

COMMUNITY JUSTICE FILES NO 2

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Sex Offenders

The Home Office publication Findings 164 'Reconviction rates of serious sex offenders and assessments of their risk' by Roger Hood, Stephen Shute, Martina Feilzer and Aidan Wilcox examines the reconviction rates of serious sex offenders four and six years after release from long (determinate) prison sentences. The findings 'challenge some preconceptions about the risks posed by sex offenders and have implications for sentencing and parole policies'.

Fewer than 10% of the study group were reconvicted, although those who were committed very serious crimes. The proportions reconvicted varied according to the type of victim, with those imprisoned for a sexual crime against a child victim not in their family being most likely to be convicted of a further sexual offence (about a quarter). All of those who were reconvicted had been identified as 'dangerous' or 'high risk' by at least one member of the Parole Board panel, but 9 out of 10 judged 'high risk' were not reconvicted (false positives). Prominent among these false positives were:

- offenders against children within their own family
- deniers (only one 'high risk' denier was reconvicted of a sexual offence)

An actuarial risk assessment instrument produced fewer false positives than the Parole Board members but more false negatives (i.e. those not identified as 'high risk' who were even so reconvicted).

The authors therefore suggest caution in assuming that the lengthy imprisonment of those identified as 'high risk' could effect a marked reduction in reconvictions for sexual offences. They also question whether those who deny (and therefore may not accept a need for treatment) pose a particularly high risk of reconviction. Concluding that reconviction rates are in general substantially lower 'than most people appear to believe', the authors draw attention to the obvious limitation of any study that has to rely on reconviction – especially for offences where the true incidence is believed to be much higher than the conviction rate.

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Evaluating Cognitive Behavioural Work with Prisoners in England and Wales

The Home Office publication Findings 161 'An evaluation of cognitive behavioural treatment for prisoners' by Caroline Friendship, Linda Blud, Matthew Erikson and Rosie Travers describes one of the largest treatment outcome studies of this kind in Europe. The study found that two-year reconviction rates for groups who had undergone cognitive skills treatment were up to 14% lower than matched comparison groups. Based on the number of prisoners expected to complete programmes in 2002-2003, this represents nearly 21,000 crimes prevented. Much evidence of the effectiveness of cognitive behavioural programmes hitherto has come from North America and this study confirms that the results of US and Canadian research 'can be applied to a UK offender population'. The authors recognise that this is important and timely evidence for the Prison Service and the Probation Service.

Publications in the Findings series are available from Research, Development and Statistics Directorate, Communication Development Unit, Room 275, Home Office, 50 Queen Anne's Gate, London SW1H 9AT. Phone 020 7273 2084. Findings 164 and Findings 161 can be downloaded from <http://www.homeoffice.gov.uk/rds/rfpubs1.html>

Race Equality in the Probation Service

The Home Office's Race Equality Scheme, a plan which outlines how it is promoting race equality and eliminating discrimination in the Department, was published on 25th April 2002. In the paragraphs on the Probation Service, the document summarises progress made since the thematic inspection 'Towards Race Equality'. Actions include

- The use of a diversity consultant in relation to all HMI recruitment exercises.
- Internal training events and discussions and team meetings to develop awareness of staff on race equality and wider diversity issues.
- Designing a skills audit to assess staff training and development needs on race equality and diversity issues to inform HMIP's plan for 2002/3.
- Standards and criteria developed for all inspections and audits on diversity issues.
- All published HMIP reports contain analysis of performance by the national probation service in relation to diversity.

The document reaffirms that 'HMIP is committed to continuing actively to promote race equality and wider diversity issues as an integral part of all of its work'.

The Race Equality Scheme can be downloaded from the National Probation Service website at <http://www.homeoffice.gov.uk/cpd/probu/probu.htm>

Women Offenders

A report from Nacro - 'Women who Challenge' by Sue Kesteven - emphasises the alarmingly high number of women in prison with serious mental health difficulties and

calls for concerted action in response. The report aims to provide a detailed overview of the problems faced by female prisoners with mental health problems, considering issues such as health care, substance misuse and provision of secure mental health services. It is argued that mental health problems can be exacerbated in prison, with damaging consequences for women offenders, their families and children. The report makes recommendations about how best to address the needs of this group of prisoners.

'Women who Challenge' by Sue Kesteven is produced by Nacro's Mental Health Advisory Committee, priced £12.50 & £1.50 p+p, available from Nacro Publications, 169 Clapham Road, London SW9 0PU phone: 020 7582 6500 or at www.nacro.org.uk

Referral Orders

The final report of an 18-month evaluation of Referral Orders in the Youth Justice System is published as Home Office Research Study 242. The evaluation was conducted in 11 pilot areas in England and Wales between March 2000 and August 2001.

The report recognises that the Referral Order presented a number of new challenges to those responsible for its implementation.

'These included:

- the recruitment, training and management of large numbers of voluntary community panel members
- the establishment and running of youth offender panels chaired not by professionals but by community panel members
- the active involvement of parents/guardians, victims and others in the criminal justice process
- the agreement of contracts with young offenders that both help challenge offending behaviour and allow for constructive activities including reparation.'

The report comments favourably on the ability of pilot areas to recruit and train community panel members and speaks positively of the mutual respect developing between Youth Offending Team staff and community representatives.

Youth offender panels are described as one of the most encouraging aspects of the pilot. The evidence from the evaluation is that these forums were establishing themselves as constructive and practical meetings at which the young person's offending could be discussed and appropriate responses planned. The vast majority of young people and their parents reported that they were treated fairly and with respect by the panels.

The report identifies the involvement of victims as an area where further work is needed. There will be a number of reasons for the current low level of victim participation in youth offender panels and the report offers suggestions for how victims can be encouraged and enabled to participate in greater numbers.

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Victims, Witnesses and Survivors

The recent review of the Victims' Charter has led to a decision in principle to introduce a Bill of Victims' Rights. Because this will require legislation, the government has announced that Parliamentary time will be found for a Bill in the autumn of 2003. The resulting legislation is likely to come into force in 2004, and the proposals include the establishment of a Victims' Commissioner or Ombudsman and substantial revisions to the existing charter. Meanwhile, changes to the law affecting victims and witnesses arising from the 1999 Youth Justice and Criminal Evidence Act and the 'Speaking Up for Justice' review are coming into force.

The timetable for implementation of the 1999 Act has been extended, apparently due to difficulties and delays in making the necessary physical changes in some courts. 'Special measures' introduced by the legislation will eventually include the provision of screens to conceal witnesses from defendants' view, live video cross-examination, and hearing evidence in private in the case of intimidated witnesses. These will be available in respect of vulnerable and intimidated witnesses in the Crown, Magistrates' and Youth Courts. The first measures will be introduced in the Crown Courts on 24 July 2002, with the remainder coming into force gradually over the next two years.

The Home Secretary has also announced his intention to establish an advisory panel on victims issues before the end of 2002, and to introduce video identity parades in cases where intimidation of witnesses may be an issue. The proposed advisory panel will include victims of crime and their families, although it is not yet clear how they will be selected.

The Crown Prosecution Service is taking on new responsibilities in respect of keeping victims and witnesses informed of decisions about criminal cases. Changes were recommended both by the Stephen Lawrence Inquiry and the Glidewell review, in recognition of the distress caused to many victims by decisions to drop cases without explanation. Pilot projects have established the practicability of providing written explanations when cases are discontinued altogether or some of the charges are dropped, and this becomes normal procedure nationally from October 2002. In more serious cases, victims and witnesses will be offered a chance to meet the prosecution service to receive an explanation for such decisions and for CPS recommendations about special measures in court (see above). Staff are currently being trained for this new role.

Tagging for Juveniles on Detention and Training Orders

The Criminal Justice and Court Services Act 2000 provided for the electronic monitoring of young offenders during the community based component of Detention and Training Orders and in May 2002 the Home Office announced that electronic tags will be available for young offenders henceforth. Those released and tagged will be eligible for release 1-2 months before the current release date at the half way point of the sentence. Those convicted of sexual or serious violent offences will not be eligible for the scheme.

The tagging of young offenders on bail had previously been announced in February 2002 with the intention of piloting the scheme across six areas in April and national implementation in June. Electronic bail tagging for juvenile offenders is designed to prevent offenders committing further offences while on bail by electronic monitoring of any curfew requirement made as a condition of bail or remand. The scheme will apply to 12 to 16 year-olds who may be granted court bail or remanded to local authority accommodation.

Consistency in Sentencing

In May 2002 the Home Secretary announced the intention to set up a sentencing guidelines body to improve the consistency of sentencing within the magistrates' courts.

This development addresses the concern about wide regional variations in sentencing and in particular significant disparities in the use of custody. As an example the Home Secretary referred to statistical information drawn from Criminal Statistics England and Wales 2000 (Command Paper) which identified the differential use of immediate custody: in Teeside 20% of those convicted of burglary were sentenced to immediate custody compared with 41% in Birmingham. Similarly in Reading 3.5% of those sentenced for receiving stolen goods received a custodial sentence compared with 48% in Greenwich and Woolwich.

Appeals Against the Granting of Bail

The Auld report (A Review of the Criminal Courts of England and Wales) referred in paragraphs 69-90 of Chapter 10 to bail appeals. It recommended that the prosecution should have a right of appeal to the Crown Court against the grant of bail by a Magistrates' Court in respect of all offences that would, on conviction, be punishable by a custodial, or partly custodial sentence. In May 2002 the Home Secretary announced plans to extend the prosecution's right of appeal in response to Auld's recommendation. He stated that the right to appeal against the grant of bail would be extended to cover all imprisonable offences and not just those carrying a maximum sentence of five years or more.

Mobile Telephones - New Legislation

A Bill to tackle the rise in mobile phone thefts was published in May 2002. The Mobile Telephones (Re-programming) Bill contains proposals that would create new offences. Changing the unique identifying characteristic of a mobile phone (i.e. the IMEI number) and owning or supplying the necessary equipment with the intent to use it for re-programming mobile phones are to become illegal. The new offences could be heard in either the Magistrates' Court or the Crown Court and the maximum penalty available would be up to five years imprisonment or an unlimited fine, or both. The Bill is a response to growing concern about the prevalence of mobile phone theft and the link with rising street crime. Stolen mobiles are now involved in 50% of all robberies in London.

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Remands into Secure Accommodation

Courts are to receive new powers to remand into secure accommodation persistent young offenders aged 12-16. The new powers, brought into force by the implementation of Section 130 of the Criminal Justice and Police Act 2001, will apply to young offenders who consistently break the law when on bail. The powers will initially be available in the 10 street crime initiative areas and will be nationally available from September 2002. The Home Secretary also announced in April that he is looking at ways of strengthening the law in respect of 10 and 11-year olds who commit persistent but low level crime and who, due to their age, fall outside the range of powers available to the courts.

A Review of Anti-Social Behaviour Orders

Anti-Social Behaviour Orders (ASBOs) were introduced under the Crime and Disorder Act 1998 as a civil order designed to deter anti-social behaviour and prevent the escalation of such behaviour without resort to criminal sanction. Between April 1999 and September 2001 a total of 466 ASBOs were granted, the majority on men (84%), and those 21 years of age and under (74%). A review of these orders has now been completed and published by the Home Office. (Home Office Research Study 236 'A Review of Anti-social Behaviour Orders' by Siobhan Campbell)

Findings of the report included:

'The overall opinion of ASBOs amongst those who have actually used them is generally positive. Many reiterated that the legislation was very much needed to deal with persistent anti-social behaviour. They stressed that if a local authority or a police force want to take out an ASBO they can: all they need is motivation. It was widely accepted that, when used effectively, ASBOs are a useful tool to deal with anti-social behaviour and can deal effectively with particular groups, such as juveniles and private tenants.' (p.97)

However problems and difficulties were also identified:

'Those unhappy with ASBOs either complained about the length of time they took to prepare and then obtain from the court or else were unhappy with their relationship with one of the links in the ASBO chain – the local authority, the police or the courts. They pointed to failures in partnership working, collecting information, supporting or granting orders, and enforcing or prosecuting breaches. For some, these failures were enough for them to state that ASBOs were not worth applying for.' (p.97)

Forthcoming Conference

The European Forum for Victim-Offender Mediation and Restorative Justice is organising its second conference 'Restorative Justice and its Relation to the Criminal Justice System' in Bucharest, Romania on 10th –12th October 2002. The conference aims to attract restorative justice practitioners, legal practitioners, policy makers and researchers and is intended to be an interactive working conference.

For more information about the conference, including the call for presenters and coordinators, see the European Forum's website www.euforumrj.org. The website also provides information about the restorative justice movement in Europe and a discussion board enabling communication between those interested in restorative justice.

Community and Criminal Justice Monographs

De Montfort University publishes this series of monographs. Monograph 1 'Take-Up and Rollout: The Implementation of Effective Practice in the Probation Service' and Monograph 2 'Case Management: Context for Supervision and Design Issues for the Probation Service' both by Paul Holt are priced at £9.99. Forthcoming monographs focus on work with adolescent male sex offenders and on enforcement practice in the probation service.

Submissions from both new and established authors are welcome and members of the Monograph Editorial Board are willing to give advice to potential authors who are interested in converting dissertations into publishable monographs. For further information about the series or to purchase copies of a monograph contact Gemma Lennon at the Community and Criminal Justice Studies Unit, De Montfort University, Scraptoft, Leicester, LE7 9SU. Tel 0116 207 8759.

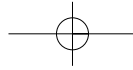
Policing and Community Safety

The John Grieve Centre for Policing and Community Safety

The John Grieve Centre for Policing and Community Safety (JGCPCS), which will be launched in September 2002, draws on the expertise of a team with national and international reputations to engage with current research, policy, education and training in the areas of policing, crime reduction and community safety. The aim of the JGCPCS is to develop a centre of excellence, which will provide a forum for education, training and research at regional, national and international levels. The JGCPCS will work with central and local government clients, development agencies, regeneration partnerships, charitable trusts and research bodies to deliver high quality and cost effective research, education, and training for agencies involved in policing, crime reduction and community safety. For further information about the Centre's activities contact: The John Grieve Centre for Policing and Community Safety, Buckinghamshire Chilterns University College, Queen Alexandra Road, High Wycombe, Buckinghamshire, HP11 2JZ. 01494 522141

Community Cohesion

The Local Government Association, Department of Transport, Local Government and the Regions, the Home Office and the Commission for Racial Equality published a consultation document, entitled *Draft Guidance on Community Cohesion*, in May (<http://www.homeoffice.gov.uk/cpd/ccu>). It follows up the Inter-Departmental Ministerial Group's *Building Cohesive Communities Report* (2001) and the report of the Community Cohesion Review Team, chaired by Ted Cantele, which focused on the disorders that



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occurred in Bradford, Oldham and Burnley in the summer of 2001. These inquiries, and others, identified the lack of social cohesion and racial equality in divided and fractured communities as problems requiring urgent attention and action. The Guidance report identifies local authorities as taking a lead role in the development of public, private, voluntary and community organisations. The overall strategic objectives are to:

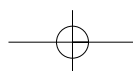
- increase cohesion in communities;
- reduce racial conflict;
- provide equal opportunities for all members of local communities;
- recognise diversity;
- improve quality of life;
- increase participation.

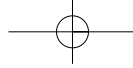
Amongst the many policy issues identified by the report, such as housing, education, regeneration and employment, are racist crime and police-community relations. In particular it notes the centrality of racial crime and harassment in the Guidance to the Crime and Disorder Partnerships issued in May 2001. It argues that the police, local authorities and other agencies, as well as the wider public, need to work together to address these crimes in order to reduce racial segregation. The document identifies a need for:

- a good, close working relationship between the police and local authorities;
- recording the incidence of crime and anti-social behaviour in communities and the effective targeting of police and community safety resources to tackle these problems;
- the police to develop strong links and communication channels, especially amongst young people;
- the introduction of diversity training and equality targets to recruitment in the police and other agencies;
- multi-agency arrangements to address racist incidents;
- involving the community in consultation on the Crime and Disorder Reduction Partnerships;
- the police to formulate 'pre-established routines' to respond to race and hate crime;
- the development of contingency plans to prevent racial disorder.

The Community Justice Portal

The **Community Justice Portal** is currently under construction and pre-launch information pages can be accessed at www.cjp.org.uk. It will become a dynamic information and networking facility with wide opportunities for e-learning for all those engaged in the criminal and community justice sector. If you work with offenders, victims or the broader community safety and crime reduction arenas there will be something for you in this space. It will be of interest to probation officers, youth offending team workers, police officers, prison officers, the voluntary sector, penal reform groups, victims organisations, community safety officers and restorative justice mediators. Also those who





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work with crime-related issues in housing, education, employment, drugs and alcohol, health and mental health and social and life skills will find areas of interest here.

On **20th September 2002** a launch conference entitled '**Joined-Up Justice**' will open the Portal and an e-discussion forum on the Portal will follow that event. Go to the web-site for more details of this event and other forthcoming initiatives. The Portal links to an e-learning environment which is managed by Sheffield Hallam University. Please contact Professor Paul Senior at *P.G.Senior@shu.ac.uk* if you wish to discuss any aspect of the Portal.

