

**Restorative Justice in the adult Criminal Justice System:
What's happening, what needs to happen**

Report from an RJC seminar, March 2007

Intro and Exec Summary

On 30th March 2007 RJC brought together people working to deliver restorative justice in the adult criminal justice system in England and Wales. The aim was to find out what's really happening with RJ in cases involving adult offenders; to share ideas on what works and experience of what's not working; and to develop recommendations to Government.

Key findings of the seminar were that:

1. Only a tiny minority of victims of adult offenders – less than 1% - have access to restorative justice:

- 1 area has a community justice panel for adult offenders; and in 1 area victims of adult offenders can access RJ through the new Community Justice Centre;
- 2 police forces currently offer access to RJ as part of conditional cautioning of adult offenders; 2 police forces use RJ as a routine element of neighbourhood policing with adult offenders;
- 2 areas deliver post-sentence RJ as part of a community-sentence, under the CJ Act 2003. A few probation areas offer victims RJ as part of their statutory work with victims of offenders sentenced to more than 12 months in custody; RJ is available for adult offenders in a few prisons. (The full picture of RJ provision in the adult CJS is on **page 2** of this report.)

This is despite strong evidence that around **60%** of victims believe RJ works better than prison; around **40%** want to meet their offender following a crime; and around **75-95%** of victims who choose to participate say it met their needs.

2. Innovative and effective RJ provision with adult offenders *is* taking place (see **page 3**) - but lack of targets, resources and sustained commitment at all levels is hampering development and threatens existing provision (**page 4**).

3. For RJ to develop for victims of adult offenders the Ministry of Justice must put in place targets for LCJBs, with funding attached to encourage the development of multi-agency RJ provision in each local area, and a requirement for victims of adult offenders to be able to access RJ through the new Community Justice Centres, the new Victim Care Units and as part of Conditional Cautioning (see **page 5** for the full recommendations).

1. RJ in the adult criminal justice system - What's already happening?

Community uses of RJ with adult offenders

In **Chard** in Avon and Somerset, the first **Community Justice Panel** for adult offenders was set up in 2005. This innovative model using community volunteers delivers RJ in cases of anti-social behaviour and low-level crime diverted by the police. Of 107 cases dealt with by the panel, only one person has re-offended. Despite strong local community and victim support, and having won numerous awards, funding for the panel is insecure.

Police RJ work across the country is primarily with young offenders, but in **Devon and Cornwall Police** all beat officers and community support officers have been trained in RJ and use these RJ skills to resolve disputes 'on the street' with adults as well as youth. **Thames Valley, Sussex, Lincolnshire, Lancashire** and the **Met Police** also make some use of RJ trained beat officers to resolve low-level crime and anti-social behaviour involving adult offenders.

Conditional Cautioning

Two police force areas – **West Mercia** and **Thames Valley** are delivering the new Conditional Caution using restorative justice. One more police force – **Lancashire** – has plans to do so. With no requirement to use RJ with conditional cautioning we are not aware of any other police forces planning to offer RJ with conditional cautioning – a missed opportunity to spread the use of diversionary RJ for adult offenders. Even in the two police forces currently providing RJ as part of conditional cautioning, the constant pressure for a quick charge and Offence Brought to Justice (OBTJ) means little use of RJ in practice.

Post-sentence RJ for adult offenders

A few Probation Services, including **West Midlands Probation** and **London Probation** offer some RJ as part of the service to victims of offenders sentenced to more than 12 months in custody. However, many areas report that, in the current resource climate, much of the RJ service they provide is only possible with committed staff providing the service as unpaid overtime. RJ is provided from a few adult prisons in England and Wales.

Thames Valley's Statutory Adult Restoration Service and the **Liverpool Community Justice Centre** are the only two areas in which RJ is being delivered as an activity requirement of the generic community sentence, and in Thames Valley as part of deferred sentencing, as was envisaged under the 2003 Criminal Justice Act.

In Thames Valley, the multi-agency RJ service was established in 2005 to provide RJ in cases involving adult offenders at any stage of the Criminal Justice System, including conditional cautions and community sentences. This unique, innovative and successful RJ service is currently at risk of closure due to lack of resources. The Liverpool Community Justice Centre is the first in the country, and also offers RJ to victims and offenders who request it, at any point in the Criminal Justice System.

2. What's working?

A key focus of the RJC seminar was on sharing ideas and best practice between CJS professionals who have pioneered RJ with adult offenders. The areas which are trailblazing RJ with adult offenders have lessons to share:

Meeting needs *and* saving resources – three recent examples

In line with the existing research evidence, experience of those at the seminar was that RJ processes can meet the needs of victims in a way that the Court alone cannot; *and* that using RJ delivers savings in police time, court time and custody.

- In Devon and Cornwall all neighbourhood beat officers are trained in RJ. Using their RJ skills to diffuse conflict on the streets has led to savings in police time through preventing disputes escalating.
- In a case in London a judge suspended sentence for an offender on the cusp of a custodial sentence, requesting an RJ process take place. Both victim and offender agreed. The results of the RJ process, delivered by London Probation Officers trained in RJ, were fed back to the judge. Recognising the success of the RJ process for both victim and offender, at point of sentence the judge gave the offender a community sentence – saving the cost of custody.
- And RJ can be used to divert offenders from prosecution altogether:

A case study from the Chard Community Justice Panel

The panel received a referral of a race hate crime. The Somerset Race Equality Council had wanted a prosecution, fearing RJ was a soft option, but the police were keen to take it to the panel, as they felt it could better meet the needs of both victim and offender. At the panel, the 50 year old woman offender explained that on the morning of the offence she had just heard that her father was dying. Filled with anxiety and desperate to get money out quickly to go to him, she had made racist comments to the bank clerk serving her. At the panel meeting she cried, apologising for what she had said, saying she had never said such things before and didn't mean them. Seeing her distress, and having heard her story, the victim got up and hugged the offender saying she forgave her. The victim said that the RJ process had reassured her that she was not living in a racist town and that as a result she felt safe in her community again. The two women now meet for coffee.

Making it happen

Innovative services like the multi-agency RJ service in Thames Valley, and the first Community Justice Centre in Liverpool, show that RJ can be delivered in the adult criminal justice system. Experience at the RJC seminar suggests that where RJ is available to victims of adult offenders, victims needs are being met, savings are made in both court time and custody, and police have an effective crime prevention tool at their disposal.

But in almost every area where RJ is available in the adult CJS the service is under-funded and at risk of closure.

3. What's not working? - the voice of practitioners

Lack of resources for RJ

In most areas there is little or no funding available for RJ in cases involving adult offenders. Demand for RJ for victims of adult offenders is only being met by the passionate commitment of individual professionals, often working on RJ after hours in addition to their main role and responsibilities.

"There is no official provision of RJ in cases involving adult offenders. But we still get people asking for it – judges, probation officers and individual victims have all been in touch to ask for RJ. I'm supposed to focus only on youth, but I do take on these cases and run the conferences out of hours."

Lack of sustained commitment at Government, LCJB and agency level

The Home Office has funded projects which, when the funding ran out, have closed with the expertise lost. Without clear encouragement for RJ from Government and NOMS, and consistent focus on RJ at LCJB and CJS agency level, RJ training is being wasted and skills lost, as staff are directed away from RJ and into other activities.

"I was hired to deliver RJ, but within twelve months directed only to do core victim liaison work due to resource constraints. When we could do RJ, instead of taking our lead from the victim as the Home Office best practice guidance requires, our managers said 'you can only do this one the phone, we don't have the time for any face-to-face contact'".

Lack of targets or requirement for RJ

Restorative justice will only take off in adult conditional cautioning if there are clear and explicit criteria requiring its use. Otherwise time and resource pressures as well as other targets will squeeze out RJ.

"Charging is so much quicker [than conditional cautioning] and using RJ makes conditional cautioning even slower. People want a fast sanctioned detection and the box ticked. Custody and CPS appointments are chock a block – so we have to fight on a daily basis to get victims views involved."

Diversionsary RJ not counted as an offence brought to justice

When RJ is being used, as in the Chard Community Justice Panel, to divert cases away from prosecution, they can't count as a sanctioned detection, even though a panel meeting provides the victim with far more than Court.

"The police are sending us cases they can't or don't want to prosecute, but where they can see RJ would work. But they can't count any of these cases yet as sanctioned detections, so there's no way of showing that these are cases where justice has been done."

5. What does the Ministry of Justice need to do?

For RJ to develop in the adult criminal justice system, 7 things are needed:

i. New targets – ‘what gets counted gets done’

Current victim targets for Local Criminal Justice Boards require general measures of victim satisfaction, but there are no specific targets for provision of restorative justice, despite the strong evidence for victim demand for and benefits from RJ. New targets would focus LCJBs on developing RJ. Diversionary RJ – as from the Chard Community Justice Panel – must count as an Offence Brought to Justice.

ii. A victim service

Restorative justice should be integrated as a core victim service, for those victims who want it, from the new Victim Care Units and in every Community Justice Centre, as these are rolled out nationwide.

iii. Conditional Cautioning

RJ won't happen unless there is a requirement to offer it in particular cases, for example, in every case with an individual, personal victim. This requirement to offer RJ should be built into the new Code for Conditional Cautioning.

iv. A multi-agency service

The Thames Valley Statutory Adult RJ Service – a multi-agency partnership with sessional RJ facilitators from police, probation, prison and voluntary sector – has blazed a trail for RJ delivery. Taking referrals from all points in the CJS, as well as victim-initiated cases, the multi-agency unit builds on existing RJ provision and serves the CJS at point of need. This is an effective, efficient delivery model for others to build on.

v. Resources

To meet new targets for RJ, LCJBs need a new funding stream, perhaps from within the Victims Fund, accessible in small chunks for development of a local RJ service, unlocked by matched funding from local LCJB partners. Accessible to all, local multi-agency RJ services could be housed within any lead CJS partner agency, with a voluntary sector partner, or within the new Community Justice Centres.

vi. Infrastructure support

For RJ to develop, there needs to be a point of reference for good practice, information and consultancy, as well as quality assurance. The Restorative Justice Consortium, with funding, could provide this role to the sector.

vii. Encouragement

Finally, RJ practitioners need encouragement. They need to hear from Government that the work they do is important and valued. RJ should be a central theme in Government statements on CJS reform and victim work.

Further information

Those present at the seminar on 30 March 2007

Joanna Mears	Thames Valley Police
Jane Rhodes	Sussex Police
Helen Orros	Metropolitan Police
Gerry Marshall	Thames Valley Probation
Ben Lyon	London Probation
Barbara Tudor	West Midlands Probation
Philip Skedgell	Devon and Cornwall Police
William Geddes	Avon and Somerset Police
Louise Wright	Avon and Somerset Police

And with additional information provided by:

Ray Fishbourne	Thames Valley Statutory Adult RJ Service
Mark Smith	West Mercia Police
Debbie Birtles	Lancashire Police
Joan Porter	Liverpool Community Justice Centre

The Restorative Justice Consortium

The RJC is the umbrella body for RJ in England and Wales. We support RJ practitioners and those working to deliver restorative justice with quality information, sharing of good practice and other resources. The RJC also provides a voice for restorative justice, providing information about RJ to the public and media and advocating for the development of RJ, to meet the needs of victims, offenders and communities, with Government.

For further information about the RJC, and to join as a member, please see our website www.restorativejustice.org.uk