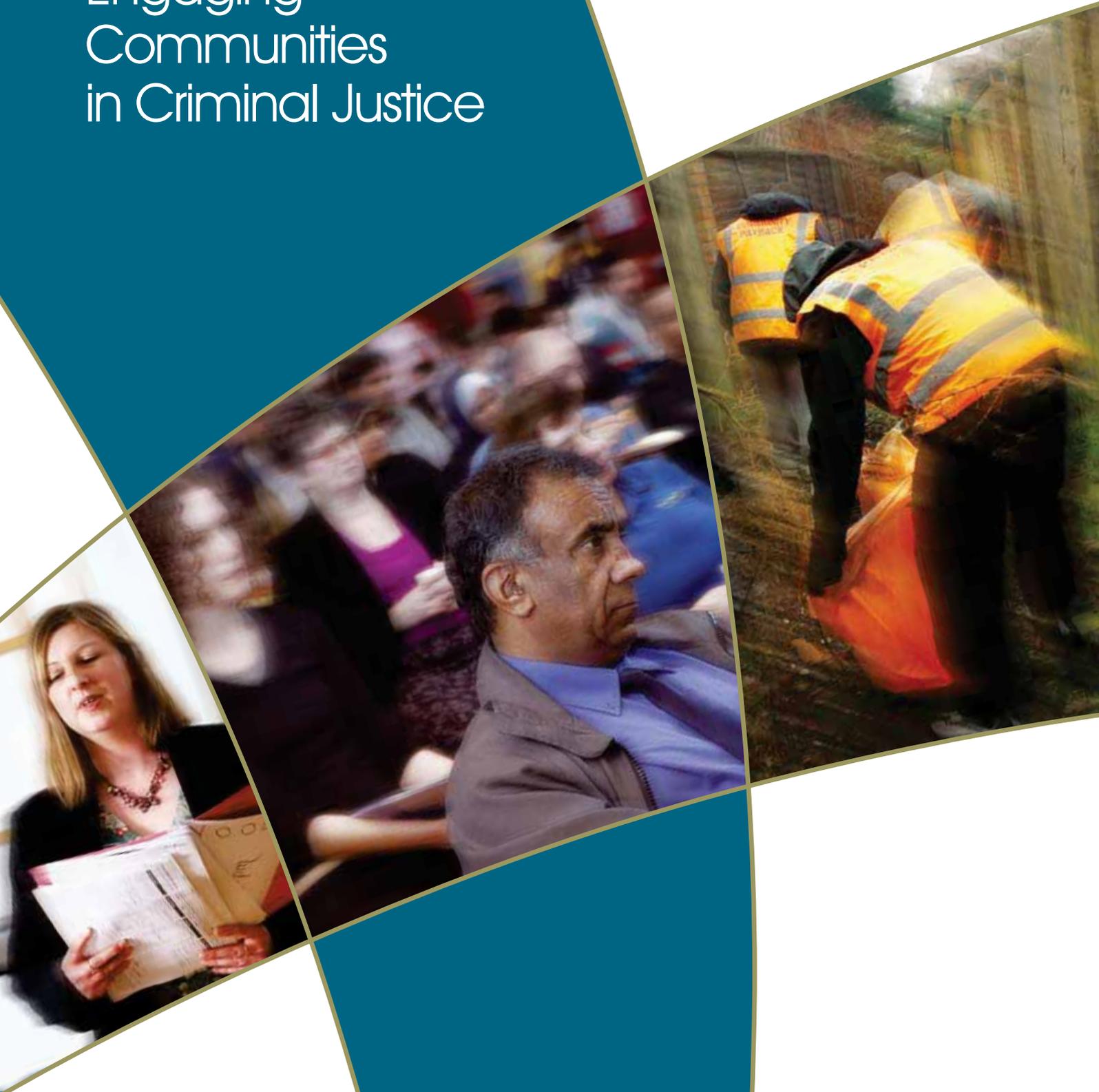


# Engaging Communities in Criminal Justice





# **Engaging Communities in Criminal Justice**

Presented to Parliament by  
The Lord Chancellor and Secretary of State for Justice  
The Secretary of State for the Home Department  
and the Attorney General  
by Command of Her Majesty  
April 2009

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## FOREWORD

by the Lord Chancellor and Secretary of State for Justice, the Home Secretary and the Attorney General



The Criminal Justice System (CJS) belongs to the people it serves. The public need to believe that to be the case. If people understand and trust the system, and indeed see it as a public service more than a system, they will feel increasingly free to get on with their lives without fear of crime, secure in the knowledge that there are consequences for those who do not play by the rules.

Criminal justice services should be open, transparent and accountable to those they serve. They should help the public understand how they are performing. They should do this collectively and in ways which build the confidence of all sections of the community that the system is fair, effective and, above all, working for them. They must also instil trust and confidence in those we rely on to deliver them – our staff and our local delivery partners.

We have made significant improvements. Crime is down by more than a third since 1997, the most substantial and sustained drop in crime achieved by any Government since the Second World War. Reoffending is down by nearly a quarter. The chance of becoming a victim of crime is the lowest in the last 25 years, and we have trebled our investment in improved services and support for victims. Yet significant challenges remain.

There are still significant problems with some types of crime, including knife crime, problems with gangs, and binge drinking. We are taking targeted action to address each of these, as well as to ensure that crime does not rise as it has done in previous downturns in the 1980s and 1990s.

But there are also challenges with the system as a whole. The Cabinet Office Review *Engaging Communities in Fighting Crime*<sup>1</sup> (the

1. [www.cabinetoffice.gov.uk/crime.aspx](http://www.cabinetoffice.gov.uk/crime.aspx)

Casey Review) found that, for all the progress we have made, the system can still feel too remote from people's everyday lives and the justice it delivers not visible enough. The author, Louise Casey, said: "Too often the public don't believe that their voice is heard, don't believe wrongdoers face adequate consequences for the crimes they commit, don't believe they are told enough about what happens in the system and, perhaps because of this, they don't believe that crime has fallen when they are told so."

We are determined to change this. We must open up the justice system to the public so that local communities have the confidence to play their part. If they trust the system to deliver on its promises, they will be more willing to report crime; to come forward to give evidence as witnesses; to participate as volunteers and jurors or to consider a career in the CJS.

Our criminal justice Public Service Agreement target *Justice for All*<sup>2</sup> sets out our commitment to deliver a more effective, transparent and responsive CJS for victims and the public. An integral part of this target is to raise public confidence in the fairness and effectiveness of the CJS.

Criminal justice services should give local people more opportunities to have a say on action to tackle local concerns – to have their views heard, to be told what has been and is being done to deal with the problems and to become involved if they choose to do so. Working together in strong and seamless partnerships with shared goals, criminal justice services can better take on and deal with local concerns and feed back jointly to communities what action has been taken.

The police service has already set the tone. Last year's Policing Green Paper *From the neighbourhood to the national: policing our communities together*<sup>3</sup> sets out a radical agenda of police reform that gives the police across England and Wales more freedom to do their job unhindered by red tape, the public a greater say, and more action on crime in their streets and neighbourhoods. This agenda has been shaped by Sir Ronnie Flanagan's review of policing<sup>4</sup> and the Casey Review, and has already resulted in the new Policing Pledge – minimum standards for what people can expect from their local police team, together with a clear commitment to deliver on local priorities – in return for the centre stripping away all top-down targets except one: for forces to improve public confidence that crime and local problems are being tackled.

Neighbourhood Policing (NHP) Teams provide the cornerstone of contact with local people; but they cannot, and should not, be solely responsible for improving the full range of criminal justice services and responding to all the concerns of communities. Other agencies must also rise to the challenge and work with the police to deliver the world-class criminal justice services that the public demand and deserve.

We accepted the overwhelming majority of the findings of the Casey Review. We have already made major changes to the system in response – such as helping the public have confidence in community sentences by ensuring that where offenders are ordered to carry out reparative work as part of their sentence – now called 'Community Payback'

2. [www.hm-treasury.gov.uk/d/pbr\\_csr07\\_psa24.pdf](http://www.hm-treasury.gov.uk/d/pbr_csr07_psa24.pdf)

3. [http://police.homeoffice.gov.uk/publications/police-reform/Policing\\_GP/](http://police.homeoffice.gov.uk/publications/police-reform/Policing_GP/)

4. [http://police.homeoffice.gov.uk/publications/police-reform/Review\\_of\\_policing\\_final\\_report/](http://police.homeoffice.gov.uk/publications/police-reform/Review_of_policing_final_report/)

– this is intensive and clearly visible, including high-visibility uniforms. Louise Casey has been appointed Neighbourhood Crime and Justice Adviser. In that role she is driving forward the *Justice Seen, Justice Done* programme to raise public awareness of what services are available from the police and other justice agencies and to help demonstrate to the public that there are consequences for those who break the law.

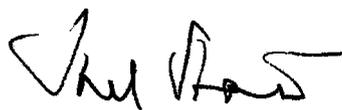
This Green Paper and consultation exercise are the next stage in the journey towards our vision for a criminal justice service that is effective, delivers justice for all, has the interests of victims and witnesses at its heart and which inspires the trust and confidence of the people it serves. Significant reforms have already been delivered but there is more to be done. This document sets out our proposals for further improvements, and on these we seek the views of the public and the very many dedicated professionals and volunteers who work in and with criminal justice organisations.

Our proposals are centred on three areas: strengthening the connections between communities and the prosecution and court services; ensuring that justice outcomes are more responsive and more visible; and, lastly, improving communication between local people and their criminal justice services.

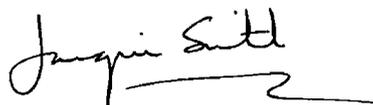
Building on the strong start that has been made in the police service, the proposals aim to open up the whole justice system to communities. Justice is being done. Through these proposals we will ensure that it will also more often be seen to be done and local people will have more of a voice, and more opportunity to get involved and play their part.

We are grateful for the views and contributions we have received from police and other criminal justice professionals, members of the senior judiciary and magistracy, local government representatives, third sector and victims' organisations and members of the public – through the Casey Review and elsewhere – as the proposals in this Green Paper have been developed.

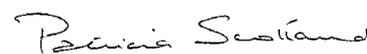
Our vision of a criminal justice service in which all partners are focused on local communities and work together to tackle crime, deliver justice and provide high-quality services that inspire public confidence is both a realistic and an achievable goal. We look forward to hearing your views on our plans to achieve our ambition of transforming criminal justice from a system that does things to communities into a true service that does things for and with communities.



**Rt Hon Jack Straw MP**  
Lord Chancellor and  
Secretary of State for Justice



**Rt Hon Jacqui Smith MP**  
Secretary of State  
for the Home Department



**Rt Hon Baroness Scotland  
of Asthal QC**  
Attorney General



Ministry of  
**JUSTICE**



Home Office

**The Attorney  
General's Office**

Criminal Justice System: working together for the public

## EXECUTIVE SUMMARY

Effective community engagement is key to improving public confidence in the way in which crime is tackled and justice delivered. The network of services that deliver justice – the police, Crown Prosecution Service (CPS), the courts, prisons, and probation and Youth Offending Teams – is complex and often hard for the public to understand. If people are to have confidence that justice is effective and is being administered in their interests, then the delivery of justice needs to be more transparent, more responsive and more accountable. Justice must not only be done, but be seen to be done.

This consultation document is built around four primary aims, which are critical components of the change we seek to bring about:

- Achieving **stronger, community-focused partnerships** which draw together activity across criminal justice services and other relevant agencies to secure really effective, two-way, joined-up communications between the criminal justice service (CJS) and local people.
- Building on the success of our **Community Justice projects and the problem-solving approach** to enhance the visibility of the CJS, solve problems for the community and reform offenders to reduce reoffending and enable them to make amends.
- Increasing the **intensity and visibility of Community Payback** and other forms of reparation and compensation, so that justice is delivered and seen to be delivered.
- **Keeping the public better informed** by improving the information they receive about case outcomes, ensuring they can see a real connection between the crime and the consequences, the punishment and reform delivered in response.

**Chapter 1** focuses on the role of the CPS and the courts, with a particular emphasis on magistrates' court services as the focal point for justice in the community. It sets out our plans to enhance the role and contribution of the CPS and increase its focus on local people and local issues through the introduction of **Community Prosecutors**. It also outlines proposals that will strengthen the relationship between the courts and communities and give local people's views more prominence, supporting and building on the existing work of Neighbourhood Policing (NHP) teams, now operating in every area. We will introduce **Community Impact Statements** to ensure that the interests of the community are reflected in decisions of whether to prosecute crimes. We also set out proposals to **reinforce the importance of community engagement in the work of district judges and magistrates**, to help them better understand local concerns and provide more feedback on justice outcomes and how public views have been taken into account. We seek views on whether and how we might **involve communities in the selection and deployment of district judges** and build on existing actions to **increase the diversity of the magistracy** by attracting more people from a wider range of backgrounds and

communities. We also propose **extending the use of problem-solving techniques** in the courtroom, building on the lessons of the successful Community Justice pilots in Liverpool and Salford, to enable courts to target the causes of offending and therefore reduce the chances of reoffending in the future. We also propose encouraging courts to make greater use of powers to review Community Orders to ensure that they are operating in the interests of communities. We consider how these approaches might be used intensively in specific locations to address persistent problem crime and anti-social behaviour. Finally, we consider the merits of **applying a system of hallmarks of justice in the community**, building on the concept of customer service standards (or Charter Marks) but taking the next logical step and applying it at local court level and giving local service users clear, at-a-glance information about the services provided in their magistrates' courts, and an opportunity to have a say in assessing whether hallmarks should be awarded.

**Chapter 2** looks beyond the prosecution and courts and explores the role of the Probation Service, the Prison Service and the youth justice services, with a focus on how offenders can make amends. We review recent initiatives to **make Community Payback more visible and more intensive**. We put forward proposals for **increasing the impact of community sentencing and Community Payback, and its responsiveness** to the views and concerns of communities, by giving people more of a say in how the Community Payback scheme operates in their area. We will look at ways to **increase the visibility of asset recovery**

**work**. We will make more visible the use made of assets seized from criminals and we are keen to see more community projects funded through the use of recovered assets, and to give communities a greater say in how the proceeds from seized assets are used. We also explain how other forms of **reparation and Restorative Justice** can help repair the harm caused to victims and communities and enable offenders to make amends, reform their ways and reintegrate into their local community. Finally, we explore options for providing full and more immediate financial reparation to victims of crime. We look at ways to build further on recent improvements to compliance with the orders of the court and enforcement action against defaulters.

**Chapter 3** looks at the different levels of community engagement, from providing information and consulting and feeding back outcomes to communities at one end of the spectrum, through to involving people in the delivery of crime and justice services and empowering communities at the other. We set out what has already been done to make more information about crime-fighting and criminal justice outcomes available to the public, for example through the work of NHP Teams, the Policing Pledge and online crime maps for every area. We put forward proposals for going further and actively giving **better information to communities on individual court case outcomes and other crime and justice information, online and through other channels**. We propose making clear to criminal justice services through comprehensive guidance what information they are able to publish locally in the interests of making sure that justice is

done and seen to be done. This chapter also acknowledges the significant contribution to the delivery of justice of the professional staff and volunteers, and we propose **ways of improving the visibility and take-up of volunteering opportunities**. Finally, we set out our proposals for **introducing new community engagement leads in all Local Criminal Justice Board areas** to rationalise and make more sense of the full range of community engagement activity in an area. We are determined that, as a result of these changes, local people will have a clearer sense of how and when they can engage with local justice services and have their say about action to tackle community concerns – and Neighbourhood Policing Teams will be better supported in their role as the focal point for engagement with the public.

**Chapter 4** contains a summary of all the consultation questions in this document. The Government would appreciate responses to these questions, but they are intended as a guide only. The Government would also welcome views on related issues and ideas.

Some of the initiatives set out in this document are already being developed or tested. On these points, the Government is keen to hear from the public, criminal justice professionals and organisations and local partner organisations what difference the initiative has made and how it could be improved. More importantly, this is a Green Paper, which means there are also many areas where the Government wants to receive feedback on new proposals and new ideas about the best way to implement the commitments to further action. The Government is committed to providing high-quality services to all parts of the community and improving justice for all. With this in mind, we are particularly keen to hear about any possible unintended effects on women, black and minority ethnic communities or others across the range of proposals in this document.

The **final chapter** provides information about the ways people can get involved in this consultation and feed in views over the next three months. Responses to this consultation can be submitted online, via email or by post. Full details are set out in **Chapter 5**.

# THE PROSECUTION AND THE COURTS: RESPONDING TO COMMUNITY CONCERNS ABOUT CRIME

## Our commitment

We will enhance the role of the Crown Prosecution Service (CPS) in responding to the needs of the community. We will build on the successful intensive problem-solving approaches we have developed through our Community Justice initiatives in North Liverpool and Salford, rolling out the most effective elements to magistrates' courts across England and Wales during 2009 and 2010 to strengthen the connection between justice and communities, and tailoring a more intensive approach in areas of most need. We will support and encourage magistrates' courts to maintain the highest possible standards of service in responding to community concerns. We are committed to ensuring that we have the right people in the right roles, in the right places, delivering the right kind of justice **for** communities **in** communities.



## What will be different?

Communities will receive a more responsive service from local prosecutors and courts. They will have more opportunities to engage directly with members of local prosecution teams and the judiciary and have the chance to feed their views into the heart of the justice process to inform outcomes. They will be more aware of their local court's work in resolving issues of local concern and in working with other justice agencies to target the underlying problem behaviour which leads to offenders' criminal and anti-social activity.



## The current landscape and key issues

1. In the last 12 years there has been substantial reform to criminal justice services and this has brought significant improvements. However, much of this change has been structural and institutional. The substantial progress which **has** been made – for example, over nine million fewer crimes last year than in 1995; and 44 per cent (1.45 million) more offences brought to justice in the year to March 2008 than in 2001–02 – has not translated into a corresponding increase in community confidence in all aspects of criminal justice services. There is still a significant gap between the reality of crime and justice and how it is perceived. We know that as at December 2008, 58 per cent of the public<sup>5</sup> were confident that the system is fair; but only 37 per cent were confident that it is effective. We also know that we must do better:

2. The challenge is to better deploy resources and build on existing successes, further improve services to the public and address this perception gap. Criminal justice services must strive to match the expectations of individuals and communities and respond more effectively to their needs. Local people should be aware of the improvements that **are** being made. Public confidence will rise when local people know and understand more about criminal justice services and can see justice in action in their streets, towns and communities – and when they can experience and participate in a justice system that works more effectively for them.

3. Engaging communities effectively is central to improving public confidence in the way in which crime is tackled and justice delivered. The police service has taken an effective and innovative lead through Neighbourhood Policing in engaging with the public to help shape the better service they deserve. In this chapter, we look at what we need to do to ensure that the police are supported in this very important role and how we can improve the responsiveness and accountability of the CPS and the magistrates' courts to the communities they serve.

4. The CPS plays a vital role in bringing those who commit crime to justice. Working alongside the police, prosecutors take decisions about the public interest and decide whether and how best to prosecute cases in the courts. While the situation is improving, prosecutors are still not as visible and responsive to their communities as they should be and their work is not well enough understood. In this chapter we look at how we can better connect local prosecution teams to the communities they serve and to the work of local partner agencies.

5. We also need to improve people's sense of engagement with the justice process in courts. We know that the justice system, and courts in particular, can often be seen as remote, and that people believe the courts do not understand their problems. Her Majesty's Courts Service (HMCS) has done much to change this through increased engagement between magistrates and the communities they serve. We will build on this and courts

5. *Crime in England and Wales: Quarterly Update to December 2008* (Home Office) [www.homeoffice.gov.uk/rds/pdfs09/hosb0609.pdf](http://www.homeoffice.gov.uk/rds/pdfs09/hosb0609.pdf)

will continue to make better connections with their communities. In this chapter, we explore ways of raising standards of responsiveness and transparency, for example by ensuring more effective and direct flows of information about local concerns into the courtroom and by embedding the problem-solving and community engagement approach in the role of sentencers.

6. Our focus is primarily on the 336<sup>6</sup> magistrates' courts across England and Wales, because they deal with 95 per cent of all criminal cases heard (2.2 million in 2007–08), including most of the cases which typically cause the greatest damage to the community at large and which directly affect people's lives. The justice system and the courts belong to the people they serve but too many communities are unaware of the magistrates' court process, and have no real sense of connection to their magistrates' court or knowledge of the outcomes delivered there on their behalf. We want to change that, by applying more widely the Community Justice principles that we have established based on the experience and evaluation of the North Liverpool and Salford initiatives.

### Community Justice

7. In North Liverpool and Salford, and 11 other areas in which we have so far introduced the approach we call Community Justice,<sup>7</sup> we have applied these eight principles as part of an intensive and tailored solution for communities experiencing persistent problems. The concept is based on learning from the

Red Hook Community Justice Center in the United States.<sup>8</sup> Criminal justice services engage with and involve communities at a very local level, covering the streets or neighbourhoods that need the most help. They become more directly accountable and responsive to the needs and concerns of that local community. The criminal justice agencies work hand-in-hand with other organisations, support services and community groups to solve the problems caused by offending in the local area.



6. As at May 2008.

7. At Birmingham, Bradford, Hull, Leicester, Merthyr Tydfil, Middlesbrough (Teesside Magistrates' Court), Nottingham, North Liverpool Community Justice Centre, Plymouth, Salford, and three locations in London – Haringey, Newham (Stratford Magistrates' Court) and Wandsworth (South Western Magistrates' Court).

8. Berman G, Rampel M and Wolf RV (eds) (2007), *Documenting Results: Research on Problem-Solving Justice, A Collection from the Center for Court Innovation*, New York, NY, Center for Court Innovation Press.

## The eight principles of Community Justice

- **Courts connecting to the community.** There should be significant liaison between the courts and the local community so that the community is able to put forward its views, and the court has a view of the wider context of the crime.
- **Justice seen to be done.** Better information about the criminal justice services so that local people have an opportunity to put forward their views on the way offending is tackled. Compliance with the court's orders or other penalties should be seen and recognised by the community.
- **Cases handled robustly and speedily.** Harnessing the combined potential of a range of agencies working together; meaning increased speed and ensuring offenders begin sentences promptly.
- **Strong independent judiciary.** Enabling the judiciary to lead the problem-solving approach and maintain oversight of offenders' progress after sentence.
- **Solving problems and finding solutions.** Making use of a range of available service providers in order to tackle the underlying causes of offending. Problem-solving can operate both at a community level – tackling safety concerns raised by local people – and when dealing with individual offenders at court.
- **Working together.** A team approach to decision-making and dealing with offenders. Ensuring that a range of agencies, necessary for problem-solving, are available to the court, delivering an end-to-end service to offenders, victims and the community.
- **Repairing harm and raising confidence.** Seeking the views of the community on what projects should be carried out by offenders on unpaid work. These unpaid work projects should then be badged once completed so the community can see what has been achieved.
- **Reintegrating offenders and building communities.** Improving social bonds and cohesion within the community. Developing pathways to support the reintegration of offenders back in to their community.

8. This approach has achieved the most radical improvements where it is combined with co-locating all agencies on a single site, as in North Liverpool (see page 35). Due to cost considerations we have ruled out as an immediate option the creation of new purpose-built centres, and instead are determined to implement elements of the

approach in existing courts. It is the approach, rather than the building in which it is delivered, which is at the heart of Community Justice. It is characterised by stronger partnerships between criminal justice agencies, the judiciary and the communities they serve, and better exchange and use of information to increase understanding and promote confidence among

local people in their criminal justice services. It puts more power in the hands of the service users – the people who suffer the crime – and gives local people an active role in making their communities better for everyone by tackling offending behaviour and reducing crime. The courts, while at the heart of the Community Justice approach, cannot deliver these outcomes acting alone. They need effective local partnerships with other criminal justice agencies, local authorities, third sector advice and support providers and the public.

### Community Justice: the future

9. We recognise that the kind of intensive, very local approach pioneered in areas such as North Liverpool and Salford is not suitable for all cases passing through the magistrates' courts and may not be needed in all courts in all areas in England and Wales. So we have to take decisions about where we best focus our resources and energy to ensure that we tackle as a priority the most acute problems in the areas of greatest need. This also means applying different delivery models in different areas so that we match the approach to local needs and circumstances.

10. In this chapter, we look at some of the critical success factors – such as Community Impact Statements, problem-solving in court and judicial oversight of Community Orders – which underpin the Community Justice approach and which we propose to develop to benefit the public more broadly. We believe these could constitute a basic set of standards, or hallmarks, which should characterise the operation of all magistrates' courts. We recognise that, in some areas, depending on



need, there is also scope for the more intensive approach or the further development of other problem-solving courts, such as the Specialist Domestic Violence Courts we have already introduced and the Dedicated Drug Courts and Mental Health Courts we are piloting.

## IA. Community Prosecutors: enhancing the role of the Crown Prosecution Service

We will introduce Community Prosecutors in at least 30 pathfinder areas in 2009–10 to strengthen the contribution of the CPS to community engagement activity alongside the police, courts and other partners. Community Prosecutors will be more involved with their communities, more aware of local concerns and better able to reflect those concerns when making case decisions and setting local business priorities.

### The role of the Crown Prosecution Service

11. The CPS is the independent authority responsible for prosecuting criminal cases investigated by the police in England and Wales. It is responsible for:

- advising the police during the early stages of investigations;
- determining the appropriate charges in all but minor cases;
- keeping all cases under continuous review and deciding which cases should be prosecuted;
- preparing cases for prosecution in court and prosecuting them with in-house advocates or instructing agents and counsel to present cases;
- providing information and assistance to victims and prosecution witnesses.

12. The CPS prosecuted over a million criminal cases in 2007–08, achieving convictions in 85 per cent of those cases. The CPS also undertakes a wide range of community engagement work to build public confidence through initiatives such as community involvement in the retrospective scrutiny of case decisions through Community Involvement Panels and Hate Crime Scrutiny Panels.

13. Yet, despite its successes and its position as a core member of every Local Criminal Justice Board (LCJB), the CPS has been less well recognised among the public as a part of the Criminal Justice System than the police or the courts. In a recent study,<sup>9</sup> just 24 per cent of those asked identified the CPS as one of the agencies making up the end-to-end criminal justice service. This apparent lack of visibility of the prosecution team locally and poor public awareness of the role of the CPS may affect the communities' level of confidence. In 2006–07 approximately one-third of respondents to the British Crime Survey thought that the CPS was doing a good or excellent job.<sup>10</sup> This figure is improving as people become more aware of the CPS's role but we want to accelerate this improvement and ensure that the CPS is also recognised as the community's prosecution service. To help us do this, we propose a new Community Prosecutor approach, which will enhance the service the CPS provides to local people and the visibility of its work.

### Community Prosecutors: the role and the people

14. All prosecutors will be encouraged to engage much more with their local community. Local prosecution teams will be more informed about local concerns, have a better

9. *Confidence in the Criminal Justice System: What lies beneath?* (Ministry of Justice, 2007) [www.justice.gov.uk/publications/docs/criminal-justice-system-report.pdf](http://www.justice.gov.uk/publications/docs/criminal-justice-system-report.pdf)

10. *Crime in England and Wales 2006/07* (Home Office) [www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf](http://www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf)

## West Yorkshire Hate Crime Scrutiny Panel

The award-winning Hate Crime Scrutiny Panel was established in West Yorkshire in 2004–05. Members of hate crime interest groups scrutinise CPS cases with racial, religious, homophobic, transphobic or disability elements in West Yorkshire. Each case is analysed to identify both good practice and learning points, and these are fed back to the CPS.

Panel members include members of CJS agencies and representatives from a range of statutory and third sector organisations, such as Stop Hate UK; Calderdale Hate Crime Partnership; Kirklees Safer Communities; Wakefield Primary Care Trust; Yorkshire MESMAC (information support and resources on sexual health for gay and bisexual men); an independent legal adviser; and the independent facilitator. They review the cases to identify trends, strengths and weaknesses in the decision-making process and case management methods. Learning points are then fed back to CPS lawyers, police and other agencies to improve the future handling of hate crime cases. The panel members also provide feedback to their hate crime partnerships and interest groups.

understanding of the communities they serve and will have stronger links with people from surrounding neighbourhoods. Local people will see the information they provide – including details in the proposed Community Impact Statements (see Section 1B) – being used more effectively to help tackle the offences which

concern them most. They will see improved partnership working between prosecutors and criminal justice partners. Services will be more inclusive, people-focused and tailored to local need.

**15.** In many parts of the country, it is likely that local prosecution team leaders will take on this visible, outward-facing, proactive Community Prosecutor role within the geographical community for which they and their team are responsible. Local prosecutor team leaders are best placed to provide the local leadership needed, with the support of their Chief Crown Prosecutors, to create and maintain the community prosecution ethos among the prosecutors and associate prosecutors in their team.

## The Community Prosecutor approach in the local CJS partnership: using community information and views

**16.** We do not underestimate the power of information provided by communities. We want to ensure we use the most appropriate, clear and direct routes for information to be passed to the local prosecution team and other partners. They will make effective use of information from local people when making case decisions, especially when considering whether it is in the public interest to proceed.

**17.** It is vital that decisions to prosecute are taken in partnership with other criminal justice agencies, making use of all relevant information. Where offenders, for example, are subject to enhanced supervision under the Prolific and Priority Offender (PPO) programme, prosecutors will liaise with the probation and police teams to ensure they fully capture the intelligence and information these agencies have on that individual. As this joint working is further

expanded to include ever more offenders in the Integrated Offender Management (IOM) pioneer areas,<sup>11</sup> information sharing will become ever more important.

**18.** Under this new approach, local prosecution teams, under the direction of their Community Prosecutor lead, will work closely with Neighbourhood Policing (NHP) Teams and Neighbourhood Crime and Justice Co-ordinators (in the 60 pioneer areas),<sup>12</sup> as well as probation officers, to obtain better information on community concerns and to provide feedback to communities. They will draw on information from a range of sources, including information gathered at community meetings and from Community Impact

Statements, about particular signal offences and offenders of concern to the community. This will inform their work and ensure the court is aware of the impact of those offences within the community. Many prosecutors and associate prosecutors live in the area they serve and will be well aware of local concerns.

**19.** The community prosecution team will increasingly contribute to the dialogue between criminal justice services and the community. Working with LCJBs' community engagement leads (see Chapter 3, Section 3C), they will develop closer links with key local partners and ensure that the CPS feeds into and supports activity across all agencies and partnerships. Where possible and relevant, a member of

### The Thames Valley initiative

In 2005, the CPS undertook three community engagement pilots in three CPS areas, each pilot concentrating on a particular aspect of community engagement. A pilot in Thames Valley sought to improve the response to anti-social behaviour at a multi-agency level to reduce anti-social behaviour or quality of life offences that impact most heavily on a particular community.

The purpose of the pilot was to find out what local citizens' concerns were in relation to anti-social behaviour, evaluate those concerns and set priorities, focus efforts across the agencies on the priorities and inform communities on what the CPS was doing.

One of the outcomes reported by the pilot evaluation was that, as a result of joint working undertaken on the pilot, the CPS had improved links with the police anti-social behaviour team; specific training was organised on anti-social behaviour and also on case-building.

In general, more agencies wanted to work alongside the CPS and CPS staff wanted to be more involved in community engagement. The Community Development Foundation's evaluation report strongly recommended that CPS community engagement should be linked to the NHP strategy.

11. Nottinghamshire, Lancashire, London, West Yorkshire and the West Midlands.

12. <http://press.homeoffice.gov.uk/press-releases/crime-justice-pioneer-areas>

the local prosecution team will attend public meetings with the police and other CJS representatives to explain to communities what action can be taken to address a particular problem and what sanctions are available.

**20.** Community Prosecutors will also contribute to problem-solving locally by providing continuity of advice to the police on the range of options available to tackle priority problems in the neighbourhood; on the evidential issues related to them; and on any ancillary orders or out-of-court disposals which may be available and suitable in the circumstances. For example, a member of the team may be responsible for providing charging advice to the police on crime and disorder issues affecting a particular local community. The criminal or anti-social behaviour may not be serious when viewed in isolation but may well be linked to a wider or longer-term pattern of more serious offending committed in the local neighbourhood which is contributing to the community's concerns and undermining feelings of security. This should be picked up in the new Community Impact Statements (see Section 1B) but Community Prosecutors will also have an important role. Continuity of advice and handling will support targeted action to address the underlying problems and reduce the harm to the community. More informed casework decisions will support justice outcomes that tackle community priorities.

**21.** Community Prosecutors will add particular value to problem-solving focused on specific

neighbourhood issues, such as anti-social behaviour, domestic violence, problematic drug and alcohol use, prostitution or youth crime in their area. The local prosecution team leaders will ensure that the most appropriate local prosecutor on the team attends the neighbourhood meeting to provide specific advice on that issue. Communities will benefit from having a prosecutor with experience of cases of a similar nature who can explain what action is possible and work with the police to ensure that it is taken.

**22.** Local prosecutors will use information received from the community and other partner agencies to help them consider the public interest when taking prosecution decisions. Prosecutors should already be working in accordance with the Code for Crown Prosecutors,<sup>13</sup> which sets out the principles that prosecutors must apply when making case decisions, but greater awareness of community issues will enable prosecutors to make better informed casework decisions with more information from local residents available to them at the time the decision is made. This may mean that decisions made at present to take no further action in a case or to divert it from prosecution may, in future, be decisions to prosecute, as the prosecutors could take a different view of the public interest in light of community concerns. This is just one way in which the proposed approach will help ensure that we identify and tackle offences of most concern to local communities.

13. [www.cps.gov.uk/publications/docs/code2004english.pdf](http://www.cps.gov.uk/publications/docs/code2004english.pdf)

## Next steps

23. This is a new approach by the CPS, but one which builds on existing community engagement work. It is also informed in part by the independent evaluation of an initiative in Thames Valley in 2005<sup>14</sup> (see case study on page 18), which addressed anti-social behaviour.

24. The concept of Community Prosecutors will be developed and tested in at least 30 pathfinder locations over a 12-month period starting in 2009–10. This will give us valuable information about which approaches and local structures work best in delivering improved outcomes and confidence for communities and how the role and function can best be integrated with those of local CJS partners. We will focus in particular on how information from the community is obtained and used by prosecutors. We will use this learning to strengthen plans to implement the concept more widely, ensuring that the core concept and approach are applied consistently, but with sufficient flexibility to achieve the best possible outcomes for local communities.

25. As we develop and embed the concept, we will strengthen the connection between community concerns and the CPS's business priorities. In future, this approach will be an integral part of the CPS's mainstream business.



## Consultation question

**Q1** *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 communities to provide a more locally responsive prosecution service?*

14. An Independent evaluation report on CPS community engagement pilots by the Community Development Foundation.

## **IB. Community Impact Statements: community concerns taking centre-stage**

We will introduce Community Impact Statements to make community views more visible to crime and justice service providers and as a mechanism to feed community views directly into the justice process. Community Impact Statements will enable crime and justice practitioners to consider offences in the context in which they are committed and to take into account the harm inflicted on individual victims and the wider community. As part of our plans for keeping communities better informed (Chapter 3), we will also look at developing a response to the Community Impact Statement, which will give communities feedback on how their views were incorporated into the justice process and what outcomes were achieved.

### **Community Impact Statements**

- 26.** The police, the CPS, the courts, the judiciary and the probation service should all understand the concerns of their local community. Community Impact Statements give local people the opportunity to voice their concerns to criminal justice services and to the courts in particular.
- 27.** The Community Impact Statement is a report in a short, standard format that puts

offences into the wider context in which they are committed, highlighting their effect on the local community. The statement is usually compiled and authorised by the police but it might equally be compiled by another local partner organisation or individual, for example drawn from Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs). It sets out clearly information about local crime statistics, anti-social behaviour data, and summaries of community concerns gathered through NHP meetings and other community forums or engagement activities. The statement covers a set community, usually a geographical area, and remains current for a limited period of time, for example three months, after which it will be updated. It takes the form of a witness statement under Section 9 of the Criminal Justice Act 1967. An example of a Community Impact Statement, produced for the St Ann's area of Nottingham, is reproduced at the end of this section. The format and emphasis of the Community Impact Statement may change in light of further testing and use.

### **How will the Community Impact Statement be used?**

- 28.** The Community Impact Statement will be used by the police and CPS when making the decision whether or not to charge someone with an offence. It can also be used in a similar way as part of the conditional cautioning process. It will inform sentencing recommendations by probation officers in the pre-sentence and fast delivery report which is prepared for the judiciary. Once guilt is established, the statement will also inform sentencing decisions in court and may enable



sentences to be more reflective of community concerns, for example by informing decisions about unpaid work as part of a Community Order and which Community Payback project should be selected (see Chapter 2, Section 2A). If there are exceptional circumstances, for example where one type of offence is being frequently and repeatedly committed against the same local community or group of victims, the information in the Community Impact Statement could be used to inform the sentence imposed in accordance with the Sentencing Guidelines Council's guidelines.<sup>15</sup>

**29.** The Community Impact Statement can be used in the magistrates' court for both adult and youth defendants, and if the case is sent to the Crown Court for trial or sentence, the statement will be included in the case file and can be used in the Crown Court.

**30.** We believe that local people will recognise Community Impact Statements as an opportunity to 'have a say' and participate in the criminal justice process. They will also strengthen knowledge of community issues for prosecutors, all staff involved in the handling of cases at court, including probation, and the judiciary. The statements will be shared across relevant criminal justice practitioners so that they have a shared understanding of local concerns and can work together to ensure that the views of the community are taken into account. This will lead to more informed decision-making at the time of charging and sentencing and decisions that have public support.

### Letting communities know how their statements have been used

**31.** We want local people to be able to feed their views into the heart of the justice process. We also want them to know how the information they provide has been used and what difference it made. Feeding back to communities is as much a vital part of the justice process as seeking their views in the first place.

**32.** Later in this chapter (Section IF), we set out our proposals to include a requirement for direct community engagement in the job or role description of district judges and volunteer magistrates. Feeding back to communities on how their statements have been used should be a part of that dialogue, but we need to find other channels too. These are explored in more detail in Chapter 3.

15. [www.sentencing-guidelines.gov.uk/guidelines/index.html](http://www.sentencing-guidelines.gov.uk/guidelines/index.html)

## Next steps

33. We will test the use of Community Impact Statements in at least 12 areas which include Birmingham, Bradford, Devon and Cornwall, and Leicester, which are all existing Community Justice areas, and Avon and Somerset, Bedfordshire, Derbyshire, North Yorkshire, Warwickshire, Lancashire, Gateshead and Merthyr Tydfil. The test period will last for six months starting in spring 2009 and the results will then be assessed to inform national rollout.

## Consultation questions

- Q2** *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?*
- Q3** *Which organisations or individuals, in addition to the police, might compile the Community Impact Statements?*
- Q4** *For what other purposes might Community Impact Statements be used?*
- Q5** *How else could we give feedback to the public on how their views have been used in the justice process?*

## COMMUNITY IMPACT STATEMENT

Area covered by the statement: St Ann's

Period covered by the statement: January–March 2008

### Witness statement

This is the witness statement of Inspector Andy Townsend, stationed at St Ann's Police Station.

This statement consists of two pages, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated on it anything which I know to be false or do not believe to be true.

The following data reflects recorded crime in the area during the above period. The highlighted areas reflect the higher than average figures city-wide.

|  | St Ann's (4 beats)* |        |        |               |                  | City-wide     |                  |
|--|---------------------|--------|--------|---------------|------------------|---------------|------------------|
|  | Jan 08              | Feb 08 | Mar 08 | Apr 07–Mar 08 |                  | Apr 07–Mar 08 |                  |
|  |                     |        |        | Annual no.    | Crimes per 1,000 | Annual no.    | Crimes per 1,000 |
| All BCS crime                            | 180                 | 120    | 169    | 2,069         | 116.93           | 33,158        | 115.78           |
| Theft from vehicle                       | 21                  | 15     | 20     | 231           | 13.06            | 5,601         | 19.56            |
| Theft of vehicle                         | 10                  | 7      | 4      | 89            | 5.03             | 1,572         | 5.49             |
| Vehicle interference                     | 3                   | 1      | 5      | 27            | 1.53             | 770           | 2.69             |
| Burglary ( <i>per 1,000 households</i> ) | 18                  | 10     | 20     | 207           | 23.72            | 4,588         | 39.51            |
| Theft of cycle                           | 5                   | 5      | 2      | 31            | 1.75             | 1,089         | 3.80             |
| Theft from person                        | 2                   | 3      | 2      | 51            | 2.88             | 1,396         | 4.87             |
| Common assault                           | 6                   | 3      | 6      | 97            | 5.48             | 1,693         | 5.91             |
| Criminal damage                          | 73                  | 41     | 71     | 863           | 48.77            | 10,230        | 35.72            |
| Wounding                                 | 22                  | 26     | 24     | 316           | 17.86            | 4,950         | 17.28            |
| Robbery                                  | 20                  | 9      | 15     | 157           | 8.87             | 1,269         | 4.43             |
| Drugs offences                           | 36                  | 33     | 23     | 258           | 14.58            | 2,106         | 7.35             |
| ASB ( <i>core police incidents</i> )     | 127                 | 122    | 150    | 1,822         | 102.97           | 24,091        | 84.12            |

|  |         |
|--|---------|
| St Ann's 4 beat Population =                             | 17,694  |
| City Population (based on 2006 ONS Mid-year estimates) = | 286,400 |
| St Ann's 4 beat Households =                             | 8,727   |
| City Households =  | 116,112 |

| <b>* 4 St Ann's Beats:</b> | <b>Popl</b>   | <b>Hseholds</b> |
|----------------------------|---------------|-----------------|
| <i>St Ann's Well Road</i>  | 3,915         | 2,065           |
| <i>Marmion</i>             | 3,004         | 1,437           |
| <i>Marple Square</i>       | 3,047         | 1,478           |
| <i>Wells Road</i>          | 7,728         | 3,747           |
|                            | <b>17,694</b> | <b>8,727</b>    |

#### Sources

Crime and Drugs Partnership combined partnership data

#### Concerns of the community

- Kingsthorpe Close – mini-motorbikes
- Brewsters Road – young people and drug dealing
- Duncombe Close – drug dealing/users in entrance ways

**Local Area Group** – meetings reflect the following areas for priority

- Anti-social behaviour of youths on the street, particularly around the junction of Botany Avenue and Wells Road
- Drug dealing and use in Sycamore Park
- Requirement for CCTV on Kingsthorpe Close
- Lighting for park area off Robin Hood Chase

#### Beat priorities as at February 2008

|  |
|--|
| <b>Marmion</b> – Drug activities surrounding Stonebridge Centre                    |
| <b>Wells Road</b> – Autocrime and burglary hotspot Querneby/Blyth/Bennett Street   |
| <b>St Ann's Well Road</b> – Drug dealing on Robin Hood Chase and Westville Gardens |
| <b>Marple Square</b> – Drug dealing on Beverley Square and Duncombe Close          |

Signed Insp Andrew Townsend

Dated 30 April 2008

## IC. Increased problem-solving in the courtroom

We will introduce problem-solving approaches into magistrates' courts across England and Wales, building on the existing community engagement initiative in magistrates' courts. We will also look at the feasibility of extending use of the power to bring an offender back to court to review their progress on their Community Orders (we say more about this in Section ID). We will train and support magistrates to effectively identify and solve problems, give information in court and signpost defendants with underlying problems to sources of help.

### The approach

**34.** Magistrates and the communities from which they are drawn are frustrated by seeing the same people appearing in court again and again. Many magistrates want to be able to do more to help offenders focus on their underlying problems, to reduce the same patterns of offending, and minimise further harm to communities. To support magistrates to do this, we propose to extend the use of problem-solving approaches to magistrates' courts in England and Wales.

**35.** By identifying the problems typically leading low-level offenders to commit crime – for example addiction, unemployment or debt – and helping them to access help to address these problems, the problem-solving approach enables the court to help offenders focus on their problems, change their behaviour, stop offending against the community, and rejoin the law-abiding majority.

**36.** We want as many communities as possible to benefit from problem-solving approaches and want them to be applied to cases where it is most effective. It appears to be particularly effective for low-level offending following a guilty plea from the offender and works best where no custodial sentence would be applied.

**37.** We propose to develop and expand the core elements of the problem-solving approach to magistrates' courts across England and Wales, building on our existing problem-solving courts, such as the Community Justice courts and Dedicated Drug Courts, and also international research from problem-solving courts abroad.

## CASE STUDY

**Problem-solving in the courtroom**

Using the powers of Section 178 of the Criminal Justice Act 2003 to bring back an offender before magistrates, a 28-year-old male was called before magistrates to review the Community Order he had been given after he had burgled his parents' home. The order stated that he be supervised by the probation service for two years, and attend an Addressing Substance Related Offending programme.

The defendant had a long history of offending. Problems identified by the court were severe alcohol dependency and lack of accommodation. The defendant admitted he consumed approximately 4 litres of cider per day and had very little recollection of where he was or with whom he was staying. He had been assessed by the alcohol worker in court and was receiving help from Alcohol Services.

During the Section 178 review at court to monitor his progress, it appeared that the defendant had been able to turn his life around and had re-established his relationship with his parents. His accommodation needs had been met – he was living at a hostel and receiving help to locate a residence in that area. The magistrates heard that he was alcohol free.

The defendant was working with the hostel and probation staff and complying with the order to attend the Addressing Substance Related Offending programme. All tests for alcohol misuse had been negative in recent weeks. He confirmed that he was enjoying the course and had enrolled on an IT course where he was learning new skills. The magistrates were delighted with his progress – the chairman in particular commented: "The purpose of this order was to assist you in becoming alcohol free and to lead a productive life – you appear to be achieving this."

**38.** We will introduce the following core elements of problem-solving in magistrates' courts across England and Wales.

- **Identifying appropriate cases** – for instance by using multi-agency meetings held prior to the court sitting to pinpoint appropriate cases and identify any services to which those individuals might be directed.
- **Direct judicial engagement with offenders** – in court, once guilt is established, the judiciary can speak directly with the offender about why they committed the crime. The judiciary can help focus the offender on any problems that they feel have contributed to the offending, and discuss solutions in co-ordination with sentencing. Research suggests that this direct engagement by the sentencing judge or magistrates can be crucial in holding an offender to account for their crime and sentence and getting them to take responsibility for their rehabilitation.<sup>16</sup>
- **Problem-solving intervention** – having ascertained whether there are underlying issues to be addressed, the judiciary can then direct the offender to services, often from the third sector, which will help them take action to tackle their problems.

16. Berman G, Rempel M and Wolf RV (eds) (2007), *Documenting Results: Research on Problem-Solving Justice, A Collection from the Center for Court Innovation*, New York, NY, Center for Court Innovation Press.

- **Review hearings** – Section 178 of the Criminal Justice Act 2003 provides the power for the court to review offenders' progress as they carry out Community Orders. Using the powers of Section 178, the judiciary can call an offender back to court to report on their progress both with the Community Order and with their action in addressing their problems. This has been found to work particularly well when the same member of the judiciary who passed sentence conducts the review (see Section 1D).

### Next steps: extending the problem-solving approach

39. We have already introduced problem-solving approaches in the 13 Community Justice areas and are now looking at how these can be adapted for wider application. Subject to local need and resources, we will implement problem-solving approaches across magistrates' courts in England and Wales by March 2012. As a first step, by the end of 2009, we will have identified six areas to implement problem-solving techniques to provide us with further information about costs and benefits to inform further rollout. We need to be clear that the extension of this approach to a much greater number of locations and larger geographical areas can be delivered effectively and without affecting the core business of magistrates' courts or of the criminal justice agencies that work within the courts.

40. We are also keen to ensure that problem-solving approaches respond to the differing problems that concern diverse groups within our communities and, in particular, meet the needs of rural communities and black and minority ethnic communities.

41. The problem-solving approach is integral to the wider proposals for making courts more responsive to community needs set out in this chapter and reducing reoffending by tackling its root causes. Public involvement in the selection of Community Payback projects through Citizens' Panels and other routes (as set out in Chapter 2) can also support problem-solving, as the Community Payback is carried out in a way that seeks to repair the damage done. Wherever possible, the work will be done in the area where the offence was committed.

### Consultation question

**Q6** *Problem-solving can help address local problems. What are the issues that might benefit from a problem-solving approach?*

### Helping magistrates to use problem-solving

42. Many magistrates want to use problem-solving approaches but may lack the knowledge, experience and confidence to do so at first. We want to see problem-solving adopted more systematically in magistrates' courts in all appropriate cases. So we will provide magistrates with information about local advice and support services available to offenders, so that they can pass this on to the offender in person, at court. This information will come from a number of sources, including local CDRPs/CSPs, local authorities and local third sector organisations.

43. We will build on the approach already used in youth courts, and in the courts operating the Community Justice projects, and provide magistrates with similar additional training and awareness sessions to enable them to engage directly with the defendant in court.

44. Equipping magistrates with additional knowledge, skills and tools will enable them to determine the most effective punishment and, with the support of the probation service and others, provide offenders with prompt information and signposting to services that will help them to address their problem behaviours, resolve other problems and reintegrate into the community. Local people will benefit from a reduction in offending behaviour and harm caused to the community.

### Consultation question

**Q7** *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?*

## I D. Judicial continuity and case review

We will look at ways of improving the continuity of judges or magistrates from hearing to hearing for an individual case and at extending the use of Section 178 of the Criminal Justice Act 2003 (the power to bring an offender back to court to review progress on their Community Order).

### Judicial continuity

**45.** Research from the Community Justice Centre in North Liverpool,<sup>17</sup> where one Circuit Judge sits alone, and the evaluation of the Dedicated Drug Courts at West London and Leeds, shows that a critical success factor has been judicial continuity. The same judges and magistrates at these courts hear the case each time it comes back to court and have built a relationship with offenders, providing motivation; rewarding progress, but also reprimanding as necessary and dealing firmly with breaches.

**46.** The Drug Courts pilots have shown how judicial continuity in reviews of Community Orders with drug rehabilitation requirements can be a factor in improving an offender's compliance with their sentence. The evaluation of the first two Dedicated Drug Courts, published in April 2008,<sup>18</sup> also suggested that increased continuity of magistrates led to fewer offenders being re-convicted, fewer missed a

court hearing and offenders were more likely to complete their Community Order. The Drug Courts pilots have been extended to another four magistrates' courts to further evaluate the model.

**47.** Bringing a defendant back before the same judge, or the same panel of magistrates, each time they attend court can have a powerful effect. It enables the judiciary to develop a rapport with the defendant, understand their personal situation and keep track of changes in circumstances. It also reduces delay and repetition at subsequent hearings. Judicial continuity for appropriate cases has been achieved by deploying one district judge for each sitting of that court. Achieving continuity of a magistrates' panel is more challenging, as the panel is made up of three magistrates who give their time as volunteers, and may not all be able to schedule their sittings together on subsequent dates. We are looking at ways to achieve more continuity within a panel of magistrates by, for example, having a minimum of one magistrate continuously involved throughout the case review process.

**48.** The single judge model in North Liverpool has fostered strong judicial leadership and authority in the courtroom and more respect for the court from offenders. The approach has also had a positive impact on case management – with a guilty plea rate of 82 per cent, compared with a national average of 68 per cent.<sup>19</sup> Offenders returning to the court want to try harder, believing that they are less able to 'get away with things'. Research from the Red

17. McKenna, Ecotech Research and Consulting, October 2007.

18. [www.justice.gov.uk/docs/dedicated-drug-courts.pdf](http://www.justice.gov.uk/docs/dedicated-drug-courts.pdf)

19. Although the types of cases heard at North Liverpool differ from those at other courts – for example, they deal with low-level summary non-motoring offences and either-way offences.

Hook Community Justice Center in New York, also with a single judge, found that defendants' perception of the judge was the most important predictor of overall perceptions of the court's fairness.<sup>20</sup>

### Quotes from offenders at the Community Justice Centre in North Liverpool

"The judge is more one-to-one, and he remembers you; when you come back, he remembers what he said to you. It is better and he can see the difference in you. If you have made an effort and you've bettered yourself or whatever he can tell and it makes you want to do it."

"I needed that [regular court appearances for review of sentence under Section 178], you see, because if it was every two months or something like that, I would have gone off the rails and that was what I needed, that short leash. That is why I got my life back in order."

### Consultation question

**Q8** *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?*

### Review of Community Orders

**49.** Section 178 of the Criminal Justice Act 2003 enables the court to review offenders' progress as they carry out Community Orders. This means that when an offender over the age of 18 is given a Community Order, the court can require the offender to come back to court on a regular basis to consider their behaviour during the sentence. This increased oversight by the judiciary encourages offenders to comply with the conditions of the sentence. The court may require the offender to attend each review hearing and ask the responsible officer, for example a probation officer, to provide a progress report for the offender. In line with the problem-solving approach, it also gives the court the opportunity to support the offender as they face challenges and adapt the conditions of the sentence if conditions change. This only applies to Community Orders, and so is currently only available to offenders over 18 years old.

**50.** Quantitative data on the impact on compliance and reoffending is not yet available, but anecdotal evidence from judiciary and staff collected during the evaluation of the

20. Frazer, MS (2006), *The Impact of the Community Court Model on Defendant Perceptions of Fairness: A Case Study at the Red Hook Community Justice Center*, New York, NY, Center for Court Innovation.

Community Justice Centre in North Liverpool suggests that it is a powerful tool, particularly for offenders with chaotic lives. Evidence from staff and case studies of offenders showed that Section 178 is a strong mechanism for increasing offenders' compliance with their sentences. The survey of offenders showed that offenders who had a condition to appear before the judge to review progress were more likely to say that they had been able to meet the conditions of their sentence. Staff also stated that review hearings served as a further opportunity to identify issues that might undermine offenders' ability to complete their sentence.

**51.** While the primary purpose of Section 178 is to enable the court to review Community Orders, an important feature of its use is judicial continuity. We would like to extend the powers under Section 178, as a powerful means of enhancing the problem-solving approach, in conjunction with finding new ways of ensuring greater judicial continuity, in order to enable the judiciary to build relationships with offenders, acting as a source of encouragement, praise and reprimand as appropriate.

#### CASE STUDY

### Power to review a Community Order: 'M's' story

**Offence: Burglary other than dwelling, theft, going equipped for theft**

**Sentence: Community Order 12 months, 80 hours unpaid work.**

'M', a 19-year-old male, was sentenced on 8 February 2008 and was subjected to three reviews during the period of his order. At the initial court appearance 'M' was referred to a learning centre where his literacy and maths were assessed and he was awaiting a course to gain qualifications. The first review was positive. 'M' had enjoyed completing his unpaid work and had also accessed the learning support. At the first review he was well on his way to completing the order quickly.

By the second review he had missed some probation appointments and was in breach of the order. He told the court that he was being bullied by other offenders in his group, but had not told his probation officer as he had not seen her. He was reminded of the importance of keeping in contact with her and disclosing these issues, but the court was also able to order another review in two weeks to allow discussions to take place with his probation officer. At the final review two weeks later, 'M' had completed his hours successfully. He had spoken to his probation officer, the breach was withdrawn and arrangements were made for him to attend another group. His order had now finished but 'M' was still attending probation voluntarily for more help with his education and employment. He was congratulated on completing the order so swiftly and for seeking help to address his problems.

## Next steps

52. Currently Section 178 has been enacted exclusively in the 13 Community Justice courts.<sup>21</sup> We are currently evaluating its use in appropriate cases in these courts to help us decide whether to introduce these powers for appropriate cases in other areas across England and Wales.<sup>22</sup> We are extending the use of the power in the magistrates' courts in Bradford, Hull, Merthyr Tydfil, Nottingham and Salford for offenders with the new Intensive Alternatives to Custody (IAC) sentences.

## Consultation questions

- Q9** *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?*
- Q10** *Should these powers be extended to cover offenders under the age of 18 serving sentences in the community?*



21. At Birmingham, Bradford, Hull, Leicester, Merthyr Tydfil, Middlesbrough (Teesside Magistrates' Court), Nottingham, North Liverpool Community Justice Centre, Plymouth, Salford, and three locations in London – Haringey, Newham (Stratford Magistrates' Court) and Wandsworth (South Western Magistrates' Court).

22. We would need to seek affirmative resolution in Parliament to extend the power beyond these courts.

## I E. Intensive solutions to the most persistent problems

We will expand our use of the successful principles and practice pioneered through the Community Justice projects and apply them intensively where local community needs and concerns, backed by evidence from crime and justice information, suggest that this approach is most needed, for example in areas of high crime and social deprivation. Where possible, we will co-locate crime and justice teams with advice and support services in one building to deliver the full range of community engagement and problem-solving services more effectively to benefit communities. Where co-location is not an option, we will look at ways to bring together dedicated teams to deliver the full range of services in appropriate cases.

### Intensive solutions to the worst problems

53. We have set out plans to extend a range of community engagement, problem-solving and case management practices to magistrates' courts across England and Wales so that more problem crime and anti-social behaviour is tackled and more communities benefit. Consistent and effective application of these practices will meet the needs of most communities. For the areas with more acute crime and anti-social behaviour problems, fuelled by social disadvantage, we propose to take a more intensive and focused approach

to get to the root of the problems. We have successfully tested this approach in a number of neighbourhoods, and local communities are seeing real change for the better.

### Where is this approach operating?

54. This intensive, multi-agency approach is being used in the 13 Community Justice projects across England and Wales.<sup>23</sup> The first two projects, in North Liverpool and Salford, were set up in 2005, in response to persistent local problems affecting people living in those neighbourhoods. Although the two sites use different models, both deliver the main components of the intensive Community Justice approach, which has at its heart:

- strong and effective **case management**;
- **community engagement and involvement**;
- applying **problem-solving** approaches; and
- **repairing harm** caused to victims and communities.

### Applying the approach more widely

55. In light of the experience in North Liverpool and Salford, we applied the eight principles of the intensive Community Justice approach (set out in full on page 14) and used them to underpin the operation of 11 further Community Justice projects. All of the new sites operate from mainstream magistrates' courts. All apply the principles flexibly according to local need and circumstances. We are continuing to evaluate these projects. Information about the costs, operational implications, innovative and effective practice and the justice outcomes achieved for local communities are being used to inform future planning.

23. North Liverpool, Salford, Birmingham, Bradford, Devon and Cornwall, Hull, Leicester, Merthyr Tydfil, Middlesbrough, Nottingham, Haringey, Newham and Wandsworth.

## Evidence from existing Community Justice sites

**56.** Community engagement is a core component of the Community Justice approach. At the North Liverpool and Salford sites, activity has focused on improving awareness of the court and criminal justice services; keeping local people informed about criminal justice outcomes and successes; and seeking to involve the community actively in the development and operation of the criminal justice services. Early evidence from North Liverpool suggests that the most successful element of the work has significantly raised awareness of the centre and its judge among the community.

**57.** Close multi-agency working is also critical to the success of Community Justice. The availability on-site of all criminal justice agencies for multi-agency pre-court meetings at the North Liverpool Community Justice Centre has led to higher levels of case preparedness. The co-location of a range of different advice, support and voluntary sector agencies

enables the centre to deliver an immediate holistic, tailored and responsive approach to offenders' needs and swift intervention, linked to the sentence imposed. Having the advice and support services on-site enables the judge to order an immediate problem-solving meeting, on conviction, to assess the underlying problems that the offender is facing. The meeting is chaired by the probation officer or youth offending officer; and, due to the co-location of services, they are able to invite officers from the relevant advice and support services on-site to attend, for example drug counselling, housing advice or education and employment services, and also any members of the offender's family who are willing to be involved. During the meeting, a programme of advice and support is discussed and agreed, and is reported back to the judge by the probation or youth offending officer, along with their recommendation for sentence. Any help identified can start immediately, in many cases with the offender going straight to another part of the building to talk to the support services.

### CASE STUDY

#### North Liverpool Community Justice Centre

Following concerns raised by a sports and community centre about the level of anti-social behaviour in their area, the Community Justice Centre established a problem-solving group with youth workers, Positive Futures, the police, Liverpool Anti-Social Behaviour Unit and local landlords in order to identify the perpetrators and co-ordinate action against them. A gang of 10 men aged between 17 and 25 appeared before Judge Fletcher and were given ASBOs, following evidence gathered by the police of their involvement in criminal damage, violence, taking and dealing drugs, verbal abuse and the harassment of local residents. The order prohibited the men from associating with one another and banned them from a large area of North Liverpool. The order was well publicised in the Liverpool Echo and was met with relief by some of the residents affected by the behaviour it is intended to stop.

**58.** From a survey carried out during the evaluation of the North Liverpool Community Justice Centre, we know that:

- 79 per cent of respondents indicated that the problem-solving meeting had helped them to address their problems;
- 76 per cent thought that the support at the problem-solving meeting was better than they had previously received in a traditional court; and
- 86 per cent believed that the problem-solving meeting would help to deter them from offending again in the future.

### Beyond Community Justice

**59.** The same principles of multi-agency problem-solving are spreading throughout criminal justice services. In order to assess and manage the risks presented by the most serious sexual and violent offenders we have introduced, and enhanced, Multi-Agency Public Protection Arrangements (MAPPA), which require the prison, probation and police services to work together to manage risk.

**60.** Research<sup>24</sup> has found evidence of greater effectiveness and efficiency across MAPPA teams in England and Wales, compared with the period prior to the introduction of MAPPA legislation in 2001. It found that the arrangements had been strengthened by the inclusion of the Prison Service within the Responsible Authority, and by the designation of a number of duty-to-co-operate agencies (brought in by the Criminal Justice Act 2003). The MAPPA process facilitated effective contributions by agencies so that representatives could make operational decisions and develop risk management plans.

**61.** To manage the most highly prolific offenders, we launched the PPO programme in 2004. This sees the police, prison and probation services working together to tackle some of the most challenging offenders. PPOs are intensively supervised, with access to services to help them reform backed up by rapid enforcement and police surveillance for the non-compliant.

**62.** The PPO programme has delivered considerable success in tackling reoffending among highly active and problematic offenders, as evidenced by a 62 per cent reduction in convictions among the first offenders taken onto the programme over the first 17 months.

**63.** The national evaluation of the PPO programme (published in February 2007) tracked the first offenders taken onto the programme in September and October 2004 and found, in summary, that:

- a comparison of total convictions in the 17 months before and 17 months following the programme showed a 43 per cent reduction in PPO offending; and
- a comparison from the start of the scheme to 17 months after the start showed a 62 per cent reduction in convictions and a sharp reduction in PPO offending following entry onto the scheme.

**64.** In addition to the overall findings, the evaluation shows that the PPO cohort had a reduction in the rate of their offending following entry onto the programme, and a marked decrease in the number of days between committing an offence and being sentenced in court in the year following their entry onto the programme.

24. Kemshall, Mackenzie, Wood, Bailey and Yates (2005), *Strengthening Multi-Agency Public Protection Arrangements (MAPPA)*, Home Office.

**65.** In addition to those programmes, a new concept of IOM formed by local partnerships of police, probation and prison services, local authorities and other agencies is extending multi-agency problem-solving approaches to more and more offenders. Critically, IOM will pick up those offenders not subject to statutory supervision, including those serving short sentences. The six IOM pilot projects aim to make a real difference and to cut the rates of crimes of most concern to communities, combining community intelligence-led policing with rigorous community supervision that holds young and adult offenders to account for complying with the interventions supporting their rehabilitation.

**66.** As part of the programme, the London Diamond Initiative, much like the Community Justice courts, is targeting specific geographic locations in which to rollout its IOM model. This multi-agency initiative, in collaboration with local authorities, provides targeted support and intervention to break the cycle of reoffending and to build the case for justice reinvestment (the transfer of money into community support for offenders). IOM is currently operating in five areas: Lancashire, London, Nottinghamshire, the West Midlands and West Yorkshire. The areas will be subject to evaluation by the end of 2009–10, including a break-even analysis to assess value for money. Looking ahead, we are keen to support other partnerships wanting to adopt the IOM approach across the country in 2009–10. We will shortly set out our proposed direction of travel, including setting out common criteria for IOM schemes.

**67.** The multi-agency approach to problem-solving has other benefits. At the North Liverpool Community Justice Centre, victims

and witnesses, as well as the wider community, can use the on-site support services that were set up to help offenders with their problems. This means that all parts of the community can benefit.

**68.** Across the Community Justice projects, reparation is being made to the community through Community Payback and through Youth Offending Team reparation activities. Communities have benefited from improvements to their physical environment as a result of Community Payback work carried out by offenders as a requirement of a Community Order. Typically, projects are selected and unpaid work is organised in response to issues raised by the community. This is an area of activity that is expected to expand through further partnership working between the court, the local probation service and the local authority, and we say more about this in the next chapter.

### Next steps

**69.** The Casey Review acknowledged the benefits to the community of the approach we have outlined here. It recommended that the Community Justice pilots should be expanded to additional areas (page 55 of the review). We agree with this conclusion and have been considering how best we can target the approach in the areas of greatest need.

**70.** The existing Community Justice sites were selected on the basis of persistent and very localised problems identified by the communities in those areas. Those problems are not endemic in all neighbourhoods, many of which experience much lower levels of crime, so we need to prioritise the use of more

intensive solutions in areas where they will make the biggest difference to the communities most affected.

71. We will maintain our focus on the magistrates' courts because it makes sense to build on the existing initiatives and programmes that are anchored around those courts. In looking at the options for extending the approach to new locations, we will consider:

- the appropriateness of the approach, assessing the level of need within a community and the likely benefits to local people (including whether there are likely to be enough suitable cases passing through the courts);
- the feasibility of co-location (as in the North Liverpool Community Justice Centre), given the availability of suitable courtrooms in existing court buildings in the target areas;
- the capacity of all agencies to deliver the intensive Community Justice approach – whether co-located or not – including local authorities and third sector partners;
- the feasibility and costs of extending the use of Section 178 Criminal Justice Act 2003 powers, which are integral to the Community Justice approach; and

#### CASE STUDY

##### Making use of existing court space to co-locate multi-agency teams

The Community Justice project in Birmingham covers the Handsworth and Lozells area of the city, and operates out of courtroom 2 at Birmingham Magistrates' Court. The court sits five days a week, and they are keen to expand to cover other areas of the city. Birmingham is also one of the pioneer areas which has a newly appointed Neighbourhood Crime and Justice Co-ordinator, and there are six district judges who sit at the court. Currently there are a number of services for offenders going through the Community Justice court based on-site to help with the underlying causes of offending. These include Citizens Advice, Jobcentre Plus, Anawim (supporting vulnerable women) and SOVA (a volunteer mentoring service).

There is potential to build on this co-location of services to create a Community Justice centre within the court, serving offenders and the local community. Strong links could be made, via the Neighbourhood Crime and Justice Co-ordinator, with neighbourhood police teams and local communities across the city. The district judges and magistrates sitting at the court could each be allocated to a smaller area within the city, as Judge Zara now looks after the Handsworth and Lozells area, bringing closer accountability and a better understanding of local community issues. The magistrates' court itself is due to move to a newly built building in 2012, and there is potential to work requirements for co-location into the building plans. This would follow a similar approach taken at another Community Justice project, in Merthyr Tydfil. Their court was closed in August 2007 while it was renovated, and reopened at the end of 2008. As Merthyr Tydfil was a Community Justice area, the renovation plans were adapted to include space for co-located problem-solving services.

- the availability of the funding needed to apply the intensive Community Justice approach in more places.

**72.** In light of the costs involved, we have ruled out as an immediate option the creation of new, purpose-built centres like the North Liverpool Community Justice Centre. It continues to be an extremely valuable and successful test-bed for the Community Justice approach as a whole, but we do not believe that the costs involved in building new centres can be justified at present. Instead, we propose to look at the other models being tested. Recognising the limitations of the courts estate, we will assess the benefits of permanent co-location of multi-agency teams by exploring the use of trained personnel forming 'virtual' multi-agency teams that come together to apply the intensive approach to suitable cases. This has not previously been tested.

**73.** We may – subject to resources, practical local circumstances and need – test both models in different multiple locations. We would look first to target the areas demonstrating the greatest need and with the most serious problems.

**74.** The intensive Community Justice approach would continue to run alongside the development of the existing problem-solving courts, such as the Dedicated Drug Courts, the Specialist Domestic Violence Courts and Mental Health Courts. There are currently 122 Specialist Domestic Violence Courts, six Dedicated Drug Court pilots and two Mental Health Court pilots in operation.<sup>25</sup> These courts have a narrower focus than the intensive Community Justice approach, which looks at a wider set of issues experienced in particular neighbourhoods.

25. [www.justice.gov.uk/newsrelease080409a.htm](http://www.justice.gov.uk/newsrelease080409a.htm)  
[www.justice.gov.uk/newsrelease260309a.htm](http://www.justice.gov.uk/newsrelease260309a.htm)  
[www.hmcourts-service.gov.uk/cms/files/SW\\_Mental\\_Health\\_Pilot0608.doc](http://www.hmcourts-service.gov.uk/cms/files/SW_Mental_Health_Pilot0608.doc)

## Choosing new sites for the intensive approach

**75.** We want to target resources at those areas in which there is clear evidence of persistent problems and greatest need. We have mapped where there are existing Community Justice initiatives, problem-solving courts and a resident district judge (to ensure judicial continuity) against locations in which there appears to be available court space within existing buildings and the 60 Neighbourhood Crime and Justice pioneer areas created in November 2008. These local authority areas were invited to bid to become pioneer areas according to their relative levels of deprivation, the extent to which residents were concerned about crime and their population size. However, equally important in their selection was their determination to work with local communities to address local concerns about crime, anti-social behaviour and justice. All areas agreed to work with the Neighbourhood Crime and Justice Group, which supports Louise Casey in her role as the Government's Neighbourhood Crime and Justice Adviser.

## Full co-location of services

**76.** Where we identify areas suitable for this intensive approach, we will work on the presumption that it will include the full co-location of all relevant services. The initial mapping exercise has highlighted a number of areas in which we might use existing court space or take advantage of the planned and future court renovation and building programme to establish more Community Justice-type centres with key staff and services all located in the same court building.

77. We will explore further the potential development opportunities involving existing and planned court buildings with full co-location of staff and services during this three-month consultation. We will also ensure it is a consideration in any planned court refurbishment or new building proposals to take advantage of all opportunities to apply this intensive approach in the areas of greatest need. In the meantime, we would welcome views on the use of other suitable court accommodation that might be suitable for a co-located multi-agency problem-solving team.

### Partial co-location and virtual teams

78. While we are committed to co-location as a general principle, we recognise that co-location of all key staff will not always be possible. As an alternative, we will look at the potential to create partially co-located or virtual problem-solving teams who would not be permanently based in the same building but come together to apply the same problem-solving approaches and techniques to suitable cases in their area. We will look urgently at the feasibility of testing this approach in a small number of suitable areas during 2009–10. This is a new approach and, while we intend to test it, we would welcome views in advance of setting up test areas on its feasibility and the implications for the agencies involved in terms of training and providing the staff to form the proposed virtual teams.

### Consultation questions

- Q11** *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?*
- Q12** *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?*
- Q13** *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?*
- Q14** *What other options are there for delivering the intensive Community Justice approaches in the areas of greatest need?*

## I.F. Selection and deployment: the right people doing the right jobs in the right places

We will re-focus the role of district judges (magistrates' courts) and volunteer magistrates explicitly to include the adoption of problem-solving techniques and a requirement that these judicial office holders must engage with local communities. As a start, we will refresh the job description and outline of responsibilities for both roles to make clear the expectation that they will provide leadership in bringing the courts closer to the community. We will look at ways of involving the community in the appointment and deployment process for district judges (magistrates' courts), and develop further strategies for increasing the pool from which magistrates are drawn to ensure that they are more reflective of the diverse experiences and backgrounds of the communities they serve. In particular we want to encourage younger members of the public and people who live in socially deprived areas to volunteer.

### District judges and magistrates

**79.** Magistrates' courts deal with around 95 per cent of the criminal cases heard in the courts, as well as some family and civil cases. Magistrates, whether district judges sitting in magistrates' courts or members of the local community who volunteer as magistrates,

therefore have enormous potential to influence the quality of life for the communities in which they sit.

**80.** There are about 130 district judges in the magistrates' courts in England and Wales. They are professional judges, appointed by Her Majesty the Queen on the recommendation of the Lord Chancellor. The number of district judges at each magistrates' court varies. Several judges cover the larger courthouses, whereas other courts do not have a district judge and sit with magistrates only (magistrates are volunteer members of the community who are not legally qualified).

**81.** There are also around 30,000 volunteer magistrates in England and Wales. They have been described as 'the backbone of the Criminal Justice System' and, rightly, they command respect in the communities in which they serve. Magistrates are recruited and selected by local Advisory Committees across England and Wales, which then make recommendations to the Lord Chancellor who decides whether or not to make appointments. Successful candidates are allocated to a local Bench, although they are eligible to sit anywhere in England and Wales. There is no lower age limit for applicants. The normal upper age limit is 65 years and retirement age from the Bench is 70 years.

**82.** No legal qualifications or experience are required, but candidates must demonstrate six key qualities:

- good character;
- commitment and reliability;
- understanding and communication;
- sound judgement;
- social awareness; and
- maturity and sound temperament.

**83.** Magistrates are the personification of justice being delivered in the community. As such, they already make a significant contribution to bringing the courts closer to the communities they serve. Magistrates also engage with the community outside of their duties in court. For example, approximately 3,000 magistrates are involved in the Magistrates in the Community Project, run by the Magistrates' Association. The project works to raise awareness among

schools, employers and the community at large of the vital role that magistrates play in society, and to encourage those from under-represented groups to apply to become magistrates. Many work in partnership with local probation services to raise awareness among the community through successful initiatives such as Local Crime: Community Sentence (LCCS).<sup>26</sup>

#### CASE STUDY

### Local Crime: Community Sentence

We know that confidence in the justice system rises when people better understand its workings and can see how justice is delivered. Local Crime: Community Sentence is a scheme that provides communities with information about sentencing and involves them in hypothetical cases and decisions. It has demonstrated that the majority of participants are left with a more favourable impression of the justice in their locality and a better understanding of the fact that a seemingly 'tough' sentence is not always the best.

The scheme actively seeks out community groups and uses a hypothetical offence that could realistically lead to imprisonment for the offender. While it starts with a newspaper report, the presentation examines how a magistrate and a probation officer will gather additional information and arrive at the decisions necessary for sentencing. A before and after questionnaire tracks the audiences' own decisions on the case and whether they support a prison or community sentence. The joint presentation given by a local magistrate and probation officer is vital to the scheme's success. Based on their first-hand experience in court and working with offenders, they explain what information they receive and how they balance their work around punishment, public protection and reducing the likelihood of fresh offences, always taking into account the interests of the victim. Each presenter is carefully trained. Debate is encouraged, and inevitable.

The results show that almost half of audiences would not choose prison at any stage. Of those that selected prison based on the initial press report, 56 per cent subsequently changed their mind after getting more information and listening to the debate. Many leave feeling more confident in the justice system.

LCCS is independently led by the Magistrates' Association and the Probation Association, and it is steadily being extended nationally with some financial support from the Ministry of Justice. Recent groups have been as diverse as witness care units, pensioners' groups, police trainees, law students, neighbourhood policing panels and residents' associations.

26. [www.lccs.org.uk/](http://www.lccs.org.uk/)

**84.** Magistrates throughout England and Wales also support the national HMCS Community Engagement Project, launched in 2008. This work brings the courts closer to the communities they serve by giving local people more information about the work of the court and the actions taken to deter and punish offenders. It also enables the judiciary to develop a better awareness and understanding of the issues of concern to local people and the impact of offending on the community.

### **Embedding community engagement and the use of problem-solving techniques into the judicial role**

**85.** Community engagement and problem-solving approaches should be an integral part of the job or role description for all existing district judges and magistrates, and should be incorporated into role specifications for new recruits. These functions would be an addition to the current job specification for district judges and the 'essential qualities' for magistrates. Their inclusion will help to underline the importance of these functions among the duties of the judiciary.

**86.** We have made a start. During 2008 HMCS and the Judicial Studies Board (JSB),<sup>27</sup> jointly created training materials to support magistrates in their community engagement activity. The judiciary in the Community Justice courts<sup>28</sup> have received additional training on problem-solving techniques. We want to develop a 'national toolkit' to support this work in magistrates' courts across England and Wales, making community engagement and problem-solving part of the standard training

for new recruits. Embedding these activities in the roles and responsibilities of district judges and magistrates, with training and support, will enhance the role of the magistrate and encourage people with skills and experience in community engagement and problem-solving techniques to consider applying.

**87.** We will work with the judiciary to ensure that these functions fit well with the existing role requirements, particularly for magistrates who are volunteers. Community engagement and problem-solving activities should not become too great a burden on individuals, or put them under undue pressure to increase the time they give freely to the delivery of justice in their communities. We also want to ensure that the time commitment required does not impact adversely on our ability to attract candidates for the magistracy from under-represented groups, such as younger people and those in full-time employment.

### **Opening up the selection and deployment process for district judges (magistrates' courts)**

**88.** District judges are appointed through a national, open competition, rather than for an individual vacancy for a specific court. New judges are appointed to regions and are then deployed to courts as and when a vacancy arises. Decisions on deployment are made by the local senior judiciary. Responsibility for selecting people for the Lord Chancellor to recommend for appointment rests with the Judicial Appointments Commission,<sup>29</sup> an independent body that determines its own selection processes.

27. The JSB is responsible for training and providing job support for judges and magistrates.

28. Community Justice Courts sit at Birmingham, Bradford, Hull, Leicester, Merthyr Tydfil, Middlesbrough, Nottingham, North Liverpool, Plymouth, Salford, and Haringey, Newham and Wandsworth in London.

29. [www.judicialappointments.gov.uk/](http://www.judicialappointments.gov.uk/)

**89.** Demystifying the selection and deployment process is a part of bringing courts closer to the community. Our ambition is for community members to contribute to the appointment and deployment process. This would raise awareness about how district judges are chosen, increase confidence in that process and in the court and strengthen the connection and trust between the district judge and the local residents served by their court.

**90.** This approach has been used previously, in the deployment of His Honour Judge Fletcher to the North Liverpool Community Justice Centre in 2004. The post was advertised in the national press and, following short-listing, two members of the North Liverpool community sat on the interview panel for the post, and so had a say in Judge Fletcher's selection. This has led to a sense of accountability that has helped to create bonds between the judge and the community, so much so that he is affectionately called 'our judge'. We would welcome views on the scope for community involvement in future appointments and deployments.

**91.** We also want to explore ways in which we might achieve similar outcomes through different means. We believe there is significant scope to raise awareness about the appointment and deployment processes for district judges, so that local people know how 'their judge' was chosen for the court in their community. That might be done, for example, by expanding the existing roadshows run for lawyers by the Judicial Appointments Commission to include community groups and members of the public. These roadshows could provide an opportunity to raise awareness about the appointments process, and could be run in conjunction with local efforts to recruit magistrates.

30. [www.obv.org.uk/](http://www.obv.org.uk/)

## The changing face of the magistracy

**92.** It is vitally important that magistrates reflect the diverse experiences and backgrounds of the communities they serve. Since 2004 we have seen a significant rise in the overall number of magistrates (from 28,000 in 2004 to around 30,000) and some success in recruiting magistrates from under-represented groups (such as younger people, people from black and minority ethnic communities and people in full-time employment).

**93.** We have worked hard to improve the recruitment process in recent years. We now have more consistent, informative and professionally presented advertising and application materials, a dedicated website for candidates ([www.direct.gov.uk/magistrates](http://www.direct.gov.uk/magistrates)), and support for external awareness-raising schemes such as the Magistrates Shadowing Scheme run by Operation Black Vote<sup>30</sup> and the Magistrates in the Community Project run by the Magistrates' Association.

### Operation Black Vote

The Magistrates Shadowing Scheme, launched in 2001 and welcomed by magistrates' courts around the country, has proved to be a tremendous success. Many of the participants have been appointed as magistrates and over 50 people from the 2004 scheme have applied to become magistrates. More information about the Magistrates Shadowing Scheme for 2008–09 can be found at [www.obv.org.uk/](http://www.obv.org.uk/).

**94.** There is still more to do to encourage applicants from under-represented groups, including those from socially deprived areas, and there is a particular need to attract more candidates aged under 50 and in employment. Experience suggests that the pathway to becoming a magistrate for employed people requires a supportive employer both in terms of providing time off to perform magisterial duties and in creating a positive environment to ensure that employees who take time away from work to serve as magistrates are not treated negatively as a result. We look forward to working with local authorities and partners through the Department for Communities and Local Government's 'Take Part' programme and, subject to Parliamentary approval, the duty on local authorities to promote democracy to reach these under-represented communities.

**95.** Employers must provide employees with reasonable time off for performing their magisterial duties.<sup>31</sup> What constitutes 'reasonable' time off is a decision for the employer, based on criteria set out in the legislation. This law was reviewed in 2006–07 under the Department for Business, Enterprise and Regulatory Reform's Simplification Plan and was found to be working well. Stakeholders felt that revised guidance would be more effective than changing the terms of the legislation and such guidance was subsequently published.<sup>32</sup>

**96.** In 2005–06, as part of a National Magistrates Recruitment Strategy, we undertook a programme of employer engagement to increase employer awareness of the contribution magistrates make to society and of the value they bring to the workplace through the high-quality training they receive.

**97.** The employer engagement work included:

- formation of an employer working group composed of representatives from key business organisations (CBI, the Institute of Directors, Business in the Community and the Federation of Small Businesses), the TUC, the Magistrates' Association and the Ministry of Justice;
- direct engagement with employers via a series of high-profile national and regional events; and
- production of informative materials for employers of candidates for the magistracy to promote understanding of what employing a magistrate entails (a DVD and briefing booklet, which are now part of the magistrates' application pack).

**98.** It is notable that there has been a marked increase in the number of magistrates under 50 appointed in subsequent years. In 2007–08, of 1,899 new magistrates, 45 per cent were under 50, compared with 19 per cent for the magistracy as a whole. We must build on this positive progress and do more to attract magistrates from employed, younger age groups and a wider array of backgrounds.

**99.** Over 50 per cent of existing magistrates are from professional and managerial roles. We want to explore ways in which awareness of the magistracy as a volunteering role can be raised among less represented occupational groups and also those who are not in employment.

**100.** We welcome Baroness Neuberger's recent report on volunteering in criminal justice services and look forward to working with her in her role as the Government's volunteering champion, to encourage employer support for voluntary roles within criminal justice

31. Section 50 of the Employment Rights Act 1996 places a statutory obligation on employers.

32. [www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG\\_10028529](http://www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10028529)

### Leading by example: Ministry of Justice

It is important that major public employers lead by example. Government departments typically provide an additional leave allowance of up to 18 days paid leave to enable employees who are also magistrates to fulfil their court duties. The Ministry of Justice has recently increased the allowance it provides to employees for magisterial duties to up to 21 days paid leave.

organisations as part of a wider approach. We say more on this in Chapter 3.

**101.** There are many employers who are supportive of magistrates. Experience shows that employers are more inclined to be supportive of magistrates when they understand the value to their business of the high-quality training that magistrates receive in a variety of skills that are useful in the workplace. One way to capitalise on this would be to introduce a formal and nationally recognised accreditation of the training programme which all magistrates will have successfully completed and which will evidence the skills they have gained. The Government therefore proposes to explore the viability of introducing such an accreditation with the senior judiciary and relevant stakeholders, including the Department for Communities and Local Government who have recently conducted a review on the accreditation available for those undertaking civic roles.

**102.** A further way to generate employer support, particularly during the current economic climate, would be to explore ways of enabling magistrates to make more productive

use of time spent waiting to go into court. As many people now use email at work, if magistrates were able to use any spare time at court to log on to their work email accounts this time could be used more productively. We will therefore look into the cost and feasibility of introducing the necessary infrastructure into magistrates' courts.

**103.** We will also look at ways of attracting more volunteer magistrates from socially deprived areas by using known community leaders as advocates and by taking recruitment information to community events in deprived areas. One way to achieve this might be to tap into the existing Key Individual Networks (KINs) that have been set up by Neighbourhood Policing Teams to encourage such individuals to extend their involvement by becoming magistrates. We could also look to better target existing advertising campaigns in these areas.

### Key Individual Networks

KINs have been set up in many areas of the country by Neighbourhood Policing Teams. They act as an information conduit between the police and the local community. Key individuals within the community, for example faith leaders, are surveyed on a quarterly basis and provide valuable information about their main crime concerns and the impact of police and CJS actions in local communities. These key individuals could be encouraged to extend their involvement in the CJS to become magistrates, and to encourage others within their community groups to do the same.

## Consultation questions

- Q15** *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?*
- Q16** *More information should be made available about the appointment and deployment processes for district judges in the magistrates' courts and the public should be able to get involved in the process. What information should be provided and how could community representatives usefully be involved?*
- Q17** *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?*



## I G. Magistrates' courts: justice for the community, in the community

We will reinforce the purpose of the magistrates' courts in delivering justice for and within local communities, increasing confidence in the courts through demonstrating more clearly to local people that they serve their local communities.

### Magistrates' courts

**104.** We have acknowledged in previous sections the importance of courts services as the anchor point for justice in the community. There are 336<sup>33,34</sup> magistrates' courts operating in England and Wales, dealing with the vast majority of all criminal cases heard.

### Justice in the community: a hallmarking system

**105.** We want more local people to be aware of court services in their area and to see and hear more about the justice outcomes achieved in the courts on their behalf. We also want them to get involved and to have a sense of pride in and ownership of the way in which their local magistrates' court delivers justice.

**106.** We know that many magistrates' courts are already providing high-quality services to their communities. The HMCS Court User Survey Findings from Year Two (2007–08)<sup>35</sup> show positive results for satisfaction with court services. More than eight out of ten court

users (83 per cent) are very or fairly satisfied with their overall experience at court. More than nine out of ten court users (93 per cent) felt satisfied that court staff treated them fairly and sensitively, and just under nine out of ten (89 per cent) were also satisfied with the ability of court staff to deal with their query.

**107.** Six out of the 23 Court Service areas successfully applied for and were accredited through the Cabinet Office Charter Mark (now Customer Service Excellence<sup>36</sup>) scheme in recognition of the quality of services provided to court users. A further two areas are partially accredited and more are going through the process. We applaud this achievement but we want magistrates' courts locally to deliver a nationally consistent service to their communities, and for communities to be aware of the available services and be confident that, wherever they live, they have a consistently good-quality service. It is a logical next step.

**108.** We are therefore considering the value of inviting or requiring magistrates' courts or other locations delivering court services to work towards achieving a set of excellence in justice standards, or hallmarks of effective practice in the delivery of justice in the community. The hallmarks would be associated with the implementation of services we have proposed for magistrates' courts across England and Wales and are intended to be positive recognition of high-quality court services delivered locally. However, we are clear that the hallmarks should be earned and not given automatically. We invite the judiciary and HMCS staff to work with us towards this vision and welcome their views, as well as those of the

33. *Increasing access to justice – Building safer communities – Protecting the vulnerable – Improving the courts: Her Majesty's Courts Service Annual Report and Accounts 2007/08* (The Stationery Office, 2008).

34. As at May 2008.

35. [www.justice.gov.uk/publications/hmcsusersurvey.htm](http://www.justice.gov.uk/publications/hmcsusersurvey.htm)

36. [www.cse.cabinetoffice.gov.uk/homeCSE.do?](http://www.cse.cabinetoffice.gov.uk/homeCSE.do?)

## Proposed foundations for the hallmarks of justice in the community

- **Courts connecting to the community** – delivered through:
  - extended use of Community Impact Statements and feedback via district judges and magistrates;
  - reinforced importance of community engagement in the work of district judges and magistrates; and
  - mainstreaming of HMCS Community Engagement.
- **Justice seen to be done** – delivered through:
  - extended use of Community Impact Statements and feedback to communities via district judges and magistrates;
  - more visible, intensive and responsive Community Payback; and
  - better information for the public on court outcomes and aggregate justice information.
- **Cases handled robustly and speedily** – delivered through:
  - Criminal Justice, Simple, Speedy, Summary (CJSSS) already rolled out in all magistrates' courts.
- **Strong independent judiciary** – delivered through:
  - rollout of problem-solving across all magistrates' courts;
  - facilitating magistrates' use of problem-solving techniques; and
  - extending the availability of Section 178 power to review a Community Order.
- **Solving problems and finding solutions** – delivered through:
  - rollout of problem-solving across all magistrates' courts; and
  - facilitating magistrates' use of problem-solving techniques.
- **Working together** – delivered through:
  - rollout of problem-solving across all magistrates' courts;
  - HMCS partnership working through Local Criminal Justice Boards (LCJBs); and
  - multi-agency teams applying a tailored and intensive approach (with co-location in a magistrates' court or as a virtual team).
- **Repairing harm and raising confidence** – delivered through:
  - extended use of Community Impact Statements and feedback to communities via district judges and magistrates; and
  - community input to and higher profile of Community Payback.
- **Reintegrating offenders and building communities** – delivered through:
  - rollout of problem-solving across all magistrates' courts;
  - extended use of Community Impact Statements and feedback via district judges and magistrates;
  - reinforced importance of community engagement in the work of district judges and magistrates; and
  - HMCS partnership working through LCJBs.

public, on the proposed system of hallmarks and on setting our sights on ensuring that all communities benefit from the full range of court services.

**I09.** The existing HMCS Breakthrough commitment to improve the public's experience of the courts<sup>37</sup> provides a solid foundation for the development of a proposed hallmarking system. It forms a key part of HMCS Area Business Plans for 2008–09. We propose that any hallmarks we might introduce should reflect the HMCS Breakthrough commitment and (as far as possible) the eight principles of Community Justice as they relate to the provision of the enhanced services we have set out in this chapter. We believe that this is an appropriate ambition for all magistrates' courts. We have set out in the box on page 49 the relationship between the Community Justice principles, the enhanced services to which HMCS is already committed and a possible system of hallmarks.

**I10.** If such a scheme were to be introduced, achievement of the hallmarks would require magistrates' courts to demonstrate that they have:

- **knowledge and understanding** of the local communities served by the court and their specific concerns and needs;
- **regular direct contact between the judiciary and the community** to improve awareness, engagement and participation;

- **regular communication and feedback** through the media or direct to communities on the work of the courts and case outcomes linked to wider crime, justice and CJS performance information;
- **integrated engagement activity**, ensuring that court business and engagement activity are fully integrated with other local CJS and local authority community engagement plans and contribute to community confidence;
- **strengthened links to Community Payback** to raise awareness and increase visibility of these projects within communities; and
- **a mechanism in place to promote – jointly with other LCJB member agencies – the range of information and opportunities for local residents to be involved in criminal justice services** (for example as volunteer magistrates, members of Courts Boards, mentors, special constables or as employed staff).

**III.** Involving local people and local service providers such as local authorities in a possible hallmarking system is vital to its credibility. There are several ways in which we might do this. This might include giving the public a say in whether they believe the court has achieved the required standard for the award of a hallmark.

37. Breakthrough was a commitment that Her Majesty's Courts Services would, by the end of 2008:

- give greater priority and urgency to public law cases;
- simplify and speed up criminal cases in the magistrates' courts;
- embed the underlying principles behind Community Justice in all magistrates' courts;
- encourage more families to resolve issues themselves;
- ensure that the vast majority of civil business is initiated online;
- provide a simpler and quicker service in the county courts;
- reduce the time taken to deal with cases in the Crown Court; and
- provide a knowledgeable, personalised and readily accessible service.

## Consultation questions

- Q18** *All communities have the right to be confident that their local court services are delivered to a nationally consistent and high standard. Is there merit in inviting or requiring magistrates' courts in England and Wales to work towards a set of hallmarks of justice in the community and on what should any system of hallmarks be based?*
- Q19** *How might local people be involved in the design, implementation, award, monitoring or review of any hallmarking system?*
- Q20** *Would it be appropriate for local authorities (councils), as service providers themselves, to support or get involved in the proposed hallmarking scheme and, if so, how?*

## MAKING AMENDS: PAYBACK, REPARATION, RESTORATIVE JUSTICE AND COMPENSATION

### Our commitment

We will give local people more opportunities to suggest projects they would like carried out under Community Payback, and tell them how they can do this. We are increasing the intensiveness, visibility and impact of Community Payback. We will now make it more intensive for certain offences, and, wherever possible, more immediate. We will improve awareness and use of Restorative Justice to help offenders to make amends to victims and communities, and look at options for speeding up the payment of compensation to victims of crime in full.

### What will be different?

People will be better able to tell us how they want Community Payback to work in their area, with more ways to ensure that local issues are addressed. They will see punishments delivered in the community and visible improvements in their neighbourhoods as offenders work to make good the damage they have caused. Victims of crime will receive compensation from offenders in full and more quickly. Justice will be done and will be seen to be done.



## Sentences in and for communities

**112.** In this chapter, we focus on court sentences which are delivered in and for the community – punishing and reforming the offender, and enabling them to make amends to communities – and in particular we look at Community Payback, the unpaid work element of such sentences.

**113.** The main community sentence for adults,<sup>38</sup> the Community Order, can include up to 12 requirements placed on the offender, as set out in the box on page 54. One of the most frequently used is unpaid work, or Community Payback. This is an effective requirement **and** one which has public support (see Section 2A).

**114.** The most popular community sentences are those that require the offender to pay compensation to the victim or perform work for the community.<sup>39</sup> A large majority of respondents to the Casey Review agreed that all punishments for crime should involve some payback to the community, saw work as the most important requirement for a community sentence, and felt that the work should be demanding.<sup>40</sup>

**115.** In December 2008 we introduced distinctive clothing for all adult offenders carrying out Community Payback. We will now further increase the visibility and impact of Community Orders in general – and Community Payback in particular – and improve confidence in these sentences, by making it easier for the public to have a say in the form it might take, and giving them more information about its outcome (see Chapter 3).



38. Community Orders only apply to over-18s, and Community Payback as a Community Order requirement is run by the probation service. The probation service also supervises the Community Payback intervention on behalf of Youth Offending Teams (YOTs) for 16 and 17-year-olds under previous legislation for a community punishment order. In addition, YOTs oversee reparation activities for young offenders.

39. Hough M and Roberts J (2005), *Understanding Public Attitudes to Criminal Justice*, London, Open University Press.

40. The Casey Review, p. 53.

## The 12 requirements of the Community Order

- **Supervision:** the offender must attend regular appointments and work on changing their behaviour/lifestyle.
- **Unpaid Work:** the offender must work unpaid for the benefit of the community.
- **Accredited Programmes:** the offender must attend a specially tailored programme(s) to address different types of offending.
- **Drug Rehabilitation:** the offender must address their drug misuse, drug-related lifestyle and offending.
- **Alcohol Treatment:** the offender must attend treatment to reduce/eliminate dependency on alcohol.
- **Mental Health Treatment:** the court must be satisfied that the offender's mental condition requires and may be susceptible to treatment.
- **Residence:** the offender is required to live at a specified address (e.g. a probation hostel, independent hostel or private address).
- **Specified Activity:** the offender has to undertake particular activities as directed (e.g. work on education, training or employment).
- **Exclusion:** the offender is not allowed to enter certain areas. Where possible, this is monitored electronically.
- **Prohibited Activity:** the offender must not participate in certain activities on or at certain times and dates (e.g. using a computer or taking part in sporting events or activities).
- **Curfew:** the offender must remain at an agreed place between specified hours. This is monitored electronically.
- **Attendance Centre (for under 25s):** the offender must go to an attendance centre to undertake structured work (e.g. basic skills, first aid and physical education).

**116.** The Probation Service is working to inform community groups and organisations about Community Payback and involving them in its delivery. Many communities are benefiting from the scheme. However, awareness of Community Payback as both a demanding and an effective punishment is very low and this contributes, as the Casey Review found,<sup>41</sup> to a widespread misperception that criminals 'get away with it' or are just given a 'slap on the wrist'. We need to counter these views.

**117.** We plan to make Community Payback more responsive to public concerns by:

- increasing, and making better known, the opportunities for communities to have a say in the work projects carried out locally by offenders; and
- looking at making Community Payback more immediate – starting within five days of sentence – and more intensive (for the most serious offenders and offences to which it applies), possibly by requiring it to be undertaken for a minimum of 18 hours per week (the current minimum is six hours).

41. The Casey Review, p. 45.

**118.** This work to increase the benefit seen by communities from community sentences runs alongside work to promote the role of asset recovery as an important tool in disrupting criminal activity. We will look at building community confidence through the use of asset recovery, looking at giving communities more of a say in how assets seized from criminals are used.

### Restorative Justice

**119.** Restorative Justice processes, which are used by all criminal justice agencies, also allow offenders to make amends for their crimes, and may help them to reform. Restorative Justice can take many forms, such as an offender and victim having a mediated face-to-face meeting, letters of apology, or serving prisoners doing work in and for the community. We have pioneered the use of Restorative Justice in the youth justice system, provided high-quality guidance for practitioners, and improved our

understanding of its value to the Criminal Justice System. We know that Restorative Justice can increase victims' satisfaction with the criminal justice process and that it may help to reduce reoffending. We will promote the benefits to victims, and do more to encourage use of Restorative Justice in the Criminal Justice System.

### Compensation for victims of crime

**120.** We want to ensure that victims of crime receive any compensation awarded by the courts as swiftly as possible, reducing the need for ongoing contact with the court or the offender. We are considering how we might do this, by building on action to ensure compliance with court orders and taking robust action against defaulters. We will look at this as part of our wider consideration of improvements to support for victims of crime.



## 2A. Giving local people more of a say in Community Payback and Asset Recovery schemes

Community Payback can be an important component of engaging communities in criminal justice, building confidence that justice is done and seen to be done. We will involve local people more systematically in Community Payback, and give them more opportunities to suggest projects they would like undertaken in their area. We will tell them how they can do this through a variety of clear and simple channels. This will include extending to more areas the concept of the Citizens' Panel, which we are currently testing in six areas in England and Wales. We will also give the public better access to information about what Community Payback is being done in their area (see Chapter 3).

### Community Orders

**121.** Sentences served in the community rather than in prison can be an effective means of punishing and reforming less serious or less persistent, non-violent, offenders. The main community sentence, the Community Order, may have up to 12 requirements, allowing the sentence to be tailored to address particular needs for punishment or reform. In the six years to 2006 (the latest figures), there has

been a 23 per cent reduction in the number of offences committed by offenders within one year of commencing a court order under probation supervision.

**122.** Of the 12 requirements, one of the most frequently used is Community Payback. This not only punishes offenders by requiring them to carry out demanding work which benefits others (in their home area which is nearly always where they have offended), it is also able to prepare unemployed offenders for work. There were 55,771 successful Community Payback completions in 2007–08.

**123.** The most recent available data (for 2006) show that offenders given Community Orders with only a Community Payback requirement have a lower reoffending rate than for any other individual Community Order requirement or combination of requirements. In part, this reflects the fact that offenders who receive a Community Order with only a Community Payback requirement will typically be those who have committed less serious offences and/or are those who are very likely to have an assessed low risk of reoffending.<sup>42</sup>

### Who chooses Community Payback projects?

**124.** At the moment, the majority of Community Payback projects are identified by the Probation Service, in partnership with voluntary organisations, local authorities and other community groups, such as faith-based organisations. During the past two years, mayors and other civic leaders have been invited to identify and sponsor Community Payback projects. This has generated significant

42. *Reoffending of adults: results from the 2006 cohort*. Ministry of Justice, [www.justice.gov.uk/publications/reoffendingofadults.htm](http://www.justice.gov.uk/publications/reoffendingofadults.htm)

local publicity and increased public awareness of the ways in which Community Payback is able to benefit local communities.

**125.** In addition, since the Community Payback initiative was launched in 2005, members of the public have been able to ask for work to be undertaken, by contacting the local probation service by website, phone or other means. In London, for example, local people can propose Community Payback projects to neighbourhood police or London Probation, including by email, online or phone: contact details are given out, for instance, in a leaflet. However, across the country, such opportunities are little used, and at present very few Community Payback projects are proposed **directly** by members of the public. The Casey Review found that many local people would like to have a say in the type of work that should be undertaken as Community Payback.<sup>43</sup>

### The way forward

**126.** We will give the public more opportunities to have a say on what work should be done under the Community Payback scheme in their area.

**127.** There are two main channels through which we intend to ensure that people are able to nominate projects:

- contacting local criminal justice agencies directly, online, by phone or in a meeting (see paragraphs 129–130); and
- participating in a Citizens' Panel (see paragraphs 134 and 135).

**128.** Information from Community Impact Statements can also be used to help identify

suitable Community Payback work, as they will reflect local concerns. Work is also taking place to involve communities, including young people, in responses to youth crime in their area. The Youth Crime Action Plan, published in July 2008, proposed measures for the public to suggest reparation work for young people on community sentences. Since then, the Youth Justice Board has published guidance for Youth Offending Teams (YOTs) on how to do this,<sup>44</sup> which suggests similar approaches to those that are being and should be taken in relation to identifying Community Payback projects, including dialogue with agencies responsible for the local environment, day centres for the elderly and disabled, and advice and volunteer bureaux. This community engagement is already taking place in some areas, but will extend to the 69 local authority areas receiving funding under the Plan during 2009.

### Contacting local criminal justice agencies

**129.** All 42 probation areas in England and Wales already have a website. Most give a phone number and use items such as postcards to tell people about Community Payback in their area and enable them to nominate projects. However, these need to be better known, and supported by a wider information campaign. We are considering setting up a single national web address (for example, on the Directgov site), with links to each area. More immediately, all probation areas should ensure that their website gives details of how the public can nominate projects, and local agencies should add links from their websites to draw attention to this opportunity.

43. The Casey Review, p. 53.

44. [www.yjb.gov.uk/NR/rdonlyres/511B3C1D-176A-4EA9-8535-93B2411753F7/0/ToDevelopandImproveReparationaspartoftheYouthCrimeActionPlan.pdf](http://www.yjb.gov.uk/NR/rdonlyres/511B3C1D-176A-4EA9-8535-93B2411753F7/0/ToDevelopandImproveReparationaspartoftheYouthCrimeActionPlan.pdf), p. 9.

## CASE STUDY

### Community Payback in London – partnership and community engagement

Community Payback in London is a partnership between London Probation, the Metropolitan Police Service and 32 local authorities. Every neighbourhood has a dedicated Safer Neighbourhoods police team, whose members talk to the local community about what affects their daily lives and feelings of security. Under Community Payback, the team then works with the community, London Probation and partner agencies to find lasting solutions. Local people suggest ideas for Community Payback projects. An assessment is carried out to ensure that the work proposed is suitable and meets criteria, including visibility and reducing crime. London Probation staff supervise offenders working on projects. Safer Neighbourhoods police officers often attend to engage with local people.

**130.** The probation service will continue to publicise the contact points, and the proposed LCJB community engagement leads (see Section 3C) will proactively contact community leaders, Neighbourhood Crime and Justice Co-ordinators (where appointed) and key local forums to identify projects that they would like to see undertaken and to work with them to publicise those projects if carried out. Another way to identify projects, issues and priorities would be through discussions at monthly community meetings such as the Neighbourhood Policing meetings.

**131.** Local campaigns for people to vote on projects through newspapers and local radio have had some success: community engagement leads should work with local media to see if other such voting campaigns can be run.

#### Raising the visibility of asset recovery

**132.** Asset recovery is critical to the fight against all levels of crime and is one of the Government's top priorities for law enforcement. We are determined to stop criminals profiting from crimes which affect the lives of the law-abiding majority. Seizing

criminal assets delivers a wide range of benefits, from depriving criminals of capital to reducing the incentives for crime and the harm caused by crime, as well as promoting fairness and confidence in the Criminal Justice System. The law enforcement and prosecution agencies are making increasingly effective use of the powers and tools given to them in the Proceeds of Crime Act 2002. Performance has improved from £25 million worth of assets recovered in 2001–02 to £136 million in 2007–08. We want to keep up the attack on criminal profits. New asset seizure powers are being introduced in the Policing and Crime Bill. These will enable the police to seize and detain assets at the earliest opportunity, subject to judicial oversight, to prevent criminals trying to hide them or otherwise dispose of them.

**133.** A recent one-off Ipsos MORI poll revealed strong public support for the seizure of criminals' assets, but a low level of awareness that law enforcement agencies had these powers. At present 50 per cent of recovered assets are paid back to police forces and other frontline agencies. Most of the money is re-invested in asset recovery activity and

financial investigation. In addition, some funds are used to support local crime reduction projects and a range of other community initiatives, including youth projects, roadshows and prevention of doorstep crime. We are now proposing to do more to build community confidence through the use of asset recovery, looking at giving communities more of a say in how assets seized from criminals are used.

### Citizens' Panels

**134.** Citizens' Panels give local people a particular opportunity to have a say in the type of work that should be undertaken as Community Payback. We are currently running pilots in Bolton, Ipswich, Leicester, Portsmouth, Wiltshire and Denbighshire to test the concept. There are several Citizens' Panels in each pilot locality. They have been established in both rural and urban areas, with very different local structures, using existing police and local authority public consultation mechanisms, such

#### CASE STUDY

### The Citizens' Panel pilot in Leicester

Residents' groups identify work projects for offenders which improve neglected areas of housing estates. On the Eyres Monsell Estate, residents identified a neglected green area surrounded by bungalows for older and disabled residents. Offenders cleared the area and installed raised flower beds and seating.

as neighbourhood forums (but with a single focus on Community Payback). Consequently, the composition and structure of Citizens' Panels varies, but all of them enable members of the public to attend meetings and participate in the identification of work projects for offenders.



## Next steps: Citizens' Panels

135. Following the completion of these pilots in March 2009, we propose to extend Citizens' Panels throughout England and Wales. As the first step in an incremental rollout, we propose to establish them in the 60 Neighbourhood Crime and Justice pioneer areas by the end of 2009. This is appropriate because these are local authority areas that have identified crime as their main priority, and because they have appointed Neighbourhood Crime and Justice Co-ordinators, who will be able to work with the local probation service to help set up Citizens' Panels. Two of the Citizens' Panel pilot areas, Bolton and Leicester, are also pioneer areas. The lessons learnt from the pilots will then be applied to the wider rollout of Citizens' Panels, firstly to the 60 pioneer areas and then to other local authority areas. Wherever possible, we will ensure that Citizens' Panels build on existing or emerging structures for engaging communities. This includes making best use of Neighbourhood Policing meetings, which are already used in some of the pilot areas to enable members of the public to propose work projects for offenders and receive feedback on the progress of ongoing Community Payback projects. These arrangements appear to work well and our preference is to use existing community meetings wherever this is practicable, rather than to set up parallel structures.



## Consultation questions

- Q21** *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?*
- Q22** *How could local communities be more involved in what recovered assets are spent on?*

## 2B. More visible and more immediate Community Payback for offenders

We have already increased the visibility and impact of Community Payback, so that local people can more readily see when and where it is happening in their community, and have a better awareness of the reparation by offenders to make good the harm done to the community. We will now look to make Community Payback more intensive and immediate for more serious offences, and are considering increasing the minimum intensity per week from six to 18 hours, and starting offenders on projects within five days of sentencing whenever possible.

### More visible

**136.** Community Orders benefit communities in a number of ways, not just through direct 'payback', but also because increased supervision and rehabilitation programmes help



to reduce reoffending. The Casey Review found that the respondents to a survey agreed with many of the aims and principles of community penalties, and in particular supported offenders being required to carry out demanding, visible work, to 'pay back' to and benefit the community. This confirms research findings that the most popular community sentences are those that require the offender to pay compensation to the victim or to perform work for the community.<sup>45</sup> However, the Review also found that respondents have limited awareness of community sentences, and, most seriously, that only a minority feel protected from offenders on such sentences, or that they are an effective means of punishment.<sup>46</sup>

**137.** We announced in November 2008 that we would be introducing new uniforms for adult offenders undertaking unpaid work through the Community Payback scheme. We delivered on that promise quickly and decisively, launching the new, distinctive clothing – an orange high-visibility vest with 'Community Payback' on it – on 1 December. It is now being worn by all adult offenders carrying out Community Payback, except where certain exceptional circumstances apply.

**138.** As well as making Community Payback literally more visible, we will also raise its profile, and make people more aware of the projects being carried out through more opportunities to have a say in the type of work undertaken and by giving more information about outcomes (see Chapter 3).

45. Hough M and Roberts J (2005), *Understanding Public Attitudes to Criminal Justice*, London, Open University Press.

46. The Casey Review, pp. 52–53.

## CASE STUDY

**Intensive unpaid work – National Probation Service (Derbyshire)**

'AD' was convicted of possession of a Class B drug with intent to supply, and sentenced to a 12-month Intensive Alternative to Custody Community Order, as part of a demonstrator project in Derbyshire. The Order consisted of requirements for supervision, curfew and 150 hours Community Payback.

'AD' was inducted immediately after sentence, and was instructed to work two days a week (the most available at that particular location) at a forestry centre, a charity providing leisure facilities. 'AD's' work included coppicing, building hides and path laying.

Although 'AD' had not worked for 11 years following an accident, he was highly motivated to carry out his Community Payback on this intensive basis. He wanted to complete it as quickly as possible, and did so in 12 weeks, getting excellent reports.

Intensive Community Payback gave 'AD' an up-to-date experience of the structure and discipline required for employment. He gained practical skills, and a Health and Safety at Work qualification that would help him get future employment. On completing his Community Payback, 'AD' was helped to start two vocational courses, and he planned to begin voluntary work at the forestry centre.

Before starting the Order, 'AD' had alcohol and cannabis misuse problems. His intensive Community Payback gave him structure and goals, and occupied his time, all of which helped him to reduce his use of substances.

**139.** The public expects offenders sentenced to Community Payback to carry out tough, demanding punishments, and have expressed a clear preference to see offenders paying back through outdoor, manual work such as cleaning up streets and parks or removing graffiti. We will investigate urgently the viability of expanding the proportion of Community Payback carried out in this way. This will include looking at the potential costs and other implications, and the scope to achieve better value for money through the way the work is contracted.

**140.** In addition, we have already agreed that, from 1 April 2009, Crime and Disorder Reduction Partnerships in the 60 pioneer areas will be allocated an average of 3,000 ring-fenced Community Payback hours each year to 'own' and use on schemes that are highly visible to the public and which reflect public priorities.

**More intensive**

**141.** The Casey Review proposed that Government should implement a new community punishment that requires offenders to carry out visible and demanding Community Payback, with increased loss of personal time through greater intensity and frequency of hours.<sup>47</sup>

47. The Casey Review, Proposal 16, p. 56.

**142.** We are looking at making the existing Community Payback element of the Community Order more intensive, for the most serious offenders and offences to which it applies, and are considering requiring it to be undertaken for a minimum of 18 hours per week (the current minimum is six hours) by the end of 2009–10. We will also make Community Payback more immediate for all offenders. Until March 2009, we piloted the use of intensive Community Payback in West Yorkshire, for unemployed adult offenders on the verge of custody, for all offence types and sentence lengths. We will evaluate the impact on compliance and breach rates as a consequence of increased intensity.

**143.** Intensive Community Payback of 300 hours duration for unemployed offenders convicted of knife possession offences has been available to the courts since September 2008. This was extended to Community Payback sentences of any length, where the offence involved knife possession, on 5 January 2009. Subject to the necessary resources being identified, we plan to extend intensive delivery of Community Payback for unemployed offenders in phased stages for other offences (where the length of the community payback sentence exceeds 200 hours), starting with offences against the person in spring 2009 and then offences against property. Consideration is being given to further rollout over the coming year. We will use intensive Community Payback to target offenders who are on the verge of receiving a prison sentence. These offenders (if unemployed) will work a minimum 18 hours

a week and will complete their sentence more rapidly due to increased intensity.

**144.** In addition, the Government's penal policy announcement in December 2007<sup>48</sup> outlined the Government's intention to develop a number of intensive alternative to custody (IAC) demonstrator projects to run from 2008 to 2011. These projects are encouraging diversion from custody by enhancing the supervision that offenders receive on community sentences while building sentencer confidence in their effectiveness.

**145.** The projects use current legislation to maximise the use of the Community Order in those cases where the court may be considering custody but where the Probation Service believes a community sentence may be more effective in reducing reoffending.

**146.** There are currently seven operational projects. Though the projects deliver different multi-requirement Community Orders in response to local needs, all the sentences deliver the Community Order intensively, combining intensive offender supervision with punitive elements such as demanding Community Payback as well as addressing offending patterns through thinking skills programmes and mentoring. The projects have also developed pathways to ensure that the needs of specific offenders such as women are recognised, working with the Together Women projects. We are evaluating this approach (to report in 2011) but already disseminating learning across the Probation Service.

48. *Punishment and Reform: Our Approach to Managing Offenders* (Ministry of Justice, 2008) [www.justice.gov.uk/docs/punishment-reform.pdf](http://www.justice.gov.uk/docs/punishment-reform.pdf)

## More timely

I47. We will also review, subject to resources, National Standards for the Management of Offenders<sup>49</sup> and the specification to which all probation areas work, to see if all offenders could start on Community Payback projects more quickly (within five days of sentencing rather than 10 as at present). This should be a realistic and achievable target.

I48. We expect that this more intensive and faster Community Payback will make it more likely that offenders will comply with this element of a Community Order, and will have benefits in turning offenders away from crime. Knowing that Community Payback is being carried out more quickly and intensively should also give the public greater confidence that it is an effective response to offending.

## Consultation questions

**Q23** *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?*

**Q24** *In what other ways might we enhance the effectiveness of Community Payback in the eyes of the community?*

49. [www.noms.homeoffice.gov.uk/news-publications-events/publications/guidance/OM\\_National\\_Standards\\_0907](http://www.noms.homeoffice.gov.uk/news-publications-events/publications/guidance/OM_National_Standards_0907); refer to section 2d.1.4 on page 32.

## 2C. Restorative Justice and compensation: repairing harm, restoring communities and compensating victims of crime

Restorative Justice is a process by which an offender voluntarily makes reparation for the harm they have done, to the community or to their victim, in a way which should contribute to their 'restoration'. On this, we have delivered high-quality guidance for practitioners, and improved the evidence base. This shows that Restorative Justice can increase victim satisfaction with the criminal justice process, and may also help to reduce reoffending. We will raise awareness of these benefits to victims, and do more to encourage provision of and participation in Restorative Justice. We are also considering the best way of getting court-awarded compensation to victims of crime paid, in full, as quickly as possible.

### Restorative Justice

**149.** Restorative Justice is “a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future”.<sup>50</sup> Under Restorative Justice, the victim of a crime may be involved in a process in which the offender seeks to make reparation for the harm they have done, and which should contribute to the offender’s rehabilitation.

#### CASE STUDY

### The Thames Valley Restorative Justice Service

This is a probation service-led multi-agency consortium which delivers the conferencing model of Restorative Justice.

One particular case the Service dealt with involved a petrol station robbery with three victims, and two offenders who were armed with a knife and threatened the use of a gun. The offenders volunteered for Restorative Justice while in prison. The victims were traumatised by the crime but, with the support of the experienced Restorative Justice facilitator and their supporters, they agreed to attend a conference in the prison.

The conference was emotional. The offenders gave a remorseful account of their actions and apologised directly to the victims. They provided an insight into the history behind their drug use. The victims were able to express how afraid they were and to highlight the subsequent impact of the crime on their lives. The offenders were shocked and ashamed by the harm that they had caused and were able to inform the victims of how they were trying to address their behaviour while in prison. All the participants discussed constructively how the offenders could turn their lives around. One of the victims said of her colleague, “I drove home a completely different person to the one I drove there; a massive weight had been taken off her shoulders and she seemed ready to move on.”

50. Marshall T, (1999), *Restorative Justice: an overview*, London, Home Office.

**150.** The Government's Restorative Justice strategy was published in 2003 and has now been delivered. *Best Practice Guidance for Restorative Practitioners* was published in 2004 and provided the basis of National Occupational Standards (published in 2006), a benchmark for the quality of delivery of Restorative Justice. In 2005, web-based guidance for LCJBs, *Restorative Justice: Helping to meet local needs*, was produced. In June 2008, the fourth, and final, evaluation report of the Crime Reduction Programme Restorative Justice Pilots, examining the impact of Restorative Justice on reoffending, was published.<sup>51</sup>

### Current initiatives

**151.** The Government has overseen a pioneering use of Restorative Justice and reparation in the youth justice system. When dealing with young offenders, YOTs consider whether Restorative Justice is a suitable approach to use with victims in appropriate cases. During 2006–07 17,728 victims of young offenders participated in restorative processes, and 97 per cent of the participating victims reported satisfaction. A Youth Restorative Disposal is currently being piloted in seven areas of England and Wales, using the principles of Restorative Justice, bringing the offender and the victim of the crime together and agreeing on steps the young person must take, including apologising for their actions.<sup>52</sup>

**152.** Delivery of Restorative Justice in the adult system is less systematic. Restorative Justice programmes have been run successfully in some parts of the country for several years, such as the Thames Valley Project. Some of the Community Justice projects are also running Restorative Justice programmes.

**153.** Restorative processes deliver positive outcomes for victims, offenders and the community. Some programmes bring offenders and victims into direct contact. Other models involve indirect or proxy victims, or community representatives. The 'Escaping Victimhood' programme is a restorative process where the starting point is the victim and not the offender. Many of the victims helped by this scheme have experienced particularly serious offences. Communities, as secondary victims, often benefit from restorative processes in the way that primary victims do – through information exchange, being given a voice, being empowered and vindicated. All of this improves confidence in and satisfaction with the CJS.

### Other Restorative Justice initiatives in the CJS

**154.** Restorative Justice is being used in a variety of organisations and ways:

- **Conditional cautioning:** some form of Restorative Justice can be made one of the conditions of a caution.
- **Community Justice Panels:** local volunteers trained in Restorative Justice who deal with low-level anti-social behaviour and to whom CJS agencies can refer cases.
- **Pre- and post-sentence:** to help form part of rehabilitation and resettlement planning.
- **Neighbourhood Policing:** a number of forces have trained officers in Restorative Justice practices, for use either as part of a disposal or to prevent or resolve disputes.
- **Probation areas:** may for instance make Restorative Justice part of their victim liaison work.

51. [www.justice.gov.uk/restorative-justice-report\\_06-08.pdf](http://www.justice.gov.uk/restorative-justice-report_06-08.pdf)

52. Youth Crime Action Plan, [www.homeoffice.gov.uk/documents/youth-crime-action-plan/](http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/), p. 21.

- **Prisons:** projects like the Sycamore and SORI Restorative Justice-focused victim awareness programmes, which encourage participants to face the consequences of their crimes for others and bring victims and community members together with offenders to discuss potential reparation.

**155.** In addition, many prisons have links with local authorities, or community or third sector organisations, which provide opportunities for serving prisoners to make reparation, if not to individual victims, then to the community (refer to case studies).

**156.** In some cases this can also involve offenders gaining new skills which will make it more likely that they find employment and thus do not reoffend on release.

### Next steps

**157.** The evaluation of the Restorative Justice pilots and previous research suggested that:

- Restorative Justice can, in some cases, reduce reoffending. There is nothing to suggest that any particular type of offence or offender is best suited to a Restorative Justice approach – effectiveness depends more on the attitude of the offender; and
- victims who participated in Restorative Justice processes had very high levels of satisfaction – 85 per cent of victims interviewed who participated in restorative conferences (a form of face-to-face Restorative Justice) were very or quite satisfied, and over 75 per cent would recommend the process to others for similar offences.

### CASE STUDY

#### The Sheppey Prison Cluster

All offenders in this group of prisons who are eligible to go out on paid work must first carry out community work through voluntary placements. One such placement is the Active Citizenship Together (ACT) Swale party, a partnership between Swale Borough Council, Swale Housing Association and the Sheppey Prison Cluster. The party consists of 12 offenders completing jobs for the council and the housing association, mainly clearing gardens for elderly or disabled council tenants.

One recently completed job was in an area where demolished block garages opened onto playing fields. The area was full of fly-tipped rubbish, broken glass and rubble – a real eyesore and a dangerous magnet for local children. The party cleared and removed all the rubbish, overgrown brambles and nettles, enhancing the playing fields and enabling children to ride bikes and play ball in safety.

As well as improving the neighbourhood environment for the community, this work helps to prepare the offenders for reintroduction into society, giving them increased confidence and self-worth.

## CASE STUDY

### Prisons working with local Councils for Voluntary Service (CVS)

HMPs Lincoln, North Sea Camp and Morton Hall are working with their local Crime and Disorder Reduction Partnerships and have built up very good working relationships with South Lincolnshire CVS, Lincoln Volunteer Bureau and Lincoln Community Foundation. All three CVS organisations have attended awareness-raising days at HMP Lincoln, and Morton Hall and North Sea Camp regularly help with catering at community functions.

Other prisons working with their local CVS include:

HM Young Offender Institution and Remand Centre Glen Parva (Leicester) has worked with Voluntary Action Oadby and Wigston for 10 years.

HMP Sudbury (Derbyshire) enjoys close links with Derby CVS on work and voluntary placements.

HMP Ashwell (Rutland) co-operates with Voluntary Action Rutland, and HMP Stocken has started to work with both Voluntary Action Rutland and South Lincolnshire CVS.

HMP Kennet (Merseyside), which opened in 2007, worked with Sefton CVS with the aim of marrying the aspirations of the prison with the voluntary and community sector from the outset.

**158.** We are working with stakeholders, including the Restorative Justice Consortium, to develop a stronger and more systematic victim-focused adult Restorative Justice strategy that will build on the learning from the previous research pilot projects. The strategy will be ready by the end of 2009 and will:

- establish a good practice framework model;
- drive up the use and take-up of adult Restorative Justice measures across LCJBs; and
- increase opportunities for victim-led Restorative Justice.

We will also look at what further action we can take to develop the strategy and make Restorative Justice more widely available for adults in more areas in England and Wales. We will promote and raise awareness of the benefits to victims, and encourage criminal justice services to offer, and victims to take part in, Restorative Justice. At national level, the National Criminal Justice Board – through the Office for Criminal Justice Reform and national agencies – is encouraging LCJBs to consider how Restorative Justice approaches for adult offenders could help them achieve their priorities, particularly on victim satisfaction and public confidence, and to integrate it into their delivery plans.

### Compensating victims of crime

**159.** We have made many significant improvements to criminal justice services for victims of crime. Victims now have better information, more of a voice in the system and signposting or access to services which are better tailored to their needs. We have trebled the funding for services for victims of crime

in recent years. We continue to support the provision of consistent and high standards of service for victims across England and Wales. We plan to go further, and we recognise that the public feel strongly that criminal justice services should do more for victims.

**160.** We continue to support the provision of consistent standards of support for victims across the country. On financial compensation, we have in place a Criminal Injuries Compensation Scheme which makes payments to innocent victims of violent crime and which remains one of the most generous compensation schemes in the world.

**161.** The offender can also be ordered to pay compensation to the victim, and in 2007 a compensation order was awarded in 12 per cent of all sentences. A compensation order is a sentence of the court that helps to bring home to the offender the impact of the offence on the victim and to provide some recompense. It is a critical element in the overall punishment of the offender, as well as a means of making good the losses of the victim. The importance of these orders is emphasised by the fact that payment of compensation orders takes precedence over the payment of all other elements of a financial penalty.

**162.** The number of orders handed down by courts in the last 10 years has doubled. To ensure that these orders remain an effective sentence, we are committed to ensuring that victims receive their compensation as quickly as possible. We will continue to step up our efforts to improve the collection and enforcement of compensation orders to achieve this.

**163.** Enforcement is traditionally associated with the pursuit of defaulters by enforcement officers. However, over time, it has become clear that this approach alone cannot ensure that all fines are paid on time or in full. Successful collection and enforcement also relies upon ensuring immediate compliance with the orders of the court and, in particular, ensuring that offenders pay on the day or at the earliest opportunity. The introduction of the payment of fines and compensation through the internet and other modern payment methods has assisted this process.

**164.** The Government's objective for enforcement of the orders of the court is for a system based upon first-time compliance, early intervention and collection activity and 'intelligent enforcement' that differentiates between defaulters in order to apply the most appropriate enforcement sanction.

**165.** This objective will be achieved through a number of measures including **improving** the quality of offender information, **intensive** case management, **offender profiling** and the usage of national financial and criminal databases to **track down defaulters**. Those who fail to comply are swiftly fast tracked to 'hard-edged' enforcement action such as arrest, distress warrants and by directly collecting the outstanding fine from a defaulter's salary or benefits.

### Consultation questions

**Q25** *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?*

## KEEPING COMMUNITIES INFORMED, GETTING PEOPLE INVOLVED

### Our commitment

We will ensure that the criminal justice services' response to crime is more transparent and accountable to communities by improving and diversifying the mechanisms for proactively informing them of the outcomes achieved, online and through meetings and other channels. We will encourage stronger and more diverse partnerships between crime and justice agencies and other local delivery organisations across all sectors in support of engagement activity that is better co-ordinated, enables delivery of more transparent and responsive outcomes for local people and instils public confidence in local criminal justice services. We will promote take-up of volunteering opportunities in criminal justice services.



## What will be different?

Communities will receive feedback on actions taken and outcomes achieved in response to crime in their area, in ways that are convenient to them. By the end of 2009 there will be online information on what is being done to punish and reform offenders at a local level, to complement local information on crime and policing. People will have more information about specific case outcomes and about overall performance, and be better informed about what to expect from criminal justice services generally. They will know what information is available to them, what they can expect to receive without having to look for it, and how to get information where it is not provided proactively. They will have a better understanding of how sentencing matches the crime.

They will also have access to more and better information about the full range of opportunities to meet, and share their concerns with, local crime and justice services. They will know what is happening, when and where, who will be present, what is being discussed and how they can feed in their views and get involved through volunteering if they choose to do so. They will receive

a more co-ordinated, responsive, transparent and accountable service from criminal justice agencies, based on a shared understanding of local residents' concerns.

**166.** Community engagement empowers people to hold criminal justice services to account. Whether it is the provision of information and public consultation or involving people in local decisions, it can bring multiple benefits to the criminal justice services and increase trust and confidence that local crime and justice services are fair, effective and, above all, on the people's side.

### Engaging communities: what we mean

**167.** Community engagement is founded on the principle that a public service is most effective when the people it serves are genuinely informed about and involved in its activities and feel that they have helped to shape the decision-making process and setting of priorities. In the context of crime and justice, it is the process by which criminal justice agencies and their local delivery partners inform and consult communities about local services and involve them in the justice process and in decisions about local services, which are increasingly citizen-focused. Effective community engagement will become increasingly important in designing services that meet local needs and are seen to do so.

### Levels of engagement

**168.** Community engagement works on several levels, not all of which are of interest to all individuals, groups or communities.

Effective community engagement in the criminal justice sense starts with the recognition that some people will not want contact with or information about criminal justice services. The majority want information about crime levels, justice outcomes and, should they ever need to use criminal justice services, what is available and how they work. Others want to be consulted and will make or actively respond to contact. A smaller but nevertheless significant group will want to be involved in criminal justice issues – perhaps as a volunteer. The minority will actively seek empowerment and to influence the decision-making process and the setting of local priorities.

**169.** There are no clear divides between these levels of engagement. Individuals and communities may move between different levels at different times in their lives, depending on attitudinal changes or specific experiences that bring them into contact with the Criminal Justice System (CJS).

### Defining communities

**170.** A group of people living in the same geographical area form one type of community. Other communities are made up of people who share characteristics or have something else in common (age, gender, sexual orientation, ethnic origin, disability, faith or belief) or people who share an interest, experience or cause. Victims of crime or young people, for example, may constitute a community, as might ex-offenders who need support to integrate into and contribute to society.

**171.** Large sections of the local (i.e. geographical) community can be hard to reach if they do not participate in local activities or organisations based around common traits or interests. Others may be hard to reach because they lack confidence and trust in criminal justice agencies. Some individuals who share characteristics or experiences may not see themselves as part of a particular community. Individuals can be part of more than one community in different contexts. We must recognise and take this into account in the design and delivery of crime and justice services.

### Keeping communities informed

**172.** Ensuring that there are effective communications and feedback channels between criminal justice services and their communities is critical to effective engagement. We know that there is a strong link between knowledge and awareness of the CJS and levels of confidence in it. Research has shown the importance of effective communication to perceptions of crime and related issues: those who feel informed are more confident in the approaches being used.<sup>53</sup>

**173.** Information is a key driver of public confidence. Common misconceptions, often fed by media coverage, are that crime is going up and sentences are 'soft', when in fact crime is going down and sentences are more severe compared with those in the past. Recent evidence indicates that this 'perception gap' can be addressed effectively, and confidence in the CJS improved, by providing clear and accurate information.<sup>54</sup>

53. Duffy B, Wake R, Burrows T and Bremner P (2008), *Closing the Gaps: Crime and public perceptions*, Ipsos MORI Social Research Institute, [www.ipsos-mori.com/\\_assets/reports/closing-the-gaps.pdf](http://www.ipsos-mori.com/_assets/reports/closing-the-gaps.pdf)

54. Chapman B, Mirrlees-Black C and Brawn C (2002), *Improving public attitudes to the Criminal Justice System: The impact of information*, [www.homeoffice.gov.uk/rds/pdfs2/hors245.pdf](http://www.homeoffice.gov.uk/rds/pdfs2/hors245.pdf)

Salisbury H (2004), *Public attitudes to the criminal justice system: the impact of providing information to British Crime Survey respondents*, [www.homeoffice.gov.uk/rds/pdfs04/rdsolr6404.pdf](http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr6404.pdf)

Singer L and Cooper S (2008), *Inform, persuade and remind: An evaluation of a project to improve public confidence in the Criminal Justice System*, [www.justice.gov.uk/publications/docs/inform-persuade-remind.pdf](http://www.justice.gov.uk/publications/docs/inform-persuade-remind.pdf)

## CASE STUDY

### 'Inform, Persuade and Remind' – a communications research project undertaken in Northamptonshire Local Criminal Justice Board in 2007

This project was designed to test the impact of targeted communication activity on public confidence in criminal justice services. Building on previous evidence relating to communicating information about the CJS and drawing on criminological, communications and marketing theory, a booklet was professionally designed and delivered to over 2,000 members of the public. The booklet focused on the gap between what is perceived to be happening and what is actually happening in the CJS. Knowledge of and attitudes towards the CJS, with particular reference to crime levels and sentencing severity, were tested before and after receipt of the booklet and the results compared with a control group not given the booklet. The project provided powerful evidence that effective presentation of national and local crime statistics and other information about the CJS (particularly through face-to-face delivery) can have a positive impact on public confidence.

**174.** People told the Casey Review team that they most wanted “justice to be seen to be done”: “... to see and hear more about arrests, charges, decisions and sentences... to reassure them that crimes are being brought

to justice and to deter potential offenders or reoffenders”. The Review proposed that “Her Majesty’s Court Service should provide greater information to the public on cases, sentencing decisions and what happens to offenders, on a regular and much more consistent basis”.<sup>55</sup>

**175.** We already publish information about criminal justice performance in aggregate form and we are making it easier for the public to find out about the outcomes of court cases. In July 2008, the Government announced that magistrates’ courts would no longer charge newspapers a fee for copies of court registers. In September 2008, the Secretary of State for Justice announced that the outcomes of court cases would be made available through a publicly accessible website.

**176.** But we need to do more. We must communicate more effectively with the public:

- outcomes of particular cases;
- general CJS outcomes in their local area; and
- overall CJS performance.

We will do this both by making this information available online and by proactively giving key information to local communities, including linking to existing crime maps (see Section 3A), by the end of 2009.

**177.** We need to be much clearer with the public about what offenders and the public can expect in terms of overall sentencing and provide communities with information on justice outcomes in their area and on how the punishment fits the crime. We will ensure as far as possible that this links into wider work on crime mapping so that the public get a rounded picture of how the criminal justice agencies as a whole are tackling their concerns.

55. The Casey Review, pp. 51, 55.

## Consulting and informing communities together

**178.** We want criminal justice services to have a joined-up conversation with the public, both to provide feedback on outcomes and also to consult them and seek their input. In doing so, we need to recognise and actively address inequalities in the current ability of some communities and individuals to engage in order to involve people from a wide range of backgrounds. A great deal of activity is currently taking place through successful existing initiatives and structures, but we want to go further. Local people should be able to share their concerns with criminal justice services through familiar, trusted and easily accessible channels. They should also be clear about their right to a response that deals with those concerns.

**179.** Neighbourhood Policing (NHP) Teams are the main interface between the CJS and local people. We will find ways to strengthen the support they receive in this important role from key partner agencies, such as the proposed Community Prosecutors and their teams (Chapter 1, Section 1A). We will also use monthly community engagement meetings, such as those committed to in the Policing Pledge, to identify community concerns, agree priorities and discuss progress by the police and CJS partners to address these. To do so, we will need to consider how best to ensure that the right CJS representatives attend NHP meetings to discuss issues and priorities with local communities. We propose giving the Local Criminal Justice Board (LCJB) community engagement leads responsibility for co-ordinating cross-CJS attendance at NHP meetings in 2009–10. The courts and judiciary, with their renewed focus on the community, will also play a vital role in creating a new relationship with local people.

**180.** LCJBs, working in partnership with Crime and Disorder Reduction Partnerships and Community Safety Partnerships (CDRPs/CSPs) and other local delivery partners, have a pivotal role. They will provide a strategic lead for community engagement initiatives and deploy resources more effectively to ensure that these initiatives are properly co-ordinated. Local people will have better access to good-quality information about how they can engage with criminal justice services and have a say in the justice process.

## Getting communities involved

**181.** We will look at ways to promote and boost take-up of the full range of opportunities to volunteer with all criminal justice organisations and their delivery partners across the statutory, private and third sectors. We will provide more and better-quality information and more support to LCJBs to publicise jointly the information. Volunteering is a form of engagement and a means of enabling local people to take some ownership of services and help create local solutions to local problems. This can lessen the fear of crime, improve confidence in criminal justice services and make people feel more involved in decision-making processes and empowered to help shape the future of their neighbourhoods – particularly in areas where crime is taking place. The integration of volunteers into services can often help open them up, increasing transparency and accountability, and making institutions more representative of the communities they serve.

### 3A. Better information, better presentation

We will provide better public access to joined-up information on all criminal justice outcomes, linking this with crime mapping to provide the public with all information for local areas by the end of 2009. This will include data on sentencing and out-of-court disposals, and will be presented within the wider context of the overarching approach to sentencing. We will also raise the profile of performance information, ensuring that the public are aware of online information on the performance of their local criminal justice agencies, and that this information is easily accessible.

#### Information about crime

**182.** Making information on crime more readily available to the public is part of the Government's commitment to strengthen community engagement in policing, which is at the heart of the reform programme outlined in the Policing Green Paper:

**183.** The Policing Pledge, now adopted by all forces, includes commitments to:

- arrange regular public meetings to agree local priorities, at least once a month, and give the community other opportunities to meet their local NHP Team, such as surgeries, street briefings and mobile police station visits;

- provide monthly updates on progress and local crime and policing issues, including the provision of crime maps and information on specific crimes and what happened to those brought to justice; and
- give details of what action the police and their partners are taking to make the neighbourhood safer, and information on how the force is performing.<sup>56</sup>

**184.** This is a public entitlement. Building on this, we will ensure that more and better information about justice at local level, as well as about crime and policing, is given to the public by the end of 2009.

#### Improving online information about outcomes

**185.** Information about crimes brought to justice, for England and Wales and for each of the 42 LCJB areas, is already published in detail in the annual publication *Criminal Statistics*,<sup>57</sup> and in a more summary form on the CJS Online website, which is updated quarterly.<sup>58</sup> In particular, criminal justice services have specific obligations to inform victims and witnesses of the outcome of cases (and sentences, where relevant), and a statutory duty to put local information into the public domain about the numbers and risk level of violent and sexual offenders.<sup>59</sup>

**186.** We need to develop the available information outlined above. We propose that this should include:

- giving information on offences brought to justice (where possible) at a more local level than the 42 areas;

56. [http://police.homeoffice.gov.uk/publications/police-reform/Policing\\_Pledge.pdf?view=Binary](http://police.homeoffice.gov.uk/publications/police-reform/Policing_Pledge.pdf?view=Binary)

57. [www.justice.gov.uk/publications/criminalannual.htm](http://www.justice.gov.uk/publications/criminalannual.htm)

58. <http://lcjb.cjsonline.gov.uk/>

59. [www.probation.homeoffice.gov.uk/output/Page429.asp](http://www.probation.homeoffice.gov.uk/output/Page429.asp)

- giving additional information, for instance about the range of sentences given for particular offences;
- making some of the more detailed information currently published in *Criminal Statistics* more readily accessible, for instance by providing it on Directgov or on LCJB websites, or linking to crime mapping sites. Wherever possible, members of the public should be able to get information about crime, policing and justice, whichever site they access initially, through working and obvious links that enable people to move seamlessly from one site to another; and
- making this information available as quickly as possible.

**187.** Information about some criminal justice outcomes (specifically cautions, Penalty Notices for Disorder, cannabis warnings and offences 'taken into consideration' when an offender is convicted of another offence) is collected by the police at Basic Command Unit level, and presented at this level for internal police management information purposes. The most 'local' level at which information is collected about convictions in court, for example, is that of the magistrates' court. Some conviction and sentencing information for cases tried in magistrates' courts is already published (in *Criminal Statistics*) at individual 'Petty Sessional Area' level. By bringing these sources together, it should be possible to present accessible public information about offences brought to justice at a more local level than that of the 42 LCJB areas – though not all the data would be available at the same geographical level.

## Crime and justice maps

**188.** One way in which access to information about local criminal justice outcomes might be given is through the continuing development of crime maps. All 43 police forces in England and Wales now have their own online maps with information about the volume of crime, crime trends, and comparisons with the rest of the country. The information provided goes down to ward level. A crime map may, for instance, show the range in the number of offences of a particular type committed in a local area in a particular period. We are actively seeking ways to link this to information about criminal justice outcomes.

**189.** From April 2009, the National Policing Improvement Agency (NPIA) will be developing a single national system of crime maps. The Office for Criminal Justice Reform will be working with the NPIA as a matter of urgency during 2009 to explore how information about aggregate CJS outcomes could be linked to crime maps so that they also show justice information.

## Improving online information about criminal justice performance

**190.** The Casey Review found that the public want information about crime and what is being done to tackle it. As the Review states, "there is scope for better presentation of comparative information on [crime and] the performance of the police and other criminal justice agencies which would be of interest to the public."<sup>60</sup>

60. The Casey Review, p. 68.

**191.** Information on the performance of local criminal justice services for each of the 42 LCJB areas is already available on the CJS Online website.<sup>61</sup> This includes performance on:

- bringing more offences to justice;
- public confidence;
- victim and witness satisfaction;
- addressing race disproportionality;
- asset recovery and confiscation enforcement;
- fine enforcement;
- failure to appear warrants; and
- timeliness of resolving breaches of community penalties.

**192.** We are looking at ways of making this performance information more visible, easily accessible and user-friendly through Directgov and the existing LCJB websites, with easy-to-understand explanations of what each measurement shows, avoiding the use of acronyms and jargon. Ultimately, our aim is to link information on the performance of local criminal justice services with information on crime and on justice system outcomes.

### Other ways to communicate CJS outcomes

**193.** Improving online access to information about local criminal justice outcomes will be important, but information should not just be available to people who look for it. We also plan actively to give people information, in various ways, in order to raise awareness.

**194.** The individuals and teams responsible for this communication in local areas will typically be NHP Teams, Community Prosecutors, magistrates in the community and other criminal justice agency practitioners who undertake engagement activity. Information about local criminal justice outcomes could be communicated to local people face to face, at meetings, through leaflets, or online. The proposed LCJB community engagement leads will work with CJS partners to ensure that the right people are present to listen to community concerns and, as part of the feedback loop, provide information on outcomes. This will be a continuous process.

### Improving local information about Community Payback

**195.** Just as we want the public to be more involved in choosing Community Payback projects (Section 2A), so we also want to proactively make the public more aware of work that has been carried out locally by offenders. The public can expect to see more:

- offenders at work wearing the new distinctive clothing;
- plaques and posters publicising projects, including showing selected local sites before and after Community Payback projects have been undertaken; and
- information in local communities about completed Community Payback projects, alongside information about how to nominate new projects.

61. <http://lcjb.cjsonline.gov.uk/>

## Communicating the bigger picture on sentencing

**196.** A 2008 study found that sentencing was the single most important driver of public perceptions of how the Government deals with crime; and that leniency of sentences was seen as the most important crime issue facing Britain.<sup>62</sup> However, many – but by no means all – studies have found that public sentencing preferences are no harsher than actual sentencing practices in the courts. Although the public are not properly informed about sentencing policy or practice,<sup>63</sup> there is evidence that, once better informed, people are more confident about the effectiveness of sentencing and the justice system generally, and have a more balanced perception of the different elements of sentencing.<sup>64</sup>

**197.** Sentencing has several functions: it should punish criminals; give reassurance to society that they are being punished; protect the public through removing from society those who are a serious danger; and provide opportunities for criminals to reform and pay back to society for their crimes.

**198.** For serious, violent and seriously persistent offenders, this means prison. Custody is the only possible sentence for those who represent a serious threat to society. The public deserve to be protected from such people. Where offenders are particularly dangerous, they may need to go to prison for a very long time indeed. **We will always provide enough prison places for those the courts sentence to custody.**

**199.** But not all criminals need to be locked up. Those whose crimes are not so serious that prison is the only possible response are normally better punished in the community. This way, they can be given tough community punishments while still remaining part of society and holding on to their jobs and accommodation, factors that are important in reducing the possibility that they will reoffend.

**200.** Community sentences do not have the public profile of imprisonment but they can be very tough. They can include Community Payback (up to 300 hours); curfew for up to 12 hours a day, with electronic monitoring of compliance; drug testing; attending programmes to challenge and change offending behaviour; or any combination of these.

**201.** In the past, many offenders failed to comply with a community sentence and got away with it. Not any more. The Government has made improvements to enforcement and 95 per cent of offenders who need to be taken back to court for breaching their community sentence are now returned to court. There are consequences for offenders who do not meet their responsibilities on a community sentence.

**202.** For less serious offenders, the fine still remains the most frequently imposed sentence. And so it should. A fine is an appropriate sanction for those who have committed minor crimes and well over 80 per cent of all the money imposed as fines is now collected. Those who will not pay face sanctions such as credit blacklisting and attachment of earnings.

62. *Closing the Gaps*, Ipsos MORI 2008.

63. Hough M and Roberts J (2005), *Understanding Public Attitudes to Criminal Justice*, London, Open University Press.

64. See paragraphs 172–173, p. 73.

203. There is no such thing as 'getting off with a caution'. A caution is an out-of-court disposal and an effective and proportionate way, in appropriate circumstances, of dealing with low-risk, low-level (and mostly first-time) offenders without needing to involve the court system. Out-of-court disposals will continue to be used in appropriate circumstances.

204. The Government's philosophy on sentencing is simple:

- **serious, dangerous and persistent offenders should be locked up**, sometimes for a very long time;
- **other offenders are normally better punished in the community** with tough, effective and visible community punishments or, for less serious offences, well enforced fines.

### Consultation questions

**Q26** *The public should have more information about justice outcomes. What kind of information should be made available?*

**Q27** *How could this information be made available and accessible most effectively and at what local level would this be most useful?*

### 3B. Making individual court case outcomes publicly available

We will improve the availability of and public access to information on specific case outcomes, making more systematic use of a range of communications channels to give regular, in-depth updates on specific outcomes of cases that are of concern to the community as quickly as possible.

#### More information about specific cases?

**205.** Nine out of ten respondents to the Casey Review questionnaire said they were not told enough about outcomes of arrests. The Review noted that the public hear negative stories about what happened to particular cases, but are not aware of wider information that could reassure them that offenders are being punished appropriately. The Review concluded that “court decisions and sentences... could be a key to greater public confidence in the justice system”.<sup>65</sup>

**206.** We are already making it easier for the public to find out about the outcomes of court cases, by making copies of the court register, containing the outcomes of criminal cases and details of upcoming court cases, available to newspapers free of charge.

#### Making court outcomes accessible online

**207.** We also announced, in September 2008, our intention to provide the outcomes of criminal court hearings on a public-facing website. This will provide the final outcome of

court hearings (i.e. when verdicts are declared and sentence passed, where appropriate) as this is considered the information of most interest to communities, and will keep the amount of information available more manageable. Information on interim hearings, committals and cases sent direct to the Crown Court will remain available through existing channels.

**208.** Users will be able to access the type of offence, the date of the offence (where this is known), the verdict and any sentence passed by the court. It is recognised that the provision of personal information (such as the name, address and age of the defendant) helps communities to relate to the process and builds community confidence in the justice system. However, the benefits of providing this information need to be balanced against the rights of individuals and the wider interests of society. At this stage, therefore, we intend to publish only the name and town of residence of the defendant, but we welcome comments on whether this is the right level of information to provide.

**209.** Information will not be given about cases where there is a reporting restriction in place; this will include the majority of cases in the youth court, where there is the presumption of a reporting restriction unless this is lifted by the court.

**210.** It is clear that there needs to be a balance between providing communities with information on court outcomes, which is in the public domain, and the need to ensure that such information is not misused. This issue is particularly pertinent because of the power of the internet to collect and make available information from a wide range of sources, and the difficulties of regulating the way in which such information is stored and reused.

65. The Casey Review, pp. 47–48.

**211.** We believe that it is not in the public interest to facilitate the creation of uncontrolled, privately held databases, and therefore intend to place the following restrictions on how information is accessed:

- Access to court outcomes online will require registration at level 1 of the e-Government standards<sup>66</sup> to provide substantial assurance that the registrant's identity has been verified.
- Registered users will be able to choose to see results for two courts of their choice; changing these preferences will require application to the systems administrator.
- Users will then be able to search all results from these two courts from the past four weeks.
- Information on the website will be copy protected so that it cannot be copied and pasted into other documents.

**212.** A prototype of the website will be made available for the duration of the Green Paper consultation.<sup>67</sup> This will report specifically on the outcomes of knife possession cases tried in the adult magistrates' courts, supporting the current initiative on tackling knife crime. Comments are invited on the level of security and accessibility of information. We will also look at how we can link this website to the continuing development of crime maps, to support the aim of ensuring that members of the public can get the maximum information about crime, policing and justice in a joined-up way from a linked set of sources, at as local a level as possible.

## Out-of-court disposals

**213.** Because out-of-court disposals (such as cautions, conditional cautions, Penalty Notices for Disorder and cannabis warnings) are an alternative means of bringing an offence to justice, it could be argued that details of these outcomes should be made available to the public in the same way as we propose to do for court results. However, this would raise various issues; for instance:

- verdicts and sentences are already put in the public domain by being given out in open court; out-of-court disposals are not;
- Fixed Penalty Notices (one kind of out-of-court disposal) do not involve an admission of guilt;
- simple cautions become 'spent' under rehabilitation of offenders legislation as soon as they are given;
- at present, offenders accept out-of-court disposals on the assumption that they will not be made public unless court proceedings follow; to change this position would require a change in the basis on which they are administered, and this in turn could lead to the courts being clogged up with low-level cases.

**214.** For these reasons, we do not propose to make specific out-of-court disposal information available online, although we welcome views highlighting the possible benefits.

66. [www.govtalk.gov.uk/documents/regindividualsv2.pdf](http://www.govtalk.gov.uk/documents/regindividualsv2.pdf)

67. [www.hmcourts-service.gov.uk/criminalOnlineResults](http://www.hmcourts-service.gov.uk/criminalOnlineResults)

## CASE STUDY

### The North Liverpool Community Justice Centre and the *Liverpool Echo*

Since July 2008, a 'Who's in court' column has appeared in the *Liverpool Echo* newspaper, weekly or at least fortnightly. Every day the court sits at the North Liverpool Community Justice Centre, centre staff send the newspaper details of all adult cases that have been sentenced that day. These details comprise the offender's name, age, street (but not house number), offence and sentence, and are published in the column. (In one instance, the judge agreed that an offender's details should not appear.) Feedback from the community on the column has been excellent. The same information is also being given to the local police to be included in their monthly newsletter. Close links between the Community Justice Centre and the *Liverpool Echo* also lead to more extensive, positive coverage of particular newsworthy cases.

### Cases of particular concern

**215.** A member of the public who is interested in the outcome of a particular case should be able to find it online. But, as with information about aggregate criminal justice outcomes, we do not want to make such information available only to local people who look for it: we also want actively to feed information about the outcomes of cases back to local communities, as already happens in some areas.

**216.** Local criminal justice services should, through the proposed LCJB community engagement leads (see next section):

- identify those crimes and court cases that are of particular concern to local communities;
- when the case is concluded, bring together a range of information about the offence, the offender and the sentence; and
- actively communicate this information to local people through various means, such as newspapers, newsletters, NHP Teams, Neighbourhood Watch, public meetings, emails and crime maps.

**217.** At neighbourhood level, we envisage that CDRPs/CSPs and Neighbourhood Crime and Justice Co-ordinators will have an important role in making this kind of information available to the public. This would fit well with the statutory requirement for CDRP/CSP partners to engage with the community and share information and would provide opportunities to strengthen relationships with other local partnerships such as the LCJB.

218. Giving out information about individual cases in this way raises various legal issues, under human rights, data protection and rehabilitation of offenders legislation, and the common law duty of confidence. We understand that this may be giving rise to confusion about what information can be released, including whether or not photographs of local convicted offenders can be published. To address this, we will produce comprehensive guidance making clear to all relevant agencies and services their powers and responsibilities in these areas, to support local criminal justice services in communicating case outcomes to the public.

### Consultation questions

- Q28** *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?*
- Q29** *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?*
- Q30** *Do you think that case-specific information in relation to out-of-court disposals should be available online or be proactively communicated?*

### 3C. Local Criminal Justice Boards: joining up communications and engagement activity

We will give people better information about the full range of opportunities to raise concerns with Neighbourhood Policing Teams, Community Prosecutors, magistrates and other criminal justice service providers. The public will be consulted about their concerns, hear about the actions taken and outcomes achieved, and get more involved if they choose to do so. Every LCJB will have a nominated lead with specific responsibility for improving the co-ordination of engagement activity, so that it better supports joined-up delivery of criminal justice services, and better meets the needs of victims and communities.

#### Existing engagement activity

**219.** All criminal justice services and local partnerships, such as CDRPs/CSPs and other providers (e.g. in the third sector) should seek to engage collaboratively with their communities to make sure there is an ongoing and really effective two-way conversation about all crime and justice issues in the area. Communities themselves have an important part to play in building community confidence and trust and taking opportunities to regain some control and protect themselves from further harm.

**220.** There is already a significant and diverse range of engagement activity taking place, as highlighted in the box below.

#### Existing engagement activity

- Activity through NHP Teams as the primary interface with communities.
- Court-based activities such as open days and 'you be the judge' events.
- Magistrates' activities in the community, as part of the Magistrates' Association's Magistrates in the Community Project and with probation areas through the Local Crime: Community Sentence initiative.
- Crown Prosecution Service (CPS) consultation with communities when developing prosecution policies, work with Hate Crime Scrutiny Panels, Community Involvement Panels, and outreach work through public meetings, visits and school presentations.
- Engagement and problem-solving work through the 13 Community Justice initiatives.
- Youth justice services' activities through Referral Order Panels and Restorative Justice interventions.
- Prison Service engagement with young people through initiatives such as 'Prison! Me? No way!' in partnership with the No Way Trust.

**221.** The level of activity is encouraging but we are also alert to the risk of engagement activities cutting across and undermining each other, causing confusion. Unless an activity explicitly requires multi-agency co-operation, much of it takes place within agencies and without a shared awareness of why they are seeking to engage communities, what is taking place, when and where, who is involved and what outcomes are being delivered for local people. Opportunities to share community intelligence, learning and benefits from engagement with other partners locally are not being taken. Communities are not benefiting to the extent they could, and there is potentially significant duplication of effort and inefficient use of resources across the agencies.

### Joining up the pieces

**222.** We believe that a wider LCJB area overview is needed to co-ordinate the communications and engagement activities of all criminal justice agencies.

**223.** As a result of the Casey Review and the Policing Green Paper, we have put in place the foundations for co-ordinated communications between criminal justice services and local people. The NHP Teams operating at ward level in every area in England and Wales provide the cornerstone of this engagement activity. We want to support NHP Teams to operate as effectively as possible in their local communities. This means all agencies coming together in a sensible and rationalised way to provide communities with solid support. Improved co-ordination will mean that NHP Teams will be able to draw more readily on criminal justice partners when community concerns go wider than local policing matters, for example by inviting the proposed new Community

Prosecutors to attend meetings to discuss charging policies, or probation officers to speak about Community Payback schemes.

**224.** While NHP Teams will be a key route for communication, they will not and should not be the only route. We are clear that individual agencies should continue to have their own means of consulting communities, such as the CPS's Scrutiny Panels. However, we also need a more systematic approach to ensure that all these different channels of communication are properly joined up and that they add value.

**225.** A more co-ordinated approach to criminal justice agency engagement with communities will give local people better information about when, where and how they can talk to agencies and get involved. It will also support agencies in delivering high-quality services to their communities, based on a shared understanding of local concerns and what needs to happen to address them.

**226.** There are untapped opportunities to undertake a systematic scrutiny of the range of activity in each LCJB area. Such a mapping exercise, with the results constantly reviewed and updated, would enable:

- **better integration of activity** across agencies for the benefit of communities;
- **enhanced inter-agency support** through better co-ordination and targeting of interventions;
- **more effective use of resources** to bring out fully the value of joined-up CJS engagement activity; and
- **further rationalisation of functions**, releasing resources through driving out bureaucracy and inefficiencies.

### Who is responsible?

**227.** LCJBs should play a pivotal role in the integration of activity across all agencies in the area. Yet no single person currently works on behalf of LCJBs to deliver this aim. We are proposing a national network of LCJB community engagement leads with a specific remit to address this important issue. They would have the skills, knowledge and delegated authority from the LCJB to produce an area-wide overview of activity across all agencies in their area.

**228.** Behind the scenes, they would support NHP Teams as the primary liaison between local criminal justice services and communities. They would further support all agencies by

mapping engagement activity across all services in an area, identifying gaps and opportunities to rationalise activity. They would be responsible for providing communities with information about the range of opportunities to engage with local crime and justice services.

**229.** Accountable to LCJBs, they would ensure that activity is more coherent, co-ordinated, effectively targeted and better sequenced across the whole area. Their significant focus would be to integrate all activity at LCJB area level to increase public confidence with criminal justice services and with local action by the police and local authorities to tackle the crime and anti-social behaviour issues of most concern.

### How the public benefits

- **More and better information about the full programme of engagement activity in their area**, so they know what they can expect, from which agencies, when and where, and how they can participate in that activity if they choose to do so.
- **More informed multi-agency engagement activity**, channelled through NHP Teams wherever possible, based on better, shared evidence, analysis and understanding of local issues.
- **Better targeted joint engagement activity with specific segments of the community** which are of multi-agency interest, through NHP Teams and Police and Communities Together (PACT) meetings as a general rule, with the LCJB lead ensuring that the right agency representatives are notified of and present at relevant public meetings.
- **A reduction in repeated surveying about local CJS services**, replaced by fewer jointly run surveys.
- **Increased joint feedback about outcomes**, available on a consistent basis through frontline teams (primarily the police, but also other agencies where the police is not the appropriate delivery agent).

### How agencies benefit

- **More time to focus on frontline activity to tackle crime.**
- **An area-wide, named single point of contact and information** for NHP Teams and other criminal justice agencies.
- **An individual with specific delegated responsibility** for producing and promoting across agencies a fully integrated programme of activity.
- **An area-wide map of need, resources and activity** to support effective delivery of the engagement programme across agencies and other partners.
- **A source of consistent, area-wide information and feedback** from communities to agencies to inform service delivery and future engagement programmes.

### Consultation questions

- Q31** *Community engagement activity at Local Criminal Justice Board area level should be more joined up so that people know how and when they can engage. Do you think a dedicated resource within each LCJB area, supporting all criminal justice agencies, is the best way to ensure this happens?*
- Q32** *Are there other and/or better ways to join up engagement activities across criminal justice agencies?*

### 3D. Promoting volunteering in criminal justice services

We will ensure that people have access to good-quality information about the full range of volunteering opportunities within criminal justice agencies and with other delivery partners locally. We will equip LCJBs with the tools they need to ensure that the information is clear, up to date and accessible to communities, and support them in encouraging community involvement. We will introduce volunteering champions within individual criminal justice agencies to make the case for volunteering, encourage employer support for voluntary roles and actively seek to increase take-up. We will support the involvement of reformed ex-offenders in justice volunteering. We will also explore the feasibility of establishing a volunteer corps.

#### Volunteering and criminal justice services

**230.** There are over 63,000 people across England and Wales who regularly and freely give up their time to take on formal volunteering roles with the criminal justice services. They are magistrates, members of Independent Monitoring Boards, special constables, members of Youth Offender Panels, advisory groups and Scrutiny Panels, or volunteers with organisations such as Victim Support, providing invaluable support to victims of crime and witnesses.

**231.** We estimate that the people who volunteer formally with crime and justice agencies and their local delivery partners contribute at least six million hours of their time each year to the delivery of justice in their communities. We thank them for their dedication.

**232.** We want to encourage more local people from as wide a range of backgrounds and social groupings as possible to get involved in local decision-making processes and services. In particular, we want to give decent, law-abiding people whose lives have been blighted by crime and anti-social behaviour the confidence and opportunity to play an active part in improving their neighbourhoods. But we also want to encourage volunteering in justice by reformed ex-offenders, who can bring positive influences on reducing reoffending which complement the contribution of the CJS.

#### Can people volunteer with statutory agencies?

**233.** Each of the organisations delivering criminal justice services offers opportunities for members of the community to get involved in supporting the delivery of justice through volunteering. Some of the better known and more formal roles are listed below:

- police special constable;
- member of an Independent Advisory Group for the police;
- member of a Police Authority;
- member of a CPS Hate Crime Scrutiny Panel;
- magistrate;
- member of a Courts Board;
- member of a Probation Board or board member of a Probation Trust;

- member of an Independent Monitoring Board;
- lay adviser supporting the Multi-Agency Public Protection Arrangements;
- member of a Youth Offender Panel;
- appropriate adult for a young person being interviewed by the police;
- young volunteer; and
- member of an advisory group to an LCJB.

### Helping young people to make amends

Youth Offender Panels are a ground-breaking way of dealing with young people who commit crime. Panels consist of two volunteers recruited directly from the local community, alongside one member of the Youth Offending Team (YOT). The panel meets with the young offender and their parents to talk about the reasons for offending and to agree a tailor-made contract aimed at putting things right. The victim is encouraged to attend the meeting to tell the young person how the crime affected them. New legislation coming into force in 2009 will mean an increase in the use of panels and therefore in the demand for additional volunteer panel members.

### Opportunities to volunteer with LCJBs

**234.** There are also opportunities to become a member of an advisory group to an LCJB. This might suit those whose interests go wider than those of an individual agency.

**235.** Volunteering opportunities in such groups are not limited to adults. Young volunteers and people from other traditionally hard-to-reach groups are also welcomed. Durham Criminal Justice Board, for example, has a particularly successful and innovative Youth Advisory Group which works with its local crime and justice services, sharing their experiences and holding local agencies to account for their actions and decisions.

**236.** Details of every LCJB can be found at <http://lcjb.cjsonline.gov.uk/>. Each LCJB has its own website, with local information, and can be accessed by selecting the area link on the home page.

### Community Crime Fighters

**237.** The Casey Review recommended the establishment of a Community Crime Fighter scheme to provide support to those members of the public who are involved already in helping their communities and are keen to do more to help tackle crime. They will be offered free training in, for example, getting the best services for victims and witnesses, what the Police Pledge should mean to them on the ground, and what powers should be employed to tackle anti-social behaviour and crime. This will help give them the skills to work with criminal justice services and local partners on behalf of their communities to ensure that problems are tackled and the public get the services they deserve. Some 3,600 Community Crime Fighters will be trained by the end of 2009.

## CASE STUDY

**A youthful eye on criminal justice services in County Durham**

The LCJB set up the Youth Independent Advisory Group (YIAG) in 2008. Young people from across the area act as critical friends to the criminal justice agencies and help assess service delivery from a young person's perspective. Members are between 13 and 19 years old. The group has already carried out several tasks for local criminal justice services, including:

- youth-proofing documents, including Durham Constabulary's 'Right to Complain' procedure and youth strategy; and
- agreeing a rotating programme of contact with agencies through which they arrange meetings and visits, agree to review key documents and gain a rounded picture of the justice process.

The group has 16 members and is supported by Durham Constabulary's Youth Issue Officer, PC Andrew Bustin, who acts as a mentor for the group. Members are now taking on tasks such as:

- evaluating recruitment events and assessing agencies' progress against identified areas for improvement; and
- drafting a young-person-friendly arrest-to-release leaflet for young people going into custody to explain the criminal justice process.

Amy, the Chair of the YIAG, says: "Since becoming a member of the YIAG I feel we have grown as a group in confidence and ambition. Having Andy there to help and guide us has made us understand that we are valued as young people and the LCJB partners do truly need our help and advice."

PC Andrew Bustin, the group's liaison point and mentor, says: "As a serving police officer, working with all sorts of young people from around County Durham and Darlington, it's been an inspiration to work alongside really good young people. In this day and age bad press sells papers, peddling all the negatives in life. This group wants to make a real difference and I wouldn't trade my role as their mentor for anything. We have a lot to learn from young people and it's about time we listened."

## Volunteering in the third sector

**238.** Volunteering opportunities also exist through third sector organisations. The majority of third sector organisations are based in local communities. Many involve and advocate for local people, including those who are socially excluded, and can be a principal gateway to minority, refugee and faith communities. Working with the third sector can therefore help consult, involve and empower diverse local people, particularly those who face barriers to engagement.

## Victim Support

**239.** Victim Support is the national charity for crime victims, witnesses, their families and friends, and offers a range of services, whether or not a crime has been reported. Victim Support services are based on the principle of community involvement – for many people, the expression of concern by a fellow citizen can be very helpful in repairing the harm done by crime. The organisation has a volunteering strategy that is closely aligned to its national equality and diversity scheme, to ensure that its 6,000+ volunteers are representative of the communities they serve and that it has a diverse volunteer base.

**240.** All criminal courts in England and Wales have a Witness Service, managed by Victim Support. Trained personnel help victims, witnesses and their families and friends at court by familiarising them with the court before the hearing, supporting them on the day, giving information about court procedures, and arranging further help after the court hearing. Victim Support also provides a Witness Service in the Courts-Martial (the military courts).

## Promoting volunteering

**241.** Anyone interested in volunteering opportunities in criminal justice and related services can find out more by visiting the Inside Justice Week website.<sup>68</sup> Information is also available in the recently produced leaflet *Seeing Justice Done*, which explains more about the justice process, why criminal justice matters and what members of the public can do to support its delivery. Alternatively, members of the public can find out more by calling their local police service, local probation office or court, or by visiting the website of their LCJB.

**242.** However, we believe that we need to do more to co-ordinate and actively promote this information. The new duty to promote democracy being taken forward through the Local Democracy, Economic Development and Construction Bill will help with this. It will require councils to provide information to the public about a wide range of civic and voluntary roles, including magistrates and members of Youth Offending Panels, so there will be a unified initial point of contact where citizens can go. This should make it easier for them to find a volunteer role that suits their preference, personal circumstances and the time they have available.

## Next steps

**243.** Guidance on the new duty to promote democracy, subject to parliamentary approval, will be published in time for its anticipated introduction in 2010–11. In Wales, the Assembly Government will decide when these provisions will be commenced. We also propose to develop and promote guidance for criminal justice organisations to use in local campaigns, to encourage volunteering. We will develop

68. <http://insidejustice.cjonline.gov.uk/>

and promote this guidance with LCJB and national agency representatives and third sector representative organisations who may wish to support production of the materials in their area.

**244.** In addition to producing guidance, it is critical to ensure that the case for volunteering is made strongly to, and understood by, key decision makers within the criminal justice services. Prison governors, Probation Trusts, regional directors of offender management and Police Authorities need to recognise and promote volunteering activity in their area. We will do this by identifying volunteering champions within individual agencies and disseminating good practice examples. The newly appointed ministerial champion for volunteering in the CJS will work with this network of agency champions to raise the profile of volunteering across the CJS.

**245.** On 3 March 2009, Baroness Julia Neuberger, the Government's volunteering champion, published her report on volunteering across the CJS. A joint response by the Ministry of Justice, Home Office and Office of the Attorney General was published alongside the report. The report gives us the impetus to build on what we are already doing to support volunteering and to better join up our approach. We will focus on practical action that adds value to public services and supports public engagement. This may be action to increase the number of community volunteers, to increase the number of reformed ex-offenders volunteering, to improve the quality of the volunteering experience, placement or service provided, or to increase the diversity of volunteers. This is part of our commitment to ensuring that criminal justice services reflect their communities.

## Consultation questions

- Q33** *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?*
- Q34** *If there was a local 'Volunteer Corps' and a service that enabled you to match your preferences and circumstances to the most suitable volunteering opportunity, would you consider volunteering?*

## CONSULTATION QUESTIONS

### Chapter 1 The prosecution and the courts: responding to community concerns about crime

In the first chapter we looked at the role of the Crown Prosecution Service (CPS) and the courts. We set out plans to enhance the role and contribution of the CPS and to strengthen the relationship between the courts and communities so that local people's views are given more prominence. We also set out how we propose to reinforce the importance of community engagement in the work of district judges and magistrates and sought views on how to involve communities in the selection and deployment of district judges and in building on existing actions to attract people from a wider range of backgrounds and communities into the magistracy. We also considered ways of extending the use of a range of problem-solving tools and techniques so that more communities benefit. Finally, we discussed introducing a system of hallmarks of justice in the community, to which all magistrates' courts should aspire.

#### Section 1A: Community Prosecutors: enhancing the role of the Crown Prosecution Service

(page 16, paragraphs 11 to 25)

In this section we said:

*We will introduce Community Prosecutors in at least 30 pathfinder areas in 2009–10 to strengthen the contribution of the CPS to community engagement activity alongside the police, courts and other partners. Community Prosecutors will be more involved with their communities, more aware of local concerns and better able to reflect those concerns when making case decisions and setting local business priorities.*

- Q1 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?

## Section 1B: Community Impact Statements: community concerns taking centre-stage

(page 21, paragraphs 26 to 33)

In this section we said:

*We will introduce Community Impact Statements to make community views more visible to crime and justice service providers and as a mechanism to feed community views directly into the justice process. Community Impact Statements will enable crime and justice practitioners to consider offences in the context in which they are committed and to take into account the harm inflicted on individual victims and the wider community. As part of our plans for keeping communities better informed (Chapter 3), we will also look at developing a response to the Community Impact Statement, which will give communities feedback on how their views were incorporated into the justice process and what outcomes were achieved.*

- Q2 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?
- Q3 Which organisations or individuals, in addition to the police, might compile the Community Impact Statements?
- Q4 For what other purposes might Community Impact Statements be used?
- Q5 How else could we give feedback to the public on how their views have been used in the justice process?

## Section 1C: Increased problem-solving in the courtroom

(page 26, paragraphs 34 to 44)

In this section we said:

*We will introduce problem-solving approaches into magistrates' courts across England and Wales, building on the existing community engagement initiative in magistrates' courts. We will also look at the feasibility of extending use of the power to bring an offender back to court to review their progress on their Community Orders (we say more about this in Section 1D). We will train and support magistrates to effectively identify and solve problems, give information in court and signpost defendants with underlying problems to sources of help.*

- Q6 Problem-solving can help address local problems. What are the issues that might benefit from a problem-solving approach?
- Q7 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?

## Section 1D: Judicial continuity and case review

(page 30, paragraphs 45 to 52)

In this section we said:

*We will look at ways of improving the continuity of judges or magistrates from hearing to hearing for an individual case and at extending the use of Section 178 of the Criminal Justice Act 2003 (the power to bring an offender back to court to review progress on their Community Order).*

- Q8 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?
- Q9 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?
- Q10 Should these powers be extended to cover offenders under the age of 18 serving sentences in the community?

## Section 1E: Intensive solutions to the most persistent problems

(page 34, paragraphs 53 to 78)

In this section we said:

*We will expand our use of the successful principles and practice pioneered through the Community Justice projects and apply them intensively where local community needs and concerns, backed by evidence from crime and justice information, suggest that this approach is most needed, for example in areas of high crime and social deprivation. Where possible, we will co-locate crime and justice teams with advice and support services in one building to deliver the full range of community engagement and problem-solving services more effectively to benefit communities. Where co-location is not an option, we will look at ways to bring together dedicated teams to deliver the full range of services in appropriate cases.*

- Q11 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?
- Q12 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?
- Q13 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?
- Q14 What other options are there for delivering the intensive Community Justice approaches in the areas of greatest need?

## Section IF: Selection and deployment: the right people doing the right jobs in the right places

(page 41, paragraphs 79 to 103)

In this section we said:

*We will re-focus the role of district judges (magistrates' courts) and volunteer magistrates explicitly to include the adoption of problem-solving techniques and a requirement that these judicial office holders must engage with local communities. As a start, we will refresh the job description and outline of responsibilities for both roles to make clear the expectation that they will provide leadership in bringing the courts closer to the community. We will look at ways of involving the community in the appointment and deployment process for district judges (magistrates' courts), and develop further strategies for increasing the pool from which magistrates are drawn to ensure that they are more reflective of the diverse experiences and backgrounds of the communities they serve. In particular we want to encourage younger members of the public and people who live in socially deprived areas to volunteer.*

- Q15 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?
- Q16 More information should be made available about the appointment and deployment processes for district judges in the magistrates' courts and the public should be able to get involved in the process. What information should be provided and how could community representatives usefully be involved?
- Q17 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?

## Section IG: Magistrates' courts: justice for the community, in the community

(page 48, paragraphs 104 to 111)

In this section we said:

*We will reinforce the purpose of the magistrates' courts in delivering justice for and within local communities, increasing confidence in the courts through demonstrating more clearly to local people that they serve their local communities.*

- Q18 All communities have the right to be confident that their local court services are delivered to a nationally consistent and high standard. Is there merit in inviting or requiring magistrates' courts in England and Wales to work towards a set of hallmarks of justice in the community and on what should any system of hallmarks be based?
- Q19 How might local people be involved in the design, implementation, award, monitoring and review of any hallmarking system?
- Q20 Would it be appropriate for local authorities (councils), as service providers themselves, to support or get involved in the proposed hallmarking scheme and, if so, how?

## Chapter 2 Making amends: payback, reparation, Restorative Justice and compensation

In Chapter 2 we looked beyond the prosecution and courts and explored the role of the Probation Service, the Prison Service and the Youth Justice Services. We set out plans for making Community Payback (unpaid work done by offenders in the community) more visible, more intensive and more responsive to the views and concerns of communities harmed by offending and anti-social behaviour. We also explained how other forms of reparation and Restorative Justice could help repair the harm caused to victims, their families, particular groups of people and whole communities, and enable offenders to make amends for their actions, reform their ways and reintegrate into their local community. Finally, we explored the options for providing full and more immediate financial reparation to victims of crime.

### Section 2A: Giving local people more of a say in Community Payback and Asset Recovery schemes (page 56, paragraphs 121 to 135)

In this section we said:

*Community Payback can be an important component of engaging communities in criminal justice, building confidence that justice is done and seen to be done. We will involve local people more systematically in Community Payback, and give them more opportunities to suggest projects they would like undertaken in their area. We will tell them how they can do this through a variety of clear and simple channels. This will include extending to more areas the concept of the Citizens' Panel, which we are currently testing in six areas in England and Wales. We will also give the public better access to information about what Community Payback is being done in their area (see Chapter 3).*

- Q21 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?
- Q22 How could local communities be more involved in what recovered assets are spent on?

## Section 2B: More visible and more immediate Community Payback for offenders

(page 61, paragraphs 136 to 148)

In this section we said:

*We have already increased the visibility and impact of Community Payback, so that local people can more readily see when and where it is happening in their community, and have a better awareness of the reparation by offenders to make good the harm done to the community. We will now look to make Community Payback more intensive and immediate for more serious offences, and are considering increasing the minimum intensity per week from six to 18 hours, and starting offenders on projects within five days of sentencing whenever possible.*

- Q23 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?
- Q24 In what other ways might we enhance the effectiveness of Community Payback in the eyes of the community?

## Section 2C: Restorative Justice and compensation: repairing harm, restoring communities, compensating victims of crime

(page 65, paragraphs 149 to 165)

In this section we said:

*Restorative Justice is a process by which an offender voluntarily makes reparation for the harm they have done, to the community or to their victim, in a way which should contribute to their 'restoration'. On this, we have delivered high-quality guidance for practitioners, and improved the evidence base. This shows that Restorative Justice can increase victim satisfaction with the criminal justice process, and may also help to reduce reoffending. We will raise awareness of these benefits to victims, and do more to encourage provision of and participation in Restorative Justice. We are also considering the best way of getting court-awarded compensation to victims of crime paid, in full, as quickly as possible.*

Q25 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?

## Chapter 3 Keeping communities informed, getting people involved

In Chapter 3 we looked at the different levels of engagement, from providing information, consulting and feeding back outcomes to communities through to involving people in the delivery of crime and justice services through volunteering, for example, and empowering communities to take back control of their neighbourhoods. We put forward plans for making more and better information available to communities on court outcomes and other crime and justice issues and looked at ways of increasing the numbers and types of people becoming volunteers. Finally, this chapter contained proposals for bringing together all community engagement activity across criminal justice services into a clearer and better package for an area, so that it is of more benefit to communities and to frontline police and other criminal justice services.

### Section 3A: Better information, better presentation

(page 76, paragraphs 182 to 204)

In this section we said:

*We will provide better public access to joined-up information on all criminal justice outcomes, linking this with crime mapping to provide the public with all information for local areas by the end of 2009. This will include data on sentencing and out-of-court disposals, and will be presented within the wider context of the overarching approach to sentencing. We will also raise the profile of performance information, ensuring that the public are aware of online information on the performance of their local criminal justice agencies, and that this information is easily accessible.*

- Q26 The public should have more information about justice outcomes. What kind of information should be made available?
- Q27 How could this information be made available and accessible most effectively and at what local level would this be most useful?

### Section 3B: Making individual court case outcomes publicly available

(page 81, paragraphs 205 to 218)

In this section we said:

*We will improve the availability of and public access to information on specific case outcomes, making more systematic use of a range of communications channels to give regular, in-depth updates on specific outcomes of cases that are of concern to the community as quickly as possible.*

- Q28 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?
- Q29 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?
- Q30 Do you think that case-specific information in relation to out-of-court disposals should be available online or be proactively communicated?

### Section 3C: Local Criminal Justice Boards: joining up communications and engagement activity

(page 85, paragraphs 219 to 229)

In this section we said:

*We will give people better information about the full range of opportunities to raise concerns with Neighbourhood Policing Teams, Community Prosecutors, magistrates and other criminal justice service providers. The public will be consulted about their concerns, hear about the actions taken and outcomes achieved, and get more involved if they choose to do so. Every LCJB will have a nominated lead with specific responsibility for improving the co-ordination of engagement activity, so that it better supports joined-up delivery of criminal justice services, and better meets the needs of victims and communities.*

- Q31 Community engagement activity at Local Criminal Justice Board area level should be more joined up so that people know how and when they can engage. Do you think a dedicated resource within each LCJB area, supporting all criminal justice agencies, is the best way to ensure this happens?
- Q32 Are there other and/or better ways to join up engagement activities across criminal justice agencies?

### Section 3D: Promoting volunteering in criminal justice services

(page 89, paragraphs 230 to 245)

In this section we said:

*We will ensure that people have access to good-quality information about the full range of volunteering opportunities within criminal justice agencies and with other delivery partners locally. We will equip LCJBs with the tools they need to ensure that the information is clear, up to date and accessible to communities, and support them in encouraging community involvement. We will introduce volunteering champions within individual criminal justice agencies to make the case for volunteering, encourage employer support for voluntary roles and actively seek to increase take-up. We will support the involvement of reformed ex-offenders in justice volunteering. We will also explore the feasibility of establishing a volunteer corps.*

Q33 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?

Q34 If there was a local 'Volunteer Corps' and a service that enabled you to match your preferences and circumstances to the most suitable volunteering opportunity, would you consider volunteering?

### Unintended negative impact on particular individuals, groups or communities

Our proposals are intended to be as inclusive as possible but we are aware that there may be an unintended negative impact on certain individuals and groups. We are particularly concerned that any negative impact is reduced or eliminated in relation to race, disability, gender, faith or belief, age or sexual orientation, but we would also be pleased to receive views on the possible unintended impacts on other groups or communities (for example, gypsy and traveller communities, migrant communities or those seeking asylum in the UK) of any proposals included in this consultation. We will be undertaking a full Equality Impact Assessment of the consultation document as a whole and the policies and initiatives it contains, and views received will form part of the assessment.

### Financial and operational impact

In relation to each of the proposals in this document, we welcome views on what the additional costs and benefits might be. An estimate of these costs and benefits will be included in the impact assessment that accompanies this publication, but we would welcome further information and views, particularly from delivery partners and stakeholders.

## RESPONDING TO THIS GREEN PAPER

The Government encourages and welcomes comments on the proposals in this Green Paper. This consultation will be conducted in accordance with the Government's Code of Practice on Consultation.<sup>69</sup>

### The seven consultation criteria are:

#### **Criterion 1: When to consult**

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

#### **Criterion 2: Duration of consultation exercises**

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

#### **Criterion 3: Clarity of scope and impact**

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

#### **Criterion 4: Accessibility of consultation exercises**

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

#### **Criterion 5: The burden of consultation**

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

#### **Criterion 6: Responsiveness of consultation exercises**

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

#### **Criterion 7: Capacity to consult**

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Responses to the consultation can be made in a number of ways. You can respond using the online consultation response facility.<sup>70</sup> You must submit your response by the closing date for the consultation (see below).

Alternatively, you can respond via email or by post. However you choose to respond, completed consultation responses should be sent, to arrive no later than Friday 31 July 2009, to the following address:

Via email:

EngagingCommunities@cjs.gsi.gov.uk

69. Refer to <http://bre.berr.gov.uk/regulation/consultation/code/index.asp>

70. <http://consultations.cjsonline.gov.uk/?conid=1>

By post:

### **Engaging Communities in Criminal Justice Consultation Responses**

Race, Confidence and Justice Unit  
Office for Criminal Justice Reform  
Ground Floor (NW), Fry Building  
2 Marsham Street  
London SW1P 4DF

### **Confidentiality and disclaimer**

The information you send us may be passed to colleagues within the Ministry of Justice, the Home Office, the Office of the Attorney General, other parts of Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your information technology (IT) system will not, of itself, be regarded as binding on the departments party to this consultation.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential. Confidential responses will be included in any statistical summary of numbers of comments and views expressed.

The departments will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

### **Consultation Co-ordinator**

If you have a comment or complaint about the approach the Office for Criminal Justice Reform, on behalf of the three departments, has taken to this consultation, you should contact the Ministry of Justice Consultation Co-ordinator, Gabrielle Kann.

The Co-ordinator works to promote best practice standards set by the Cabinet Office, advises policy teams on how to conduct consultations and investigates complaints made against the Ministry of Justice. She does not process your response to this consultation.

The Co-ordinator can be contacted by email at: [Gabrielle.kann@justice.gsi.gov.uk](mailto:Gabrielle.kann@justice.gsi.gov.uk)

or by post at:

Gabrielle Kann  
Consultation Co-ordinator  
Ministry of Justice  
7th Floor  
102 Petty France  
London SW1H 9AJ

## Equality Impact Assessment

An Equality Impact Assessment (EIA) of the Green Paper proposals will be produced. As a first stage, initial consultation will take place with a selection of internal and independent stakeholders by the Race, Confidence and Justice Unit in the Office for Criminal Justice Reform, supported by the Human Rights, Equality and Diversity Directorate within the Ministry of Justice and equivalent teams in the Home Office and Office of the Attorney General. This exercise should prove informative and constructive and should provide opportunities to increase awareness of equality, fairness and diversity issues surrounding the Green Paper proposals and in relation to criminal justice services more generally.

To support the consultation process, we will be holding equality and diversity workshops in a number of locations during the three-month consultation period. The workshops will provide community representatives with an insight into the reasoning behind the Green Paper and individual proposals. They will also provide opportunities for community representatives to highlight and discuss their concerns and needs and provide input from the community perspective. The views and outputs from the consultation and workshops will be included in the final EIA report, which will be published alongside implementation plans at the end of the consultation process. The EIA will be kept under review and updated in the light of evaluation evidence from any pilot schemes or information gathered locally once proposals have been implemented.

## Regulatory and operational impact assessment

The proposals set out in this document will impose costs on one or more of the criminal justice services (police, prosecution, courts, probation, prisons and youth justice) but will also deliver savings and improvements in the efficiency and effectiveness of the delivery of justice. In line with the Government's new burdens doctrine, any net additional costs will be fully and properly funded by the Ministry of Justice, the Home Office, Office of the Attorney General or the appropriate criminal justice agency, so that no additional pressure is placed on the taxpayer.

## GLOSSARY

| <b>Acronym/<br/>term</b> | <b>Explanation</b>                        | <b>Further information/website</b>   |
|--------------------------|---|--|
| ACT                      | Active Citizenship Together               |  |
| ASB                      | Anti-social Behaviour                     | <a href="http://www.homeoffice.gov.uk/anti-social-behaviour">www.homeoffice.gov.uk/anti-social-behaviour</a>   |
| ASBO                     | Anti-social Behaviour Order               | <a href="http://www.homeoffice.gov.uk/anti-social-behaviour/penalties/anti-social-behaviour-orders">www.homeoffice.gov.uk/anti-social-behaviour/penalties/anti-social-behaviour-orders</a>   |
| BCS                      | British Crime Survey                      | <a href="http://www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf">www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf</a><br><a href="http://www.homeoffice.gov.uk/rds/pdfs08/hosb1408.pdf">www.homeoffice.gov.uk/rds/pdfs08/hosb1408.pdf</a> |
| CBI                      | Confederation of British Industry         | <a href="http://www.cbi.org.uk">www.cbi.org.uk</a>   |
| CCP                      | Chief Crown Prosecutor                    |  |
| CDRP                     | Crime and Disorder Reduction Partnership  | <a href="http://www.crimereduction.homeoffice.gov.uk/regions/regions00.htm">www.crimereduction.homeoffice.gov.uk/regions/regions00.htm</a>   |
| CJS                      | Criminal Justice System                   | <a href="http://www.cjsonline.gov.uk">www.cjsonline.gov.uk</a>   |
| CJSSS                    | Criminal Justice, Simple, Speedy, Summary | <a href="http://www.dca.gov.uk/publications/reports_reviews/delivery-simple-speedy.pdf">www.dca.gov.uk/publications/reports_reviews/delivery-simple-speedy.pdf</a>   |
| CPS                      | Crown Prosecution Service                 | <a href="http://www.cps.gov.uk">www.cps.gov.uk</a>   |
| CSP                      | Community Safety Partnership              | <a href="http://www.crimereduction.homeoffice.gov.uk/partnerships44.htm">www.crimereduction.homeoffice.gov.uk/partnerships44.htm</a>   |
| CVS                      | Community and Voluntary Service           | Information held locally.  |
| DJMC                     | District Judge Magistrates' Court         | <a href="http://www.hmcourts-service.gov.uk/infoabout/magistrates/index.htm">www.hmcourts-service.gov.uk/infoabout/magistrates/index.htm</a>   |

| <b>Acronym/<br/>term</b> | <b>Explanation</b>                          | <b>Further information/website</b>   |
|--------------------------|---|--|
| DPA                      | Data Protection Act 1998                    | <a href="http://www.opsi.gov.uk/Acts/Acts1998/ukpga_19980029_en_1">www.opsi.gov.uk/Acts/Acts1998/ukpga_19980029_en_1</a>                               |
| DVD                      | Digital Versatile Disc                      |  |
| EIA                      | Equality Impact Assessment                  |  |
| FOIA                     | Freedom of Information Act 2000             | <a href="http://www.opsi.gov.uk/Acts/Acts2000/ukpga_20000036_en_1">www.opsi.gov.uk/Acts/Acts2000/ukpga_20000036_en_1</a>                               |
| HMCS                     | Her Majesty's Courts Service                | <a href="http://www.hmcourts-service.gov.uk">www.hmcourts-service.gov.uk</a>   |
| HMPS                     | Her Majesty's Prison Service                | <a href="http://www.hmprisonerservice.gov.uk">www.hmprisonerservice.gov.uk</a>   |
| IAC                      | Intensive Alternative to Custody            |  |
| IOM                      | Integrated Offender Management              | Each force will have further information on their individual website.  |
| IT                       | Information Technology                      |  |
| JSB                      | Judicial Studies Board                      | <a href="http://www.jsboard.co.uk">www.jsboard.co.uk</a>   |
| KIN                      | Key Individual Network                      | <a href="http://www.mpa.gov.uk/downloads/reports/snt-kin-aug07.pdf">www.mpa.gov.uk/downloads/reports/snt-kin-aug07.pdf</a>                             |
| LCCS                     | Local Crime: Community Sentence             | <a href="http://www.lccs.org.uk">www.lccs.org.uk</a>   |
| LCJB                     | Local Criminal Justice Board                | <a href="http://lcjb.cjsonline.gov.uk/">http://lcjb.cjsonline.gov.uk/</a>  |
| MAPPA                    | Multi-Agency Public Protection Arrangements | <a href="http://www.noms.justice.gov.uk/protecting-the-public/supervision/mappa/">www.noms.justice.gov.uk/protecting-the-public/supervision/mappa/</a> |

| <b>Acronym/<br/>term</b> | <b>Explanation</b>                           | <b>Further information/website</b>   |
|--------------------------|--|--|
| MESMAC                   |  | Information, support and resources on sexual health for gay and bisexual men.<br><a href="http://www.mesmac.co.uk">www.mesmac.co.uk</a>  |
| NHP Team                 | Neighbourhood Policing Team                  | <a href="http://www.neighbourhoodpolicing.co.uk/">www.neighbourhoodpolicing.co.uk/</a>   |
| NPIA                     | National Policing Improvement Agency         | <a href="http://www.npia.police.uk">www.npia.police.uk</a>   |
| PACT                     | Police and Communities Together              | Each 'area' has its own website regarding this initiative, e.g. <a href="http://www.saferlancashire.co.uk/initiatives/police_comms_together/">www.saferlancashire.co.uk/initiatives/police_comms_together/</a> |
| PCSO                     | Police Community Support Officer             | <a href="http://www.homeoffice.gov.uk/police/recruitment/community-support-officer/">www.homeoffice.gov.uk/police/recruitment/community-support-officer/</a>   |
| PPO                      | Prolific and Priority Offender               | <a href="http://www.crimereduction.homeoffice.gov.uk/ppo/ppominisite01.htm">www.crimereduction.homeoffice.gov.uk/ppo/ppominisite01.htm</a>   |
| S178 (CJA 2003)          | Section 178 of the Criminal Justice Act 2003 | <a href="http://www.opsi.gov.uk/si/si2008/uksi_20081424_en_1">www.opsi.gov.uk/si/si2008/uksi_20081424_en_1</a>   |
| SOVA                     | Supporting Others Through Volunteer Action   | <a href="http://www.sova.org.uk">www.sova.org.uk</a>   |
| TUC                      | Trades Union Congress                        | <a href="http://www.tuc.org.uk">www.tuc.org.uk</a>   |
| YIAG                     | Youth Independent Advisory Group             | Various 'areas' have their own websites, e.g. <a href="http://www.clevelandiag.org.uk/Youthiag.htm">www.clevelandiag.org.uk/Youthiag.htm</a>   |
| YOT                      | Youth Offending Team                         | <a href="http://www.yjb.gov.uk/en-gb/yjs/YouthOffendingTeams/">www.yjb.gov.uk/en-gb/yjs/YouthOffendingTeams/</a>   |

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