

## Doing Justice to Prisoners – What Does it Mean?

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Justice sounds great but unless it is founded on the equal value of each person it is little more than a fantasy. We need to reclaim a fundamental understanding of what Justice is.

When someone treats us as less than equally valuable the healthy, normal feeling is anger. This anger is there to motivate us to address the need for safety that only comes from equal value. If we link the anger to our value we say “Fair go, mate” to act to restore Justice: this is called Resolution. If we link the anger to power we justify revenge. People who don’t feel valuable usually use power as a substitute. Revenge may restore power but it can’t restore respect or equal value. We have a choice in how we use our anger to solve problems or to make them worse. I have seen individuals commit murder and suicide by going down a revenge path.

Fortunately, I come from a medical background and follow Hippocrates Oath of “First, do no harm”. I have worked in Prisons since 1975. I run an Alcohol and Drug recovery Group and MARS: Men Affected by Rape and Sexual-abuse. I have cared for 896 male victims and 100 perpetrators of Sexual abuse. I work with male and female victims and male and female perpetrators. I am privileged to learn from listening to the people that I work with. My knowledge is experiential.

“Fair go, Mate”-

“Fair go” is Justice: the belief that we have equal value despite different circumstances and roles. “Mate” is Mercy: translating the belief into treating each other as valuable and accepting that we each have needs and each learn as we go. Justice without Mercy cannot heal. Some are afraid that Mercy promotes denial of honesty but Justice and Mercy both foster honesty rather than compromise it. Learning and change demand honesty.

“Treating others how I’d like to be treated” is Mercy and is both Preventative and Restorative when it comes to crime.

“Treating others how they treat me” is Revenge and produces war. It means we spend our lives in Reaction rather than Action. We must ask: if we just react, who is calling the tune? Or who has the power?

A new trend in our world is “Treating others badly in case they treat us badly” and so we “justify” a pre-emptive strike mentality or punishing individuals for what they might do, not just what they have done. This predictively produces resentment where everyone becomes a target and can’t make society safer whoever “justifies” it.

Pavlov used reward and punishment to try and change dog’s behaviour. He had some success. Humans are more complex than dogs and yet we have not advanced far in real responses to addressing unacceptable behaviour. I observe that recently we have acted to retain and increase punishment while reducing reward and hope e.g. in our removal of remissions for good behaviour. Politicians seek to get votes and power by “getting tough on drugs and crime” and increasing punishment. Most addicts don’t live in a world of consequences or tomorrow but rather instant feel good and relief. There are votes in fear but there are solutions in understanding that comes from honesty.

I find it far more efficient to address the needs that cause the behaviour. I say “Feed the baby” rather than just feel good by telling it that crying is “socially unacceptable”.

To think that you can stop someone using drug by external control is to participate in a denial process. Denying the reality that only one person can change anyone and that is the person themselves: this is called internal control and only happens when an individual can be honest and regain a sense of personal value. Our current response to drug users acts to stigmatize them, make them feel “raped” through internal body cavity searches and urine tests. It causes a loss of hope through a cycle of trying and failing. It often results in suicide as they feel worthless. 80-90% of crime relates to drug use. Our responses make it worse. I see drug users not as “Bad” or “Sick” but as “Valuable” and not realizing it.

In my work with victims and perpetrators my main aim is to help each regain a sense of personal value, the need that is most compromised in abuse. In abuse someone uses power over another to deny them a choice and so the victim feels devalued. In survival, victims often use denial (as in secrecy) or learn to be strong to relieve their needs. These responses are routed in survival but limit the individual and don't restore value or freedom. If unresolved, victims can go on to become perpetrators, denying their limits or seeking need relief through power. In my work only 6% of victims became perpetrators. About 80-90% of perpetrators have been victims.

We get frustrated when our perpetrator programmes don't have much success in stopping re-offending but what would you expect when most programmes focus on behavioural change rather than addressing the needs that cause the behaviour. Perpetrators are told they can't address their own victimization issues that precede their offending and must do so after release from prison. Queensland prisons have a policy of only group counselling, not one to one counselling and many prisoners don't feel safe to be honest in front of other offenders. Unless we accept the need for safety before honesty, we risk promoting denial which is the biggest predictor of re-offending. Some politicians are currently seeking populist votes in trying to force offenders to do rehabilitation programmes. This is to deny the fundamental reality that you can't teach consent by force. Prisoners who learn to "parrot" what is expected, have denial reinforced and are more likely to re-offend. Valuable people, value people. Valuable people are free to be honest. Acceptance and honesty are the elements of consent and unless these fundamental needs are met, behavioural change can not be expected.

Victims often find the adversarial nature of the Criminal Justice system as traumatic as the original abuse. In rape and abuse, choice is denied. If we want to first help restore the value of victims we must give them a choice in how they want to resolve their victimization. I want the option of Mediated, Safe Resolution to be offered to all victims as a choice and standard procedure. We have great success with this in property crime. Humans are more valuable than property. Perpetrators are more likely to say "Sorry" and this is healing for victims and the honesty preventative for minimizing re-offending.

Our use of indefinite, solitary confinement acts to dehumanize prisoners and we suffer the consequences when they lash out and want revenge. Most inmates have a sense of fairness when they say "you do the crime, you do the time". This can produce a learning outcome if individuals connect action with consequence. However our current use of indefinite solitary confinement smacks more of revenge and inmates feel devalued. It ceases to be a learning experience and they often come out worse.

Our deportation of prisoners at the end of their sentence reflects a "victim-perpetrator" mentality of England exporting prisoners to colonize Australia. It has resulted in preventable deaths and is rooted in the comfort-seeking, collective denial that "bad people do bad things" rather than accepting the reality that all humans can go past their limits in seeking to meet their needs if not honest about their own limits. Migrant children, without extended family support, in a foreign environment are predictably at risk of seeking acceptance in peer group drug use and often end up in jail. To deport them to countries of origin where they have not support is not valuing of human life: it is unjust.

HIV has been transmitted in Queensland prisons. HIV inmates were segregated at the time. This segregation was challenged under Anti-Discrimination Law. Segregation has now ended but condoms are banned. If we were serious about preventing HIV transmission we would value human life, be honest that people in prison have sex, promote education and foster individual responsibility for health and allow condoms. Sadly rather than acting to save life, I believe the Government will only react if sued in the Court when HIV is transmitted again. Hepatitis C is commonly spread in Prison from up to 20 inmates sharing one needle. No one deserves to contract a preventable disease in prison. The foundation belief needs to be the value of human life not homophobic vote catching.

Rehabilitation means individuals regaining a sense of personal value so they can be honest, learn from the past and make healthy choices in the future. It is about accepting individuals changing themselves. "Rehabilitation" has been removed from Queensland Corrective Services mission statement and replaced with the word "Intervention". I see this as reflecting a power shift that panders to a notion of "we will change you" rather than accept reality that only someone can change themselves. I want prisons to be places of healing and learning, hence my commitment over the last 30 years, mainly as a volunteer doctor.

We create the law. It is our servant, not our master. It must serve us in restoring and protecting the equal value of each individual. This is the foundation of peace and safety, goals that can't be achieved

through power or denial of the truth. We need to use the disquiet of laws not equating to our sense of Justice to achieve change. If not, we are participating in the power games by offering to be victims. Are we getting the outcomes we want?

Finally, you can not legislate Love, but we can live it: Believing in the equal value of each person (Justice) and translating that into action by treating each other as valuable (Mercy) and using Honesty (Truth) to achieve it.