

“There is nothing wrong with our existing justice system except that it is an expensive, unjust, immoral failure.” Ruth Morris, who contributed to the Canadian work promoting abolition, started her talks with this statement - with which we agree.

Expensive

We are spending more and more on prisons, building new ones. It is time to have a fresh look for more effective alternatives for most of the 90percent of non-violent offenders filling our prisons. This would save three quarters of the prison budget.

Unjust

Studies show the disproportionate incarceration of ethnic minorities. Corporate crime is regularly ignored. Prisons are generally for the poor and unconnected.

Immoral

Most world nations have rejected capital punishment and torture as barbaric relics of the past. Caging people, especially when that caging is aimed at the marginalised, can hardly be considered a progressive or morally acceptable alternative. Revenge is a ravaging emotion that leaves its holder unsatisfied no matter how much pain it inflicts.

Most classified as offenders by our justice system are young whom we have failed to protect from abusive homes, bad foster homes, or sterile institutions. We have also stripped our communities of creative opportunities for the poor. We should not continue an unending cycle of blame and revenge on them for behaviour whose seeds we planted and nourished.

Failure

Recidivism rates from prison range over 55% and are consistently higher than other alternatives. Prison accomplish the goal of punishing , and institutionalise people, taking away their ability to act for themselves. Prisons are excellent if your purpose is primitive, brutal revenge for the dehumanising demeaning of people is what they do best. Prison is not effective in rehabilitating or reforming offenders, has not been shown to be a strong deterrent and has achieved only temporary public protection and uneven retribution.

The retributive justice system is a dismal failure in meeting the healthy needs of victims of crime. The recent report from the past Bishop of Liverpool identifies many needs of victims of serious crimes many of which come from the disregard the justice system has for them. Victims have needs for answers, recognition of their wrong, safety, restitution, and to find some meaning from the event that was so painful.

Answers

The world of victims has been turned upside down by the crime or injury. Why me? Am I to blame? Learning from the pain is one way of regaining control. The process would be helped by supportive listeners but the police and court process often blame victims. Crime disrupts our sense of control and most victims want to know about the

loved ones experience to gain some peace. Answers are fundamental to victims and many of the questions can only be answered by the offender.

Recognition of their wrong

A fundamental need is to know their community and the world recognises how terrible their wrong was and that they are not personally to blame. When this need is met the path to healing, rebuilding and forgiveness is made much smoother. Community support denouncing the wrong meet the need for recognition. Police sometimes blame the victim for minor lapses that might have exposed them to the crime. The defence lawyer may well point out ways in which the victim was to blame. Our justice system does not recognise the wrong of victims even though it sets out to do that in a crude way. The only measure of recognition of wrong is how many months an offender is locked away. But we know that trauma does not respond to the equations of justice.

Safety

With the increased separation of offender from victim it is difficult to get answers. Could the offender's anger be turned back onto the victim? Contact is forbidden making the need for answers more urgent. This leads to more anger and fear

Restitution

The more serious the crime the greater the need for some restitution. This is about asserting that the world is a safe place, within a community or family. The system still sees this as financially centred when it is about community.

Significance

Eventually victims seek significance and meaning. The world will not be the same but they can use their experience to build another world for others.

But our justice system offers victims few opportunities to have these needs met. Alternatives exist. But our existing system is no more helpful to the needs of victims for healing, or communities for prevention, than it is for changing offender behaviour and integrating them back into the community.

Future Possibilities

Housing Alternatives, Community Supervision, Restoration Models, Treatment, Legal Remedies Cooperative Solutions, Day Centres, all exist but are not fully or effectively deployed yet. Given the evidence of the effectiveness of restorative justice it is surprising that there has been so little implementation of the processes. Sentences would be focussed on the needs of the situation and anything arising from the restorative process, should there be a sentencing circle. Through Justice reinvestment there would be more community facilities such as treatment programmes, educational development and work related training, with which to engage in the community.

For the few 10% or so who would need custodial possibilities the regimes should be the most effective possible to such damaged and damaging people. Thus, psychologically constructed regimes would be developed to engage with the few. The examples of the Barlinnie Unit in Scotland and the Therapeutic Community prisons of Dovegate and Grendon provide good evidence of dangerous men being engaged in growing awareness of their behaviour and learning models of acceptable conduct over time. There are good working prisons in European jurisdictions that manage small numbers of highly dangerous offenders within a creative and purposeful regimes. Staff will need to be much more skilled in working with disturbed offenders than the current expectation of prison officers. From the Grendon experience prison officers rise to the opportunity of becoming the prime agent in the therapeutic process.

Clearly the skills required of the treatment staff in the community would call for some skills that are latent and at present would be under a lot of pressure. The chaotic recent history of the probation service has left a sad mark on public confidence and on the possibility within the service for resiliency. We would not want to start from here.

But the basic case of the gross overuse of long sentences has been well made by the past Bishop of Liverpool's Independent Commission into the Experience of Victims and Long-Term Prisoners report **Making sense of sentencing**. Sadly, we have not been able to engage sufficiently with it but it remains a core supportive piece of evidence about the need for sentences to be shorter and more focussed. The evidence is there. It's up to us to engage.

Tim Newell

February 2023