

Criminal Justice Alliance

Response to the 'Engaging Communities in Criminal Justice' consultation paper

July 2009

For further information contact Jon Collins, Campaign Director at the Criminal Justice Alliance, on 020 7840 1207 or 07968 493 098 or at jon.collins@criminaljusticealliance.org

About the Criminal Justice Alliance

The Criminal Justice Alliance (formerly the Penal Affairs Consortium) is a coalition of organisations committed to improving the criminal justice system. It has 46 members - including campaigning organisations, voluntary sector service providers, umbrella groups, research institutions, staff associations and trade unions (a full list of members is available at <http://criminaljusticealliance.org/organisations.htm>) - bringing together a wide range of organisations involved in policy and practice across the criminal justice system.¹

Overview

The Criminal Justice Alliance welcomes the opportunity to respond to this consultation. Providing that they are not detrimental to the reform and rehabilitation of offenders, we welcome proposals to make the criminal justice system more open to the public, and to increase public understanding of the criminal justice system. This can have a positive effect on community confidence in the criminal justice system and promote a fairer and more proportionate response to crime.

However we are concerned that many of the measures contained in this Paper will raise public expectations without having a significant impact in practice, which is likely to damage community confidence. There is also a risk that it could lead to 'postcode justice', where offenders committing similar offences in different areas are treated differently. This is not only unjust, but this sense of injustice may also hamper rehabilitative work. In addition, community involvement could, if not properly managed, potentially lead to a heightened punitive element in the system which will compromise its rehabilitative potential. In addition to addressing these risks, to make the most of the potential of community justice communities must be given the opportunity to develop their own approaches to community engagement and involvement. As one study has concluded, 'trust and engagement at neighbourhood level cannot be created by a single generalised or uniformly applied strategy'².

Overall, the focus from the national level should be on putting in place measures to engage communities in a meaningful way which has real impact, while expanding the use of restorative justice, which has proven positive effects, and carrying out a broader examination of the potential benefits of justice reinvestment. This follows considerable recent interest in the latter issue, including from the House of Commons Justice Committee, the All Party Parliamentary Local Government Group and the Commission on English Prisons Today.

Response to the consultation questions

We have responded to the consultation questions on which we have a view below. We have not responded to Questions 10, 16, 18, 19, 20, 31, 32 and 34.

Question 1

We believe the CPS should work more closely with local people and CJS partners. In what other ways could Community Prosecutors work with local partners and with local communities to provide a more locally responsive prosecution service?

We support efforts to ensure that the Crown Prosecution Service (CPS) engages with the local community, explaining to them their role in the criminal justice system and the reasons why

¹ Although the Criminal Justice Alliance works closely with its members, this response should not be seen to represent the views of each individual member organisation.

² p.5: Farrow, K. and Prior, D. (2006) 'Togetherness? Tackling anti-social behaviour through community engagement', *Criminal Justice Matters*, 64, pp.4-5.

cases in general may or may not be pursued. We also strongly support the work that the CPS has done in recent years to improve its relationships with victims and witnesses. The CPS should continue to ensure that as much information as possible is provided to victims and witnesses about the development of their case, and reasons are given if cases are discontinued.

However, with regards to the proposals for Community Prosecutors to ‘make effective use of information from local people when making case decisions, especially when considering whether it is in the public interest to proceed’ (Paragraph 17), we believe that the public interest test should be governed by the principles set out in the Code for Crown Prosecutors. The Code already states that a prosecution may be necessary if ‘the offence, although not serious in itself, is widespread in the area where it was committed’ or ‘a prosecution would have a significant positive impact on maintaining community confidence’³. This is also recognised in the Director of Public Prosecutions’ recently published plan for taking forward the public prosecution service.⁴ It is therefore not clear what additional effects these proposals would have.

We also have serious concerns about proposals for Community Prosecutors to identify ‘offenders of concern to the community’ (Paragraph 18). This suggests that communities would have a say in whether individual offenders are pursued or not by criminal justice agencies, which could lead to ‘scapegoating’ and would be wholly inappropriate.

Question 2

We think Community Impact Statements are a good way of allowing people to have a say. Are there other ways in which community views could be fed directly into the court?

It is important that magistrates are well-informed about the communities that they serve, and we support ways in which magistrates can communicate with their local communities to explain their role and to listen to community concerns. We hope that the Government’s recognition of the importance of close ties between communities and courts will mean that proposals to co-locate courts with prisons, often away from town centres, which were originally proposed in Lord Carter’s review of prisons⁵ and contained in the consultation paper on Titan prisons⁶, will now be permanently abandoned.

However, we do not support proposals whereby Community Impact Statements would play a direct role in decisions about whether an individual should be charged and, if they are found guilty, what their sentence should be (Paragraphs 28-29). Alongside concerns about how representative of community views Community Impact Statements could be (see Question 3, below), if they had a significant impact in charging and sentencing decisions then they would exacerbate inconsistency between geographical areas and potentially undermine the work of the proposed Sentencing Council to promote consistency. If they did not have a significant impact, then it is not clear what the benefits of the statements would be, and there is a risk that they will raise the expectations of the community that their input can have a significant

³ p.9-10: Crown Prosecution Service (2004) *The Code for Crown Prosecutors* - available at <http://www.cps.gov.uk/publications/docs/code2004english.pdf>

⁴ Crown Prosecution Service (2009) *The Public Prosecution Service - Setting the Standard* - available at http://www.cps.gov.uk/news/articles/the_public_prosecution_service_-_setting_the_standard/

⁵ Carter, P. (2007) *Securing the Future: Proposals for the efficient and sustainable use of custody in England and Wales* - available at <http://www.justice.gov.uk/publications/docs/securing-future.pdf>

⁶ Ministry of Justice (2008) *Titan prisons* - available at <http://www.justice.gov.uk/consultations/docs/cp1008.pdf>

impact, which can not then be delivered. This is likely to have negative effects on community confidence in the criminal justice system.

Furthermore, some information in Community Impact Statements is likely to take the form of anonymous hearsay that it would be very difficult for a defendant to challenge. Such evidence would, in our view, be likely to be found inadmissible in criminal proceedings. It might also form an ‘irrelevant consideration’ in public law terms in relation to a charging decision if it is inaccurate or unrepresentative. We therefore recommend that the Government should obtain legal advice before proceeding with this proposal.

Question 3

Which organisations or individuals, in addition to the police, might compile the Community Impact Statements?

We emphasise that we do not believe that Community Impact Statements should play a direct role in a decision to charge or caution, or in sentencing. Information of the type included in Community Impact Statements may be useful in other contexts (see Question 4, below). However, if Community Impact Statements are to reflect the genuine concerns of the community, rather than simply regurgitating local crime statistics, then there is a need for much wider input than solely from the police. The vast majority of local people have very limited contact with the police and attendance at meetings between the police and local communities tends to be limited and is likely to be unrepresentative of the broader community. Community Impact Statements would therefore need to be a joint effort between local criminal justice agencies, local elected officials, local authorities and community groups, as well as the views of sections of the community that might otherwise be excluded. It is particularly important that the views are sought of women; children and young people; ethnic minority communities (including women and children and young people in those communities); other minorities and vulnerable groups, including for example the homeless; and different socio-economic groups within an area, who may experience victimisation in relation to different crimes. However, the limitations of even an approach like this need to be recognised, as it is extremely difficult to accurately establish the concerns of a community, which may vary widely between people living in one geographical area. While the Paper recognises the problems with defining ‘community’ in later sections, it does not consider this in relation to Community Impact Statements.

Question 4

For what other purposes might Community Impact Statements be used?

Although Community Impact Statements should not be used to inform individual charging and sentencing decisions, if introduced they might be useful in directing the resources and focus of local policing and Crime and Disorder Reduction Partnerships. They could also be used to inform decisions made by local authorities about funding for crime prevention and regeneration.

Question 5

How else could we give feedback to the public on how their views have been used in the justice process?

It is extremely important that both nationally and locally communities are given a clear picture as to the extent to which their input can affect criminal justice outcomes. There is a significant risk that these initiatives could raise expectations which will then not be met. Methods for feeding back information to the community are discussed below, in answer to Question 27.

Question 6

Problem-solving can help address local problems. What are the issues that might benefit from a problem-solving approach?

We support an approach whereby the court can work with an offender to identify and address the causes of their offending. This approach can ensure that an appropriate community sentence is given which has a real chance of preventing reoffending. However, it is possible that there may be some direct contradictions between this approach and an approach whereby communities are given too great an influence in deciding what sentences should be given. In our view, addressing the causes of an individual's offending, and thereby reducing reoffending, should take priority.

Issues that might benefit particularly from a problem-solving approach include employment and accommodation. These factors are particularly significant in both offenders' wellbeing and their likelihood of reoffending (for example, 74% of prisoners with problems with both employment and accommodation reoffending during the year after custody, compared to 43% of those with no problem with employment or accommodation - a similar effect would be likely with offenders in the community⁷). Drug or alcohol addictions are also important and would benefit from a multi-agency response. Mental health should also be a priority, again both in reducing reoffending and in addressing the offenders' broader welfare needs. We have residual concerns, however, about the propriety of including medical treatment, including for mental health conditions, as part of a community sentence, with sanctions for breach. We also stress that primary services outside the criminal justice system should be engaging with many offenders before they enter the criminal justice system and that the criminal justice system should not be viewed as the primary provider of health, education and social services to offenders.

In addition, in communicating with offenders, courts must be aware that many offenders may have limited communication skills. For example, 20-30% of offenders have learning disabilities or difficulties that interfere with their ability to cope within the criminal justice system.⁸ A Prison Reform Trust study found that just over one fifth of prisoners said they did not understand what was going on at court or what was happening to them.⁹ Many offenders may not have English as a first language. In establishing a 'problem-solving' approach, the courts must recognise these issues and put in place structures to address them. It is essential that courts do not assume that offenders are not cooperating with the process, when they may be struggling to follow the proceedings.

Question 7

All magistrates should be able to use problem-solving techniques. What further tools and support do magistrates need to carry out problem-solving in court and which individual or agency is best placed to support them in this role?

Close relationships between magistrates and local probation are necessary to ensure that magistrates are fully aware of the range of services available in their areas. This should not just be a paper exercise. Funding should be made available to ensure that magistrates get the

⁷ p.6: May, C. Sharma, N. and Stewart, D. (2008) *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004* London: Ministry of Justice.

⁸ Loucks, N. (2007) *Prisoners with learning difficulties and learning disabilities - review of prevalence and associated needs* London: Prison Reform Trust.

⁹ p.21: Talbot, J. (2008) *Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties* London: Prison Reform Trust.

opportunity to visit projects and meet staff and offenders undergoing programmes (one magistrate has said that ‘it was really good to meet someone who had been through the system - the personal account means a lot and really helped me understand the process from the offender’s point of view’¹⁰), to ensure that they have a full understanding of the available options. This should include liaison with the voluntary sector, where they provide appropriate services in the local area. Magistrates also need to be given training on how OASys works, to ensure that they have a proper understanding of what the information supplied by the probation service means and how it is calculated, and to increase magistrates’ confidence in it. This could all be coordinated by the local probation service or by an independent agency, but funding and resources need to be supplied. The report of a programme of work to increase the confidence of sentencers in community penalties, which included a series of visits to relevant projects, remarked that programmes of this kind are complex to organise with significant costs in staff time.¹¹ These costs need to be met or this work will never be effectively carried out.

Question 8

Continuity of the judiciary has proved effective in problem-solving cases. How can we achieve greater continuity of magistrates’ panels between hearings for problem-solving cases? Are there any particular disadvantages to this approach?

Greater continuity, if it can be achieved, is welcome. In addition to providing support for the offender and an opportunity to discuss ongoing problems, it can introduce some level of accountability into sentencing. Sentencers will have to review cases and their outcomes and can therefore learn more about improving sentencing in the future. Continuity should also include involving magistrates in awarding completion certificates to offenders at the end of programmes. However, undue delay in processing cases must be avoided. A real potential benefit of a community justice approach is the speed with which services can be accessed and problems can be addressed. This should not be compromised.

Question 9

Using the power to review a Community Order has proved effective in helping offenders complete their sentence. If we extend the use of the powers to review Community Orders, what kinds of cases would benefit most from its use?

Cases where offenders receive sentences to be completed over a long time period might benefit from reviews, to ensure that offenders remain motivated to complete their sentence. However, no further action should be taken until the evaluation of the existing use of Section 178 in the 13 Community Justice courts (Paragraph 52) has been completed to ensure that the most effective practice is rolled out.

Question 11

The intensive Community Justice approach works best in areas suffering the worst problems. What are the most important considerations in choosing potential new sites for intensive Community Justice initiatives?

In the long term, the aim should be to introduce community justice initiatives in every area, so that all areas can benefit equally from the advantages of this approach. In the short term,

¹⁰ Quoted on p.22: Hedge, J. (2007) *Increasing the Confidence of Sentencers in Community Penalties: A programme of work with magistrates in the Thames Valley 2006/7* - available at <http://www.rethinking.org.uk/PDFs/SBReportMagis.pdf>

¹¹ p.30: Hedge, J. (2007) *Increasing the Confidence of Sentencers in Community Penalties: A programme of work with magistrates in the Thames Valley 2006/7* - available at <http://www.rethinking.org.uk/PDFs/SBReportMagis.pdf>

the focus should be on making this approach available in those areas which have the highest levels of economic deprivation and the highest crime rates.

In rolling out this approach, however, there are risks that need to be avoided. Firstly, individuals that commit a relatively minor offence may be dragged up the tariff unnecessarily through a problem-solving approach. Secondly, there is a risk that the judges end up micro-managing the lives of offenders who come before the courts to an unacceptable level, with the threat of criminal justice sanctions if they do not comply.¹² Both of these factors need to be addressed in developing a replicable approach.

In addition, we note with concern the recent publication of research that suggests that the community justice initiatives in North Liverpool and Salford are no more effective in reducing reoffending than 'traditional' approaches, and that sentence breaches are more likely at these projects (although this may reflect more rigorous monitoring).¹³ This is particularly problematic because if these 'Rolls-Royce' models cannot reduce reoffending, it is unlikely that less comprehensive replicas will do so. However, we recognise that this evaluation only covers the first year of operation of the community courts and is clear that it will take time to embed new ideas in existing services and with communities. We remain confident that if properly funded and run, community courts will reduce reoffending rates, including the seriousness and frequency of reoffending. However, more research on the existing courts needs to be done to ensure that community justice approaches can deliver reduced levels of reoffending.

Further analysis also needs to be carried out into how effective community justice initiatives really are in raising community confidence, if this is the primary aim of, or among the main reasons for, rolling out this approach. For example, an initial evaluation of the North Liverpool project concluded that 'the community engagement activity is not yet leading to increased public confidence in the criminal justice system in the area'¹⁴. This may reflect the broader problem with any community engagement activity - that it is only likely to reach a limited proportion of the community and this minority may not be representative of the community as a whole. Overall, it is important to be realistic. As the final report of the Rethinking Crime and Punishment-funded 'Making Good' project (set up to develop and test out different methods of engaging communities and community organisations in finding and allocating unpaid work to offenders) concluded, 'an increase in successful local projects worked in collaboration with local community organisations should result in an incremental increase in community confidence about community sentencing and safety, but this is difficult to measure and is likely to be a longer term outcome of continued community involvement'¹⁵.

It is also important that community justice is not seen as a solution in itself. It must be matched by investment in mainstream services to ensure that access to vital services is not

¹² p.39: Commission on English Prisons Today (2009) *Do Better Do Less: The report of the Commission on English Prisons Today* London: The Howard League for Penal Reform.

¹³ Jolliffe, D. and Farrington, D. (2009) *Initial evaluation of reconviction rates in Community Justice Initiatives* London: Ministry of Justice.

¹⁴ p.vii: McKenna, K. (2007) *Evaluation of the North Liverpool Community Justice Centre* London: Ministry of Justice.

¹⁵ p.45: Wickham, T. and Allen, R. (2008) *Making good: An assessment of work undertaken by the Thames Valley Partnership 2005-8* - available at <http://www.rethinking.org.uk/PDFs/making-good-report.pdf>

only provided through the criminal justice system. Community engagement needs to be supported by services that work well together at a local level to ensure that communities' needs can be met.

Question 12

If full co-location of all staff and services is not possible, which group of agencies and services should always be co-located to ensure the approach is delivered effectively?

The benefits achieved by the existing community justice courts, particularly in North Liverpool, are reliant on the co-location of services (as are other successful projects that address multiple needs such as the Together Women projects), and we are very concerned that a diluted model might result in significantly fewer gains. Attempts to deliver community justice without co-locating services should therefore be avoided wherever possible, as the benefits are likely to be greatly reduced.

Question 13

How could the concept of virtual problem-solving teams be made a reality and are there virtual teams or similar initiatives operating in other public services we might look at to explore further the feasibility of this proposal?

If virtual teams are unavoidable, then an individual agency needs to have responsibility for co-ordinating the work of the team. Each involved agency also needs to have a nominated link person who is responsible for their agency's input, and there needs to be an requirement that every agency will contribute fully. The involvement of local voluntary-sector service providers is also vital.

Question 14

What other options are there for delivering the intensive Community Justice approaches in the areas of greatest need?

Protocols should be established to allow local statutory agencies (both criminal justice and non-criminal justice) and voluntary sector providers to share relevant information and to work together appropriately. This would enable agencies to jointly develop a problem-solving approach which recognises and addresses the causes of the offending of individuals.

Question 15

Community engagement and problem-solving should be integral to the role of district judges and magistrates. We will provide training and support but how else can we encourage judicial engagement with communities?

District judges and magistrates should be required to make regular visits to work that is being carried out in the community as part of community sentences and to other local projects and schemes with relevance to sentencing, for example programmes addressing drug addictions or mental health issues. Receiving written information or verbal descriptions is no substitute for seeing how projects operate in person. District judges and magistrates should also be encouraged to attend meetings of local community groups and other local forums to hear first-hand about community concerns. This should include meetings with young people, both under-18s and young adults aged 18-24, to learn about their concerns. Relationships with under-18s could also be developed by incorporating more information on courts in the citizenship curriculum and providing opportunities for local sentencers to contribute in person. The Local Crime Community Sentence project, which aims to increase public knowledge and understanding of community sentences, should also be further extended.

David Fletcher, the presiding judge at the North Liverpool Community Justice Centre, has also stressed that informal meetings with local people are important, saying that ‘while community meetings continue - a key part of my own role is meeting residents on a one to one basis - I spend lots of time out and about in North Liverpool with people as wide ranging as our criminal justice partners, local football clubs, youth groups, schools, community and parents group, and these are the people that help us keep our finger on the pulse of the area.’¹⁶

Question 17

How might Key Individual Networks be used to encourage more people from communities most directly affected by crime and social deprivation to volunteer to become magistrates? Are there other ways of attracting more volunteer magistrates from a wider range of communities?

Key Individual Networks may have a part to play, but they are likely to attract people from a fairly narrow segment of the community, and can only therefore be part of the solution. Effective community engagement requires attracting magistrates from more diverse backgrounds than is currently the case, and reforms to the way that magistrates are ‘recruited’ and the way in which magistrates courts operate should be considered as part of this. For example, evening or weekend courts should be considered, as people struggle to get time off work during the week to serve as magistrates. Reducing the number of days per year that magistrates have to serve should also be considered, as it is often too much time for younger, working people to commit to. There also needs to be a clearer understanding of what being a magistrate involves and what skills are required (and not required - many people think that only somebody with formal training in law can be a magistrate). These measures could help attract a broader range of people, in particular younger people.

Question 21

The public should have a say about what Community Payback projects are done in their area. In addition to nominating projects directly, and Citizens’ Panels, what other means would you suggest for giving local people more say in the type of work that should be undertaken as Community Payback?

Where possible, use should be made of existing community networks and forums, rather than setting up new structures. The current focus on engaging local communities may lead to consultation ‘fatigue’, with most people unable to find time to contribute to a range of different local groups and bodies. Working with existing local groups will make use of established ways of communicating and consulting, and will also draw on the experience and input of people with a broad range of interests. This may be most effective with small local groups, with the final report of the ‘Making Good’ project suggesting that ‘direct involvement with the community is more likely to be achieved through smaller groups, such as Neighbourhood Action Groups, than through larger bodies, such as the Local Authority’¹⁷.

However, a report examining the advantages of justice reinvestment has envisaged a more prominent role for local authorities than is currently the case, suggesting that there is ‘the

¹⁶ Quoted on p.27: All Party Parliamentary Local Government Group (2009) *Primary Justice: An inquiry into justice in communities* - available at <https://member.lgiu.org.uk/whatwedo/Publications/Documents/APPG%20report%20Primary%20Justice.pdf>

¹⁷ p.21: Wickham, T. and Allen, R. (2008) *Making good: An assessment of work undertaken by the Thames Valley Partnership 2005-8* - available at <http://www.rethinking.org.uk/PDFs/making-good-report.pdf>

need to explore the more systematic and imaginative identification of unpaid work placements by different local authority departments which might enable more relevant, visible and locally based opportunities for offenders on community orders to make reparation'¹⁸. It goes on to note that 'such opportunities might also assist offenders to acquire skills capable of enhancing their chances of obtaining further training or permanent employment to fill local skills gaps'¹⁹, suggesting that this approach could both better engage local communities and aid in the resettlement and rehabilitation of offenders.

In general, community sentences should always be proportionate to and relate to the offence and match offenders' interests and develop their skills.²⁰ This may require a more imaginative and personalised use of unpaid work than is currently the case. It is important that the reform and rehabilitation of the individual offender is therefore given a prominent role in the selection of an appropriate sentence, and local communities cannot be expected to have a sophisticated and evidence-based knowledge of the elements that will best contribute to reducing reoffending. Local communities must also be made aware of the limitations on the sorts of work that can be proposed. For example, there may be health and safety requirements as well as national standards that the probation service must meet. As a result, community input must be placed within a professional context of what will work best with the offender. Having said that, community engagement and reparation is not inherently contradictory to rehabilitation, with one study suggesting that 'there seems no reason in principle why the short-term benefit to the community of the work performed by offenders should be incompatible with the longer-term benefit that the community might derive from the positive impact of that experience on offenders' behaviour'²¹.

In addition, there is a risk that community involvement could lead to an increase in punitiveness. This is not inevitable, however, with one report suggesting that 'in so far as engagement would familiarise people with the system and dispel misconceptions about its leniency, it promises to curb public pressure for ever "tougher" measures'²². Local authorities and local communities will also need to live directly with the consequences of their decisions. As experts Baroness Stern and Rob Allen put it, 'if they choose to follow the punitive line in administering those aspects under their control and do not offer drug treatment to those coming to court or housing to returning ex-prisoners, their constituents will suffer from the actions of homeless untreated drug addicts.'²³

It is also important to ensure that minority ethnic communities are involved in community consultation and engagement. The evaluation of the 'Making Good' project suggests that working with the Asian community, for example, involves 'patience and persistence' to pursue and develop links to communities and a recognition that there is likely to be a lower

¹⁸ p.30: Allen R., Jallab, K. and Snaith, E. (2007) 'Justice Reinvestment in Gateshead - the story so far' in R. Allen and V. Stern (eds.) *Justice Reinvestment: A New Approach to Crime and Justice*, London: International Centre for Prison Studies.

¹⁹ *Ibid.*

²⁰ p.15: Rogers, B. (2005) *New Directions in Community Justice* London: ippr.

²¹ p.315: Rex, S. and Gelsthorpe, L. (2002) 'The Role of Community Service in Reducing Offending: Evaluating Pathfinder Projects in the UK' *The Howard Journal of Criminal Justice*, Vol 41(4).

²² p.10: Rogers, B. (2005) *New Directions in Community Justice* London: ippr.

²³ p.30: Allen R. and Stern, V. (2007) 'Localism and criminal justice: suggestions for a new balance between national and local decision-making' in R. Allen and V. Stern (eds.) *Justice Reinvestment: A New Approach to Crime and Justice*, London: International Centre for Prison Studies.

existing level of knowledge about community sentencing.²⁴ The views of young adults (aged 18-24) should also be actively sought out. This age-group is more likely than other groups to have been the victim of a violent crime and are often caught up in the criminal justice system as victims and as offenders. However, they rarely participate in consultations or other existing engagement opportunities, and efforts should be made to ensure that their views are actively canvassed.

Question 22

How could local communities be more involved in what recovered assets are spent on?

Consultation with the local community could take place using the same channels as discussed above (Question 21). However, it is important to be clear from the outset the extent to which communities will be able to direct funding, to avoid unrealistically raising expectations. Recovered assets should, wherever possible, be funnelled into repairing the harms caused by the specific offence.

Question 23

Intensive Community Payback is far from a soft option and can be very effective in dealing with some types of offending. In addition to offences of knife possession, offences against the person and property, what other offences should be dealt with through intensive Community Payback?

We agree that Intensive Community Payback is ‘far from a soft option’. However, there is a risk that it will be used too widely, having a net-widening effect. Intensive Community Payback should therefore only be used as a direct alternative to custody. The use of Intensive Community Payback should also be linked specifically to the circumstances of the offender, rather than generically to an offence.

Question 24

In what other ways might we enhance the effectiveness of Community Payback in the eyes of the community?

Local communities need to be made aware of the benefits of the work carried out as part of community payback. However, the Criminal Justice Alliance strongly opposes the introduction of measures which identify individuals as carrying out community payback, most notably the use of orange high-visibility vests. These measures risk humiliating and stigmatising individuals rather than positively reintegrating them. The more the community is involved in the criminal justice system, the more important it is that individual offenders retain a position within the community rather than being separated from it.

Instead, work carried out as part of community payback should be advertised, records of what has been done by community payback work should be regularly published and consultation with communities on what community payback should focus on should be two-way; as well as making suggestions, community representatives should be informed about what has been done so far. On a practical level, the evaluation of the ‘Making Good’ project recommended that ‘Probation Unpaid Work teams need to be provided with enough cameras to record photographic histories of all placements for positive publicity and marketing purposes. Local

²⁴ p.22-24: Wickham, T. and Allen, R. (2008) *Making good: An assessment of work undertaken by the Thames Valley Partnership 2005-8* - available at <http://www.rethinking.org.uk/PDFs/making-good-report.pdf>

newsletters are effective channels of communication, which reach a wide local audience, and should continue to be used whenever possible.²⁵

Question 25

Restorative Justice has proved a positive experience for victims and can be effective in reducing reoffending. How could we publicise this and encourage community involvement in Restorative Justice projects, in particular as a service to victims?

The Criminal Justice Alliance welcomes the use of restorative justice and supports the response of the Restorative Justice Consortium to this consultation, which makes a strong argument in favour of restorative justice and proposes a number of steps towards ensuring that restorative justice is more widely and successfully used.

Question 26

The public should have more information about justice outcomes. What kind of information should be made available?

We support the publication and dissemination of as much aggregated information as can be made available. This should help to address misinformation about the criminal justice system and about sentencing (Paragraph 173). However, this needs to be supported by a strong and consistent message at a local and national level from elected officials and from community leaders about crime and criminal justice which portrays an accurate picture of the current situation. However, we oppose the publication of information that will identify particular individuals and consequently hamper their chances for effective rehabilitation (see Question 29, below).

Question 27

How could this information be made available and accessible most effectively and at what local level would this be most useful?

Placing as much relevant and appropriate information online as possible would be beneficial, with dedicated websites provided for local communities. Summary information should also be provided to existing local media, for example local newspapers and local web forums, on a regular basis. In addition, as local sentencers and other criminal justice professionals develop their relationships with their local communities through the extension of community justice principles, then face-to-face opportunities will emerge to present and discuss information about justice outcomes.

²⁵ p.46: Wickham, T. and Allen, R. (2008) *Making good: An assessment of work undertaken by the Thames Valley Partnership 2005-8* - available at <http://www.rethinking.org.uk/PDFs/making-good-report.pdf>

Question 28

The public have a right to know about specific court case outcomes of local interest. What case-specific information should the public have access to about convictions for crimes committed in their area?

In terms of individual cases, proposals to publish ‘the type of offence, the date of the offence (where this is known), the verdict and any sentence passed by the court’ (Paragraph 208) are sensible, as long as they are accompanied by contextual information which explains any apparent anomalies (for example unusually lenient or harsh sentences that have specific causes). However, we question whether the format in which the data will be presented, via an online database with a number of registration requirements (Paragraph 211), will prove to be accessible to the majority of the community. If it is not, the benefits of this work will be minimal.

Question 29

How much personal information (such as name, age and address or partial address) should be included in the final version of the court results website? How important to confidence in the justice system is such personal information?

No personal information should be made available through the court results website. We oppose proposals to publish ‘the name and town of residence of the defendant’ (Paragraph 208). This appears to us to be both unnecessary and potentially damaging to that individual’s rehabilitation. We do not think that naming a particular individual would have any benefits in terms of building community confidence in the criminal justice system. In particular, personal information about children and young people should not be made publicly available.

Question 30

Do you think that case-specific information in relation to out-of-court disposals should be available online or be proactively communicated?

No, we do not think that case-specific information in relation to out-of-court disposals should be available online or be proactively communicated. We support the proposals not to make the information available for the reasons set out in the Paper (Paragraph 213).

Question 33

What more could the Government or local criminal justice agencies do to promote volunteering opportunities with criminal justice agencies and related services and make it easier for local people to volunteer?

As much as possible should be done to open up volunteering opportunities to ex-offenders, who may be unnecessarily barred from volunteering due to their criminal records. We support the conclusions of Baroness Neuberger that the difficulties that ex-offenders experience are ‘absurd’²⁶ and the recommendation of her report on volunteering in the criminal justice system that ‘all agencies of the CJS should have a strategy to engage the skills and time of ex-offenders’²⁷.

Unintended negative impact on particular individuals, groups or communities

There clearly are benefits to enhanced community involvement in the criminal justice system. However it is vital that any proposals are developed so as to benefit both the community and the rehabilitation of individual offenders. There is a risk that steps taken in the name of

²⁶ p.22: Neuberger, J. (2009) *Volunteering across the criminal justice system* - available at <http://www.cabinetoffice.gov.uk/media/124076/volunteers%20in%20cjs.pdf>

²⁷ p.28: Neuberger, J. (2009) *Volunteering across the criminal justice system* - available at <http://www.cabinetoffice.gov.uk/media/124076/volunteers%20in%20cjs.pdf>

community engagement could be detrimental to the rehabilitation of the offender, and consequently in the long term to communities themselves due to higher levels of reoffending.

Criminal Justice Alliance
July 2009

For further information about this response, please contact Jon Collins, Campaign Director, at jon.collins@criminaljusticealliance.org or on 020 7840 1207 or at Park Place, 10-12 Lawn Lane, London, SW8 1UD.