

Virginia Minogue

COMMUNITY JUSTICE FILES NO 1

Virginia Minogue, Sheffield Hallam University

Forthcoming publications

John Hicks, Visiting Fellow at Sheffield Hallam University (former Chief Probation Officer in South Yorkshire), has undertaken a research study into the work of Crime Reduction Partnerships to be published early in 2002. The study explores the gap between rhetoric and reality. It also examines the problems encountered by partnerships in Yorkshire and Humberside in turning heady aspiration into results on the ground, through the eyes of the member organisations and other parties involved. The author is a strong advocate of the potential of Crime and Disorder Partnerships. His analysis identifies a range of problems in such areas as policy and the training and funding arrangements that support the work of partnerships. The study gives rise to a number of practical recommendations designed to produce more effective partnerships.

Minogue, V. (2001) *The Education, Training and Research Needs of the Community Justice Sector in Yorkshire and Humberside*. An Evaluation Report. The Research Centre for Community Justice: Sheffield Hallam University. Available from SHU Press: 0114 225 5555

This research report presents a profile of the community justice sector in Yorkshire and Humberside. It maps the current and future education, training and research needs of the sector, and examines access to education and training opportunities for employees and volunteers. It attempts to clarify the nature and extent of the community justice sector in the region and maps existing networks.

It concludes that the pattern of access to externally provided education and training provision is varied with very little provision for volunteers. Although, a small number of organisations were able to commission externally provided training for 100 employees or more, a number were unable to commission any. Organisations identified the need for a range of qualifications but the largest demand was for NVQ levels 3 and 4 training.

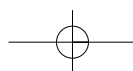
Forthcoming conference

A conference on 'Effective Restorative Justice', organised by De Montfort University, will be held on the 20th and 21st March 2002 in Leicester. The keynote speaker will be Dr Mark S. Umbreit.

Further details available from Helen Douds on hdouds@dmu.ac.uk

Victims, Witnesses and Survivors

Victims of crime



Home Office Circular 35/2001, Victim Personal Statements (VPS) (available from Home Office website and the Justice and Victims Unit), was published in August 2001 as part of the Government's commitment to making the victim a more central part of the Criminal Justice System. The Circular provided details of the Victim Personal Statement Scheme (VPSS) which started on the 1st October 2001.

The scheme intends to provide victims of crime with a more formal opportunity to describe the effects of crime. Personal victims of crime or of serious road accidents, will be offered the opportunity to make a personal statement when they make a witness statement or at any time prior to a defendant's appearance in Court. Police officers will provide details of the scheme to victims, and can offer general advice, but the victim decides the content of the statement. The VPS will form part of the case papers and can be disclosed to the defence after a defendant has been charged. It will also enable other agencies, such as the prison and probation services, to have greater awareness of the impact of a crime on the victim.

Home Office Circular 44/2001, October 2001, 'Referral of Victims' Details to Victim Support/Revised Version of the 'Victims of Crime' Leaflet' (available from Home Office website and the Justice and Victims Unit), introduced new guidelines for the police for the referral of victims to Victim Support. This revised the previous procedures for providing Victim Support with victim's details to ensure compliance with the Data Protection Act 1998. A new 'Victims of Crime' leaflet has also been introduced, which gives greater prominence to the victim's right not to have their details passed to Victim Support if they do wish them to be divulged.

Witnesses

Two Home Office publications, Home Office Research Study 230 'Witness Satisfaction: findings from the Witness Satisfaction Survey 2000', and Findings 147 'Key findings from the Vulnerable Witness Survey', report on the results of witness surveys. Research study 230 discusses the findings of the Witness Satisfaction Survey 2000. Although satisfaction with the overall experience of the criminal justice system was generally high at 76%, Whitehead concluded that the dissatisfaction of a quarter of the witnesses suggested a need for improvement. The level of overall satisfaction showed a strong relationship to the verdict, provision of information, facilities at Court, length of time to Court date and the convenience of the date, and feelings of intimidation (personal and process). The latter was shown to be strongly linked with a willingness to be a witness again. Only 61% of witnesses said they would be happy to be a witness in the future. 35% witnesses experienced intimidation pre-Court. Victims were less satisfied with their experience than prosecution and defence witnesses (67%, 80% and 77% respectively). The Witness Service, Court staff, Judges and Magistrates were given a high individual satisfaction rating, (97%, 96% and 95% respectively).

The report concludes that measures could be taken to improve the provision of information, facilities at Court, and to reduce intimidation and waiting times at Court.

Virginia Minogue

The police role in the provision of information and reduction of intimidation is seen as crucial. Although overall satisfaction with the police was reasonably high (88%), 44% of victim witnesses did not feel they were kept informed. In the light of the standard contained within the Victim's Charter stating that the police should keep victims informed of developments in their case, this is a clear area for improvement. Intimidation of witnesses is a more difficult area to address as it depends on the person who is being intimidated reporting it to the police.

Overall satisfaction with Victim Support was also reasonably good, at 88%, with approximately one third of victim witnesses having contact with them. The report suggests that Victim Support could improve their service to victim witnesses by helping to reduce fear of intimidation, and by providing information on follow up support available after the conclusion of the Court case. However, it acknowledges that there may be resource issues in meeting additional demands.

Vulnerable witnesses

Similar methodology was engaged to undertake a study into satisfaction levels of vulnerable or intimidated witnesses (Home Office Research, Development and Statistics Directorate. Findings 147. 'Key findings from the Vulnerable Witness Survey'). The purpose of the study was to identify a baseline from which the impact of the special measures, to be introduced as a result of the Youth Justice and Criminal Evidence Act 1999, could be assessed. Special measures include: the use of video taped statements and live video links; escorts to and from Court; use of pagers; special communication methods; clearing the public gallery or using screens; removal of wigs and gowns; restricting questioning on medical and sexual history in evidence giving.

The report concluded that vulnerable witnesses were less satisfied with their treatment than witnesses in general. 64% in comparison with a 76% general satisfaction rate. There was also some variation by type of vulnerability, with child witnesses reporting higher satisfaction rates than adults. This reinforced the need for the introduction of special measures to increase satisfaction rates. At present the use of special measures is generally low and only 12% of the witnesses in the survey had been consulted about their use. When asked about the value of special measures, vulnerable witnesses generally felt they would be helpful to their experience.

As with the previous survey, high rates of satisfaction were again recorded for the witness service, Court staff and Judges/Magistrates. Dissatisfaction was also linked with lack of information, feelings of intimidation, facilities at Court, and unhappiness with the verdict.

(Both publications can be obtained from the Home Office Research, Development and Statistics Directorate and are available on their website).

Women Offenders

The Home Office has issued a report as a result of the consultation following the publication of 'The Government's Strategy for Women Offenders', released in October 2000. This will inform the 'Women's Offending Reduction Programme: 2002 – 2005'. Although still a small proportion of the entire offending population, women now constitute 12% of offenders. The offending reduction programme is intended to be a three year cross government strategy aimed at reducing women's offending by: improving educational opportunities and access to work; improving their experience in the care system; improving health services, particularly mental health, and tackling drug abuse.

The consultation underlined the need to address women's offending in the wider context of social exclusion. It produced criticisms of the strategy document for its failure to include detailed goals and measurable targets, and identify adequate resources. Ring fenced resources and separate targets for women offenders were amongst the recommendations. The report also highlighted the need for a multi disciplinary approach to the offending reduction programme including representatives from the voluntary sector in addition to all the main criminal justice agencies. The Government's role in co-ordinating a strategic approach to women's offending, that incorporates the community as well as the criminal justice system, is critical to its success. The main recommendations of the consultation report were:

- alternatives to custody should be sought particularly where offences are non-violent in nature, sentences are short, and the offender has caring responsibilities or family ties¹.
- there is a need for greater awareness and response to diversity by the prison and probation services in relation to the ethnicity, background, age, and special needs of the women in their care, and also according to offence types.
- improvements to throughcare are needed, particularly on release and where there is no formal supervision on release. This should include addressing health, education, employment and housing needs.
- improved strategic links across the criminal justice system and with other Government departments, to tackle criminogenic needs and reduce offending. Specific target areas are health, housing, employment and training, and maintenance of family ties.
- a broader knowledge base of 'what works' in the reduction of women's offending by extending research to ensure data collection includes gender and the views of women offenders.

British Crime Survey

The British Crime Survey, published in 2001, provides a detailed breakdown of the extent of crime in 2000. There continues to be substantial differences in the British Crime Survey (BCS) estimates of crime and police records of reported crime. There are

¹ The Home Secretary has proposed the introduction of a new type of sentence, 'custody minus', a custodial sentence served in the community under intensive supervision.

Virginia Minogue

approximately four times as many crimes in the British Crime Survey than recorded by the police. The BCS estimates that, in 2000, there were 12,899,000 crimes committed against adults living in private households. Only 45% of crimes are reported to the police. However, there was a 12% fall in nearly all categories of crime between 1999 and 2000, and the general trend suggests that crime is reducing. Burglary, vehicle related theft, household theft, and violent crime all showed a reduction but there was a slight (though not statistically significant) increase in theft from the person and theft of vehicles. Police records show less of a decrease because of the increase in the proportion of crimes reported to the police, and increased recording of those crimes, particularly violent crime.

The public is still concerned about crime, with a quarter of those questioned saying crime had 'risen a lot' and 32% taking the view that it had increased 'a little'. This was seen as a slight shift in thinking from the previous survey where a third thought that crime had increased a lot. Those most concerned about becoming victims of crime lived in high crime areas, had been a recent victim, or were socially and economically vulnerable. However, the survey indicated that in 2000, fewer than 4% of adults suffered violence, and less than 2% households owning vehicles had their vehicle stolen, and fear of these crimes dropped. Women tended to be most concerned about rape or being physically attacked, men were most concerned about having their car stolen or something stolen from it.

Ethnic Minorities and Crime and Policing

Home Office Research Study 223 'Crime, Policing and Justice: The Experience of Ethnic Minorities. Findings from the 2000 British Crime Survey', reports on ethnic minorities experience of crime and policing.

The BCS 2000 revealed that ethnic minorities were at greater risk of experiencing property crime than white people, and were at equal or similar risk of experiencing violence. However, they were more anxious about crime, and had less confidence in and satisfaction with the police. The higher risk of property crime is seen as being partially related to economic disadvantage and demographic factors. The risk of violence was similar to white groups, but the probability of the victim perceiving an incident as being racially motivated is higher. According to the BCS, the trend for the actual occurrence of racially motivated offences is down although the number of incidents recorded by the police showed a fourfold increase. This is likely to be due to higher rates of reporting and improved recording by the police.

Although ethnic minority groups reported a lower rate of confidence in, and satisfaction with, the police than others, their dissatisfaction generally related to similar issues such as poor response times, or lack of information. The report suggests that additional measures may be required in order to gain the confidence of ethnic minority groups, particularly in relation to the handling of racially motivated offences. A further source of dissatisfaction is the differences in the likelihood of being stopped by the police. Black people were stopped more frequently than other ethnic groups and white respondents, and were less

likely to feel they had been treated fairly. Coming in the aftermath of the Stephen Lawrence Inquiry Report (Macpherson 1999), the BCS 2000 findings are likely to provide a useful starting point from which to measure future progress.

Criminal Courts Review

Sir Robin Auld's review of the Criminal Courts was published in October 2001. Amongst the key recommendations of the report are proposals for the creation of a national Criminal Justice Board and a unified Criminal Court.

The Auld report recommends that a Criminal Justice Board should replace the existing national planning and operational groups and provide overall direction for the criminal justice system. This would be headed by an independent chair. At a local level, the report proposes the introduction of local Criminal Justice Boards to implement national objectives. There would be no immediate changes to the current circuit boundaries or criminal justice areas, but a single executive agency, centrally funded, would replace the current Court Services and Magistrates' Courts Committees.

The proposal for a unified criminal Court would see the Magistrates' and Crown Courts replaced by one Court comprised of three divisions – the Crown, District and Magistrates' divisions. The responsibilities of the Crown Court would remain broadly similar to the current arrangements. The District division would deal with 'either way' cases serious enough to incur up to two years in custody. A District Judge or recorder and two magistrates would constitute this division. The Magistrates Division would operate in a similar way to the current Magistrates Courts and would be constituted by a District Judge or Magistrates to deal with 'either way' cases depending on the seriousness of the offences. Where there is doubt about the appropriateness of the Magistrates' Division for hearing a case, a decision would be made by a District Judge based on representations from the prosecution and defence. The defendant would therefore lose their right to elect trial by a Judge and jury.

Present committal procedures would be abolished under these recommendations, and cases too serious for the Magistrates' Division would proceed directly to the District or Crown Division. Judge and jury trials would be the principle means of trial for more serious offences triable on indictment, with the following exceptions:

- defendants in the Crown and District Divisions would be able to opt for trial by a Judge (without a jury);
- in cases involving serious and complex frauds a Judge would have the power to direct a trial to himself/herself plus 2 lay members of a panel (to be established by the Lord Chancellor), or, at the defendant's wish, by the Judge alone;
- a Youth Court, comprising of a Judge and two or more experienced Youth Panel Magistrates, would hear serious cases against young defendants;
- under proposed legislative changes, Judges would determine issues of 'fitness to plead'.

Virginia Minogue

In the District Division, trial would be by Judge and Magistrates. The Judge would be the judge of law and would be responsible for sentencing. The Judge and Magistrates would be equal judges of fact. Justices' Clerks would continue to advise Magistrates in the Magistrates' Division as at present.

The report underlines the need for Magistrates' benches and Juries to reflect the communities they serve, and are drawn from. The issue of eligibility for jury service is also addressed, and Auld recommends that the emphasis is shifted onto the assumption that the majority of those on electoral rolls, or other public registers, will be eligible other than those with criminal records or mental disorders.

The report also recommends: better preparation and more efficient disposal of criminal cases; a graduated scheme of sentencing discounts for early guilty pleas; increased numbers and better quality of interpreters in criminal Courts; improved training for both Magistrates and Judges with additional resources to be given to the Judicial Studies Board to deliver training. The report did not recommend the extension of specialist Courts for substance misuse or domestic violence.

Community Punishment Pathfinders

In July 2001, the National Probation Directorate published an interim evaluation of the Community Punishment Pathfinders implemented in March and April 2000. Six community service pathfinder projects were implemented across ten areas. The key features of all the projects were the incorporation of pro-social modelling, development of employment skills, and tackling criminogenic need. The sample comprised 1250 offenders, predominantly male, white, with an average age of 27 years. Over half were in employment or education at the outset. The predicted reconviction rate of the sample was 50% (low-medium band).

Crime Pics II questionnaires were administered within the first six weeks of the Community Punishment order and in the last twenty hours of community service, to measure changes in attitudes to crime and self reported problems. Of the 500 who had completed their orders at the interim evaluation stage, approximately a third demonstrated an improvement in attitudes and a reduction in problems. Community service staff assessed two thirds of offenders as having made positive changes and rated almost three-quarters as having no or a low likelihood of reconviction. The impact on employment was less obvious at this stage.

The report did not draw any firm conclusions about Community Punishment Pathfinders due to the relatively small number of 'completers' at this stage. Staff were found to be committed and enthusiastic which has enabled a good level of data collection. Some inconsistencies in sentencing, carrying out assessments, and completing evaluation tools were acknowledged.

Employment Schemes for Offenders

Home Office Research Study 226 'Building Bridges to Employment for Prisoners', reported on a survey of prisons and Young Offenders Institutions and the development of prison based employment schemes.

Unemployment remains a key concern for offenders as only an estimated one in ten prisoners, out of 140,000 released each year, goes into employment on release. Many prisons have developed schemes to address the problem and this research study sought to determine which type of programme was most likely to improve on offenders' employability and to reduce their offending; to determine the extent to which prisons and YOIs are assisting offenders to find employment; examine some of the most effective schemes to identify good practice.

The evidence base proved to be too small to determine any particular criteria for success and there was too great a variance between the schemes to identify a specific design or programme as a model of good practice. However, a number of indicators emerged suggesting that interventions targeted solely at employment were unlikely to succeed and were better placed as part of an integrated programme that also addressed personal development, accommodation and substance misuse. A number of factors that inhibit the quality and success of employment schemes were identified. These included:

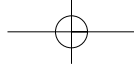
- lack of access to pre-release programmes for short term prisoners;
- lack of help on release;
- lack of adherence to 'what works' principles in developing employment schemes.

The culture and organisation of prisons was seen as a particularly inhibiting factor. Competing demands could make it difficult for a prisoner to attend all sessions of a programme. Programmes could be seen as low priority, as can employment or resettlement work.

The report concludes that for maximum impact, prison managers and Governors have to recognise the worth of such programmes and issues relating to resettlement have to be a central consideration.

Police Reform

The White Paper 'Policing A New Century: A Blueprint For Reform' (available from the Home Office or the Home Office website), published in December 2001, outlined a radical programme of reform. The Paper proposes the introduction of a new Standards Unit, a new framework for pay and conditions, improved and better coordinated IT, science and technology systems, an enhanced role for support staff, and more effective partnerships. Further developments include a National Centre for Policing Excellence, a new science and technology strategy, the adoption by all police forces of the National Intelligence Model (a validated model of gathering and using intelligence), as well as the creation of specialist task forces to tackle persistent offenders. Underpinning the proposed



reforms is an emphasis on raising standards, promoting good practice and improving performance. Priorities and performance indicators will be set out in the National Policing Plan. Although Chief Officers would retain their 'operational independence', the aim is to achieve a more consistent and better quality service. The role of Her Majesty's Inspectorate of Police will be strengthened in order to challenge poor performance.

Concerns about levels of crime, fear of crime, detection and conviction rates are a significant factor in the drive for reform. Increasing the visibility of the police in the community is recognised as something the general public would wish to see, and the White Paper proposes enabling more officers to return to the 'front line' by reducing bureaucracy, improving the use of technology and increasing the use of support staff. There is also a recognition of the importance of partnerships in tackling crime, particularly anti-social behaviour, substance misuse, repeat victimisation and persistent offenders. Some support staff are likely to have an active role in community safety with limited powers to deal with minor instances of disorder.

The National Centre for Policing Excellence will promote evidence based practice in training and development. The Standards Unit will utilise this in identifying and disseminating good practice and will support the Basic Command Units in improving performance and meeting standards. This responsibility is likely to extend to partnership working if the proposals to increase effective partnership working are realised. In addition to enhancing the role of support staff, the plan is to increase the involvement of the community, particularly those already engaged in community safety or crime reduction initiatives. At present the introduction of such schemes will remain a matter for local Chief Officers, and therefore may vary in type, but pilot schemes are due to be introduced in January 2002 in five 'Pilot Policing Priority Areas'. The Standards Unit will issue good practice guidance to partnerships; HMIC and the Audit Commission will be undertaking audits.

The review of pay and conditions of service for the police will include the introduction of national recruitment standards and a common assessment and selection process, improvements to training and development, the introduction of an Occupational Health Service, and modernisation of the pensions scheme. A Central Police Training and Development Authority is to be a centre of excellence for training and development, with the Standards Unit identifying areas for improvement in training.

