Justice capital: A model for reconciling structural and agentic determinants of desistance

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Justice capital: A model for reconciling structural and agentic determinants of desistance

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Abstract

The emerging literature on desistance (and recovery from addictions) has largely focused on key life-course transitions that can broadly be characterised as the need for jobs (meaningful activities), friends (transitioning from using and offending to pro-social) and houses (a place to live that is free from threat). The recovery literature has coined the term 'recovery capital' to characterise the personal, social and community resources that an individual can draw upon to support their recovery, partly bridging agentic (personal) and structural (community) factors. The development of the concept of 'justice capital' furthers this reconciliation, by focusing on both the resources an individual can access and the resources that an institution can provide and support. We build on this idea by outlining the concept of institutional justice capital (IJC) to examine the role of criminal justice institutions in supporting or suppressing the growth of recovery capital, particularly in excluded and marginalised groups. We use a case study approach, drawing on recent research experience in prisons in Australia and the United Kingdom to develop a model of justice capital at an institutional level and discuss how this can shape both reform of, for instance, prisons, and how it can be matched to the needs of individual offenders. The paper concludes with a discussion of future directions in implementing an IJC model, to deliver a strengths-based approach to supporting and promoting desistance and creating a metric for assessing the rehabilitative and relational activities of institutions.

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1. Introduction and background

In recent years, there has been a resurgence of interest, by academics, policy makers and

practitioners, in the idea of rehabilitation, which has been embedded in a larger cultural shift in

justice theories towards a strengths-based approach. We are mindful that we are writing this at a

time of monumental change to prison regimes across the world, including both the UK and Australia.

In the former, the current COVID-19 pandemic has resulted in numerous deaths of those who work

and live in prison (Stobbs, 2020). To date, this has not eventuated in Australia, although there has

been particular concern about the potential impact of the virus on Aboriginal and Torres Strait

Islander people, who are incarcerated at disproportionate rates and are at the same time experience

health conditions that make them particularly vulnerable to contracting and suffering severely from

the virus. Against this backdrop, there has been an increasing focus on issues such as the provision

of personal protective equipment and the suspension of in-person visits from family and friends,

increased lockdown periods, and access to resources to support them. Although COVID-19 is

currently posing significant challenges to all aspects of service delivery in the criminal justice system,

it also presents an opportunity to increase a focus on recovery and rehabilitation during this time of

change.

This aspect of criminal justice scholarship encompasses therapeutic jurisprudence, which involves

the study of the law's healing potential (see eg Wexler and Winick, 2009, p. 1519), the birth of

'positive criminology', which emphasizes the integration and social inclusion which may constitute a

positive experience for individuals and groups and contribute to a reduction in negative emotions,

desistance from crime and overcoming victimization (Ronel and Segev, 2015), the continued

commitment to restorative models within and beyond justice settings (Sherman et al., 2015;

Braithwaite 2003) and the emergence of the desistance paradigm (Maruna, 2001; Maruna and

Farrall, 2004). All of these have evolved in parallel with a recovery movement that shares many of

the same principles (Best, Irving and Albertson, 2017) both for mental health and for addictions.

2

Although there are clear connections between all of these models, the present paper is situated

within a desistance framework, noting that Maruna and Mann have described desistance as 'a near

ubiquitous buzzword' (2019. p. 1) in probation services. Maruna described desistance as 'the process

by which stigmatized, former offenders are able to "make good" and create new lives for

themselves' (2001, pp. 6-7). McNeill et al (2012) have identified eight principles of desistance for

criminal justice practice, namely, the need to:

1. be realistic about the complexity and difficulty of the process;

2. individualise support for change;

3. build and sustain hope;

4. recognise and develop people's strengths;

5. respect and foster agency;

6. work with and through relationships (both personal and professional);

7. develop social and human capital; and

8. recognise and celebrate progress.

Primary or act desistance involves a period of non- or reduced offending, while secondary or identity

desistance implies a shift in the offender's identity (Maruna and Farrall, 2004). More recently,

McNeill has proposed a third dimension, tertiary or relational desistance (McNeill, 2016), which

refers to the support former offenders get from others in their efforts to desist crime and relates to

a sense of belonging (see McNeill, 2016; Nugent and Schinkel, 2016).

This paper draws on case studies from the United Kingdom (UK) and Australia. Much of the

international literature on desistance has emanated from the UK (see eg McNeill, 2016; McNeill et

al, 2012; Nugent and Schinkel, 2016), but is based on concepts that have much wider international

(and therefore universal) application such as social identity models and approaches. In the Australian

context, the key desistance research has been undertaken by Halsey, who observed that '[p]utting

young men in prison is sometimes necessary. But it's typically not going to put them on the path to

3

primary, less, secondary desistance' (2016, p. 216). The research on the application of desistance theory to Aboriginal and Torres Strait Islander Australians (see eg Sullivan, 2012) should also be noted.

The rationale and foundation for this paper also derives from the addiction recovery movement and in particular its importation of the concept of social capital. Based on a combination of a French sociological tradition (Bourdieu, 1985) and an American model of social epidemiology (Putnam, 2000), Granfield and Cloud (1993) coined the term 'recovery capital' to describe the resources that drug addicts who had managed to stop using with no external supports were able to draw upon. Specifically, they studied 46 people who had previously been substance-dependent, but who had avoided formal treatment, whom Granfield and Cloud considered 'natural recovery' (see Hennessy, 2017). What was interesting about their concept of 'natural recovery' was that many of those who stopped in this way had never lost key resources – partners, jobs and homes – and so were nothing like the 'hitting rock bottom' group associated with help-seeking addicts.

Based on data collected in the United Kingdom and United States, Best and Laudet (2010) divided recovery capital into three component parts – personal, social and community (or collective) capital – to make explicit the evidence that recovery capital is not only about internal qualities or resources, but also involves a delicate fabric of social support and positive social identity, and the capacity to access a range of resources in the lived community. This division led to a process of operationalisation and quantification, as Groshkova, Best and White (2012) developed the Assessment of Recovery Capital (2012) as a statistically robust measure of personal and social recovery capital that has since been widely used in recovery research internationally (Hennessy, 2017).

However, more recently, the Assessment of Recovery Capital has been embedded within an applied instrument, the REC-CAP (Cano et al., 2017). The purpose of the REC-CAP was to create an overall metric for recovery strengths and barriers (based on the assumption that recovery is non-linear and

4

can increase or decrease and that the direction of travel will be linked, at least in part, to the

recovery activities undertaken by the individual). The REC-CAP involves a recovery care planning

component, with the intention of allowing a navigator to use strengths to build further. This notion

of recovery capital is transferable not only across *domains* (to include desistance capital, for

instance, as a measure of the resources an individual has and the supports they can draw upon to

overcome an offending career and lifestyle), but also across *levels*, so that recovery capital potential

could in principle be measured as a function of, for example, a drug and/or alcohol worker's ability

to promote and support positive change, or indeed that of a service provider organisation. The latter

idea will constitute the core of this paper. First, however, we will outline the initial iteration of what

we term 'justice capital'.

Our aim here is to assess the application of this concept in a justice setting and the transition from

focusing on the individual offender to the institutional context, in which personal and social capital

can be built or are stymied. Institutional justice capital (IJC) refers to the structures, systems,

processes and relationships within institutions that create the conditions for access to social and

community capital, which in turn can nurture or hinder the development of personal skills and

resources. The paper uses a case study approach (see eg Heckenberg, 2011), based on recent

research by the authors in Australia and the UK to clarify the concept and to explain how it can be

operationalised to assist justice institutions in working with vulnerable and marginalised

populations.

2. The evolution of the concept of justice capital

Like other colonised global Indigenous cultures, Australian Indigenous (Aboriginal and/or Torres

Strait Islander) children and youth have inherited trauma and harm from Western practices and

systems (Blagg, Tulich and Bush, 2015; Blagg and Anthony, 2019). Aboriginal and Torres Strait

Islander youth make up more than 56 per cent youth justice detention population in Australia,

despite comprising only 5 per cent of the youth population (Australian Institute of Health and

Welfare, 2019). In their work with young people in the Banksia Hill Juvenile Detention Centre in

Western Australia, Hamilton et al. (2020b) described the multiple challenges experienced by a

cohort of primarily Aboriginal young offenders. The Banksia Hill Foetal Alcohol Syndrome Disorder

(FASD) prevalence study, the first of its kind in an Australian youth detention centre, found high

rates of FASD (36% of all participants/47% among Aboriginal participants) and neurodevelopment

impairments (89% of all participants exhibited three or more domains of severe brain impairment)

(Bower et al., 2018). In addition to understanding more about the benefits and challenges of

undergoing assessments and diagnosis for neurodevelopmental disability in a justice setting the

qualitative study focused on understanding more about the participants' strengths, hopes and

positive relationships (including peers, family, cultural background and relationships with country),

the future, their aspirations and the things that mattered to them (Hamilton et al., 2020a).

In the context of the Australian youth detention population, Hamilton and colleagues (2020a) argued

that institutions can have the best education, training and rehabilitation strategies, but any

rehabilitative efforts will be ineffective if the very profound effects of having a neurodevelopmental

disability are not considered, and appropriate neurodevelopmental and cultural resources to

support the young people are not made available. It is the availability of these resources and the

meaningful pathways, supported by inter-personal relationships, that are at the heart of the concept

of IJC. In this context, IJC refers to access that children and young people involved with the criminal

justice system have to basic resources, such as strengths-based assessments that are recovery-

focussed and access to information which is neuro-developmentally and culturally responsive to

need. From this perspective, IJC proposes equitable access to services and resources in institutions

like courts and prisons, including access to the benefits which a recovery- and rehabilitation-

focussed institution affords. On this basis, Hamilton and colleagues described the need for a model

of justice capital as 'improved understanding of recovery capital in the justice context and to

consider strength-based, future-focused assessment models for recovery' (2020a, p12).

6

We build on this by introducing the concept of positive and negative components of justice capital, including facets about the individual offender, the relationships they have and the social context and environment of their offending and detention. Accordingly, positive justice capital would include such factors as resilience skills (enduring personal resources that will apply across a range of settings and social networks), a strong and supportive family (social capital), access to training and education in the prison (community capital), as well as access to culturally and neurodevelopmentally appropriate information, support and therapeutic care (also community capital). The notion of negative recovery capital is derived from the work of Cloud and Granfield (2009), who argued that there are core barriers to recovery that need to be considered in mapping and measuring the likelihood of positive change, such as extensive engagement with justice services and severe and enduring mental health problems. Negative IJC refers to a failure to recognise and address the needs and challenges faced by those in justice institutions and the corrosive effect this can have on the rehabilitative potential of vulnerable and excluded populations. Examples of negative IJC would include internalised stigma (personal capital), social isolation or the lack of friendships other than with fellow offenders (negative social capital) and lack of resources in the prison to support rehabilitation, such as college courses, privacy and places to exercise and engage (negative community capital).

In the Banksia Hill case study, youth were found to have high levels of previously undetected FASD, neurodevelopmental impairments and trauma which can impact affected individuals across the spectrum of justice involvement (Bower et al., 2020; Reid et al., 2020). IJC also extends to support that can assist youth to navigate their way through broader support systems, such as social security departments for financial support, when accessing housing, interaction with employment agencies. Ultimately, Hamilton and colleagues (2020a) argue that in order to make the most out of the other areas of capital (personal, social and collective), which can mitigate barriers to recovery and assist with creating better futures, IJC is a critical component.

7

3. Institutional justice capital

IJC describes the capital that institutions provide (including institutional actors) which either builds

on or undermines the personal justice capital of justice-involved people. IJC is sustained by the

norms, rules, and practices present in the justice institution(s) and creates the conditions and

context for growth and for building personal and social capital. We use the concept of positive and

negative justice capital and define these as features of institutions that respectively promote or

diminish wellbeing and the capacity for personal growth and fulfilment, building on the case study

approach already outlined in the context of the initial work on Justice Capital in the Banksia Hill

study.

To illustrate how IJC represents both positive and negative aspects of rehabilitative potential, we will

consider four levels of a pyramid of justice capital – structural, institutional, relational, and

individual, and assume that there are a number of factors (all dynamic to varying degrees) that will

create the conditions that promote or diminish wellbeing and growth potential, with the role of the

institution largely focused at Levels 2 and 3. What Figure 1 below illustrates is the complex

interaction of levels that create and shape the likelihood of rehabilitation and reintegration, with all

of these factors dynamic and interactive, although the interaction between levels will primarily be

top-down. In making sense of the concept of justice capital, it is important that we recognise that

macro factors (outlined below including laws and cultural norms) set the context for the institution

and will frequently impinge upon its role and processes, and which are represented as Level 1 in the

diagram. Yet, as Liebling (2004) has argued, there are still marked differences in the cultures of

individual prisons operating within the same structural parameters, and those parameters will vary

across nations, over time and as a consequence of changes in policy, resourcing and leadership.

Structural factors will also include aspects of the society to which people will return, including the

availability of jobs, safe and secure accommodation, supportive families and ongoing justice

requirements and supports (including, but not limited to probation and parole).

Figure 1: Levels of justice capital
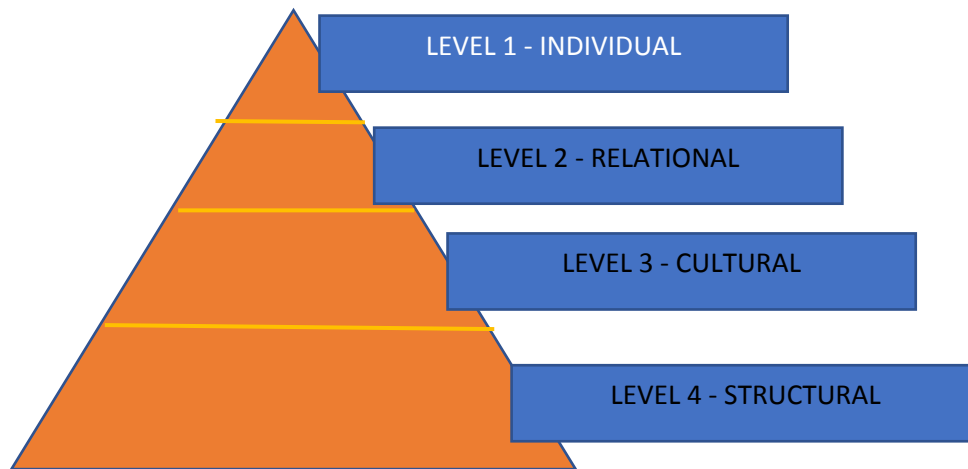
In this model, the prison is shaped by macro-cultural factors and structural influences and determinants (at Level 4), as will be the individuals who are incarcerated (at Level 1), varying considerably in terms of their health and wellbeing (mental, physical and neurodevelopmental), their commitments to substance using and offending networks and families, and the skills, beliefs, resources, attitudes and expectations they bring into the establishment. The institution is shaped from below, by Level 4 structures, and from above, by the flow of Level 1 individual prisoners, both of which are influenced by our focus in this paper, namely, the relational and cultural levels (at Level 2 and 3 respectively) that complete the pyramid of rehabilitative opportunities and barriers. Broadly speaking, offenders will arrive in any justice institution with varying skills, personal resources and social networks, but these capabilities will flower or wither in the context of the institution. This is why our attention is primarily focused on Levels 2 and 3: the relationships within the justice system, and the processes and activities that are available or withheld which can either provide nurturance to grow and develop, or privation that stunts and prevents growth.

There has already been considerable work on both agentic and structural factors in the desistance literature (eg Farrall, 2019), but relatively little about the more local and complex issues of how change processes are influenced by justice organisations and institutions. The remainder of the

9

paper will attempt to describe what is relevant primarily in the middle two tiers of the pyramid and

will go on to consider how they may be mapped and measured as a way of assessing the capacity for

rehabilitation at a particular time. Although aspects of Level 4 (structural) tier of the pyramid are

also subject to change, this will happen over longer periods of time, and will be broadly similar for

institutions within the same region or country. The final section will consider the level of the

individual prisoner and what aspects of 'fit' will influence their ability to benefit from the justice

capital available within an institution. Thus, effectively, the body of this paper will consider IJC as the

inter-play between both and negative component facets of relational and cultural capital. Each of

these components is potentially quantifiable (this represents a long-term objective of the research

team; see also Best et al, in press). For the moment, we argue that it is useful to consider how

offenders (in prisons and other justice institutions) would characterise and classify the contents of

each of these components, and how this differs for different cultural backgrounds.

The case studies used below will largely focus on the prison context for two reasons. The first is that

this is a closed institution and so it is more straightforward to conceptualise and monitor how

processes and systems can influence personal and social capital directly, separated from

supervening factors such as housing, family, community services and so on. Secondly, the sites

described below have been at the heart of the development of our thinking in this area and have

contributed significantly to the development of the ideas outlined in this paper. However, we

believe that the concepts outlined in this paper are also applicable in a community justice setting,

for example, probation and parole.

Cultural capital refers to the systems and processes that exist within prisons, including (but not

restricted to) rules and regulations, but also – on the positive side – access to materials, resources

and information that open a 'window of opportunity' for positive change. It also includes shared

values, shared ideas and shared visions and the ways these things shape systems and processes,

which will be inclusive of some prisoners and exclusive of others, based on religion, ethnicity, sexual

10

orientation, and other related factors. Thus, a well-stocked library in a prison is not positive cultural

capital if prisoners are locked up all the time or they do not have the reading skills, access or

supports to make the most of it, or if the library materials address the cultural needs of only one

population, such as white and Christian. In contrast, if it is accessible, attractive and able to address

the informational needs of all prisoners quickly and efficiently, this would be a key source of positive

cultural capital.

Positive cultural capital: This relates to those resources and opportunities that are available to

support effective rehabilitation, reintegration and desistance. This will include access to:

- Educational resources

- Informational resources

- Employment opportunities

- Spiritual, religious and/or cultural activities

- Sport, art and recreation

- Green space

- Community resources

However, it is important to emphasize that this is not an audit of machines or meetings. The

importance of cultural capital is about the uptake, retention and benefit gained from each of these

resources and the extent to which this disseminates or spreads throughout the establishment.

Relatedly, one of the key questions here is around equity of access and benefit across a diverse

range of populations. It should also be the case that there is a 'social contagion' not only within the

prisoner population, but that positive cultural capital should increase the wellbeing of prison and

civilian staff and, based on the principles of contagion, visitors, contractors, families and the local

community (Christakis and Fowler, 2009).

An example of this cultural social contagion is epitomised by the Kirkham Family Connectors training

programme, which was designed to help to mobilise the strengths of prisoners in HMP Kirkham, a

11

Category D prison, with the aim of creating individualised resettlement pathways facilitated by

families and friends (Hall et al., 2018; Best, Musgrove and Hall, 2018). Across three workshops,

prisoners and their families worked together to plan engagement in positive social groups and

activities post-release, with family members engaging with identified assets and making initial

contact with them. This included pursuing recreational interests, such as sport and creative arts,

training and education opportunities, volunteering and links to recovery support groups for those

with addiction histories. The family members then scoped out the possibility of whether their loved

one could attend once released and facilitate access where possible. In the initial cohort, this

included a volunteering opportunity with disabled children at a local mosque, access to a Football

Association training course and a job opportunity in the building trade (Hall et al., 2018; Best,

Musgrove and Hall, 2018).

In both the design and implementation of the programme, staff commitment and enthusiasm played

a pivotal role in the programme's success. Probation staff (n=3) were understandably reluctant to

engage, primarily due to workload issues and concerns about risk by implementing a programme

which involved external visitors accessing back areas of the prison. The role that the prison governor

played in challenging this culture of risk management and championing the programme arguably

facilitated the building of a 'radius of trust' (Fukuyama, 2001, p.8), which catalysed and underpinned

the success of the programme, and helped to build a sense of hope and positive cultural capital

between staff and programme participants. Despite the emotional labour required from probation

staff (Fowler, Phillips and Westaby, 2017) to organise and facilitate the programme, the sense of

hope that emerged as a result of the first iteration of the programme for all who took part, including

probation staff and 13 programme participants (Hall et al., 2018) qualified and legitimised this

investment of labour, enhancing the cultural capital of the prison as a result.

At the programme level, although families and friends who took part represented and provided

positive relational resources they, like their incarcerated loved ones, were also found to experience

barriers to social capital access, as a result of internalised stigma associated with incarceration (Best, Musgrove and Hall, 2018; Wolff and Draine, 2004). The process of engaging with external organisations helped to build the families' and friends' confidence to approach local community groups and demonstrated the importance of reciprocity and linking capital for strengthening positive cultural capital in an otherwise bound institution. One family member participant described, for example, how their honesty with potential groups and organisations (such as running clubs, hospice volunteer work and food banks) about the prisoner they wished to link to the group was met supportively, which was unexpected due to the stigma they had previously encountered (Hall et al., 2018). This evidences how relational capital can be protective against the stigma of association with prisoners which is a significant problem for family members (Codd, 2008). Feedback from another family member also exemplifies the empowerment they experienced feeling 'like a small cog in the big picture of someone else's life. Every person counts and has a value' (Hall et al., 2018, p.11).

The importance of lack of barriers to cultural and relational capital within an organisation was evident in Hall's (2019) doctoral research with Jobs, Friends and Houses (JFH), a social enterprise that enrolled released prisoners with addiction histories as apprentices, upskilled and provided full-time employment.. The organisation developed a strong social identity, which helped employees achieve tertiary (relational) desistance by creating a positive visible presence, through working to a high standard in the local community, wearing uniforms and using work equipment with visible logos (Best, 2016). JFH participants who were interviewed (n=5) and completed social identity maps (n=13) described JFH as 'like a family', providing relational supports beyond what is usually experienced in and outside a workplace, and fostering an identity that was understanding and supporting of the recovery and desistance processes (Hall, 2019). Unfortunately, structural changes within the enterprise caused management problems resulting in staff member redundancies and scaling back of the social enterprise. During this time, a participant described how JFH 'was more of a family unit then, but now it's more of, like, a corporation' (Hall, 2019, p. 129). The same participant also

described the lack of communication as fostering mistrust, as a result of witnessing perceived injustice: 'Getting all those volunteers manipulated for like months and then never got paid or got sacked' (Hall, 2019, p. 141). The experience of the JFH participants suggests that such structural changes and the accumulation of negative cultural capital within the organisation can have severe implications for the health of the relational capital of the group, and vice versa. This shows how justice capital, both personal and institutional, can be reduced when there is a diversion from shared goals and objectives.

Negative cultural capital: This is not simply the absence of positive opportunity, but a culture of hostility and mistrust, which can act as a barrier to trust and wellbeing. This is particularly pertinent in the context of Aboriginal and Torres Strait Islanders in the Australian prison context with which two of the authors are familiar. In its *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report, the Australian Law Reform Commission (2017) referred to numerous submissions that articulated the lack of trust many Aboriginal and Torres Strait Islander people have towards Australian justice systems. As Blagg and Anthony have noted, 'Mistrust of mainstream organisations runs deep. From an Indigenous perspective, they maintain the colonial matrix of power and have devastated Aboriginal families and communities, removed children and destroyed family life' (2019, p. 228; see also Hamilton et al., 2020c).

Other examples of negative cultural capital may involve physical factors such as inadequate nutrition, space, and healthcare; a regime that emphasises security over rehabilitation and safety; and staff who are adversarial and hostile to detainees. Liebling (2014) wrote, in her comparison of five prisons in England, about differences between prisons in 'regime dimensions', including perceptions of fairness and distributive justice, the use of punishments and rewards, order and fairness and safety. In the Banksia Hill example, cited in Hamilton et al (2020a), negative cultural capital relates to the failure to adequately assess and address neurocognitive issues and the impact

14

that these have on the effective engagement of young people (particularly Aboriginal young people) in education and rehabilitative programmes.

Positive relational capital: As this is a pyramid, and not a circle, the relational potential is shaped in part by structural and in part by cultural factors. It is these aspects of organisational structure, as embedded in processes and practices within the institution, that will create the conditions for positive social interactions and relationships. Nonetheless, in the youth detention study in Western Australia, Hamilton et al. (2020a) described participants' strong commitment to peers, family and Aboriginal culture. Yet in another aspect of the study with non-custodial rehabilitative staff, what was lacking from their accounts, was any equivalent example of positive relationships with staff in the youth detention centres (and indeed with professionals in the community). Focus groups with non-custodial staff in the detention centre (Hamilton et al., 2019) found that these staff were attempting to work with youth with unrecognised neurodevelopmental disabilities and a range of diverse health, mental health, cultural and educational needs. They were understaffed and working with minimal resources. They raised concerns about their ability to provide high-quality education for the young people in their care, describing poor information-sharing and a lack of access to comprehensive information about the life circumstances of the young people. In our ongoing work in HMP Wymott in the UK (Musgrove and Best, in preparation), the prison has initiated a series of peer-led education initiatives which have not only improved the range of activities available in the prison, but have also empowered a group of prisoners and created positive social capital, through pro-social and meaningful peer engagement, generating hope and a form of collective efficacy.

Hamilton et al. (2019) concluded that these (and other) factors, combined with a high focus on security impeded the ability of rehabilitative staff to provide effective through-care services between the detention centre and the community (Hamilton et al., 2019). We can also surmise, then, that it was equally difficult for the staff to build trusting relationships with the young people in Banksia Hill, demonstrating the challenges that even well-motivated staff may face if they are

15

operating in a broader context of negative structural and cultural factors. Thus, not only will

individual positive dyadic relationships be less likely to take place within a negative culture, those

that do are likely to be eroded by corrosive cultural influences. This may also foster resistant

relationships within both prisoner and prison officer cohorts.

Nevertheless, it is central to ideas of both recovery and desistance (Best, Irving, and Albertson, 2017)

that a professional can make a difference and can, through compassion, commitment, openness and

honesty, create the belief and motivation that change is possible. Against this backdrop, both the

positive peer relations described at Wymott (Musgrove and Best, in preparation) and the potentially

therapeutic and trusting relationships between prisoners and staff can be a protective factor against

negative cultures. There are potentially numerous positive change agents in criminal justice

institutions who can create the conditions to support change:

- Governors and leaders

- Correctional officers

- Healthcare and education and welfare staff (including 'outsiders' who come in to deliver

  programmes)

- Chaplains and other religious and spiritual leaders

- Community organisations (and one of the key questions of positive and negative capital will

  be the extent to which the prison is open to external agencies and partners who are able to

  create linking and bridging capital)

- Peer mentors

- Friends (both within and outside the prison)

There are also a core group of people not in the prison, but with whom ongoing relationships are

critical for positive relational capital – this will primarily involve close and extended family but may

also include close personal friends. In the social capital language of Putnam (2000), these individuals

are not only important for the positive dyadic relationships, but also for their capacity to act as

16

linking capital to other groups and resources. One of the key concepts in social capital language is

the notion of 'brokerage', referred to by McKnight and Block (2010) as 'community connectors' who

are the human bridges that not only link people to resources in the community, but provide the

guidance, support, hope and trust to make those connections viable and sustainable. If we adopt a

network perspective (see eg Christakis and Fowler, 2009) to positive capital, the relational

components are in part the links that connect prisoners to the resources (ie, the nodes).

Importantly, although belonging to groups can create positive support systems (Best et al 2015)

some groups such as families can be a negative influence recovery (Hamilton, et al, 2020a,c) and

there is a continuous (and shifting) tension between positive and negative connections both within

and outside the prison.

There is another core aspect of relationships that involves group membership and the resulting

social identities that come from belonging to particular groups. As Best et al. (2015) have argued in

the context of addiction recovery, belonging to groups creates not only a support system, but access

and presumed commitment to the norms, values and beliefs of the group, and the perception by

outsiders of adherence to their perceived roles of members of that particular group (in this context,

we could, for example, contrast the assumptions made about membership of the Salvation Army,

compared to a Hells Angels Chapter). In the example of the Kirkham Family Connectors outlined

above, family relationships are important, but not always positive, and there is a continuous (and

shifting) tension between positive and negative connections both within and outside the prison.

Positive relational capital can work to build up the positive cultural capital of the group when

centred on trust, and when free-flowing from the top of the pyramid to the bottom, as well as from

the bottom-up. The social contagion of relational and cultural capital can benefit the wider

community, through the development of a wider radius of trust, which essentially increases access

to capital for both group members and reciprocally for the wider community as well. Strongly

bonded, supportive relationships are paramount, but so is linking capital, should the group fail.

These are important lessons to draw from both the KFC programme and experience with JFH. The stability of the radius of trust and cultural capital cannot depend entirely on the institution, as it means it can quickly become destabilised, as witnessed at JFH over a 12-month period. Hence, the dynamic nature of justice capital across the individual and the institution must be acknowledged. Without this dynamism, we see potential for a similar phenomenon to occur that can sometimes happen with gangs (Kawachi, Kennedy and Wilkinson, 1999; Lantz and Hutchison, 2015), where the group has essentially amassed a form of bound negative cultural capital, which places barriers in the way of desistance and can damage the local community. The group's cultural capital is therefore fundamental to the success of both the process and the wider community's social cohesion.

Negative relational capital: This will reflect two aspects – first, the risks associated with isolation and exclusion and secondly the adverse consequences incurred by individuals who belong to groups that are themselves negatively judged or excluded (such as gangs). In the Hamilton et al. study (2020a) cited above, the lack of positive relationships between the prisoners and the staff exemplifies this absence of trust and the failure of prisoners to see staff as a resource is likely to be highly damaging. Adversarial relationships within and across groups not only reduce the likelihood of trust and cooperation, they are also likely to prove fertile territory for pockets of resistance and divisiveness.

The cultural level is the soil in which relationships will develop – and the direction and governance of the prison, the training and history of the staff, and the processes, systems and practices (both formal and informal) create the conditions for relationships. Yet this does not mean that these relationships are immutable and individuals will make choices about whether and with whom to develop a relationship of trust. The example of Banksia Hill (Hamilton et al., 2020a) is interesting, in that there is only negative relational capital with staff but strong and committed relationships between peers, and from this individual hope and positive aspiration arise. Negative relational capital will, however, be much more likely in adversarial and mistrusting regimes, and this in turn is

likely to result in individual level harms, including bullying, self-harm, substance use and suicides, as evidenced in a report into Banksia Hill by the Office of the Inspector of Custodial Services in Western Australia (2017).

Within this model, one final key component of positive and negative relational capital is worth mentioning and that is flux. In prisons with high turnover of prisoners, prison staff and external contractors, there are likely to be fewer opportunities for the development of relationships and a growing radius of trust, whereas stability is more likely to provide the conditions for trusting relationships and positive relational (and through this, cultural) capital.

Conclusion

In this paper, we have begun to sketch out the importance and relative contributions of four levels of justice capital, namely, structural, cultural, relational and individual dimensions. As much of the extant literature has focused on the structural and personal levels, we have attempted to redress this by focusing on institutional aspects of justice settings that can shape rehabilitative potential – in other words, how criminal justice institutions can build or disrupt pathways to desistance and recovery. Conceptualised through McNeill et al's (2012) eight principles, we have sketched some examples of institutional practices that can help or hinder desistance, especially through individualising support for change, building hope, developing offenders' strengths, identifying and enhancing the role of personal and professional relationships, and developing not only social and human capital, but also institutions' justice capital. Specifically, we focused on the cultural and relational aspects and highlighted examples of negative and positive capital in these contexts which can respectively impede or promote desistance, and which will vary between prisons, even within the same jurisdictions.

At a time where COVID-19 has created uncertainty and fear, it may be tempting to seek to reduce discussion of prison to issues around risk, including the risk of virus transmission and the risks associated with releasing prisoners early. Although such an approach makes intuitive sense in the

short-term, it may contribute to the circumstances that have resulted in prison riots in some

countries (most notably, Italy, the first major democracy affected by the pandemic). In the longer

term, doing so will erode trust and undermine the positive capital that is, we suggest, integral to

promoting desistance. Long after the pandemic has ended, there will be a need to promote human

flourishing in a prison setting and our justice capital model sets out a framework to support this.

What we have outlined is a framework for the assessment of resources and strengths within a prison

context, with four levels that are separate – but mutually influential – in measurable and predictable

ways. This model has started to gain traction in some of the prisons we work with and we will

continue to test its utility as a conceptual framework for making sense of the functioning and

performance of prisons. The model also speaks to the question of how we make sense of and

quantify the benefits of strengths-based work, an issue that two of the authors of the current paper

have recently addressed (Best et al., in press). The next step, and the ultimate goal of this work, will

be to move towards a translation of the model into a metric, an approach where we can quantify the

balance of positive and negative justice capital within a prison and relate this to the wellbeing and

opportunity for personal development and desistance among individual prisoners.

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