

# ITEM 6

## Briefing paper to Crime and Disorder Committee - 14 December 2009

### 1. The context of Restorative Justice

There has been international government interest within in the concept of restorative justice over the past two decades, both in its principles which have been adopted within a number of mainstream justice programs and within growing body of research which evidences the positive contribution Restorative Justice approaches can make to communities, offenders and victims of crime.

Restorative justice initiatives began as an experiment in alternatives to criminal prosecution and conventional sentencing in 1989 where New Zealand introduced family group conferencing, a program based on restorative justice principles. Australia followed with the implementation of family group conferencing in several jurisdictions and Canada introduced restorative justice programs in many of its prisons in 1996. Closer to home, the British criminal justice system adopted a Restorative Justice Framework through the Crime and Disorder Act 1998. The interest in restorative justice continues to grow among communities and within the government.

Restorative justice has been defined in a number of ways. On the abstract level, restorative justice is fundamentally concerned with restoring relationships, with establishing or re-establishing social equality in relationships. On a more concrete level, restorative justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance. The unifying concept behind restorative justice is the restoration of relationships.

### 2. Principles of Restorative Justice

At the centre of the restorative justice concept is the idea that crimes or wrongdoings are violations of people and relationships and that acceptance of responsibility is required before the process of restoration can begin. The most basic principles of restorative justice are:

1. **Responsibility** – holding individuals to account for their behaviour and encouraging the development of more responsible behaviour in the future
2. **Restoration** – Exploring the possibilities of making amends to victims of crime or the community in general i.e. reparation
3. **Re-integration**- Seeking to provide the support, assistance and guidance which can help individuals to grow into law abiding citizens

The values underpinning Restorative Justice practice are those which are the fundamental foundation for all stronger and safer communities and essential to effective cohesion.

### 3. Recent Research by Ministry of Justice 2008

In June 2008, the Ministry of Justice released the fourth and final report into the Home Office Crime Reduction Restorative Justice Trials which tracked 3 projects for 2 years. A total of 342 cases where a face-to-face meeting took place between offenders, victims and their supporters and conclusions drawn

#### Key findings include:

- **Reconviction** - it was found that those offenders who participated in restorative justice committed statistically significantly **fewer** offences (in terms of reconvictions) in the subsequent two years than offenders in the control group. The individual restorative justice trials and groups in this study each had relatively small sample sizes and therefore would not, on their own, be expected to have a large enough impact on re-offending to be statistically significant. The Northumbria project showed such a large impact on the reduced likelihood and severity of re-offending (against a control group) that these results were statistically significant. The Northumbria site as whole also showed statistically significantly fewer reconvictions in the subsequent two years than offenders in the control group.
- **Severity of reconviction** - when considering the restorative justice schemes summed together, there were no significant differences between the restorative justice and the control groups.
- **Cost of convictions** - The sole way in which benefits could be calculated was through restorative justice producing lower costs of reconviction. All groups showed a lower cost of conviction versus their control group. Costs of convictions included the costs to potential future victims and criminal justice costs. However, Restorative justice costs, were additional to criminal justice costs and there was no potential for saving money through diversion.

In June 2007 the Ministry of Justice report, which focused on participant satisfaction, showed:

- More than half of victims wanted to participate in Restorative Justice.
- 85% of victims and 80% of offenders were satisfied with their experience of the Restorative Justice conference with 78% of victims and 74% of offenders saying they would recommend it to others.

- Victims taking part in RJ benefit from increased emotional well-being, reduced stress and a faster return to work.

Overall, the results of the Ministry of Justice reports have asserted that:

- The majority of victims of crime want to take part in Restorative Justice
- Both Victims and Offenders benefit from Restorative Justice
- Restorative Justice reduces re-offending of Offenders who participate
- Delivering Restorative Justice has the potential to save money for those organisations tasked with providing services to address crime and disorder.

## 5. Overview of current work in Derby

### The Probation Service

- **Community Punishment**

The Community Punishment Team of the Probation Service provide a broad range of indirect work programmes that enable adult offenders 'pay back' court ordered time into positive activity for good of the community.

- **Victim Liaison Unit**

The victim liaison unit ensures victims of offenders attracting 12 months custodial sentence or above for violent or sexual offences are involved in consultation regarding licence conditions. They also attend MAPPA meetings where relevant and act on behalf of the victim ensuring their views and feelings are heard and incorporated where appropriate.

### Derbyshire Police

- **Restorative Disposals**

This pre-court disposal has been implemented by the police since April 2009 to divert people out of the justice system, prevent them being criminalised and deliver a restorative outcome in the community in accordance with the wishes of the victim of crime.

Offenders need to admit responsibility for the offence, show remorse and be prepared to make amends by taking action in line with how the victim wishes the crime to be resolved. This can be a simple apology, compensation or some form of reparation such as cleaning graffiti or repairing damage.

#### **Disposals completed in Derby City**

Type of Restorative Disposal	Numbers Completed 1 <sup>st</sup> Apr – 30 <sup>th</sup> Nov
Adult (offender 18yrs or above)	535
Youth (offender 10 – 17 yrs)	474
Child (offender under 10 yrs)	12
Total	1021

- 248 (24%) of cases have involved instant compensation to victims paid by the offender
- 101 (10%) of cases have involved reparation activity
- 479 (47%) the victim has wanted an apology either written or verbal

The police have developed a bespoke victim survey and every month 20% of all Restorative Disposal victims are surveyed. Over 90% report being satisfied or very satisfied with the way the police have dealt with their crime. The police are convinced that restorative disposals can have a significant impact on public confidence and community cohesion.

Re-offending rates for offenders dealt with are as low as 2.4% whereas they tend to be around 12% for traditional criminal justice interventions.

The police have seen significant efficiency saving with the average RJ intervention taking 2 hours to complete rather than 9 hours with a CJ intervention.

All front line PCs and PCSOs are trained to deliver simple and instant RJ interventions. The police are committed to the development of restorative justice practice and can already demonstrate tangible increases in public confidence as a result. The police work in close liaison with the YOS to enable further assessment and intervention for young people to reduce first time entrants and provide support to parents

- **Restorative Conferencing**  
10 officers throughout Derbyshire have been trained in restorative conferencing for higher-profile or higher risk or more serious situations. So far there have been few opportunities to carry out such conferences partly because most of the situations deemed suitable for RJ is dealt with via simple RJ intervention.
- **Mediation**  
By the end of September 09 the police have trained have 80 staff to level 2 Mediation. Further level 2 training is pending approval to include all SNT staff and YOS police officers. The project is being mainstreamed into Corporate Development.

### **Youth Offending Service (Community Safety Partnership)**

- **Face to Face Work with Victims**  
All police identified victims of youth crime who have consented for their details to be passed onto the YOS are contacted by the Victim Liaison Officer and offered the opportunity to participate in a restorative justice intervention. The restorative justice options are:
  - **Mediation** – face to face victim and offender meeting under controlled circumstances. The YOS Victim Liaison Officer has recently undertaken mediation training and is able to facilitate mediation meetings.
  - **Family Group Conferencing** – whole family meeting including the young person with members of his/her extended family, the victim and supporters of the victim and possibly representatives of agencies, e.g. social care and schools. The meeting is run by an independent third person and a plan is agreed.
  - **Youth Offender Panel** – All identified victims of young people subject to a Referral Order are offered the opportunity to attend the Youth Offender Panel. If they do not wish to attend the Panel in person their views regarding impact of offence or reparation (direct or indirect) can be represented by the YOS Victim Liaison Officer.
  - **Reparation** - is a practical way for Young Offenders to pay back for the harm caused by their offence, either by directly repairing the harm or through constructive work to help the local community similar to the Community Punishment of Probation. Reparation can include
    - **Direct reparation** - for example, an oral or written apology, or supervised activity-based reparation to the victim.
    - **Community reparation** – a variety of activities to enable Young Offenders to 'pay back' to the community. The YOS work closely with the Neighbourhood Teams to identify and deliver reparation projects and services that meet the local needs identified by local communities themselves. There are a number of community reparation projects available for victims to choose from.

### **Current Development**

- **Mediation** - agreement in principle has been sought for cross working with the police to utilise their trained mediators where required with the Youth Offending Service and potentially, the Probation Service.
- **Restorative Final Warnings** – Police and Youth Offending Service