

# COMMUNITY JUSTICE FILES 17

*Edited by Jane Dominey, De Montfort University*

## **Restorative Justice and Reoffending**

This significant research report was authored by Joanna Shapland and colleagues at the Centre for Criminological Research, University of Sheffield. It was published in June 2008. It is the fourth in a series of reports that evaluate the work of three restorative justice projects. The first three reports deal with scheme implementation, participant expectations and victims' and participants' views on the scheme process and outcomes. This fourth report considers the issue of reoffending. The three schemes in the project are CONNECT, the Justice Research Consortium (JRC) and REMEDI. These schemes all work with adult offenders.

The research found that, taking all three projects together, offenders who participated in restorative justice committed statistically significantly fewer offences in the following two years than offenders in the control group. No significant difference was found in severity of reconviction between the restorative justice and control groups. There was no evidence in the study of restorative justice approaches increasing criminogenic factors or 'making people worse'. The research did not identify any particular group of offenders (e.g. grouped by gender, age, race or offence type) for whom restorative justice was more or less likely to 'work'.

Professor Shapland said, 'while the experiments did not show that offenders receiving restorative justice were more likely to stop offending completely, we found that offenders committed less crime overall because they slowed down their rate of offending and reduced the overall cost of the crimes they committed'.

The study did consider the costs and benefits of the three restorative justice approaches. The authors acknowledge that, whilst they were able to calculate the costs of running the schemes and the savings caused by a reduction of reoffending, they were not able to capture other benefits such as victim and offender satisfaction along with increased confidence in the criminal justice system.

**The report can be downloaded from**

[http://www.justice.gov.uk/docs/restorative-justice-report\\_06-08.pdf](http://www.justice.gov.uk/docs/restorative-justice-report_06-08.pdf)

## **Criminal Justice and Immigration Act 2008**

This latest addition to the government's programme of changes to the criminal justice system received royal assent in May 2008 and its provisions are now being implemented. These provisions include new criminal offences, changes to sentencing and parole arrangements and new orders in the youth courts. The timetable for the implementation of the Act can be found on the Ministry of Justice website at <http://www.justice.gov.uk/publications/criminal-justice-act-implementation.htm>

The new criminal offences include incitement to hatred on the grounds of sexual orientation, causing a nuisance or disturbance on NHS premises and possession of extreme pornographic images. The common law offences of blasphemy and blasphemous libel are abolished.

The changes to sentencing and parole provision alter the requirements of the Criminal Justice Act. There will now be a minimum tariff of two years for prisoners serving indeterminate public protection sentences. Changes to licence arrangements allow non-dangerous offenders who breach licences to be recalled to prison for a fixed 28-day period. The National Probation Service has issued a quick guide to the changes for pre-sentence report writers and probation staff working in court.

The Act creates a Youth Conditional Caution and a Youth Rehabilitation Order. The Youth Conditional Caution is intended as a higher tariff diversion from prosecution to reduce the number of young people appearing in court for minor matters. The Youth Rehabilitation Order is a generic community sentence for children and young offenders intended to simplify the current sentencing framework. These key changes to the youth justice system are expected to be implemented in autumn 2009.

## **The Community Order and the Suspended Sentence Order – the Views and Attitudes of Sentencers**

This report, authored by George Mair, Noel Cross and Stuart Taylor, was published by the Centre for Crime and Justice Studies in June 2008 as part of its community sentences project. The report draws on evidence obtained in interview with six Crown Court judges and seven district judges and from focus groups conducted with magistrates. The authors acknowledge the relatively small size of this sample, but did ensure that the sentencers were drawn from courts with different patterns of sentencing. They suggest that their findings are tentative, but give an indication of the current position.

The report suggests that the community order is popular with sentencers, liked for its flexibility and the chance to tailor it to a particular defendant. There were mixed views about the extent to which it could serve as an alternative to a prison sentence. Unpaid work and supervision were the most commonly used requirements. Not all requirements were available in all areas.

Attitudes to the suspended sentence order were more mixed. A number of sentencers offered the view that these orders were potentially confusing, as they were sentences of imprisonment albeit served in the community. As one judge commented, "I think there is some philosophical problem about this. I'm not clear in my mind whether the SSO is a Community Order in which the defendant is already told what he is going to serve if he fails, or whether it is an old-fashioned sentence of imprisonment suspended, provided he does certain things... Is it a Community Order in which you use the threat of imprisonment as an extra incentive for him to obey the requirements, or is it one of those cases which actually crosses the threshold and is brought back, perfectly genuinely?" However, the suspended sentence order was valued for its function as an alternative to custody and for offering support to people subject to a suspension of imprisonment.

Whilst speaking relatively positively about these new orders sentencers did express concern about a number of issues, including constant changes to legislation and difficulties of workload and funding faced by the probation service.

The report makes a number of recommendations, including ensuring that all requirements are available in all courts and exploring the more creative and individual use of requirements.

### **The report can be downloaded from**

[http://www.crimeandjustice.org.uk/opus677/ccjs\\_sentencers\\_views.pdf](http://www.crimeandjustice.org.uk/opus677/ccjs_sentencers_views.pdf)

## **Titan Prisons – a Consultation**

The concept of Titan prisons emerged from the review of prisons conducted by Lord Carter of Coles in 2007. Titan prisons are intended to be large establishments built to hold 2500 prisoners. This is much larger than the largest existing prison in the UK. The review suggested that such prisons offered the possibility of cost-effective design and building whilst allowing for a first class regime and good prison working practices to be built in from the beginning. The government has now launched a consultation exercise intended to allow contributors to 'influence the development and implementation of Titans'.

The consultation paper sets out a number of principles that should underpin the strategy for prisons. These are public protection, offender management (programmes and approaches designed to reduce re-offending), good decent conditions, closeness to home (allowing prisoners to maintain links with family) and sustainable development. The paper proposes that Titan prisons be made up of a number of small units contained within a single secure perimeter holding – smaller prisons within the larger institution. The paper asks questions such as:

- Are the principles set out in this paper sufficient to inform the development of a strategic approach to the prison estate?

- How should we segment the offender population, particularly the prison population, in order to best protect the public, reduce re-offending, deliver value for money and align supply and demand?
- Which model for the integration of Titans into a wider strategy might be the most appropriate? Multi-functional 'clusters' linked to local and regional need, or more national specialisation?
- Would there be advantage in describing the proposed prisons as 'cluster prisons' as this would better capture the government's intent?

In response to the announcement of the consultation, Juliet Lyon, director of the Prison Reform Trust, commented

'This blinkered consultation fails to ask fundamental questions about the best ways to use substantial public monies to reduce re-offending and instead asks what sort of monster should we go for. It accepts, without question, that the prison population in England and Wales will rise to over 100,000 making us not only the greatest incarcerator in Western Europe but taking us past very many Eastern European countries too'.

The consultation closes on 28 August 2008 and the document can be found at <http://www.justice.gov.uk/docs/cp1008.pdf>

## **Witness and Victim Experience Survey – Early Findings**

The Witness and Victim Experience Survey (WAVES) is a national telephone survey of victims and prosecution witnesses who have been involved in cases where the offender has been charged with a criminal offence. One purpose of the survey is to gather information that can contribute to policy development and improvement.

The report lists a number of implications for practice that follows from its findings. These include:

- Ensuring that victims and witnesses have more information about the outcomes of cases. For example, some witnesses confused a case leading to a guilty plea with a case that had been dropped before it came to court.
- More consistent use of the information leaflets already available to victims and witnesses
- A greater use of Victim Personal Statements. Only 36% of those interviewed stated that they had been given the opportunity to make a Statement.

The report can be downloaded from <http://www.justice.gov.uk/docs/witness-victims-experience-survey.pdf>

## **Forthcoming Events**

### **Annual Restorative Justice Practitioners' Day**

The Restorative Justice Consortium autumn forum and annual RJ practitioners' day will take place at the University of London Union on 15 October 2008. Participants will have the chance to attend a number of workshops covering practice issues such as RJ and domestic violence, art approaches in RJ and conditional cautions.

For more information and a registration form, see <http://www.restorativejustice.org.uk/?Events>

### **Improving Health, Supporting Justice: Meeting the Challenge**

Nacro's 8th annual mental health and crime conference will take place at the University of Derby on 3&4 September 2008. The conference is billed as an opportunity to explore the government's strategy for offender health and social care. Confirmed speakers include Suzanne Sibilin, director of Women in Prison, and Andrew Kenworthy, chief executive of Nottingham City Primary Care Trust.

For further information and a registration form, see <http://www.nacro.org.uk/about/Mental%20health%20conference%20brochure.pdf>