



Crime, order and social control

Restorative justice in action

Linda Coleby:

My name is Linda Coleby, I'm the administrator for the Restorative Justice Unit. Restorative justice originally is like natural justice, because, that way, the victim has the opportunity to ask the question why me? And that is actually one of the most important questions. Absolutely anything can be dealt with, at the moment we deal with mainly, shop lifting's burglaries, theft from vehicles, theft from cars.

Male Facilitator (in restorative justice conference):

This meeting's going to be focused, on what happened, when a stolen mobile telephone, was handled by yourself. Do you understand what the offence was, handling stolen goods.

Prue (in restorative justice conference):

Yeah.

Linda Coleby:

First of all, the people arrive at the unit, and we try to make sure that the offenders and their supporters, and the victims and their supporters don't actually arrive at the same time, because that in itself can be confrontational. You can have one facilitator, if it's a big meeting, it's usually wise to have two. Because it's body language as well, and you need to be able to watch what's going on.

Male Facilitator (in restorative justice conference):

All I ask of you, is when we have this meeting, is we focus on your feelings and your thoughts at the time, how it affected other people, okay, and then we can work together, to find a way of repairing the harm that's been caused, is that okay.

Woman (in restorative justice conference):

Uh huh.

Linda Coleby:

and it's a bringing together, so that everybody understands, what lead up to the incident, why the incident happened, how people felt after the incident, and then you discuss the repairing of the harm that's been caused. Now in a lot of cases, repairing the harm, is just 'I'm sorry', and it can be spoken, and the victims get a great deal of that, because they can see, that the offender has heard what everybody else has got to say, and some of it's not nice, but they had the courage to sit there and go through the process, bearing in mind that this whole process is voluntary, nobody has to go through with it.

Male Facilitator (in restorative justice conference):

Tell us what happened.

Prue (in restorative justice conference):

The phone was in the car, and the person gave me the phone, and I took it, and then the police took it off me and said it was stolen.

Male Facilitator (in restorative justice conference):

So what was that like for you.

Prue (in restorative justice conference):

It was a bit scary.

Linda Coleby:

If the offender comes to the meeting, where they have to have already have admitted the offence, but they are, closed to the fact that the victim is there, and will not respond, that can be very frustrating and actually it probably re-victimises the victim from the first offence. And also, we would get much, much better results, when the victims are there because, they know what they want you to say.

Male Facilitator (in restorative justice conference):

So what was that like for you then, when a friend does that to you?

Prue (in restorative justice conference):

What?

Male Facilitator (in restorative justice conference):

Puts you in that situation.

Prue (in restorative justice conference):

Annoying, and you, don't know it's just, pisses you off a bit yeah.

Male Facilitator (in restorative justice conference):

Who's been affected by what's happened.

Prue (in restorative justice conference):

My mum, my sisters.

Male Facilitator (in restorative justice conference):

In what way?

Prue (in restorative justice conference):

Upset. I don't think they thought that I could do that.

Linda Coleby:

One of the main things that restorative justice promotes, is that the person that's doing the crime, is not necessarily a bad person, it's just what they did that was bad, and that's what you need to bring out, and explain to the offenders. Nobody thinks they're a bad person, it's just what they did. And they need to accept that, and if they can accept it and apologise for it, they're taking responsibility for it, and making it better.

Male Facilitator (in restorative justice conference):

Prue, how do you feel right now?

Prue (in restorative justice conference):

A bit upset, about what harm I've caused and stuff.

Roger Bolton:

Sir Charles, it's sometimes quite easy to say sorry, how can you be sure, that an offender means it?

Sir Charles Pollard:

You'll never be a hundred percent sure, but I think if you were to sit in on one of these conferences, ninety five percent of the time you would be very sure. To be faced directly with the victim or victims that you've hurt, and to hear what they've said, very harrowing accounts. They feel really deep remorse, not always, but very often, and when that remorse turns into a deep apology, a genuine apology, and a willingness to not do it again, and to go through a programme to help stop doing it again, that's where you get very much reduced re-offending in the future.

Roger Bolton:

Roderick Hill, how can we be sure that it will lead, or has lead to reduced offending. Your project, research project took what three years?

Roderick Hill:

Yeah.

Roger Bolton:

But they might re-offend, when next year, the year after, at what point you know does the research become, really reliable? If somebody doesn't re-offend within the first six months, that may be significant, the first eighteen months, but at what point can we reasonably sure, that that person has changed, that that, they are unlikely to be a criminal in the future?

Roderick Hill:

Well we can never be completely sure. Research studies have shown that the year before the offence, and the year after are key times, and generally if you're going to offend, you do so within a year of committing the first offence. What we did, with, which gave us a better picture than the official statistics, was actually ask offenders, about their offending. So they gave us self reported offending, and after a year they could tell us about, what they'd done, and, that they did this, gave us fairly in depth accounts which we could match. The thing to remember is that, re-offending is a sort of fairly simplistic issue, and restorative conference for example, might stop the offender from doing that type of offence, while they might continue with other types of offending. If you looked at the...

Roger Bolton:

But, at least they would they would have seen and understood that a victim is a human being, not just a name or something like that, they will have had that element, forced to confront the fact, it could have been them who was the victim.

Roderick Hill:

Yeah. They'll be forced with the consequences of their crime, but they'll also be dealt with in a none stigmatising way, i.e. that their act has been blamed, then they themselves haven't been considered bad people, and will be possibly reintegrated back into their communities.

Roger Bolton:

And Sir Charles how long will the details of these conferences be kept on file. I mean if somebody does re-offend, can you go back and say, hold on a second, you know they went through this process before, they say this that and t'other, and you have to take that offence into account, or do you say no, after a year eighteen months, we wipe the slate or what?

Sir Charles Pollard:

In the youth justice system, they remain on file for a small number of years, that's not on the criminal record office system, but just on file, you can get hold of them if you need to.

Roger Bolton:

Now this seems to be terribly good news, and the sceptic says to me, there must be a problem here because, seems to work for the victim, it seems to work for the criminal, it seems to be welcomed by the criminal justice system. Do you think people are a little too enthusiastic about this, perhaps out of desperation Roderick, or are, do we, do we need to say it's promising, but there needs to be a lot more research before we can be sure?

Roderick Hill:

I think you're right, the name of our report is actually 'Proceed with caution', and the idea is that, if restorative justice is done well, there can be some gains, if it's done badly, then, there can be some negative consequences. What we'd say about that, is that there needs to be more research, and I think the enthusiasm comes a lot of the time from people who get involved in trying to start these schemes.

Roderick Hill:

You need to be, enthusiastic to survive almost in the climate, so you need to promote yourself, and the restorative justice movement, has been very good at self promotion. But you do need independent rigorous, research into it, that doesn't have a vested interest in it working.

Roger Bolton:

Well Sir Charles, the results seem to be good, there seems to be a welcome for it at the Home Office. If it were to be introduced, in a systematic way throughout the country, what are the cautions that you would put forward about it.

Sir Charles Pollard:

The cautions are, really just as Roderick has said. I think the case is, personally I think is moved, or moving rapidly from being promising to being proven, proven in principle that it can work when done in particular ways. Where the research is, to really identify and be very clear about what the key things you need to do, and when and how you do it, and that's what's happening now. If that has happened, if that is done, I think if government were to, develop this in a very systematic way, probably set up something called the restorative justice board, to oversee standards training and ethical practices, and fairness and monitoring, I think this could become a very major part of our criminal justice system, and one which I think would be a very good thing for our country.

Roger Bolton:

And should the police play the role in it that they do? is it possible for a policeman who's been responsible for the detection of a crime, to also then sit in one of these conferences and be, required to be relatively objective about it.

Sir Charles Pollard:

Not necessarily no, I mean the reason police did it in Thames valley, was this was the easiest way to implement it, and actually, as the research project showed, a lot of the police officers did it very well, not all. But likewise, whoever does it, whether it's probation officers, or representatives from the communities, whoever they are as facilitators, the neutrality is very important, and the professionalism and skill they develop as facilitators, is a very difficult skill to develop, is very, very important, is in fact the key thing, about restorative justice working well.