



Crime, order and social control

Restorative justice: Involving the victims of crime

Roger Bolton:

Welcome to Restorative Justice and Crime Control. In the studio with me, is Sir Charles Pollard, former chief constable of the Thames valley police force, and from the Centre for Criminological Research in Oxford, Roderick Hill. Roderick, a lot of people would think, hold on we've got the crime statistics, we've got the crime survey, what can you do through your research that the home office can't do with its reporting on statistics?

Roderick Hill:

Well basically look at the issues in a lot closer fashion, by looking at individual cases, and exploring and interviewing people, who are subject to criminal justice policy.

Roger Bolton:

And how independent are you? I mean you have to be funded by somebody, presumably often the Home Office?

Roderick Hill:

Yes but they fund us on the understanding that what we come up with, is independent thoughts on the subject, and therefore not in any way responsible to them.

Roger Bolton:

Now Sir Charles, why were you interested in restorative justice. You've had a long and distinguished career, ending up as a Chief Constable in Thames valley so, what was it about this idea that appealed to you?

Sir Charles Pollard:

Well, within the Thames valley police, we tried to create an innovative problem solving culture, and through that, what came out was a lot of frustration about the workings of the mainline criminal justice system, and so with the police officers, we decided to try and develop something which is better.

Roger Bolton:

And just tell me what the frustrations were?

Sir Charles Pollard:

Well, every time you formally arrest someone to put them through the court process, you have got two things. You have got a huge bureaucracy and a massive amount of time wasting and huge costs, and for minor offences this is silly. And secondly it is very adversarial, and there's really quite a lot of cynicism about that and of course victims of crime are not involved at all, they are just givers of evidence, they have no place or no lockers in the system. So the principle we followed is this, that if you have a system where you don't even involve the people who've been affected by crime, and you don't involve them in its solution, you've got no chance. If you do involve people in its solution, then suddenly, you see really exciting things happening.

Roger Bolton:

So when did you hear about this New Zealand project?

Sir Charles Pollard:

After we ourselves had already developed in the Milton Keynes Retail Theft Initiative, we'd already started doing some work which had quite a big restorative element in it, found that everything we did with that just seemed to work extraordinarily well, for much less cost, much more job satisfaction for police officers, and most important of all, victims in crime and

offenders getting a much more sensible approach we felt. Having developed that, and then trying to expand it at Aylesbury where we developed restorative conferencing or tried to, that's when we linked up with New Zealand and the Australians who were working in the same area.

Roger Bolton:

Well we'll be hearing about the New Zealand experience in just moment. But let's just check our definitions here. Roderick Hill, what if you had to define restorative justice how would you?

Roderick Hill:

I would try and define it in fairly simple terms I think, and that is that, restorative justice, when addressing crime, takes it's focus, the harm that has been done by the crime, so it looks at the harm that's been done by an offence, and it seeks to address repairing that harm and the other sort of part of the definition would be that, people who are involved, who've been affected by that crime, come together to try and resolve it. And in the case of most crimes that would be the victim, the offender, and their communities of care, so their supporters, for the offender that might be their mother or father, for the victim, could bring someone like a friend.

Roger Bolton:

Well, let's hear how that has worked in New Zealand from an academic, who has specialised in family group conferencing, which was the forerunner of restorative schemes in this country.

Allison Morris:

I'm Alison Morris, I, for the last seven years or so was based at the Institute of Criminology, Victoria University in Wellington, and involved in carrying out research on family group conferencing, and restorative justice. It was developed first in New Zealand in 1989, partly as a result of dissatisfaction with the previous youth justice system, but partly also in response to, demands by Maori, the indigenous people of New Zealand to make the system more culturally appropriate.

Allison Morris:

In the New Zealand version of restorative justice, family group conferencing, the top twenty percent of youth offending is dealt with through family group conferencing. The rest of juvenile offending is simply dealt with by the police through warning or through diversion.

The main emphasis in restorative justice, is trying to restore balance and to put things right. So, a lot of the focus is on making amends to the victim, rather than punishing the offender. Part of that means, that the offender is, held accountable for his or her offending in a much more meaningful way, in a sense it's making, offenders responsible but in a constructive way, by making them put something back in, to repair the harm that they've done, rather than simply experience the penalty.

The young person is obviously there, the family are there, anybody that the family wish to invite is there. The victim is there, the victim may bring support people if they want. The purpose of the conference, is really to decide obviously what to do about the offending, and within that, there are probably two key components. One is, to hold the offender responsible for his or her offending in a meaningful way, and the other is to make amends to the victim to the extent that that's possible. The conference can be held where ever the parties want it to be held. So it could be, in the offender's home, or on a Mari Maori meeting house. It's more commonly in a community hall. After the welcome and introductions, what normally happens, is that the police outline the elements of the offence, and the young person is then asked whether they admit or deny the facts as set out.

Allison Morris:

Once there is a basis for an agreed summary of facts, then usually the next thing that happens, is that the victim, if the victim's present, is invited to say, how they felt about the offence and what the consequences of the offence has been for them. In New Zealand there is also at this point, a break where the family and the young person have some private time together, and they discuss what they've heard in terms of how to make amends to the victim or how to show that the young person's accepted responsibility for the offence. The meetings then are reconvened, and then they would put their plan to the participants of the meeting.

There would then be, again a general discussion, leading to some decision and resolution. I think there is a sort of a, an educative level attached to the conference, both to the process and the outcome. And I think also, the fact simply that the young person has been included in the process and has agreed to this outcome, means it's more likely that the young person will complete the outcome, and having completed the outcome, then any kind of intervention that is rehabilitative or whatever, is I think likely to have some impact on the young person. What we did, was we followed up some young people who had been through a conference for six years. We re-interviewed them after six years, and we were able to kind of distinguish between those that were, re-convicted, and those that were not re-convicted. There were some very clear restorative justice related factors, if the young person apologised to the victim, and felt sorry for what they had done, then that distinguished those that were not re-convicted from those that were convicted. We also know from our research that victims can feel better as a result of attending a conference that, they can let go some of the hurt that has been caused by the offence.

Roger Bolton:

Sir Charles Pollard, why can't you just introduce that then? You go to New Zealand, you think this is a cracking idea, it really seems to answer a lot of questions, why don't you just put it into practise?

Sir Charles Pollard:

Well, in effect we did, and before, we really knew too much about New Zealand, when we started developing this, and then we picked up on other results in particular in Australia actually as well as New Zealand, we then piloted it and we did implement it, because we had a broad picture that this was a very sensible thing to do and, everything we touched with this, turned to gold in a sense it was very successful. But, in public policy terms, you really do need a proper basis of information on which to form judgements, particularly if you want something to spread throughout the system, and that's why we were very keen to have a really rigorous independent research project, to really evaluate exactly what was happening, and whether there were ways we could do this better.

Roger Bolton:

Roderick Hill then, how did you go about that at the centre for criminological research?

Roderick Hill:

Well we were funded by the Joseph Rountree foundation, and my colleagues Caroline Hall and Richard Young, started the project back in 1998. What they did, was that the research basically two main phases.

Roderick Hill:

The first involved going to look at what Thames valley police were doing, going to look at these restorative cautions, and based on observations, and interviews with participants, a report was created, which basically fed back to Thames valley police, on what the research thought of how it was being implemented. So, it was a kind of action research project of that phase.

Roger Bolton:

You didn't work, wait till the end, you kept feeding interim results as you were going?

Roderick Hill:

Yep we fed interim results to them, so that they could improve practise, because we recognised that obviously when you implement a model there's teething difficulties, and to evaluate restorative justice properly, we had to be sure that Thames Valley police were doing restorative justice, and not simply doing something in the name of restorative justice. Thames Valley police accepted all those recommendations, and then the second part of our project was a more formal evaluation, where we didn't feed back to them any more, but we observed a greater number of conferences, and spoke to participants. After they'd gone through a conference, three months later, and then a year later, following up with offenders for example, that patterns of offending, through self reported offending, and through the official statistics.

Roger Bolton:

So when you'd finished it, you delivered it to the Home Office, and then what, does it sit in somebody's tray for a year two years, drift away, how do you ensure that the ideas don't die, and that there is a political impetus behind it, how can you try and achieve that?

Roderick Hill:

Well I mean, the Joseph Rountree foundation has been very good at helping us disseminate the results. Obviously the report that we created is disseminated through the academic community, but also through people involved in restorative justice of, at a practise level, and with government. We had an advisory group on a project that had members of the Home Office, people from different organisations. So, through widespread dissemination, and getting it to the people on the ground as well.

Roger Bolton:

And Sir Charles you're no longer Chief Constable you've retired, but you're still running with this idea.

Sir Charles Pollard:

Oh I am, I'm working very full time actually on restorative justice. First of all working, with professor Lawrence Sherman of the university of Pennsylvania, the Jerry Lee centre there, which is a big world wide research into, innovative criminal justice solutions, including restorative justice, and I also work with the youth justice board, for England and Wales.

Roger Bolton:

And what's the appetite like in the Home Office for this sort of work. I mean, are people very keen to see if this will actually work in practice across the UK?

Sir Charles Pollard: Yes, the short answer is that, policy makers, when they get involved with restorative justice, as they start to understand, they do become very enthusiastic about it, but obviously you can't implement something in a big scale, unless you've got pretty hard evidence, and if it's going to be politically acceptable. And at the moment there's a lot of discussions going on about how this could be implemented on a much bigger scale. I think it could be, but it's all very well to have something which works in a small project, or Thames valley police actually quite a big scheme, but to them replicate that, widely takes really quite a big systematic approach, that what the Oxford university and Rountree studies shows us, is the key thing is to be systematic in replicating this much more widely. So I think it's a very important study.

Roger Bolton:

But it's also quite difficult to sell politically isn't it, because, we still seem to have a debate in this country, where people want, well, they want vengeance perhaps, often and anything that seems to pay a great deal of attention to the motivation, and tries to understand, the criminal, is a quite difficult thing to sell isn't it, at a public level?

Sir Charles Pollard: It is difficult to sell, what's interesting about that, is over the years we've been developing in Thames Valley police, I've never had any problem at all in selling it with the local media, in Thames Valley, have been very supportive. The difficulty is, in really how you badge it in the sense that, the name restorative justice doesn't sound firm enough, in the way you're just suggesting, but the key to all this, is in reality, this is stronger and in quotes "tougher" than normal justice. If you're an offender to sit in front of the victims you've affected, and to sit there to hear face to face what's happened, believe you me, that is being held to account, far more significantly than in a court.

my neighbours, particularly some of the women neighbours, I think security was a concern for them. With concerns about crime, they've obviously become a desirable place to live.

Sarah Blandy:

The images in the marketing brochure, are very much about, people in fairly anonymous surroundings, nice design, sort of hi-tech fridge's etc, lovely stripped wooden floors, and, they're marketing the lifestyle I think. But they certainly do feature the security, quite heavily, and I think a bit of the text actually says, crime rates are rising, but here you will feel secure, and there's little images down the side of the camera, the gates, the, you know the person looking at the bank of screens which are monitoring what's going on inside the community.

Roger Bolton:

Still with me in the studio is Richard Solley, a Community Safety Officer with the local council, and Gordon Hughes, senior lecturer in Criminology and Social Policy at the Open University. Gordon, where did these communities originate? Where have they started to emerge? Is it in cities where you have quite affluent areas right next to quite deprived areas, and as if you like, it's middle class fear, is that what you're saying?

Gordon Hughes:

Yeah, I think it is in part middle class fear, it's also I guess, reflecting, almost a denial of the public sphere, that citizens in a town or a country share. It's actually, I think it reflects a growing sense of 'I am an individual first and foremost', rather than 'I am a member of a common community'.

Roger Bolton:

What fragmentation of society?

Gordon Hughes:

Certainly fragmentation of society yes.

Roger Bolton:

Richard Solley in Milton Keynes, what's the demand for gated communities?

Richard Solley:

Well I'm not aware of any, although there may be. It's probably because Milton Keynes has actually thrived on being quite an open society. What we have done, is to experiment quite a lot with defensible space, which is a slightly different concept.

Grading space between private space, semi-private, semi-public and public. That means that, that space can be invaded, but we tend to look at it in different ways, and we don't put fences around.

Roger Bolton:

But Gordon Hughes, you could say that these places work, if it makes those who are within them feel happier and safer, particularly women on their own, older people who are, aware of their physical infirmities, and they're obviously scared of young, strong men invading their houses, if they're happier, then they've worked, isn't that a justification?

Gordon Hughes:

I think there's also, there's some emerging evidence actually, that the opposite effect can also occur that, by constantly emphasising the importance of having your exclusive means of security, it makes you more aware, of the possibilities of unsafety, of insecurity, of fear of the other.

Roger Bolton:

Gordon Hughes, are you sceptical about gated communities because for you they represent these sort of individual feeling, I can just pull up the drawbridge, and I don't have to worry about the rest of society, that it might be divisive. You know people think, oh I'm alright Jack, why should I worry about someone else?

Gordon Hughes:

I think that is a major concern for me, both as a researcher, but also as a citizen, of the UK, and again, if we think of the history, that many of the gated community experiments have come from America, a highly individualistic society, where wealth counts, and I'm not saying that that's never been the case in Britain, remember we've always had our landed estates that were gated communities.

However, I think there is an, another tradition that we may want to hold on to. It's often called the social democratic tradition, and it's the notion that security in this case, and the lack of fear about crime and disorder, should be something that's collectively owned.

Roger Bolton:

Collective security, sometimes used in a different context, but you think it should apply here?

Gordon Hughes:

Yes.

Roger Bolton:

Gordon Hughes, is community safety and crime prevention virtually the same thing?

Gordon Hughes:

I think they're often used interchangeably by politicians, and indeed by policy makers, but, certainly from my own research and that of others in the field over the last decade since community safety has emerged, as a word that we now all use. I'd argue that there is a clear distinction between the two. Crime prevention, is primarily targeted on certain types of crime historically.

They have been the street crimes, the crimes against property, the visible crimes. Community safety has a much wider agenda, it's actually about addressing harms that are not always criminalised. For instance one harm that community safety policies in localities seek to address, would be issues around, pollution caused by traffic fumes. It would be around issues like hidden harms that take place in the home and elsewhere, such as bullying.

Roger Bolton:

Richard Solley, would you accept that wider definition. I mean would you ten fifteen years ago, been, have been called a crime prevention officer, whereas you're now a community safety officer?

Richard Solley:

Possibly, I think that there is a distinction, I think that, crime prevention, crime reduction if you like is concerned with the facts of crime. Community safety has got more to do with perception, and the fear of crime, is generally higher than the actual crime levels in society, and what we're tackling, just as much as the reality of crime, and disorder, is fear of crime. In Milton Keynes, we've got a system of redways, pathways that people use also cycle ways, and the fear of crime on those redways is actually very high. Although in actual fact, there isn't much crime. But we've got to take the fear of crime as being as real, as the crime itself.

Roger Bolton:

So you're not just concerned with community safety, you're concerned with the community's perception of its safety?

Richard Solley:

Absolutely.

Roger Bolton:

and what do you do to persuade them, that the redways are safer than they think?

Richard Solley:

Well one thing is, not to engage in a war of rhetoric, and just to use the press to say hey, come on they are safer, we've got to take the community's perception at its face value. If there's a fear of crime, then we've got to find out why that exists, could be because the bushes are getting too high. Could be because of dark underpasses. It could be because of young people hanging around, not doing anything particularly, but just apparently threatening people. And then we've got to find ways of addressing those issues.

Roger Bolton:

So community safety is making people feel safer, as much as it's, actual prevention of crime?

Richard Solley:

Yes, very much so.

Roger Bolton:

Think in the end Richard Solley, that this is adoption of despair. Gated communities, they might have a short term effect, but in the end it's no real answer.

Richard Solley:

I think it could be an answer for those that live in the gated communities, if it makes them feel safer, I don't think that it's going to have a major effect on, the majority of people that are facing crime.

Roger Bolton:

Well could we now summarise where we've got to in this discussion, because there's a danger that some people who are listening to this, may think well we've pooh poohed and poured, not scorn, certainly had a sceptical tone about any initiative. Are you suggesting that whereas you're critical of perhaps the overblown claims for individual things that we've been discussing, that together they actually, almost all of them can play a role?

Richard Solley:

Absolutely, I think that every initiative we've looked at, can play a very positive role in crime reduction. I would emphasise that they're all part of a menu of resources.

Roger Bolton:

And Gordon Hughes, the suggestion seems to be, that you know, right at the heart of this, is a conceiving ourselves as a society that we all belong to, and we all have a responsibility to, from the individual offender, realising he's offending against somebody like him, or her, to the rest of us realising that we can't opt out, we can't build our castles.

Gordon Hughes:

Indeed yes, I mean I, again, in the work that I've been involved in, one of the crucial things to hold onto I think, is a notion of community safety, rather than just, crime prevention.

Roger Bolton:

Or individual safety.

Gordon Hughes:

Indeed.