

Public engagement in criminal justice

Ben Rogers on the developments needed to make the criminal justice system more responsive to the community.

It is arguable that, after more than a decade in which everyone has insisted on the need for more ‘community policing’, we are witnessing a real change in the terms of exchange between the public and the police. Neighbourhood policing is being ‘rolled out’ across the country – and appears not only to be popular but proving effective in boosting confidence in public safety (Muir 2006). Where a decade ago community activists would probably have described the police as one of the least responsive services around, they now talk very positively about their constructive role in Local Strategic Partnerships and other community forums. It takes a long time to change the culture of a public service, but public – and government – pressure never the less appear to be having an effect and the police appear to be thinking differently about their role.

But what about the rest of the Criminal Justice System (CJS) – the courts, probation and prison? Have we seen similar changes here? The answer has to be: ‘Not really’.

There is irony here. The courts, after all, appear to be one of the most democratic services we have. Lay people in the form of magistrates and jurors have an authoritative role. Probation and prison also have a long history of lay involvement. Indeed, once you start digging a bit below the surface, the modern CJS

in village or town halls, schools, or community centres. In its recent report, *New Directions In Community Justice*, ippr argued for the potential of a second option: the creation of a lower tier of courts, beneath magistrates, to handle cases of ‘low level’ crime and disorder (Rogers 2005).

In the US, Vermont has been making use of lay community justice panels or ‘Reparative Boards’ for only a decade – with apparently good results. A similar model is provided by the recently established Chard and Ilminster Community Justice Panel in Somerset. In response to complaints about the closure of the local magistrates court, perceived decline in local police numbers, and problems with drunk driving, vandalism, and warring neighbours, the council and police responded by setting up a panel served by local volunteers trained in restorative justice who hear cases referred to them by the police, housing bodies and other local agencies. There are plans to develop the panel as a way of delivering restorative ‘Conditional Cautions’.

No-one is forced to go before the Chard and Ilminster panel – cases can be dealt with through the usual channels – and it does not deal with people who deny guilt. Panel meetings are overseen by a probation professional, helping ensure that the panel’s orders are proportionate, and all panelists are trained

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turns out to be shot through with lay volunteers. Yet the service has largely failed to build on this legacy by ‘mainstreaming’ engagement or developing modes of participation appropriate to the times.

Take the courts. Lay magistrates might save us a great deal of money, and help maintain some connectedness between authorities and the public, but they are far from representative of the public. Moreover they are required to act more like unpaid professionals than active citizens. I doubt that most people who attend magistrates’ court even know that magistrates are volunteers. Jury service is radically democratic in principle, but there has been extraordinarily little innovation in the way it is practiced in the last century and our courts hardly feel democratic, let alone participatory. Jurors wait on judges and other officials, and have to adapt to their values and needs.

Similar problems confront probation, which, like the youth justice system, has a very low public profile and few local links – other, of course, than with offenders and their families. Prisons similarly have scarcely any local roots. Little wonder confidence in these agencies scores much lower than it does in the police.

But how could the public be better engaged in these services? Taking the courts first, one option would be to find ways of holding at least some sessions of magistrates’ courts – those dealing with cases that do not require high security – locally,

in restorative justice. The ethos is one of solving problems and making amends, not retributive punishment. Yet the panel receives enthusiastic endorsement from local police, council and press, all relieved that something at last is ‘being done’.

We need, too, to investigate the potential of young people’s courts – courts run by young people for young people. Teen courts, which again are broadly restorative in ethos, are now widely used in the US, both in schools and in the community, and appear effective in dealing with problem behaviour, while also building positive connections between police, probation and young people, and giving young people the experience of running things for themselves. The Institute of Public Policy Research (ippr) is working with the US based Centre for Court Innovation to establish a teen court in Hull (see www.ippr.org for further details). Perhaps, too, we should explore whether these could be extended to the next age group up – say young people between 18 and 24. A very large proportion of offenders are drawn from this age group, and yet those who sit in judgement on them or work with them in the CJS tend to be older – usually several generations older! And of course we need to learn from community justice centres, like the one in Redhook New York – and the new centre in North Liverpool – that have or are developing a range of ways of engaging local people in their work: by giving them a say, for instance, in the appointment of judges, by holding public meetings, and issuing

questionnaires to identify local concerns and priorities, and by working with local agencies to tackle the roots of crime (see http://www.brooklynnda.org/Redhook/red_hook.htm).

Probation is necessarily, perhaps, a relatively low profile service – many fewer people have contact with it than the police or the courts. Nevertheless, more could and should be done to engage the public in its work (Bottoms 2004). Community Justice Centres offer one way forward. The Redhook Community Justice Center, for instance, runs well-branded diversionary activities for young people, and provides information about probation for people using the Center. Probation professionals take an active role alongside the Center's judge and local police in public discussions, and work to secure media coverage for probation success stories.

Finally, we need to make better use of community reparation – unpaid work done by offenders with other members of the community. Experience both abroad and at home suggests that this can not only boost public confidence in the CJS – and more particularly in community sentences – but help build valuable contacts between offenders, local employers and local agencies.

To argue that the CJS needs to do more to engage with the public it exists to serve is not to diminish the very good and often innovative work already being done. Liverpool's community justice centre and Salford's new community orientated Magistrates' court are exciting and potentially ground breaking developments. The Magistrates Association, the Probation Board, The Youth Justice Board, individual prisons and local authorities have all run successful initiatives to raise the profile of their work and engage lay people in it. But it is far from clear that we have what is needed: commitment and drive from the top of government to turn the courts, prison and probation (or NOMS) into more outward looking, locally visible services, responsive to local concerns.

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charged with child welfare, employment, housing and public health are crafting an integrated, place-based service model to address re-entry. The integrated model is building on studies by family researchers, who are finding inter-generational histories of substance abuse, homelessness and incarceration, and learning that one aspect is rarely present without the others (see www.familyjustice.org for a full description of research findings). But they are also finding that people in high-resettlement communities often show remarkable strength, ingenuity, resilience and endurance. The coping methods residents develop to negotiate so many disjointed agencies and disparate 'systems' are themselves suggestive of how services might be better coordinated.

In one example of how to retool justice workers, a national technical assistance initiative is underway in a number of cities including New York, Chicago and Phoenix, that retrains parole, probation, and public housing workers to engage with entire families rather than with isolated individuals. By learning how residents work various public systems to piece together basic necessities, civil servants become more helpful to their clients, and to their families and neighbourhoods as well.

And one thing these experiments are finding is an immense opportunity to take advantage of overlaps among different populations in an economy of scale investment. As it turns out, resettlement schemes for people returning from prison find common cause with schemes meant to resettle other 'displaced' populations, such as the homeless, the mentally ill, immigrants, and even those displaced by natural disasters like Hurricane Katrina.

These justice reinvestment experiments are still in their infancy. It will no doubt take years to deconstruct the immense criminal extra-structure that was erected during the War on Drugs era, while at the same time rebuilding the mainstream civil infrastructure. But indications are good. The War on Drugs era separated the individual from the community, both symbolically (through the ethos of personal accountability) and physically (through the mass displacement and imprisonment of young, parenting-age, minority men). Today, the re-entry movement in the U.S. is struggling to sew this torn relationship back together. Along the way, it is providing a safe place to experiment with new solutions to the challenge of persistent poverty and the structural legacy of racism.

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