



D U C K F o O T

The General Public's Response to  
Restorative Justice, Community Resolution

Research conducted on behalf of  
Her Majesty's Inspector of Constabulary

Conducted in the week of January 9th 2012

This report issued February 6th 2012

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## The objectives for the research

### **The general public's views on police use of Restorative Justice as an alternative to court or other out-of-court disposals.**

Restorative Justice (RJ) is a process which brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. RJ gives victims the chance to tell offenders the real impact of their crime, to get answers to their questions, and an apology. It lets offenders understand the real impact of what they've done, to take responsibility and make amends. RJ holds offenders to account for what they have done, personally and directly, and helps victims to get on with their lives. In practice RJ uses both formal processes such as a restorative justice conference involving victims and offenders, or informal processes such as a police officer dealing with low-level crime on the beat.

HMIC commissioned this research as part of a thematic review of the police pilot of Restorative Justice (RJ), also known as Community Resolution and other names, conducted in these six forces: Merseyside, Greater Manchester Police, North Wales, West Midlands, Norfolk and Sussex.

The research was required to complement the HMIC's review of RJ from the point of view of the participating forces, the Justice system, the prison service, victims of crime and offenders.

The scope of the research was as follows:

- To establish initial public awareness and understanding of the term;
  - Restorative Justice (Manchester, Norfolk)
  - Restorative Justice Resolution (Merseyside)
  - Community Resolution (Sussex, West Mids)
  - Restorative Resolution (N. Wales)
- Current awareness of the local force's use of RJ as a disposal of justice process;
  - how it is being implemented and to what extent
- Public responses to an official definition of RJ
- The level of support for RJ in a range of situations, as a proportion of the participants

- including RJ used as part of an out-of-court disposal and as part of a sentence
- To see if differences in public opinion are expressed across 6 forces researched (currently using RJ differently)
- Whether the public feel that RJ should be used in the same way by all forces
- What publicity the public are aware of in local media, and whether RJ is recalled as positively or negatively portrayed?
- What the public would want to be published about matters resolved through RJ

## Research Design

The scale of the study allowed for three mini-group sessions (3 people), each lasting one hour, to be run in each of the six forces. This structure was recommended as an effective way of encouraging a dynamic discussion where everyone feels able to express their feelings, and listen to other opinions expressed by those who they are likely to consider relevant to their own judgements, namely their own peer group. The approach allowed for men and women to be researched separately, as well as younger and older, so as to ensure group dynamics don't suppress the less confident or less vociferous. In each of the regions people aged 18 to 55+ were recruited, with gender and class rotated so that the overall sample gave us a fair representation of the general public. This led to the following sample structure:

	<i><b>MIF</b></i>	<i><b>AGE</b></i>	<i><b>CLASS</b></i>	<i><b>Location</b></i>	<i><b>Force</b></i>
<i><b>1</b></i>	M	18-24	BC1	Brighton	Sussex
<i><b>2</b></i>	F	35-54	C1C2	Brighton	Sussex
<i><b>3</b></i>	M	55+	C2DE	Brighton	Sussex
<i><b>4</b></i>	F	18-24	C1C2	S. Coldfield	S. Coldfield
<i><b>5</b></i>	M	35-54	C2DE	S. Coldfield	S. Coldfield
<i><b>6</b></i>	F	55+	BC1	S. Coldfield	S. Coldfield
<i><b>7</b></i>	M	18-24	C2DE	Norwich	Norwich
<i><b>8</b></i>	F	35-54	BC1	Norwich	Norwich
<i><b>9</b></i>	M	55+	C1C2	Norwich	Norwich
<i><b>10</b></i>	F	18-24	BC1	Timperly	Timperly
<i><b>11</b></i>	M	35-54	C1C2	Timperly	Timperly
<i><b>12</b></i>	F	55+	C2DE	Timperly	Timperly
<i><b>13</b></i>	M	18-24	C1C2	Liverpool	Liverpool
<i><b>14</b></i>	F	35-54	C2DE	Liverpool	Liverpool
<i><b>15</b></i>	M	55+	BC1	Liverpool	Liverpool
<i><b>16</b></i>	F	18-24	C2DE	Wrexham	Wrexham
<i><b>17</b></i>	M	35-54	BC1	Wrexham	Wrexham
<i><b>18</b></i>	F	55+	C1C2	Wrexham	Wrexham

People were recruited into the sessions ensuring that they had not attended in recent times such a research group on a similar topic; they were not to work for or with the police in any capacity past or present; we sought to avoid recruiting people who had been involved with the police as an offender or recently as victim of crime. In view of the small scale of the research we also ensured we filtered out anyone who held especially strong negative views about the police or issues of justice in general.

The exact nature of the topic for discussion was not revealed to people before attending the sessions because we wanted to initiate discussion by establishing spontaneous awareness of RJ; priming people with the topic risked triggered greater alertness to media coverage of RJ and related topics.

## Summary of Findings

- The terms Restorative Justice etc are not spontaneously recalled by the great majority.
- Initially there was very limited spontaneous recall of media coverage, though recall tended to grow as the discussion unfolded and people began to recognise aspects of RJ reported by the media.
- Once RJ is correctly defined for people, about a quarter of the sample overall were prompted to recall being aware of such schemes via the media (less so young people)
- Initial gut feelings are more or less evenly divided when hearing RJ defined for the first time, with younger people and those closer to troubled communities generally being more favourable.
- Those more pro RJ tended to assume a pessimistic stance about the reforming potential of other forms of justice and be optimistic about some people being responsive to having to face their victim to apologise and make amends
- Those more anti RJ tended to see themselves as culturally and socially distanced from offenders and were cynical about an offenders' inclination to reform and inclination to exploit the RJ system.
- Gut feelings are that RJ is not suited to serious crime because it lacks enough 'punishment' to fit the crime. So to be supportive everyone needed to argue that RJ would not be available to every type of offender.
- Though this point of view could shift once specific case histories are considered after recognising the benefits for the victim – especially when RJ is used in tandem with other disposals of justice.
- Though it's heard that no RJ will proceed without the victim's consent or request, it is emotionally important for people to hear explicitly that the offender has no rights to RJ application in their case.
- There is a distinction made between juvenile and adult offenders. Juvenile is understood to be younger teenagers still the responsibility of parents and most likely in education.
- RJ is much more easily understood, and valued, as a means of resolving juvenile cases; seeing there to be occasions when it was preferable to other disposals.
- There is little faith that RJ offers anything like the deterrent of custodial or other non-custodial sentences, even for juveniles.
- A general rule of, 'one strike and you are out of the RJ system' as an offender is raised, as re-offending can indicate RJ has failed to reform.

- With adult application it was important for people to think of RJ from a perspective of complementary to traditional forms of punishment, so that they could set aside in their mind the need for retribution and making the offender suffer for their crime.
- It is hard for people to envisage for themselves a Level 2 case where RJ replaces established forms of Criminal Justice.
- Level 1 application of RJ is generally well received because it reminds of ‘the bobby on the beat’ empowered to give offenders the modern day equivalent of ‘a clip around the ear’ to nip the problem in the bud.
- There was a significant voice championing the potential for Level 1 RJ application to transform the status of the police and boost respect.
- All consider a nationally adhered to set of guidelines is important, though it is felt important that local knowledge should be applied and the local justice system/police force/officers should have the power to deny some offenders any opportunity of RJ.
- People felt it right that the general public should be aware of outcomes in the same way they are kept informed of CJ sentencing via the media.

## In Conclusion

**Everyone concludes** that there can be a time and a place for RJ within the justice system because anything that benefits victims has to be for the good. However universal support for ‘restoration for the victim’ is consistently tempered by concerns that justice still needs to be seen to be done; the public want to know that the offender suffers a punishment that fits the crime, as retribution for their offence.

**Intuitively RJ is universally not** seen to be adequate or any kind of stand-alone punishment for adults (who should know better) or repeat offenders (who don’t learn better). This applies in all circumstances other than unruly behaviour or slightest of misdemeanour that could be addressed ‘on the beat’ with a reprimand, i.e. certain Level 1 type incidence.

For **around three-quarters** of the sample there can be enough stand-alone punishment found in RJ when considering young, mostly first-time, offenders in relation to incidence of vandalism or petty theft; it’s felt they will adequately suffer from the embarrassment of being confronted by their victim, and possibly their parents too. **Less than quarter** of the sample would allow for RJ in such circumstances with young repeat offenders, on the basis that reform of character might take more than a one-off incident to achieve.

**No one** wants to endorse RJ as an adequate stand-alone punishment for any age of offender, when the offence involves pre-meditated physical harm or lasting deep trauma to others.

On consideration, opinion of RJ still varies on its validity as a complement to other forms of justice disposal. **Around a third** of the sample persisted in seeing a risk of softer sentences if offenders agreed to participate in RJ before sentencing, making RJ of questionable worth overall because fit punishment was missing. This attitude can persist when RJ is taken up once the offender has been sentenced, i.e. RJ fuels time-off for good behaviour. **Around two-thirds** of the sample are able to prioritise in their own minds the victim's needs once traditional justice is seen to have been done; RJ in such circumstances is therefore endorsed, and in such circumstance (e.g. offender in prison) it is often felt that the reforming qualities of RJ are more likely to have effect.

When people judge RJ from the perspective of the victim they tend to filter their responses through their own imagined response if they became a victim. **A good half** expressed a feeling that they would not want to meet the offender if the offence was substantial, not easily seeing what personal benefit would be gained. Often meeting the offender was felt to be simply extending the trauma of the original offence. So while **everyone** can objectively endorse RJ as supporting victims for **this half** their endorsement lacks the driver of emotive self-interest to encourage them to proactively champion RJ to others.

Self-interest promotes **the great majority** to endorse Level 1 application because it implies there will be more police out on the beat, acting with authority and thus earning the respect of the community.

# Main Findings

## 1. Context for Responses

The sample had been recruited to represent different classes, generations and genders with their different perspectives on matters of law and order. Individual's responses highlighted these influence on responses to RJ:

- Personal experience of crime, and that of close friends and family - direct experience in the main fuelling more cynical views on the success of contemporary policing and justice
- How close to the culture of crime they felt in their daily life - whether it was instigated from within their own community or neighbouring communities, i.e. was the threat born of a culture they understood first-hand or by report; influencing people's emphasis on the need for retribution or reform.
- What they had chosen or by chance read, heard or seen in the media about crime culture in general, the success of the police and others in curbing crime. Influencing what evidence they used to make their case for or against RJ.
- Their general outlook on the morals and ethics of contemporary society - generally more pessimistic the more 'upmarket' and older.

*"I don't think there is a lot of benefit for a child of that age to be sent to a young offenders institute."  
M, C2, 30s. GMP*

*"I don't think the respect is there for any age group, we don't respect each other any more." F, C1, 60s GMP*

Responses in this research, as in previous studies, highlighted people's emotionally driven desire for the police to deliver on a shared idealised archetype of an older style of policing. People find comfort in the idea of a warm-hearted controlling embrace of an officer of good character in all aspects of their life; someone motivated to care and protect others 24/7. It's comforting to know such a person is out there watching out for you, someone to look up to as a beacon of integrity setting standards for our community. Currently people tend to feel society is not organised to foster any such reality, and that from the inside the police are undermined by bureaucracy and political correctness.

## 2. Branding the RJ process

The terms that have been used to brand RJ, when used in isolation spontaneously prompt very little recognition, albeit for a limited sense of ‘maybe heard.’ There is a sense familiarity about the words used which makes people feel they ought to know, maybe something they know well but never heard it said that way before. There was only one reference to a TV programme about RJ that led to the process being more or less correctly described.

A few people could quickly surmise reference to victim or community based reparations by offenders. But the terms can imply quite a different justice disposal to the principals of RJ. The term ‘Restorative Justice’ can suggest a campaign to get back to an old-fashioned style of justice that is tougher on offenders than present day sentencing. Reference to ‘Community’ involvement is easily thought of as a long established practice, including community service sentencing. ‘Community Resolution’ associated with ‘Justice’ is positive for the implicit message that local people are being given the chance to ‘get their own back.’

*“Giving people a few more rights, to deal with situations themselves.” F, B, 60s W.Mids*

*“More rights regarding how you deal with burglars in your own home.” F, B, 60s W.Mids*

*“Could give people the confidence to take the law into their own hands.” F, C1, 18 GMP*

*“Its taking you back to the old clip round the ear” M, C2, 40s GMP*

### 3. Response to RJ defined

A number of stimulus statements were prepared in order to guide participants through the details of the RJ process. The following is how the concept was initially introduced:

- **Brings together those harmed by crime or conflict and those responsible for the harm, to repair the harm and find a positive way forward.**
- For victims the chance to tell offenders the real impact of their crime, to get a personal or written apology, and reparation - helps victims to get on with their lives.
- Holds offenders to account for what they have done, personally and directly:
  - so they understand the real impact of what they've done,
  - take responsibility and make amends with a physical act to put right the harm caused the victim or to benefit the community
  - commitment to access support to resolve any underlying factors leading to offending behaviour
- An alternative or complement to the formal criminal justice system.

#### **More detail on RJ prompts greater recall of past media coverage.**

This initial level of detail prompted people to recall more than the name alone stimulated. The headlines to the process are clearly beginning to be established in some communities. About a quarter of the sample claimed to be aware of hearing about such schemes in the media, often left undefined but on occasion specific detail was played back. For example, in Merseyside there was recall of a phone-in discussing RJ pros and cons, including a story of the father of a son killed by one blow to the head, who had visited the offender in jail. In North Wales there was mention of a news story about an offender declaring he would not apologise (it was not known if this was a local story). There was an older bias to such recall, perhaps reflecting media choices of the different generations.

*“Naomi Campbell had to do something as well when she threw something at someone . . . she had to clean the toilets out or something.” M 50s C2 Norfolk*

### **Spontaneous response to the proposition of RJ**

Overall people's very first gut reaction to being presented with the core ethos of RJ was more or less evenly divided between a positive endorsement and negative caution. Initial responses reflected individual feelings about justice in general. Those who expressed concern about RJ tended to consider present day justice as too lenient on offenders, leading to increased crime for lack of deterrence or no reform out of inadequate punishment. At this point in their consideration they tended to have in mind adult serial criminals who it was felt simply had to be jailed.

*"It's all about the offender, not the victim."*

*"saying sorry doesn't do anything for me." M, 20s, C1 Merseyside*

Those spontaneously anti RJ needed to see offenders as outside their own community of like-minded citizens, whether or not they lived nearby, as a way of validating their own ethics and conduct. They were inclined to be pessimistic about the potential to reform criminal adult minds and want to condemn RJ as a cop out.

*"It's lily livered liberalism" M, 60s, D Sussex*

*"He was known to the police before, you could see he felt no remorse, he's just a bad one" F, 30s C1 Sussex*

*"Its very unusual they go in a drug dealer and come out a grocer or something!" M 20s C2 Merseyside*

Those who were spontaneously positive tended to see other forms of justice not working so well to reform offenders and that RJ could contribute. However, this was a view that was tempered by the need for there still be punishment fitting of the crime. Those spontaneously pro RJ tended to think about the process being there as much for the victim as for offender. They also tended to have in mind led- astray juvenile offenders rather than "hardened criminals." They tended to be more closely connected to communities whose broad membership includes offenders, whether or not this was their own daily experience, and could allow for crime to come out of culture, rather than it being solely about bad individuals with a lack of conscience. They needed to be optimistic of the potential for reform to feel the world around them could be better.

*"I think it is import to all communities so people can share their feelings." F, 20s, C2, N.Wales*

*"I think it's a fabulous way of the offender seeing what they have actually done." M, 40s, C1, GMP*

*“I think it would be really good for the victim of a crime especially if they done physical harm.”  
F, 50s, C2, Merseyside*

*“You would have to supervise this. Presumably this would cost but I guess it is cheaper than sending someone to prison.” M 50s C1 Norfolk*

### **Further consideration of the RJ process**

There is an overall shift in favour of RJ as people begin to think further for themselves about it application and imagine scenarios where it could have benefit. Also, as the discussion unfolded the initial statement stimulus was supported with further detail to scope out the RJ process for participants.

**Minimum Standards of**  
*Restorative Justice / Community Resolution*

1. The offender must take responsibility
2. Involvement of the victim, community or other affected party
3. A structured process that establishes what has occurred and what the impact has been
4. An outcome that seeks to put right the harm that has been caused  
or an outcome that makes other reparation, that may not be directly related to the original case

**Benefits of**  
*Restorative Justice / Community Resolution*

**Victim Satisfaction**

- Feel empowered - able to suggest how offender can acknowledge impact of their actions and make reparation
- offers 'closure' enabling them to 'move on' - reduce post traumatic stress

**Reduction in re-offending**

- Offenders more likely to appreciate effect of own behaviour
- Allowing reintegration and a return to normality

**Community Cohesion**

- Intervention at early stage can prevent escalation from minor conflict to major event.
- Restore a sense of 'community' where offenders repair the harm done directly to the individual or neighbourhood..

**Value for Money**

- A simple, low bureaucratic yet effective alternative.
- less time than arrest and processing, less paperwork or gathering and preserving evidence

**Outcomes**  
*Restorative Justice / Community Resolution*

- Personal or written apology
- Commitment to access support to resolve any underlying factors leading to offending behaviour e.g. alcohol misuse
- Reparation
  - physical act that should seek to put right the harm caused
  - can be directly related to the harm
    - e.g. cleaning off the graffiti from a victims house
    - or offering financial restitution.
  - Where victim prefers not to have direct involvement, can be an act that will benefit a community e.g. picking up litter at a local park

**Additional opportunities**  
Restorative Justice / Community Resolution

- More relevant outcome for the victim
- Officers feel empowered to do the right thing for victims
- Helps reduce first time entrants into the Criminal Justice System
- Offenders face up to own actions without being criminalised
- Avoids detrimental impact on offenders future due to a 'record'
- Deals more proportionately with issues at the frontline
- Focuses on quality outcomes for those involved not performance outputs
- Supports staff to use their skills and experience to sensibly resolve issues
- Leads to increased staff satisfaction

**Some Benefits of**  
Restorative Justice / Community Resolution

- Flexible - can be used to address crimes or incidents.
- Within neighbourhood policing can help problem solve, reduce re-offending and improve community cohesion.
- With low impact crime offers a proportionate response with a tangible outcome for the victim.
- Police may regularly respond to issues with a conventional approach without solving the dispute
- Talking through the problem can support participants to find the long term solution themselves.

**Different levels of**  
Restorative Justice / Community Resolution

**Level 1:**

- Instant or on-street - police officers use restorative skills to resolve conflict in the course of their duties

**Level 2: (alternative to a formal CJ process)**

- Conferences arranged to tackle more serious or persistent matters
- May involve more people and seek longer-term solutions.
- Conferencing may occur in isolation or in tandem with a reparative act
- Face-to-face with structured facilitation or 'shuttle' where the facilitator relays information between the two parties.
- Can use a panel of community representatives to help identify reparation or 'give something back' to community

**Level 2 (in addition to formal CJ)**

- Following a custody - out of court disposal - or post sentence
- Aimed at rehabilitation

**Level 3**

Deals with offenders mainly post-sentence  
Can be undertaken whilst the offender is in prison.  
Cases may be complex and sensitive

The following quotes are illustrative of the spread of responses people gave when asked to respond in writing to the proposition statement. Now, with more thought of their own about three-quarters of the sample express support to one degree or another, with others remaining cynical to the benefits:

*“Great idea, should have been done years ago” M, 30s C1 GMP*

*“Good for the community.” M, 50s, C1 N. Wales*

*“Good to allow people who have committed crimes to fully understand what they have done and the impact they've caused possibly good for victims to overcome awful instances.” F, 18, C1 GMP*

*“I think it is import to all communities so people can share their feelings” F, 20s C2 N. Wales*

*“This would only work if the offender had genuine remorse for the offence committed.” M 40s B N. Wales*

*“Not an alternative but complementary to justice system dependent on the severity of the crime.” F, 30s, B Norfolk*

*“Could back fire on the victim if revealed to offender.” F, 50s, B, W. Mids*

*“I don't think it will work as most victim wouldn't be willing to meet with the criminal.” M, 30s C2 GMP*

*“I think it has limited value to both parties.” M 60s C2 Norfolk*

Unequivocal endorsement remains tempered by the conflict in people's minds between support for a victim's right to reparation and closure (it could be me), and a need to know transgressors will suffer in some way, whatever faith people might have in the beneficial reformatory potential of RJ on offenders. There is security in knowing truly bad people will be punished and prevented from doing further harm. This fuels feelings that reform comes about through fear of punishment, not regret. All of which can suppress concern for the well-being of offenders, i.e. helping them return to the world a better citizen.

Whether more traditional sentencing acts a catalyst to reform was not most people's primary concern, all be it recognised as an ambition of such justice disposal and considered by some as the best deterrent available. However reform feels to be further up the agenda of RJ; the process of explicitly confronting the consequences of one's crimes being, in the public's mind, a cathartic experience that should rightly lead to Damascene-like reform of attitude and behaviour. This perception of RJ distracts people from considering there to be much aspect of punishment about the process for any type of offender; the persistent comment is that RJ should be used only as a complement to other more conventional punishments.

There is also a concern is RJ is being introduced as a substitute to conventional punishment, especially amongst those more cynical about the justice system in general. This is expressed as a suspicion RJ has been invented to solve over-crowded prisons or reduce crime rates stats, or allowed to be a way of reducing a custodial/community sentences.

*“But they do this sort of thing in prison and it hasn't got a great track record.” F 20s C1 GMP*

The arrival of RJ is then used to support claims that the State is now accepting that crime is endemic and inevitable. All of which provides a person with a reason not to have to put effort into thinking why change could be progress.

Cynicism also says, 'offenders will fake it.' There is a commonly expressed belief that many offenders know how to play the system to their own advantage, which feeds consistent insistence that offender has no rights of request to RJ. There is a desire for an clear explicit statement reassuring that RJ is not a sentence substitute or softener. In this way all of society knows the purpose of RJ, including victims and offenders past, present and future - the advent of RJ is not a cop out to be exploited.

*"A lot of these people are on alcohol or drugs that cause them to do these things- when they are sober it will be great but as soon as they are high again it will be a different story." M 50s C2 Norfolk*

#### 4. Application of RJ, in principle

Endorsing RJ came with the frequent qualification of, 'One strike and you are out of RJ.'

The majority argue any age of offender should be given only one chance of RJ to show remorse and reform, because an offender's innate character will be revealed by the RJ process. If they are not capable of reform first time around then a second chance is not going to change them; the punishment should escalate for there to be any kind of effective deterrent for society's sake. Again, a view rooted in the perception that RJ offers anything like the deterrent of custodial or other non-custodial sentences, even for juveniles.

However, some of those who feel more closely connected to troubled communities were prepared to share with their peers the view that there should be room for a second chance with RJ since many offenders have to go back into their communities and live with the influence of gang culture etc. Though it's accepted that second time around, RJ would more than likely be a complement to a more traditional punishment.

Consideration of RJ as a complementary disposal allows people to set aside their own need for retribution seen done before reform and allows people to come to RJ as a process primarily for the benefit of the victim. There is the potential to have a positive effect on the offender, but such outcome is not essential to RJ being adopted.

*“I think it definitely has to be combined with a fine or community service - it's a bit soft really.”*

*“I agree because punish and explain is the way forward.”*      *Fs 20s C1 GMP*

It is important for people to know that it is up to the victim to decide whether or not the process is applied; this is putting power and control back into the hands of someone who has likely felt a loss of control over their own lives as a result of the offence. Beyond receiving any apology its an opportunity to tell the offender what hurt they have done, vent their anger, or get answers as to why the perpetrator acted against them.

*“If it helps the offenders not to commit the crime again and it helps the victim finalise the thing then- yeah it is a good idea.”* *M 60s C1 Norfolk*

It's important to people to have confirmed the State does not have the power to insist on RJ being applied as its recognised how RJ will not suit everyone, either by character or the circumstance of the crime. The concern is that the victim becomes a victim of the system, obliged to get involved in a drawn out process in the interest of others. Views on this point were often acknowledged as expressing one's own feelings of how it would feel to be in this position. Some felt they have motive and confidence to have justice delivered for them this way - giving the offender a piece of their mind. Others in the sample felt they's want to put the trauma behind them and maybe felt fearful of meeting an unrepentant aggressor. The degree of support for RJ, on deeper consideration, is partly factored by a person's own expectation of their confidence to be assertive and in control of any encounter.

### **RJ for serious crimes**

While discussing the ethos of RJ, in spite of acknowledgement of potential for RJ to benefit the victim, people were inclined to frame their judgment on its rightness in terms of the nature of offence (as well as age of offender). Until specific examples are discussed initial gut feelings prevail and RJ is declared not appropriate to serious crimes. It lacks enough 'punishment' to fit the crime. On consideration of specific cases this view can shift towards a broader role for RJ, for being reminded of the benefits for the victim. And especially when RJ is used in tandem with punishments fit for serious crime, i.e. prison

**RJ for juvenile offences**

RJ is much more easily understood, and valued, as a means of resolving juvenile cases. Many find this association for themselves. This view is driven by two basic assumptions; people quickly see both an element of punishment and a better chance of reform than with adults. The young teenager can be envisaged suffering the punishment of “embarrassment” as they have to face up to their victim and consequences of their offensive, criminal actions. There’s a common expectation for parents to be involved in the conference process; the fact that the family would have to be involved feels to be further punishment and a way of recognising responsibilities. Added to this there’s faith that the emotional and social challenge of such an encounter will have a positive influence on a young mind, which should not yet be set in its ways for life.

*“The best part of it is the act of sitting opposite face to face with the person that has done the crime.” M 50s C2 Norfolk*

This response was not just parents showing concern for caring for others kids the way they’d want their own children treated; the young adults in the sample also viewed RJ very differently when framed by application to juveniles.

Most are quick to comment on the long-term harm done to society by marking young people with a criminal record for life; there has to be a better chance of reforming if they’ve not been officially branded bad. Consequently RJ is seen as a way to prevent individual juveniles from moving into a criminal lifestyle as juveniles and young adults. RJ seen as a tool to reform minor ‘gateway’ criminal activity that could lead to desensitising young offenders who could go on to commit more serious crimes. There’s a general sense of much juvenile crime being misdemeanours by kids led astray by others and the culture they have to survive in, not an excuse for their offence but an explanation that deserves to be taken into consideration.

*“I guess it would be a better punishment than just throwing them in prison.” M 60s C1 Norfolk*

As is to be expected there’s a minority who remain sceptical, believing offending teenagers have been brought up by their parents to disrespect system and play it to their advantage.

*“In some cases parents may say that it is unfair and therefore protest it.” M 20s D Norfolk*

## 5. Application of RJ to specific cases

### **What if . . .**

Once participants had been given the chance to air their views on the ethos of RJ and what kind of cases would benefit from RJ, a number of specific scenarios were put to the group for comment on how appropriate RJ would be in that circumstance. The assumption in the following scenarios is that the offender admits the offence and wishes to take responsibility for their actions and is willing to apologise and make reparation for their offending:

- ***Graffiti being written on neighbour's wall.***
- ***An altercation in the street, resulting in the victim being punched in the face and receiving a cut lip.***
- ***A mobile phone is stolen from changing rooms and sold for cash by the offender.***

***These offences were considered where the perpetrator was;***

- ***13 years old, never having previously committed an offence***
- ***13 years old but has a previous RJ/ CR for a similar offence in past year***
- ***Person is aged 21, never previously committed an offence.***
- ***Person aged 21, with a previous RJ/ CR for a similar offence in past year***
- ***Person aged 21 with numerous previous convictions.***

These examples served to reinforce the distinction people make between adult and juvenile offenders; generally, young adults should by the age of 18 to 21 know better and should be punished in traditional ways. Under 18 the sample mostly agreed that RJ had its place, though the more cynical tended to confine their support for younger teens who they could consider as “kids.”

**Vandalism** in the community is seen to fit most obviously with RJ - there's appeal in the idea of the individual damaging the shared environment being made to confront his own community - the community taking back control. The great majority see benefit in the juvenile first time offender being given this opportunity. Reparation would be a very public act and therefore shaming, which suggests real potential to change the outlook of the offender and lead to long-term reform. So certainly, juvenile first-time offenders should be taken through RJ, assuming that the victim agrees. Some of those more instinctively pro RJ from the outset would also allow the 21 year-old the opportunity.

*“I am worried that it isn’t harsh enough, if they are only scrubbing or painting over something.” F 40s C2 Norfolk*

As discussed earlier in this report, only the most pro will promote the idea of young offenders being given more than one opportunity with RJ, which applied in the this example.

Specific examples prompt specific concerns, in this instance over the practicality of RJ application; who is going to oversee that reparations are delivered 100%?

*“They need to be monitored and can’t just turn up and fix the fence they’ve knocked in. I am unsure how you would make this work in practice. Would offenders be able to do the job right? M 40s C2 W.Mids*

**Violence** to others makes judgement of RJ more complex for people on the outside of incident. This hypothetical example highlighted the universal view that *“it depends”* on exact details of any incident to be able to pass judgment on the rightness of RJ. Why did the violence erupt, between who, where was it, when, the exact degree of damage done etc?

At the level of school kids having a play ground scuffle RJ makes best sense, and is assumed to be established practice by another name.

If this was an incident in a rowdy bar behaviour tipping out of control then many can see the potential for RJ with first time offenders of any age.

Violence by repeat offenders fast-tracks people’s thinking to disturbed folk at any age and more serious punishment or care being the necessary justice outcome. Those of anti-RJ tendency not surprisingly invoke an increasingly violent society justifying greater punishment than RJ offers.

*“Kids used to get into a scrap in the street, but it just gets more vicious today.” F 60s C1 GMP*

*“After this I think people should stay on a record and get a harder punishment next time.” M 50s C2 Norfolk*

**Theft** of a mobile phone raised the issue of full material reparation by the offender, not just a sorry. In such an example as this, full reparation was essential to the great majority’s endorsement of RJ being applied, because that is what the RJ ethos implies is required (if requested by the victim). The scale and nature of the crime was such that full reparation seemed a legitimate ask.

Again there's the potential for RJ as sole justice disposal for first time juveniles, but a serial thief of any age feels to be beyond RJ as a stand-alone disposal of justice. And by 21 the offender is just a thief deserving more traditional punishment.

*"I think it might help for the victim to be repaid but I don't think the offender is getting enough punishment." F 60s C1 GMP*

## 6. Response to the successful RJ cases

A number of short summaries of real incidence of the application of RJ were also introduced into the discussion (sourced from [restorativejustice.org.uk](http://restorativejustice.org.uk)). The discussion around these examples demonstrated the value of case histories in helping people to find a more holistic view of RJ and the role it can play. They are able to engage much more positively with RJ when a precise context and outcome is indicated. Responses suggested that sharing outcomes would contribute to better public understanding, perhaps promoting greater support for its ethos and practice in general, and

**Theft:**  
A 12 year old offender (with no previous record) steals a fishing net from a shop (value £1.50).

The shopkeeper did not want the child to be arrested so a face-to-face restorative conference took place where the shopkeeper explained the impact of shoplifting on his business. The offender's mother was present and also explained her disappointment to her son.

The offender apologised and the item was returned.

enthusiasm for its application if relevant to their own lives.

There's broad endorsement in this case because most people would like to think they'd display such generous-minded humanity as the shop keeper. The example of reinforces insistence that victim is in control from the outset of the process.

*"If I was a victim I would be nice to the kids . . . understand how they had harmed me." M 50s C2 Merseyside*

This example suggests to people that aspects of RJ have been in place for sometime, i.e. a community service sentence. People are very positive to the idea of members of the community

resolving such disputes, liking the idea that an individual victim need not put themselves in the front

**Criminal Damage**

Two 13-year old boys trespassed at a primary school.

They vandalized the garden, causing damage to flower beds and tipping over plant pots.

Neither had ever been arrested before.

A face-to-face restorative meeting took place where the school caretaker and staff from a nearby by nursing home explained how the school supported the residents by providing school-grown flowers.

It was agreed with the school that the boys would attend the school during the summer holidays, re-plant the containers they had emptied and tidy up the garden at their own expense.

line of any conference etc.

The above is read as an archetypal example of when RJ should be used and can be truly effective.

**Burglary**

A 20 year old male serving a sentence for burglary, requested a meeting with his victim following a victim empathy course in prison.

He indicated he wanted to change his behaviour and believed his victim deserved answers relating to the crime.

Police deemed the offender at risk of continuing to offend on release from prison.

A face to face meeting took place in prison between the offender and the victim at which the offenders mother was also present .

Following explanations and apology, the offender undertook to write a letter to the victims wife who was unable to be present at the conference. This letter was completed and forwarded to the victims as requested.

The case of burglary invokes scepticism because it was instigated by a convicted offender; he's assumed to be after early release for good behaviour/evidence of reform, his concern for the victim

a sham. That the victim is not seen to be in control from the outset further undermines enthusiasm to support the application of RJ. There was an acceptance that the victims got some benefit, but there was no substantial reparation evident worth the trouble.

*“Read in the paper about a burglar that was asked to apologies and all he had to say was you shouldn’t have left the window open. They have a certain mentality and no respect.” F, 60s B W.Mids*

Non crime neighbour dispute

A minority ethnic family who move to a housing estate begin to suffer Anto Social Behaviour (ASB)

Police are called numerous times over a period of weeks.

A community representative explains misconceptions about the family to the police that are believed to be the cause of the ASB.

After identification of key community members a restorative conference is agreed upon.

All participants are prepared individually which results in a productive conference lasting two hours.

Police continue to monitor activity in the area after the conference and the targeted family report no other ASB

RJ is readily supported to be an effective way to resolve neighbourhood disputes of this kind. But the exact circumstances matter; this summary leaves people concerned that the system of justice took too long leaving the family to suffer unduly.

Rape

Victim wants to meet rapist to help her take back control of the situation, re-balancing what he had taken away from her.

4 years after hears that her convicted rapist had agreed to meet.

Lots of preparation meetings over next nine months.

Victim made sure she didn't have any expectations, so she couldn't be disappointed.

Rapist admitted the damage he'd done and didn't try to make any excuses and apologised.

She forgave him to help herself be free of the burden of grievance, and get closure.

This example of a rape offence emphasises the tension between selfish needs & the victim's needs. Earlier in the discussion people had used rape as an example of those occasions when RJ was inappropriate - people's focus being on fit punishment and the detention of a dangerous man.

*"I think they should be locked up and kept locked up." M 20s C2 Merseyside*

The woman's need for closure is understood and her bravery in sticking with such an extended process is admired. Her example prompts reconsideration of the breadth of relevance of RJ. All the same, women participants in the research wondered if they could cope themselves with finding such resolve when the outcome was uncertain.

*"They (the victim) have had their power taken away from them by the rapist, so he can't be given any power in whether it happens or not" F 40s C1 Sussex*

*"Fair play it can improve the lives of the life of the victim as well as they see the person that did it." M 20s D Norfolk*

## 7. RJ @ Level 1 and 2/3

Explaining how the ethos of RJ is applied in different ways in different context through explanations of Levels 1 & 2/3 application made it much easier for people to absorb the scope of RJ.

Level 1 application prompted a very different kind of discussion in that the focus was on successful policing rather than justice disposal. This sparks issues of self-interest, namely one's own well-being

through better policing on the street, which helped fuel perceptions of RJ Level 1 as a profound

**Level 1:**

- Instant or on-street - police officers use restorative skills to resolve conflict in the course of their duties

positive change to modern policing

A more ‘traditional’ approach to policing is imagined, akin to ‘the bobby on the beat’. In this context RJ is perceived as the modern day equivalent (i.e. what’s permissible) to the local officer giving offenders ‘a clip around the ear’ to nip the problem in the bud. Up to this point RJ had been judged with caution, now it was seen as an exciting break-through in law enforcement. The policeman on the beat was imagined recovering the respect he was once shown when he had the power to exercise his own good judgment. The PC’s hands were seen as no longer tied by legislation and paperwork. Police would have more time to be on the street, doing what they do best. Offenders would know there is less of a hands-off approach and to be on their guard. The general public will feel more secure.

*“Save taking people to the police station.” F 20s C2 N. Wales*

Opinion divided on the effectiveness of asking individual officers to achieve a change in attitude in offenders, but reform was now seemingly less high on the agenda for RJ, supplanted by taking care of the general public.

Learning of police officers’ enthusiasm for RJ - for feeling empowered to do the right thing by the victim - reinforced people’s spontaneous support for Level 1.

A note of caution was aired in relation to individual officers exploiting RJ for corrupt purposes. And a note of cynicism; just another way of making cuts and a system vulnerable to exploitation by street/system-wise offenders.

*“Puts more responsibility on the officer, but they are properly trained.” F 20s C2 N. Wales*

*“People don’t have the respect they had for the police they did in my day, this might help” M, 60s D Sussex*

*“The kids these days aren’t petrified and I think with this they’ll realise the police can do more than they think.”  
F 60s C1 GMP*

**Level 2: (alternative to a formal CJ process)**

- Conferences arranged to tackle more serious or persistent matters
- May involve more people and seek longer-term solutions.
- Conferencing may occur in isolation or in tandem with a reparative act
- Face-to-face with structured facilitation or 'shuttle' where the facilitator relays information between the two parties.
- Can use a panel of community representatives to help identify reparation or 'give something back' to community

Level 2 fitted with the overall definition of RJ provided at the start of the discussion, and explicit description as an alternative to formal justice invokes the greatest concern. Focusing on the scope of the process, the timeline inferred here worries for fear of loss of control over the process through loss of focus or misplaced well-meaning. Having found strong positives in Level 1, there's a concern that at Level 2 the police are responsible for seeing it through and therefore tied down by matters away from the street.

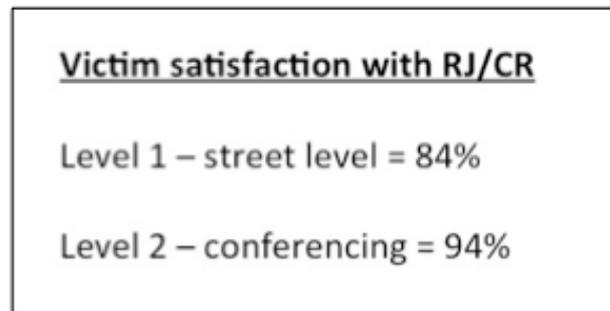
**Level 3**

Deals with offenders mainly post-sentence  
 Can be undertaken whilst the offender is in prison.  
 Cases may be complex and sensitive

Although responses to the specific example shown of the convicted burglar were largely negative, RJ applied to convicted offenders allows for RJ to be seen as victim-led again. Retribution has been administered, punishment is ongoing, room to consider reformation and any success as a bonus. Always assuming that sentences are not reduced because of participation.

*"A lot of these people are on alcohol or drugs that cause them to do these things- when they are sober it will be great but as soon as they are high again it will be a different story." M 50s C2 Norfolk*

## 8. Framing RJ with victim satisfaction and success rates



Presenting these bald figures towards the end of the discussion effectively challenged prejudices and endorsed endorsement by the group. But depending on one's degree of pessimism about matters of law and order the reform rate of 14% was either an impressive start or admission of failure.

## 9. National Guidelines

Consistently wanted - they signal protection for all parties. From the general public's point of view self interest says they want to feel every citizen should be able assume getting the same justice. The public should also feel protected from police abuse of the system.

From the point of view of police forces, people could see that Level 1 RJ exposed officers to accusation of poor judgement or worse. National guidelines would provide them with a clear code of conduct to refer to and defend their position.

The 4 defined principles of necessary conditions and outcomes that was shown in the groups was felt to make make sense as basis of a national policy.

Some degree of local flexibility was expected, largely because of concerns over offender exploitation of RJ. It was felt that the local justice system should have the right to deny RJ in some cases. Local police knowledge is considered an essential factor in deciding on RJ application. Interestingly no reference to a victim led process in this context - victim control is set aside in favour of public concerns. The nature of the RJ process says implementation is necessarily hand-made for each victim so local, and case by case judgment will need a flexibility with regard to application.

## 10. Role of the media

There's seen to be a dual role for clear, consistent media coverage. As with other sentencing, media reporting delivers retribution through naming and shaming. This is expected to be for Level 2/3 RJ as Level 1 disposal is assumed unlikely to command much coverage. It's expected that serious cases would only be reported if the victim so chooses.

A second role for the media is clearly helping to position RJ as an important and successful aspect of the justice system. Familiarity with cases can help challenge people's assumptions behind their prejudices about RJ being a weakening of the system of punishment, and work to counter inevitable bad press.

*“To let the public know about this they need to concentrate on success stories. For the victim that wants to see the criminal it will put their mind at ease.” M 20s C2 Norfolk*