

cjm

update

Una Padel outlines the new report reviewing how probation services deal with offenders from ethnic minorities.

A thematic review by HM Inspectorate of Probation has highlighted the need for significant improvements in the way probation services deal with offenders from ethnic minorities, support staff from ethnic minorities and work with racially motivated offenders. The report, *Towards Race Equality*, highlights the following specific areas:

- Pre-sentence reports on white offenders were, overall, of a significantly higher quality than those on offenders from ethnic minorities.
- All services have considerable work to do to improve their relationships with local ethnic minority communities – both in terms of work with offenders and as a potential employer.
- Some ethnic minority probation staff are isolated. Little training is available to probation staff on race equality and white managers lack confidence in managing ethnic minority staff.
- Many white staff were

apprehensive about being regarded as racist and sought to avoid the issue. They lack confidence in their ability to challenge racist behaviour or deal with allegations of racial harassment.

- Few probation services are using data collected to monitor their performance or make strategic decisions about their work with offenders from ethnic minorities or to promote race equality.
- Work with racially motivated offenders is not yet the subject of detailed guidance in most probation areas.
- No common understanding existed across individual services about what constituted racist behaviour.

Recommendations include appropriate minority representation on the new probation boards, improved arrangements for the recruitment and development of staff, more systematic collation of race and ethnic data, measures to improve the quality of pre-sentence reports on ethnic minority offenders

and improved training for all staff on race equality.

The full report is available from HMSO or on HM Inspectorate of Probation's website at <http://www.homeoffice.gov.uk/hmiprob>

Crime prevention

A number of new crime prevention initiatives have been published over recent weeks. These are mainly target-hardening measures and include:

- A £12 million scheme to provide locks for pensioners' homes and pilot schemes designed to identify different ways to prevent distraction burglary.
- Six high level crime seminars to promote the Secured Car Park Scheme to cut car crime in car parks. This involves improved surveillance, controlled entry of pedestrians as well as vehicles and better lighting and has apparently increased revenue in car parks where it has been piloted.
- A total of £20 million from the Police Modernisation Fund for the Metropolitan, Greater Manchester, Merseyside, West Midlands and West Yorkshire police forces to help them fund and develop initiatives to tackle robbery.
- £15 million from the Police Modernisation Fund to enhance the police service in rural areas. This funding will be linked to the introduction of a national rural police response time for emergencies.

The £91 million Police Modernisation Fund was awarded in the March budget settlement. A further £24 million has already been spent

to fast track the recruitment of an extra 5000 officers over the next three years.

Youth crime measures rolled out

On the 31st May the new measures to deal with juvenile crime from the *Crime and Disorder Act 1998* were implemented in England and Wales. The measures introduced were:

- The new Final Warning scheme, which replaces informal police cautions, involves a final warning from the police followed by an intervention programme designed to address the causes of offending.
- Reparation Orders requiring offenders in activities such as writing a letter of apology, cleaning graffiti, repairing criminal damage.
- Action Plan Orders which provide a short intensive programme of community based intervention.
- Child Safety Orders designed to protect children under 10 at risk of involvement in crime. It can require children to be at home at certain times or stay away from certain people or places.
- Parenting Orders requiring parents to attend counselling and guidance sessions and that can require them to ensure their children attend school.

eve saville memorial lecture

Police and Diversity

John Grieve, Director of the Met's Racial and Violent Crimes Task Force, gave the 11th annual Eve Saville Memorial Lecture hosted by CCJS in June. His speech on the response of the police to the Lawrence Inquiry and Macpherson Report is summarised here.

It seemed to me when we started thinking about what we wanted to achieve (with the creation of the Racial and Violent Crimes Task Force), we should revisit the timeless principles of policing, and I suppose those for me are concepts of community-based, consent, prevention, accountability, transparency, detection, justice, the spirit and letter of the law of the land, and rights, not to mention fairness. And it's only the application, it seems to me, of those principles. I don't feel that what I'm doing is politically correct. It seems to me that this is basic. I don't feel as though this is breast-beating or self-flagellating, and I certainly don't believe, as has been suggested, that we're traumatised or frozen into paralysis in the police. I was at Hackney this morning, and I met a lot of cops who were working out on the streets. They're not traumatised, and they were talking about issues and changes that are derived directly from Stephen's racist murder.

Sir William Macpherson, while conducting the Stephen Lawrence Inquiry, said he didn't find any overt racism in the course of the evidence that he'd gathered during the public inquiry. He didn't find any overt racism in the actual murder inquiry that had taken place six years before. He said the racism he identified was unwitting, ignorant, thoughtless, and stereotypical; so the first thing is, if you're still unwitting about racism in the police of London, and I could say in London itself, you have to be fairly stupid, because the issues are being pointed out to you with absolute clarity. What is expected of the police now is that they should be careful and considerate, mindful and knowledgeable, prudent and

attentive, and not stereotyping people. Now, that's sometimes quite difficult.

We as cops were originally trained to treat everybody exactly the same, equally. When we gave that evidence to the Stephen Lawrence Inquiry, Sir William and his advisers were rightly horrified. What they wanted us to do, and what is quite difficult, is to treat everybody according to his or her individual needs, and those needs can be very different, as we saw with Mr and Mrs Lawrence and with some of the other extended families that I've been dealing with in the last two years. We are required to differentiate, actually to deal with people differently. There is a very great reality about being black on the streets of London that is not the same as being white, and we, the police, are in a unique position of power and have to recognise that. Behaving considerably is not, to me, mental prostration. It just makes sense about how you do your job.

What we wanted to do was to create a hostile environment for racists and haters, who also turn out to be thieves of car radios, burglars, and we wanted to create an environment in which hate crime would not be tolerated. We were determined to ensure that all Londoners would benefit from the change we were going to make. This seemed like a part of social inclusion.

Some early research that we looked at, work by Ben Bowling, Ray Sibbet and others, taught us that hate crime is a message crime. Haters watch what the police and the criminal justice system do. Haters watch how communities respond. The first of the recommendations from the Stephen Lawrence Inquiry is intended to increase confidence in

the minority ethnic communities, but it has an impact for everybody. These confidence measures apply across a range of communities, and with the confidence of everyone, policing can be easier and more efficient.

This is how I sell it to cops. Your witnesses will be more willing to come forward and actually give evidence for you. People will let you into their homes, let you use them as observation posts. Jurors would recognise police officers as people whose evidence they would trust. So what I'm laying before you is practical and measurable — a plan of action which has benefited everyone. In the case of Saunders, in the Court of Appeal Criminal Division in November last year, Lord Justice Rose said "One of the most important lessons of this century as it nears its end is that racism must not be allowed to flourish. The message must be received and understood in every corner of our society, in our streets and prisons, in the services, in the workplace, on public transport, in our hospitals, public houses and clubs, that racism is evil."

You don't often hear a whole series of crimes described by the Court of Appeal as evil. Racism cannot co-exist with fairness and justice. It is incompatible with democratic civilisation. Parliament recently expressed the intent that the courts must do all they can to convey that message clearly by the sentences which they pass in relation to racially aggravated offences. Those who indulge in racially aggravated violence must expect to be punished severely in order to discourage the repetition of that behaviour by them or by others.

So what did we actually do about the issue? Well, we set up an independent advisory group. That's probably one of the most dangerous things I have ever done,

and I've acted against terrorists, armed robbers, on the streets of London; I've ambushed people in banks, I've acted as an undercover officer on drugs squads. It's different to partnerships and alliances or co-allegencies. My independent advisors are the hard-to-hear voices that we didn't hear until we went to the Stephen Lawrence Inquiry because we had our fingers stuck firmly in our ears despite the fact they were shouting at us. They're about a totally different perspective. They are not democratically elected. They are an added value to democracy, but they are aside from it; and they were selected from our sternest critics. A very difficult message for us came from the Stephen Lawrence Inquiry. I travelled around the country with it. Some of my critics say that that was what traumatised me, and you can judge for yourself whether that's so.

The days followed a familiar pattern at the Stephen Lawrence Inquiry. In part two, start off in the morning with the local authority, some statutory agencies, the cops, Chief Constables and senior police officers, community units, liaison officers, all speaking with some very powerful, strong messages about how good things were. You'd think, "Oh, this is perhaps going to be all right". Round about coffee time things began to go downhill. I remember one day sitting there hearing a local minister describing how the police responded to calls for help from his church, and he said how wonderful they were, how fast they came, how polite they were when they got there, how well he got on with them. And he looked us in the eye and he said, "that is not the experience of my black parishioners", and then he started on us. One of my team was sitting beside me and she wrote down, this is very, very damaging. It formed a pattern, day after day, as we



John Grieve

Julia Grogan

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listened to the inquiry. We started hearing the voices of the dispossessed, disempowered, very angry, bereaved, and this formed a consistent pattern as the inquiry travelled around the country. And so we collected those people together, people who were determined that we wouldn't drop the issues again; and they have turned into, certainly our most knowledgeable critics.

They have intervened, I calculated recently, in something like about 80 cases across London that have never reached the ears of the Press; cases that could have become critical but never did. They provide a transparency, they provide different voices, they help us offer real accountability to communities.

Another major thread of the Stephen Lawrence Inquiry, which was distressing to us, was the failure of our family liaison systems. Our betrayal of them was that we offered them no training. There was no such thing as a family liaison system. The last person through the door would become the family liaison officer.

I think this is probably our biggest tribute so far to the courage of Mr and Mrs Lawrence. In the 17 months since Sir William reported, we have trained about 1200 family liaison officers. We teach them some very specific skills, and the people who teach them are the very angry and bereaved families that we first heard at the Stephen Lawrence Inquiry. We have created a new discipline and a new role.

The Metropolitan Police went down to the police in Avon and Somerset and bought in a specialist course they had invented. Some of my officers are down there at the moment with them, developing the next version of family liaison. We're determined to make family liaison as important a discipline as exhibit handling, firearms, hostage negotiating, intelligence officers, analysts, all those kind of things.

Get in a room with the family liaison officers, there's an enormous sense of energy. They aren't the least bit traumatised. Very thoughtful. They are cultural change agents within the organisation.

Twenty per cent of the recommendations of the Stephen Lawrence Inquiry actually relate to families in one form or another, and not just the famous recommendations 23 to 28. It is our very strong belief, if you get family liaison right you get communities right. Cases won't go critical if you can deal with the families' needs.

Let me tell you something about my community safety officers. In all 32 London boroughs, there's now a specialist unit that specialises in hate crime of one kind or another. We ran a day across London when all 32 boroughs contributed by sending a powerful message to haters in their entirety. And the strapline was 'Justice For All'. We personalised the poster to every London borough, and it had the phone number of every community safety unit on it.

That day across London we achieved 170 arrests, 70 charges, high-visibility patrols and other operations. Posters and crime prevention messages went out through schools and local press, we put caravans out on the streets, a coordinated event across London that was greeted with considerable enthusiasm in every community, because it was tailor-made to those communities.

We created an integrated intelligence structure. We linked a series of 80 intelligence bases across London. It generates very powerful operational intelligence.

We've got a database of cases, hundreds of them now. We do comparative case analysis, we look for threads across things. We distil that information down into seven pages of advice that we send to anybody who is faced with one of

these crimes. We're using the classic criminal intelligence tools, profiles of victims, victimology. We redefined the nature of open-source intelligence, and when we started looking to see how little intelligence there was, we went out and looked at the street agencies, the famous anti-police street agencies, people that we hadn't been talking to. My deputy and I once walked into a street agency that hadn't seen a police officer in five years and found the wall covered with pictures of people that we wanted to arrest. Their card index is full of intelligence and these are people that we should be talking to. This is actually open-source intelligence.

How do you measure that? Well, there have been something like 300 proactive operations against racist activities of all kinds, excluding the ones run from my own team. We've collected something like 25,000 intelligence reports around race issues and racist crime in the last 18 months. Because we decided to build on that, we decided we'd look at quality of life issues, see how some of these things played off into other issues, using the intelligence tools to really serve our communities; and we collected an even more staggering 48,000 reports on things around quality of life and improving quality of life. It seems to me that those are practical, tangible benefits for everyone.

The actual number of clear-ups that we've got now exceeds the total number of incidents that were reported to us before we started this campaign. Does this indicate a massive increase in hate crime or does it just mean that we're catching up on the backlog? What we said at the Stephen Lawrence Inquiry was, people just don't report this stuff to you. They also said nobody's ever going to speak to you again, but the lie to that is proved here. People are speaking to us more than ever before. It seems to me this indicates that there's a great deal of activity going on out there and it's not being conducted by me, and it isn't 'politically correct'. It's being conducted by literally hundreds of cops out on the streets.

We were criticised at the Stephen Lawrence Inquiry, because the Crown Prosecution Service were much better at spotting racist incidents than we were. Well, we've overtaken them now. It's what you'd expect—we get the information first, and we're much cleverer now at spotting racist implications of the evidence that we're gathering.

Does this indicate there's more or less hate about? Well, I think we're catching up on the 15 or 16 offences that people suffer from before they ever report anything to us, but then you'd expect the level to begin to fall off. People are being forced to take a position on this, and there's a movement of hate and extremism from two different directions: across the Atlantic, white supremacists, the sheer scale of hate sites on the web; and a movement in Central to Western Europe, maybe, of extreme right-wing activity. I think people are being forced to take a position on this. At any one time there are in excess of 100 million people on the move on this planet, which gives people who have prejudices plenty of opportunity to find targets.

So finally, what does all that add up to in terms of things you could measure? I suppose one of the things I'm most proud of in the community safety units, in the first year of their existence, is that an outside agency using cold-calling to test victim satisfaction following report of a racist incident recorded a 91% satisfaction rate. Now, that would be the envy of most commercial organisations.

Reported racist incidents year on year were up 88%, and actual offences were up 117%. So people haven't stopped talking to us. We now have more information about racist incidents and racist violence than ever before, we're putting people in front of the courts. And we try to tell the cops when they're doing well, because believe you me, as an organisation we'd got to a stage when people were desperate to be told that they were actually working in a worthwhile job.

And finally, this is what the intelligence picture looked like in April 98, just before we got this job. There were 30 community intelligence reports. In April 99 there were 2,126. And in April 2000 we had 4,700. Now, I don't know about you but I can't imagine that if the hearts and minds and the souls of the Metropolitan Police weren't behind this you would be getting that kind of response and over that period of time. Our tribute to Mr and Mrs Lawrence is that we have turned this to the benefit of everybody. It's not anything to do with political correctness; and it's only been achieved with the support of millions of members of the community and the goodwill of an awful lot of cops.

John Grieve's speech is available on our website, www.kcl.ac.uk/ccjs, which also offers JUSTICELINK, a database of organisations, and CJ Update, giving information on recent events and Home Office reports.

comment

Examining the guts of Restorative Justice

Richard Young and Carolyn Hoyle discuss the need for careful study of the current crop of policy and practice initiatives in restorative justice aimed at youths who have offended.

As Tony Marshall has noted in a useful survey of this field, there is a "grave danger that Restorative Justice may end up being all things to all men and women, concealing important divergences of practice and aim." A definition may help promote openness. The one that Marshall contends has gained most currency internationally is as follows:

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.

Whilst this definition focuses on process, the aim is evident only if we unpick the meaning of 'restoration' in the context of responding to a crime in this way. What interests or relationships are harmed by a crime and how might they be restored? The most obvious are the interests of victims, whether material or emotional. Whilst victims sometimes want financial compensation, more often they want recognition from the offender that they have been treated unjustly and reassurance that he or she will desist from further offending.

The community at large may also have suffered harm to interests that now require restoration. For example, a sense of neighbourhood security may be damaged by a racist attack or by a burglary. Finally, offenders may have harmed their chances of leading a 'law-abiding life', not least by damaging relationships with those who care for them, as where parents lose trust in their children following an offence. These relationships need to be restored too. These various forms of restoration can rarely be successfully ordered or coerced. Whereas traditional adversarial, retributive justice involves the state imposing a penalty (or rehabilitation programme) on the offender, restorative justice necessarily envisages discussion by a broader range of stakeholders - including victim and offender - with outcomes arrived at, ideally, by mutual consent.

Restorative Justice within Youth Justice

There is no doubt that since coming to power the Government has encouraged a shift towards 'restorative justice' within youth justice.

The Home Secretary, in particular, has expressed his support for the idea that offenders should be accountable to their victims and make reparation where possible. It is true that the measures in the Crime and Disorder Act 1998 manifest a continuing tension between different penological aims. Nonetheless, pre-court action plans and court-based reparation orders, action plan orders, and supervision orders have all been promoted as vehicles for the delivery of restorative justice. The *Youth Justice and Criminal Evidence Act 1999* goes much further in that it will result in the automatic referral of the vast majority of offenders convicted for the first time in the Youth Court to a 'youth panel'. This panel will seek to involve offenders, their families, their victims and youth justice workers in drawing up an agreed 'contract'. This will seek to achieve reparation for the victim or community and also the rehabilitation of the offender. Once the contract has been completed the original conviction will be regarded as spent for the purposes of the *Rehabilitation Act 1974*. This represents a significant erosion of the Youth Court's power to punish and stigmatise.

The Youth Justice Board (YJB) is currently supporting some 45 'restorative justice' schemes and we are acting as the national consultants to this programme. The original funding bids for these schemes reveal that youths at police warning stage were targeted by 29 schemes, those on action plan orders by 18, those on reparation orders by 15 and those on other orders (including supervision and custody) by 15. Some schemes are targeting up to four of these categories. As for their mode of operation, 29 schemes plan to offer 'victim-offender mediation', 22 'family group

conferences', 20 'indirect reparation', 12 'community reparation', and seven 'victim offender conferencing'. Some schemes specified up to four of these modes, others just one. This raises the question of how such diverse programmes should be evaluated.

Process issues

The YJB has stipulated that local evaluations of all these schemes must be conducted. The funding bids show that whereas the great majority of schemes planned to measure the satisfaction of participants and the apparent impact on reconviction, analysis of the process itself was mentioned by only about a quarter. In working with local evaluators we have encouraged more emphasis on studying the processes involved in restorative justice. This is for four main inter-linked and overlapping reasons.

First, such study is needed to discover which elements of the process are linked to participant satisfaction (or dissatisfaction), or to interim outcomes such as the completion of any reparation agreement.

Second, there is mounting research evidence that it is the quality of the restorative justice process that appears to be linked to any impact on subsequent reconviction. For example, having taken other factors into account, Morris and Maxwell conclude their recent study of the impact of family group conferences on 108 offenders by reporting as follows:

"Meeting victims and apologising to them, feeling involved in the family group conference and agreeing with the outcome, and completing the tasks agreed to were all predictive of not being reconvicted. In particular, to be successful in reducing reoffending, family group conferences have to be

memorable and to strive for inducing remorse and genuine regret for what was done without resulting in parents and young people feeling bad about themselves."

Whether such features are present in a restorative process is likely to depend in part on how a scheme's staff organise or carry out preparation, facilitation and follow-up services. Only by careful study of the process in individual cases can it be determined whether the chances of a successful process were maximised.

Third, many evaluations of 'intervention programmes' have shown that disappointing findings are often attributable to failures of implementation rather than to any fundamental flaws in the ideas that originally underpinned the programme. Before we make judgments about the worth of 'restorative justice' schemes, we need to be sure that what was delivered was in accordance with restorative principles. This can only be done by studying the process as experienced by offenders, victims and others.

Finally, the schemes are likely to undergo dynamic developments and their effects on satisfaction and other

outcome measures also need to be captured. Such changes can represent a desirable modification in the light of experience or unconscious (and potentially dangerous) 'project drift'.

Feedback findings

What emerges from these points is that there is a strong argument for evaluators of any restorative justice scheme to feedback detailed findings relating to process issues to scheme managers and staff at regular intervals. In this way identified examples of good and bad practice can influence the future operation of the scheme. Interim reports, in other words, are of crucial importance to fledgling practices. That is why we opted for the model of 'action-research' in our own three-year evaluation of the Thames Valley Police initiative in 'restorative cautioning' which began in April 1998. We have ensured that all 45 YJB-funded schemes are fully appraised of our interim findings to date. These findings have also influenced the YJB-funded training by Thames Valley Police of police officers from other forces in the run-up to the implementation of the new system of reprimands and

warnings. We hope that we have contributed in this way to the understanding that the quality of process is vital to the likelihood of success of various forms of restorative justice practice.

This form of research cannot, of course, form a substitute for other desiderata of restorative justice programmes, such as the adoption of clear aims, methods, principles and standards, the delivery and reinforcement of appropriate training, and the implementation of systems of internal monitoring, management and accreditation. But, as we have discovered in our work with Thames Valley Police, even when these elements are in place, the behaviour of particular facilitators (mostly police officers but some social workers) can display significant divergences of aim and practice - not all of which are compatible with restorative justice. If evidence is to 'lead' criminal justice policy at the micro as well as the macro level, and to do so in a constructive way, there is a need for interim, independent, assessments of the guts of restorative justice. ■

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