offender face up to their crimes and their community. It has an enormous ripple effect of crime on you, family, community etc. Making offenders to face up to what they have done. Restorative Justice is a criminal process, but restorative practice is slightly different. Restorative Justice is an alternative to formal sanctions. There is big distinction between the two terms." (Participant 5)

The author believes it is important for anyone reading this research to peruse each of the participant's view on restorative justice to gain understanding of how they interpret the restorative justice concept.

Professional's view on restorative programmes and approaches in a prison environment:

The sense of reluctance was the main theme under this heading. There appeared to be various reasons for the reluctance of each of the participants to agree that the Irish Prison Service was not ready for the introduction of restorative justice, namely offender and victim meetings. Participants 1 and 2 shared the approach that restorative practice would be more beneficial on the prison landings in regards to discipline. Participant 1 had the view that it is more difficult in a prison environment to say sorry for the harm done, as there is involvement from the victim or the person hurt. He stated *"families want to know what happened and why it happened. Why was it their family? Families want to hear this."* He looked at prisoners coming in to prisons and after 4 or 5 years almost forgetting what they did. They are released maybe after 10 years and no thought is given to what has happened or why they did it. He was very strong on his views in getting prisoners to take responsibility for their actions while in prison, for example, fighting on the landing, bullying and intimidation of other prisoners. Prisoners need to sit down and ask

themselves why that happened. They can sit down with another prisoner or a staff member. His approach would be more a restorative mediation process. Participant 2 shared his input into the prison pilot projects in Wheatfield prison and the Dochas (female) prison. He upheld his view that a restorative justice approach was especially evident in the Dochas prison, whereby, if the women have had a gripe with some other female prisoners they sat around the kitchen table and sorted out the argument themselves. He viewed that the restorative practice approach could very much help to maintain good order within institutional environments. He also stated that the use of restorative justice on a pilot basis has been set out in the Irish Prison Service's three year strategic plan (2012-2015). Both participants agreed on the terminology as a restorative mediation process and this type of approach should be a phased introduction to each of the prisons, whereby disagreements with prisoners and maybe staff on divisions could be sorted out by way of this style.

Participants 3 and 5 shared similar views that the community needs to be brought more into the approach of restorative justice. Participant 5 looked at prisons as small communities. His belief is that restorative justice can work in a prison as a sanction, but restorative practice can work better in prisons. While in prison it is better to make the offenders more aware of their victims, aware of their opportunities to make restoration back to the communities that they harmed. He also looked at the role of the prison officer who shows prisoners there is a better way to do things. He stated that if there is trouble on the landing, they give the prisoners emotional space and then ask them to tell the officer what happened. He viewed this approach as a restorative way of thinking. He also mentioned that all the charity work done in prisons is a way of restorative restitution to the community. He stated that there is a missing link as no one is defining the charity work as restorative practice. *"No one is telling the offender that what they are working on is making a significant contribution to the community that they have harmed."*

Participant 3 viewed that while restorative justice practices in prisons is a good idea they should be linked in more to the community and very relevant to their release. *"Activities for prisoners need to be diverse, if possible and appropriate to their sentence."* He gave an example in Loughan House (open centre for male prisoners aged 18 years upwards) whereby prisoners repair bicycles that have been donated to the Rotary Club of Ireland by the public. When these bicycles have been repaired they are shipped to Africa by the charity. One thousand refurbished bicycles have passed through the centre. This to him demonstrated that there is a considerable restorative justice element in everything done in Loughan House. He stated that it is a valued part of the general and extended community because of involvement in external works and

initiatives. Both participants 5 and 3 agreed that charitable works carried out by offenders in prisons have a very positive effect on them and the prison as a whole.

Each participant was in strong agreement that restorative justice and restorative practices were two separate identities. The Irish Prison Service was not ready for restorative justice but more suited at the present time for restorative practices, for example, in the mediation of disturbances on the landings. Even though prison staffs are performing this role everyday it is not established as restorative practice. Each participant was very clear in their view that restorative practice should now be endorsed.

Professional's experience of restorative justice programmes in prisons:

The theme under this heading yielded very emotive responses, indicative of the impact of their restorative justice experience. Each of the participants was asked about their experience of restorative justice in prisons and what was their perception on the experience, if introduced to the prison service. All participants except one had the experience of restorative justice.

Participant 4 was part of a restorative process for an offender-victim meeting, but it did not take place due to family pressure from the victim's family. He stated a lot of hard work had gone into the process for the offender-victim meeting and it was very disappointing for all concerned not to have taken place. He stated that this prisoner felt that the only peace of mind he could get at the time was to meet the victim's family and to explain his actions and account for what he did. *"He was not looking for forgiveness from the family, but to look on clearing the air and moving on with his life."* The type of crime was murder and the prisoner was serving a long-term sentence for it. The prisoner had genuine reasons for the meeting and had a lot of remorse in regard to the crime. He really wanted to meet the family. This participant expressed huge concern on how refusals for contact from the victims (if previously they agreed) would affect offenders, if the offender is at a point of their sentence to examine their crime. *"I was concerned about the effect this would have on the prisoner. I felt sorry for the prisoner involved."* He also expressed caution on how restorative justice would be introduced to the prison service and the criteria that needs to be addressed for the restorative process to begin. However, the other four participants agreed that restorative justice is a very powerful tool to experience if the right procedures have been put in place. All participants agreed that the prison service is not ready for the introduction of restorative justice, but is for restorative practices.

Participant 2 had attended a restorative justice conference whereby a victim spoke. The victim had met the offender because he was driving a stolen car and the victim's daughter had been killed in the stolen car. There was a lot of emotion in this meeting as it took a lot of courage and preparation for her to come to the point to meet with the offender. She was very clear that she could not forgive him because she had lost her daughter. It brought some sort of closure for her in meeting the offender as in a moment of madness her daughter had been killed. He stated for that type of a meeting to take place it would have involved a huge amount of sensitivity and work preparation in the process. He was very vocal in his belief that the prison service is not ready for that process. *"I am very guarded against getting in to that process, if ever."* He stated it is more about developing mediation restorative practice culture across the prisons, in developing that empathy and understanding both for prisoners and staff.

Participant 5 was the only participant to have been invited to take part in a restorative circling for prisoners doing life in a high security prison abroad. There were a number of offenders and victims present. None of those involved in the circling were directly involved with each other. Each of them spoke of the impact of the crime on them. They also stated that life for them changed that day. Offenders stated that they were not the same people that committed the crimes some 20 years ago. Participant 5 had clear views after witnessing the encounter, he thought restorative justice was an easy option, but up close and personal it was not. *"It is a rigorous process which makes offenders face up to their crimes. It really is trying to change the culture of imprisonment."* He believes that the prison service is already using restorative justice practices, it is just about formalising the work that the prisons do already. He has seen community members brought into the prison on different projects and they talked to the offenders on the difference the work was making in the community. The offenders took pride in this. *"It really is powerful stuff."*

Only Participant 3 had been part of and witnessed both restorative justice in the community and restorative practice within a prison environment. On serving on the judiciary down the country he explained he was instrumental in diverting persons that had committed public order offences away from prison. He directed them to labour in community projects such as cleaning the river, doing gardens and painting retirement homes. He had the full backing of the community and this gave both the community and the offender a sense of pride and belonging to something very powerful. The recidivism rate reduced greatly. He also stated that the community should have an input into the sentencing of an offender. Participant 3 also informed the author on a Christmas visit to Mountjoy prison a few years ago he observed prisoners making children's hats for the annual Christmas party at Temple Street Children's Hospital. The prisoners took great

pride in their work and that it was for a special cause. In his view that was a restorative justice concept. The downside to the project was that the prisoners were given no recognition for the job. No one told the prisoners that in making the children's hats for the Christmas party they were making a difference to sick children. The belief was that if the public knew that these awful people were making hats for little children then they should not be wearing them. The hats would be contaminated. He stated that this is where the restorative justice concept must change- informing the public. Participant 5 and 3 were very descriptive in their experiences of restorative justice and how those experiences had a powerful effect on them both. Participant 3 was very adamant in the part the community had to play in restorative practice as without their input the process will fail.

Factors that contribute or detract from the use of restorative justice practices in prisons:

Various sub-themes emerged under this heading, but caution was the leading theme. All participants were very consistent in their view that prison staff was fundamental to restorative justice practices in prison. Each of the participants had differing ideas on where the restorative justice process would begin. Participant 1 deemed that a class officer on a landing should be able to make recommendations as to whether a prisoner is suitable for the restorative process. They are able to witness first-hand if the prisoner is genuine about their responsibility in dealing with the crime they have committed. This view was shared by Participant 2 as he had input into the two pilot projects involving selected prison staff. The staff that had detailed training in the understanding of restorative justice had become very open and involved with offender's sentence plans. He stated that a lot of staff in prisons are already engaged in restorative approaches with prisoners on a day to day basis, but do not realise it. This approach could be formalised and developed across the prison setting to achieving prisons that work better with less conflict. However, he stated that without the support of senior management in prisons and the endorsement of the Director General no prison will achieve anything sustainable in restorative justice practices.

All participants were in agreement that restorative justice would not be suitable for all prisoners. There would have to be selection criteria set down. But, for anything to succeed in the prison service the general consensus was that senior management needs to "*buy-in*" to the restorative philosophy. This ensures a clear message is sent down the line to prison staff that rehabilitation for prisoners is of primary importance. Participant 3 was very frank in that prison management consider daily life within a prison as "*a successful day for the prison service if they do not*

experience a death in custody or an escape.” This way of culture has to change for the restorative justice practice to triumph. This may take a long period of time to change that culture. All participants agreed that changing prison culture can take a period of time for everyone to adjust and not everyone will be in favour of the restorative justice approach.

Participant 5 repeated again that restorative justice is about changing prison culture and this can take time. Also that victim-offender mediation is a long way off in the prison service. The author observed these reoccurring views with participant 5 and his fervent opinion on this topic.

Participants 3 and 5 believed that restorative justice practices should be introduced in open prisons first, as the staff and prisoners are on a more informal structure. Participant 3 was very convincing in his view that prison sentences should be structured. A prisoner should be sent to a closed prison for two years or more, depending on their behaviour. Restorative justice should then be woven into their sentence plan. For example, if a prisoner is selected for working in a gardening party in the prison, there should be accreditation for the course and work done. This would be relevant to the prisoner on release as there would be jobs available in this line of work in the community. It may then restore something positive back in to society. Participant 5 stated that in the Dochas (female) prison the pilot project is running well as it is a small community of women prisoners interacting with staff daily that were trained in restorative practices in a short period of time. In Wheatfield Prison it is more difficult to see the effects of restorative justice as it is on a much larger scale of prisoners and staff. There was only a small proportion of staff trained in the basics of restorative justice. The open prison Shelton Abbey would have been a better prison to implement restorative practices as there is a much wider scope of prisoners that completed some of their sentence in closed prisons.

Participant 5 and Participant 1 had a similar view that senior management have to be supportive of the restorative process for it to work. Resources are needed to go forward with policy driven from the Director General. Participant 1 really emphasised his view that there has to be a general understanding of what restorative justice is and what are we trying to achieve with this in the prison service. He stated that we have to give staff a clear view of the restorative plan going forward, educate and train staff, but above all, get the ‘*buy-in*’ from them to achieve success for the prison estate as a whole. Some staff will be cautious of any new initiative. He suggested that there could be an awareness day for staff and prisoners of what restorative justice is all about. Participant 5 reiterated a restorative policy has to be driven from the Minister of Justice down to senior management of all prisons.

Participant 4 came up with the suggestion of setting up of a task board of some description that would oversee the whole process of restorative justice in prisons with suitable prison personnel and outside agencies involved in it. They would have to decide on the criteria for the prisoner to take part in the process. It would not be suitable for every prisoner. It should form part of their sentence plan. It should be about resolving why they did the crime, not all about the prison regime. If they spend a long time in prison, going back into society can cause a lot of problems for them. He also said that *“country prisons have more of a community setting than city prisons. There should be more involvement from the community, especially if that is where the prisoner is returning to. If a prisoner is involved in restorative justice practices the community may be more understanding and forgiving.”*

All participants agreed on the suitability of prisoners participating in the restorative process, that this process would not be for everyone. This would have to be strictly regulated and monitored. Restorative justice should not become a tick box exercise for early release. Prisoners have to take responsibility for their actions. Four out of five participants agreed that if restorative practice is being successfully run in prisons then eventually the victim may be brought into the equation of the prisoners' sentence plan. All agreed that this would take a lot planning and hard work.

Participant 3 advised caution in relation to prisoners, in that prisoners can be manipulative. He shared his experience of Mountjoy prison's medical unit where there was a long waiting list for prisoners who wished to enter a detox programme. When the main block of Mountjoy prison was renovated, the waiting list slumped as the prisoner's cells in the main block were now improved. *“Some prisoners forgot about their detox programme!”* A comparable view was shared by Participant 5 who mentioned the criteria of prisoners and the victims. Suitable prisoners should be able to self-refer when they reach an agreed point in their sentence plan. A letter from the prison can open up huge worries for the victim. It would involve data protection issues, not to have address of the victim. This is where a trusted member of the community could intervene. Some prisoners may look to have it on their court report for their rehabilitation plan. This would not be true to the restorative practice. *“Victims would have to drive this, they would have to come to the Irish Prison Service and talk to the Directors. Protection must be there for the victim.”*

Changes and recommendations for the effective delivery and practice of restorative justice within the prison service:

The theme under this heading was commitment. Each of the participants had very different ideas in the recommendations they would suggest for implementation of restorative justice. Before any restorative justice programme can be introduced into a prison there has to be commitment from senior management which then filters down to the basic grade prison officer. There also has to be commitment from community personnel.

Participant 3 mentioned the cost implication in the implementation of restorative justice practices. He stated that there really is no cost because a lot of resources such as staff and workshops are present in the prisons already. He also stated that it is hard to quantify if a process is value for money as no one is getting paid. But, he believes overall the value to the community is enormous as crime is reduced and communities are working together.

Three out of the five participants had a lot to say on the role of external agencies. All participants fully agreed that prison staffs are the primary instigators in the implementation of restorative justice practices shadowed by external agencies. All agreed that external agencies will have a part to play in the roll-out of restorative justice into prisons, but prison staffs are influential in the role they play in the restorative justice practices. Participant 5 was critical of external agencies not all joining together to form a strategy of implementation on restorative justice. *“There is no joined up thinking in relation to restorative justice from external agencies. They can talk on restorative practices in Ireland, but everyone is performing their own part. There is no national strategy on restorative justice. It must become statutory driven for it to succeed. “The National Commission on Restorative Justice gave recommendations on implementation, but nothing came of it.”*

Participant 4 stated that there would have to a big input from the medical professionals such as psychologists and psychiatrists in the suitability of prisoners. There would be huge concerns on the effect of the process for the prisoner and the victim’s families. He said *“as no one can control the situation when they meet face to face and this could unearth a lot of emotions and feelings. It is a very sensitive area.”* A lot of external agencies are reluctant to get involved as if a situation goes horribly wrong the media would hold ‘court’ and that is the end to the restorative process.

Three out of the five participants were very insistent about the communities’ part in the restorative justice process. They all stated that the restorative justice programme can commence

in a prison environment with all provisions there, but without the support of the community it will fail. All prisoners are eventually released back into the community. Participant 3 agreed that restorative justice is not for everyone and not for all of society either. People can get carried away with the process and some people will just not engage. *“We cannot force people to engage in the restorative justice concept if their mind set is just not there.”* There is a huge impact on the community if it is worked properly. That is why the community must be involved from the beginning. *“I am reluctant to have all the work done by the professionals if the community is not involved. It just will not work.”* Participant 4 stated that the community through social activities or clubs can play a huge part in restorative justice practices in prisons. Both the offender and the community would get something out of the process. The community gets something back rather than sending a person to prison if, for example, a public order offence is committed. Restorative justice will allow that to happen at an early stage. He also stated that the parole board could play a bigger role in the restorative justice process. *“It should become a remit of the parole board.”*

Participant 1 also concurred on the role of the parole board, but added the media’s role. He stated that the public are very much swayed in how the media portrays news and events concerning prisoners. He stated that in the restorative justice process if something is incorrectly reported on then it becomes death by the media for the process. He also stated strongly that the victim has a huge say in the progression of restorative justice, in that there is a fine line between victim empathy and victim support. There has to be supports in place through external agencies for the victims involved.

Participant 3 suggested the Judiciary’s role in the restorative justice process. He believes that some court Judges would be reluctant to get involved in the restorative justice process. They would believe it should be set down in primary legislation first. There should be a guide to sentencing in the process and some Judiciary would have to change their way of thinking.

Participant 5 cited there should be a panel established with the relevant medical personnel, community activists and prison staff to package restorative justice into a prison programme.

Participant 4 mentioned the mental health issue for the Irish Prison Service. A huge issue in a restorative justice programme would be prisoners with mental health issues. This would be an enormous issue as this category of prisoners would be high risk. There would be strong ramifications for all those concerned if processed incorrectly for this category. *“It is a two-way balancing act - the crime and the victim can be at the root of the mental health issues.”* Probation, addiction counsellors and the medical profession all would have a role to play in the process. A positive for the process is that all these agencies are already in place in the prisons.

Participant 2 stated that awareness and training of restorative justice practices must be identified for prison staff firstly. Most prison staff will buy in to prison programmes because anything positive for the prison results in a positive working day for them. He also cited that there must be caution with the restorative justice process as we are dealing with feelings and emotions so an external agency could specialise in a training package for all those involved.

Summary of Findings:

During the fieldwork many themes emerged. The themes identified were presented under the following headings:

- ❖ Professional understanding of restorative justice.
- ❖ Professional's view on restorative models and approaches in a prison environment.
- ❖ Professional's experience of restorative justice programmes in prisons.
- ❖ Factors that contribute or detract from the use of restorative justice practices in prisons.
- ❖ Changes and recommendations for the effective delivery and practice of restorative justice within the prison service?

The results indicate that all the participants acknowledge and support restorative justice principles. The problem lies therein that each of the participants does not believe that the Irish Prison Service is ready for the introduction of this process. They all believe that restorative justice is a long way from being introduced into the service as there needs to be policy legislated from the Minister of Justice down to each and every senior manager of the prison service. There has to be input from staff, communities, victims and external agencies before selection criteria can be agreed upon. All participants expressed extreme caution as to the selection criteria of prisoners wishing to engage in the restorative process if introduced into Irish prisons.

Each of the participants is fully supportive of an alternative of restorative justice that is restorative justice practices. Each of the participants believes that the prison service is already performing restorative justice practices for example through workshops and community projects. This needs to be put on an official restorative practice policy. All participants believe the restorative practice could be widened further onto the landings of the prisons. Already two pilot projects have been introduced to Dublin prisons, namely Wheatfield prison and the Dochas

(females). Open prisons such as Loughan House and Shelton Abbey could be investigated further for restorative practices on a more recognised structure.

Each of the participants have agreed that prison staff are fundamental to any restorative justice practice as they are dealing with prisoners on a day to day basis and have full understanding of the individuals. Class officers should have a bigger role to play in sentence management of prisoners. The community has a major role to play in the restorative justice practice as eventually all prisoners will return back to the community. The media should also be included in any restorative implementation.

This draws a conclusion to the main findings of the present study. The next section will discuss in more details the themes that emerged in relation to the current literature.

Discussion

Discussion

Introduction:

This section highlights the key findings of the research study and discusses the emergent themes to the relevant literature in the field. The aim of the research was to set out to explore the attitudes, opinions and views of professionals at senior management level to the use of restorative justice within the Irish Prison Service.

The specific objectives of the study were to:-

- ✓ To examine the professional's understanding and views on the restorative models and approaches.
- ✓ To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service.
- ✓ To identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

The discussion of findings will attempt to explain the results obtained from this study by drawing on researched literature, the author's outlook and also from the findings of the five semi-structured interviews. This section also deals with the evaluation of the method and limitations of the research study. Finally, based on the findings the author will conclude and outline some recommendations in the area of restorative justice. The findings will be discussed under the objectives and the literature reviewed.

To examine the professional's understanding and views on the restorative models and approaches:

The focus of this objective was to examine the understanding of restorative justice from the professional's viewpoint and gain more of an insight in how the professional views restorative approaches. In describing 'restorative justice' the general consensus of the participants was that restorative justice is designed to make wrongdoers aware of the nature and magnitude of the harm they have caused to other people. It looks at how to try and put it right for all concerned. This was echoed in the literature on restorative justice approaches, as it is a very diverse subject and there are many definitions that have been advanced. Different disciplines draw on a range of

terms to describe restorative approaches (Nelson, 1996). Some of the main features of restorative approaches include respect, dialogue, reflection, interest and recognition of the needs of others (Hopkins, 2003; Gellin, 2011). Wachtel (2005) contends that the following notion lies at the heart of restorative approaches: *‘When authorities do things with people, whether reactively, to deal with crisis, or proactively, in the normal course of business, the results are almost always better.’*

One of the participants stated that while prisons are necessarily preoccupied with prisoners making it difficult for restorative justice programmes to be implemented, as the focus in restorative justice is on the needs of the victim, it is something not in the realms of possibility for the future. As he stated the prisoner must take responsibility for his actions – saying sorry and trying to put the wrong right. Literature will cite that some effort will be made by decision-makers or those facilitating decision-making processes to promote a response which is geared less towards stigmatizing and punishing the wrongdoer. It moves more towards ensuring that wrongdoers recognise and meet a responsibility to make amends for the harm they have caused in a manner which directly benefits those harmed. It is a first step towards their reintegration into the community of law-abiding citizens (Johnstone and Van Ness, 2007).

Each of the five participants all agreed that restorative justice is a very powerful tool if used correctly. They would also agree that the prison service organisation should be expanding the ‘lock up and turn the key’ ethos. It is encouraging to note that all the participants had an acute awareness of what restorative justice is and the huge role they play in trying to evolve this terminology forward in the Irish prison service. All five participants concurred that this process will take time. Our ‘criminal institutions’ are every bit in need of assessment and treatment as the dangerous people held within them, but they are frequently even more resistant (Cordess, 2004).

Each of the participants held the view that the Irish prison service was certainly not ready for offender-victim meetings. No participant could give an indication of when the prisons would be ready for that initiative. As the literature explains, prisons are authoritarian and hierarchical, controlling virtually all aspects of the lives of prisoners, making it difficult for them to exercise personal responsibility. Yet, responsibility is a key value of restorative justice (Guidoni, 2003).

All the participants concurred strongly that restorative practice is the way forward for Irish prisons as it is a form of restorative justice. They all stated individually that restorative practice is being carried out on a daily basis in every prison through workshops and some community projects, but it has not been officially recognised as restorative practice. Studies would indicate

that correctional programmes can provide an important piece of a more holistic asset-building strategy for many offenders. Yet, when these interventions are not linked to institutional roles that allow offenders actively to practice and demonstrate skills in a way that strengthens a community connection, they run the risk of becoming yet another pathway that leads offenders towards what McKnight (1995) calls the *'dependency of serviced life'* (Maruna & Immarigeon, 2011). An interesting observation that permeates throughout the interviews is that although participants are acutely aware that restorative practices are being carried out on a daily basis in all prisons; and, the terminology has been suggested informally to change, it has not been addressed at organisational policy level yet.

One of the participants through his experience of the two pilot projects in Wheatfield Prison and the Dochas (female) prison felt that restorative practice was more about addressing rows on landings and disputes among prisoners. This type of restorative justice was a mediation process. In this type of mediation process, selected staff had detailed training in the restorative concept and this seemed to be working well as relations between prisoners and staffs were good. Most of the participants stated that restorative practice would ideally be suited to some of the open prisons, namely Loughan House and Shelton Abbey rather than the closed prisons. This is because a lot of prisoners have already gone through the closed system and were coming to a point in their sentence that they needed to address the reasons they were behind bars. The other participants felt that restorative justice works better in closed prisons. Kilkelly (2006) argues that the lack of co-ordination, communication between professionals and the absence of clear lines of accountability can lead to a disjointed system of addressing problems that arise.

Another participant suggested that the country prisons have more of a link with the community than city prisons and this is essential in restorative practices. There is some prison officers now working outside the prison setting and becoming involved in community crime prevention structures, for example, Neighbour Watch Schemes. Also, there are officers that go into primary and secondary schools with the primary aim of deterring children from crime. In the process, however, these officers manage to enrich their own working lives and give themselves an additional sense of purpose (Crawley, 2011).

Most of the participants expressed views that all prison staff as well as all prisoners should be familiarised and have an understanding of what restorative justice is all about. *"No point in training 100 staff and the rest do not know what is going on"*. They also stated that there must be a very clear view of what this type of restorative justice will be and what the organisation is going to do with it in a prison environment as that is where you get the *'buy-in'* from prison staff.

In the literature, according to Blood and Thorsborne (2005), the demands of managing the change process must be addressed because most change initiatives fail because innovators fail to listen to people's concerns and those expected to change are not actively involved in the change process. Prisons as organisations do not like uncertainty; they see it as destabilising and threatening. That is why they need to be set in the context of an agreed set of ethical values linked to clear leadership. If that is the case, the change process will lead to better managed prisons which are more secure, safer and more effective in their rehabilitation of prisoners (Coyle, 2002a).

The author would state that resistance to the implementation of restorative justice practices in prisons is to be expected, in part, because staff have different views on prisoners and the purpose of discipline, and above all, because some staff have felt unsupported in the past concerning other initiatives. To successfully implement restorative practices in prisons, commitment must be gained from senior management, a shared vision, develop an effective practice and finally integrate the practice into the organisational policy. Much of the time, individual officers feel frustrated by their own establishment's culture, but feel powerless to change it (Liebling et al, 2011).

To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service:

The second objective of this study was to look at the professional's experience of restorative justice in operation within the prison service. Only one out of the five participants did not have any experience of restorative justice, but they did have a somewhat limited perception of what it entailed. They were very forthright in putting their experience across to the author as they had very frank concerns in regard to the selection criteria that would be required for the victim and offender entering the process. They also addressed the mental health issue of prisoners and the effect restorative justice could have on them. They came up with the suggestion of setting up of a task board that would oversee the whole process of restorative justice in prisons with suitable prison personnel and outside agencies involved in it. They would have to decide on the criteria for the prisoner to take part in the process and it should form part of their sentence plan. In the literature, Cavadino and Dignan (2002) have suggested that the key attributes of restorative justice are the principle of '*inclusivity*', the balancing of interests, non-coercive practice and problem-solving orientation. It should be about resolving why they did the crime, not all about the prison regime. There are concerns about the authenticity of apologies and the willingness of

offenders to engage in the process in the absence of the threat of a more formal response (Cavadino et al., 1999).

All five participants expressed a lot of concern in regard to the suitability of prisoners that would want to participate in any restorative justice programme. Guidoni (2003) found the goals of restorative justice staff were different from those of the prisoners who participated in the programme. The staff viewed the project as a way of creating a different sort of prison which would improve conditions for prisoners. Prisoners, on the other hand, viewed the programme more instrumentally, as a way of obtaining prison leave early for good behaviour.

One of the participants was very cautious in the dealings with prisoners, as they found them to be manipulative in achieving their goals, possibly early release if they entered into the restorative process. Literature would suggest that although restorative justice is crucial and effective in most societies, it is also essential to acknowledge that some crimes are difficult to restore in many societies, even after the application of these practices (Johnstone & Van Ness, 2009). Critics would imply that those deemed responsible for committing a crime will not be judged as severely as they are in retributive justice. Condemnation of their behaviour as unacceptable to the community will be mixed with empathy for them as members of the community who have erred. At the same time, it will be made clear that the circumstances which might mitigate their guilt do not excuse their actions and, crucially, do not remove their liability to make amends for the harm they have caused (Johnstone and Van Ness, 2002).

The rest of the participants had experience of restorative justice interventions and it did appear to have had a powerful effect on each of them, if as they have all stated, it is done correctly. As mentioned in the literature, studies have examined restorative practice approaches in Northern Ireland especially where restorative practices have been adopted in the Greater Shankill Alternatives in West Belfast to alleviate tensions between Unionist and Nationalist factions (McEvoy, 2006). Restorative practices can assist the prison service to become more effective in having a more harmonious environment within the boundary of the institution, for the prisoners, their families, staff and management. Critically, O'Mahony (2005) states that a central fact about the vast majority of Irish offenders whom are imprisoned is that there is no pristine motivational state, no foundation of personal achievement and no secure, congenial place in mainstream society to which to bring them back. There is only lifelong history of failure and of being failed in areas that link to economic success and social acceptance. In future planning and policy making, senior professionals working within the prison service may address and can perform a crucial role in expanding the application of the restorative philosophy.

All participants agreed there has to be support from all levels of management for restorative justice practices to work in prison, but two of the participants were resilient in their statements in that senior management have to be supportive of the restorative process for it to work. Resources (staff) and knowledge are needed to go forward with policy driven from the Director General. One participant stated there is no point in having senior promoted staff doing a restorative justice programme if they are told to do it. The restorative justice programme will not work. He was also critical that some prison staffs are conditioned; it is all about containment for them, *“there is no thinking outside the box for them as to what can be done for society in the workshops.”* The daily miracle of a large prison is looking after approximately five hundred prisoners or more in some cases in a small, confined setting. Its ability to provide work, education, exercise and association for most prisoners, with a compliant response, is indeed a miracle. As they stated *“it is a successful day for the prison if they do not experience a death in custody or an escape.”* This way of culture thinking has to change for the restorative justice practice to triumph. The influence of restorative practices in prisons depends on the extent of commitment to restorative values by senior management teams. The literature advocates there is a wealth of restorative practices available, but prison staffs need to be open to working with them (Edgar & Newell, 2006). When managers try to achieve cultural change, this can often lead to the ‘trenches response’ whereby people keep their heads down until all the fuss has quietened down and then slowly re-emerge to carry on much as before (McLean & Marshall, 1988). Restorative justice will not go quietly away!

Each of the participants established that the biggest contribution to any successful restorative justice practice in prisons is prison staff. The literature advises that the first challenge is to ensure that staff fully accept and embrace the new approach since achieving staff *‘buy-in’* to restorative projects is central to effective implementation (Blood and Thorsborne, 2005). One participant also added that the class officer can be instrumental to any prison programme. They see first-hand the prisoner’s behaviour on a landing and how they interact with other prisoners. They also see how they co-operate with staff. This participant believes that class officers should have an input to the sentence management of a prisoner. Brown and Clare (2005) explain that prison officers have been historically linked and remain the mediators of all schemes and systems within the prison environment. Despite all the challenges and potential problems of working in a prison, inwardly, officers do find value in what they do – in helping prisoners (Liebling et al, 2011)

An integrated sentence management (ISM) system was developed in Irish prisons to ensure a multi-disciplinary co-ordination of interactions with prisoners based on agreed sentence plans. Carroll and Meehan (2007) state that there needs to be better facilities within institutions particularly in relation to the education of young people and improved co-ordination between the relevant agencies and the need for ongoing research to be carried out. One participant mentioned the ISM system and was very critical of some prisons in the management of the process. As he said *“integrated sentence management (ISM) is a tick box exercise in some prisons. I have asked the ISM co-ordinators to show me the documentation for the follow through for a particular prisoner. This could not be done. It should be a road map for a prisoner in their sentence plan. I would not like to see a restorative justice programme going the same way.”*

Sometimes there can be a need to attach on to a new and exciting initiative without a full appraisal of what it entails. The use of a task board in each prison was suggested with relevant personnel based on it. This board would comprise of medical persons, prison staff and community activists to package restorative justice into a prison programme. This would seem like a logical outcome. It does become evident that a structured mechanism would be of great benefit for future planning. Literature would add that the restorative justice approach is most successful when it was made part of an organisation’s work plan and when there is a commitment to working restoratively as other organisations have indicated (Hopkins, 2003).

To identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

Lastly, the third objective in this study was to identify the changes and recommendations that are required for the effective delivery of restorative justice within the prison service. There was varying responses from each of the participants on this segment of the interview. Some of the participants were very insistent that the community had a major role to play in any restorative justice programme. They were adamant that without the community input the programme will fail. The literature advocates that a community which comprises of victims, offenders and others inherently includes the needs and interests of its members but, as a collective, is also responsible for their well-being (Watchel, 2005). One of the consequences of multi-disciplinary practice is the potential for tension based on different values and norms that arise from diverse professional backgrounds (Jewkes, 2012). They can include different boundaries, altered expectations, lack of time, diverse viewpoints and priorities and different working methods and roles.

Literature also suggests that the success of any restorative programme in an interagency setting depends on the support for the programme among senior managers in the various organisations. When there is a wider collaboration between organisations and stakeholders it usually leads to best outcomes (Hopkins, 2003). People are encouraged to work with each other to overcome their day-to-day difficulties in positive ways. Instead of blaming, efforts are made to heal relationships and to 'reintegrate' people back into the community (Watchel, 2005).

Some participants referred to the influence the media sometimes has in new prison initiatives. They believed that the public are very much swayed in how the media portrays a story. Often the media will draw attention to the prison service when resources are given to prisoners and the health service, for example, is in financial crisis. In the literature, according to the monumental Woolf Report (1991) it was made clear that prison authorities are not seeking to achieve more comfortable surroundings, greater luxuries or increased privileges for prisoners for their own sakes. They are seeking to ensure that a prisoner serves their sentence in a way which is consistent with the purpose behind the court's decision to take away their liberty and their freedom of movement while ensuring they are treated with humanity and justice. It is difficult to gauge exactly what the public thinks of prisons and prisoners and in the absence of empirical research, it is all too easy to make generalisations based on press reports portraying prisons as holiday camps which hold no fear for career offenders (Jewkes, 2012). Therefore as suggested by the participants, maybe the media could be considered as one of the stakeholders before implementation of any restorative justice programme.

One of the biggest obstacles to any restorative justice programme would be the issue of resources. In the literature, Marshall (1999) argues validly that attention must be paid to the resource implications of restorative approaches, especially if the benefits to be gained from the process cannot easily be justified by the resources invested in them. In Ireland, especially, where transparency, accountability and above all public scrutiny are the main focuses of a recession this will have a serious impact on prisons. In particular, prison budgets are stretched to the very limit and this will be a deciding factor in the implementation of restorative justice schemes within prisons.

It has been recommended from the National Commission on Restorative Justice that due consideration should be given to piloting an appropriate restorative justice measure with a small number of suitable prisoners at a pre-release stage of their sentence and at the request of the victim and / or offender. Any such development should be time bound and should be limited to not more than 12 cases over a two year period. Selection of cases should be the subject of very

careful scrutiny. Voluntary victim participation should be a condition of case selection and the prison authorities should be satisfied that the offender's participation has the potential to result in a positive outcome, including a deeper understanding of the harm done by their crime and an increased likelihood of avoiding criminal behaviour in the future. Particular attention should be given to ensuring that victim participation does not expose the victim of further victimisation, but does offer the victim the opportunity to outline their experience and get more answers than was possible through the conventional criminal justice process. While this is a very forward tactic for the restorative justice movement, the Irish Prison Service is a long way from introducing this pilot scheme.

On discussing the findings, it is evident that the professional's views and experiences provide an invaluable insight in to how they perceive restorative justice now and for the future in the Irish Prison Service.

Evaluation of Method and Limitations of the Study:

The qualitative method of semi-structured interviews allowed for an in-depth analysis of the research question. This was evident through the use of core questions in conjunction with probing questions which allowed the researcher to probe further into the participant's answers in order to gain a clearer and deeper understanding. This study was designed with a single research method, and that was qualitative research. It is possible that conducting interviews with a larger related group on the same topic, such as a larger sample of each of the participants would have produced different results and findings. Although this could be viewed as a limitation, it should not take away from this research study and its analysed findings.

Bryman (2004) argues that small numbers used in research can be acceptable, provided it is the established objective of the study. The author was aware of some weaknesses in the qualitative data collection – for example poor questions, response bias and incomplete recollection. However, the research design for this study included several drafts and pilot question sessions in order to counter for poor questions. The author of this research believes that a reasonable set of questions were achieved from guidance and support from the supervisor which helped achieve the objectives set out. While the current research study was relatively small in nature, the purpose and nature of the study must be emphasised. Being conducted as an exploratory qualitative study, participants were chosen to enhance the identification of common themes and for areas of future research. The researcher acknowledges the limitations of a small sample size in relation to external validity (Bryman, 2004). The small sample size in this research was the

results of a combination of time and cost resources given the geographical locations of the participants. The purposive sample leads to problems for future researchers aiming to replicate the study. Although further researchers could replicate the procedure, the participants will be different which may generate different results. Finally, as the author is a first time researcher they aimed to facilitate the research with open rich data.

As the author is involved in the Irish Prison Service for a number of years and this is their first time in conducting research on a prison topic, there may be a degree of subjectivity on their part as to the way the research has been presented. The author reflected many times on the study to ensure there was no bias in the interpretation of findings, and if there is any indication of bias in the research this was not intentional on their part.

Conclusion:

It is necessary to note that this research study focussed very much on the individual views and experiences of participants. This study has attempted to gain an insight into the views and experiences of the professionals who play major roles in the prison service to the use of restorative justice.

This brings to a close the discussion of the main findings. The next section is the conclusions that will be drawn and the recommendations that will be outlined.

Conclusion
and
Recommendations

Conclusion

The aim of this research was chosen because of the author's involvement in the Irish prison service for the past fifteen years. Restorative justice is modern concept that aims to work to heal victims, offenders and communities that have been injured by crime. It may give the victims, offenders and communities the opportunities for active involvement in the justice process as early and as fully as possible. The Irish Prison Service over the past number of years has undergone many fundamental changes and this can have a strong impact on both staff and prisoners, both positive and negative.

The aim of this study was to set out to explore the attitudes, opinions and views of professionals at senior management level to the use of restorative justice within the Irish Prison Service. The objectives were to examine the professional's understanding and views on the restorative models and approaches. To explore their professional experience of restorative justice programmes and approaches currently in operation within the prison service. Furthermore, to identify changes and recommendations which are required for the effective delivery and practice of restorative justice within the prison service?

The findings of this study show that the Irish Prison service is not ready for restorative justice, but ready for restorative practices to be officially established in organisational policy. The findings drew attention on the role of prison staff and the instrumental part they play on any restorative justice practice. Also considered were the other stakeholders in any restorative initiative – the victims, the offenders, the community and the media. Also cited was the negative perception that senior management are unsure how long it will be before any restorative justice scheme can be introduced to the prisons. Resources and having qualified personnel are also factors to be considered in the restorative justice process. This research did show how powerful a tool restorative justice can be if implemented correctly and all participants concurred with this fact.

It is hoped that this research will add to the body of knowledge. Whilst this study was a cross sectional one, it was small in scale and therefore limited in scope. However, it is hoped that the inclusion of senior professional's views within the Irish Prison Service to the use of restorative justice could lead to a more informed practice within the prison service. The findings illustrate there are various ingredients that influence and shape the professional's views.

Recommendations

Following on from this research and the key findings the subsequent recommendations emerged from this research. The recommendations apply to future research on the topic and also to working with prisoners in prison.

The recommendations included the need to raise the level of awareness in restorative justice for all staff and prisoners.

To distinguish the different between restorative justice and restorative practices and to put the latter on a more formal recognised basis.

To acknowledge the part the communities have to play in restorative justice and the need for more interaction with them.

The involvement of external agencies and the type of roles they can play in the implementation of restorative justice.

Also cited was the need for prison staff to become more involved in sentence planning, especially the class officers on a landing.

Policy direction from Government personnel and the need for senior management to “*buy in*” to any restorative practices was also highlighted. This would ensure successful implementation of any restorative justice projects.

Finally, the spirit to develop further restorative justice schemes in prisons was very evident in the study with a particular aspect relating to the selection criteria that would be available for all concerned.

While restorative justice may be appropriate in a number of areas within the criminal justice process, it nevertheless has its limitations. One of the central components of restorative justice is the extent to which it depends upon the voluntary co-operation and participation of those who take part. Further, the appropriateness of restorative justice will largely depend on other factors, such as the seriousness of the offence, the circumstances of the offender and the wider interests of society. Furthermore, in terms of practicality, efficiency, resources and cost, restorative justice could only be used within the criminal justice process where it is considered necessary and beneficial having regard to the needs of the victim, the offender and the wider community.

Restorative justice is presented as a forward-looking, problem-solving approach to crime, which involves the parties themselves and the community generally in an active relationship with various agencies. The challenge of legislation is to give effect, as closely as possible, to policy on the issue involved. Accordingly, any legislation on restorative justice will require painstaking consideration of policy, the limits and impact of legal action in any case covered by the law, especially where a person's liberty, security, or welfare may be concerned.

Therefore, restorative justice should not be expected to act as, or be equated with being, a mechanism that will replace the traditional criminal justice system.

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Appendix 1: Letter of Consent

Letter of Consent

I _____ agree to take part in the study carried out by Theresa Beirne. I give permission to have my interview transcribed and I understand that I can withdraw from the process at any stage if I so wish. I understand that anonymity will be ensured in the write up by disguising my identity.

Appendix 2: Interview Schedule

Interview Schedule

General Information:

Male or Female

How many years have you worked in the Justice Sector

Brief employment background to your current status (areas worked in or positions held):

Understanding of Restorative Justice:

1. What is your understanding of restorative justice in general?
2. What is your understanding in relation to a prison environment?
3. What informs your thinking of restorative justice?
4. Have you seen restorative justice taken place anywhere?
5. Has it been a success or a failure and why?

Views and Impact:

1. What are your views or opinions on the impact of restorative justice on society, the victim, the prisoner and the prison as a whole? Is it a positive or negative force on each of the above?
2. How effective do you think restorative justice would be in a Irish prison?
3. Do you think a restorative justice programme should be made available to every prisoner and at what stage of their sentence should it be made available?

4. Have you any concerns on how restorative justice would be implemented in a prison environment and what are they?

Changes / Recommendations:

1. What supports are needed to implement restorative justice in to a prison?
2. Will this involve staff training and resources? What type of training should be offered?
3. What kind of support is needed with policy changes from the Judiciary, Gardai and Government to roll out restorative programmes in prisons?
4. In relation to victims how will the impact of restorative justice be received by them?

THANK-YOU.

Permission given for recording of this interview

Signed: _____

Date: _____