

With 0.15% of the entire UK population behind bars, could Restorative Justice be the answer?

The number of prisoners detained in UK prisons has reached an epic of 82,000, which is around 0.15% of the UK population. 3% of these prisoners are children under the age of 18.

A BBC article on the 22nd of February 2008 reported that 'UK prisons were about 92 prisoner's overcapacity' and around 8,000 over what the Prison Service said to be "a good, decent standard of accommodation". In the same month Justice Secretary Jack Straw asked magistrates to 'jail fewer people while officials attempt to manage the crisis'. These comments followed what the Guardian reported was a '37% rise in prisoner suicides due to overcrowding'.

Further criticism of the prison system came from outspoken Member of Parliament John Redwood on his own blog in March 2008 when he declared 'Prison does not work very well. We send too many people to prison'.

So, what is the solution? After all – If people still break the law surely the public must be protected?

We need to ask ourselves:

- Why isn't the modern justice system working? - could it be its lack of focus on the victim in favour of the offender?
- Is justice more preoccupied with proving guilt and satisfying legal agendas than restoring integrity to the victim?
- Should non violent criminals be dealt with in the same way as violent offenders?
- And finally, why is it that 50% of prisoners detained in the UK are re-offenders?

It would seem that the system, as it stands, is unsatisfactory to all concerned. The community – who witness the repercussions of crime, reflected in house prices and the feeling of safety on the streets – the criminals themselves who are led to believe that their crimes aren't against victims but merely the impeding of written laws and lastly the victim(s) – who are, in many cases, treated like just another witness and left in some cases with lasting trauma and fear.

Tax payers also stand to lose out when it comes to sending non violent criminals to prison. Bedford today <http://www.bedfordtoday.co.uk/news> stated in February 2008 that 'it costs about £3,500 a year for a community order, whereas a short sentence costs £3000 a month'. Considering the typical sentence for most youths is around 18 months, that's a difference in cost to tax payers of £50,500 per year per offender. It is also important to remember that these young impressionable youths will be serving time alongside career criminals, perhaps even within the same cell.

What about Restorative Justice?

The answer could lie in a relatively new system called Restorative Justice whereby the criminal is made to face their victim and / or community and answer for their crime. To understand Restorative Justice, one needs to understand the impact a crime has on both the victim and the community. To understand real community we need to imagine an environment where our social framework is interwoven with individuals that care, understand and wish for our well being.

Our modern society has driven us out of these smaller supportive groups, we are now more concerned with personal privacy and autonomy rather than the good of the community. There are lots of causes of this ambi-

guity amongst most westernised cultures ranging from social economical divides and cultural pressure to age groups and inequality.

From a victim of crimes perspective, they can suffer in a number of ways, from post traumatic shock to displacement disorders and stress related depression. Victims are rarely thought of in the final verdict of most crimes and certainly not considered once the sentence is passed.

Because of these overwhelming factors, some trailblazing lawyers including New Zealand's Moana Jackson looked back to non Western legal methods and in particular the Maori legal system. Maori justice is and always has been victim centred instead of offender focused. The Maori system involves the whole community, making the offender take responsibility for their actions. It is about restoring the balance to all involved in the crime.

The reason why this has been so successful for the Maori people is because it is about giving victims the change to tell offenders the real impact of their crime, to get answers to their questions and receive an apology. From the offenders point of view they get to understand the real impact of what they have done and are given the chance to repair the harm.

So what benefits have been seen in Restorative Justice?

- The Restorative Justice consortium states in their 2008 handbook that '41% of victims who have tried Restorative Justice say they want to meet the offender; and 51% say they think RJ would work better than prison to reduce re-offending.
- RJ has been shown to reduce the post-traumatic stress symptoms of victims, and help them return to work following serious crimes.
- Offenders who meet and make active reparation to their victims are under no subsequent illusions about the impact of their crimes and this measure can often go a long way in preventing many from reoffending'

If as John Redwood stated "50% of prisoners are re offenders", could progressive use of Restorative Justice one to ones and community justice panels help reduce re-offenders crimes and therefore reduce the overpopulated prisons?

How is a Restorative Justice meeting organized between a victim and an offender?

Tony Marshal stated in his paper on Restorative Justice an overview that "Such meetings have to be carefully facilitated by a skilled, specially trained mediator, whose prime tasks are to ensure a safe and comfortable environment and firm ground-rules for a fruitful exchange which is re-affirming and a positive learning experience for both parties"

Mark Creitzman is a Restorative Justice Co-ordinator at Waltham Forest Youth Offending Team / Backstop YOT training courses. He has carried out over 250 conferences and mediations between criminals and their victims and attended many community panels within the Youth Justice System. He offers his insight into how Restorative Justice / community justice works.

Q - Do you believe that Restorative Justice could work to reduce criminals re-offending?

A - 'I do believe that there is a positive effect on recidivism when communication takes place, whether that is direct contact or indirect mediation. However, this process can not be regarded as a cure-all, more as the beginning of a healing process for the person harmed and a time of reflection for the person who has caused the harm'.

Q - Why isn't Restorative Justice more widely used in the UK?

A - 'The big issue is the difficulty to capture the information needed to prove the success of Restorative Justice, because of this fact funding has always been a major issue'.

Q - Have you been involved in community Restorative Justice Conferences much like what is happening in Norwich?

A - 'Yes I have and I have found it to be very successful, probably more so than the one to one mediations'.

Q - Why do you think community Restorative Justice is so successful?

A - 'Because people want to feel included, the more people involved the bigger the buy in. People like to feel part of the process and that they are making a difference in the community'.

Q - What kind of reaction have you had towards RJ both from the victims and the offenders?

A - 'Very positive on both sides. It should be noted that this process is not suitable for everyone, but I firmly believe that everyone who has been harmed or caused harm should have the opportunity to take part if the circumstances are appropriate.

The majority of my work is facilitating communication between parties and I have never been aware of anyone regretting taking part.'

Q - Where do you see Restorative Justice in the next 10 years?

A - 'I believe RJ is becoming more widely used and in time will prove to be increasingly successful in the Youth Justice Service and the Adult Forum as well as in the community for all conflict resolution.

The important thing is to retain the voluntary element of the process to ensure the feeling of ownership that is so crucial to its success'.

Restorative Justice in action

One community that have taken on the challenge and are winning are Norwich city council who have developed community justice panels that give criminals the choice to admit their guilt in front of a panel of local people and make an official apology to the community. The panel then decides on the type of community service that fits the crime, this might be removal of graffiti, rebuilding of a local landmark or local landscaping. Once this work is completed the matter is closed.

An article on www.norwichlibdems.org.uk on March 2008 stated that 'these panels empower victims of crime and the wider community and allow offenders to serve their debt to the victim and the community they have harmed without going to court. All panelists are trained in the practice of Restorative Justice and probation professionals help ensure that the panel's "orders" are proportionate to the offence.'

Restorative Justice is also being used; in schools to resolve bullying, in the community to stop antisocial behavior and in the workplace as part of disciplinary procedures. It does seem apparent that a return to community enforced justice is something we will be seeing a lot more of over the next few years although perhaps rebranded for a new generation.

If indeed the reason behind the lack of funding for Restorative Justice is the lack of performance indicators perhaps the government should take into account the UK prison services consistent failure to meet most of its own 18 key performance indicators. With the average cost per prisoner of around £37,000 each, re-offenders are at a record high, serious assaults by prisoners have increased, sexual assaults have increased, inhumane living conditions are rife and drug problems are still major issues.

An article on the public technology site in May 2007 reported that "the new ministry of justice has £8.8 billion

and 77,000 staff to tackle justice in the UK over 2007 and 2008” with the key themes set out by Lord Falconer being: a) Protecting the public, b) Reducing re-offending and c) Sense in sentencing.

With all of this in mind, one only has to ask. Could Restorative Justice be the answer?

This information has been put together by Backstop Support Ltd, the criminal justice specialists. For further information on Restorative Justice - contact Backstop by emailing them at info@backstop.org.uk or calling them on 0844 499 3398

Sources and further reading

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Mark Creitzman RJ Co-ordinator at Waltham Forest Youth Offending Team / Backstop YOT” <http://www.backstop.org.uk/pages/training-services--victims-and-restorative-justice/restorative-justice-processes.php>

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