

editorial

whose justice?

Rod Morgan and Rob Allen put this issue into perspective.

Contemporary criminal justice is difficult to characterise, with contrasts and contradictions at seemingly every turn. The occasionally harsh political rhetoric masks growing interest and investment in prevention, drug treatment and restorative justice, and there are some positive elements of the government's reform agenda (described in this issue by Baroness Scotland). On the other hand, the government which enacted the *Human Rights Act* now talks of the need to rebalance the system fundamentally in favour of the victim as if the relationship between offender and victim were zero-sum, which it is not. Moreover, notwithstanding a new commitment to localism, and much being made of 'community justice', the provision of correctional services looks set to be managed more remotely, at the level of ten regions and Wales. This issue of CJM explores some of these tensions in policy and practice and tries to shed light on the questions of who justice is for and what it is trying to achieve.

The contrasts are particularly acute in relation to anti-social behaviour, where the Government have introduced tough new powers and gone out of their

way to ensure they are used. Louise Casey sets out the thinking behind anti-social behaviour orders, claiming that they are a proportionate response but admitting they can be a severe penalty. Elizabeth Burney charts the evolution in their use and takes a sceptical view of their effectiveness. While rigorous data are in short supply, figures from the YJB submission to the Home Affairs Select Committee inquiry into Anti-Social Behaviour show how numbers have increased, and Krudy and Stewart give vivid examples of the complex range of social problems to which ASBOs have been applied, suggesting that a more careful and thoroughgoing approach is often needed. This is also true in respect of children who commit offences while living in public care. Bob Ashford and Rod Morgan describe local initiatives which aim to reduce the use of prosecutions of this very vulnerable group.

Tackling anti-social behaviour is a key part of the Government's five year strategy on crime published in July. Sean Roberts casts a critical eye over the proposals, while Nony Ardill and Ed Cape expose the false premises which lie behind the much touted shift in the balance of interests in

favour of victims. They argue that reducing the rights of suspects and defendants rarely benefits victims. Janet Arkininstall shows that despite fears that offenders would be the chief beneficiaries of the Human Rights Act, this has simply not happened. Chakraborti *et al* describe how discussions of the needs of ethnic minorities as victims, witnesses and defendants can often be over simplistic.

The key change to the prison and probation services lies in the creation of NOMS. Christine Knott describes the background to the new service and sets out the arguments for contestability. David Chantler offers a positive view of how external providers can improve quality of services, while Clive Martin discusses how NOMs may work with the voluntary sector. Chris Fox suggests what can be learned from the health and social care sector – not least that purchaser-provider splits take a long time to have an effect.

In the meantime, the prison population grows and public concern remains high. Rob Allen reports on JUSTICE's inquiry into Restorative Justice which suggests there is substantial scope for expansion. Debra Clothier illustrates RJ's benefits, though at this time putting it into practice on any kind of scale remains elusive. Turning progressive ideas into action has been possible in of all places the USA where the Center for Court Innovation has piloted a range of problem solving courts. Adam Mansky describes how a

fundamentally pragmatic approach has trumped some of the ideological divisions about how to deal with crime, while back in the UK, Judge John Samuels describes a vision for greater use of sentence review in our courts.

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