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| The University of sheffield, department of law |
| The Use of Restorative Justice by the Police in England and Wales |
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# Abstract

**The Use of Restorative Justice by the Police in England and Wales**

The key aim of this thesis is to examine the use of restorative justice (RJ) processes by police services in England and Wales.

The research used the methodology of a comparative case study, taking a two phase approach to compare and contrast a range of case study police services in England and Wales, and including a Belgian case study as an international comparator. After a broad exploration into RJ use by police services across England and Wales, the research focused on two case study police services. Analysis occurred at the level of each case study; both between and within police services.

The use of restorative processes by police services was commonly reported, with large disparity between RJ policy and methods of delivery. Both case studies displayed little victim involvement in any RJ processes, and varying levels of guidance or support were available to officer facilitators in order to assist RJ delivery.

The available guidelines, training and support largely determined the quality and ‘restorativeness’ of RJ processes delivered by police officers, but this was also affected by the inherent police cultures both within and between policing roles. This culture notably influenced the lack of the victim-focused ideal of restorative justice within police practice,

A contrast between police services, including an international comparator, shows the questionable suitability of officers in the role of RJ facilitator, and highlights the need for comprehensive policy and guidelines for police officers where they are expected to deliver restorative processes as part of their daily work. Individual force priorities are shown to be highly influential in officer use of RJ and goes far to explain police officer confusion, lack of confidence and differenced both within and between police services.

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# Chapter 1 – Introduction and Definitions

## Introduction

To begin, this chapter introduces this research in relation to RJ guidelines and policy[[1]](#footnote-1) in England and Wales, and defines the process of ‘restorative justice’ that will be discussed throughout this thesis. The author’s background is also commented upon, noting important methodological influences which are discussed in later chapters. Finally, the thesis plan is set out, noting the phases of research and areas to be compared. In brief, this research aims to explore the development of Restorative Justice (RJ) within the police service in England and Wales. It will refine our understanding of the police implementation of restorative processes and address the current deficiency in research documenting the use of RJ by police officers.

In the policing context, RJ has been described as a ‘tool to enable the police to make decisions about how to deal more proportionately with lower level crime and is primarily aimed at first time offenders where there has been an admission of guilt’ (Youth Justice Board and Ministry of Justice, 2013, p. 7). The 2012 Her Majesty's Inspectorate of Constabulary (HMIC) report ‘Facing up to Offending’ noted that there was widespread use of RJ approaches by police services in England and Wales, and that three of the six services inspected used restorative conferencing in addition to informal resolutions/restorative disposals. However, the findings stated that inconsistencies were prevalent both between and within criminal justice agencies and made recommendations to develop a more consistent approach to RJ processes. Recommendations were also made in reference to the November 2012 Police and Crime Commissioner (PCC) elections and the need to develop transparency and external scrutiny in RJ use. At the time of the fieldwork being carried out in this research (2012-2013), PCCs were not yet elected, though it should be noted that at the time this thesis was written PCCs had just become (in 2014) responsible for providing funding for RJ.

The 2012 ‘Restorative Justice Action Plan for the Criminal Justice System’ published by the Ministry of Justice (MoJ), further proposed that RJ should be accessible at any stage of the criminal justice system, and should be a process led by victims. It is stressed that if RJ does not work for the victim, then it should not happen (Ministry of Justice, 2012, p. 3). Subsequently, the Legal Aid, Sentencing and Punishment of Offenders Act (2012) introduced restorative justice as an element to some youth cautions to encourage rehabilitation and reparation for the offender and a quick resolution for victims and the Crime and Courts Act 2013 (s.44) made it explicit that the courts would be able to use their existing power to defer sentencing to allow for an RJ activity. Further support for the future development of RJ is shown in the act of the UK opting in to the *2011/0129* EU Victim’s Directive where Article 12 establishes the right of victims to safeguards which ensure that ‘victims who choose to participate in restorative justice processes, have access to safe and competent restorative justice services’. Subsequently, the introduction of minimum standards proposed in the Action Plan (2012) developed to produce a quality mark (Restorative Service Quality Mark (RSQM)) to assess the standard of RJ being delivered by a variety of agencies, which is intended to be a quality assurance and accreditation instrument awarded by the Restorative Justice Council[[2]](#footnote-2) in order to address poor and inconsistent practice.

A positive impact on crime reduction has been a traditional rationalization and often quoted benefit to which police services have justified implementing RJ programmes. Cost-savings and a reduction in recidivism are seen as a large business benefit to the police service and were supported by Shapland et al. (2008) who found that there were significant cost savings from RJ through a reduction in frequency of reconviction (at a rate of 14% when taking into account differences between groups (Shapland et al., 2011)[[3]](#footnote-3)). In 2010, the Ministry of Justice detailed aims for RJ which included a reduction in offending by preventing a pattern of offending behaviour that could last into adulthood, simplifying out-of-court disposals and increasing the use of RJ (p.67).

At the time of the fieldwork being carried out, the use of RJ by the police was largely steered by the Association of Chief Police Officers (ACPO) (2012) guidance notes, which set out conditions and guidelines for its use (for example – low level offences and first time offenders). These guidelines are discussed in more depth in chapter 2, where police-led processes are described in more detail.

In 2009, Shapland noted that the definition and application of ‘Restorative Justice’ varied across England and Wales and different police services, and in addition there had been no recent research documenting the use of RJ on a daily basis (Shapland, 2009). Though the Thames Valley restorative cautioning scheme using conferencing occurred in early 2005 (Hoyle, Young and Hill, 2002; Wilcox, Hoyle and Young, 2004), this was preceded by the use of mediation by, for example, Kettering Adult Reparation scheme in Northamptonshire for 3 years from 1986 (Dignan, 1990).

Despite RJ being used for a number of years in England, the lack of significant literature on RJ and mediation (Leibmann, 2000) in the UK and the recent developments in RJ guidelines give rise for the focus of this thesis on the use of RJ by the police in England and Wales. Whilst no Welsh case studies are included in this study, the findings may be generalisable to those police forces due to the application of the same legislation and ACPO RJ guidelines to all forces within England and Wales. In addition to the study of police-led initiatives in England and Wales, this research also includes RJ programmes in Leuven, Belgium. In Leuven, the police service has had for many years an integrated RJ policy towards all cases (regardless of offence severity or previous convictions), operated from within the police service (Aertsen, 2000). Here, the RJ programmes are considered to be well implemented by police service personnel and therefore provide this research with an accessible international comparator with which British case studies can be compared and contrasted. Consequently, the findings from this research are intended to be used to inform any future developments within RJ in England and Wales and further research studies, whilst placing the RJ programmes in context of wider European developments.

This current research consequently aims to address the deficit in recent research in the area and investigate the use of RJ practices by police officers. As an original contribution to the current literature on Restorative Justice, this thesis will address the lack of inclusion of police officer perspectives within evaluations of RJ programmes. Whilst previous literature has analysed outcome results and the opinions of victims and offenders, this research further adds the perspectives of the police officer as facilitator. It is important to include these results when evaluating police-led restorative programmes as facilitator understanding and actions can have a large impact on the implementation and perceived outcome of the process.

Ultimately, this research will examine the use of RJ within the police service and debate the suitability of using officers to facilitate meetings between victims and offenders. While recent works comment on the impact and outcomes of RJ (Meadows et al., 2012; Shapland, 2009; Martland, 2012), the findings of this research concentrate on the implementation and delivery of RJ programmes. It is not concerned with evaluating the effectiveness of these programmes (as arguably there are numerous ways of judging ‘success’ – see Llewellyn et al., 2013); instead considering how and why the implementation and delivery used by the police service may affect participants. To investigate the extent that RJ programmes may or may not be suited to use by the police service and beat officers a case study approach in several towns enables an understanding of the process in its entirety and acknowledges officer views and perspectives that may impact delivery. It also enables an understanding of the potential impact on victims and offenders through observing RJ processes in practice. Therefore, the aim of the research is to provide means whereby any future development of police-led RJ programmes will be able to consider the police understanding of RJ in order to create a process which is both delivered in line with the RJ theoretical perspectives and the police officer job role, culture and understanding of restorative policing.

There are multiple ways in which the police can be involved with restorative justice; by facilitating it themselves, by referring cases to another service but keeping them at the level of the police, by supporting meetings, or providing data to the prosecution, courts or later RJ. It should be stressed that this thesis is only concerned with the first two of these, and therefore not with RJ carried out as referred by prosecutors, or the courts, or post-sentence. Additionally, nor is it concerned with processes where the police attend and may participate, but have not initiated RJ. Therefore, this research looks towards schemes such as the Thames Valley restorative cautioning (Hoyle et al. 2002; 2004), the Northern Ireland restorative cautioning (O’Mahony and Doak, 2004), and the final warning scheme in Northumbria evaluated by Shapland et al. (2011), for all of which the decision to undertake RJ was made by the police. These studies are discussed further in more detail in chapter 2, whilst schemes like youth conferencing in Northern Ireland run by the Youth Conferencing Service (Campbell et al., 2005) or youth conferencing in New Zealand (Morris and Maxwell, 2001) or in South Australia (Daly, 2002), where the police are obliged to attend and sometimes to give the ‘facts of the case’, are only briefly commented upon.

This research aims, alongside other research questions also clarified in chapter 2, to investigate the experiences and opinions of police officers when delivering RJ and the choices they have to make in the situations they encounter while policing. By drawing on literature on police occupational culture (Chan, 1996) and the ways in which police officers view RJ, officer suitability as RJ facilitators within the police service can be examined. It has been suggested that police officers are not the most suitable mediators or restorative justice facilitators, and that this role should be carried out as a separate job altogether (Vanfraechem, 2009). However, police-led RJ initiatives have also received praise for the way in which they encourage police officers to view their responses to crime and the needs of victims differently, respond to crime in a new way, and provide the opportunity to develop constructive ways to deal with offending behaviour. Not only are the community involved in providing care, support and guidance, police-led programmes have been shown to reiterate that the behaviour was unacceptable, teach the community how to deal with such events and also how to prevent them in the future (Moore and McDonald, 1995).

Thus, this research is in the context of a broader debate regarding the role of the police officer and how policy introductions of RJ can or should be integrated into the police service. In spite of the lack of documentation regarding police use of RJ within England and Wales, there is evidence of various uses of RJ within a number of police services. However, there is no standard method of practice of its use, and despite numerous pilots into youth restorative disposals which were introduced via the Crime and Disorder Act 1998 as an alternative to cautions (Youth Justice Board, 2011), there is little guidance on the implementation of restorative disposals with adults (Ministry of Justice, 2010).

However, this research is not evaluative, nor does it test a hypothesis. It is clear that research needs to be conducted into the way in which police officers view and use restorative processes, whether their work is truly restorative with regards to fulfilling the needs of both victim and offenders and providing a suitable response to crime, and if officers are suitable facilitators to conduct restorative meetings. This research intends to increase understanding of how and why police officers use RJ in their daily work, through comparing and contrasting studies of police services in England and Wales alongside looking further afield to the Belgian town of Leuven for a European comparator. The main focus is to examine evidence surrounding the police understanding and implementation of RJ schemes whilst determining the suitability of the police officer as an RJ facilitator. Therefore, whilst the police understanding of restorative justice will be examined, this research is not a process evaluation as narrowly defined, i.e. it does not investigate whether the restorative justice programmes have been implemented as intended. Instead, this research examines whether the programmes are being delivered within the theoretical framework supplied by both the police service and academics, and how RJ is understood in relation to police cultures. This framework is discussed in more depth in Chapter 2.

The rest of this chapter outlines the experience of the author which has influenced the direction of this study. Further, it defines the term ‘restorative justice’ as it will be used in this thesis alongside placing it within the context of a ‘process’ of criminal justice.

## Background of the author

This research builds on the author’s previous work. An MA in International Criminology and subsequent dissertation entitled ‘A Comparative Review of Restorative Policing’ (2011) led to an understanding of the development of RJ globally and how this was adopted by the police service to develop into restorative policing. The ideas behind restorative policing ‘signalled a shift in the thinking behind retributive justice, and consequently an acknowledgement of the need for reparative compensation towards the victim' (Eglash, 1977). Further, it was suggested through these ideas that the use of RJ in modern society would lead to a paradigm shift in the way in which society views and responds to crime and offending (Zehr, 1990). The author’s understanding of local programme characteristics was further enhanced through a placement with South Yorkshire Police in 2011. The ensuing internal research report studied the use and delivery of RJ by officers in relation to the diverse population within South Yorkshire, and findings showed that the programme was developed and delivered in such a way that encompassed the population of the South Yorkshire in a proportionate manner. Furthermore, it acknowledged potential issues relating to officer prejudice, including perspectives and cultural tendencies that influenced the use of RJ in a manner not intended by the guidelines which are expanded upon further in the findings and discussion in chapters 6 to 8.

My background contributes to my ‘pre-understanding’ (Gummesson, 2000), and this pre-understanding may derive from previous experience of the phenomena being researched. Further, the material the researcher may gather from the police will be affected by who they are and their relationship to the force (Reiner and Newburn, 2007). As described by Brown (1996), the researcher here takes the role of an ‘outside outsider’ in that the work is conducted by a researcher who does not have any role within the police service, nor is employed or commissioned by the police or any governmental bodies with responsibility for policing. Here, it is acknowledged that gaining access is one of the greatest barriers for outside researchers, though it is not insurmountable (Reiner and Newburn, 2007).

As previously noted, my prior research has included an internal evaluation of the ethnic distribution of RJ disposals delivered in South Yorkshire in addition to a dissertation exploring the international development of restorative policing. As noted in the introduction, this research draws on areas surrounding the role of the police officer, officers’ understanding and use of RJ, and the role of the RJ facilitator. In particular, though the extant research and literature surrounding police RJ demonstrates a positive impact to the stakeholders involved, the author’s experiences and previous works on restorative policing led to an understanding of the role of RJ facilitator as one which may not compatible with the role of a police officer – a potential research bias which will be discussed further in the methodology (chapter 3). In addition, my understanding of the process being named and used as ‘restorative justice’ by the police service does not entirely align with the definition of RJ as understood by the researcher, which is discussed further below.

## Definitions

### What is Restorative Justice?

There is no single, widely accepted definition of RJ between academics, and due to the numerous activities, processes and practices which are considered to be included within the restorative justice sphere, it is especially difficult to label (Crawford and Newburn, 2003). However, a broadly accepted definition states that RJ 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’ (Marshall, 1999, p.5).

Dignan (2005) discusses the flaws in Marshall’s definition in depth, noting its lack of engagement with the intended restorative outcomes, the application of these outcomes, and the intended ‘community of interest’. Zehr (1990) further comments that the emphasis in RJ should be placed on reconciliation, assisting the victims to deal with the offence, helping the offender address their problems and ultimately humanising the criminal justice system. Restorative principles, according to Zehr, suggest that the notions of the victim as a spectator and the offender at the centre of the criminal justice system are in fact wrong, and that instead the victim should be at the centre, alongside the offender. The process, stakeholders and potential participants can vary between RJ approaches and so definitions, aims, and practices may vary according to how the term ‘restorative justice’ is understood and implemented. It is, therefore, very difficult to produce a definition which may be widely accepted and is able to be universally applied. There is need for this thesis, however, to have an operational definition of the concept of RJ, particularly in relation to its potential use by police officers.

Dignan (2005) proposes an analytical framework with three dimensions (goals, focus and process) against which the ‘restorativeness’ of various practices can be evaluated. Restorative practices, Dignan argues, share three principal features: the first relating to the goal of putting right the harm caused by the offender; the second applying a balanced focus on the offender’s personal accountability and those who may have been harmed or affected by the offence; and finally the third concerning a process that is inclusive and non-coercive (p.8). Dignan thus states that the term ‘restorative justice’ should be restricted only to initiatives which combine all three of these elements.

It is important for this research to elucidate this trio of factors in an operational context in order to understand the use of RJ by police officers and to be able to highlight significant variations between services, processes and officers. In 2005, Dignan observed that the goals of police-led processes could be described as accountability, reparation, empowerment of the community and reintegrative shaming. The focus is considered by Dignan to be community representation by key stakeholders, with the process consisting of restorative cautioning and conferencing using a scripted procedure (p. 7). Given the rapid development of RJ, it may be that the processes in use vary from those criteria stated by Dignan almost a decade ago and in order to acknowledge the potential variety of police-led restorative processes this thesis recognises restorative processes as part of RJ where key criteria are fulfilled: the process is voluntary on the part of victim and offender (see also Van Ness, 1996, p.23); it is focussed on the needs of the victim, offender and wider community; and ultimately where the goal is to repair the harm caused by the offence. This will acknowledge the important factors contained within the definitions mentioned above and is similar to the definition recently adopted by a joint inspection report by the HMIC, HMI Probation, HMI Prisons and the HMCPSI (2012):

*“processes which bring those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.”*(p.4)

The HMIC et al. definition above is utilised for the purposes of this thesis for reasons which are two-fold. Firstly, as identified as important factors of RJ by commentators above, it includes the three key points of goal, focus and process. Secondly, this definition is referenced by ACPO guidelines and therefore was used as a platform for many police service RJ programmes. RJ need not be a scripted process, as often mediations and processes are participant led and the facilitators may have little influence over the process and conversation, and additionally it would seem inappropriate to expect officers to revert to a script whilst carrying out their daily work which is intended to be highly flexible and reflect their powers of discretion. In this respect, the approach to RJ in this research is not strictly defined or narrow, and yet must include the three factors which are argued above to be important in all restorative processes.

### Processes and outcomes

The word ‘process’ is used by the researcher throughout this thesis as a way of describing restorative approaches and techniques used by police services and officers when delivering a restorative intervention and disposal. ‘Process’ is often used to describe a series of actions or steps taken to achieve an end, and arguably the RJ practices used currently consist of a number of actions carried out by both the victim and the offender (and sometimes members of their community) in order to resolve the issue and put right the harm caused. The suggested aims in terms of outcomes of restorative disposals for the police are contained within the ACPO Restorative Justice Guidelines and Minimum Standards (2012) and include victim satisfaction, a reduction in reoffending and restoring community cohesion, though little mention of process aims is made. It may be argued, therefore, that the restorative intervention delivered by police officers may be intended to act as the impetus within the restorative process in order to prevent future offending behaviour, bring together the community and empower victims by providing direct reparation, thereby creating a restorative process for the victim, offender and community.

RJ may be defined as a ‘process which brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward’ (Restorative Justice Council, 2013). The use of RJ is intended to hold offenders to account for what they have done, help them to understand the impact of their actions, to take responsibility and provide the opportunity for them to make amends. Additionally, RJ may give victims the chance to discuss the crime with the offender and receive an apology.

Where RJ is being used in schools, care homes and the wider community to address conflict and to repair and build relationships it is often known as ‘restorative approaches’ and ‘restorative practices’. However, where RJ is used within the criminal justice sphere it may be referred to as a process which can be integrated within traditional criminal justice and deliver benefits that traditional criminal justice cannot (see further discussion in chapter 2). Writers and academics frequently refer to the use of RJ within the criminal justice system as a process (see Daly, 2002; Braithwaite, 2002; McCold, 2000), and specifically as a ‘process of justice which maximises opportunities for exchange of information, participation, dialogue and mutual consent between the victim and offender’ (Zehr and Mika, 1997, p.2).

We are not, here, concerned with a specified outcome, as the outcome for each restorative intervention could well be, and should be, specific to the situation and will therefore vary by case. Additionally, the process will be particular to the case and as police services will interpret guidelines and initiate restorative actions in varying manners, it is not the place of this thesis to define the process precisely. It will, however, consider the use of RJ as a process where officers consider the situation on its merits, involve the victim and the offender, and work towards repairing the harm caused.

## Thesis Plan

Following on from this introductory chapter, within the literature review (chapter 2) pieces of key research on the policing role, police work and police culture are discussed in order to illustrate the background from which restorative policing has developed. The growth of police-led RJ is covered in relation to key stakeholder perspectives, before the three ‘levels’ of police-led RJ are described. The empirical research is split into two sections – Phase One and Phase Two. The methodologies of both are covered in chapter 3, before chapter 4 presents the findings of Phase One covering national RJ guidelines and RJ practices from four police services in England. Before continuing onto Phase Two, however, there is a glance over to Belgium, considering the use of RJ by the police in Leuven (Flanders) as an international comparator case study in chapter 5. Moving onto Phase Two, chapter 6 presents the findings of the first case study in England - South Yorkshire Police, whilst chapter 7 presents the findings from the second – Thames Valley Police. Finally, chapter 8 discusses both Phase One and Two findings in relation to both the definitions covered at the start of this chapter and the literature covered in chapter 2, and discusses the recommendations and implications which have become clear from this research.

By firstly covering the relevant definitions and research background of the author, this thesis is informed in both a theoretical and practical sense, and subsequently presented in a series of chapters as described above. Firstly, it is important to discuss the relevant factors which have influenced the development and implementation of ‘restorative policing’ in relation to policy, in a social context and as a policing perspective, and so this is covered in depth in the next chapter.

# Chapter 2 - Restorative Policing in Context

This chapter covers the key literature on the policing role and police culture which illustrates the background from which restorative policing has developed. Specifically, it focuses on the development of community policing and the implementation of neighbourhood policing and neighbourhood teams, the context within which the RJ being investigated in this thesis took place. In England and Wales, there is little recent research published on the detailed work of a police officer, yet it is known that each individual force may choose to deploy their constables towards the community and neighbourhood issues in different ways. Consequently, this chapter documents the general processes and structures used in practice by the police service across England and Wales and places it within the context of the developing use of RJ. After looking at recent developments in policing and at the police cultures, we shall move on to consider how RJ has developed at the level of the police and current operational guidance. The focus will be on policing and RJ in England and Wales, with developments outside being used to illustrate widespread movements. A more detailed discussion of how RJ has developed in Belgium will be provided in chapter 5.

## Understanding police work

First, it seems apt to give an overview of the general role of the police, their presence within the community and subsequent development of neighbourhood policing, and the staff who comprise the ‘policing team’.

### The policing role

“The purpose of the police service is to uphold the law fairly and firmly: to prevent crime; to pursue and bring to justice those who break the law; and to keep the Queen’s Peace; to protect, help and reassure the community; and to be seen to do all this with integrity, common sense; and sound judgement”. (The ACPO Statement of Common Purpose, 1990)

It has been said that anyone attempting to construct a workable definition of the police role will typically come away with old images shattered and a new found appreciation for the intricacies of police work (Goldstein, 1990). When Sir Robert Peel organised the first paid, full-time, uniformed police department in England, the role of the police was largely regarded as a conspicuous community-oriented patrol, designed for prevention and deterrence rather than for enforcement (Peak and Glensor, 1996). Peel designed the British police force to be an alternative to the repression of crime and disorder which could have alternatively been achieved through a military presence combined with severe legal sanctions. Nonetheless, there are said to be typically two primary goals and objectives implemented by police departments: maintaining order and protecting life and property (Sheehan and Cordner, 1989). To achieve these targets, the police perform a multitude of duties and tasks which in earlier times were the responsibility of every citizen. Today, these tasks are left to the police.

In the UK and the USA especially, it may be suggested that the majority of the public assume that the police carry out two types of work: fighting crime and maintaining order within the community (Dempsey and Forst, 2011). This belief is enhanced by the media and also by officers themselves who are known to de-emphasise their role as peacekeepers and social service providers (p. 124). Interestingly, this may contradict their current involvement within neighbourhood policing and is worthy of further discussion later in this thesis surrounding their attitudes towards providing a service within the community.

In the United States of America, where there is some truth in the idea of the police being primarily crime fighters, a 2011 analysis of official statistics on U.S. police arrests showed that the vast majority of arrests are not for serious crimes, but often for crimes of disorder, low level offences and those which are known to negatively affect citizens’ quality of life – often referred to as ‘anti-social behaviour’ (Dempsey and Forst, p.125). Despite this public image, it has long been known to academics that the ordinary work of police officers actually includes relatively low amounts of law enforcement, and instead includes high levels of other activities known as ‘peacekeeping and order maintenance’. In the UK, however, Shapland and Vagg (1988) suggested that dealing with ‘potential crime’ amounted to 53% of responsive police work; social disorder 20%; information and service 18%; and traffic 8%. Additionally, in a later international account, Bayley found that patrol work equated to 59%; criminal investigation 15%; operational support 11%; and traffic, administration and crime prevention with a much smaller amount (1996, p.39). Although there are some similarities, these different studies demonstrate that in fact there are numerous ways in which you can look at, and indeed study, the work of the police - via public views, officer views or via the official statements released to the public by the police authorities - which may in turn produce dissimilar results.

Since the introduction of the ACPO Statement of Common Purpose (1990) based on Peel’s principles, society has changed, and with it the demands placed on the police service have also changed, both in scale and complexity (Rogers et al., 2011). Though the police service has undergone many organisational changes, between 1982 and 1992 the recorded crimes per officer nearly doubled (Home Office, 2008), and combined with increasing social mobility, new technology and an increasing penchant for a multi-agency approach to public protection, the police service is under continuous strain and in need of constant adaptation.

Clearly, attempting to police a multicultural, diverse, consumerist and technologically innovative society as exists in the UK is a complex and difficult task (Rogers et al., 2011). As a consequence, it has been suggested that in modern society we are in need of the ‘advanced constable’ (Savage, 2007). This type of constable is said to have the enhanced role and empowerment of the front-line officer, whilst simultaneously thinking of new ways to tackle crime and disorder. Whilst being seen as a leader in crime control and maintaining social order, they also need to be a ‘social diagnostician and mobiliser of community resources’ (p. 19). Additionally, ACPO has highlighted the future need for two types of professional expertise within the police service, namely the advanced constable as team leader, and the technical expert (ACPO, 2007) with regards to CID and specialist staff. Though it is clear that the policing role is becoming more complex in a rapidly changing society, police officers have, until recently, received a training programme that has remained largely unchanged for many years (Rogers et al., 2011).

A modern approach suggests that the police role is whatever the community expects the police to be (Dempsey and Forst, 2011, p.127), and therefore may be interpreted to mean that a community should be able to rely on their police force to address their specific needs and problems. However, it must also be remembered that the community itself is a very diverse group, with varying goals and interests, and it may be rather ambitious to presume that a police force will be able to address all these issues. A police officer should be open to diversity and flexible in their approach to problem situations and a more cynical approach from Siegal and Senna (2005) argues that consequently, the police role has become that of a social handyman, called in to handle social problems which citizens wish would simply go away. Though this final statement creates a somewhat negative depiction of the police officer, at the community’s beck and call, it would also seem in accordance with the aforementioned suggestion that the police should be able to respond to each community’s specific needs and problems.

Fielding (1996) has described three models that characterise policing; namely the enforcement, service and community models (p. 42-59). Where enforcement concentrates on crime control and law enforcement, and the service model sets policing priorities; the community model is by far the most relevant to neighbourhood policing strategy. Here, the community model gives priority to maintaining public tranquillity over crime control, and the police and the public share responsibility for dealing with crime and disorder. Subsequently, this brings us on to discussing the development of community policing and the neighbourhood team.

### The Police and the Community

The idea of neighbourhood policing has been introduced as a way to engage with the community and also to address long-term problems with community safety partners. Here police officers, community support officers and special constables, with local volunteers and other groups and agencies, provide a service to neighbourhoods based on their needs identified by the community themselves. In England and Wales, the idea of involving and working with the community gained popularity following similar schemes established in the USA during the early 1980s (Skolnick and Bayley, 1986; 1988). Furthermore, the majority of policing today continues to rely upon community involvement, cooperation and interaction - especially if the police continue to be seen as an agency which functions on behalf of the citizens. Though it is said that they have to work within tight perimeters (Rogers et al., 2011), the introduction of community support officers, neighbourhood policing teams and the inclusion of volunteers attempts to engage the community further.

There is much policing discourse centred on the term ‘community’. For instance, police services talk about interacting with the community and providing a service which will satisfy the community. However, the term community may be considered a somewhat difficult and controversial one. Generally, it is associated with a set of social relationships operating within certain boundaries, locations or territories. It may also refer to social relationships which take place within geographically defined areas or neighbourhoods (Jay and Jay, 1991).

Due to the problems surrounding the definitions of ‘community’, and the different views of the terms ‘neighbourhood’ and ‘community’, Hillery (1955) attempted to classify 94 definitions in order to achieve some form of harmony. Consequently, it was determined that the majority of definitions appear to contain the notion that communities include people who engage in social interaction within a given geographical area and have at least one additional tie. If this approach is considered, it is suggested that the term community may be viewed as being synonymous with the term neighbourhood (Rogers et al., 2011). However, Keller (1982) argues that the term neighbourhood is associated with physical boundaries and geographical units, often contained within streets, paths and railway lines. Though the terms may be used interchangeably where boundaries are concerned, it is also suggested that in fact communities can exist within limited or no physical boundaries. Therefore, a ‘community’ may be identified as a locality, a network of interrelationships, or a particular type of social relationship (Worsely, 1987). Further, in the context of community policing, though officers tend to patrol a specific geographical area, they are mainly concerned with the community as a distinct set of people – thus combining the two. Nonetheless, it has been made apparent that whatever definition is applied, the political motivation towards community policing is for communities to become more closely associated and involved in the planning, delivery and assessment of local public services (Rogers et al., 2011).

The coalition government in power at the time of writing is said to be attempting to increase community involvement in the delivery of public services by way of establishing what is termed ‘the Big Society’ (Rogers et al., 2011). This idea involves local communities and neighbourhoods taking more control and power in determining the services they receive. The public are encouraged to take part in social events, and have a more active role in their communities. This should not, however, be read as a new idea where policing is concerned. In fact, Brogden and Nijhar (2005) argued that community policing may come under many guises, from being a perspective employed by individual police officers, to the somewhat more sophisticated philosophy that proposes a community-sensitive and accountable approach. What can be discussed, however, is the introduction of community and neighbourhood policing teams as a way in which to deliver a community policing strategy.

### Neighbourhood and community policing teams

Similarly to defining the term ‘community’ there is a constant battle to define community and neighbourhood policing. Friedmann (1992) examined community policing and proposed that from the perspective of the police, it is a vehicle used to improve ties with the community for the purposes of relying on community resources to assist them, to improve intelligence gathering and to increase the acceptance of the police within the community. The community consequently realises that it deserves to receive improved police services with greater accountability and an increase in power sharing in police decisions. Combined, both the police and community are said to assume that crime and disorder are produced by factors over which the police have little control, such as education and welfare issues, and that crime reduction needs to focus on these factors. As a result, ‘community policing is a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime causing conditions’ (Friedmann, 1992, p. 4).

In recent years, the neighbourhood policing programme has progressed from initial planning stages to implementation, and has received government investment in excess of £1 billion with approximately 16,000 police community support officers and 13,000 police constables and sergeants dedicated to neighbourhood policing (Rogers et al., 2011). In 2008, there were said to be about 3,600 neighbourhood policing teams across England and Wales (HMIC, 2008). The overarching aims of all of these teams include: to improve satisfaction for the community and increase confidence in the police service; to reduce fear of crime within communities; and, to resolve local problems of crime and antisocial disorder. Further, encouraged by the Casey Report (2008), the Home Office Policing Pledge purports to ‘spend 80 per cent of police time on patrol in neighbourhoods’. Interest in community based approaches in policing is said to have experienced a steady growth because of the widespread belief that the relationship between the public and the police has deteriorated and continues to do so (Mayhew et al., 1989). Also, research has shown that police acting in collaboration with the community could reduce fear of crime, change public perceptions and improve the quality of life of residents (Cordner, 1986).

In order to achieve these aims, neighbourhood policing needs to employ ‘citizen-focused policing’ – where the needs and priorities of the citizen are understood by staff and always taken into account when designing and delivering policing services (Flanagan, 2008), and increasing public confidence in the police service is considered more important than crime solving. A sustained commitment to quality and customer need is deemed to be essential for the creation of a more secure and safer community, though this is no doubt important for a long-term approach to achieve the best results possible. Citizen focus is a key feature in the neighbourhood approach, and there is a close affiliation between neighbourhood policing and the citizen-focused agenda, both aiming to put people first. Greater communication and engagement with all members of the community alongside recent research has highlighted that police forces are strongly embedding neighbourhood policing in their core work (Rogers et al., 2011). Unfortunately, these initiatives have been found to be inconsistent across forces, with methods and effectiveness varying greatly.

The gap between statements of intent (such as ‘community policing is at the heart of the police service delivery and its professional ethos’) and reality (too few community based officers, officers abstracted for more urgent duties) is suggested to have been caused because many police services have found it difficult to maintain community officer numbers (Rogers and Lewis, 2007, p.100). Abstraction occurs as officers are diverted from community-based work towards competing demands in response policing, policing sports events or other high profile issues. The effect of abstractions is consequently made worse as it breaks down continuity within the neighbourhood and reduces community confidence. Due to the fact that funds are limited, often Police Community Support Officers (PCSOs) are heavily relied upon to become the face of community work rather than uniformed police constables.

In 2002, the Home Office published the Police Reform Act which indicated that considerable change was coming up for the police service. The introduction of PCSOs to work alongside neighbourhood watch and local warden schemes was anticipated to introduce a more flexible method in dealing with community values, though to work well Rogers et al. (2011) stressed that neighbourhood policing teams should be at the centre of the community, be able to work together, be contactable and listen to the needs of the community. Further, Rogers et al. stated that the ‘extended policing family’, by way of the neighbourhood policing team, is responsible for ensuring the tackling of day-to-day policing of crime and disorder (p. 76). Each member of this ‘family’ is said to have specific roles, which can be described in a generic and generalised manner (covered below), as each force may employ slightly different methods and structure.

Research in the UK is notably scarce on this area, though Shapland and Vagg (1988), in their comparison of rural and urban officers, found that both urban and rural beat officers shared a model of community policing and gathered information from members of the community. This information was used to ‘solve the situation and problems, prior to any law enforcement’ (p. 157) – suggesting that policing within the community presents an ideal situation to initiate restorative processes. Despite this, the division of responsibilities between those delivering ‘community relations’ and isolated officers such as those in CID presented a clear problem in the development of community policing (p. 168). Further, work by Shapland and Hobbs (1989) looked more closely at the work of community beat officers and discovered that these officers were seen as an ‘important resource ... getting to know people, dealing with queries on their areas, talking to schools and keeping files of persistent problems’ (p.115). It is argued, in this study, that the community officer is a specialist within the police force, with specific knowledge of the area and the community residents. In addition, the community also considers the community officer to have a large role in addressing local problems with heed given to residents’ wishes (Shapland and Vagg, 1985).

As previously discussed, there are several types of officer who may be present within the community: the uniformed police constable, the special constable, and the police community support officer (PCSO). In order to understand the work of neighbourhood teams in more depth, we would need more recent research carried out within each force, to describe and document their individual aims, processes and outcomes. There have been fewer such descriptions and analytic research in the 1990s and 2000s, however, it is possible to describe in general the roles and tasks undertaken by the key members of the neighbourhood team.

### The Policing Team

It is clear that there are many officer responsibilities, with community policing and response policing the main roles of what would be termed front line, or beat officers. However, it has also been highlighted that there is not one type of police officer. Here, the officers heavily involved with community policing and neighbourhood policing teams will be discussed. There is minimal literature on the current use of uniformed constables, PCSOs and special constables, and it should be noted that more specialist officer roles (such as CID) are not mentioned here, as it not these officers who are involved with regular beat policing, have regular contact with the community or, indeed, have involvement in restorative processes on a regular basis[[4]](#footnote-4).

*Constables*

Within England and Wales, the constable is the starting rank in all police forces, and is required to complete a two-year probationary service. After this, constables may either remain at their current rank, choose to specialise in a particular area or apply for promotion to sergeant. It must be noted that the rank of ‘Detective Constable’ is not senior to a constable, and the ‘detective’ prefix merely identifies the constable as a member of CID (Crime Investigation Department) or other investigative unit. Constables, as described above, are those who work mainly within response teams, neighbourhood teams or at high profile events such as royal visits and sports events.

The uniformed constable within a neighbourhood team coordinates service delivery (Merritt, 2010). They are able to take a proactive role in consultation, and coordinate the delivery of community and neighbourhood policing through the various officers available to them. They have full police powers afforded to them by PACE (1984), and yet their role may be seen to have dramatically shifted over time from a law enforcer to that of facilitator and leader (Rogers et al., 2011). This requires a professional approach, which is arguably a mere extension of their daily work as a public service professional, and undoubtedly requires a significant level of training to develop an accountable and responsible officer. This leadership role, however, is relatively new when looking at previous research which states that it would be a sergeant who usually led neighbourhood teams (Shapland and Vagg, 1988; Shapland and Hobbs 1989).

Community constables are dedicated officers allocated to particular areas, though the aims and job descriptions are not entirely clear (Bennett and Lupton, 1992). Not to be confused with the PCSO (described below) the community based officer works within a small team, focussing proactively on community matters. There is some variation in the style of work and roles carried out depending on the police service in question, however, there is some agreement that the main work of the community constable consists of making contact with and speaking to members of the local community, getting to know their area, and generating good police-public relations (Bennett and Lupton, 1992). These officers may also be referred to as ‘beat’ officers in that they tend to be allocated a particular area, or ‘beat’. They are expected to patrol and get to know the residents and community within the area, attending non-urgent issues in the area as necessary. However, today’s community constable should not be confused with previous ‘beat officers’, who were assigned to walk a particular small area for that shift alone, without continuing responsibility for it.

Constables within a response team work in a reactive policing role (contrasting the largely proactive community or beat officer), in that they respond directly to calls and requests from individuals and groups within the community (Berg, 1999). This may encompass direct response to the calls and additional follow up investigations. This method of policing is often referred to as 911 (or 999 in the UK) policing or ‘blue light policing’ (Bullock et al., 2013) in that the officer’s role is to respond to calls made by the public reporting incidents which need immediate attention.

*Special Constables*

Within England and Wales, special constables, though they are volunteers, are afforded with the same police powers as regular, uniformed constables. Though generally unpaid, special constables may already be employees of police services as civilian support staff, and are encouraged in order to bring a mutual benefit to both roles. They wear the same uniform and receive the same training, yet due to the fact that they are volunteers, only offer a small portion of their time to policing. It has been argued that despite this, if their availability is intelligently managed, they may provide a highly useful resource (Rogers et al., 2011, p.77).

*Community support officers*

Newburn and Neyroud (2008) provide a useful definition of Police Community Support Officers (PCSOs) as ‘uniformed civilian employees of [a] police authority ... directed and controlled by the chief officers’, and these police employees have a range of powers which are generally derived from their police constable colleagues. It has been suggested that the PCSO role can be viewed as a continuum (Crawford et al., 2005) – from ‘junior enforcer’ at the top end where they have the remit of assisting constables, to the ‘bridge builder’ or uniformed community development workers. Totalling approximately 16,000 in England and Wales by 2010, they are the most commonly encountered uniformed public law enforcer (Merritt, 2010), despite their relatively limited powers.

The PCSOs work alongside the other members of the neighbourhood team to provide reassurance through visible patrols, and also use their powers to resolve low-level community problems. They work to complement and support regular constables, and address some of the tasks which do not require the experience or powers held by police constables. For the Metropolitan Police Service (2012) they are a unique role designed purely to tackle anti-social behaviour and issues affecting the quality of life, though other services use them for more serious incidents. PCSOs patrol in uniform and can work with the public to identify and address concerns, contribute towards the management of local neighbourhoods and help to support people who are affected by crime and disorder. In some cases they may have specific powers including the power to detain someone pending the arrival of a constable and the power to issue fixed penalty notices in relation to anti-social behaviour (NPIA, 2012). Now, almost all PCSOs are based within a specific community or neighbourhood following the introduction of neighbourhood policing (Paskell, 2007).

Research has shown that many PCSOs agree with the ACPO (2005) statement on the roles they undertake, which was further endorsed by the NPIA review of 2008 (Merritt, 2010). Primarily, this job description depicts the ‘policing of neighbourhoods ... with the purpose of reassuring the public, increasing orderliness in public places and being accessible to communities’ (NPIA, 2008, p.8). Additionally, PCSOs commonly take crime reports for minor crimes and carry out house to house enquiries, whilst leaving investigation and enforcement to more highly trained officers – likely to be uniformed constables. Although these may not be tasks initially outlined within the NPIA review, it may be argued that they are merely reacting to the needs of their community, and may be an example of the PCSO using initiative to become involved with problem oriented policing (POP). As a progression from the 1980s introduction of community policing, POP places significance on the foot patrol and community solutions in addressing the root cause of problems (Bullock et al., 2006). Further, in 2008, the NPIA published a review of the PCSO and identified the need for greater standardisation across all forces in relation to powers, training, supervision, uniform, development, funding and recruitment (NPIA, 2008).

While PCSOs may not readily solve crimes, PCSOs may be seen to be instrumental in the recent push in the development of neighbourhood policing. Though increasing the police presence within the community, it is questionable how their roles effectively and substantially benefit the police service and the community within which they work. PSCOs may increase the visible police presence within the community, but it has been suggested, and often reinforced within the media, that the PCSO is a form of ‘policing on the cheap’, partly because they receive substantially shorter training than a constable (Merritt, 2010). However, O’Neill stresses in her 2014 study of PCSOs in England that they should not be considered ‘expendable’ nor ineffective, as Merritt (2010) suggests. On the contrary, she suggests that PCSOs are in fact crucial for police forces in a time of austerity, and though they may be cheaper to employ, have great importance in the neighbourhood policing team by way of preventing crime, addressing community problems and gathering intelligence.

Where beat and community-based constables may assist with resolving community issues, it is predicted that the challenge in developing their efficiency will be striking a successful balance between the extremes of the role (Merritt, 2010). Using coercive power too rarely will undermine effectiveness, whereas a concentration on enforcement will potentially damage the ability for community-based officers to engage with problem communities. On one hand, the PCSOs may become specialists with a body of knowledge and expertise in reaching out to the community from the police service, though alternatively they could also become an assistant constable where they are little more than a support role to the enforcement activities of regular constables. O’Neill (2014) further argues that in order for the PCSO to be fully utilised, they must be fully integrated into the neighbourhood team and be supported by other members. Though the question whether their presence is welcome and reassuring is a contested matter (Merritt and Dingwall, 2010), it is highly unlikely that the policing role will ever return to being one which is carried out solely by uniformed police constables (Jason-Lloyd, 2005), without the PCSO.

*Other members of the team*

Alongside uniformed constables, special constables and PCSOs, in many cases there are many other invaluable members of the neighbourhood team. For instance, traffic wardens are increasingly being integrated by the police service to issue fixed penalty notices (Rogers et al., 2011), and are able to supply the policing team with valuable information. Additionally, parish or neighbourhood watch wardens, whilst originally conceived as the eyes-and-ears for the police, in some cases are also now able to issue fixed penalties for various offences such as minor criminal damage or the depositing of litter (Rogers et al., 2011, p.78). Private security teams have also recently been introduced to community safety schemes via section 40 of the Police Reform Act 2002, though involvement is largely regulated by the Private Security Act 2001 and only allows limited police powers to be extended to persons already engaged within community safety duties. Finally, arguably the most important and valuable members are volunteers from the local community as well as the Special Constabulary. Closer engagement with community agencies and greater communication between police services and service users may be a major move towards the aforementioned government ideal of the ‘Big Society’ (see Halpern, 2010).

Ultimately, neighbourhood policing is largely provided across the country by each individual police service, often together with local authority wardens, volunteers and partners. However, there is little documentation about what is actually done by the neighbourhood teams within each service. By existing to serve the public, the police have understood and taken on board the idea that without their cooperation and public support they cannot undertake their duties properly and effectively. Gaining and maintaining this support is developed through increasing the levels of involvement the public have with the police, both locally and nationally, through the implementation of neighbourhood policing. The introduction of this approach has been predicted to mean an extraordinary amount of change in which the way policing and partnership work is currently delivered (Rogers et al., 2011, p.94), yet Kelling (2005) believes that this change will occur naturally and organically through the realisation that to deal with urgent problems, change must take place. Perhaps, however, Kelling underestimates the strength of the police occupational subculture, and its capability to withstand, resist and manipulate changes and new initiatives (Reuss-Ianni, 1999; Rogers, 2002).

It is considered, next, how the delivery of community and neighbourhood policing, and indeed RJ, may be affected not by the strategy’s aims but instead by the characteristics and ‘culture’ of the facilitators; in this case police officers.

## The police culture

‘Culture is the foundation upon which a social group functions ... It consists of knowledge; beliefs, morals, laws, customs and practices acquired by the group and are further defined as the total way of life shared by members of the society, and is said to include not only language, values and symbolic meanings but also technology and material objects’ (Crank, 2004, p.13). Cultures are often constrained to certain groups of people and every person or group of people may be described as belonging to a culture, or expressing characteristics common to others in their group. That is not to say, however, that they embody entirely all the characteristics common to one culture, and may incorporate other characteristics too.

The culture and characteristics prevalent within the police are notoriously difficult to define, despite being one of the most studied aspects of police and policing (Westmarland, 2008). That said, it is very important to consider this aspect, as it is noted that the ‘police have a discernible culture flowing from the nature of the job, police behaviour is strongly influenced by the underlying values – and politics – of the community that finances the police department’ (Skolnik, 2008, p.39). When considering RJ processes used by police officers therefore, it must be acknowledged that the execution and implementation of such processes may be heavily influenced by the ‘hodgepodge of cliques, cabals and conspiracies’ said to be present within the police force (Van Maanen, 1978, p.322).

It is problematic to identify just one definition of the ‘police occupational culture’, and it is obvious that most commentators have their own distinct perspective and ideas. For that reason, this section will not single out any one standpoint as ‘true’ and instead considers the different ideas and how they can apply to different officers and roles within the police service. These views primarily state that police occupational culture can be best considered as the ‘way things are done around here’ for the officers, not always ‘by the book’, but not always without it either (O’Neill and Singh, 2007, p.1).

To start, it seems apt to understand that there is not considered to be just one ‘umbrella’ culture. Researchers such as Loftus (2009) suggest that where once academics thought of the culture and behaviour of the police in its entirety, it must now be understood and researched as multiple applications and manifestations of behaviour. It is a complex issue which has challenged academics from the start of studies into the topic. This section will cover the literature on police cultures, starting with the overarching themes thought to influence all officers, and progressing down the force hierarchy to consider the culture of the organisation itself, the individual police officer and finally the culture of a community officer, as it is these officers who are often involved with facilitating RJ. To begin, therefore, this section will consider the common themes which are prevalent within the broad range of literature and research on this subject area.

### The police occupational culture

As Cockroft (2012) pertinently highlights, there must be caution exercised when attempting to define the police occupational culture. Policing culture is regarded under numerous aliases such as canteen culture, patrol culture, and police subculture to name a few (Westmarland, 2008), and consequently it is now common practice to refer to the multiple ‘cultures’ as opposed to the singular. Waddington (2008) attempted to define the occupational culture (following his 1999a piece on the canteen sub-culture of the police) as the ‘mix of informal prejudices, values, attitudes and working practices commonly found amongst the lower ranks of the police that influence the exercise of discretion. It also refers to the police’s solidarity, which may tolerate corruption and resist reform’ (p.203). This highlights the main theme which interests many when looking at police cultures – discretion. Notably, the strongest influence in police cultures is the matter of factors which impact on the officer’s level of discretion; the significance of which is discussed later in this section.

The idea of the ‘cop culture’ developed as a means of understanding police practices, though it has been noted by Waddington (1999a) that in fact attitudes and behaviours may not necessarily coincide. What is referred to as the ‘cop culture’ denotes the orientations and opinions implied and expressed by officers in the course of their work, whereas the popular phrase ‘canteen culture’ instead refers to the opinions and beliefs which officers express when off-duty (Hoyle, 1998). Interestingly, these opinions can vary greatly and create a somewhat confusing and contradictory depiction of the way in which police carry out their work depending on how their opinions and work is studied. Expressed attitudes may not, of course, be translated into action (Reiner, 2010).

When looking at the earlier work into police cultures, a few contradictory aspects stand out. Firstly, Westley (1953) argued that occupational relationships influence the individual’s sense of self and suggested, therefore, that the hostility with which officers are treated by members of the public influences officers to adopt behaviours such as overt secrecy and a belief that the use of force to attain an arrest is legitimate. On the other hand, Banton (1964) looked at officers in different jurisdictions and noted that police officers on both sides of the Atlantic were implementing the role of ‘peace-officer’ and that they were prone to use discretion in the enforcement and non-enforcement of the law. Further, Skolnick developed the notion of the police officer’s ‘working personality’ (1994, p.4) and suggested that the officers’ perceptions of their occupational world were the product of three factors: danger, authority and efficiency. However, it was also stressed that the resulting ‘working personality’ should not be considered to be a universal culture and that individual and group differences will exist between officers, units and forces, thus forming ‘distinctive cognitive and behavioural responses in police’ (p.41). In Wilson’s (1968) study, the organisational culture of the police force was considered to be mainly departmental. Three styles were identified, the first being a ‘watchman’ approach – based upon, and emphasising, the order maintenance and patrol perspective of the job. Here, political influence was dramatic and the officers were afforded with a large amount of discretion in handling their beats (Reiner, 2010). Secondly, the ‘legalistic’ style demonstrated the need for law-enforcement and attempting to apply universal rules to all communities. Finally, the ‘service’ style appeared to prioritise the service and help an officer can provide, attempting to deal with law-breaking via cautioning rather than prosecution. It is possible, here, to identify Skolnick’s three themes of danger, authority and efficiency: adrenaline and chase associated with danger, the authority to protect and the need to carry out their work with minimal fuss identifies the efficiency longed for by officers. Though these styles may not all be present at once, it has also been said that they may have a large impact on the patterns of arrest, use of force and strategy implementation within the police force (Reiner, 2010, p.135). However, Wilson’s implied organisational characteristics are said to be still much less influential on police practices than other aspects such as political economy, social structures and political cultures (Klinger, 2004; Skogan and Frydl, 2004).

The literature has also discussed that an officer’s duty is considered a way of life (Reiner, 1978, p.247), and their job becomes their mission to protect victims (p.79). The adrenaline, the thrill and the chase are said to be a considerable addiction to officers, and are reflected in the somewhat hedonistic, masculine and action-centred aspects of cop culture (Holdaway, 1977; Reiner, 1978). This perspective overlooks the fact that in reality many officers’ work is repetitive, mundane and trivial, thus the need to protect and safeguard social order is used often as a canopy under which to go about their daily work (Manning, 1997, p.21). Consequently, it has been suggested that officers develop a cynical and pessimistic view of their work and the world around them (Niederhoffer, 1967; Vick 1981), which may create disappointment in their career, ultimately eroding the initial sense of mission (Reiner, 2010). Additionally, studies have found that police officers develop a profound attitude of continuous suspicion throughout their years as an officer (Holdaway, 1983), often as a response to their constant need to look out for trouble, problems, clues and danger (Reiner, 2010). As a consequence of this suspicion officers are often accused of developing, and acting upon, stereotypes of likely offenders (Young, 1971). However, it is stressed by Reiner (2010) that it is not this suspicion or stereotyping which causes an issue – it is merely the degree to which it is acted upon as it can often develop into a distinct pattern of racial, class and gender discrimination.

It must also be noted that a type of conceptual conservatism presents as a pragmatic, anti-theoretical attitude which is typical of rank and file officers and occasionally chief constables too (Reiner, 2010). In this respect, officers are thought to be primarily concerned to get from one job to another, one hour to the next, with minimal paperwork, bureaucracy and fuss. Subsequently they may be resistant to change, experimentation and research, though this has altered slightly with the development and growth of practice of bodies such as the Police Foundation[[5]](#footnote-5) and within police services themselves. In addition, though the recent influx of graduates and some experienced civilian researchers into police research departments is said to have expanded the range and quality of in-house research (Reiner and Newburn, 2007), the resistance to analytic approaches by officers still seems to remain (Cope, 2004). Training techniques have moved towards attempts to counter this and encourage analytic and reflective skills (Savage et al., 2000), however it is likely that pressures to show measurable short-term crime control results will undermine these training reforms in the current law-and-order politics, thus reinforcing traditional pragmatic attitudes.

### The cultural difference between rank and role (within forces)

Many commentators have described the nature of police officers to be one of isolation coupled with internal solidarity (Clark, 1965; Reiner, 1978; Crank, 2004), and subsequently these characteristics may develop and form many cliques and conflicts *inside* the police organisation (Reiner, 2010, p.122, original emphasis). Though there are typical and overarching themes and attitudes present in the police force, it must be remembered that this is not applicable to each and every officer, for behaviours and attitudes will obviously vary between differing individual personalities, initial orientations to the job and varying career ambitions and trajectories. Nonetheless, most studies propose that the following underlying types of officer are present: an alienated cynic, a managerial professional, a peacekeeper and a law enforcer (Broderick, 1973; Walsh, 1977; Muir, 1977; Shearing, 1981a; Brown, 1981). These are said to correspond with the basic organisational division of labour between management and rank and file, and between CID and uniform patrol (Reiner, 2010, p.34). The culture of chief constables itself also varies, with different perspectives related to the pattern of previous careers, the character of their force and their experience (Reiner, 1991). Overall, it has been said that British chief constables do not have a very different behavioural and cultural style from rank and file officers, as they have roots in similar backgrounds and have worked their way up the force hierarchy (Young, 1993). Their philosophies, however, may be considerably different in that they have altered to accommodate pressures from governmental and social elites (in the 1980s the Scarman Report) and from the 1990s the need to become more ‘managerial’ and business-like (Savage et al., 2000, p.86).

Hawkins and Manning (1985) attempt to explain variations within a police force by way of the contact each rank or specialism has with the public and the information they obtain. For instance, they suggest that it is typically only constables who regularly meet the public on a day to day basis, whereas sergeants and inspectors have to rely on paperwork records for their decisions and are therefore somewhat dependent on the work of the constable and the way in which the police constable interprets and deals with the situation. Similarly, Shapland and Hobbs (1989) reported a picture of an organisation in which the only people with an up-to-date and wide-ranging view of the public of that area are officers at the lowest level and where contact with sections of the public narrows sharply and reliance on paperwork records increases rapidly with rank. Such structured rank hierarchy and force division is said to be emphasised within the division between ‘street’ and ‘management cops’ in that rather than sharing a standardised occupational culture, specific and different police cultures could be identified throughout the policing world (Ianni and Ianni, 1983). ‘Management’ must reflect a legalistic, policy driven face to the public, and yet is often derided by the ‘street-wise’ operational officers. The ‘street cop culture’ was found to subscribe to the prevalent view that ‘social and political forces have weakened the character, performance and effectiveness of police work and that as a result the policing function is under strong attack’ (1983, p.254). In their study in New York City, Ianni and Ianni found that the street officers studied acknowledged that a lack of respect from the public combined with increasing restriction and control from police managers and politicians made their job more complicated and less efficient. Additionally, the ‘management cop culture’ was considered to be generating bureaucratic responses that were then superimposed upon the ‘street cop culture’ which thus caused conflict, stress and inappropriate police behaviour. Though Ianni and Ianni viewed both cultures as having the same broad goals, they varied in such a way that they could be recognised as a difference between policing roles.

In a similar respect and closer to home, Young (1991) studied the occupational identity of police in Newcastle-upon-Tyne. In contrast to ‘management cops’ however, Young describes the culture of police roles which vary on a similar theme (uniform vs. CID), and also which appear to have no discernible cultures (drug squad) and therefore documents the distinct differences that may be present within one force or division alone. Research suggests, therefore, that it is not the individual officer nor their personal attributes which define the police culture; it is the police function itself, the need to protect, to serve and to fight crime. Research on differing department styles and reform attempts implies that there is some scope for change, though this may be constrained somewhat to the social and political context within which the force and department are embedded (Klinger, 2004).

### The culture between forces

There is little British research on the differences in police culture between forces, though a study in the early 1970s indicated that rural officers were much more integrated and involved with the community than urban forces (Cain, 1973). By contrasting the work roles and relations of officers working in urban and rural locations, Cain highlighted varying methods and styles of policing that were used in different environments. Though both types of officers developed coping techniques and mechanisms with which to deal with crime and situations, the nature of these techniques would differ depending on the area patrolled and similarly their relationships and communication with members of the public also varied. The differences between urban and rural forces have been often discussed (Shapland and Vagg, 1988; Shapland and Hobbs, 1989; Loftus, 2009), though it is often thought to be a difference in conditions which dictate policing styles in these areas, rather than organisational styles (Reiner, 2010, p.135). For instance, Shapland and Hobbs state that ‘career development and specialisation now within the police will tend to exacerbate the trend towards different views among different ranks and specialisms’ and consequently, the demands made upon various specialisms and different ranks, by different parts of the public, in different parts of the country vary considerably (1988, p.86). However, Loftus (2009) compared two areas (urban and rural) in a comprehensive ethnographic study, and concluded that the police officers’ views and subculture may be difficult to change, despite the development of the society in which we live.

### The discretion of the police

As already identified, the main focus and immediate importance in our consideration of police culture is the potential ‘effect’ the culture may have on the use of discretion by police officers. In addition, discretion is considered to be the source of the ‘space’ within which it is possible for culture to manifest itself as it is allowed the freedom and lack of restriction to develop (Brogden et al., 1988, p.35). Further, the subjectivity that informs the ways in which discretion is utilised may result in increased attention paid to stereotypical ideas of ‘suspicious’ or ‘normal’ behaviours (Chan, 1997, p.44).

In England and Wales officers are afforded a level of discretion, or ‘selective enforcement’ (Klockars, 1985): ‘A police officer or police agency may be said to exercise discretion whenever effective limits on his, her, or its power leave the officer or agency free to make choices among possible courses of action or inaction’ (p.93). Klockars argues that discretion is an integral part of police work and Wilson (1968) further describes how discretion increases as a police officer’s position within the police hierarchy decreases. The work of Steer (1970) summarizes the accepted position that the police have considerable discretionary powers and therefore not all breaches of the criminal law in England and Wales will result in police action[[6]](#footnote-6). Therefore, it is important to consider the varying levels of discretion within the different levels of the police organisation, from senior officers’ decisions to pursue or desert different policies, to uniformed officers’ decisions to deal with offences formally or informally (Brogden et al., 1988).

Whilst discretion is applied differently between ranks, the broad disparity in status between officers also ensures that discretion, just like culture, has a different form and nature for different ranks, with more senior officers’ decisions falling under more scrutiny (Cockroft, 2012, p.47). Klockars (1985) further identifies that the application of discretion at street level is characterized by the issue of action or inaction. Often, the decision to arrest is usually accompanied by some form of inspection of the circumstances of that decision, whereas decisions not to arrest are rarely met with any further consideration. Skolnick (1994) goes on to suggest that two types of discretion are exercised by police officers – delegated discretion and unauthorised discretion. Delegated discretion is inevitable in the job and thus considered authorised, whereas unauthorised discretion refers to that which is influenced by the officer’s own personal views.

The combination of police occupational culture and discretion is often associated with ‘stop and search’ behaviours and consequently racial prejudice is possibly one of the most heavily studied aspects of police culture (Rowe, 2004; Quinton et al., 2000). American studies clearly show a distinct police suspiciousness and discrimination towards blacks (Crank, 2004), and though there has been a recent increase in black and ethnic minority officers this is not thought to have altered practices of policing a great deal (Skogan and Frydl, 2004, p.312). In Britain there is similar evidence, though this is expressed less openly despite strong prejudiced feelings remaining, especially amongst white officers who resent reform efforts (Loftus, 2008; Foster, 2008). Reiner (2010) further notes that police prejudice does not translate directly into such behaviour, and thus researchers (and even the public) cannot be expected to witness outwardly discriminatory behaviour by street officers, despite police officers’ internal beliefs (Police Studies Institute, 1983; Henry, 2007). Reiner further emphasises the point that it is in fact societal, not racial, prejudice which affects police work, as those less privileged members of society are prone to the types of crime that officers on the street deal with regularly (2010, p. 131). The ethnic minorities, lower class and less fortunate members of society disproportionately become the police focus, and may be drawn further into the policing net as their relationship with officers further bolsters any present prior prejudice officers may have (Jefferson, 1993; Reiner, 1993; Fitzgerald, 2009).

Jones (2008) identifies the issues which have led to discretion becoming so important within the study of police culture and police work. Officers must decide which laws are to be prioritised for enforcement, and under which conditions, and consequently the criminal law consists of a set of tools to be used as part of a range of options when dealing with situations. Furthermore, officers are required to match the most appropriate law for the position that they find themselves in, and therefore it is considered that a degree of freedom and discretion is necessary in the variable and flexible situations in which they work. Neyroud and Beckley (2001) argue that the type of discretion officers use where they are required to decide whether to deal with an offence formally or informally, such as the application of a restorative intervention, is an ‘interpretive decision’ and that officers may consider the most fitting resolution is one based on negotiation rather than enforcement.

As in the US, there have been many changes to policing strategies in England and Wales and the introduction of community-orientated policing (COP) in the States is said to have been designed in order to increase the level of discretion available to the front-line officer and decrease officer accountability (Worrall and Marenin, 1998). Additionally, one claim in support of community oriented policing is that it will lead to crime prevention and a reduction in crime, through the construction of confidence and trust between citizens and the police (Cordner, 1995). However, an American study documented the differences between beat and community officers’ decisions to arrest (Novak et al., 2002) and investigated the way in which community policing was translated into practice and whether it has changed the way in which police officers and members of the public interact, by comparing ‘traditional’ policing via the beat officer with policing by community based police officers. Findings suggested that being assigned a community did not directly affect officers’ decisions to arrest, though COP officers were much more likely to comply with the requests of victims or witnesses if they expressed preferences as to outcome. Additionally, community policing officers arrested citizens at a slightly lower rate, 26% vs. 34.8%, than their response and beat colleagues and thus were interacting with citizens and their community in a different way to other officers.

## The growth of police-led Restorative Justice and Restorative Policing

Though RJ is a less than modern idea, in western countries it has only developed on a significant scale in the last few decades. Despite this, the notion that a crime is an offence against a person and the community has been thought to have once been a normal way of dealing with crime and conflict (Braithwaite, 2002; Maruna, 2006). Since the 12th Century, however, the response has changed focus towards the offender’s debt towards society (Strang, 2002), which is noticeably still an ideal present in our courts today. This section looks at both mediation and conferencing as developments in restorative policing, before covering police-led RJ processes currently available to the police service in England and Wales.

Victim-offender mediation is arguably the longest established of the restorative justice approaches, originating in Kitchener, Ontario, where the Christian Mennonite movement influenced and emphasised the value of personal ‘reconciliation’ between victims and offenders (Dignan, 2005). Howard Zehr did much to promote mediation (1985, 1990, 2002), and as the oldest type of RJ programme operating in the USA, mediation was said to be the most popular at 51% (Schiff et al. 2001, Schiff and Bazemore, 2002, p.182) at the turn of the century. Similarly, it was also the prevailing form of RJ in continental Europe, though Dignan (2005) stresses that here it is influenced by the writings of Nils Christie (1977), where his depiction of the theft of interpersonal conflict by the state and its officials is contrasted with his alternative version of justice where the parties themselves are centre-stage. In response to the dissatisfaction with practitioners and perceived inadequacies of the criminal justice system, mediation for young offenders in particular has proven popular in European countries such as Belgium, Finland and Norway (Miers, 2001, p. 79). Though sharing a name, the US and European models display some differences, notably the popularity of ‘shuttle mediation’ between parties in England and Wales and on the continent, compared to direct mediation between the aggrieved in the USA (Miers, 2001; Umbreit and Roberts, 1996).

Early victim-offender mediation services in England and Wales tended to operate on an ad hoc, sporadic basis without any specific statutory authorisation (Dignan and Lowey, 2000, p.47), compared with the suggested systematic integration into the criminal justice system as in some European jurisdictions. Consequently, services remained small and locally based, creating inconsistent provisions across the country and before the implementation of the Crime and Disorder Act 1998, most schemes operated as part of the diversionary process, intended to be used in connection with a caution as ‘caution plus’ schemes. The Kettering Adult Reparation Bureau in the 1980s, for example, was argued by Dignan to be one of the best known and most successful schemes which included both adult and youth offenders, not all of whose offences were trivial (Dignan, 2000; 2005). It later became the Northamptonshire Adult Diversion Unit when its remit was extended across the county. Despite this alleged success, and the development of a number of mediation and reparation pilot schemes in 1985 by the Home Office in Coventry, Cumbria, Leeds and Wolverhampton, funding failed to be provided past the pilot stage (Marshall and Merry, 1990). The development of mediation therefore is said to have been relatively modest, and an evaluation of the youth justice pilot schemes following government reforms to youth justice in the late 1980s found that only 9% of cases dealt with by way of a reparation order resulted in mediation between the victim and offender (Holdaway et al., 2001, p.89). In 2001, the government launched an evaluation of three restorative justice schemes focussed mostly on adult offenders (Shapland et al. 2004; 2006; 2007; 2008) including the South Yorkshire mediation service, Remedi, though as Crawford and Newburn (2003, p. 27) argue, recent developments in ‘conferencing’ may be seen to eclipse any renewed interests in mediation.

One of the first uses of conferencing can be traced back to family group conferencing in New Zealand, and the introduction of the New Zealand Children, Young Persons and their Families Act 1989 which attempted to address a perceived ‘legitimacy deficit’ in the part of the criminal justice and family welfare system with regard to the treatment of minority group offenders (Maxwell and Morris, 1993). It attempted to develop a more culturally sensitive and appropriate way of responding to offending behaviour by minority group offenders such as those from the Maori community and also Pacific Island Polynesians. Combined with a welfare based commitment to empower families and the growing influence of the victim’s movement, family group conferencing developed to include offenders and direct victims, along with other supporters as a ‘community of interest’ (Morris and Maxwell, 2001, p. 215; Morris and Young, 2000, p.14).

This, linked with Braithwaite’s book *Crime, Shame and Reintegration* (1989) published in the same year, led to the development of police-led conferencing in Wagga Wagga, New South Wales, Australia. This progress saw a shift from RJ being dealt with by the welfare department (as in NZ), to the police as point of first contact (Hoyle, 2007) and not with statutory authority but through the powers of the police. The link made with police-led conferences and informal reintegrative shaming here can be directly contrasted with conventional criminal justice punishment which is considered to be ‘the ceremony of degradation’ (Johnstone, 2003), and therefore the police role changed to become organisers and coordinators of informal community control, rather than strictly the gatekeepers to a system of formal stigmatic punishment (p.176). Subsequently, the 1991 ‘effective cautioning’ scheme in Wagga Wagga begun to caution juvenile offenders according to restorative principles (Moore and O’Connell, 1994), and was swiftly followed by other Australian jurisdictions including the Northern Territory, Tasmania and Queensland (Daly and Hayes, 2001). Here, police-led conferencing took a different view of the key stakeholders compared to the family group conferences above, and extended participants to the wider community.. The Reintegrative Shaming Experiments (RISE) in Canberra, for example, begun in 1995 based on the Wagga model, and aimed to compare the effectiveness of police-led conferences for certain kinds of offences with standard court proceedings by randomly assigning cases to a conference or court hearing. Community members might be invited to participate in conferences which did not involve a direct victim, such as drink driving offences (Sherman et al., 2000); it acknowledged the possibility of multiple victims (Young, 2000) and the ‘wider community’ of victimization. Therefore, police-led conferencing drew heavily on the notion of ‘reintegrative shaming’ in its development compared to the activist nature of family group conferences in New Zealand, and included a much wider scope of ‘community’. Initially Sherman and Strang (1997) reported in the preliminary findings that offenders were less likely to reoffend after a restorative justice approach compared to court proceedings, and this did much to answer critiques of conferences as a ‘soft option’. However, writers such as Morris and Maxwell (2000), Young (2001) and Ashworth (2000) object to the use of victims in the role of ‘shamer’, ultimately stating that it amounts to ‘victim prostitution’ whereby victims are effectively ‘used’ in order to bring about certain effects on offenders (Ashworth, 2000, p. 186).

Nonetheless, the Wagga model proved to create somewhat of a precedent, and other jurisdictions across the world subsequently used the Wagga police-led scripted model (covered further in section 2.4) in their own developments of police-led RJ. For example, Anoka county police in Minneapolis, Minnesota, USA introduced a police-led model in 1994 an by the end of 1995 Senior Sergeant Terry O’Connell (1998) reported that approximately 200 police from a number of state, county and sheriff jurisdictions were trained and had introduced the ‘Wagga model’ in varying degrees. In addition, the model also provided the foundations for other schemes in the USA and Canada including the Bethlehem, Pennsylvania restorative policing experiment (McCold and Wachtel, 1998) which was focussed on voluntary participation in police-based conferencing. Here, it was found that American officers were deemed capable of conducting conferences with the correct training and supervision, police-led conferencing led officers to have a more community based perspective, and participants in the conferences experienced high levels of satisfaction.

Terry O’Connell (a senior Wagga police sergeant), introduced police-led restorative conferencing to Thames Valley, UK, in 1994, and following some trials, training and somewhat informal experimentation (Young and Goold, 1999), the Thames Valley restorative cautioning scheme started formally in 1998. Here, the ‘scripted conferencing’ approach was adopted as an alternative to the ‘old style police caution’ (Dignan, 2005) rather than as an alternative to prosecution (as in the case of RISE or New Zealand’s family group conferences). In relation to Thames Valley’s use of conferencing as a supplement to the ‘simple caution’ – an alternative to the traditional caution (Hoyle et al., 2002) – it has been argued that though there was little evidential proof to its effectiveness, the theoretical underpinnings are substantial and may provide the evidence and understanding to why RJ works and how it should be implemented (Martland, 2012). Subsequently, revised guidance from the Home Office in 2000 drew directly upon the Thames Valley approach and explicitly encouraged police services to use restorative justice principles in the delivery of reprimands and final warnings. Since then, the Youth Justice Board has made available training for police officers, YOT workers and others to facilitate restorative warnings and conferences, with further guidance being issued in November 2002 with instruction to ‘make final warnings more effective and meaningful’ (Home Office/Youth Justice Board, 2002, p. 6).

Currently, only two Australian jurisdictions are reported to still use police-led conferencing (Australian Capital Territory (ACT), and Northern Territory). The ACT legislation of ‘the Crimes (Restorative Justice) Act’ 2004 allows for conferences to be conducted at several points in the criminal justice process. However, unlike legislators in New Zealand and some areas of Australia (Hoyle, 2007), the UK Labour government strongly supported the police-led RJ practices in Thames Valley and introduced various new youth justice measures. The Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999 engaged the police and other agencies in RJ (Crawford and Newburn, 2003), and further the Criminal Justice Act 2003 (Part 3, ss. 22-7) introduced the conditional caution including reparative and restorative conditions stipulated by the police and approved by the CPS.

Citizen panels and reparation boards are said to pre-date the restorative justice movement, and consequently not all modern examples display any RJ values or principles (Dignan, 2003). Bazemore and Umbreit (2001) and Schiff (2003) demonstrate that bodies with similar names existed in the USA from the 1920s as a means of stimulating community involvement in the sanctioning of young people convicted of minor offences. Similarly, the Children’s Hearing system in Scotland draws members of the local community to panels in order to decide how to deal with youth offenders and those in need of care and protection. Within restorative justice, the Vermont Community Reparation Board is one of the best known (Dooley, 1995; Karp and Walther, 2001). Despite this loose link to RJ, they should be mentioned here to provide background to the development of local ‘community justice’ panels.

In England and Wales, the Youth Justice and Criminal Evidence Act 1999 provided a semi-mandatory sentencing disposal for young offenders who plead guilty and are convicted for the first time – referral orders. Here, the offender, family, panel members and, where appropriate, the victim, can discuss the offence, its impact and reach an agreed outcome in the form of a ‘contract’ (Dignan 2003, p. 123). This ‘youth offender panel’ is expected to be guided by the underlying principles of restorative justice: ‘responsibility, restoration and reintegration’ (Home Office, 1997, p.31-2). Compared to the above mentioned Vermont boards (which are available for both youths and adults), these panels place more emphasis on the role of the victim and are available for youths only. The outcomes have been said to be somewhat ambivalent due to the prioritisation of the aim to prevent youth offending over all others, and subsequently, any restorative justice aims can only be pursued to the extent that they are compatible with this principal aim of the youth justice system. This is said to restrict its potential, particularly from a victim’s perspective (Dignan, 2003, p, 123).

## Key studies

As previously stated, this research focuses on police involvement in RJ; concentrating on the decision-making process, facilitation and implementation of RJ processes by police officers. It is here, therefore, that key studies into police RJ will be discussed, whilst concentrating largely on the role of police officer as the decision maker or facilitator.

Restorative justice principles and process in use in England and Wales can be seen to stem from those implemented in New Zealand and the ‘Wagga Wagga’ model of Australia. Morris and Maxwell (1993, 1996, 1997) discussed the use of family group conferencing (FGC) in New Zealand in depth, and place the development of the process within the youth justice system’s need to adopt a low-key response towards juvenile offending. They stress that youth offenders in New Zealand could only be arrested under strict conditions, and that it was only those arrested who would consequently appear in the Youth Court. The introduction of the ‘Children, Young Persons and their Families Act 1989’ allowed young persons, their families, and victims to participate within the judicial process and influence outcomes and though minor and first offenders were often diverted from prosecution by way of an immediate warning, the police might refer youth offenders to the police Youth Aid Section for further action should they feel it necessary. It is here where they might subsequently be referred for FGC prior to any court hearings; the outcome of which might influence any decisions in court. Despite this process not being facilitated by the police, a police representative is present at FGCs though they play a low key role, mainly describing the offence and its impact. However, in the findings from their 1990-1991 research (Morris and Maxwell, 1993), interviewing 157 young offenders and 176 of their parents attending FGCs, it was shown that in 15% of cases, the professionals (including police officers) were identified as the decision makers by the participating families. Therefore, it is clear that in some cases officers found it difficult to step back and take on the new role of ‘supporter’ rather than an active decision maker. Though this is not a large percentage, it is an interesting point to consider when involving police officers within the RJ process.

FGCs were introduced to Australia as part of the Wagga Wagga ‘effective cautioning scheme’ by the New South Wales Police Service in August 1991. Initially viewed with suspicion by a number of police, within two years it was reported to be difficult to find a critic of the scheme either amongst the police or participants (Moore and O’Connell, 1994). Moore and O’Connell (1994) suggest that though the police had negative attitudes towards change, the conferencing process introduced by Senior Sergeant Terry O’Connell was developed to meet a broad aim of ‘maximising the impact of juvenile cautioning’, and two years later was suggested to be supported by officers who welcomed partnership support (such as in schools). Here, conferences were seen as a supplement to cautioning youth offenders, not as an alternative process. Compared to the FGCs described above in New Zealand, Wagga Wagga used FGCs in an ‘effective cautioning’ scheme to address youth offending as a diversion from court – a decision made by the police sergeant in charge of the case as per recommendations that it should not be delivered by the welfare department like New Zealand (Daly, 2001). It could be argued, however, that any overly positive remarks towards Wagga Wagga FGC made within the Moore and O’Connell report should be treated with caution due to the authors’ direct and heavy involvement with the implementation and development of the process. Australia continued to develop its repertoire of RJ schemes, and in 1995 the Reintegrative Shaming Experiments (RISE) were initiated in Canberra as part of the ‘Wagga model’ of police-run conferences. Here, cases were randomly assigned to a conference or court hearing in an aim to compare the effectiveness of each procedure for certain kinds of offences and to assess the effectiveness of each of these processes for certain offences. Sherman and Strang (1997) contend that the RISE findings demonstrated that offenders were more deterred from repeat offending after participating in diversionary conferencing compared to court proceedings – arguing that it was not the ‘soft option’ suggested by critics. Offences were categorised into drink driving; juvenile personal property; juvenile shoplifting and youth violence and compared to the conferencing processes discussed earlier, RISE addressed these specific offences only but mirrored the ‘RJ as a diversion from court’ Wagga Wagga ideal. In RISE, conferences were run by the Australian Federal Police in Canberra and the police officers who acted as facilitators of the conferences reported often that they believed the process to be fair, and were satisfied with the outcomes – a feeling which was reciprocated by the participants. However, critics of the Australian processes, especially where police are involved, have suggested that the use of police officers in conferencing has done little to empower any local community, even increasing reluctance by the Aboriginal population, and has instead ‘reinforced the role of state police’ (Cunneen, 1997, p.1) and had simply ‘expanded the options available to police’ (p.7).

Similarly, there have been concerns that the Wagga Wagga process could contribute to net-widening (Polk, 1997), and there was also been some evidence of this within the Northern Ireland pilot schemes (O’Mahony and Doak, 2004). Here, two police-led restorative cautioning pilots for youth offenders were studied in Northern Ireland from 2000 to 2001. By observing a total of 29 restorative sessions, reviewing case files and gathering information on the incident and outcome, O’Mahony and Doak discuss the operation of the cautioning process following referral of cases to the juvenile liaison officers. Restorative processes were found to differ between the two areas in the pilot, with one implementing it as an alternative to traditional cautioning, and the other developing from a local ‘retail theft initiative’ and thus only dealing with shoplifting cases. Cases were dealt with by way of restorative caution (without the victim present) or conference (with the victim present), however it was found that the majority of conferences would not have usually resulted in an formal action and instead of being used as an alternative to prosecution were being used for very minor and low-level offences, amounting to a degree of net-widening (p.5). Where police delivery was concerned, restorative sessions were usually facilitated by a trained police officer with the majority of conferences taking place in a police station.

The Northern Ireland pilots used a scripted process whereby facilitators followed a set script or prescribed questions, statements and process when engaging with the victim and/or offender within a restorative meeting. This process has been argued about extensively by practitioners and academics alike, with some arguing the sanitised nature of the script creates a failure to acknowledge the parties’ culture and harm caused, thus controlling the discourse in a manner not conducive to a full healing process (Sullivan and Tifft, 2006). However, O’Mahony and Doak (2004) comment little on the script itself within the Northern Ireland studies, focussing instead on facilitator engagement with the script. Here, the researchers observed police officers were well trained in the use of the script and often developed it with their own style in order to engage more with the young person present. Nonetheless, where the officer felt the need to ‘lead’ the offender through the desirable answers through suggestion, then poor practice began to emerge (p.16).

The police-led, scripted process has also been discussed in more detail with reference to the Thames Valley restorative cautioning initiative (Hoyle et al., 2002) and within the two-year resanctioning study by Wilcox et al. (2004) on the same initiative. From the Thames Valley initiative launched in 1998, an analysis of 56 cautions and 67 conferences (the former without the victim present and the latter with the victim present – similar to the terms used by O’Mahony and Doak, 2004) was completed. Restorative cautions were delivered by way of a meeting facilitated by a trained police officer according to a restorative script; the structure of which was based on the Australian model of restorative cautioning. Here, the primary aim of the script was to encourage the offender to take responsibility for the harm caused by engaging in a structured discussion (Wilcox et al., 2004, p.10). In *Proceed with Caution,* Hoyle et al. (2002) specify the importance of the script and describe the ‘structured dialogue about an offence and its implications’ and the focus on ‘the repair of harm rather than deterrence, rehabilitation or punishment’ that the scripted model aimed towards (p.7). Findings showed that facilitators varied greatly in their adherence to the script, in a similar manner to the Northern Ireland pilots, but that any ‘instant’ non-scripted processes were actively discouraged in order to maintain ‘restorativeness’. High quality facilitation was defined by the strict delivery of the script (Hoyle et al., 2002, p.15), and one recommendation made during the evaluation of the Thames Valley initiative included an improvement in facilitator practice by heavier usage of the restorative script. The interim report on the Thames Valley initiative re-issued the script with strict instructions to officers to ‘not pursue a policing agenda within the cautioning session’ (p.20) and though the full evaluation reported significant improvements on facilitation practice, findings showed that some officers were still reluctant to use the prescribed prompts (p.22).

From 2001, Shapland et al. (2002, 2006, 2007, 2008) evaluated three restorative justice schemes which were set up and funded under the Crime Reduction Programme by the Home Office. The three schemes, CONNECT, the Justice Research Consortium (JRC) and REMEDI, concentrated primarily on adult RJ cases at various stages in the criminal justice system as an addition to the normal criminal justice processes, not as a diversionary process. Though these schemes were not using the officer in charge of the case as a facilitator, the police were often relied upon for details of the victims and offenders – a process which proved lengthy and time-consuming at times (Shapland et al., 2006, p.23). Influenced by the RISE project (Sherman et al., 1998) the Justice Research Consortium (JRC) scheme had close links with the police service, specifically Thames Valley, Metropolitan and Northumbria Police. Police officer, scripted facilitation was used in London and Northumbria, with police station venues for conferences used in Northumbria, though in Thames Valley the focus was instead on RJ post-sentencing due to their previous experience with diversionary RJ processes and consequently the lead agency involved was the National Probation Service Thames Valley instead of the police. In the second report, it was stressed that the role of the facilitator is extremely important within RJ processes, and schemes - especially where police-led - should be implemented within evidential safeguards in order to encourage participation and ensure safety (Shapland et al., 2006, p.47). There were reported to be some positive aspects of police-led schemes, notably the access to victim details and subsequent involvement of them within RJ processes, and despite earlier trepidation about the ‘dominance’ of police facilitators (p.58) over cases, observers viewed facilitators as being impartial in 88% of JRC cases.

Shapland et al. (2011) discuss the role of the police facilitator further, suggesting that they are able to deliver conferences fairly. However, they do stress that their findings are representative of the extensive training the facilitators received with the schemes, using the work of Lamb et al. (2008) (on interviewing techniques of child witnesses) to demonstrate that a strongly defined model of restorative justice and a prescriptive process is necessary to provide fair and helpful facilitation – similar to the positive aspects of using a scripted process, described by Hoyle et al. (2002) and O’Mahony and Doak (2004) above. With reference to the JRC scheme, Shapland et al. (2011) attribute those supporting factors including the provision of a ‘strong model of non-directive questioning’ (p.61) to the success of police-led schemes compared to other schemes which struggle to persuade officers to facilitate well in RJ conferences. However, there were some factors of operational police culture noted which were may impinge on the RJ provisions, such as the need to acquire specific intelligence or to find certain offenders of certain offences. The JRC schemes, on the other hand, suffered little from these pressures due to the police units delivering RJ being separate to the main operational units – the presence of independence being cited as a crucial factor (p.62). Sherman et al. (2003), in relation to RISE, delve into the role of the facilitator further, and discuss the effects of the facilitator on re-offending, yet state that repeat offending after RJ varies widely, and it was not found to be directly related to the offender’s respect of the police. However, what is demonstrated is that there is a link between ‘leader’ or facilitator and recidivism, leading us to consider not the specific role or image of the facilitator, but the characteristics and behaviour of the facilitator and conferencing styles which may be impactive (such as the dialogue used).

Meadows et al. (2012) carried out an extensive evaluation of the South Yorkshire Restorative Justice Programme (SYRJP) which was delivered in partnership between South Yorkshire Police and the local criminal justice board. Here, police officers had the discretion to deliver ‘Youth and Adult Restorative disposals as an alternative to prosecution for low level offending behaviour where offenders have no previous convictions, make an admission of guilt and where both offender and victim consent to the RJ process’ (p.5). A primarily qualitative evaluation, Meadows et al. conducted interviews with 8 magistrates, 34 victims, 29 offenders and 10 police officers, carrying out focus groups, observations and surveys. It was found that RJ was seen to be embedded across the force, and police officers confident with its delivery. However, as is becoming apparent to be often the case with reports into police-led RJ, there were identified a range of ‘structural and cultural barriers’ which impeded its use (p.5). Specifically, findings showed initial reluctance of officers to use RJ where they felt it to be in conflict with their targets in terms of sanction detection rates, and unwillingness to use conferencing due to time and the administrative effort required on the part of the officer. These barriers are suggested by Meadows et al. (2012) to be the predominant reason for the SYRJP model to be used in divergence to the original plan, despite some benefits through cost savings available to the police service (p.28).

In addition, since the completion of the fieldwork for this thesis, Meadows and the Hallam Centre for Community Justice at Sheffield Hallam University were commissioned in 2014 by the Restorative Justice Council to carry out a national RJ mapping project in order to capture an overview of RJ provision in England and Wales. Resulting in a national report (and 43 individual reports) this was the first national project to show the scale of RJ programmes (Meadows et al., 2014) and provides a good snapshot of RJ provisions present in the criminal justice system at that time.

### Police-led RJ in England and Wales

Leibmann (2000) has documented the development of mediation across the world very thoroughly, and yet states that there has been very little literature on mediation in the UK, despite the advanced state of some practices (p. 9). Despite this, it is known that many of the ideas and practices grew from contact with American and Australian mediation services commented on above, which subsequently have been altered to suit UK circumstances. For instance, following the Thames Valley Restorative Conferencing scheme, Sir Charles Pollard (then Chief Constable of Thames Valley Police) and Terry O’Connell did much to publicise police-led RJ within conference presentations, publications and discussions with policy makers (Young and Hoyle, 2003). Subsequently, other forces such as Nottinghamshire and Surrey were soon conducting trials of their own, and Northern Ireland set up pilot restorative justice schemes following a major review of criminal justice in light of the Good Friday Agreement of 1998 (O’Mahoney and Doak, 2004). Furthermore, in 2004 the Scottish Executive announced the national roll-out of police restorative warnings for young, mainly first-time, offenders arrested for relatively minor offences (Hoyle, 2007). Baxter et al. (2011) agree, nonetheless, that the published literature does not reflect the true breadth of innovation currently taking place in criminal justice.

In England, a number of police conferencing programmes have been introduced and at least a dozen more were in the initial development stages at the turn of the century (Leibmann, 2000, p.147), and more recent research found that police in roughly 50% of counties in England and Wales employed some form of RJ in 2009 (Wachtel, 2009). Wachtel also reported that constables in districts including Dorset, Cheshire, Lancashire, Hull and Norfolk were actively making restorative practice their priority and first line approach – at the officers’ discretion – for dealing with neighbourhood disputes, first-time and low-level youth offenders, youth crime in schools and some adult cases (2009). In addition, Garry Shewan (ACPO lead on RJ) (2010) reported a significant increase in RJ in UK police services. There is growing national interest in the application of RJ and development of a victim-focused but low-bureaucratic disposal for low level offending and as a critical tool within neighbourhood policing to assist in problem solving and meeting community expectations consequently resulting in the expansion of RJ schemes (p.2).

Blair declared, in his 1997 pre-election speech, that a Labour government would be ‘tough on crime and tough on the causes of crime’ (Anderson et al., 1997), further suggesting that any investment in the efforts to tackle crime and crime prevention should be supported by extensive evidence (Sherman, 1998). However, traditional practice demonstrates that police officers are taught to deal with offenders and crime in a somewhat prescriptive manner with few tools apart from criminal law (Pollard, 1999), and so there are few alternatives for dealing with minor crimes and disorder, with the exception of cautioning.

The rise of RJ in England and Wales then developed substantially from the introduction of the ‘Restorative Justice Action Plan for the Criminal Justice System’ in 2012, with the aim of bringing about a ‘step change in the delivery and provision of restorative justice across England and Wales’ (Ministry of Justice, 2013). Furthermore, The Legal Aid, Sentencing and Punishment of Offenders Act (2012) has placed restorative justice as an element in youth cautions by allowing the Youth Offending Team to explore the possibility of participating in restorative justice with the offender in the delivery of the caution (p.18). This may consist of meeting the victim and rectifying the damage or harm caused. Further action for the future development of pre-sentence RJ was shown in support of the *2011/0129* EU Victim’s Directive. Specifically, Article 12 establishes the right of victims to safeguards which ensure that ‘victims who choose to participate in restorative justice processes, have access to safe and competent restorative justice services’. In addition, the 2013 Code of Practice for Victims of Crime from the Ministry of Justice provides information about RJ for victims of crimes committed by adults as well as youth offenders and the Crime and Courts Act 2013 (s.44) made it explicit that the courts would be able to use their existing power to defer sentencing to allow for an RJ activity. Furthermore, from October 2014 (notably post-data collection within this study) Police and Crime Commissioners (PCCs) were given the responsibility for the local commissioning of restorative justice services within their area, with guidance notes being provided by the Restorative Justice Council in January 2014. Subsequently, the introduction of minimum standards proposed in the Action Plan (2012) has developed to produce a quality mark (Restorative Service Quality Mark (RSQM)) to assess the standard of RJ being delivered by a variety of agencies.

In 2010 Garry Shewan commented on the benefits that RJ may bring to the police service as a business and further suggested that an accompanying ACPO survey demonstrated that police services were unable, yet, to fully identify and recognise any performance impact (Shewan, 2010). Whilst an overall theoretical model for the use of police-led RJ is not explicitly outlined by legislation or the ACPO guidelines, it has been suggested that many police services use RJ as a method based on ‘healing and restoration’ (Shapland et al., 2011), both for the victim, offender and community. Some research on police-led family group conferences (both in the USA and Australia) has demonstrated that police officers are capable of assuming the non-directive, empowering role of facilitator (McCold and Stahr, 1996; Sherman and Strang, 1997), and has further been powerfully demonstrated to increase community empowerment and community building (Johnstone, 2003).

It is not surprising, therefore, that RJ initiatives implemented by police officers are growing, and can be discussed in more detail with specific reference to perceived offender, victim, public and police service benefits. The following section will cover these areas in a way which outlines the main reasons for which RJ is seen as a benefit and therefore place its development and subsequent use by the police service in England and Wales in greater context.

## The categorisation and rationale of police-led restorative processes

The use of RJ within police forces in England and Wales is increasing at a significant rate, yet whilst there has been an increase in the number of processes describing themselves as restorative, they are so diverse that it is difficult to identify what each of them has in common that can be called restorative (Roche, 2001). A survey carried out in December 2009 on behalf of ACPO examined the extent of the use of RJ, and out of a thirty eight force response, thirty three indicated that they were using RJ practices (Restorative Justice Council, 2011).

The two most common approaches were ‘Street RJ’, and ‘Restorative Conferencing’, which are referred to below as ‘Level One’ and ‘Level Two’. Restorative Justice is being used by police officers ‘on the spot’, in what is known as ‘street RJ’ in many police forces across the country (Restorative Justice Consortium, 2009) and by using restorative skills and the underlying principles of restorative practice, officers can deal with a minor offence in situ with both parties involved, usually through Neighbourhood Policing teams. Additionally, it was claimed by the RJC that RJ is being used by more highly trained offers for tackling more complex community conflicts (p. 3). Despite this recent progress, RJ remains very much in its infancy, both in terms of implementation of processes and the understanding of its effects (Crawford and Newburn, 2003, p.58).

The ability of the police to deliver cautions, reprimands and final warnings gives a substantive basis for the development of restorative responses and disposals given by officers and research in 2000 shows that nearly quarter of a million offenders (239,000) received police cautions, reprimands and warnings in that year (Hoyle et al., 2002). Cautioning for young offenders has a statutory basis within the Crime and Disorder Act 1998, and now the Legal Aid, Punishment and Sentencing of Offenders Act 2012, whereas cautioning for adults remains solely contained within Home Office guidelines (Home Office Circular 18/1994). It is against this national background that restorative cautioning has been developed, though the ACPO 2012 guidelines provide police-specific direction on the use of both Level One and Two RJ, described below.

### Level One: Street RJ

In areas where trained RJ facilitators are available, it is suggested by the Crown Prosecution service that an RJ process should be considered as part of a caution where cases have a personal victim present (Crown Prosecution Service, 2010).

A police caution is the formal disposal of a criminal case without the involvement of prosecutor or the courts and it has been found that roughly a third of all criminal cases resulting in a criminal record have been disposed of by a police caution rather than a court conviction (Hoyle et al., 2002). In the Thames Valley restorative cautioning initiative it was intended that officers administering cautions were to invite those affected by the offence to a meeting. Via a script, the officer was intended to facilitate a structured discussion about the offence and how the harm caused could be repaired. Hoyle et al. found in their full evaluation that cautioning sessions had sometimes been used to humiliate and stigmatise offenders, yet argue that by adopting a restorative approach it may be possible to transform this police behaviour towards a more consistent practice under conditions of greater visibility and accountability, according to definite aims and standards (2002).

Common terms for Level 1 Restorative Justice are ‘Youth Restorative Disposals (YRDs)’ and ‘Adult Restorative Disposals (ARDs)’. It must be remembered, however, that police services are able to give different terms to their RJ processes and initiatives, and therefore this may not be a unanimous term used by police officers across the country. Terms such as ‘community resolution’, ‘restorative justice resolution’ and ‘restorative resolution’ are also terms used by police services when discussing Level One RJ. What should be acknowledged, however, is that all Level One RJ is intended to be an ‘instant or on-street disposal where police officers or PCSOs use restorative skills to resolve conflict in the course of their duties’ (ACPO, 2010).

*Youth Disposals*

In 1998 the Crime and Disorder Act introduced the reprimand and final warning as a replacement to the caution. The recommendation to refer a young offender to the newly established Youth Offending Teams (YOTs) was described as the most radical overhaul of the youth justice system in the last half century (Goldson, 2000). Further, the Criminal Justice and Court Act 2000 removed the requirement that a reprimand or final warning be issued at a police station, and initiated the possibility of ‘conferences’, known occasionally as ‘restorative cautioning’ (Young and Goold, 1999).

Arguably, the Crime and Disorder Act represented a clear indicator as to change in government policy towards a more inclusionary justice system capable of recognising the social contexts within which crime occurs (Muncie, 2000, p.14), though hardly equating to a ‘restorative justice revolution’ (Dignan, 1999, p.58). Despite this, RJ within the youth justice sphere was given substantial statutory footing, which could thus be introduced as a response to youth offending (Zernova, 2007, p. 26).

Between 2008 and 2009, the Youth Restorative Disposal (YRD) was piloted in eight police forces in England and Wales by the Youth Justice Board (2011b). It was stated that the YRD was intended to be a ‘quick and effective means for dealing with low-level, anti-social and nuisance offending, providing an alternative to arrest and formal criminal justice processing’ (p. 6). Further, according to the Youth Justice Board (YJB), the YRD can be applied to young people between the ages of 10 and 17, who have not previously received a reprimand or final warning (or as of 2012, with the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act, a caution or conditional caution). The young person may only receive one YRD, and consequently any further offences will revert to an ‘established criminal justice measure’ (p.6) such as a final warning. The YJB (2011b) further notes that YRDs are recorded locally against the offender’s name to take measures to ensure that they do not receive another, but are not recorded on the Police National Computer (PNC) and thus do not result in a criminal record and potential further criminalisation.

Both the victim and offender need to agree to participate in the YRD, which is carried out by an authorised police officer or PCSO who is trained in restorative principles (Youth Justice Board, 2011b). In addition, children’s services and the Youth Offending Team (YOT) are informed of the YRD in order to provide an early opportunity to identify risk factors and thus provide appropriate support, and potentially contribute to reducing the risk of reoffending (Youth Justice Board, 2011a).

A pilot evaluation concentrated on the eight forces trialling the YRDs: Avon and Somerset, Cumbria, Greater Manchester, Lancashire, Metropolitan, Norfolk, North Wales and Nottinghamshire (Youth Justice Board, 2011a). Across the seven areas that fully completed the pilot and subsequent evaluation, 4,355 YRDs were issued between April 2008 and September 2009. The research suggested that this number was indicative of the reduction in reprimands, and the majority of YRDs were issued for low level offences primarily focussed in the city centres or shopping areas (Youth Justice Board, 2011b). Within this pilot, local services were able to develop the national guidelines to suit their own service, and training was structured around their specific needs. Furthermore, 75% of YRDs were carried out ‘on the street’ by officers, who reported a high level of satisfaction, including stating that the high levels of officer and PCSO discretion afforded to them via the YRD process ‘formalised old fashioned policing techniques’ which allowed them to be much more flexible with their work (Youth Justice Board, 2011b, p.9). In addition, outcome satisfaction reported by victims was high, and offenders were also ‘satisfied’ (p.9).

The pilot reported a ‘feeling amongst those interviewed that the YRD should be rolled out nationally as it has the potential to provide an important missing option in the sanctions toolkit’ (p. 10), and though not currently a national process, following the *Engaging Communities* consultation document (2009), the YRD is being implemented as a bespoke measure by an increasing number of police services across England and Wales (Ministry of Justice, 2010). In addition to those services officially piloting the YRD, it has been suggested that many other forces have developed their own approach to the use of restorative practice as part of community and neighbourhood policing schemes (Restorative Justice Consortium, 2009).

*Adult Disposals*

The Green Paper *Breaking the Cycle* envisaged the development of the provision of RJ for victims of adult offenders, including as an informal police-led disposal (Ministry of Justice, 2010). In a similar vein and manner to the YRD, many police forces are using RJ as a parallel way of dealing with low level crimes by adult offenders as an ‘ARD’ – Adult Restorative Disposal. In addition, RJ may be used as part of the conditional caution with reference to the ‘Revised Code of Practice for Conditional Cautions – Adults’. This Code of Practice states that when considering the appropriate conditions to achieve the rehabilitative, reparative or punitive objective of a conditional caution, the prosecutor should consider the processes, conditions and opportunities available to use (Crown Prosecution Service, 2010). The Crown Prosecution Service (CPS) publishes quarterly data on conditional cautions[[7]](#footnote-7) and suggests that around half of all conditional cautions had RJ attached as an outcome in some form. However, since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, police officers are now able to issue a conditional caution without the authorisation of a prosecutor and in addition to the delivery of the ARD, substantive police data on conditional cautions and ARDS is difficult to obtain outside of each police force.

It has been said that police-led RJ for minor offences committed by adults has developed without legislation or targets (or indeed large amounts of research or evaluation) due to the fact that police can see for themselves the effectiveness, cost-savings and benefits (Restorative Justice Council, 2011), notably apparent from the trials and pilots of YRDs. Though Level One RJ across the country is primarily aimed toward youth offenders, a number of police services have trained officers to deliver RJ and resolve disputes ‘on the street’ using RJ skills with adults as well as offenders (Restorative Justice Council, 2010).

However, a report from the HMIC suggests that where officers are engaging in RJ use with adults, ‘it is important for people to think of RJ from a perspective as complementary to traditional forms of punishment’ (HMIC, 2012, p.8). Further, this report concludes that RJ is not universally seen as a stand-alone punishment for adults, as the public may consider that youth offenders are more susceptible to reform through RJ than an adult and therefore be punished in the traditional manner (p.20). In addition, a report by the Restorative Justice Council (RJC) clearly highlights and confirms the disparity in treatment of young adult offenders (aged 18-25) and further suggests that RJ should be offered to all victims irrespective of the age of the offender (Marder, 2013) as it may help the offender to develop a sense of personal responsibility and self-efficacy at the early phase of adult hood, and further encourage desisting behaviour (p. 4).

### Level Two: Restorative conferencing

Conferencing as a way of addressing crime and offending was originally developed by the New Zealand criminal justice system as a response to the over-representation of Maori youths within the system and criminal processes. In 1989, the Children Young Persons and the Families Act created new alternatives for responding to juvenile crime and child protection issues (Daly, 2001).

Following some unplanned experimentation from the 1990s onwards, one of the first notable initiatives in restorative conferencing took place in Thames Valley Police in 1998 (Hoyle et al., 2002). At the time, police cautioning guidelines were contained within the Home Office Circular 18/1994 and though they did not reference Restorative Justice directly, included similar principles such as an admission of guilt. They are now contained within the Crime and Disorder Act 1998 and further the Legal Aid, Punishment and Sentencing of Offenders Act 2012.

In Thames Valley, the term ‘restorative conferencing’ was initially used to refer to a restorative caution process in which the victim was present, as opposed to a ‘restorative caution’ whereby the victim does not attend or if there is not an identifiable victim. Restorative or community conferencing with police services was intended to be used in order to tackle serious or complex crimes and incidents, persistent anti-social behaviour or neighbourhood disputes where a clear community impact is demonstrated (Restorative Justice Council, 2010). Again, a victim is to attend the meeting, however they may also be present alongside their supporters and generally the process follows a scripted process as derived from the ‘Wagga Wagga’ New Zealand principles developed by John Braithwaite (Moore and Forsythe, 1995). In some police services officers who have undertaken a higher level of training may facilitate these conferences, and may use their skills for cases which are not suitable to be dealt with on the street. However, other police services may work in partnership with other agencies and refer these cases for management by facilitators who are not police officers.

Level Two RJ, also known as restorative conferencing in places, is stated by the ACPO guidelines to be aimed at the rehabilitation of offenders where the offender is deemed to be at risk of future offending (ACPO, 2012). It is intended to be used either as an alternative to a formal criminal justice (CJ) processes (where a Level 1 RJ could not take place immediately) or in addition to formal CJ (as part of an Out of Court Disposal, or post-sentence). In a conference, there is a face-to-face meeting between the victim(s) and the offender(s) in order to discuss the crime and its impact. Further, involving the victim and offender in a face-to-face meeting is encouraged, as is the involvement of family, communities and other supporters (p.7). The facilitator present ensures that both parties have a fair say in proceedings, and in this context is a trained police officer. A key element is said to be ‘re-integrative shaming’ (Sherman et al., 1998), where disapproval of the criminal behaviour is outwardly displayed, whilst showing respect for the offender and working to reintegrate them back into the community. Simultaneously, the victim’s experiences and perspective are validated through recognition of the harm caused. Conferencing can be used at any stage in the criminal justice process, though it is typically used at an early stage as a diversionary process and many police services developed conferencing processes as an alternative to arrest and referral to the criminal justice system, especially where cases involve multiple parties or are complex.

The Hoyle et al. (2002) evaluation of the Thames Valley initiative in restorative cautioning clearly identified areas which could be improved in the police-led conferencing process and yet concluded that restorative resolutions were beneficial to participants in both the short and long term. However, it was also here identified that police-led conferencing is more costly that an ‘old style caution’ (p.56) or indeed arguably a restorative disposal (Level One RJ). Further, it is also identified that there are issues (potentially with all police delivery of RJ) regarding under-preparation, facilitator neutrality and in some cases lack of due process (p.66). In a study into the public perception of RJ, the role of police officers in conferences was also stated to be of some concern, specifically that they may become tied down with matters ‘away from the street’ during a conference and therefore not be giving local problems their immediate attention (HMIC, 2012, p.27).

Within the independent evaluation of the South Yorkshire RJ programme, Meadows et al. found that though there have been about 160 officers trained in Level 2 conferencing, in reality few restorative conferences had been undertaken by these officers (2012). Furthermore, it was acknowledged that in some cases the process was considered to be little more involved than the above described Instant/Street RJ, and yet fell short of a full RJ conference (p.22). Instead, officers described an ‘informal conference’ using conference guidelines but a shortened version in order to ensure that momentum is maintained between victims and offenders. The main barriers cited by officers here to the use of a restorative conference was the time and administrative effort required in order to organise and run a conference, combined with the difficulty in fitting this around shift patterns and other commitments. Also, it was expressed that this organisation was beyond their remit and not a good use of their time, especially where parties failed to attend or where there was a failure to reach a resolution (p. 25). Subsequently, it was found that conferences were mainly used within school/college contexts where the administration and organisation of the conferences were more straightforward or for neighbourhood disputes where there was no clear ‘offender’ or ‘victim’ (Meadows et al., 2012, p.22). Another hurdle which limited the use of conferencing by officers was further noted to be the lack of support and understanding given by senior officers in comparison to Level One/Street RJ (p.25), and the notion that in order to deliver conferences it required a much more obvious cultural and organisational role shift than street RJ and would be much better suited to an external agency (p.26).

###  Level Three

There is mimimal guidance for the police in England and Wales on Level 3 RJ for more complex, serious or sensitive cases, though ACPO (2012) guidelines state that Level 3 RJ deals with offenders post-sentence and can be undertaken whilst the offender is in prison. The 2012 guidance briefly comments on pre-sentence RJ falling within Level 3, though ACPO stresses that this is the responsibility of the CPS, probation and ‘any other relevant agency’ (p.7). Police services and integrated offender management schemes are said to work in partnership with prisons and probation in order to deliver conferences with serious offenders post-sentence (Shewan, 2010) and it is said to require ‘specialist conferencing’.

Level 3 RJ may be run by local independent agencies in order to provide RJ post-sentence, including conditional cautions, community sentences and occasionally within prisons themselves. Van Ness (2007) suggests that most restorative processes take place outside of prison however, and the distinct clash between retributive and restorative justice theories may go far to explain this. It is rare to find literature on the involvement of the police in Level 3 RJ, and any mention tends to include officers acting within probation or the Youth Offending Service. For instance, the 2012 ‘Facing up to Offending’ paper (HMIC et al.) covers Levels 1 and 2, and yet does not describe Level 3 at any point in terms of any police involvement. Instead, Level 3 is stated as ‘post-sentence RJ, when the offender meets the victim in order to apologise and/or make amends, to help the victim recover from the crime’ (p.15). A few police services are noted to be involved in Level 3 within Integrated Offender Management (IOM)[[8]](#footnote-8), prisons, and probation supervision, using a few highly trained officers. These Level 3 conferences are aimed at post-sentence offenders and typically involved the police officers from IOMs dealing with prolific offenders with the aim of preventing them from re-offending. In North Wales, Greater Manchester and Norfolk police services there was found to be evidence of joint Level 3 training for staff from police, probation and YOTs, yet the findings within the HMIC et al. paper (2012) stress that it was rare to see any evidence of Level 3 RJ in use by the joint partnerships of police, probation and prisons (p.31).

In my view there is slight confusion between Level 2 and Level 3 RJ, as both could occur pre-sentence or post-sentence and feature a conference structure. Nonetheless, Shapland et al.’s (2004; 2006; 2007; 2008) study of three restorative justice schemes looked at RJ at the level of the courts, as part of community justice sentences and occasionally as part of a diversionary disposal. In their second report (2006), it was stated that the three RJ schemes researched covered very different stages of the CJS – diversion, pre-sentence, during community sentences and pre-release. It was found here that the stage of criminal justice at which RJ was offered little affected the likelihood of participation by victim and offender, and equally it was possible to deliver RJ in a safe manner at different points of criminal justice with adults and youth offenders, with either police or other criminal justice system facilitators.

### The offender perspective

Bringing about a reduction in re-offending has been identified as a key component of using RJ. There is a clear focus amongst many police RJ processes to reduce reoffending rates and subsequently reduce reconvictions.

It has been stated that the Youth Justice Board has become ‘swamped’ (Shewan, 2010, p.5) due to the criminalisation of young people, and consequently it could be argued that as services are over-stretched with cases their effectiveness could be compromised. The ACPO survey upon which Shewan comments shows findings which indicate that in police services including Leicestershire, Norfolk, North Wales, Cheshire, North Yorkshire, Dorset and Cumbria the introduction of RJ processes such as the Community Resolution and street RJ interventions has resulted in a reduction in both first time entrants to the CJS and in re-offending rates.

In the wider literature, there are a small number of studies which aimed to assess the impact of RJ on reoffending. Firstly, the findings from the ACPO survey mentioned above can be supported by previous research conducted by Shapland et al. in 2001 using a randomly controlled test (2004; 2006; 2007; 2008; 2011). These findings reported that RJ reduced the frequency of reconviction when it used primarily with serious offences by adult offenders, however, they did not affect the proportion of offenders reconvicted over a two year period. Notably though these are not the same offences which are covered by most police RJ (described as being low-level, first time offences).

A recent independent evaluation of the South Yorkshire Restorative Justice Programme (SYRJP) demonstrated that partaking in RJ made the offender more likely to face up to their offence and its consequences (Meadows et al., 2012, p.41), though it did not measure reoffending rates. In addition, the SYRJP evaluation showed that many offenders interviewed felt ‘ashamed’ of what they had done and subsequently reflected that the event had made them less likely to get into trouble in the future and thus risk a criminal record (p.43). Further, some of the youth offenders expressed that the event had given them the initiative to sever ties with peers who reinforced their offending behaviour and consequently made it less likely that they would be involved in an offending situation in the future. Interestingly, the parents of the youth offenders shared these views and acknowledged that the intervention and the avoidance of gaining a criminal record was an important factor in enabling the young person to address their behaviour and ‘re-focus their future’ (Meadows et al., 2012, p.43). Unfortunately, in the case of the SYRJP evaluation some offenders did not acknowledge committing an offence. Where this is a necessary criterion for the development of a RJ process, it is unlikely that the victim and offender will repair the relationship and there may be continuing hostility between the two (Shapland et al., 2011).

### The victim perspective

It has been stated in regards to the South Yorkshire Restorative Justice Programme that the use of RJ should be a victim-led approach, in that the victims agree willingly without feeling pressured to do so. It may be difficult for the victim to make a decision between RJ and an arrest, and it is here where it may become the officer’s decision (Meadows et al., 2012, p.31).

Performance indicators from Youth Offending Teams in England and Wales have displayed a victim satisfaction rate of participating in a restorative process at 85%, rising to 97% satisfaction where this involved a face-to-face-meeting (Youth Justice Board, 2008). Additionally, statistics gathered from Norfolk constabulary showed that the proportion of victims ‘very’ and ‘completely satisfied’ with the whole experience of being dealt with through RJ was 87% compared with just 67% for a conventional disposal. Moreover, 92% declared that they would recommend it to another victim (Shewan, 2012, p.6). From the same research, it was also stated that both Dorset and Cheshire police services attributed a rise in victim satisfaction to the introduction of the RJ schemes and processes.

Further, when looking at data gathered by Cheshire police service in relation to their RJ pilots, restorative conferences were shown to develop the victim’s sense of ‘closure’, a reduction in fear and an overall more positive view of their local police service (Shewan, 2010, p.6). This sense of closure was also present within the Shapland work (Shapland et al., 2007) where 52% of victims who had taken part in conferencing within the criminal justice system expressed that the process had provided them with a sense of closure, and especially in Northumbria, positive views were particularly noticeable in the youth final warning cases for both victims (90%) and offenders (92%). Furthermore, within the independent evaluation of the SYRJP, satisfaction in relation to the outcome of the RJ intervention was expressed in terms of feeling that the outcome was just and proportionate; that stolen property had been returned or other appropriate reparation undertaken; being able to witness the offenders’ remorse and the offender ceasing to offend (Meadows et al., 2012, p.44). In South Yorkshire, 635 of victims indicated that participating in RJ had been a positive experience, and 59% said they would recommend RJ to friends (p. 45). It was also expressed that victims appreciated having the opportunity to say how they were feeling, were empowered to have some control over the outcome, and also increased the victims’ sense of control and closure (p. 45). In addition, many studies have found high victim satisfaction across a variety of RJ processes (Campbell et al., 2005; Strang, 2002). However, other research has commented on the non-participation of victims in restorative processes, though they also found that where victims did attend they were satisfied; for instance O’Mahony and Doak (2004) found that when evaluating police-led restorative cautioning pilots in Northern Ireland there was a lack of significant victim participation in the programmes though it was suggested that all participants valued the philosophy underlying the programs and viewed their implementation as appropriate and effective.

Hoyle et al. (2002), in the full evaluation of the 3-year Thames Valley restorative cautioning initiative, clearly argue that where a victim does not attend a restorative process, it should be called a ‘restorative caution’ instead of ‘restorative conference’ (p.13). Therefore, the ‘restorativeness’ of a process can be clearly called into question simply on the matter of victim attendance. If a restorative caution is delivered, it can be assumed that it is restorative on behalf of the offender (i.e. they restore the situation/repair any harm caused). If, however, the victim is not present, the restorative process can hardly be a meeting between parties, the victim may not have influence over any reparation and the victim may not get the ‘closure’ the restorative process is said to provide above. Hoyle et al. (2002) did, however, state that two thirds of victims who did participate felt that the meeting had been beneficial towards their recovery from the offence. In addition, Crawford and Newburn (2003) looked at the motivating factors for victim participation in referral panels and found that victim satisfaction played a large part in the decision to attend, though victim attendance has been found to be low at these meetings with a high recommendation given to remedy this fact (Newburn et al., 2002).

### The business/police perspective

It has been identified that using RJ may bring considerable savings to the CJS in terms of monetary value. This may be due to the fact that ‘the use of RJ is allowing a more proportionate and efficient use of the resources employed with the CJS’ (Shewan, 2010, p.7). Some forces have estimated and costed the utilization of RJ and compared it with the cost of alternative disposals, which we can discuss in terms of business benefits for the police service.

Firstly, ACPO surveys have shown that the police service in Herefordshire have evidenced that the average time taken by officers dealing with Level One RJs was 36 minutes. When considering the closest equivalent disposal method for a first time entrant for a youth offender – a reprimand – the average time was 5 hours and 38 minutes. The relative costs for these disposals can be compared as £15.95 for a Level One RJ, whereas a reprimand averages at £149.79. This indicates that RJ produces an average time-cost benefit of £133.84 (Shewan, 2012, p.7). In addition, Cheshire Constabulary undertook a similar breakdown and found that issuing a Level One RJ takes approximately an hour to complete and costs £20.21 of police officers’ time. In contrast, it was calculated that where an officer makes an arrest the total hours spent dealing with the offender averages at 8 hours and 44 minutes. Therefore, for every Level One RJ delivered, the force may save £157.09. Further, when the RJ pilot was launched in Cheshire the projected annual savings generated by this were calculated at £497,000 per annum (Shewan, 2010, p.7 on Cheshire Operation Quest 2/KPMG).

With regards to Level Two savings, the following incident has been taken from the RJ delivery and police training service, Restorative Solutions whereby a neighbour dispute resolved by way of restorative conference was found to save considerable police time:

*“Two neighbours in a street had been in dispute for some time over the noise and general anti-social behaviour caused by one of the parties. Over a period of 7 months, the police were called to deal with the dispute on an average of 4 times per week (total 121 calls) but were unable to resolve the issue … It was estimated that each call to the police involved attendance and administrative time of 1.5 officers, totalling approximately 1 hour of police time per call. This has been costed at £3,717.28. The total time in setting up and delivering the conference was 2 hours 50mins. This has been costed at £87.15. Assuming that the situation would have continued at the same rate for another 12 months the total time of the police in dealing with the incidents would have been 171 hours and at a cost of £5,266.13”.* (Restorative Solutions, 2009).

It may be argued that the use of RJ processes and interventions may not only deliver benefits (when applied correctly) to the victims, offenders, and community stakeholders, but also allow those engaged within the CJS to re-invest time saved on other activities. Therefore, police officers and PCSOs can focus time and investigative skills on more serious offences, victim and witness care and other problem-solving activities (Shewan, 2010, p.9) Nonetheless, where RJ interventions are carried out with merely a ‘business’ focus, this could be consequentially harmful for both victim and offender when too little time is invested in the reparative process .

In addition to monetary and cost benefits, police officers within the SYRJP evaluation expressed that they felt more empowered as a result of being able to use RJ, with 72% of survey respondents welcoming the opportunity to exercise their professional judgement with more flexibility (Meadows et al., 2012, p.48). It is also stated that officers relished the opportunity to see a process through to the outcome.

### The public perspective

RJ has been described as a process which can empower communities to deal with offending according to their own values and expectations, and also allow communities to reintegrate offenders back in to community life and enable communities to take back responsibility in delivering their own justice (Shewan, 2010, p.1). Additionally, a Home Office review identified RJ as one of the four interventions which helped to improve public confidence in the police (Home Office, 2009). Within this publication the Home Office rely on the previously discussed Shapland et al. (2006) work in order to recognise that 34% of victims become more positive about the CJS – specifically policing – after participating in RJ. Arguably, the data regarding the relationship between RJ and public confidence are somewhat lacking, though a 2010 ACPO survey included the Norfolk police service’s evaluation of RJ, stating that 94% of victims who have experienced RJ say that they are confident that the police and partners can deal with crime and anti-social behaviour (Shewan, 2010, p.10 on Norfolk Annual statistical return 2009/10). These findings were also reflected in South Yorkshire through the SYRJP evaluation; in that both victims and victims’ parents (in the case of young offenders) expressed that their own confidence in the police had improved following the RJ intervention (Meadows et al., 2012, p.46).

Though the studies into police-led RJ may be few in number, at the time of writing this is merely reflective of the somewhat ‘new’ initiative of including RJ process within police forces despite the long history of restorative justice as an ideal. There are patterns apparent with regards to both features conductive to ‘successful’ RJ schemes (scripted processes, strong guidance and/or quality training) and those which have negative impact on the restorativeness of the delivery (such as lack of confidence with the material/personal ability, lack of senior support and/or lack of time). Can the police, therefore, deliver RJ successfully within restorative ideals on a regular basis given the pressures and promotion from the government?

## Potential for change

Overall, it has been demonstrated that the police role and subsequent culture share some common features across both time and space. These similarities stem from the primary need to control crime and disorder whilst upholding the law, though the balance of these features varies between both officers and services due to the interpretation and style of policing present. It has been said that consequently the culture of the police is a reflection of the society and community power structures which are policed – the least powerful public elements in society are deemed police property, street crimes are policed by those officers with lesser hierarchical value (Reiner, 2007), and the professional police chiefs are involved with the majority of the public and elite who require an acceptable level of ‘gloss’ applied to problems and actions (Reiner, 2010, p.137).

Loftus has demonstrated that the older suggestions of masculinity, prejudice and cynicism continue to be prevalent (2007; 2008; 2009; 2010), and consequently leads us to consider whether the police service culture can be, and will ever be changed to accommodate the principles associated with effective application of RJ. That said, police culture, as all cultures, is not static, and officers vary their responses according to structural, societal and cultural factors, not only their own but those of the community within which they work. Nonetheless, police culture has been demonstrated to display similar basic qualities in all services studied and wider transformations will arguably require substantial change within not only individual officers but the entire social structure of economic inequality and power (Reiner, 2010, p.138).

It is clear that many aspects of RJ can be associated with the longstanding values embedded within police cultures, including the emphasis on common-sense decision making and the removal of unnecessary bureaucracy advocated by a focus on informal resolution (Paterson and Clamp, 2012, p.9). It must be debated, however, as to whether the introduction of RJ will have an impact on the policing culture and indeed whether the policing culture may impact the RJ initiatives’ progress and success. Will the introduction of RJ initiatives lead police officers to consider their role differently? Carolyn Hoyle (2009), when discussing her work within the Thames Valley police service, has stated that there is often a vast divergence between those officers trained in RJ and open to the new initiative, and those traditional ‘die-hards’ who could not be converted (2009). Are they able to deliver RJ and restorative disposals effectively given their inherent cultural behaviours? It has been suggested that the changing of police culture would be a prerequisite where RJ use by the police is concerned, as the traditional police culture and authoritarian practices may present an obstacle to implementing RJ (Young, 2001, p.220). Specifically, the ability to bring up potential difficulties or to admit to problems is not something engrained in police culture, and yet it is necessary if officers are to facilitate restorative meetings within community policing effectively (Shapland, 2009).

Essentially, as aptly put by Moor et al. (2009), the move to a successful, police led, restorative approach requires a culture change on behalf of the police officer. Police officers are given powers to resolve problems, and yet restorative theories approach these from a different angle. Restorative theories posit that crime is the stakeholders’ problem and only they can truly solve it. There is an intrinsic tension or challenge suggested whereby restorative policing may require the police officer to act as a silent stakeholder and facilitator rather than a decision maker, a change which may require the officers to interpret and undertake their role in a new and innovative way (Paterson and Clamp, 2012, p.8). It is further suggested that a common understanding of restorative policing is needed throughout the service hierarchy and across services in order to develop restorative policing in such a manner which ensures that it is not seen by officers as a low level bureaucratic response to resource issues and budget cuts, or incorporated into a law enforcement mentality that leads to net widening’ (Paterson and Clamp, 2012; O’Mahony and Doak, 2004).

In contrast, it has also been suggested that the police officer facilitating restorative justice is not going beyond the remit of their day job, and in fact, that police work in most departments engages the community no more now than it did 20 years ago (McCold, 1998*)*. Therefore, the skills learnt by the police during training in restorative justice techniques are mostly those developed within their everyday duties in the community, and as a result are merely an extension to their everyday work as officers on the beat. The police culture may need to change so that it becomes more restorative on the street (Strang and Braithwaite, 2000), though many would argue that in fact restorative methods are usually implemented by officers on the beat, and that restorative cautions, mediation and conferencing interventions are just a more formal way of processing and controlling their involvement.

**However, there may be implications and drawbacks for those officers, and officers in general, delivering RJ initiatives.**There is evidence which suggests that the police are incapable of being ‘neutral facilitators’ and, therefore, their involvement in restorative processes may undermine the process of reintegrative shaming around which restorative conferencing is specifically based (McCold, 1998; Braithwaite, 1989). Despite this, the RISE programme in Australia was reported to be one of the most ‘fair’ programmes from a participant perspective despite the fact that the programme was developed as a purely police-led process which would be considered as not ‘neutral’ due to their role as prosecutor (Sherman et al., 1998). It has been shown that victims are most likely to appreciate both the symbolic representation of society by a police officer present in the mediation session, and also in the community during their daily work (Daly, 2001).

##  The research design

As stated in the introduction (chapter 1), the aims of this study are to refine the current understanding of the use of RJ by police officers and the police service by looking closely at some police-led initiatives within England and Wales.

It is not the purpose of this study to test or measure the outcomes of RJ, some of which have been described earlier, instead it is to document and consider the manner in which RJ is used by the police service in comparison to the definitions stated earlier and debate ways in which this RJ practice may be developed in order to work in a more comprehensive and universal manner across the country. By also looking at practices in an area in Belgium, we may also compare the rapid growth, development and ideals behind RJ within the British police service with that in Leuven, Belgium. As already stated, the author’s experiences and previous work on Restorative Policing have led to an interpretation of the role of RJ facilitator which is considered to potentially be not suitable to that of a police officer.

The current trend towards low level disposals being used in a restorative manner is developing alongside vague and sporadic guidance and aims, which allow forces to develop and implement RJ in a way which suits their police service best. Therefore, the heterogeneous use of RJ across the country may not only be confusing for victims and offenders, but facilitators and police officers alike. By documenting methods and objectives, this research will assist in the understanding of police views and perspectives of RJ, highlighting problematic areas and drawing findings from observations and interviews with RJ practitioners.

It is clear that research needs to be conducted into the way in which police officers view and use restorative processes, whether their work is truly restorative with regards to fulfilling the needs of both victims and offenders and providing a suitable response to crime, and if officers are suitable facilitators to conduct restorative meetings.

This research will address this by answering the following questions;

* How do police officers in these areas use restorative justice in their daily work?
* How do police officers understand the role and purpose of RJ?
* Does RJ fit into the neighbourhood policing strategy within which RJ is predominantly based in these forces?
* Are police officers suited to the role of restorative facilitator?

Although these questions represent a starting point, the research is exploring the delivery of RJ by the police and therefore is open to exploring understandings and approaches in relation to the development of RJ processes and police-led RJ.

This chapter has covered the theoretical perspectives and supporting literature on the policing role and police culture, and subsequent development of both restorative justice and restorative policing. The general understanding, policy development and implementation of RJ by police services have been discussed, providing a substantive background for the forthcoming research. As well as analysing the current literature on the topic in hand, the literature review also highlights any weaknesses in extant research, both in quality and quantity. Consequently, aiming to partially address this lack of police RJ research, this research continues based on the above research questions and chapter 3, next, outlines the research design.

# Chapter 3 – Methodology

## Introduction

This chapter covers the selection process of the police services for study and details of the research methods. Firstly, the methodologies are covered, concentrating on the nature of comparative research and the subsequent research limitations. Next, as the research is split into two phases, Phase One and Phase Two, these will each be dealt with separately. Phase One methods are discussed before Phase One case studies are described, followed by Phase Two and its case study selection. The case studies in Phase Two are illustrated in terms of the methodological approach used for each one including the data collection techniques. Finally, ethical considerations are discussed. Whilst the topic of Leuven is touched upon briefly here, our Belgian comparator is covered in full (including methods, findings and a brief discussion) in chapter 5 as whilst it is important to consider an international perspective, the researcher feels it necessary to separate Belgium from the British focus of this research.

This research has taken a comparative case study approach informed by symbolic interactionism (Nelken, 2007). Consequently, the main objectives are to answer ‘how’ and ‘why’ exploratory questions, as opposed to investigating the benefits to participants or whether crime has reduced. It seeks to understand the implementation and delivery of RJ in the police service in England. It is not only the RJ processes in use that the researcher is trying to discover, but also the expectations, attitudes and behaviours of practitioners and that those delivering RJ might have concerning their role as a RJ facilitator. In what way are their actions and behaviours supported by internal policy, and how do they, if at all, relate to the rhetoric that exists within RJ literature and restorative ideals regarding the RJ definition and best practice guidance?

Though case studies may be considered to be in some respects narrow in focus in that they only concentrate on a small number of cases, they do allow a greater ‘depth of field’ revealing in some detail many aspects of the phenomena at the same time as the context in which they are found (King and Wincup, 2007). Case studies allow the researcher to ‘deal with the subtleties and intricacies of complex social situations’; in particular, ‘to grapple with relationships and social processes’ (Denscombe, 2003, p.38) present within a given situation. In doing so, the case study approach enables the researcher to gain an understanding of their chosen situations, organisations or relationships; in this case the structure, cultures and attitudes of the police service and officers in relation to the delivery of restorative processes to victims and offenders.

A case study approach has been selected as initial enquiries have demonstrated that this is necessary to study multiple police services in order to examine real-life situations within the police and provide the basis for an understanding of RJ in use by the police. Yin defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used (Yin, 1984, p.23). To refine the understanding of the policing role and their part as an RJ facilitator the case studies will be contrasted and considered somewhat thematically, in that the evident themes, issues and situations may be compared and considered in comparison to the definition discussed earlier in chapter 1. Within the case study programmes, the research will acknowledge both first hand and anecdotal circumstances which are considered for the use of RJ. A case study approach is preferred because it allows the research to establish an ‘extensive understanding’ (Bryman, 2004, p.49) of a case. In addition, the researcher, though able to make recommendations, is unlikely to alter or manipulate the processes. Cases are able to be selected which are thought to be typical uses of the process and allow the opportunity for direct observation and interviewing of practitioners. The characteristics of the type of questions, the contemporary events and the lack of direct control by the researcher therefore justify the case study approach (Yin, 1994, p.6-9).

Whilst the case study approach is criticised in regards to the generalisability of the findings, it has been argued that this is not the point of a case study, and further may not be entirely true. Primarily, it is suggested that a case study is necessary because there is simply not enough known about the field of study and therefore it is difficult to identify the attributes or variables which may be otherwise examined (King and Wincup, 2007, p.28). Where there is little known, exploratory case studies offer the most sensible way forward and it is at the end of a case study approach where one may find a plausible hypothesis to test within further case studies and survey approaches (p.29).

By using a case study design which acts as a ‘focussed comparison’ (Ragin, 1994), the specific features of the core subject under study are explicitly identified and therefore relevant case studies may be included. Whilst identifying that the police culture is a large factor in the delivery and interpretation of RJ processes, it is important to also acknowledge the potential for an ‘interpretive over-reach’ (Waddington, 1999, p.91) whereby common behaviours and values are misconstrued to the police setting, and therefore this research is placed only somewhat lightly within the framework of symbolic interactionism (Blumer, 1969). Due to the fact that ‘the essence of police work was to be found at the ground level’ (Manning and Van Maanen, 1978a), the current knowledge of policing and police culture is at present focussed at the micro-level. Whilst it has been noted that Loftus’ (2009) focus on the persistence of certain aspects of police culture over time is indeed a correct and accurate observation (Cockroft, 2012), it must be remembered that the relationship between the police and wider society is likely to have shifted due to the result of societal vicissitudes over recent decades and ‘the police, are in fact the most accurate reflection of British society, its tolerance, its strengths and its weaknesses’ (Sir Robert Mark, 1977, p.33). Whilst there may be variations and indeed levels of strength in this reflection, Waddington (1999) would widely agree that seemingly ingrained police cultural aspects are prevalent within wider culture and therefore not at all distinctive to the police environment. Though this is further argued to be partially due to a lack of comparative research in the area, it is also true that the large amount of police-focused research over the last 40 years has concentrated these cultural traits unfairly towards the police, as opposed to simultaneously comparing another occupation. Therefore, it is important not to fall into a trap of ‘over-reach’ and inaccurately consider behaviours and ideals displayed by the police to be ‘distinctive’ to the police setting (Waddington, 1999, p.91).

The researcher considers it important to remember that the human is a social person, and their interactions with others shape their behaviours. In addition, they are able to make their own decisions, and are not simply conditioned nor products of society. Their understanding of the situation within which they find themselves placed goes far to affect their behaviour, and therefore it is the present situation which results in certain actions. Consequently, humans are actively involved in their behaviours and actions, and can be held responsible for their activities (Charon, 2004). Whilst this is a broad framework to work under (Stryker and Vryan, 2003), it is useful to remember where the research is looking at the behaviours and cultures displayed by the police service. Behaviour is thought not to be defined by the situation, but instead is considered a reflexive, socially understood meaning of both the internal and external incentives that are presented (Meltzer et al., 1975). The interactions with others are based on the meanings attached to such actions combined with an inner dialogue which encourages an interpretive process of the situation and consequent outcomes of their actions. Furthermore, it must be considered when attempting to understand how and why practices are implemented as the institutional practices, education, social interactions and personal beliefs will invariably shape the application of processes by the police officer.

The nature of this research has led the researcher to conduct the fieldwork in two phases of study. The first looks broadly at four police services selected in order to gain an overview of the current practices and RJ processes used by the police in England and Wales. These forces have previously acknowledged publicly that they are implementing RJ in some way. In addition, the town of Leuven in Belgium is considered as an international comparator. Leuven police service has integrated the delivery of mediation to victims and offenders to operate within the police service as opposed to using an external service. Phase Two focuses on two case studies (South Yorkshire Police and Thames Valley Police) in greater depth than within Phase One. They were selected for their relative experience in using RJ – Thames Valley being well established from using pilots at an early stage, and South Yorkshire having rolled out force-wide only in 2011.

## Conducting comparative research

It has been suggested that by adopting a carefully selected comparative case study the positive aspects of a case study approach may be subsequently increased. It is stated that comparative approaches are desirable in that by adopting appropriate methodologies we can begin to understand ‘the other’ (Godfrey et al., 2003, p.2-4). Indeed, Hardie-Bick et al. (2005) stated that ‘any criminology worthy of the name should contain a comparative dimension’ (p.1). Though there is on-going debate with regards to the interchangeable nature of the terms ‘comparative’ and ‘international’ (Heidensohn, 2007), it may be concluded that there is considerable importance in comparative work in an era of globalisation which has arguably had a profound impact on criminology and criminal justice (Chan, 2005). Whilst a case study approach implies a triangulation of methods, by also including research abroad it is possible to discover practices which challenge the way in which we ‘do things at home’ (Nelken, 2000, p.11) and further yield the possibilities to rethink the practices as a whole in light of how things are done elsewhere (Hodgson, 2000). Nonetheless, the literature is poorly equipped with theories explaining how different criminal justice systems fit together.

Most texts on comparative criminal justice contain little information about the actual process of doing research. Nonetheless, Nelken suggests that there is never only one ideal research method (2007), and thus the method is inextricably linked with the objectives being pursued. Furthermore, and taking into account an international element, he argues that most texts on comparative criminology say very little about the actual process of doing cross cultural research and Hodgson further agrees that ‘there are few established frameworks or systematic approaches’ (2000, p.140). Furthermore, many studies are formal descriptions of institutions, rules and processes, ‘providing a static backdrop’; yet tell us nothing of the daily workings of or practices within the system (Hodgson, 2000, p.141). Nelken further suggests three possible research strategies which may be adopted by comparative researchers: ‘virtually there, researching there or living there’ (2002, p.181). Moreover, with regards to carrying out comparative and indeed international research, researching in situ may also lead to open-ended enquires and the discovery of information which may not be previously written down, such as when theory and practices do not coincide (Hodgson, 2000).

It is important to use a comparative study as a perspective rather than a method, in order to reflect upon the institutional structures and experiences, and by reflecting on the institutional structures and experiences in this way we can begin to reassess our own culture and values by providing a constant ‘foil’- an ‘other’ against which to view the system (Hodgson, 2000, p.144). By theoretically informing the case study, it is possible to select cases whereby certain assumptions may be tested and prove to be a great contributor to the knowledge on the subject (Popper, 1994). An interpretivist approach seeks to interpret what is distinctive in the practice and discourse of a given system (Zedner, 1995), for example it is clear from the literature that France works with one model of ‘mediation’ whereas in England and Wales it is found that there are many (Crawford, 2000). In order to understand the ‘other’, however, the researcher must interpret what is distinctive in practice in one system, and place it in comparison with another system (Nelken, 2007).

Heidensohn and Farrell suggest that in order to study crime comparatively, three conditions must be met. Firstly, there must be sources of material and data with which to make comparisons. Secondly, translatable concepts must be available in order to order and analyse such data. Finally, some kind of framework, part universe of discourse, part set of common concerns, must exist (1991, p.10). Where comparative case studies such as these may be considered, they have substantial merits – as previously mentioned – and may provide answers to a range of policy questions. Though issues arise with regards to generalisability, a triangulation or mixed methods approach may be able to provide in-depth analysis to issues such as imprisonment or policing (Heidensohn, 2007, p.208). Further, Heidensohn attempted to develop a taxonomy detailing the distinctions and categories for different types of cross-national work along with their advantages and disadvantages (Heidensohn, 2006). Ultimately, each category involves levels of reliance on local experts and interpreters (2006, p.186-7) and commonly there is an assumption of a translation problem, be it in language or culture. However, underpinning all categories of comparative approach is the belief that the researcher can disaggregate, interrogate and theorise a culture which is not their own. These beliefs may be reduced to the following:

* That universal phenomena exist but are conditioned by specific contextual and local factors
* That cultural shifts can create new realities

(Godfrey et al., 2003, p.2-4)

The researcher must be aware that restorative practices involving offenders vary in ‘their potential scope, range and intentions’ and that ‘RJ programmes worldwide vary considerably in what they do’ (O’Mahony and Doak, 2009, p.141). Therefore, in order to develop an understanding of the provisions and restorative processes present in each case study, utilising the knowledge of local experts and facilitators, the researcher may come to comprehend the individual characteristics, patterns and traditions present within each area. Case studies, both within and between countries, may share similarities, but in addition may present significant alternative aspects individual to the area, affected by the local culture. In respect of the use of RJ by the police, this culture may be shaped, not exhaustively, by local traditions, language, politics, public perceptions and the police actions themselves.

One key problem within cross-cultural research is that of comparing like with like. Despite this, as Zedner has emphasised: ‘it is rarely possible to attain equivalent familiarity with two cultures’ (Zedner, 1995, p.519). In an attempt to solve this problem the Belgian research is primarily based on academic literature from the University of Leuven, with which The University of Sheffield has long-standing research links, and meetings were set up in Leuven with influential authors and practitioners to consider any confusing terms and alternative definitions and to understand the Belgian perspective. The Belgian studies are published in English and the researcher is confident that the levels of English spoken by the Belgian contacts were very good, if not fluent.

With regards to the differences in the legal system, whilst in England and Wales we may refer to the Belgium system as inquisitorial in contrast to our adversarial system, though academics and practitioners there are quick to correct that assumption. In countries such as the Netherlands, Belgium, and France, there is tendency to refer to the system as ‘mixed’ (Nelken, 2000) or of a system that is ‘moderately inquisitorial’ (Brants and Field, 1997, p.406). However, due to the differences in legal system, it is expected that there will be some disparity between terms and descriptions. For example, with regards to the word ‘diversion’ it is clear that the English and Dutch systems see this concept very differently. In England and Wales diversion is often regarded as taking the case out of the criminal justice system and consequently not undergoing prosecution. On the other hand, the Dutch view diversion as an intrinsic part of the criminal justice system, whereby the case ‘diverts’ from retributive punishment towards a meaningful resolution such as mediation and reparation (Brants and Field, 2000). In this respect, it is likely that Belgian practices (especially in Flanders – the Dutch/Flemish speaking Belgian region) operate under a similar notion – considering diversion as away from retributive punishment yet still well within the criminal justice system, and thus including mediation services within the remit of the criminal justice and policing services rather than excluding them through diversion which is a common assumption within England and Wales. These differences are said to exist not due to differing institutional pressures - such as the need to process cases cheaply – but the cultural attitudes through which these pressures have subsequently been filtered (Brants and Field, 2000). For instance, in the Netherlands there has been a tendency for less punitive methods of social control and a broad interpretation of criminal law and criminal procedure, consequently providing the authorities with the ability to rely on methods of diversion that, in England and Wales, would not be regarded as criminal justice at all (p. 80).

## Research limitations

As previously mentioned, commentators agree that the majority of issues encountered within the comparative approach are regarding definition, measurement, dark figures and access problems. Given these difficulties, it is unsurprising that many scholars advocate going to the research site in person, especially where you are attempting to compare ‘like with like’ (Crawford, 2000). It may therefore be argued that a particular weakness of the comparative approach, including where observations are utilised in order to gather data, is that it is unclear how the outcomes of interviews and observations constitute regularity. It may be considered that the outcomes of such interactions are numerous in possibilities, and where they are perhaps considered to look the same, we may still not be comparing like with like.

Furthermore, we must consider the method of conducting research in areas where the researcher is an outsider. As Nelken (2000) covered in his commentary on ‘being there’, though aimed primarily at ethnographic research designs, it must be remembered when conducting any research that the researcher cannot possibly experience everything first hand. However, by consulting experts and interviewing practitioners the researcher may begin to understand the cultural background in order to identify the right questions to ask (Nelken, 2000, p.25). This may be applied similarly when considering organisations or situations which are not ‘native’ to the researcher. If we consider the police service as an organisation within which the researcher does not frequently work, it should also be considered appropriate to first interview experts, managers and leading practitioners in each case study area in order to understand the background and necessary questions to ask operational officers. In addition, when gathering data in Leuven, the researcher must first consult the leading academics in the area (both geographical and topical) in order to understand the local culture, policing structure and restorative options available before interviewing local practitioners. Furthermore, Nelken suggests that by carrying out research in this manner the relationship between the host society and the researcher develops in such a way so that new and more apt questions may be formulated, therefore progressing the researcher from the observing participant to one who begins to ‘go native’ (2000, p.26) and consequently is able to look at the research question from a different perspective. Most importantly, when considering research methods of ‘researching there’ (Nelken, 2000, p.35) open ended questions can lead to the discovery of new routes of enquiry which may not have been obvious from previous literature. In this vein, some things are not written down because they are secrets, or do not coincide with theory and practice, and therefore the most crucial manner in which to gather information is outside of formal interview settings, through observations and conversations within the normal working environment (Hodgson, 2000).

In spite of the limitations and implications for the research design when researching RJ using a case study approach, the author accepts that these problems are unavoidable in such a small scale project. Further, it is accepted that existing experts in the field will provide valuable insights and direction where interviews and observations are conducted, especially in case study locations overseas. It is acknowledged, in accordance with symbolic interactionism, that an understanding of the RJ methods implemented by police services must include the officer perspectives and opinions and any facilitator’s perceptions of the process. As discussed, pre-existing literature focuses heavily on outcomes and the perceptions of victims and offenders, yet this research recognises the importance of considering the facilitator as an influence in any outcomes. Further, it is accepted that the police officer must be considered as acting under a distinct level of free-will with a level of discretion. However, the concern of ‘over-reach’ (Waddington, 1999) is known to the researcher and is stressed that interactions between participants and the officer may not be specific to the policing culture, and instead may be due to multiple values and beliefs within society and the community.

## Phase One

### Phase One methods

As the focus of Phase One was to understand force positions on RJ delivery and implementation of restorative processes, the research methods used reflected the aims to gather descriptive information from key informants who are most knowledgeable within this area.

Phase One focussed on interviews as ‘conversations with a purpose of gathering information’ (Berg, 2001, p.57). The main benefit, therefore, of conducting interviews is that it allows the researcher to gather information which is otherwise not made easily accessible to the public, and to gain a personal insight into participants’ experiences and involvement in the RJ programmes in place in their police service. However, it does include the potential disadvantage of interviewer bias, most likely as subjective bias on the part of the interviewer or introduced by the interview situation (Hagen, 2010, p.167). In order to try and prevent interviewer bias, a semi-structured approach sought factual information and an understanding of the interviewee’s views. Open-ended questions, whilst presenting tabulation difficulties with regards to data processing, provide qualitative detail and the complexity of response necessary for a more qualitative analysis.

Instead of the interviews taking a purely traditional approach in an attempt to gain information from the interviewee without influencing their views or beliefs about the situation, or an approach structured around an open interview seeking to elicit the conceptual framework of the interviewee, the interviews in Phase One resonated much more with the researcher’s pre-existing knowledge of the subject and prior experience of interviewing. In this respect it could be described as taking a ‘realist’ approach (Pawson and Tilley, 1997). As Pawson and Tilley encouraged, the interview may infer a teacher – learner relationship (1997, p.166) and this was especially relevant where the interviewees were interested in learning the researcher’s perspective and understanding of RJ and its use in other areas. However, though the researcher’s knowledge of RJ theory and implementation may be a topic of conversation, it is important to stress that despite Pawson and Tilley’s approach automatically promoting the researcher to the ‘expert’ in the interview situation, this was not always the case. Indeed, the researcher placed the ‘teacher’ role often with the interviewee in order to lessen any feelings of hierarchy or criticism (Gummesson, 2000) and further allow their opportunity for contribution in order for the research to develop. Therefore, in order to allow for maximum gleaning of information, the researcher must show interest to encourage an honest and frank discussion about the use and implementation of methods of RJ. Whilst taking on the ‘teacher’ role, the researcher must not be overly challenging or critical of the views of the interviewee. The emphasis must be that the researcher is eager to learn about what the interviewee has to say, and shows a willingness to acknowledge their views, perspectives and beliefs.

Despite the hierarchical assumptions surrounding Pawson and Tilley’s (1997) framework, the inclusion of the researcher’s theory could be integrated into the interview schedule by way of exploring its relevance once the interviewees had themselves demonstrated their thoughts on the development and implementation of RJ throughout the police service. The interview could then progress from a descriptive stage whereby the interviewee could describe the aspects which were important in their eyes, to a stage where the researcher and interviewee discussed the researcher’s theoretical understanding. This structure was fairly easy to achieve within the Phase One interviews, for the participants were knowledgeable and respected in their area and were used to discussing their role.

Within each police service, Phase One interviews provided an opportunity for the researcher to discuss the proposed Phase Two methods with the managers and practitioners to determine whether they were able to participate and if so, to agree the research methods. Through these interviews, the services ultimately dictated how involved the researcher could be and some methods were not deemed to be permissible. This led to a modification of approach in Phase Two of the research (covered below).

It proved difficult to access accurate records of RJ use directly from the police services approached, mainly due to some confusion or absence of a commonly recognised data collection or monitoring within the police service. When asked whether the researcher was able to access this kind of data, officers often responded that they were unsure or would have to ‘look into’ whether any force-wide data was held with respect to RJ delivery. Though this is an issue, it is not critical to the main research questions of how officers understand and deliver RJ within their daily work. It does, however, limit any sort of quantitative analysis regarding delivery rates and officer perceptions.

The primary aim of the Phase One interviews was to produce a description of the RJ processes in use within these four police services. Further, another objective was to understand how the managers and RJ leads understood any immediate issues, problems or positive aspects which were viewed to be instrumental within police officer use of RJ processes further down the hierarchy. An additional objective was to identify any force guidance or guidelines for RJ use or implementation.

Police services were selected from a total of the 33 (out of the national 43 forces) that had reported implementing RJ as part of their police work (Shewan, 2010). From these 33 identified, four police services were identified which, from their force websites, appeared to use RJ as a disposal or referral for offenders within clear guidelines, and were also within reasonable travelling distance for the researcher. Furthermore, these police services displayed interest in being involved in the research when first approached. Interviews were conducted at a time and in a manner which was convenient to the participant at each police service. In most cases interviews were carried out face-to-face but in some circumstances where their availability did not allow, further interviews were conducted over the telephone.

Interviews were conducted with those who were heavily influential or were the police service managers of RJ from the following police services who agreed to be identified within this work as:

* Thames Valley Police
* Humberside Police
* South Yorkshire Police
* Merseyside Police.

Whilst the above forces are described in depth below, two other police services were considered for inclusion within Phase One. Both Lancashire and Greater Manchester police were investigated for viability as a case study, however despite the closeness, Lancashire was not selected due to insufficient information available regarding force guidelines and, at that time, commitment to the integration of RJ throughout the force. Further, access provided problematic to gain from Greater Manchester and therefore this police service was not possible for inclusion within Phase One, despite showing initial positive results regarding force-wide use of RJ. Thus, the criteria for case study selection for Phase One were both theoretical and pragmatic. Of the latter, the most important criteria were that the police force was able and willing to discuss their RJ processes with the researcher and initially demonstrated a regular use of RJ by police officers on their respective website.

The interviews lasted from 45 to 75 minutes. Individuals considered to be performing a substantial and critical role within their respective police force by way of introducing and managing the RJ programmes were invited to participate. When commencing each interview the purpose of the study and the ethics protocol was explained and reaffirmed, and permission to record the conversation was confirmed. Interviews were pre-arranged and either took place in their respective police force office (in private), or via telephone interview at a designated time where both researcher and interviewee could be best prepared between February and March 2012. In face-to-face interviews audio recording equipment was used to aid memory recall and short-hand notes were taken during telephone interviews, both with the permission of the interviewee. As far as possible meetings were held at a time and place at the convenience of the interviewee, and the interview structure was loosely structured with a focus on gathering the following information:

1. The force position and history of RJ delivery and implementation of restorative processes
2. The available restorative processes available to be utilised by police officers
3. Their opinions and beliefs about the impact of RJ and its correct usage.

Prior to these interviews with RJ managers, the researcher had conducted a broad literature search which included force promotional materials on RJ methods and data which were gathered systematically by the police services and force guidelines on processes currently implemented by these police services. This consequently provided an in-depth perspective towards the service policies, views and experiences of the participants. The interviews were essential in gaining a richer and more detailed picture of the current RJ processes being utilised by police officers than had been possible through the literature and document search. Consideration was given to ensure that the questions used within the interviews were able to allow the interviewee a substantial opportunity to answer the research questions whilst providing details of the participant’s knowledge of the force RJ initiatives, how and when RJ is implemented by officers. The interviews provided an invaluable opportunity to review and confirm the data acquired from the published materials, and to verify the information available from external sources.

Thames Valley Police

The Thames Valley Police service (TVP) is one of the largest police forces in England and Wales. It covers the counties of Berkshire, Buckinghamshire and Oxfordshire, and it is split into fourteen Local Policing Areas (LPAs). The service website states that from April 2011, RJ in Thames Valley became incorporated within the local Integrated Offender Management[[9]](#footnote-9) framework (whereby partner agencies come together to ensure that the offenders whose crimes cause most damage and harm locally are managed in a co-ordinated way). The use of RJ is currently under review with regards to how it fits in to the service considering the national perspective and its future within TVP.

Thames Valley is suggested to have been a leader in the development and availability of restorative approaches to justice for many years (HMIC, 2005), and RJ has been used by Thames Valley Police (including with partner agencies) since 1993. In 1998 the police force launched a restorative cautioning initiative for young people, where officers used a script to facilitate a structured discussion about the harm caused by the offence and how this could be repaired (Hoyle et al., 2002). Here, it was found that within the first three years of the initiative, 12,065 restorative cautions were administered, and this pilot was one of the largest police-led RJ programmes in the UK.

In a recent freedom of information request, Thames Valley was shown to have delivered 1,220 youth restorative disposals between the months of February and June 2010[[10]](#footnote-10). Further, Thames Valley’s data state that between April and June 2011 3.4% of detected crimes were disposed of by way of ARD and YRD, most predominately cases involving assault without injury, public disorder offences, theft and handling offences, criminal damage and minor drugs offences. Here it was additionally stated that the overall percentage of all crimes in Thames Valley that was solved, including restorative disposals and sanction detections combined, between April and June 2011, was 26.6% (Thames Valley Police, 2011). Since then, RJ is said to have been applied extensively as a method of providing intervention for pre-court youth cases, as a problem-solving tool for selected suitably trained officers and staff to deal with a range of community issues and low level adult offending and the police service is considered to be ‘a leading light in the development and application of restorative forms of justice’ (HMIC, 2005, p.3).

Consistent with the research strategy of concentrating Phase One on information collection from influential RJ managers and facilitators, the interview carried out in Thames Valley was initially with the newly appointed police officer in charge of RJ. The interviewee’s job role was shaped due to the new arrangement of the ‘shared service’ in Thames Valley Police which worked as part of the inclusion of RJ in IOM (Integrated Offender Management) within youth justice. It was his role to review the use of RJ within TVP and create a new strategy. The interview, however, was not primarily concerned with any new plans and instead focussed on the current use of RJ by police officers in TVP. The interview started as an informal conversation regarding the history and development of RJ within the police force and the researcher introduced the semi-structured interview in order to cover all aspects of questions in the most natural way possible.

A second, informal, interview followed at a later date with the Assistant Chief Constable and RJ manager in order to introduce the researcher and the research, and whilst clarifying any points raised within the initial interview, also made enquiries into the research programme and schedule for the next phase of the research. Both interviews were recorded with the interviewees’ consent.

South Yorkshire Police

South Yorkshire Police (SYP) is the thirteenth largest of the 43 police forces within England and Wales with responsibility for policing in Barnsley, Doncaster, Rotherham and Sheffield. In 2009, the South Yorkshire Police senior command team endorsed the development of a corporate model of RJ to be implemented across the county (Meadows et al., 2012). Furthermore, the South Yorkshire Restorative Justice Programme (SYRJP) was developed via a partnership between SYP and the Local Criminal Justice Board (LCJB). The SYRJP was independently evaluated by the Hallam Centre for Community Justice at Sheffield Hallam University, commissioned in January 2011 by South Yorkshire Police and partners in order to assess the victim, offender, community and officer perceptions (Meadows et al., 2012, p.9).

Statistics released from South Yorkshire police show that between March and August 2010, more than 425 cases had been resolved using restorative practices (South Yorkshire Police, 2010) and by March 2011 1,300 RJ interventions had been recorded since the launch in 2010 (South Yorkshire Police, 2011a). In the first instance, 1,700 front line officers were trained in the use of restorative disposals, and then a further 160 trained in conferencing by the local mediation service Remedi. Since the inception of the SYRJP in March 2011 until February 2012 a total of 3,357 RJ interventions had been carried out across the county (Meadows et al., 2012, p.22)

As noted above, a series of interviews were conducted with RJ managers and leading facilitators in the areas covered in Phase One. In South Yorkshire, an interview was conducted with a senior officer within the criminal justice administration department who was in charge of overseeing the de-centralisation of the SYRJP as it was gradually disbanded to the district commanders for their control.

A previous contact created during the researcher’s earlier dissertation project (discussed in chapter 1) with SYP was also interviewed outside of the police station as they had since retired from the police service. It was important to utilise their experience and knowledge in order to reach the appropriate participants who were still present within SYP. The previous managers of RJ had retired upon the decentralisation of the SYRJP and the current member of staff interviewed had not been in the position for a long period of time, nor could they comment substantially on the history or development of the RJ processes being implemented in SYP.

Humberside Police

Humberside Police covers the East Riding of Yorkshire, the city of Kingston upon Hull, North Lincolnshire and North East Lincolnshire, each of which acts as an individual BCU (Basic Command Unit) or Division.

In Humberside, restorative justice and the use of restorative practices are very new concepts and were at the time of the interview mainly being used only within one Division (Hull). In 2006, after the 2005 national conference launching the document ‘*Restorative Justice: Helping to meet local needs – A Guide for Local Criminal Justice Boards and Agencies’,* agencies in Hull commenced attending restorative conferencing training. RJ was already embedded within Hull, particularly within YOTs where seconded police officers use RJ practices in the delivery of reprimands and warnings to young people. It was further acknowledged by the Humberside Police Authority that these methods may be extendable to make greater use of restorative practices, especially within the Neighbourhood Policing model in use at the time of the research taking place. The Hull Centre for Restorative Practice website[[11]](#footnote-11) states that in 2012, 200 police and community support officers had received a 1 day ‘Introduction to Restorative Practices’ training course, with 85 of those officers trained to facilitate RJ conferences.

At the time of data collection, the force website showed that all neighbourhood police staff had been trained and there was a programme of on-going training that included special constables and investigation teams so that restorative solutions may be widely used to deal with community issues. In addition, police-run restorative conferencing was said to have been in operation in previous years in the Humberside police area (Marshall, 1999).

A senior officer in charge of RJ was difficult to identify, and indeed get in contact with, within Humberside Police. This was primarily due to the officer who was usually in charge of RJ within the service being due to retire and therefore unable to accommodate the researcher’s interview request. Despite this, one of the ‘RJ champions’ for the force, as identified by the Chief Constable’s staff officer, was available to conduct a telephone interview. The ‘RJ champion’ identified was a Chief Inspector in charge of a neighbourhood policing district which had been indicated on the force website to be one of the more prominent users of RJ within Humberside Police.

Due to the officer’s operational difficulties, it was decided to conduct a telephone interview at the interviewee’s convenience. Here, it was not possible to audio record the conversation and thus the researcher took handwritten notes. The interview was brief, and provided an overview of the current RJ usage within Humberside Police. For this reason, the interview did not take the ‘realist’ approach described above as there was not a reasonable amount of time available for this to occur.

Merseyside Police

Merseyside Police covers the entirety of the borough of Merseyside in the North West of England, and includes the six areas of Liverpool North, Liverpool South, Sefton, Wirral, St Helens and Knowsley.

As in most police forces in England and Wales, RJ in Merseyside is still fairly new and was formally introduced in April 2010 following a pilot on triage[[12]](#footnote-12) in the area of St Helens – alongside 46 other sites within the UK. This six month pilot of the use of Street Restorative Justice resolutions ran from April to September 2012, and is reported to have reflected the huge benefits identified in other police areas, including victim satisfaction, officer satisfaction, speedy less bureaucratic investigations and a reduction in first time entrants into the criminal justice system (Merseyside Police, 2011). Simultaneously, RJ disposals were introduced as a means of dealing with offenders informally, for low level offences (Martland, 2012, p.13). A force wide roll-out of RJ disposals was subsequently later introduced as a means of dealing with offenders informally, for ‘low level’ offenders, and was intended to prevent the need for arrest or more formal sanctions (Martland, 2012), though the relatively new use of RJ provided minimal information on its use and implementation.

The interviewee within Merseyside police was identified through his previous contact with members of Sheffield University regarding his recent work and involvement with RJ within Merseyside Police. The interviewee was a senior officer who had much experience as an officer in the RJ area. Due to his experience and background in RJ research, the interviewee was happy to participate and agreed to a telephone interview. The interview lasted around 45 minutes and covered aspects of the use of RJ by Merseyside Police including the history (including pilots) and the current use by both response and neighbourhood officers. Whilst maintaining the ‘realist’ approach, there was also an opportunity to discuss the findings of the interviewee’s previous research conducted into the use of RJ in diverting young offenders from the criminal justice system.

## Phase Two

### Phase Two Methods

Early research into police behaviour has been criticised for its lack of acknowledgment of the role of supervisors, supervision and bureaucracy in the study of the relationship between police culture and police action (Cockroft, 2012). Further, Manning (2007) considers it important to understand what happens and the narrative of what should happen when studying the representative dimensions of police work (p.59). As discussed previously, the police culture is considered widely to consist of an operational culture and an oral culture (Waddington, 1999) where the operational – what they do – may be compared with the oral – what they say they do. Where methodological decisions arise, therefore, it is considered important not to underestimate the relationship between narratives and behaviours and further to adopt a wider variety of methodological approaches (Punch, 1985).

As commented upon earlier, the approach applied to conducting interviews in Phase One maintained a ‘teacher-learner’ approach, whereby the researcher predominantly acted as the learner (Pawson and Tilley, 1997). However, within Phase Two where the interviews were carried out with less influential, experienced or confident officers, it because clear that it was the researcher who was often seen as the ‘teacher’ as the police officers were interested in the researcher’s thoughts and views of their actions or the service policy. In this respect, a different approach was required when interacting with case study participants who were less confident and thus less willing to challenge the views of the researcher. Therefore, the researcher managed these relationships differently, so as to maximise the willingness of the participant to contribute, by showing a willingness and eagerness to learn from their opinions.

The initial four case study areas participating in Phase One were reduced to two case studies (South Yorkshire Police and Thames Valley Police) for the in-depth study of Phase Two. Though this was marginally due to the attrition rates of police services willing to be involved further in the research, as Yin identifies it may also have its advantages as though a multiple case study approach can provide valuable information, it also ‘requires extensive resources and time beyond the means of a single student’ (1994, p.45). From the initial scoping interviews in Phase One with service managers and key RJ facilitators, two case studies were selected for Phase Two as they displayed a range of RJ processes in implementation across their respective districts, with varying rates of use and variable levels of experience. Both case studies provided RJ justification through stating the need to reduce criminalisation of young people and subsequent entrants to the criminal justice system for low level offences. Furthermore, within these services it was identified that RJ was used by both response and neighbourhood team officers, with both cases also having the ability to refer cases to an alternative body for further mediation services. Within these services, the participants were identified as those who have the ability to deliver RJ as part of their daily work, and were therefore expected to have had training in RJ and experience in dealing with matters where a restorative outcome may be considered. The participants were used as part of the case studies in order to enhance the overall picture the researcher obtained of the service implementation by understanding their opinions, anecdotes and history in involvement with RJ and the police service. Additionally, the participants provided a means to examine whether the police services operated in the way which corresponded to both the operational guidelines and the theoretical basis of the RJ process as covered in chapter 1.

The methods used in Phase Two were to carry out observations with both response teams and neighbourhood policing teams, and also to conduct a vignette style survey where the opportunity presented.

Vignettes are typically short stories or situations depicting a fictional character or scenarios appropriate to a particular study. The story offered places the behaviour of the character in a concrete context and allows the researcher to explore the participant’s views and reactions arising from the situation (O’Dell et al., 2012). Using a vignette approach allows the researcher to systematically explore the issues that could, potentially, be sensitive to research participants as it allows participants to control whether they disclose personal information (Barter and Reynold, 2004), and can encourage participants to step into other’s shoes and interpret the scenario for an external point of view. In this respect, participants are able to discuss issues from a ‘non personal and therefore less-threatening perspective’ (Hughes, 1998, p.383). It is acknowledged that there are ‘multiple ways of representing knowledge’ (Wertsch, 1991, p.13) and therefore at the individual level this can include dialogues between the different positions that the participant may adopt. For example, the officer may place themselves in the victim’s, offender’s or officer’s shoes and discuss the situation from alternative standpoints. This concept of ‘dialogicality’ (Hermans, 2001; Wertsch, 1991) argues that research must take into account the multi-voiced perspective of a participant’s views. By taking this perspective, it is valuable to identify these multiple voices (O’Dell et al., 2012) and how they dialogue with each other as an attempt to understand ‘how and why a particular voice occupies centre stage, that is, why it is ‘privileged’ in a particular setting’ (Wertsch, 1991, p.14). Thus, it is interesting to explore why an officer may behave the way that they do towards a particular offender, why they choose to deliver an RJ process in one way over another, and how they feel about doing so.

This narrative representation of events has been suggested to be functionally comparable to the corresponding real life encounters (Parkinson and Manstead, 1993, p.296), though arguably it cannot fully capture the reality under study (Hughes and Huby, 2004, p.45). The use of a vignette cannot easily replicate ‘real’ conditions due to the distinct lack of emotional involvement which may occur in practice (Spratt, 2001) and subsequently the study may not be necessarily focused on what the participant might do in a specific situation, but rather their subjective perceptions, feelings and experiences. Hughes and Huby (2004) argue that participants may give reactions to the vignettes that they think that their colleagues would give rather than their personal views. The method is considered a useful addition to case study research due to its schematic nature and the lack of detail within the vignettes which allows participants to fill in the gaps which may reveal important data for the research (O’Dell et al., 2012). Due to this fact, the participant’s interpretation may be considered a valuable addition to the nature of study, rather than a weakness. However, it also must be remembered during interpretation and analysis of vignette data that a participant could have answered in either the first (themselves) or third (another) person due to the fact that some ‘social stake is always involved in the version of reality that is presented’ (Parkinson and Manstead, 1993, p.320).

The vignettes used in this research were developed by the researcher and were intended to reflect a variety of cases and situations which a police officer may come across in their work. They were piloted with 3 retired police officers from three different police services in order to gain their insight towards any potential problems and probable outcomes. The final vignettes can be seen in Appendix 1, and were intended to be brief in order to act as a discussion point, prompt some imagination on the part of the police officer and remain clearly understandable as to the situation involved.

In addition, Goldstein (1960) has identified the aspects of ‘low visibility’ everyday policing which make it especially difficult to research. The nature of police work being away from the immediate accountability of supervisors and oversight of managers means that officers are afforded with considerable scope for making their accounts the authoritative ones as there are usually no challenging accounts from those who are being policed who remain firmly low in the ‘politics of discreditability’ (Box and Russell, 1975). In order for the researcher to penetrate this low visibility, observation is necessary to analyse both the practices and culture of policing (Noaks and Wincup, 2004). It has been stated that a combination of methodological tools - notably observation, interviewing and documentary analysis (Noaks and Wincup, 2004) – may be more appropriate than using one method, especially where we are considering ‘what works’ (Weisburd and Eck, 2004). Where there is opportunity for a triangulation between sources, this may assist in overcoming the problem of never knowing for certain whether what the police do in front of observers, or what they say to interviewers, is intended to present an acceptable face to outsiders. For these reasons, it was considered important by the researcher that observations were included in Phase Two research, as well as using the vignettes within a semi-structured interview. It is clear that the police officers studied may invariably have been anxious with regards to how they may be portrayed to others and so there are issues surrounding access and trust within police research.

### Case Studies

In a similar manner to Phase One, the criteria for case study selection for Phase Two were both theoretical and pragmatic. The primary aim of these Phase Two interviews was to understand the operational police officers’ role and how RJ may, or may not, be included within that. Further, another objective was to appreciate operational officers’ and RJ facilitators’ understanding of restorative processes and whether they had encountered any issues or problems or identified any positive aspects which might be instrumental in their discretionary use of RJ. The two police services identified - Thames Valley and South Yorkshire - displayed positive signs of broad use of RJ amongst police officers and equally were both open to further research and access opportunities. In addition, Thames Valley and South Yorkshire police service were at different stages of implementation and historical involvement with RJ, therefore providing contrasting experiences of delivering RJ. It was decided to conduct the research in policing areas within these services which were implementing restorative measures at street level facilitated by officers, and had been previously identified and contacts established in Phase One. The police officers involved in the secondary research stage were those who had been identified by the senior officers used in Phase One, and were available to spend time talking about their experiences.

Interviews were conducted with operational officers and RJ facilitators from both South Yorkshire Police and Thames Valley Police. The researcher also carried out observations with operational officers in response teams and safer neighbourhood teams, spending shifts with officers and discussing their daily work and any issues that arose. Here, interviews were conducted in an informal manner – for example during a meal break or whilst driving in the car – and notes were taken by the researcher if appropriate. Fieldnotes were collated by the researcher at the first opportunity immediately following the interview or observation, away from the station or participant in order to not interfere with their work or make them feel uncomfortable. Individuals and teams were identified by participants involved in Phase One, and the researcher was paired with one or more operational officers for the duration of their shift. Where it was not possible to carry out individual interviews or observations, the researcher conducted two focus groups with a team of neighbourhood officers.

Within Phase Two, the main foci on gathering the following information were:

1. The type of jobs that the officer’s daily work entailed
2. The officer’s ability and history of RJ delivery and implementation of restorative processes
3. The restorative processes available to be utilised by police officers
4. Their opinions and beliefs on the impact of RJ and its correct usage.

Thames Valley Police (TVP)

Within Thames Valley Police, following on from the initial identification and interviews carried out in Phase One, 6 interviews were conducted with operational police officers with RJ roles in each of two divisions – Milton Keynes and Buckingham. These interviews were within normal shift hours at Milton Keynes Police Station and Buckingham Police station and were conducted with a mixture of neighbourhood, response and YOT officers. In total, 10 vignettes were completed by officers during the formal interviews by way of exploring their thoughts and approaches towards RJ delivery. The two officers who did not complete vignettes did not have time to complete them after the interview. In addition, an interview was carried out with the RJ manager who was in charge of youth offender processing, a YOT officer and the Buckingham schools’ officer.

From these interviews, contacts were made with police officers who arranged for the researcher to carry out observations as a civilian observer. These observations were carried out on a variety of shifts (7-4pm, 2-10pm, 4-12pm) with both response and neighbourhood policing teams at both the Milton Keynes and Buckingham stations. Whilst only part of these observations touched on the use of RJ, it has been useful to return to the researcher’s field notes to inform the conclusions of the delivery of the RJ processes within the police officer’s daily work. These will be referred to within the findings and general discussion.

Table 3.5.3 (below) summarises all of Thames Valley Phase Two methods.

*3.5.3. - Summary of Phase Two Thames Valley Police Methods*

|  |  |
| --- | --- |
| Hours of Observations with Response Teams | 15 |
| Hours of Observations with Neighbourhood Teams | 16 |
| No. of formal interviews with operational police officers | 12 |
| No. of Interviews with RJ facilitators | 2 |
| No. of Vignettes completed by police officers | 10 |

South Yorkshire Police (SYP)

An original attraction of including South Yorkshire Police in the research, was not only it being the researcher’s local service, but that the recent roll-out of force-wide RJ meant that there was opportunity for research to expand into more than one district of South Yorkshire Police. This was intended to offer access to RJ processes from other areas of the police service, and provide a within force comparison of RJ usage and implementation. This raised the potential for subsequent analysis regarding the supposed force-wide implementation. However, this analysis was not possible in that one area could not be studied in a similar manner to another, as access proved to be difficult in the district of Barnsley. Thus, the researcher could not carry out the same research in both areas and the data collection could not proceed as planned.

Within South Yorkshire Police, following on from the initial identification and interviews carried out in Phase One, 8 interviews were conducted with operational police officers with RJ roles. These interviews were within normal shift hours at both Barnsley police station and at Snig Hill station, Sheffield. These interviews were conducted with a mixture of neighbourhood, response and YOT officers. In total, 6 vignettes were completed by officers during the interviews and focus groups by way of exploring their thoughts and approaches towards RJ delivery. In addition, two interviews were carried out with RJ facilitators in charge of Sheffield Community Justice Panels[[13]](#footnote-13), and a facilitator from Remedi who delivered ‘Restorative Justice Techniques’ training to officers in South Yorkshire.

From these interviews, contacts were made with police officers who arranged for the researcher to carry out observations as a civilian observer. These observations were carried out on a variety of shifts (7-4pm, 2-10pm) with response policing teams based in Sheffield. It was not possible to carry out observations with police officers in Barnsley due to the local police trepidation in accommodating an observer/researcher within their daily shifts. However, it was possible to carry out two focus groups lasting 90 minutes each with a group of response officers and a group of neighbourhood officers from the Barnsley district. Here, a group discussion took place about their work, officer experiences with RJ and opinions regarding its implementation. Insofar as possible the conversation followed the interview schedule followed for individual interviews, but allowances were made for the officers to communicate their thoughts and ideas with each other. In this way, the researcher was able to direct the conversation. The officers participating in the focus groups were offered the opportunity to complete vignettes individually after the discussion, and all 6 officers obliged.

Table 3.5.4 (below) summarises all of South Yorkshire Phase Two methods.

*3.5.4. - Table Summary of Phase Two South Yorkshire Police Methods*

|  |  |
| --- | --- |
| Hours of observations with response teams | 26 |
| No. of focus groups with neighbourhood teams | 1 |
| No. of focus groups with response teams | 1 |
| No. of formal interviews with operational police officers | 8 |
| No. of Interviews with RJ facilitators  | 2 |
| No. of vignettes completed by police officers | 6 |

## Ethics

It should be highlighted, here, that prior to any data collection commencing The University of Sheffield Research Ethics Committee was consulted. Both Phase One and Phase Two were cleared via separate applications to begin, with no suggested modifications or changes to the methods proposed. Ethical considerations were taken into account primarily surrounding participant anonymity and informed consent, researcher safety and researcher bias.

All of the police services approached allowed the researcher to name them and the individual towns within this study, and the senior officers approached gave informed, verbal consent to do so. All officers approached in both Phase One and Two were briefed by the researcher on the purpose of the study, given an information sheet for further reference and signed a consent form approved by the University of Sheffield before any interviews or involvement commenced. The consent form contained details clarifying that all participants, unless requested, would remain anonymous throughout the study and that they were able to withdraw their information at any time and where participants are referred to within the study they are named by police service, role and number only (e.g. PC 1, Buckingham); except for in Phase One where officers are referred to by number only (eg. SYP 2) due to the low number of participants to reduce the possibility of identification of those officers. Furthermore, the consent form also included details on the use of audio recordings being made to aid the research and participants were able to refuse audio recordings of their interviews. No participant mentioned within this study is under the age of 16, and therefore no special considerations were made to accommodate youth participants.

During observations, the researcher wore a high-visibility tabard clearly labelled with ‘civilian observer’ and police officer participants remained responsible for the safety of the researcher should difficult circumstances arise. The researcher was introduced to any victims, offenders or persons present by the police officer participant and the option was given to refuse the presence of the researcher in any situation. All hard and digital (including audio recordings) data collected from this research were stored in a secure location until transcription/write up occurred and have subsequently been destroyed.

As commented upon in chapter 1, this research came about through the researcher’s developing understanding of RJ and my experience of working with the police. It was important, despite this ‘pre-understanding’, to allow the interviews to progress naturally and no leading or closed questions were used where possible. Officers, as mentioned above, were often interested in comparing the researcher’s perspective against their own, yet it was ensured that no idea was seen to be ‘right’ or ‘wrong’ in order to maintain a positive working relationship with the participants. Therefore, combined with the case study approach (Yin, 1994), any potential researcher bias was minimised to the best of my ability given the access and participants involved.

## Analysis

As this research produced mainly qualitative data (both in Phase One and Two), it was important to read, and re-read, all transcripts and field-notes prior to any form of analysis. Furthermore, it was helpful to listen to the interview audio recording alongside reading transcripts where possible in order to understand the context of useable quotes and allow the researcher ‘to develop a feel’ for the data (King and Wincup, 2008, p.36). Next, it was possible to identify emerging themes (such as victim or offender impact), coding the data to reflect these themes and subsequently grouping them together according to theme, force, officer rank and role. Finally, it was possible to build a picture and commentary on police RJ from quotes alone based on particular themes and ideas and this is presented in the findings chapters. These themes are then pulled apart and discussed further in the discussion, chapter 8.

Where quantitative data were concerned, there were a small amount produced from the vignette exercise described above. As it was such a small amount, there was no need for extensive analysis by way of a statistics package and a simple spreadsheet allowed the numerical data to be sorted according to question, force, and district, and therefore patterns were found to emerge from this manipulation. By placing these patterns alongside the themes found within interviews and transcripts they were able to be interpreted within the operational context of RJ and policing.

## Conclusions on Methods

As each police service may be seen as a case, a combination of methods has been applied in order to address the research questions discussed earlier: How do police officers use restorative justice in their daily work? How do police officers understand the role and purpose of RJ? Does RJ fit into the neighbourhood policing strategy within which RJ is predominantly based? Are police officers suited to the role of restorative facilitator? These methods were consequently derived from the conclusion of the literature review.

Although analysis can still occur following the data gathered through the above mentioned methods regarding the use of RJ by the police services contacted, the resemblances and the variances, and an evaluation of the suitability of the role of the police officer as an RJ facilitator; there remain some integral practical issues and limitations of the research surrounding the data collection and therefore the ability to provide the answers to the questions.

During Phase Two of the study of South Yorkshire Police, access was not provided to the Neighbourhood Policing teams in Barnsley for observation purposes. This is a drawback as in Thames Valley access was provided, and thus a comparison could have been between neighbourhood officers’ use of RJ, specifically with regards to the research question ‘Does RJ fit into the neighbourhood policing strategy within which RJ is predominantly based?’ Consequently, a direct comparison is not possible. Despite this, two policing teams in Barnsley did agree to participate in a focus group in order to discuss their role and involvement with RJ in the district.

Furthermore, it was difficult to arrange interviews with operational officers due to the nature of their shift work and amount of time spent away from their desks. For this reason interviews were pre-arranged via their supervisors, but it may be possible that these officers volunteered by the supervisor had been ‘briefed’ prior to the interview. Though this was not obvious when interviewing officers during observations due to the informal nature of the conversations, it was probable that the officers present during the focus groups in Barnsley had been hand-picked and pre-briefed on the topics in hand.

In addition, it was quite common for some operational officers not to consent to audio recordings being made during interviews. Though they were comfortable talking to the researcher they felt it was not necessary for the audio recorder to be used as they were concerned they might be recognised if anyone listened to the recording. Though they were assured by the researcher this would be destroyed after transcription it was necessary to rely on field notes in these cases, which are arguably less accurate than a direct transcription. However, it was felt that it was best to obtain the most honest and uninhibited dialogue from the officers, which was only possible without the use of formal interview procedures which include the use of an audio recorder.

The research has limited itself to the questions of how RJ interventions are used and understood by police officers rather than their success rates or impact values. The research used a case study approach in order to compare different programmes and uses, whilst considering the broader picture of nationwide implementation. Both at the level of police service and officer, cases were selected as representative in their area – both geographically and in role – in the sense that they represented the general use of RJ processes by the police. An approach which was open to inductive and deductive insights developed the understanding of the relationship between the understanding of RJ by the police officers and their subsequent delivery methods and choice making when deciding whether to deliver a restorative process as part of their job.

The methodologies of Phase One and Two set out in this chapter are placed within the context of comparative and international research, and are dealt with separately due to the distinct differences in research methods between the two. The selection rationale of police services for the case studies is discussed, considering both the location and experience of all services. This cumulative background of the research development, including previous chapters, leads onto Chapter 4, next. Chapter 4 covers the findings from Phase One as a way to understand the current position of the four selected police forces towards RJ delivery, and begins to demonstrate the variety of RJ programmes across England and Wales.

# Chapter 4 - Findings: Phase One

## Overview

The findings of this first research phase (Phase One) were obtained from interviews with members of South Yorkshire, Thames Valley, Merseyside and Humberside police forces combined with publicly available literature on current restorative processes, both nationally and within these forces. Qualitative findings are presented through a description from the available literature, supported by quotes and accounts from interviews where possible and supplemented by force materials shared by interviewees.

Nationally, it is reported that there is a widespread use of RJ approaches across police forces. In 2010, 33 out of the 43 police forces in England and Wales stated that they were using RJ in some form (ACPO, 2010), and the joint inspectorate found that informal resolutions (level one/street RJ) had increased from 0.5% to 12% of all case disposals between 2008 and 2011 within the six studied police forces (ACPO, 2010, p.5). However, though the use of informal resolutions has increased over those four years, there was considered to be a wide variation in the way forces implement informal resolution schemes, as well as RJ initiatives, including the offences covered and which offenders are eligible (p.7). RJ represents one of the key priorities in the coalition Government’s criminal justice policy and the Green Paper *Breaking the Cycle* (Home Office, 2010)outlined its commitment to increase the range and availability of RJ approaches. In June 2011, this commitment was further emphasised by the Government’s response regarding developing effective frameworks and an evidence base to support the use of RJ, and more recently in 2012 The Association of Chief Police Officers (ACPO) issued ‘Restorative Justice (RJ) Guidelines and Minimum Standards’ to be circulated to, and adopted by, police forces in England, Wales and Northern Ireland (ACPO, 2012).

Although uptake and implementation seems to have varied widely from force to force, the development of ACPO guidelines on the use of RJ by the police provides forces with a suggested structure for delivering RJ programmes. These guidelines denote three levels of RJ practice:

Level One: Street level RJ, when police officers and PCSOs decide to resolve low level crime and ASB without recourse to normal proceedings. An instant or on-street disposal where police officers or PCSOs use restorative skills to resolve conflict in the course of their duties; this allows staff to deal with minor crimes and incidents quickly and proportionately. Instant RJ is conducted as an alternative to the criminal justice process.

Level Two: RJ conferencing, when offenders and victims meet under supervision in a formal process which sees the offender apologise and (where possible) make amends. May take place where the typical ‘level one’ resolution could not take place immediately for whatever reason or to tackle more serious or persistent matters that have a clear impact on communities and may be considered part of a formal crime disposal (following custody, out of court disposal, or post sentence). This is aimed at rehabilitation; the offender is likely to be at risk of further offending. Level two conferences may involve more participants and risk assessments and seek longer-term solutions.

Level Three: Post sentence RJ, when the offender meets the victim in order to apologise and/or make amends, to help the victim recover from the crime.

 (ACPO, 2012, p.6)

As well as the practices mentioned above, some forces have adopted schemes which are known as ‘community resolutions’. These are similar to Level One RJ, but do not necessarily require an apology or the making good of the harm caused by the offender (NPIA, 2009). Research carried out in 2012 by the Home Office in conjunction with ACPO found that most forces were using some form of ‘informal resolution’ (a term that covers both Level One RJ and community resolution) as well as a wide variety of names to cover these schemes such as restorative disposals, restorative justice, informal resolutions, restorative resolutions, community resolution disposal, local resolutions, instant RJ and street resolutions (HMIC et al., 2012, p.15). This is also reflected in the findings of the 2011 joint inspection report *Exercising Discretion: The Gateway to Justice,* which described a huge variation in how police forces went about issuing out of court disposals (HMIC and HMCPSI, 2011). At the time of writing, informally resolved crimes were not routinely included in the police ‘detected crime’ performance data, however the Home Office is said to be rationalising the measurement of crime detections through the introduction of new standards in order to acknowledge a wider range of crime outcomes, including ‘informal resolutions’, in recognition of forces which implement this approach (HMIC et al., 2012, p.20) and thus try to avoid officers’ reluctance to deliver RJ if their actions are not being officially recognised.

In addition to the three level structure, the ACPO guidelines detail the minimum standards and key elements which, although it is agreed that there will be different approaches, must be considered in order for a disposal to be considered restorative:

1. The offender must take responsibility,
2. Involvement of the victim, community or affected party,
3. A structured process that establishes what has occurred and what the impact has been; and,
4. An outcome that seeks to put right the harm that has been caused or an outcome that makes other reparation that may not be directly related to the original case.

(ACPO, 2012, p.4)

Finally, it is suggested that the ‘outcome’ should allow offenders to make amends for the harm caused in order to satisfy the standards mentioned above, and also deliver the benefits of victim satisfaction, reduction of reoffending, community cohesion and offering value for money (ACPO, 2012, p.4-7). An outcome is deemed to be a suitable product if it is SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and could include a personal or written apology, a commitment to access support (e.g. alcohol misuse) or some form of reparation that is a physical act seeking to put right the harm caused. Physical reparation may be directly related to the harm caused, such as cleaning graffiti off the victim’s property, or indirect, such as picking up litter in the local park. ACPO further suggests in the guidelines that when carrying out level two conferences, the more restorative the intervention is (i.e. face to face conference, the involvement of family, communities and supporters) the greater level of impact and benefit for both victims and offenders (2012, p.7).

Each participating force is encouraged by ACPO to develop their own decision-making criteria and process guidelines for officers considering using RJ, and the gravity score matrix of red, amber and green offences is intended to help steer this (see ACPO, 2012, p.9). Green offences which have no public interest factors, have no indication that a referral is necessary and nor any vulnerable parties are considered suitable for RJ; compared to red offences such as hate crime, sexual offences and any crime where a more formal sanction offers more suitable support and intervention in order to address behaviour of ‘significant risk’, which are not considered suitable. ACPO does not, here, specify exact crimes as each police service is free to develop these criteria to suit their own areas, and officers are encouraged to choose an action which is proportionate and suitable according to their own discretion.

Although the use of informal resolutions by the police has increased since 2008 (HMIC et al. (2012, p.7), as already noted there is a wide variation of approaches, strategies and programmes, especially surrounding the offences and offenders eligible for an RJ intervention. It is RJ conferencing and the impact on reoffending behaviour and victim satisfaction which has had the most academic interest, and thus less is known about informal resolutions and RJ on the street. It has been suggested that the flexibility of its use may act as a benefit, and yet the absence of a universal strategy, if this is at all possible to produce, could generate inconsistent application and uncertainty from facilitators (HMIC et al., 2012, p.5).

The following case studies document the use of informal resolutions, street RJ and Stage Two conferencing by police officers from South Yorkshire, Thames Valley, Humberside and Merseyside police forces. They demonstrate a variety of programmes and strategies, aims and ideas surrounding RJ.

## Case Studies

### South Yorkshire Police

The stated aim of the South Yorkshire Restorative Justice Programme (SYRJP) was to offer victims and members of the community a real and visible way of being involved in resolving incidents and issues in a way which meets the needs and concerns of the community (South Yorkshire Police, 2010). It was further hoped by South Yorkshire Police that this transparency will increase community engagement with the delivery and design of criminal justice services. It also aimed to empower victims by allowing them to influence resolutions and have an impact on the way that their case is handled, and in turn impact positively on their quality of life.

Internal SYP publications claim that through RJ, offenders are held accountable for their actions and are able to have the opportunity to ‘make right’ their offence and avoid acquiring a criminal record for that offence (South Yorkshire Police, 2011a). RJ is seen to be a more proportionate and effective way of dealing with low level offending and reducing the criminalisation of young people which may have an impact later on in their life. Further, the delivery plan states that the SYRJP aims to increase the number of police officers on the streets, to reintroduce the concept of professional judgement (discretion) to front line officers, and provide them with a quick and effective means to deal with local crime, antisocial behaviour and nuisance offending.

As mentioned in chapter 3, recent statistics released from South Yorkshire police show that between March and August 2010, more than 425 cases had been resolved using restorative practices (South Yorkshire Police, 2010) and by March 2011 1,300 RJ interventions had been recorded since the launch in 2010 (South Yorkshire Police, 2011). Initially, it was envisaged that there would be two distinct approaches within the SYRJP: street/instant RJ and conferencing. However, it has been stated within an independent evaluation by Meadows et al. (2012) that a somewhat blurred distinction between the two has emerged in practice, with very few conferences being carried out by officers. Instead, a continuum of RJ approaches has developed which incorporates street/instant RJ and conferences, but also contains a hybrid of the two – an informal conference between the victim and the offender which is carried out using conference process guidelines to create a shortened meeting with more involvement than street/instant RJ (Meadows et al., 2012, p.22).

A number of officers have been trained to conduct restorative conferences for more complex cases such as neighbourhood disputes and yet a commonly cited barrier by many officers against using conferencing as an RJ approach, according to the evaluation by Sheffield Hallam University, was the time and administrative effort required to organise and run the conference, in addition to fitting this into a shift pattern and other commitments (Meadows et al., 2012, p.25). In addition, it was stated from a South Yorkshire Police interviewee that some officers felt that police officers were not suited to facilitating conferences and it was not a role they felt comfortable in. Consequently, interviewees said they preferred to refer such cases to an external agency (the Community Justice Panels which were available in some areas of South Yorkshire):

*‘Conferences are dead in the water, the time, paperwork and effort in setting up and doing conferences, it’s easier for officers to choose to refer the case to a local community conferencing service,’* (SYP 2)

By referring the case to external RJ providers, it was stated that the officer was then free to continue with their daily work, and officers were often eager to refer the case to the ‘specialists’ who had a higher level of skill and confidence in dealing with complicated issues (SYP 2). It was further stated during Phase One interviews with South Yorkshire Police that officers felt that organising the necessary arrangements to conduct a conference was beyond their job remit and therefore not a good use of their time. They did, however, feel that instant/street RJ helped to free up their time and allow them to get back to ‘the job’ much faster than a traditional disposal or arrest:

*‘Officers who use RJ view it as a quick fix; it resolves the issue and gives the PC more time to get back on the job.’* (SYP 2)

Under the SYRJP policy, RJ interventions are used with both adult and youth (10-17years) offenders if they fit specific criteria (South Yorkshire Police, 2011). For adult offenders, offences suitable for Adult Restorative Disposals (ARD) would be those offences that would normally result in a simple caution. These include offences such as minor assaults, criminal damage, threat to destroy property of another and theft. For youths, offences are awarded a gravity score of between 1 and 4 depending on the offence in question and any aggravating or mitigating factors that would increase or decrease the score. Offences that would normally attract a gravity score of 1 or 2 are seen to be suitable for a Youth Restorative Disposal (YRD). With regards to the gravity score matrix guidelines[[14]](#footnote-14), interviewee SYP 2 stated that these scores are fairly flexible and the officer is able to take into consideration the circumstances of the offence, the impact of the offence, victim and offender circumstances and their wishes:

*‘It’s an internal moral code as it were; it might vary from officer to officer.’* (SYP 2)

Both interviewees from South Yorkshire Police stated that when carrying out an ARD/YRD, the impact on the victim and community and the risk of re-offending or further harm are also taken into consideration. Level 1/green offences are appropriate for instant or ‘street’ RJ and there was strong support for first time offenders and youth offenders to be offered RJ and for it to be used for low level offences if the officer deemed it suitable. Level two/amber offences, however, were seen to require careful consideration and justification before a RD can be applied:

*‘Because of the potential seriousness of the offence officers have to consult with their supervisors before doing an RJ.*’ (SYP 1)

Only recently have hate crime offences been considered for RJ, as the third phase of development of the SYRJP has extended to include hate crime, neighbourhood disputes and other non-crime events. Interviewee SYP 2 explained that only complex cases need supervisory support and it is the officer’s own ability and confidence levels which are highly influential in the decision to carry out a restorative disposal (RD). Therefore, the levels and quality of training provided may impact heavily onto the number of RDs carried out in the force:

*‘It is up to the officer, if they aren’t sure then they can run it past a supervisor. A PC will only issue a RJ if they feel confident with it, and they think it will benefit both parties.’* (SYP 2)

Furthermore, it was stressed from the South Yorkshire Police perspective that the restorative disposals were not intended to replace cautions (adults), reprimands or warnings (youths), or to ‘widen the net’ (Cohen, 1985) by increasing the number of low level offenders in contact with the police. However, interviews conducted with officers showed a rather mixed view of how the delivery of RDs, cautions, reprimands and warnings may be intertwined:

*‘It’s supposed to be used in parallel to these other options ... you either enter the criminal justice system or you don’t. You can jump about though, if they already have a RJ, you can jump straight to a final warning.’* (SYP 2)

Restorative disposals (RD) are intended to keep the offender out of the criminal justice system; as opposed to cautions, reprimands and warnings which all result in a criminal record and are a progression to a court hearing should the offender re-offend. Should a recipient of an RD re-offend however, it is possible for an officer to then choose to deliver a caution or warning:

*‘It’s a mix and match approach; the officer can choose the approach and outcome to suit the parties and the situation.’* (SYP 2).

*‘The officer has to pick the outcome that is realistic, proportionate and achievable. The victim has the control about the outcome they want to get out of it.’* (SYP 1).

In addition to a suitable offence having been committed, the offender must also fit certain requirements. Interviewees stated the offender must admit their guilt, agree to participate in the RJ process, be of sufficient mental capacity to understand the process, and have no recent previous convictions or cautions. Youth offenders must also be in the presence of a parent or carer, and have no recent or associated RDs, convictions, reprimands or warnings. All victims and offenders must be informed and agree to the RJ intervention. Victims and offenders are made aware that if they do not wish to use RJ then there remains the option and opportunity to proceed with the normal, more formal route of a warning, caution or to be taken to custody. Internal reports state that the victim is considered the most important benefactor of the RJ intervention by SYP, which will only be carried out if the victim both consents and wants this approach to be taken (South Yorkshire Police, 2011).

South Yorkshire Police interviewees stressed that the majority of officers who carry out RDs were from response teams or local Safer Neighbourhood Teams (SNTs) – those who worked frequently within the community and were able to address local level offending using RJ with the victim’s consent. Though it is unclear as to the level to which PSCOs have been trained in RJ, officers interviewed as part of the Sheffield Hallam University evaluation did feel that PCSOs had an important role in RJ and could be used more effectively (Meadows et al., 2012, p.24). For instance, if they were utilised efficiently they could be used to follow up with victims, check on compliance or help with the administration difficulties surrounding conferences rather than reporting to a PC in order to be involved in RJ:

*‘If a PCSO wants to do a non-crime RJ, the officer in charge would have to do the paper work as a warranted officer, then the PSCO would be free to do the RJ then the officer in charge has to do the follow up.’* (SYP 2)

The policy indicates that all restorative outcomes are to be followed up to ensure that they are completed and this is to be carried out by the officer in charge, the Crime Management Unit or Safer Neighbourhood Team. Victims should be informed of the final result of RJ outcomes following the intervention, yet police were not required to inform the victim of the outcome if they were present at the time. Where a youth offender is concerned, the YOT is responsible for reviewing the case (South Yorkshire Police, 2011).

SYRJP guidelines state that officers should outline the process, circumstances and the impact of the RJ intervention before proceeding and record the intervention on the relevant documentation (CJU10 RD Ticket for adult offenders and additional notification, by way of a ticket called WARN1/2, to youth offending services for youths) (South Yorkshire Police, 2011).

Although the implementation project team was disbanded in 2011, it was considered important to retain ongoing management of the programme at Superintendent level within the Criminal Justice Administration Department (CJAD) (Meadows et al., 2012, p.21). At the time of writing, across South Yorkshire the district champions (Chief Inspectors in Barnsley, Rotherham, Doncaster and Sheffield) were in charge of their RJ programmes and were able to organise programmes which were area specific, though it was hoped that the RJ steering group in coordination with the LCJB would maintain momentum and ensure effective synchronization and as interviewee SYP 1 clarified, the responsibility towards, and policy for, RJ remained a force-wide task:

*‘CJAD still has the responsibility for policy though; RJ delivery by police officers should stay consistent across the county.’* (SYP 1)

In this respect SYP hoped to ensure consistency within RJ delivery across all four districts.

### Thames Valley Police

As previously mentioned, Thames Valley is stated to have been a leader in the development and availability of restorative approaches to justice for many years (HMIC, 2005), and RJ has been used by Thames Valley Police and with partner agencies since 1993. In 1998 the police force launched a restorative cautioning initiative, where officers used a script to facilitate a structured discussion about the harm caused by the offence and how this could be repaired (Hoyle et al., 2002). Here, it was found that within the first three years of the initiative, 12,065 restorative cautions were administered, and this pilot remains notably the largest-scale police RJ programme in the UK to date. However, in more recent years changing management at TVP has lessened the priority RJ has been given within the force.

As covered in chapter 3, a recent freedom of information request from Thames Valley Police showed 1,220 restorative disposals were delivered between the months of February and June 2010[[15]](#footnote-15), and the force was considered to be ‘a leading light in the development and application of restorative forms of justice’ (HMIC, 2005, p.3). However, the most recent programme was coming to an end and at the time of writing there was no policy or force-wise strategy in use in Thames Valley, a deficit which those officers who were in charge of RJ were eager to remedy not only for the benefit of officers trained in using RJ, but also to create some clarity and ease of use surrounding the use of ARDs and YRDs within the service. In addition, TVP would like to establish an easier and more effective recording system as officers were recording the RJ on the internal crime recording system (known as CEDAR) against a Code 90 or 91 depending on whether it was a youth or adult offender. There was no outcome recorded or any further action noted:

*‘there is no way for TVP to work out the restorative element that happened, we’ve got no real way of recording it ... part of the strategy we need to develop will tackle that.’* (TVP 1)

According to the Thames Valley Police website, using restorative justice is a way for officers to deal with conflict[[16]](#footnote-16). It is stressed that it is not a soft option, and offers benefits to both victims and offenders. It is also noted that in Thames Valley, officers may use RJ as a way to deliver cautions, reprimands and final warnings, and in some areas it may also be used as part of a conditional caution. With the introduction of neighbourhood policing and the discretion afforded to officers to use their ‘professional judgement’ (Thames Valley Police, 2011), all operational officers had been given the means by way of RJ in order to deal appropriately and proportionately with the day to day crime and incidents they attend. This extends from the 2009/10 initiative introduced in Thames Valley called ‘Serving with Pride and Confidence’ which focussed on ‘giving back officers a level of discretion and make decisions on the street using proportionate investigation’ (TVP 1):

*‘You don’t need a sledgehammer to crack a nut. If you deal with two mates falling out on the street instead of bringing them into custody, arresting them, putting them into the system, all the costs ... why can’t you deal with it there and then, on the street, and give them an ARD?’* (TVP 1)

Neighbourhood officers had been trained in RJ in order to deal with minor crimes and incidents at instant/street RJ level, and Youth Restorative Disposals (YRDs) and Adult Restorative Disposals (ARDs) had been introduced for low-level crimes as a way of dealing with offenders whilst keeping them out of the criminal justice system (Thames Valley Police 2012). However, due to the unclear aims and strategy surrounding the delivery of RJ in this way, it was suggested that there is ‘no strong restorative element’ surrounding the way in which ARDs and YRDs are delivered by officers:

‘[this] *is something we need to strengthen in Thames Valley – to understand what is the restorative element ... to me ARDs and YRDs are just a restorative approach, RJ is to me level two, three stuff where you discuss the offending and do something to try and stop it.’ (TVP 1)*

In terms of level two conferencing, 700 officers in Thames Valley Police had been trained to offer conferencing to parties. This was generally carried out by the officer in charge in a neutral place but might occasionally be carried out by a trained member of the local council if the officer had the correct contacts:

*‘Some do it, some don’t. Some just get two parties together and have a chin-wag and come to a common ground.’* (TVP 1)

In this respect, it is uncertain how many formal conferences were being carried out by officers, as some might carry out what may be described as a conference or mediation between two parties, and yet not record it as such.

In a similar way as both South Yorkshire Police and the ACPO (2012) guidelines, Thames Valley were following a comparable ‘eligible offences guide’ which displays offences on a red-amber-green matrix and officers must ensure that each case in considered on its own merits, taking into account the five considerations of: offender identified, offender admits guilt, victims agrees to participate in a YRD/ARD, offender has no previous convictions, cautions or YRD/ARD (if they do, the officer must use their professional judgement), and the impact of the offence on the community should be low.

*‘What is said to officers then, was that you don’t necessarily need to bring people into custody – you are professional people, trained in what you do, make a decision. Some of the colour codes are saying you don’t do a YRD/ARD for a red offence, but it’s common sense. It sounds stupid but it is written down so that those offences you cannot deal with that on the street – they have to be arrested ... Amber ones you need to look at the discretion of your supervisor. They are less serious offences but there should be a bit of a check and balance put in place before you make that discretion on the street...Green ones, you do what you think is appropriate. As long as you can justify it, crack on, fill your boots.’* (TVP 1)

It has been stated that the process for administering a conditional caution and restorative action requires much greater time and commitment from the officer in charge than when delivering an RJ disposal (HMIC, 2005, p.19), and consequently there is a natural temptation to opt for alternative approaches which can deliver detection more quickly. Subsequently, the HMIC has suggested that delivery of RJ is somewhat patchy (p. 19), though Thames Valley has stated in response that they wish to ensure their RJ initiatives are not being adversely affected by its drive to increase sanction detection rates and offences brought to justice.

### Humberside Police

Within Humberside Police, restorative practices are said to have been deployed to ‘improve the outcomes and quality of all interventions that Hull City Council and Humberside police make with young people’ (Wachtel, 2012). At the start of 2012 figures proposed by Humberside police claimed that restorative practices reduced custodial sentencing by 23% and that relationships between families and individuals greatly improved (Wachtel, 2012), though arguably these may be seen as untested and therefore are not to be relied upon.

The neighbourhood policing model in use is said to provide the public with a ‘highly visible uniform presence in every neighbourhood’ (HCRP, 2012), which is able to deal with local issues and priorities. By adopting a restorative approach, the Hull Centre for Restorative Practice states that the officers promote a shared understanding, break down barriers and allow people to live happily side by side. Further, RJ is an option able to be used to finalise a crime, and ‘allows a proportionate response to criminal activity and prevents people receiving a criminal record for first time offences’[[17]](#footnote-17).

In Humberside, official documentation provided no provisions for ARDs, yet YRDs were available for use by constables, and were subject to a pilot evaluation (Humberside Police Authority, 2012). YRDs were described as ‘a restorative justice approach by which the victim can explain to the offender the impact of their crime, and the offender can apologise’ (p.2). At the time of writing, all neighbourhood police staff were said to have been trained and there was a programme of ongoing training that was capturing special constables and investigation teams so that restorative solutions could be widely used to deal with community issues. Police-run restorative conferencing has been found to have been in operation in previous years in the Humberside police area (Marshall, 1999), and whilst conferencing projects were exclusively for juvenile offenders, considered there to be no reason why the same principles could not also be applied to adults, in the same way victim-offender mediation is practiced across all ages (p. 15).

In Humberside ‘D’ division (Hull) however, there was a statement of intent noted to become the ‘world’s first restorative city’ by implementing restorative practices throughout the city for public service agencies working with youth, including schools and police (Humberside Police Authority, 2012, p.5). This is in contrast to the rest of Humberside where interviewees noted:

*‘other divisions are much less involved with RJ, mainly because of the challenges surrounding the lack of presence RJ has in the detection and sanction rate.’* (H 1)

As such, and commonly stated by officers, it was met with some reluctance by officers as restorative practices were not seen to fit into the national crime detection standards and were unrecognised as a crime detected and resolved:

*‘officers think of it as performance leakage if they do an RJ.’* (H 1)

Despite this reluctant uptake by officers, the adoption of a restorative policing based system by the police in Hull has been reported to have had a large impact (Wachtel, 2012). For example, it is said to have saved the police at least £3.5million, and reduced entrants to the youth justice system by twice the national average. In addition, reoffending within the group is quoted by the police to be around 13%, whereas the national average is approximately 27% (Wachtel, 2012).

It was nonetheless believed by interviewees that restorative practices were an integral and significant part of neighbourhood policing within Hull, despite officer reluctance to participate:

*‘Its progress is at loggerheads with the police view of how best to deal with crime.’* (H 1)

The interviewee here expressed his opinion that RJ policy may be contradictory to how operational officers in Humberside feel it best to deal with crimes – the RJ, victim-focused ideal was seen to be too different with officers’ nature to address the offence and offender in order to work effectively. Policy at the time of the interviews was due to undergo an overhaul as the force and officers changed and developed in new roles. As such, it was thought that with the correct steering Humberside would be able to develop its use of RJ in the near future and Humberside was thought to be a ‘force on the move’ (H 1).

In 2011 a proposal was put forward to incorporate restorative practices across the borough of North East Lincolnshire in order to change the ways in which people are dealt with in regards to punishment, behaviour, discipline, conflict and justice from early years through to adults within the criminal justice system (Czarnecki, 2011). Further, it is noted that in order for Humberside and North East Lincolnshire in particular to implement restorative practices, the police will need to address the challenges of getting sanction detection recognition for restorative outcomes, and how to facilitate face-to-face restorative meetings and community resolutions (p. 11).

## Merseyside Police

As mentioned in chapter 3, RJ in Merseyside is still fairly new and was formally introduced in April 2010 following a pilot on triage in the area of St Helens. This six month pilot of the use of street restorative justice resolutions ran from April to September 2012, and is reported to have reflected the huge benefits identified in other police areas, including victim satisfaction; officer satisfaction; speedy, less bureaucratic investigations; and a reduction in first time entrants into the criminal justice system (Merseyside Police, 2011). A force wide roll-out of RJ disposals was subsequently later introduced as a means of dealing with offenders informally, for ‘low level’ offences, and was intended to prevent the need for arrest or more formal sanctions (Martland, 2012). Merseyside police define a restorative justice resolution (RJR, Merseyside police service’s term for level one RJ) as ‘any action requested by the victim which is agreed by the suspect and considered appropriate and proportionate by the officer’ (Merseyside Police, 2011), with an overriding objective to deliver swift, simple and effective justice which carries the support of victims and complainants, and provides a learning opportunity for offenders to appreciate the effect of their behaviour. The Merseyside RJRs are aimed at both young people and adults, and are based upon the notion of ‘doing the right thing’ (Merseyside Police, 2011, p.5) whilst considering the circumstances of the offence, the offender and the victim’s needs and wishes.

An RJR is described by Merseyside Police as a quick summary disposal at the time of the offence, (Merseyside Police, 2011, p.6) which may be applied to offences with a low gravity score of a level one or two (green or amber). The RJR case disposal may be used where officers believe that the case is suitable; the offender is likely to be found guilty should they be prosecuted and has consequently not denied their involvement for the behaviour resulting in the offence or harm; it is not in the public interest to prosecute; and ultimately that the victim and offender agree to take part in the process (p.7). On the other hand, an offender is not suitable to receive a RJR if the offender does not admit guilt, or they have previously received a conviction, final warning or a reprimand or RJR. In Merseyside, domestic abuse and hate crime offences are considered to be outside of the remit of RJRs due to the vulnerability of the victim in such cases. However, interviewees indicated officers in Merseyside are also encouraged to contact other services and specialist teams with experience in dealing with more complex cases who may be more suitable to organising group meetings or conferences as opposed to the officer in charge:

*‘we also use specialist teams to address community issues like hate crime.’* (MP 1)

The ability to identify the incident and offenders appropriate for RJ is a requirement of all front line operational police officers, stated to ensure a ‘proportionate response to the particular circumstances’ (Merseyside Police, 2011, p.2). ARDs and YRDs in Merseyside have been mainly carried out by patrol and neighbourhood officers who are able to conduct on the street disposals (what are usually referred to as YRDs and ARDs in other forces), or to refer more complex cases to the Youth Offending Service and triage service (MP 1). Whilst on-the-spot action is desirable, the process can be delayed, for example to accommodate participants in the process, or to allow a suspect to sober up or for a suitable venue to be arranged.

Offences which are dealt with by way of an RJR should be recorded on the internal recording system (known as NICHE), but only offenders who are in custody and who receive a restorative disposal will be recorded on the Police National Computer (PNC). In this manner, the only time a restorative outcome, in this case an RJR, may become an outcome on the PNC is where the suspect is arrested and taken into the custody suite. In this case, an RJR will be recorded as ‘No Further Action’ yet with RJR referenced as the manner with which it was dealt (Merseyside Police, 2011, p.4). All street RJR actions it is stated should be recorded on the respective form/paperwork and in youth cases a copy of this form should be sent to the local YOT so that they can collate the information to support their assessment to prevent young people from further offending (p. 12).

Where RJRs are given to a youth offender, it need not be delayed in order for parents, guardians or carers to be present, however the officer in charge must inform any parents, guardians or carers of the action taken, and the effect of the action. They should be informed via a letter detailing the issuing of the RJR and this will be written and sent by the local YOT. If there is an agreed action or material reparation to be taken, the parent, guardian or carer should be informed in person or via telephone prior to agreement (Merseyside Police, 2011, p.11).

Officers are also capable of facilitating level two restorative interventions, though the officer interviewed suggested that this has been rare, and there is a severe lack of understanding of the true nature of RJ - thus RJ is often seen by officers as an easier and more convenient approach to tackling crime:

*‘the RJ carried out by officers is not the same as the RJ which is described by academics.’* (MP 1)

Although it was not expressly explained by the officer above what he meant by this statement, it is a sentiment which is similar to views expressed by other officers interviewed, notably in Thames Valley where it was unclear to officers how restorative their schemes and actions may be.

## A comparison of English police force uses of RJ

From the forces considered within Phase 1, it is clear that there are some similarities between forces. All forces stated that they had used and were capable of using a form of restorative disposal on the street, despite these being given different names. In terms of level two conferencing all forces additionally gave an indication that there were officers capable of delivering conferences though it is in this area where there starts to become some differences. Research informants indicated that where some officers preferred to refer more in-depth meetings between parties to more specialised organisations, some would gladly facilitate the meetings themselves at a prearranged time and date.

All forces indicated that through implementing RJ programmes, in all their forms, they experienced increased victim and offender satisfaction, less paperwork and faster processing times. Some officers expressed their views that they were unsure of the true ‘restorative’ nature of their force programme, though it is unclear why this is the case – it could be down to lack of training, misunderstanding or purely that the RJ processes were not, in fact, restorative in accordance with the definition discussed in chapter 1. .

Additionally, some officers expressed contradictory views towards the necessary steps and criteria involved with delivering an RD, as though the ‘green’ low-level offences they thought tended to be straightforward and clear where they were suitable for an RD, it was the ‘amber’, medium risk offences or where offenders had a small history of offending that there seemed to be variation between forces and indeed between officers. It may be argued that this discrepancy is merely due to the exercise of police discretion, which is often considered to be one of the large advantages of officers using RJ, though it is unclear due to the minimal individual force guidelines if this is the case. It should be noted here that various agencies are responsible for restorative justice training delivery to police forces. For instance both Thames Valley and Humberside had used the not-for-profit agency ‘Restorative Solutions’ (founded by Sir Charles Pollard to ‘deliver restorative approaches’), whilst South Yorkshire Police employed a company and RJ services provider called ‘Remedi’ (a voluntary, charitable organisation) and both of these organisations specialised in restorative justice services. On the other hand, a recent Freedom of Information request to Merseyside Police showed that their officers were trained in restorative justice over half a day ‘by force trainers with in-house developed training material’[[18]](#footnote-18), thought it is unclear what this consisted of.

The above findings clearly demonstrate what was first suggested – that there is a range of restorative practices being implemented by police forces across England, and programmes tend to be known under various names, use different definitions and are at varying levels of development and implementation within the force. Moreover, it seems that in some police services RJ schemes are only implemented in some of the force districts instead of using a force-wide scheme (such as that intended in South Yorkshire).

An important question raised by a couple of interviewees during phase one surrounded the nature and restorative elements of their programmes. An ACPO survey led by Garry Shewan (ACC at Greater Manchester Police and the ACPO lead on RJ) highlighted that many forces’ use of RJ has grown ‘organically’, and has not been accompanied by a clear evaluation and evidence of impact (Restorative Justice Council, 2011), and so consequently it may be difficult for us to consider and compare restorative policing between forces. This uncertainty may be due to the fact that level one RJ ‘has no primary legislative basis’ (Merseyside Police, 2011, p.6) and guidelines for the use of ‘strictly limited discretion’ by police officers have often been taken loosely from the Final Warnings Guidance issued by the Home Office and Youth Justice Board and the ACPO guidelines on the use of RJ (ACPO, 2012) as as support for the use of informal actions such as restorative disposals (Home Office and Youth Justice Board, 2002). In this respect, it is doubtful that the ACPO guidelines are being followed comprehensively, especially regarding the need for a victim, victim consent and the result of a restorative outcome. It would seem, therefore, that the interviewee from TVP was right in questioning the existence of a restorative aspect within their ARDs/YRDs. It has been suggested that they should instead be called ‘community resolutions’ (NPIA, 2009) in order to prevent some confusion or negative scrutiny from parties looking for a truly restorative or reparative solution. We shall discuss this matter further in chapter 8.

It appears to be difficult for forces to monitor and regulate the use of RJ within their force without the regular recording of processes and outcomes. It was rare for police forces to record the details of a restorative disposal, and additionally only two forces out of the four interviewed formally were filling out a ‘ticket’ or other official form or paperwork. Therefore, outside of the team and the inspector in charge, it is unlikely that other officers would have had the opportunity to monitor or bring the RJ processes and delivery under any further discussion or scrutiny. It is therefore possible that the use of RJ is not only variable across England, between forces, but also variable between officers within one particular force. It is difficult to monitor and enforce a single standardised use with little to no force policy or guidelines, and with no recording and monitoring system RJ processes and ideals could be lost or altered between officer teams, roles and priorities. In addition, some forces did not have an ‘official’ force policy or guidance on the use of RJ. Combined with low opportunity for monitoring this could further add to the confusion and understanding by officers towards their role in carrying out restorative interventions, the correct procedure or the aims towards which they are working by carrying out the disposal.

It is important to note here that during Phase One interviews, though some officers mentioned both Level One (street/instant) and Level Two (conferencing) RJ, Level Three was not mentioned at all. The ACPO guidelines state that Level Three conferences may occur post-sentence, and yet does not specify how the police may be involved. It was clear from the interviews described above that though officers were aware of the possibility of RJ post-sentence; they were not involved with its facilitation nor its use within their police service. As the interviewees were considered ‘champions’ of RJ within their service, it would seem apparent that if Level Three RJ were present in their force, it would be described above. It may simply be that the police do not see post-sentencing involvement as their job, and instead Level Three RJ was being handled in these areas by probation or the youth offending service (or may not have existed at all).

It is apparent that officers were largely concerned about the level of scrutiny they were under regarding national sanction detection rates, and the pressure that was being put on them by management regarding this target. RJ schemes and initiatives seemed to be at risk of being pushed down the list of importance by beat officers and thus it may have been difficult for interviewees to acknowledge the level of its use by officers across the force as some may have been more inclined to promote its use than others who were more concerned about the representation of their force within the national statistics.

Some officers described RJ as a way of policing and engaging with the community in a way which reflects the ‘old way’ of policing and the role of the officer as a point of contact by the public. Others though may have considered the extension of non-crime complaints into the remit of RJ programmes a form of net-widening which merely adds to the amount of people coming into contact with the police. This in turn may be adding to the pre-existing levels of bureaucracy officers described, despite many officers believing the use of restorative justice in this manner to be a key way of engaging with the community, preventing disagreements escalating into criminal offences and also educating members of the public about the impact of their actions and thus potentially preventing any future issues.

## The limitations of these data

The information and interviews contained within this section have been gathered from official guidelines, force strategies and RJ ‘champions’ within the forces. The three ‘levels’ of RJ are discussed, alongside the different variations of programmes the case study forces have developed from the 2012 ACPO guidelines. What remains to be seen, however, are practising officers’ views on the way RJ was being used within their force, their experiences of RJ and how they themselves used it. By considering their thoughts and feelings towards the implementation of restorative practices it may be determined how it fits into their everyday job, where there are discrepancies and how it may be improved. This, therefore, leads us to Phase Two in chapter 6 but first, chapter 5 looks to Leuven in Belgium to see how the police were using RJ in Flanders.

# Chapter 5 – The Perspective from Flanders

## Overview

This chapter focuses on RJ in Belgium, specifically, Leuven in Flanders as an international case study. To begin, the provisions for RJ in Belgium as a whole are briefly covered, before the methods used in the Leuven case study are discussed. The results of the Leuven case study are presented before the discussion examines the findings with reference to the British findings covered in chapter 4, contrasting the role of the police officer as a gatekeeper to RJ services, and comparing the ‘victim-focus’ aims of both countries.

Within Belgium, mediation programmes are said to be available at all stages of the judicial procedure; however projects are spread throughout various authorities. Given the language and cultural splits, provision in Flanders (Dutch speaking) is different from that in the Walloon region (French speaking), though the same legislation covers both. There are also some differences between different prosecutorial and court areas. Therefore, different names are given for similar practices - for instance ‘local mediation’ and ‘mediation at the police level’ (Aertsen, 2000; Lemonne and Vanfraechem, 2005; Van Doosselaere and Vanfraechem, 2010). Consequently, there are many RJ and mediation services and programmes in Belgium.

Where youth offenders are concerned, both mediation and conferencing may be proposed by the public prosecutor or the judge. Parties can voluntarily decide whether or not to take part in the programmes. Victim-offender mediation (VOM) is available in every judicial district and conferencing has become available in all judicial districts since the implementation of the Youth Justice Act (2007) (Aertsen, 2000). Some mediation and conferencing work is carried out by services external to the statutory criminal justice authorities, and in the Flemish community mediation services may also offer community service and training projects (Van Doosselare and Vanfraechem, 2010). In addition, various projects coexist in the context of adult criminal law: mediation at the level of the police, penal mediation (at the level of the prosecutor), and mediation for redress in a civil law sense (Van Doosselare and Vanfraechem, 2010). In every judicial district, penal mediation is available within the public prosecutor’s office and is carried out by civil servants as part of a diversion scheme.

This chapter focusses only on mediation and RJ services common to Flanders, and concentrates primarily on victim-offender mediation (VOM), its legal framework, its processes and involvement by the police. Finally, Police Mediation (PM) processes in Flanders will be compared to ‘Street RJ’ which is practised in England and Wales, alongside some data gathered as part of the Leuven case study and some findings from Phase One.

## Methods

The comparative (and indeed international) nature of this research is covered extensively in chapter 3, so this section describes the methods used in Belgium.

Leuven represents an international comparator within this research, and though the findings in this chapter are primarily gathered from academic literature, the researcher also spent 10 days with police officers, academics and RJ facilitators in Belgium. In this way, it was hoped that direct discussion with facilitators and experts in the area could clarify any points contained within the literature, demonstrate a working example and where necessary they could translate and explain any foreign phrases and definitions. Specifically, formal interviews were conducted with three police facilitators, two academics from KU Leuven, and one representative from an independent mediation service. These interviews lasted between 45 and 90 minutes and were audio recorded, with permission from the interviewee. Interviewees often provided the researcher with diagrams and extra literature which illustrated the use of RJ across Leuven (and in some cases Flanders) and these were discussed in more detail. Interviewees rarely shared any information which was not available from the literature, and for this reason interviews are not quoted here, instead directing the reader to the publications of the interviewees. Despite interview quotes not being used here, the interviews and visit to Leuven were important to ensure that the researcher understood both the context and structure of RJ in Flanders.

## RJ in Flanders

### The Law on RJ

Belgium is a federal state and though on one hand the regions have legal competency over ‘person related matters’ (Van Doosselaere and Vanfraechem, 2010), the federal government provides the main legislation regarding youth justice, criminal law and criminal procedure. The federal government also funds the majority of programmes, though some victim-offender mediation (VOM) and family group conferences (FGC) are primarily regionally funded (Aersten, 2000).

Practice has developed since the Youth Justice Act 2006 with regards to mediation in Flanders, and the Flemish community has decided to provide for services on ‘Restorative and Constructive Settlements’ (RCS) in every judicial district. Here, the Flemish government now has a legal basis to implement RCS-services throughout Flanders and the law explicitly covers the possibility of referral procedures from the prosecutor and judge to the services. Furthermore, victim-offender mediation and conferences have a legal basis for all youth offenders, though it is contained within a previous facility for ‘a philanthropic or educational service’ (Youth Justice Act 1965), but also clearly includes elements of RJ in the practices of mediation and conferencing. Additionally, judges are instructed to give favour to these ‘restorative offers’ (art. 37 s.1, Youth Justice Act 2006), whereas the public prosecutor must consider the possibility of mediation before the case is sent before a judge.

Within the Flemish region of Belgium, penal mediation was introduced by the ‘Law of 10’, February 1994 and the Royal Decree of 24 October 1994. In minor cases, the law offers the public prosecutor the possibility of proposing mediation, as well as other things, and mediation as a form of diversion (Aertsen, 2000). Pre- and post-sentence mediation is regulated by the law of 22 June 2005 and the Royal Decrees of 26 January 2006 (Eyckmans, 2006; Lemonne, 2007), and is intended to be available at all stages of the criminal procedure, for all types of offences. The decision to participate in mediation is taken by those parties with a direct interest in the mediation process and consequently it is not the role of the judicial authorities – whose task is limited to merely informing all parties about the presence and option of such a procedure (Van Doosselare and Vanfraechem, 2010).

### Mediation services in Flanders

In Flanders it has been primarily professionals who guide mediation and conferencing processes; though there has been one programme in its experimental stages based in Leuven which works with volunteers (Van Doosselare and Vanfraechem, 2010). Research has shown that all services work under the authorization of a judicial authority when the referral was received from outside the judicial system, and mediation services have been organised according to judicial districts, which has further enhanced cooperation with the judicial authorities (Van Dijk et al., 2002a). Further, it was found that no strict internal rules were present for mediation services as the communication process was thought to be entirely voluntary, though there were certain rules to be considered; breach of which would signal the end of the mediation. Also, a leaflet was provided in order for parties to understand the principles and processes involved within mediation (Van Dijk et al., 2002b, p.172-173). In addition to these informal rules, mediation services put forward some methodological working principles such as neutrality, voluntariness, confidentiality and the attitudes expected of the mediator (p. 173). The OSBJ[[19]](#footnote-19) had the task of coordinating services related to youth delinquency, and together with Suggnomè[[20]](#footnote-20) contributed at local steering groups and had developed a ethical code which was used informally (Van Doosselare and Vanfraechem, 2010).

In 2002, it was reported that eleven mediation services were present within Flanders for juveniles (Nuytiens et al., 2002, p.29). The services not only provided mediation but also community service and educational programmes, with referrals coming from public prosecutors and juvenile court judges. According to these services, everybody had the option to participate in mediation, regardless of the stage of judicial procedure of the case or the seriousness of the offence. Therefore, as the prosecutor referred most cases, the mediation services were extra-judicial and the voluntariness of parties to participate was seen to be guaranteed. Nuytiens et al. further reported that in 2001, 1,293 youngsters were referred to mediation services, and on average mediation took approximately three months from start to finish (2002, p.49). Many services were aimed towards minors aged between 12 and 18 years, and though mediators were open to working with youths younger than 12 they did stress that the participants must be of an age at which they can fully appreciate and understand the process and take responsibility. Additionally, they recognised that mediation is particularly effective for first time offenders yet were keen not to limit its availability to those offenders (Van Dijk et al., 2002b, p.137).

The figures of 2001 (albeit reported to be incomplete), show that 74.5% of cases were property offences and a further 23% were crimes against the person (Nuytiens et al., 2002, p.29-48). Services were reported to be concerned that there was too little direct mediation (face to face meetings between offender(s) and victim(s)), which they hoped was able to facilitate more positive feelings about the process. The reasons given for the higher levels of indirect mediation included fear of meeting the other party and factors relating to personal involvement with the opposite party (Van Dijk et al., 2002a; 2002b). Further data available from 2009 show that mediation services, since the implementation of the 2006 Youth Justice Act, has increased significantly with 4,050 youngsters referred to mediation. Again, the majority of these crimes were property offences (69%), and crimes against the person (28%). The majority of offenders were male and were referred to mediation by the public prosecutor. The majority of mediations was indirect at 81% (Balcaen, 2010). For the outcomes of youth mediation, the offenders could provide financial compensation, or alternatively take part in symbolic reparation or community service, as well as ‘moral reparation’ (e.g. writing a letter of apology). The judicial authorities (which include the prosecutor) could consider this outcome after the mediation and if the consequence was considered successful the case could be dismissed. If the case was prosecuted the factor of a negative outcome would not necessarily reflect badly on the case, but the judge would take further consideration of the satisfaction of all parties (Van Dijk et al., 2002b, p.188).

For adults, mediation for redress or ‘pre- and post-sentence mediation’ was offered by one independent non-government organisation in Flanders. Suggnomè in the Flemish community was funded by the federal Ministry of Justice to offer pre-sentencing mediation[[21]](#footnote-21), and together with the OSBJ has strived for standardised implementation of mediation for both juveniles and adults across both the Flemish and French communities. Mediation was available for adults at every stage of the legal procedure, and though research has been done into mediation availability on the whole, more is needed with regards to adults – for instance to collate a systematic overview of the mediation practice in Flanders (Van Doosselare and Vanfraechem, 2010, p.87). However, mediation for redress, penal mediation and local mediation for adults have been researched and are discussed below.

### The Role of the Police

‘Local mediation’ (or mediation at the level of the police) has been defined by researchers as ‘an alternative measure for minor offences’, which is initiated at the moment of the registration of a complaint towards adult offenders as an alternative to prosecution. Police forces then refer the complainant to the closest mediation service (Van Doosselare and Vanfraechem, 2010). The common aim of local mediation is to relieve the police and prosecutors from an overload of work, and though for Brussels, there was guidance provided centrally, steering groups in Flanders are responsible for coordinating and sustaining projects.

Researchers in Flanders have recommended that local mediation needs further clarification of aims and processes in order to create a more uniform approach and more discussions with all partners (Van Doosselare and Vanfraechem, 2010, p.86). Further, Van Doosselare and Vanfraechem (2010) suggest that mediation should be applied as soon as possible as a diversion method and, if possible, prior to the complaint being registered by (as opposed to reported to) the police. The writers go on to state that mediation at police level should be extended to all of the population of Belgium, but only where mediators are well trained and have the opportunity to discuss cases with other mediators; legal consequences and relations with the public prosecutor are clarified; and there are greater guarantees of financial support. Local mediation, Van Doosselare and Vanfraechem (2010) suggest, should be associated with a global idea about the role and place of the criminal justice system in society.

## Leuven: A Case Study

Leuven is a province in the Flemish region of Belgium and has a population of 101,000 (2013). It is roughly 25km east of Brussels, and is home to KU Leuven, the oldest Catholic university in existence and the largest in Belgium. Due to the university presence, much of the population are students and a significant amount of academic research from Belgium is published from KU Leuven.

Since 2003, Police Mediation (PM) has been available within the Leuven police, with a civilian mediator employed as part of the police force. Facilitators may be employed as a member of police staff, and though do not have police powers or operational role are fully trained in mediation and conferencing. PM has been described as offering mediation by a neutral mediator to victims and offenders of minor offences, which focuses on repairing the effects and damage caused by the offence prior to the case reaching the prosecutor (D’haese and Van Grunderbeeck, 2009 p. 83).

The police in Leuven base their model of Restorative Policing within the Community Policing framework and philosophy defined by Friedmann (1992) as ‘a policy and strategy that aims to achieve a more effective and efficient crime control, a reduced fear of crime, an improved quality of life, improved police services and police legitimacy, that seeks to change crime causing conditions and this through and proactive reliance of community resources. This assumes more accountability of the police, a larger share of the public in the decision making and more concern for civil rights and liberties’ (p.4). Police Mediation (PM) in Belgium (in this case specifically Leuven) is applied according to the ‘five pillars’ (external orientation, problem solving, partnership, accountability and empowerment) of community policing outlined in a government circular[[22]](#footnote-22) in order to achieve ‘excellent police care’[[23]](#footnote-23) (Bruggeman et al., 2007). Here, the police service aims to include Police Mediation within the entire community policing strategy, and not pillar by pillar (D’haerse and Van Grunderbeeck, 2009).

In Leuven, PM is suggested to provide an alternative to the traditional way of thinking about crime and victimisation, and additionally, the project has been suggested to have a positive influence on local crime, social disorder and the insecurity of citizens (D’haese and Van Grunderbeeck, 2009). Although PM offers an alternative to prosecution, it does not compete with the criminal law or replace it. Rather, mediation is offered to all in addition to the usual processing of the case file, and is considered to be a process in parallel to the formal system. The prosecutor will take a successful mediation (concluded with agreement between the participants) into account when processing the case, though its progress is not determined by the outcome of the meeting. Here, the police officer’s role is to themselves assess suitability for mediation, and introduce the possibility of an interaction between the victim and the offender. This action, by the police officer, facilitates contact between the parties to the police mediator. In this way it is considered that the police officer’s role is one of a ‘smart cop’ (D’haese and Van Grunderbeeck, 2009, p. 95). By having a mediator in-house, the police interviewees claimed that they are able to speed up the process by providing correct contact details for the parties, and ensure that there is a secure environment in which to conduct the mediation.

However, there are of course weaknesses in this model and one main question is that of the neutrality of the police mediator. Neutrality of the mediator is considered to be one of the most important strengths of mediation, but the fact that the mediator in this case works within the police station can be considered as not being truly neutral from the perspective of all the potential parties to the mediation. Moreover, the practice of Police Mediation in Leuven is only minimally supported by a wider legal framework and for that reason, PM is currently only practiced in the area of Leuven, with the strong support of the prosecutor, rather than in surrounding prosecutorial districts (where some prosecutors are more doubtful about PM [[24]](#footnote-24)), thus creating a distinct inequality in relation to the remaining Belgian districts (D’hease and Van Grunderbeek, 2009).

D’hease and Van Grunderbeek (2009) discuss the process of PM through a ‘SWOT’ analysis method (Strengths, Weaknesses, Opportunities, Threats) and argue heavily for the use of a locally embedded and centralised project, in that it focuses only on the citizens of that area, and is implemented and used by local police therefore prioritising local needs and services. Furthermore, the use of police mediators for low-level crime is said to provide a fast process, and one which is not influenced by recidivism (offenders with a criminal history are not excluded) therefore open to all victims. However, also highlighted is the issue of the use of a police mediator and their potential for lack of neutrality, and also an abundance of suitable cases compared to the amount of available mediators due to uncertain funding channels. It is claimed that it is ‘impossible’ (2009, p.97) for PM outcomes to be measured due to their quantitative nature (and therefore implying that the outcomes are not recorded), however it would be interesting from this researcher’s perspective to further explore the potential outcomes from the victim satisfaction perspective.

## Discussion

There are numerous ideas and questions which arise from the Belgian, and indeed Leuven, model of police mediation which would aid the current research on the use of Restorative Justice by the police in England and Wales, including acting as an international comparator case study in order to discuss how RJ is both implemented and facilitated by the police services.

Firstly, when comparing English police RJ with PM in Leuven, there is one immediate difference in that Belgian officers do not facilitate RJ directly. Though they similarly act as the first gatekeeper to mediation and RJ as the English, instead Belgian officers refer parties to the relevant mediation department within the police station. English officers, however, have the powers and discretion (compared to the Belgian inquisitorial system providing limited discretionary powers) to decide when and how to deliver RJ, with the option to deliver an RJ outcome immediately. Due to the development of Belgian RJ through government circulars and strict guidance, the Leuven model is supported by a clear definition of what mediation is and what it should contain – further sustained by a police chief who believes heavily in restorative principles. This definition of mediation includes voluntariness, the power being in the control of the parties involved, and ultimately the outcome being their decision. In comparison, English RJ has developed in a somewhat piecemeal manner and seems to be driven largely by pilot schemes and individual chief constables. Due to the discretion afforded to each police service and individual officer, this consequently produces larges variations in practice.

As Belgian practice frequently refers to ‘mediation’ as a meeting between parties for a low level offence (similar to Level One RJ in England), it is important to consider whether English ‘Street RJ’ as has been described in the previous chapters is indeed RJ, and if so, is it mediation? If it is considered that ‘Street RJ’ is similar to Belgian low-level mediation, it must be further question who the process is aimed towards. Force guidelines and findings from Phase One in England stress that restorative disposals, much as other academically approved RJ programmes, are victim focussed, though this should be challenged. It seems that Street RJ is actually offender focussed, as the criteria for its implementation are primarily based on offender characteristics (previous convictions, type of offence), and only then is the victim offered participation. If the process was victim-oriented, as the Leuven model aims to be, then the victim would be able to participate in all cases, and the process would not be influenced by recidivism or type of offence. Additionally, it may also be argued that Street RJ in England and Wales could be seen as outcome-oriented as officers may inherently be focussed on ‘solving the problem’ and therefore may unknowingly recommend an outcome within the mediation – thus not acting as an impartial mediator and also influencing the process a great deal.

Moreover, it should be discussed further whether the police are indeed able to be a neutral facilitator. Where they are the same people who respond to an offence, can they then ‘switch hats’ from law enforcer to a neutral mediator? In Leuven, we have seen police officers refer parties to in-house mediators who are police staff, and therefore the responding officer to the case is not required to immediately deliver RJ. On the other hand, British officers are able to deliver RJ at the scene, with no need for immediate referrals or involvement with external parties.

Where officers carry out a restorative disposal immediately after responding to the offence, it seems unlikely that it would be possible to change roles. Despite the fact that the officer themselves may be able to distance themselves from the situation in order to carry out the restorative process, this may not be obvious to the parties involved, who may still consider the officer to be highly influential to the proceedings due to their previous response role. Where voluntariness is concerned, it may be seen that the police involvement in the restorative process is next to coercive in making the parties cooperate in the restorative disposal, or even in the outcome of the meeting. It may not be that this is expressly stated, and yet the fact that the officer who is called to the scene of the offence is able to suggest a restorative meeting could be interpreted by the parties as an involuntary proposition. Combined with the police uniform, parties may not see a neutral facilitator before them or the option of refusal to take part.

Finally, though force guidelines and the findings of Phase One indicate that police RJ in England is used in parallel to the traditional processes, in comparison to the PM in Leuven, this seems inaccurate. In England and Wales, as RJ can only be offered to those with no previous convictions and result in a disposal, it is instead evident that the restorative disposal is at the bottom of the hierarchy of available processes and punishments available to the police.

By looking at the process of Police Mediation in Belgium, it is clear that there are many ways in which the process in England and Wales is similar (e.g. cases are identified by the police officer). Though the legal systems are different and afford the police officers different powers, it is not this factor which influences the way in which the two restorative programmes vary. In Belgium the police are subordinate to the prosecutor, and therefore the views of the prosecutor have a substantial effect of the provisions of RJ at the police level. Similarly, it has been shown in Phase One that the views of senior officers have a great influence over British police service use and development of RJ.

On the contrary, this may be where the similarities end. Whilst English officers deliver RJ themselves, Belgian officers do not have this role and therefore refer cases to either in-house mediators (police staff) or more complicated cases to external services. This referral system may equally have its downfalls in both systems (through communication and paperwork barriers) but the developed process in Belgium allows for more referrals later on throughout the prosecution process, prior to sentencing and therefore greater development of Level Two conferencing for more complicated cases.

Here, we have covered the statutory and theoretical underpinnings of police-led RJ programmes in Belgium and Leuven, using the town of Leuven as an international case study. Compared to British forces, it is clear that the Leuven police RJ programmes are very different in theory, allowing for a wide range in offence severity, placing focus on the victims’ wishes and removing the spotlight from the offender and their offending history. Later, we can consider the role of the police officer and how the English system may learn from the Belgian. The answers to these questions, and indeed the questions themselves, will become clearer throughout the observations and interviews carried out in Phase Two, where beat police officers and members of Neighbourhood Policing Teams were able to express their views on police-led RJ without the constraints of their senior officers or policy guidelines.

# Chapter 6: Results from South Yorkshire (Phase Two)

## Overview

Chapter 6 reports the results from South Yorkshire Police service studied within Phase Two of this research, where interviews with front line officers and observations were undertaken, as detailed in chapter 3. Within this case study, data are presented in a sequential or chronological order; from the understanding of ‘what is RJ’ by police officers, through the remit of RJ within the particular force, the process of delivery and potential outcomes and results. Next, the data concerning police officer perceptions of the use of RJ by their police service and themselves are covered, including views about the benefits and drawbacks of using RJ in their daily work. Finally, the results of the vignettes completed by a number of police officers are discussed, showing the differences in RJ perceptions between operational police officers.

## South Yorkshire Police

### What is RJ?

The definition and promoted description of RJ from South Yorkshire Police is covered in the findings from Phase One of this research. To recap: ‘the stated aim of the SYRJP is to offer victims and members of the community a real and visible way of being involved in resolving incidents and issues in a way which meets the needs and concerns of the community’ (South Yorkshire Police, 2010). It was stated within the literature published by South Yorkshire Police that RJ gives offenders opportunities to ‘make right’ the wrongs caused by their actions, and most police officers were trained in the use of restorative disposals (South Yorkshire Police, 2011b). To re-cap from Phase 1 findings, Remedi is a voluntary, charitable organisation which was an independent provider of mediation and restorative justice training to South Yorkshire Police. From Phase 2 interviews, Remedi believes that ‘the restorative aspect is empowering the victim and offender to come up with the solution’ and promote this characteristic to the officers through their training (Remedi RJ trainer, Sheffield).

When asked the question by the researcher; ‘What RJ is used here?, nearly all officers across South Yorkshire gave answers concentrating on mediation and conferencing within their district, and primarily focussed on the aim of RJ being a ‘realistic and holistic approach’ (Sergeant 2, Sheffield) whereby the officers were able to use ‘innovative ideas to get people to realise the consequences for their actions’. Officers described the possibility of conducting mediation and meetings between parties, but often had to be prompted by the researcher to consider adult or youth restorative disposals as a restorative option despite the name of these disposals. Furthermore, when asked why they did not mention ARDs/YRDs as examples of restorative justice the common response by officers was that mediation and conferencing were ‘proper RJ’, though ARDs and YRDs have their place as a ‘less restorative’ disposal for low level offending. The reasons given for ARDs/YRDs being ‘less restorative’ than a mediation or conference mainly focussed on the reparative nature of the restorative disposal by way of making reparation to the victim, whilst a meeting or conversation between parties never occurred in this context. Officers thought that ‘real RJ’ was a face to face meeting between the victim and offender, but also that ‘RJ’ could cover any resolution of a matter whereby the harm was restored by the offender.

It was clear from conducting interviews with officers from two areas of South Yorkshire – Sheffield and Barnsley – that neighbourhood officers and response officers considered RJ to be used for slightly different things. Neighbourhood officers were more likely to associate RJ disposals with neighbourhood disputes, ongoing problems within schools or local areas and ‘repetitive quality of life issues’ (PC 1, Barnsley). For example, one officer described the use of RJ in neighbourhood disputes as part of their routine beat work:

*‘We normally deal with the long term neighbourhood issues because we use it a lot ... mediation between neighbours and they are the sort of jobs which fall into our lap anyway.’* (PCSO 3, Barnsley)

On the other hand, response officers described RJ as a method of dealing with shoplifting, minor assaults and low level public order offences. It was thus clear that officers used RJ on the low level issues and problems which recurred in their daily work. As one member of a neighbourhood policing team described, response and neighbourhood teams were delivering RJ for slightly different reasons:

*‘Maybe like the shoplifters... So response group will use it for stuff like that, but where there’s a long term issue with graffiti somewhere or a neighbour dispute, and it needs mediation then it would be us.’* (PCSO 2, Barnsley)

This difference in views on RJ was due to the nature of the jobs that response and neighbourhood officers dealt with in their day to day work. It was unlikely that a response officer would be aware of long-term issues between neighbours, and similarly a neighbourhood officer would be unlikely to respond to a burglary. For this reason, the inherent nature of the job dictates how the officer themselves viewed RJ and how it fitted into their work. There was lack of awareness among officers with regards to RJ across the police service as a whole, as they focussed on their job only instead of the range of jobs the police service encountered.

### Who delivers RJ?

From 2012, the South Yorkshire Restorative Justice Programme (SYRJP, described in full in chapter 4) was devolved from central command to district managers to oversee. In this respect, it was thought by senior officers that RJ was becoming standard use throughout the force and officers should no longer have to be prompted to use RJ as a response to low-level offending where appropriate. As one sergeant explained, RJ ‘use is increasing throughout the districts and I would suggest it’s becoming embedded now, as a tool to use, rather than having to push it, from the training, the majority of officers have used it’ (Sergeant 1, Sheffield). There was an assumption by senior, management officers that since the devolution of the RJ programme to the district managers (as opposed to being managed by a centralised RJ team) RJ was becoming ‘owned’ by the districts and that each had developed the RJ process to suit their area and officers. Beat police officers, however, were not entirely comfortable with RJ in their daily work, although many were familiar with the idea and said they had used it before. In addition, beat officers were not familiar with other district usage within South Yorkshire, and therefore could not comment on how their use might differ from other districts or indeed the force guidelines in some cases. Despite this, officers in Barnsley stated that ‘anybody in uniform’ (PCSO 5, Barnsley) could deliver an RJ disposal if they felt it was appropriate, as all officers had ‘the knowledge and the ability’ showing that they believed that all beat officers had received some form of RJ training and were capable of using RJ in their daily work.

Furthermore, all officers interviewed from response and neighbourhood teams considered themselves able to deliver RJ in their daily work, and explained that RJ was within their remit much more than other police officers. CID, for instance, was stated by an Inspector to not be involved with any RJ related incidents, though the ‘traffic department might, once we used it where someone moved a car being silly to the bottom of the road’ (Sergeant 1, Sheffield). In this instant a RJ disposal was used where a car was moved from its parking spot to a non-designated parking area further along a residential street, as a prank or joke on its owner by a young adult. Here, it was possible for traffic officers to use RJ, though it was suggested to be a rarity due to the nature of the incidents to which they usually respond; traffic offences were usually not suitable for a restorative intervention due to the lack of direct victims and a lack of disputes between parties.

When asked about their involvement with RJ, all but a couple of officers commented on the uncommon occurrence of RJ within their daily work. Most counted fewer than five experiences with RJ in their entire career and one officer remarked that ‘I can’t remember the last one, it’s been at least three months’ (Field notes, Sheffield) when he was asked to describe his last RJ disposal. In addition, another officer stated that before he transferred from the Midlands to South Yorkshire police, he ‘did loads of RJ, but here I’ve not done any since March’ (Field notes, Sheffield). The field notes were dated the 29th of July, and therefore it had been over 3 months since the last RJ intervention conducted by that particular officer. When questioned as to why this might be the case, the officer replied ‘I have no idea, it’s just luck of the draw. I used to do loads as a response officer but now as neighbourhood I do much less’ (Field notes, Sheffield). This was often mentioned to be the case, whereby response officers used more RJ disposals primarily due to the large number of jobs they encountered, whereas neighbourhood officers may deliver fewer RJ interventions yet conduct mediations instead of delivering an ARD/YRD.

Schools officers, on the other hand, were more involved in RJ processes on a regular basis due to schools’ eagerness to use it to solve pupil disputes or issues, and the high number of pupils across multiple schools enabled schools officers to be involved in more RJ cases. In some areas of South Yorkshire, schools officers were present and able to conduct ‘level two conferencing’ (Schools Officer 1, Sheffield). In Sheffield, schools officers described their role as including being able to conduct and be present at a school mediation involving pupils, teachers and parents. In addition, they were able to make referrals to the local community youth teams (multi-agency voluntary teams aimed at young people at risk of offending or re-offending to provide extra support to the Youth Offending Service) for follow up work with offenders if necessary. Barnsley no longer had schools officers present in the community and therefore this role fell to the local neighbourhood policing team. One interviewee described it to be ‘a bit of a luxury having a bobby in a school’ (PC 3, Barnsley). Here, members of the safer neighbourhood team (SNT) liaised with the schools in their area and were able to be present at any meetings or mediations conducted within the school for incidents such as ‘any bullying going on, some petty theft between kids, any minor damage to school property’ (PC 3, Barnsley).

Remedi had provided training to police officers across South Yorkshire in ‘how to identify a suitable case and the principles of restorative justice - voluntariness, autonomous, future focus, helping parties to resolve the issues themselves’ (Remedi RJ trainer, Sheffield). At the time of the fieldwork, Remedi had a couple of workers placed in three schools in Sheffield as part of the ‘Safer Schools’ Partnership, in an attempt to support schools, schools officers and those working with the schools to resolve conflicts and support victims in and around schools (Schools Officer, Sheffield). Apart from the schools officer, no other officers mentioned the role Remedi had in the delivery of RJ across South Yorkshire. When asked if the officers were aware of Remedi’s role, the resounding response was regarding the training they delivered to officers. No mentions were made of the possibility of making a referral to Remedi, nor providing victims or offenders the contact details of Remedi should they wish to be involved with RJ at a later date.

In Sheffield, a council initiated scheme of ‘Community Justice Panels’ (CJPs) was operated by ‘over 40 volunteer case workers’ who received referrals from the local police for both criminal and non-criminal cases which would benefit from mediation or conferencing sessions from an independent body (Community Justice Panels interviewee, Sheffield). Referrals were made to the Sheffield Community Justice Panels by the police officer in charge where a case may be too complicated to manage as part of their daily work, or where the police officer no longer represented a neutral facilitator (Community Justice Panels interviewee, Sheffield). Where referrals were made and mediation was facilitated by a volunteer of the CJPs, sessions were conducted in a place and time of mutual agreement with the possibility to have supporters of both parties present (friends, family members or teachers). A couple of senior officers mentioned that the Community Justice Panels were available for use in Sheffield, though many beat officers did not mention their presence. This ‘forgetfulness of officers’ was recognised by the Community Justice Panels coordinator who consequently regularly attended police officer briefings to remind them of the Panel’s work and availability. It was the officers, however, who often felt that it is their duty to ‘finish the job’ and this inherent belief and ‘sanction detection’ culture made it difficult to encourage officers to refer jobs to the Panels. However, it was stated that the Community Justice Panels’ case load was slowly increasing and police officers were slowly becoming accustomed to their availability and presence to assist in RJ cases (Community Justice Panels interviewee, Sheffield). Similarly in Barnsley, Neighbourhood Resolution Panels were available for police referrals. However, unlike Sheffield, the aim of this pilot scheme was to ‘nip problems in the bud’ and it was not intended to deal with long standing disputes and problems (Sergeant 1, Barnsley). Only one officer mentioned Neighbourhood Resolution Panels in Barnsley when interviewed, and many only mentioned the possibility of referrals when prompted by the researcher.

### When can RJ occur?

Police officers were very clear in their understanding of the guidelines within which RJ was intended to be used across South Yorkshire. The officers interviewed all reiterated the same criteria of using RJ processes to deal with low level crime where the offender had no or very little history of previous offending. For example, one officer stated that ‘if somebody has no previous convictions, never been in trouble before, whether adult or youth, we’ll consider that [RJ] ... also an adult if they haven’t been in trouble for about 10-15 years because we’ll consider that previous conviction as spent’ (PC 2, Barnsley).

The ‘low-level’ crimes considered suitable for an RJ disposal were described as ‘those which would attract juveniles for reprimand or warning, or an adult for a caution’ (Inspector, Sheffield). Officers used a tool known as a ‘Gravity Score Matrix’ which ranks offence types from 1 to 4 in order of severity – one being the lowest, four the highest. It was additionally colour coded from green through to amber and red and therefore officers would refer to either offences with a gravity score of one or two, or ‘green offences’: ‘we have a gravity matrix .. if it is 3 or 4 it usually goes to court, this [RJ] has to be 1 or 2’(Sergeant 1, Sheffield). For cases in Sheffield which were referred to the Community Justice Panels, they may process both non-criminal and criminal cases:

*‘neighbourhood disputes where both parties are equal and there is no singular harmed person. These may be for cases such as noise, parking disputes and the like*. [Cases] *often include mental health problems where more support is needed and can be given via referrals from these panels. For criminal cases, these may be for cases such as low level theft, school issues or damage, low level assault, section fives, harassment, hate crime’* (Community Justice Panels interviewee, Sheffield).

Where non-criminal situations such as the above were concerned, officers in Barnsley described the police use of RJ for non-crimes as an ‘anti-social behaviour matter’ (PCSO 6, Barnsley). Furthermore, Barnsley officers stated the possibility of the ‘CJU10A’ ticket for neighbourhood resolutions which could be facilitated by a member of a Safer Neighbourhood Team who is trained in mediation. In Sheffield, however, officers stated that they would refer neighbourhood dispute cases to mediation within the Community Justice Panels in which the parties were afforded with assistance from partnership bodies such as the housing association, drug and alcohol management programmes and youth offending teams where necessary. Here, cases which fell outside the police RJ remit were still able to be included in an RJ process through the availability of Community Justice Panels and relevant parties were able to access help from external agencies for quality of life issues.

Many officers commented on the ‘first chance’ aspect of RJ for youth offenders in relation to their ability to give a disposal to the offender with minimal repercussions and resulting in no criminal record for the young person. Furthermore, the fact that the offender should only receive one RJ disposal was described as ‘just get one bite of the cherry’ (PCSO 4, Barnsley). This was thought by most officers as the first, bottom step or level of the punishment hierarchy for youths. However, one schools officer who worked with young people and young offenders regularly pointed out that this hierarchy, in fact, was incorrect for youth offenders: ‘previously [RJ was] at the first instance or at the bottom, now since LASPO we can offer RJ at any stage’ (Schools officer 1, Sheffield). Here, the schools’ officer referred to the recent introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which introduced the possibility of repeat cautions and removed the hierarchal nature of reprimands and final warnings. The officer also stated that a restorative outcome was no longer considered a ‘first chance’ option but may be considered at any stage of the youth’s offending history depending upon the seriousness and nature of the offence. This, however, was not mentioned by any other officers and when prompted during interviews it was revealed that they were unaware of this new legislation and subsequent change in the processing of youth offenders. It may be, as the legislation was very new at the time of interviews, that the officers merely had not come across it in their work yet, however their manager was also unaware of the new processes. It was obvious that officers who rarely dealt with youth offenders were not up-to-date with the legislation, though it was reassuring that any cases resulting in any consequence other than a RJ disposal would be referred to the local Youth Offending Service which would be more likely to be aware of the new process.

In Sheffield, officers were aware that RJ was becoming a possibility to be used in more serious circumstances where hate crime was present, with the guidance of their supervisors. This had been encouraged by Remedi staff, who had regular contact with officers, and who stressed to officers that ‘you have to consider what you want to achieve ... see the use of hate crime as education to stop offending’ (Remedi RJ trainer, Sheffield). From observational data, one response officer described how they used RJ for a racially aggravated verbal abuse matter:

*‘There was a girl who often shouted abuse at her neighbour, calling her racist names such as ‘monkey’. The neighbour became very upset but was adamant she wanted to talk to the girl and explain why the name calling upset her. The officer arranged for a meeting between the girl and her neighbour and after the victim explained how and why the name calling had affected her the girl understood why it was not appropriate to use racist language towards other people’* (Fieldnotes, Sheffield).

However, this forward thinking regarding racially aggravated offences was not present in the smaller town of Barnsley, where officers considered hate crime and racial aggravation to be negative criteria which would automatically rule out the option of RJ being used in such a case. One neighbourhood officer stated that ‘we’d get criticised for that because there’s an aggravating factor. Any kind of hate crime.’ (PC 2, Barnsley). The neighbourhood officer in Barnsley was not confident in using RJ for any crime where there may be an ‘aggravating’ factor to the offence such as racial motivation, drug or alcohol related abuse due to concern that their supervisor would not be supportive of their actions. A sergeant in Sheffield agreed that for ‘hate crime, [PCs] have to liaise with supervisor, can’t just make that decision on their own’. Therefore, though hate crime was slowly becoming introduced as a possible RJ solvable offence, officers were not afforded full discretion and were encouraged to consult with their supervisors before using it.

For offences involving some form of domestic violence, RJ was not encouraged ‘due to the power imbalance between parties’ (Remedi RJ trainer, Sheffield), however as with racially motivated offences, it was slowly beginning to be considered for a restorative outcome:

*‘Domestic violence ... [pause] ... could be used but rarely. Not really in the code of practice. Though there is some few places where we could use it in some circumstances’* (Sergeant 1, Sheffield)

Though domestic violence cases were not covered by the South Yorkshire Police/SYJRP code of practice, some officers thought that it should be considered for restorative intervention where it may be possible to issue a conditional caution including conditions such as anger management or ‘crime and consequences courses’ for the parties to attend. They mentioned that they would prefer to try to mend a relationship or situation than negatively affect the family by removing a victim or offender from their home. One officer from Barnsley described a couple of cases he had dealt with, and reflected that he wished he could have used RJ:

*‘A job I’ve been to had a couple fall out; lad wants to leave, lass don’t want him to leave so she stands in front of the door. He shoves her and she falls onto kitchen floor – all he’s doing is wanting to get out. She decides she’s not having this, calls the police and says ‘he’s assaulted me’. The fact that’s it’s gone on our system as a domestic assault gives us nightmares. We cannot just then turn up at the job and say ‘what’s happened?’ and let her admit she was stopping him and he moved her out the way with proportionate force. We can’t just get rid of it like that, we’re not allowed to ... there has to be further investigation. If you can just get an officer to pop round and him sign a bit of paper that says ‘Yeah I did shove her for this reason’. For the really low level stuff it’s definitely appropriate but it’s still not in* [the SYP policy]*. Definitely for domestic damage which we get tonnes of. Similar scenario: a couple fall out and they don’t live in the same house, one party leaves. As he’s leaving he kicked wing mirror off the other parties’ car. Next day they make up but she’s rung it in already. They make up, he’s sorry, it’s a one off, 10 year relationship, he’s never done anything, never violent, and he says ‘not a problem, I’ve bought a new wing mirror and I’ll put it on this afternoon’. Why are we then saying ‘can’t RJ you for that’? Bearing in mind you’ve done everything that victim wants and it supposedly victim led and she just wants a new mirror. That to me should be RJ. It’s a perfect RJ. But yet they’re* [SYP] *just not prepared to take that step further because it falls under the ‘domestic’ heading.’* (PSCO 6, Barnsley)

In addition to considering the offence and the offending history, officers often mentioned the need to apply an ‘attitude test’ when making a judgement on whether to issue a restorative caution or another form of penalty. For example, one officer described a situation where he debated using RJ for a shoplifting offence:

*‘There was one lad I was dealing with for shop lifting and he was just finding it amusing. He’s not really going to benefit from RJ because he just finds it amusing so it’s better to hit him where it hurts ... which is in his pocket and we just give him a ticket instead.’* (PC 2, Barnsley)

Police officers considered the attitude of the offender and how they may benefit from a restorative disposal compared to another outcome. Amongst the reasons to consider using RJ for a young offender, officers stated rationales such as protecting their future careers, travel opportunities and the unwillingness to be ‘penalising them for the rest of their lives’ (PC 3, Barnsley). Where the offender might not fit, however, was where the officer believed that they would not benefit from an RJ outcome and instead should be dealt with more traditionally by way of prosecution or a fine.

Beat officers failed to mention any form of consent as a criterion to consider when deciding whether to deliver a RJ intervention, though victim consent was mentioned by senior officers as an important part of RJ:

*As long as the victim is happy then that’s fine because it’s victim led. That’s the biggy – victim led. We try and push that to the officers.’* (Sergeant 1, Sheffield).

However, the beat officers did not consider victim consent to be a part of the decision-making process, and instead thought their consent to be part of the delivery process, discussed below. Police officers seemed not to trust the judgement of the victim to decide whether RJ should be an option in the case, instead believing that their professional judgment overruled any victim wishes. They thus considered the crime, the offending history and offender attitude before asking the victim what outcome or solution they would like. No officer mentioned a case where the victim asked to meet or discuss the matter with the offender, and most stated that they would ask the victim whether they would like to participate only after deciding whether the case was suitable.

In one case, a sergeant in Sheffield described a situation of criminal damage where the monetary value of the damage was a large determining factor in deciding to offer RJ to the parties:

*‘where a young lad had borrowed and crashed his mate’s dad’s car it’s not gonna work if we ask him to cough up the £500 or so that the damages cost. He doesn’t have that sort of money, and you don’t want to ask parents to shell out when they can’t afford it either. We can’t enforce the handover of the money, so it’s better to give him a caution and then everyone can see that justice is done.’* (Sergeant 2, Sheffield)

Here, the police officer considered the amount of damage to be too great for an RJ intervention, and in addition one officer in Barnsley also stated a ‘£300 maximum for damage’ restriction for giving RJ disposals for cases of criminal damage (PCSO 4, Barnsley). The officer from Sheffield above did not offer it to the victim or offender as they decided that the only outcome would be to pay to repair the car. It was unclear why the officer thought this to be the only outcome, and based his judgement to not offer RJ on the fact that neither the offender nor his parents could afford to repair the damage. Interestingly, when interviewed a Chief Inspector in Sheffield supported this view stating that ‘it is down to the officer’s judgement to say how can this person pay? Can they pay?’ (Ch. Inspector, Sheffield). Should the officer have offered RJ to the victim, however, the victim may have been happy with another form of recompense or reparation such as a meeting or an apology. However, due to the cost of the damage and the notion for this officer that the reparation should have a monetary value, it was not offered. Therefore, the offender was issued with a caution with no opportunity to discuss the matter with the victim or attempt to make reparation.

Conversely, another Sergeant described a situation where it was decided to give an RJ for a matter of minor criminal damage:

*‘two or three youths have a fight which spills into a local budget goods store. They do damage to the front of the shop displays and some of the goods. The shop just wanted £15 off each of them to cover the damage. We could have arrested them but at the end of the day, we would have taken them into custody ... Why do all of that when we can do an RJ? You already know what the outcome will be and you can use it to sort out the process.’* (Sergeant 2, Sheffield)

Here, the sergeant considered what the victim wanted before making a judgement on the outcome of the situation. The victim was willing to participate in an RJ process whereby the value of the damage was repaid by the offenders. When comparing these two situations it is clear that the monetary value of the damages had a large part to play in the decision-making process of the police officer. Furthermore, the wishes of the victim, if consulted by the officer, can dictate the outcome of the RJ intervention. Had the victim been consulted in the first situation, the outcome may have been different. The police officers here had very different views with regards to whom the process should benefit; the first was focussed on the offender, yet the second – though considering the victim views – also debated how the process would affect him and his daily work. By delivering an RJ he met the needs of the victim and also did not have to go through the custody process with the offender himself.

### The RJ process

Officers in South Yorkshire described the process by which they would deliver a restorative disposal after they had taken into account all of the conditions set out in the section above and the need to discuss the potential for a restorative outcome by ‘explaining the procedure to both parties, seeing whether or not they are interested in the first place’ (PC 2, Barnsley). If neither the victim nor offender was interested in a restorative outcome, many officers stated that mediation would not be able to proceed. ‘We are asking what the victim wants us to do about the matter and we can explain the option of RJ, what it means, that it is voluntary, then if they say yes we can explain to the offender if they want to do it. It has to be voluntary and got to explain to the offender that if they don’t want it then we can revert back to normal’ (PC, Sheffield). Where officers described a ‘normal’ case process they would refer to an arrest, prosecution or ticket which they stated often were the ‘traditional’ responses to crime instead of the ‘new’ RJ process. However, though this victim-centred rhetoric was commonplace within officers’ knowledge of the RJ process, in reality this was rarely put into practice when attending a potential RJ case.

With regards to the RJ process, a police officer in Barnsley stated the first steps an officer would carry out before beginning mediation or a restorative disposal:

*‘we go through a set process whereby we’d make initial contact, get all the crime reports, previous convictions ... first visit we’d make a risk assessment, finding out what sort of environments like, then we’d find out if they wanted to do direct or indirect mediation’* (PCSO 1, Barnsley)

Senior officers thought it important to ask the victim first whether they would be willing to participate in a restorative meeting - as one inspector stated ‘it is only if the victim wants RJ’ (Fieldnotes, Sheffield) - and neither party should be coerced into accepting. However, when describing the process of carrying out an RJ disposal, beat officers did not mention victim consent until after they had first decided the case was RJ suitable, and secondly, had explained to the offender that it was a possibility and if they were willing to participate they must admit to the offence. After these steps, the officer would then explain to the victim that RJ was a possibility. When asked what would happen if the victim did not want to participate, many officers said that mediation would not occur, but they might do a ARD or YRD whereby the offender could write a letter of apology, pay to repair the damage or replace the items stolen. In this case, there would be no direct contact or discussion between victim and offender therefore the officer would act as a go-between or shuttle. It was clear that regardless of victim participation some officers thought an ARD or YRD could occur, though mediation or a conference could not.

When prompted, officers considered situations where victims simply did not wish to participate, and mentioned that this might occur where corporate victims such as shops or taxi companies wished to prosecute the offender:

*‘* [the shop] *are adamant that they don’t want to deal with things by way of RJ so now we are dealing with ... 14 year olds school kids that have nicked a 30p bar of chocolate as an actual offence and not by RJ. Both parties have got to say yes ... we might think it’s the best way to deal with it but if they don’t want to do it then it’s tough.’* (PCSO 2, Barnsley)

Here, the PCSO comments on their understanding that if the victim does not wish to participate, then the offender must be prosecuted or dealt with in a different manner even if the officer themselves does not regard this to be proportionate to the offence. Many officers were not comfortable with the possibility of the victim being influential in the case and having some power regarding how the officer should deal with the offender, seemingly due to the fact that the officer considered their decision final and to be the ‘professional opinion’.

Furthermore, some officers struggled with the notion that in some cases it may not be possible for the officer to see out the case and instead they must consider all options to them, possibly referring to an external party to deal with the situation:

*‘With policing in the last 5 or so years, it’s becoming a more partnership based thing, which is hard to get your head around. We’re used to making the decisions and it being all about the powers which the officer has. Now you have to think about the best way to resolve that, be it by an officer or referring to a better service that might be more suitable.’* (Sergeant 2, Sheffield)

Within South Yorkshire, the RJ processes, as mentioned in the findings from Phase One, were known as the ‘South Yorkshire Restorative Justice Programme’ and therefore the police were only one member of the partnership which ran and supported the restorative programme. Officers, both senior, response and neighbourhood police, said that they were used to being the decision maker in a case, from seeing it through from start to finish and deciding how to process the offender. However, with the introduction of the ‘Restorative Justice partnership’ in South Yorkshire officers now had the ability to refer cases to other parties to manage. This was unusual to the officers who consequently found it difficult to pass over responsibility for a case. The ability to refer cases outside of their police service for RJ was considered new to most officers but many supported the idea of a partnership approach as ‘it is good that we can put them [the offender] in contact with other helpful services such as social services, drug rehabilitation or anger management programmes.’ (Schools Officer 1, Sheffield).

In addition, some officers appreciated that the RJ process might take a little more time than they would like if they wished to manage the case from start to finish. For example, one officer described a particularly lengthy case:

*‘The officer had been called to a matter where an iPod had been stolen in a pub. The offender was identified from pub staff and CCTV. The offender agreed that he should not have picked up the item from the side of the pool table, where he had taken it from. The victim just wanted his belongings back and was not interested in any other result. The victim and offender did not live in the same city and the police officer acted as a shuttle between parties to arrange the item to be returned to the victim. The police officer had spent over four months in communication with both the victim and offender before a suitable handover had been arranged’* (Fieldnotes, Sheffield)

Here, the officer further stated that he was ‘happy to see it through but [the case was] a bit more lengthy than I’d like. I’d rather see it through than another officer or team take over then change the outcome to a charge’ (Fieldnotes, Sheffield). The officer explained that he felt sure that the process of carrying out a restorative disposal was appropriate for this matter and that because it was a lengthy process other officers might have given up and charged the offender with theft. As the officer was confident RJ was the right choice, the RJ process in this case took a couple of weeks.

### Restorative Outcomes – the possible and the actual results

Remedi ‘ask officers to be creative in the outcomes, it should not just be an apology. An apology is just shaming the offender further ... it should help both parties move forward’ (Remedi RJ trainer, Sheffield). Remedi trainers encouraged a meeting between parties to discuss the problems in hand, the possible repercussions and the possible reparation or result. Furthermore, they believed that ‘most outcomes result in a discussion between parties. Not necessarily money, but most just want to have their say’ (Remedi RJ trainer, Sheffield). Where an RJ disposal was conducted, officers interviewed described numerous outcomes which might be considered by the officer in charge depending on the wishes of the victim or the circumstances of the offender. Furthermore, a senior officer described how officers had a large say in the outcome of the case, and suggested that they oversaw how the offender responded to the victim:

*‘They [officer] can do anything, in a way, anything that is realistic, proportionate and achievable so for instance, down to the discretion and circumstances ... for instance ... shouting offence ... and apology. Face to face, shuttle, written ... telling officer to sit with offender to make sure what they write is suitable so not revictimising the victim. Without telling them what to write, it’s no good saying here copy this, it has to be meaningful’.* (Sergeant 1, Sheffield)

Another sergeant in Sheffield believed there to be no outcome of an RJ process which was unsuitable, ‘there is no solution barred from it so whatever any idea ... anything goes as long as it is having a positive effect’ (Sergeant 2, Sheffield). Here, the officer thought any outcome could be available to victims and offenders provided that the outcome was likely to have a positive effect. The inspector did not state who the positive effect must be for, the victim, offender, or both; however a chief inspector in Sheffield additionally said that any outcome was possible as RJ can result in ‘whatever the victim wants’ (Ch. Inspector, Sheffield). This may be contrary to the quoted sergeant above who was concerned about revictimising the victim, and therefore encouraged the officer to use their judgement in helping the victim and offender come to an agreement with regards to the best outcome.

During the interviews, officers were able to describe situations in which they had delivered an RJ intervention and often mentioned the needs of the offender or the repercussions of the RJ on the offender:

*‘We had a minor assault, teenagers in bus station got wound up and pushed him [victim] over, not serious and he [offender] wrote a letter of apology. He [victim] was satisfied with that. The parents of the child [offender] was really happy because it meant that they had to sit down and think about it and at least the kid that got pushed over understood why he’d [offender] done it instead of becoming a battle between them and taking it out on each other’.* (PC 2, Barnsley)

In this case in Barnsley, the officer described an argument between two youths. After a disagreement and minor assault, the officer carried out an RJ intervention which resulted in the offender writing a letter of apology to the victim. Here, the officer said that the offender’s parents were happy with the outcome as the offender was given the opportunity to think about his actions and make an apology. The police officer considered this beneficial to the victim to help the victim understand why he had been assaulted. There was no mention of helping the victim get his point of view across to the offender such as how it made him feel, only the offender views and apology to the victim who was willing to receive them. It was clear here that the onus was on the offender and the best outcome for him, not the victim.

In some cases officers described situations in which the victim was consulted in the first instance and had a large say over the outcome of the RJ disposal. For example, a Chief Inspector in Sheffield described, in perhaps a somewhat rose-tinted anecdote, a case of anti-social behaviour:

*‘Plant pots being moved by a group of early 20s coming back from the pub. They actually did a conference on that, apologised, bunch of flowers and left hand in hand. Whatever the victim wants.’* (Ch. Inspector, Sheffield)

At this time, the victim was said to be more ‘annoyed than aggrieved’ and therefore wanted an apology from the offenders. The officer in charge arranged for a conference where the parties could meet and discuss the problem, the offenders could apologise and then, the elderly victim explained why the situation had upset her. The officer stated that in this case it was a matter of having a conversation to educate the offenders and make them understand the repercussions of their actions. It was again stated here that the outcome could have been ‘whatever the victim’ wants.

In addition, during conferences organised by the schools officer, it was said that ‘the victim can make a statement in their voice and the outcome can be anything really, and a conference set up to decide’ (Schools Officer 1, Sheffield). It was believed that the parties participating in a conference here were able to decide together on the outcome during the conference, and therefore the victim and offender were seen to have an equal input to the outcome. The officer involved in the conference was not to influence the victim’s wishes or make any statement in their voice and thus the conversation and resulting outcome was the product of the victim and offender being in agreement. This belief was further reiterated by Remedi:

*‘The restorative aspect is empowering the victim and offender to come up with the solution themselves. For it to be restorative it needs to be suggested or there to be direct contact with the victim. It should be in the victim and offenders’ words, not the PC’s.’* (Remedi RJ trainer, Sheffield)

It was clear that most officers thought it to be important for the victim and the offender to come to an agreement and decide the outcome themselves through a conversation either face-to-face or through the officer acting as a shuttle mediator. However, it was not clear in practice that the victim’s wishes were upheld or even considered on many occasions. As mentioned above, officers found it difficult to let the parties make a decision themselves, and often acted themselves in the role of the victim to encourage, suggest or manipulate an outcome which the officer considered suitable. A sergeant in Sheffield agreed that ‘it [RJ] can be offender focussed but you [the officer] have to think of the most important person in each case’ (Sergeant 2, Sheffield). The implication is that the officer was able to decide who the important party was in each case and tailor the restorative intervention to that participant, thus becoming highly influential in the decision making process and the outcome of the meeting.

## Police Officer Perceptions

This section covers police officer perceptions and beliefs regarding restorative justice and includes their personal attitudes towards the delivery and purpose of RJ in their work. It should be remembered that these statements do not reflect the values of the police service within which they were based, but were personal and individual beliefs of the officer.

### ‘You don’t need a sledgehammer to crack a nut’: The practical benefits

Many officers expressed a positive response when asked about whether they thought RJ was a positive or negative addition to the disposal options they had available to them in their daily work. Most commonly mentioned positives for the officers were the time saving benefits from delivering an RJ disposal compared to making an arrest:

*‘It’s a quick way of dealing with stuff most of the time. Like shoplifters. A 20min job instead of a day or half day job.’* (PC 3, Barnsley)

When comparing the RJ process with an arrest or charge, officers saw RJ as a much faster, easier way of dealing with situations. In addition, many officers stated that ‘it reduces the amount of paperwork we have to do’ (PC 3, Barnsley), as they were able to deliver an RJ disposal ‘on the spot’, without needing to take the offender into the station.

An officer in Barnsley described the difference between giving an on-the-spot RJ to a shoplifter and making an arrest:

*‘I’ve just been to a shoplifter and it’s literally taken me 15mins. Get there, get details, get them to agree to it, crimed it and he’s just dropped me off the letter* [of apology] *now for me to hand over to the premises. Whereas before I’d have to arrest him, take him to custody where it takes half hour or 20mins to book him in, then you have to interview them, they might have a solicitor when it might take an hour for that, then you might need to get some advice, do the file which can take a couple of hours. So it’s much better for the public to have us there’* (PC 2, Barnsley)

The police officer here thinks that using RJ made much better use of his time compared to making an arrest for this shoplifter. Beat PCs were very conscious of all the jobs they had lined up, coming in constantly via email and over the radio and they believed it was better if they could deal with as many as possible, as effectively as possible. Unfortunately, this could mean that little time was given to listening to the victim or offender when the officer was preoccupied with the next job on the list.

On the other hand, senior officers made more reference to the policing role and the ‘service’ officers could give to victims through delivering RJ. For example, there were frequent comments given by senior officers regarding the victims’ wishes, and how RJ could be used to provide a more victim-focused policing service buy responding to victim’s needs and views. However, this was a less common benefit suggested by beat officers, who were more focussed on the time and effort used to manage each case.

Furthermore, senior staff and managers made no reference to the length of time a level 2 conference would take compared to a level 1 or ‘on the street RJ’, and therefore seemed to assume that officers would be likely to deliver both in equal amounts. Compared to the time-focussed nature of the beat officers, who felt they had to move quickly and efficiently, it was implied that senior officers pressured beat officers to complete cases quickly with little regard to the time needed to sufficiently deliver different stages of RJ, therefore placing targets and sanction detection rates over quality or restorativeness. Furthermore, senior officers were suggested to regularly encourage beat officers to focus on specific targets, schemes or initiatives (such as burglary), and therefore RJ was frequently set aside as a non-priority and consequently not encouraged by managers.

### ‘Seasoned officers don’t care’: A cultural barrier

Often mentioned by beat officers and indeed one sergeant, was the matter of older, more experienced officers being less likely to deliver RJ. It was thought that they had ‘got used to’ the past way of doing things, and the introduction of a new disposal was not welcomed by officers who had been in the police service for a number of years.

*The force is a breeding ground for cynicism, the ‘dead wood’ don’t like it. The new training is good, but at the end of the day the officer’s experiences are the main importance.* (Sergeant 2, Sheffield)

The sergeant comments that the officers who had become accustomed to the police service’s usual manner of making an arrest or charging for these types of offences, found it difficult to adjust to a new way of doing things. In this respect, it was not the training which, the sergeant stated, would encourage officers to engage with RJ ideals, but experiencing and delivering them first hand. Furthermore, the officer went on to suggest that these officers have to learn to ‘listen to the customer and learn that as an individual the cop can be the negotiator’ (Sergeant 2, Sheffield). Here, this sergeant suggested that the ‘more seasoned’ officers needed to change their usual way of thinking, of taking the lead in the situation, and instead listen to how the customer – the victim in this case – would like to resolve the situation. However, from older or longer serving officers there was little evidence to explicitly suggest that they were less likely to use RJ; on the contrary this ‘cultural shift’ was commonly mentioned by interviewees, and not always in a negative light. For example, most officers commented that the introduction of RJ brought them back to ‘how we used to do things’:

*‘It just gives us back our discretion again. You used to have discretion about how you dealt with something when a crime comes in, now if someone reports a crime that they don’t want anything doing with it then we still have to investigate it still arrest someone and they still might end up with a conviction, whereas with RJ you are still dealing with the matter, still making the person aware of what they have done but they’re not getting a record or conviction out of it’* (PC 2, Barnsley)

Many officers believed that the introduction of the RJ disposal gave them some freedom and flexibility in deciding how to deal with cases. It was mentioned that in ‘the past’ officers were able to have complete discretion with deciding how to manage a situation, before it was stated by officers that ‘more bureaucracy’ was introduced, which took away the officer’s decision-making ability in order to increase accountability within the police service. RJ, however, was seen by officers as giving them some discretion back, and though they were not able to ‘do nothing’ in the event of a low-level crime, they were able to use their judgement with regards to giving a disposal.

### ‘They don’t need penalising for the rest of their lives’: The offender perspective

Some officers who mentioned the benefits for offenders commented on the possibility to allow the offender to ‘right their wrongs’ and ‘not be criminalised’ for something small:

*‘some kids damaged a sign at the local park where I was working – none of them in trouble before, all good kids at school all good prospects I really didn’t see the point for giving them a criminal record for something as stupid as picking the front of a sign off that was already starting to peel. So I did on the spot RJ, got the council to agree with it and had them litter pick after school so that all their friends could see local people could see something happening because they had done the damage and they were embarrassed because all their friends could see them litter picking afterwards. It made them think a lot more than if we’d sat them in the room, told them off and said here sign the bit of paper now you’ve got a caution’* (PC 2, Barnsley)

The PC in Barnsley described a situation where it was more meaningful for the offenders to correct their misbehaviours in front of their friends than receive a caution and subsequent criminal record. By ‘shaming’ and ‘embarrassing’ the offenders the police officer believed it to be a more powerful repercussion to their actions despite the lack of arrest, charge or criminal record.

However, a few times the phrase ‘Toothless Tiger’ was mentioned by interviewees when they were asked to consider how effective RJ disposals were for offenders. Here, it was stated that RJ disposals and the conditions set by them were ineffective where the offender does not complete the reparation agreed. Restorative interventions were not able to be enforced in South Yorkshire by the officer in charge, as the disposal had been carried out at the time of issue. Therefore, should the offender not make repayment, repair or an apology as agreed at the time of disposal, the officer was powerless to enforce the matter. However, where a conditional caution was used with restorative conditions attached, the officer was able to enforce the conditions and refer the offender to prosecution should the conditions be breached or uncompleted. A schools officer interviewed in Sheffield commented that:

*‘It is good that we can put them in contact with other helpful services such as social services, drug rehabilitation or anger management programmes ... as a condition to the mediation but it’s a bit of a ‘Toothless Tiger’ as it can’t really be enforced’* (Schools Officer 1, Sheffield)

Furthermore, though a couple of officers recommended RJ as a way in which to educate and help young offenders, when it came to adults it was often stated that ‘I don’t know if it might prevent future offending’ (Schools Officer 1, Sheffield). Though it was stated to be useful to refer offenders to partnership programmes such as drug rehabilitation, the lack of enforcement from officers meant that officers had much less faith in the effects RJ could have on an adult offender compared with a youth offender, who in their eyes would benefit from help, support and education.

###  ‘As long as the victim is happy’ : The victim perspective

There was little commentary from officers in South Yorkshire on the benefits to victims from restorative interventions, despite being prompted during interviews to consider any victim benefits. As mentioned in the sections above, it was stated by most officers that RJ should be a ‘victim focussed’ event, and that any outcome was possible if the victim wants it. However, though this was the general consensus between officers, most admitted that in practice it was often ‘offender focussed’. A sergeant in Sheffield further explained why the officer might not take into account the victim’s perspective:

*‘Sometimes the victim is out for blood for some petty offence, and that’s not proportionate. Sometimes you have to listen to what each side want but at the end of the day it’s the officer decision’* (Sergeant 2, Sheffield).

Here, the officer thought that regardless of the victim’s views the officer in charge has the final say on the outcome of the restorative intervention. In interviews, officers were only slightly conscious of the gap between the ‘victim focussed’ rhetoric of RJ, and the reality of police practice whereby often the victim was not considered until last, if at all.

When prompted to think about any benefits there may be for victims in the RJ process, there were few variations of answers to this question, and many officers replied that victims could get some closure, feel better served by the police and understand the offender’s reasons for committing a crime:

*‘I think they feel sometimes that more has happened and we’ve listened more and understood the situation they are in and the impact it has had on them’* (PC 2, Barnsley).

This officer comments that the victim felt a benefit from the police officer understanding the impact of the crime, more so than the offender understanding the impact of their actions. This may be due to the lack of direct victim-offender mediation carried out by officers, as many believed it to be ‘very time consuming so we find it easier now to refer it to a neighbourhoods resolution panel’ (PCSO 1, Barnsley). Overall, there seemed to be a great lack of officer knowledge or understanding of the effects the supposed ‘victim focussed’ SYRJP was intended to have for victim participants.

## Vignette Results

Vignettes are typically short stories or situations depicting a fictional character or scenarios appropriate to a particular study. The story offered places the behaviour of the character in a concrete context and allows the researcher to explore the participants’ views and reactions arising from the situation (O’Dell et al., 2012). The background and decision to use vignettes within Phase Two has been discussed further in chapter 3, and the full vignette scenarios can be found for reference in Appendix 1.

Officers were asked to read each scenario in turn, and rank them between 1 and 10 on their suitability for an RJ intervention: 1 being not at all suitable and 10 being very suitable. Officers were also encouraged to discuss their thoughts with the researcher and, in the case of focus groups or group interviews, with other officers if they wished. From South Yorkshire, the total number of officers who completed the vignettes was 10, a mixture of both neighbourhood and response officers.

Overall, the vignette exercise was considered to be useful when interviewing police officers, as officers often compared the scenario with force policy which demonstrated their understanding and knowledge of the RJ policy in their area. Whilst occasionally officers were able to embellish their answers with anecdotes or examples of their previous experiences, most had only a little experience with RJ and therefore applied their understanding of force practice with the scenarios. Officers frequently referred to gaining their ‘supervisor’s approval’, thus presenting their justifications for or against RJ in a similar manner to which they would present a case file to their supervisor should they require extra guidance. Interestingly, this is similar to the process of justification required for any promotion exams, and therefore it is clear that some officers felt that they were being tested on their knowledge of the force policy.

1. Two teenagers (aged 15) have been having a disagreement with their local shop-keeper. He called the police after their comments.

Vignette one refers to a pair of teenagers who have been having an argument with their local shop keeper. Most officers queried the nature of the ‘disagreement’, and some stated that if it was a racially motivated insult or similar, then the case would not be suitable for an RJ disposal. Other officers also mentioned that it was not clear in this case whether an offence had occurred and said that they would therefore be unwilling to take any further action. In South Yorkshire, there was a large range of answers from officers, with rankings spanning 1 to 10. Three officers scored 1, whilst four more gave a 7, one officer an 8, another a 9 and the last officer a 10.

Some officers in Sheffield were familiar with the new ‘Hate Crime’ initiative within SYP whereby RJ was intended to be used with all sorts of racially and discriminatory motivated offences. It was the officers who were aware of the new initiative who gave higher scores for this case and were willing to consider an RJ outcome should the comments from the offender be racially abusive. However, officers were not focussed on the victim’s views of the comments in question, and held it within their power to determine whether the statements fell under ‘hate crime’, and not determined by the victim – contrary to the definition of hate crime and ACPO recommendations.

Subsequently, it was clear due to the discrepancies between Sheffield and Barnsley that the new initiative was not disseminated and understood across the entire force and by all officers, which could be due to the distance of Barnsley from the force headquarters (Sheffield) and lower use of RJ in Barnsley, equating to less experience and confidence with RJ delivery. Furthermore, the ACPO guidance (2012) is very unclear on the use of RJ with hate crime, with contradictory messages such as including hate crime within the red (not usually suitable for RJ) section of the gravity score matrix; compared to the statement that ‘ACPO supports the use of RJ in relation to hate crime or hate incidents...’ (p. 6). In both areas officers were very focussed on the exact actions of the offender – the offence and the comments made. No officers mentioned the involvement of the shopkeeper victim or their views on the statements made, and the decision to deliver RJ was heavily influenced by the content of the remarks made by the offending youth.

1. Three neighbours (all adults) in a terrace have been having a long-term disagreement about the noise levels coming from the middle house. What started as a verbal dispute has now escalated into petty theft, vandalism, verbal abuse and has begun to negatively affect the quality of life from the other residents on the street. The police were called after one other resident became concerned after an argument escalated between the parties late one night.

Vignette two featured a long-standing neighbourhood dispute which had progressively escalated. In South Yorkshire, the majority of scores were between 8 and 10 as response and neighbourhood officers considered this type of case highly suitable for an RJ intervention by themselves. In total, six officers awarded a 10, one officer a 9 and two more an 8. One officer in Barnsley, however, scored this scenario as a 3. When queried by the researcher, this officer stated that he would not be willing to get involved in such a complicated matter, but depending on the level of crime within the case would happily refer the parties to the local housing association or similar for their support in the matter.

These findings could be seen as contradictory to the results of the interviews, where beat officers in Sheffield stated frequently that they did not have time to deliver RJ to complicated cases and that they would prefer to refer these cases to other facilitators such as neighbourhood officers or the Sheffield Community Justice Panels. Despite these statements within interviews, all but one South Yorkshire officers ranked vignette two highly for RJ suitability, and no officers in Sheffield mentioned referrals to the Community Justice Panels within the vignette discussions. As stated in the interview findings, the Sheffield Community Justice Panels have been seen by officers as a useful addition to their RJ provisions, however officers find it easy to forget about their presence or the referral process. This is reflected here, where with no direct prompts from the researcher towards the Community Justice Panels, officers did not include them within the RJ outcomes for vignette two. However, the Barnsley response officer scored the situation with a 3 for suitability, and though the officer did not mention any referral possibilities to neighbourhood officers, commented upon the ‘pressure’ and time restrictions often felt by response officers. Though during observations it was not felt that there was a high level of cases needing to be dealt with which justified this feeling, it was one which was present with nearly all beat officers across South Yorkshire.

1. Two youths have been caught vandalising the seat on a public bus. The bus company has reported the situation to the police after other passengers told the driver what was happening.

Vignette three is concerned with two youths who had been caught vandalising a public bus seat. Again, most officers in South Yorkshire gave this scenario a score of between 8 and 10, (five officers gave a 10, two a 9 and one an 8) though there were two officers who gave scores of 5 and of 1 respectively. Here, they stated that they were concerned that the bus company would not act as a real ‘victim’ and it might be unlikely that the bus company would be willing to participate. Furthermore, the officers were confused with regards to who the victim was in this case; the bus driver or the bus company. For matters involving a corporate victim it was clear that some officers were unsure how to progress with including them in an RJ intervention. This is reflective of the lack of familiarity officers had when dealing with victims of crimes and involving them in the RJ process. Officers occasionally mentioned their struggles when dealing with a corporate victim (see section 6.2.4. of this chapter) within interviews, and taxi drivers and shop owners posed real difficulties for officers when deciding whether to RJ. Furthermore, where RJ was accepted as an outcome, the officer would rarely treat the corporate victim as an actual victim, and if there was no shop policy for dealing with shoplifters, for example, the officer would complete the RJ without consulting the shop worker or owner and simply instruct the offender to repay for the product or replace it and apologise. Subsequently, any problems officers had with considering the victim of a RJ case seemed to be exaggerated where the victim was a corporate entity or business.

1. a) A woman has been caught shoplifting by a high-street store security guard. She has a history of theft from the shop and the store security reported the theft to the police.

The first half of vignette four posed a case whereby a woman with a history of theft had been caught shoplifting. The history of shoplifting of the offender posed serious problems for all officers, many of whom placed this scenario at the bottom end of the scale of suitability for an RJ intervention. However, some officers queried how long ago the previous offences had been recorded, and stated that if it was ‘years and years’ ago, then they might consider an RJ disposal depending on the circumstances of the case. Another criterion mentioned was the value of the items stolen. If the items were very low value, officers considered it more suitable for RJ than for a high price item. In South Yorkshire, most officers scored 1 (n=4) or 2 (n= 4) with one officer offering a 3, suggesting that this case would be highly unsuitable for RJ – and it was mentioned that this was due to the previous offending history. However, one officer recorded a score of 9 though offered no reasons for this, as they completed the form in private, though it could potentially be due to a mis-interpretation of the question. Similarly to scenarios discussed above, the victim (the shop) was not commented on by any officer and instead focus was drawn to the offender and their offending history due to the somewhat complicated nature of the offence – a pattern of offence and offender focus which is frequently occurring throughout these findings.

4) b) A woman has been caught shoplifting by a high-street store security guard. She has no history of theft and the store security reported the theft to the police.

In the second half of question four, the same scenario was presented. However, there was no previously known history of offending from the woman who had been caught shoplifting. Here, officers were much happier considering RJ for this scenario and all officers in South Yorkshire awarded the scenario between 8 and 10 for suitability. At an average score of 9.6, question 4b was a popular RJ case with officers, and only 3 officers did not award a ‘10’ (for a score of 8, n=1; for a score of 9, n=2). Compared with the complicated nature of the offender’s history in 4a, this scenario presented an offender with no previous offending history, reflected in the high scores. Where offenders were seen as respectful and had no previous trouble with the police, officers were very willing to approach the case with RJ in mind, however this ‘attitude test’ (PC2, Barnsley) also applied to offenders with previous convictions; the officer judged the offending history in the same way as no remorse, and immediately disregarded the case for RJ.

Those officers who did not award a 10 commented briefly on the importance of the shop owner’s opinions, and Barnsley officers especially stated that shops, and indeed some other corporate victims, were not interested in participating in RJ disposals: ‘some simply aren’t interested in RJ’ (PCSO 2, Barnsley). Nonetheless, the high scoring nature of this scenario reflected the commonality of shoplifting cases being resolved with RJ; being a low-level crime and, should the value of the stolen item be low, the offence was seen as fitting the ‘green/low level’ section of the ACPO gravity score matrix, presenting the case as highly suitable for RJ.

1. An elderly woman has called the police after some boys in her street accidentally kicked their football towards her house, smashing her window. She is afraid to confront the three boys as she doesn’t know how they will react to her so asks a member of her local neighbourhood policing team to help her.

Vignette five suggests that an elderly woman would like to confront some youths who have broken a window on her house whilst playing football. When considering this scenario, officers did not state that they saw any reason they could not deliver an RJ disposal. South Yorkshire officers scored the scenario between a 5 and 10, with 60% of the officers (n=6) giving a 10 and stating that this type of situation is ‘what RJ is for, kids don’t need criminalising for an accident’ (PC 2, Barnsley). The remaining officers gave scores of 5, 7, 8 and 9. However, officers also commented on the fear the old lady appeared to express in the scenario, concluding that should the offenders be aggressive or violent, then they would not consider offering an RJ disposal. These concerns about offender attitude were reflective on the over-arching assumption by police officers that RJ could only be offered if the offender displayed a ‘suitable’ behaviour or attitude such as shame, remorse and a generally good-natured demeanour (also seen some officer comments from vignette 1), and can be seen to echo the statements made during interviews across South Yorkshire.

1. A rape victim (aged 25) is in the station giving a statement. She knows the perpetrator but would rather discuss matters with him than go to court.

Finally, vignette six showed a rape victim who stated that she would like to discuss matters with her rapist rather than go to court. This case presented some serious debate amongst officers, the majority of whom disregarded the victim’s wishes entirely and stated that for an offence as serious as rape, the offender must be prosecuted. In South Yorkshire, officers scored this scenario very low, with the majority (n= 6) giving a 1 for suitability for RJ and the remaining officers giving a 2 (n=3). One officer awarded a 3 on the basis that he might double check with a supervisor that they couldn’t arrange some form of RJ, but was fairly certain the response would be negative from senior officers. Many officers referred to the gravity score matrix, stating that as rape was seen as a ‘red’ or most serious offence, there was no possibility of using RJ for the case, regardless of the victim’s wishes. Furthermore, no officer made reference to any external RJ services the victim could use in order to discuss matters with the offender, demonstrating their lack of awareness and knowledge of provisions or RJ information available for victims who request it. This is surprising considering the high profile of the community justice panels mentioned within the interviews, and most officers’ awareness towards some external RJ services.

Whilst both Sheffield and Barnsley were forthcoming with some form of discussion surrounding the vignette scenarios, it was clear that officers from Sheffield had more immediate experience and therefore able to give examples with their answers. Barnsley officers, on the other hand, had very little personal experience with RJ, and any examples given within the discussion were, as I understood the position, third-hand anecdotes; situations discussed amongst officers or used frequently as a working example. As the Barnsley vignettes were carried out in a focus group setting which was pre-organised by their group’s sergeant, there was the possibility that they had been asked to prepare for an interview on RJ. Nonetheless, as already stated, the vignettes were a useful exercise in order to demonstrate the officers’ knowledge of the force RJ policy and their understanding of its implementation.

Though mentioned above, it is important to stress the distinct lack of consideration for victims in the vignette responses. For instance, in scenario 3 (featuring the bus vandalism) though officers were confused with regards to who the victim was, it featured very little in their decision-making process. In all of the proposed vignette scenarios it was clear from the officers’ discussion that their discretion to deliver RJ or was focussed on the offender and the offence, not the victim or the victim’s views.

In summary, the key findings from South Yorkshire show that RJ is well received by most officers in both Sheffield and Barnsley, however due to the differences in job roles between areas and between neighbourhood and response officers there was much disparity reported within the force. Officers perceived there to be a large difference in amount of RJ delivered between response and neighbourhood teams, and though each group thought the other delivered RJ more frequently than themselves, there seemed to be no evidence to prove these assumptions either way. All officers in South Yorkshire were well versed with the RJ policy, though many were reluctant to ask for assistance or make a referral to the external RJ services available to them, notably due to their eagerness to complete a case that started under their responsibility. In general, officers gave positive perspectives on their use of RJ, though often stressed that it should be suitable for only certain offenders and offences, strictly subject to the ACPO gravity score matrix and the ‘attitude test’ that they thought offenders should adhere to. Opinions were positive with regards to the time and effort the ability to use RJ gave them in the daily work, and often commented upon was the discretion RJ afforded them when dealing with youths and first time offenders. However, officers often disregarded the views of the victim when completing an RJ intervention, though this is reflected more so in the vignette findings and observations than within interviews, and were eager to suggest the outcomes or method of reparation on behalf of the offender.

By looking in-depth at the results from South Yorkshire Police, chapter 6 covers one half of the Phase 2 findings. Police officers provided data concerning their force RJ programmes, and their understandings and perceptions of restorative policing. Whilst only looking at two districts within South Yorkshire, these two areas were known to be the largest providers of RJ programmes within the force. Findings revealed a large variation in RJ experience between officers, but a positive perspective on the whole towards its use within South Yorkshire. Next, the findings from Thames Valley will be discussed in chapter 7, using a similar structure to that in this chapter. It will be apparent that despite the variants in policy between police services, the findings are similar enough to group together thematically in a way which mirrors those of South Yorkshire, and are subsequently able to be compared directly with similar section headings.

# Chapter 7: Results from Thames Valley Police (Phase Two)

## Overview

Following on from the findings in South Yorkshire, chapter 7 continues to report findings from Phase Two, focusing on the results from Thames Valley police service. In a similar format to the previous chapter, the data are presented in a sequential or chronological order; from the understanding of ‘what is RJ’ by police officers, to the remit of RJ within the particular force, the process of delivery and potential outcomes and results. Next, the data concerning police officer perceptions of the use of RJ by their police service and themselves are covered, including views about the benefits and drawbacks of using RJ in their daily work. Finally, the results of the vignettes completed by a number of police officers are discussed, showing the differences in RJ perceptions between operational police officers.

## Thames Valley Police

### What is RJ?

As covered in Phase One of this research, the Thames Valley Police website displays the aims and description of RJ within Thames Valley Police as ‘a way of working that helps us deal with conflict. This could include victims and offenders meeting and allowing offenders to face up to the consequences of their crime or actions, or teachers using RJ to deal with unacceptable behaviour in the classroom’. ‘Furthermore, all operational officers have been given the means by way of RJ in order to deal appropriately and proportionately with the day to day crime and incidents they attend.’ (Thames Valley Police, 2011).

As previously noted within the findings from Phase One, the use of RJ within Thames Valley was undergoing a review by management and policy makers in order to develop the use of ARDs and YRDs within the force in a more consistent manner. Consequently, it was clear that some officers were confused about the role and use of RJ within Thames Valley when asked ‘What is RJ?’ During an interview, a superintendant stated that for some people, ‘RJ means everything ... to me ARD/YRD is a restorative approach, restorative justice to me is about level two or three stuff where you sit in a room; victim, offender and facilitator and you have that discussion about their offending and you try and stop that offending. To me that is RJ. RJ approaches are this kind of stuff. But I think people just bander round the term and need to understand.’ (Superintendent, Milton Keynes). The officer here believed that RJ was primarily the meeting of the victim and the offender in a structured environment, where an agreement or resolution was made about the offending behaviour. When questioned about the restorative elements of youth or adult restorative disposals (ARD/YRD), he replied:

*‘I don’t see a particularly strong restorative element within that, because of the way we do the work, the way we deliver them on the street ... There is no way for Thames Valley Police to work out the restorative element that happens around the ARD or YRD.’* (Superintendent, Milton Keynes).

The ARD and YRD were being used as a quick disposal, and it was not thought here that there was a particularly high level of ‘Restorative Justice’ in their use. The officer described a meeting to correct the harm caused as the ‘restorative element’ in a RJ intervention, and as this does not happen within a ARD or YRD delivery, it was considered to be much ‘less restorative’.

A couple of officers in Milton Keynes (MK) referred to the ‘RJ Unit’ when asked to discuss RJ in their division. Here, there was distinct confusion about what exactly an ‘RJ’ was or indeed what the aims were or what it entailed. Furthermore, these officers thought RJ included reprimands and final warnings for youth offenders. Upon further investigation, it became clear that within the Milton Keynes station, the ‘RJ Unit’ was in fact a department through which youth offenders were processed, whether via reprimand, final warnings or a restorative disposal. For this reason, and in addition to the unspecific name of the office, these officers considered all cases which were referred to this unit to be ‘restorative justice’. Moreover, when a Sergeant was questioned about this belief on the part of some officers, it was stated that ‘There is nothing restorative about the RJ Unit’ (Sergeant 3, Milton Keynes). It was unclear why the department which dealt with youth offenders was referred to as ‘the RJ unit’, but what was obvious was that it created a level of uncertainty and confusion for some officers as to what constituted a RJ disposal or intervention and whether it could be used for adults.

Despite confusion among some officers in Milton Keynes, the majority of officers interviewed in the district were vaguely aware of RJ and frequently discussed it in terms of ‘mediation’ or ‘conferencing’, by which they meant a face-to-face meeting between parties, though most interviewees were adamant that only neighbourhood officers had the time to conduct such meetings. The terms ARD or YRD were recognised as RJ only when prompted by the researcher, despite the word ‘restorative’ being present within the name of such disposals, and most officers viewed the disposals as an easy way of dealing with low level offending by first time offenders.

It was obvious through conducting interviews in two distinctly different areas, Buckingham and Milton Keynes, that officers in each area thought RJ to be a different concept. Compared to Milton Keynes, where officers described ‘quick fixes’ or youth offender disposals in a minority of cases, officers in Buckingham were very aware of the use of RJ in their area, and considered it as part of their daily work:

*‘something we do without even thinking most of the time because we might deal with ... neighbour disputes, minor issues, parking, boundary disputes so most of the time we’d do that ourselves, to and forth between them and basically resolve it in a RJ fashion.’* (PC 1, Buckingham)

Here, a neighbourhood officer described how it was a regular occurrence for them to use a mediation technique between aggrieved parties to resolve disputes and minor issues. The officer believed that this type of RJ was ingrained in his daily work, and did not often consider a job to be ‘RJ or not RJ’, instead using RJ throughout his work on a regular basis where he saw fit.

Another officer described further what they felt the aim and purpose of RJ to be within Buckingham and Aylesbury Vale district, and included the notions of understanding and education in his dialogue:

*‘that’s really the value of restorative justice, getting both parties to understand the other’s perspective and the effect on the victim ...’* (PC 2, Buckingham)

Milton Keynes and Buckingham were two very different areas, and it was apparent that the officers in each district had very different views with regards to what constitutes ‘RJ’. In addition to the very different crimes and population in each area affecting these beliefs, the structure of the main police stations may have contributed somewhat to this discrepancy. Though the ‘RJ Unit’ within the very large Milton Keynes station dealt with YRDs, youth mediation and housed the local schools officer, some officers saw this as a reason to label all youth referrals and disposals as ‘RJ’. On the other hand, the Buckingham station was very small and acted as a base for a relatively large neighbourhood team compared to just two response officers. In addition to this, the high levels of minor disputes which neighbourhood officers frequently dealt with contributed to a frequent and practised use of RJ in Buckingham.

### Who delivers RJ?

As previously noted, there was a large discrepancy between the two districts in Thames Valley studied regarding officer understanding of RJ, and this may have been due to the differences in application and structure of each area. Though Thames Valley was thought to have been a leader in the development and availability of restorative approaches to justice for many years (HMIC, 2005), there seemed to be a somewhat lackadaisical approach to its use, and ultimate application by police officers. The Phase One findings commented on the changing management system of TVP resulting in a reduction in the priority RJ was given, and this was especially prevalent during the study of officers in Milton Keynes. Officers in Buckingham, however, perhaps due to their geographical separation from higher management and their feelings of responsibility towards their small local market town, were very enthusiastic about the use of RJ in managing the low level offences and disorder in Buckingham.

Officers interviewed in Milton Keynes demonstrated a somewhat negative view towards the idea that RJ was ‘their job’, and many gave reasons or excuses why they did not deliver RJ disposals on a regular basis, if ever. In addition, there was an ongoing assumption that ‘the others’ did more RJ. For example, response officers stated regularly that neighbourhood officers delivered more RJ as ‘we don’t have time’ (Fieldnotes, Milton Keynes), whereas neighbourhood officers believed that response officers issued more because ‘they get more jobs’ (PCSO 6, Milton Keynes). However, all officers were said to be trained in Level 1 RJ (ARD and YRD delivery) and when interviewed considered themselves to be able to deliver restorative disposals, notwithstanding their lack of enthusiasm.

With regards to the reasons why officers did not deliver many restorative interventions, as little as ‘perhaps 1 or 2 in four months’ (Fieldnotes, Milton Keynes), one officer stated that the area which he covered just wasn’t suitable for such disposals:

*‘South Sector doesn’t really use it as the offenders typically in those areas covered aren’t eligible – they are known to us and have previous convictions’.* (PC 5, Milton Keynes)

This officer described the area in which he worked, known as ‘South Sector’, as quite a crime hot-spot where offences were committed regularly by the same offenders, and were of a moderate degree of severity. For these reasons he considered it to be very unlikely he would ever use RJ which, as covered in the next section, was stated to be strictly for low level offending and first time offenders.

Furthermore, another PC in Milton Keynes was quite adamant that RJ ‘wasn’t his job’. He went on to describe his views on mediation and conferencing and stated that:

*‘I’ve done the training for two days, so I know how to do one but I just don’t have the time. That’s the council’s job, things like that. I’d refer big issues to them ... if I had the time and resources it’s nice but I don’t have the time to be a social worker too’.* (PC 8, Milton Keynes)

In Milton Keynes, it was possible to refer large disputes and neighbourhood problems to the local council who were believed by officers to have independent mediators available, especially through the local housing association, to help residents come to an amicable solution to their problems. Officers would much rather refer cases to the available services than spend their time on a matter. Whether it be to the ‘RJ Unit’ (RJU) for all youth offenders, or an external party such as the housing association, officers deemed it to be their role to arrest ‘the bad guys’, rather than spend time talking and doing ‘social work’. However, despite officers’ comments on the possibility of a referral, there was no other evidence to suggest that officers were referring cases outside of the station (and the RJ Unit).

Within Milton Keynes, the set-up was unusual in that the YOT officer worked within the RJU and therefore had close contact with the officers and schools officers. It was not surprising, therefore, that the police officers dealing with youth offenders were happy to refer cases through the RJU in order to move onto the next job, without delivering any kind of outcome, prosecution or otherwise. However, the RJU did not contain the local schools officer, who instead was a member of the local neighbourhood team. The schools officer had received specialised RJ training in order to deal with disputes and issues within schools, and was available to involve the school in any RJ meetings where it seemed appropriate that a school member should be present.

In Buckingham, on the other hand, officers were very confident and proud in their interviews regarding RJ. The neighbourhood team in particular expressed an interest in delivering RJ regularly, and it was stated that officers are ‘all trained [in RJ], PSCOs and PCs, schools officers and neighbourhoods’ (PC 1, Buckingham).

Neighbourhood officers in particular stressed that they felt more prepared for delivering restorative intervention compared to response officers for numerous reasons, but primarily based on the time and relationships which neighbourhood officers made with the members of the public in their area.

‘*Response will only deal with ARD/YRDs for like shoplifting, whereas we have the training to sit down and deal with it in a little bit more detail’* (PCSO 1, Buckingham)

The neighbourhood officers in Buckingham recognised that whilst all officers were trained in RJ, it was the neighbourhood officers who were trained to deliver conferences. Furthermore, neighbourhood officers stated that response officers would not arrange a conference, but instead refer those cases to the local neighbourhood team:

*‘We tend to deal with more long term issues where response cars will deal with immediate issues* ... *We do ARD/YRDs and mediation, but response will forward mediations to us because they haven’t got time for long term issues, that’s our job’.* (PC 2, Buckingham).

Neighbourhood officers in Buckingham considered RJ to be ‘their job’ in comparison to response officers who were thought to have little time on their hands for RJ, and instead whose role was to attend to immediate issues and emergencies. In addition, one PC described a hypothetical situation where an offender might have been caught shoplifting. He stated that if the situation was seen fit for a RJ intervention, a response officer might deliver a ‘quick one off’ ARD or YRD, but a neighbourhood officer would be able to deliver a more supportive and structured meeting ‘in the right background’:

*‘as a neighbourhood team we have more structured meetings because we have the time to get the right people in to the right places’* (PC 4, Buckingham)

Another officer similarly described how a neighbourhood officer was better equipped to deliver a restorative intervention than a response officer, and discussed the importance of the time officers are expected to spend on each job:

*‘When you’re in shift you do quick wins, and RJ doesn’t really come to the forefront of your mind. It’s arrest, custody, or ticket, on to the next one. Whereas we have so much more time and not going from job to job to job, we can sit down and get things right.*’ (PC 3, Buckingham).

The officers here thought the difference between response and neighbourhood officer RJ delivery to be very significant, for reasons of time, training and knowledge of the local area. For this reason, neighbourhood officers took pride in their ability to resolve situations through RJ in order to help their community:

*‘we know the community so much better than response we can get the right people in to deal with things and have that relationship with the organisations or individuals that can help. Response just don’t have that contact or that time to know those things, they just don’t have time’* (PC 1, Buckingham)

The local schools officer, again, was very forthcoming with his views on RJ, and believed that in the case of young offenders, often the best place to carry out a RJ intervention was within the school itself due to the fact that it could be ‘more appropriate and a common place so it could be the best place to deal with it. Schools have protocols to follow.’ Here, the schools officer advocated involving the local school with mediation and conferencing processes as often there was a factor in common between young victim and offenders – their school. He felt that involving the school not only acted as a common place but teachers could assist in the delivery and monitoring of the offender’s behaviour in the future. Furthermore, it was suggested that the officer might have to shuttle mediate ‘between pupils, parents and teachers’ where necessary.

When questioned about any referral programmes or independent mediation providers in their area around Buckingham, one officer was unsure of any, though he stressed that ‘there needs to be somewhere we can look for or send people’ when parties did not wish to involve the police in their disputes or would prefer an independent facilitator to any meetings. However, other officers recognised the ‘Aylesbury Vale Mediation Services[[25]](#footnote-25)’ which were available to the police in Buckingham and Aylesbury Vale:

*‘Aylesbury Vale Mediation Service is completely independent so don’t know anybody. We* [the police] *aren’t independent as we know these two people or neighbours and work in their community so it might be perceived that we’re siding with one of them. If we send it to a completely independent party then everyone knows that it’s totally neutral and the best way to approach it. All we do is refer the details of both parties and agree with both parties and the mediation service then contact them and deal with it. We then hear just whether it was successful or not, that’s all we know’* (PC 1, Buckingham)

The officer here stated the importance of providing an impartial mediator where possible, and believed that sometimes it was best for officers to refer cases outside of the police service.

From the observational visits undertaken at Buckingham, one neighbourhood dispute resolution meeting was attended by the researcher, a member of the housing association and police officer. Though it was unclear where the referral came from, it was obvious that the police officer present had little to no involvement in the case due to a distinct lack of a crime having been committed, yet was acting as a representative of the local police service and in support of the housing officer who worked with the parties in shuttle mediation to resolve the situation.

Whilst it seemed that nearly all officers in Thames Valley (CID and traffic officers, and similar not included, for reasons stated in chapter 3) were able to deliver at least a restorative disposal, the work generally fell to the neighbourhood officers who embraced the role of, as previously described, ‘social worker’, and were keen to engage with their community. Whilst external mediation providers were known to a few officers, it was unclear how these referrals were made, how often and by whom. Aside from the RJ Unit in Milton Keynes, any referral, it seemed, was the responsibility of the victim or offender, not the police officer.

### When can RJ occur?

In a similar way to officers in South Yorkshire, police officers in Thames Valley were very clear in their understanding of the criteria within which RJ could be used. Officers stated the same points which justified the use of RJ as whether it was ‘proportionate’ to the crime committed, and most stated the same following points which justified their use of a RJ intervention:

*‘It has to be proportionate, in the public interest, admitted, the victim has to be totally on board with it and wanting to go down that route, solvable, the impact on the local area, and offending history’* (PC 1, Buckingham)

Additionally, officers were clear that ‘every crime report we do they have to be answered, those five points to justify why we’re doing it’ (PCSO 2, Buckingham). By considering the reasons for using RJ in relation to the above points, most police officers were confident about the decision-making process for restorative interventions.

Officers in Thames Valley were suggested by senior staff to be expected to ask their managers for advice regarding suitable delivery of RJ if they were unsure. However, not all officers believed that a support system was present for such questions to be answered. Specifically, a younger police officer was very unsure with regards to a possible application of RJ, and described a situation where she has been willing to use it. However, ultimately she doubted her own discretion and decision-making abilities due to the fact that ‘everyone has different opinions about when and with who [sic] it should be used. That means [I] couldn’t get any support or advice, as it was all different’ (PC 8, Milton Keynes). Furthermore, this officer stated that she would not use RJ in the future, as she didn’t understand its use and was afraid of using it in the wrong circumstances and subsequently incurring a questioning from her superiors.

Another young PC also debated delivering a RJ disposal to a young offender guilty of minor criminal damage where the researcher was attending as an observer. Again, this officer was unsure of the criteria which a RJ disposal should fulfill and asked me if it was appropriate to go forward with the ARD:

*‘I did not give a direct answer, but instead informed the officer she should only give one if she thought it to be appropriate. She consulted the victims, who gave no indication of how they would like the case to progress, and stated that they had only rang the police because policy said they had to (victims were managers of a hostel). The victims did not care what outcome they were offered, and the offender refused to apologise, though she did admit to the actions and harm caused. The officer delivered an ARD as a way to close the case, though no outcome was agreed to be enforced’.* (Fieldnotes, Milton Keynes)

The officer described was not confident delivering a restorative disposal, and yet used it as a way in which to close a case of minor criminal damage. The PC was adamant upon the researcher’s enquiry that there would have been no case if she had arrested the offender due to the victim’s unwillingness to press charges, and the offender could not afford to pay any direct compensation, fine or reparation (as demonstrated by living in a hostel for looked after young people). The officer did not consider a reprimand, final warning or caution, and defended her use of ARD as ‘she [the offender] didn’t need a criminal record at a young age for something caused by losing her temper’ (PC 8, Milton Keynes). The officer’s justification for delivering a restorative disposal here was not based on victim wishes, nor the offence or damage caused, but instead on her own feelings towards the offender and her beliefs about whether or not the offender should acquire a criminal record.

Officers were clear that RJ was to be issued for low level crimes only. All officers referred to the ‘Gravity Score Matrix’ of offences which most carried an example of in their pocket note book. The ‘low level’ or ‘green crimes’ were stated to be those such as minor criminal damage, low value thefts or shoplifting, or minor public order offences. For example, one officer recalled an occasion where it was decided that a RJ disposal was suitable for the offence:

*‘an old man nicked a magazine and you could see from the CCTV that he stood reading it for a while, got so engrossed and continued to read it as he left the shop. We could have arrested him but the price was so low and after a conversation we decided not to.’* (PC 5, Milton Keynes)

Furthermore, the officer above went on to consider why neither a ticket nor other form of disposal was suitable, and further described many of the ‘justifications’ mentioned above:

*‘Depends on the impact to the community, any previous convictions they may have, if they show remorse. You do an “attitude test”.’* (PC 5, Milton Keynes)

Here it was stated that the impact of the crime on the community was a large factor in the police officer’s decision-making process, as well as the presence of previous convictions. Most officers said that an offender with previous convictions would be considered unsuitable for a RJ intervention, although a few mentioned that it might be different depending on what the previous conviction was for, and the amount of time elapsed since. For example, one officer stated that ‘if they’ve got three cautions for the same offence it would be questionable whether that [RJ] would be the right route’ and they would consequently prefer to make an arrest (PC 3, Buckingham).

Nevertheless, a superintendent did state during an interview that on occasion, it may be possible for an offender to receive more than one RJ disposal. ‘They’re not supposed to, and they should only ever have one, but if the officer hasn’t checked the system properly sometimes it happens’ (Superintendent, Milton Keynes). In Thames Valley, it seemed to be difficult for officers to check on the database whether an offender was suitable for a RJ intervention. What was further mentioned, however, was that if an offender had previously received an ARD or YRD, it may be possible at a later date to also include them in a restorative meeting, activity or conference, for a different and non-associated crime on the recommendation of the supervisor in charge.

Furthermore, it was stated by most officers that the offender should admit to, and show remorse for, the harm caused:

*‘it has to be justified at the end of the day and that makes sense because restorative justice is to stop it happening again. If the person isn’t listening then what’s the point? We need to take stronger action’* (PC 1, Buckingham)

The ‘attitude test’ mentioned refers to the attitude and behaviour of the offender. Some officers thought that the purpose of using RJ was to reduce reoffending, and consequently stated that if the offender seemed unlikely to take on board the restorative principles and subsequently stop offending, then the officer should ‘take stronger action’ such as making an arrest or issuing a fine. Another officer elaborated on the fact that the offender was expected to admit to the offence, but stated that whilst ‘the offender has to admit to the offence, it doesn’t really matter about the victim’ (PC 2, Milton Keynes). Very few, if any, officers made comments regarding the role of the victim in their decision-making process, and further stressed that even if the victim, or indeed the offender, requested to participate in a RJ meeting: ‘It’s our discretion not theirs’ (PC 2, Milton Keynes). Officers were not open towards members of the public initiating the idea of a restorative disposal, and much preferred to decide whether the case was suitable before asking the parties whether they would be willing to participate.

There were conflicting opinions with regards to delivering a YRD to youth offenders and whilst most officers stated that a parent or guardian must be present at the time of delivery, one sergeant indicated that she was aware of a ‘loop-hole’ whereby her understanding was that the ‘parent does not have to be present at the time of the YRD, but has to be informed’ of the disposal (Sergeant 3, MK). It was unclear whether this was in fact the case, and on further questioning by the researcher all other officers were adamant that they would not conduct a RJ disposal with a youth without an adult present. However, the sergeant in question, due to this belief and understanding of youth RJ, was very negative towards its use, and also criticised the fact that although RJ was promoted as a ‘non-criminal record outcome’, it does in fact show up on an advanced CRB check, and therefore was somewhat misleading. For these reasons the Sergeant was unsupportive of youth RJ, and stated that ‘if my son was accused of something minor, I’d want him to think long and hard about whether he’d accept a RJ’ (Fieldnotes, Milton Keynes).

### The RJ process

Officers in Thames Valley Police were often vague when asked to describe the process by which they would deliver a restorative intervention, and instead frequently listed the criteria mentioned above. When prompted again by the researcher, most officers stated that the most important part of the process was deciding whether the situation was suitable for RJ. When this matter was queried with a superintendent, he explained the rough process of administering a RJ intervention using a hypothetical situation:

*‘You get a call about an incident; let’s say someone has stolen something from a shop, adult or youth ... I attend as an officer, talk to the shopkeeper who says ‘he’s nicked a pack of sausages’, and I talk to the kid who says ‘yeah I done it, I shouldn’t have done it’. I check that person* [the offender] *on PNC or CEDAR* [crime database] *and find he’s not known to us before, at all. I talk to the shopkeeper and explain, who then says he just wants a letter of apology. You go back to that person* [the offender] *and explain to write a letter and we can deal with this by way of Restorative Disposal. You might be able to do it that day or you might be able to go round later to their house and pick up the letter of apology. Once that’s all done we sign it all off and put it in the system.’* (Superintendent, Milton Keynes)

There was little commentary on the involvement of the victim, though there were some thoughts from officers that they should ‘check with them’ whether they would be willing to participate. The officers stated that participation in a RJ intervention was voluntary and that if the offender decided not to admit the offence then the officer would proceed in the usual fashion and the offender be arrested, charged or given a ticket for the offence. If, on the other hand, the victim did not wish to participate, officers believed that this was a minor detail, and they could further proceed in the delivery of RJ without the victim’s presence. It was further stressed that there did not need to be a victim present at the delivery of a restorative disposal, nor did the officer require their consent to proceed with the process. It was obvious that if the officer decided to carry out a street RJ and the offender was cooperative, then it would go ahead regardless of the victim’s wishes. Additionally, there was little to no dialogue from officers regarding the aim of RJ to be ‘victim focussed’ and most commented on the needs of the offender.

Through data gathered during observation and as a comparison to the hypothetical situation described above, it seems fit to consider here a YRD process witnessed by the researcher in order to portray the usual manner (as the officer assured the researcher that this case was indeed ‘the norm’) in which an officer might deliver a restorative disposal:

*‘We attended a case where a 17 year old male had broken a chip shop window by kicking a football against it. The shop owner was not interested in spending time with the officer nor offender and stated that he just wanted the matter ‘dealt with’. There was no indication of how he thought this may occur, nor any suggestion of compensation or repair of the glass. The officer stated that a ‘restorative justice outcome’ was possible and the shop owner was agreeable to the suggestion, though no explanation of the ‘restorative justice outcome’ was given by the officer. When discussing the matter with the youth’s mother, she was upset that he was in trouble with the police, stated that her son had been ‘getting too big for his boots’, and the officer explained the process of a YRD. The mother was happy her son would not go to court, but suggested that he needed to understand the consequences of his actions. As the young offender admitted to his actions, was worried that he would get into a lot of trouble similar to his elder brother, and was apologetic towards the cost of the new window, the PC carried out a YRD by filling in a statement in his pocket notebook, and both the offender and his mother signed the statement. The PC additionally arranged for the youth to visit the station for a tour of the custody suite at a later date to ‘see what it could be like’ should he further offend. The youth promised to stay away from the chip shop and find somewhere else to play football.’* (Fieldnotes, Milton Keynes)

What should be noted from the above excerpt is that at no point did the offender have direct contact with the victim, nor did the victim make any express wishes towards the outcome of the YRD. Thought the officer did not have to complete any specific paperwork, upon returning to the station the outcome of the case was recorded under a RJ code (91) on the internal database and there was no recording of the actual outcome (such as an apology, reparation of the damage, financial repayment, etc.). When witnessing another YRD delivery, the officer did use a statement form instead of their pocket notebook to record the dialogue between the PC, victim and offender, but again there was no specific ‘RJ’ ticket or paperwork to complete. Each of the officers was questioned by the researcher regarding the lack of referral to the RJ Unit as each of the offenders were youths, and both explained their reasoning in terms of the lack of the severity of the offence, the willingness of the offender to cooperate and their admission and remorse towards their actions. The officers further explained that they would be more likely to make a referral where the offender was known to them for previous misdemeanors, if the crime was more severe or if the case was more complicated.

### Restorative Outcomes – the possible and the actual results

There was little guidance available to officers in Thames Valley regarding the potential outcomes which could result from restorative interventions. The majority of officers listed the main outcomes which they would consider suitable as activities such as ‘an apology face to face or in a letter, repairing the damage or paying to repair the damage’ (Fieldnotes, Milton Keynes). Officers believed that it was their own responsibility to suggest an outcome to the parties which they thought to be suitable and fit the damage or harm caused by the offence, and outcomes could range from ‘a young person just being told off or an adult writing a letter of apology’ (PC 8, Milton Keynes). Furthermore, though officers generally failed to mention the wishes of the victim when deciding whether or not to conduct a restorative intervention initially, they were open to suggestions from the victim when deciding how best to finalise the case. For example one officer in Buckingham described how he had dealt with a graffiti vandal who wished to openly apologise to the local community for his actions:

*‘He was graffiti tagging everywhere, with 10-15 victims. Rather than court process, he fully admitted and rather than criminalise him we made him paint over his tags. He went on local news* [voluntarily] *and was remorseful for it and saw the amount of work and the impact on other people who had spent time trying to rectify the problem that he had caused.’* (PC 4, Buckingham)

In addition to the youth who broke the chip shop window mentioned earlier, it was clear that officers had a large amount of discretion with regards to the outcomes they might suggest to the victims and offenders participating in a restorative intervention. However, for those officers who had little time to deal with long standing issues or oversee a long-term resolution, it was likely that they would suggest a ‘quick fix’ solution or outcomes to the problem such as an apology or letter.

When the ‘restorative outcome’ was discussed with officers, it was queried by the researcher how an ARD or YRD was as restorative as a conference or face to face meeting. For many officers, they stated that an ARD or YRD simply wasn’t restorative, though a couple mentioned that they ‘could get the victim involved and perhaps write a letter’. To this end, and considering the lack of involvement that victims had in restorative disposals, these outcomes were seen to be much less restorative than a conference or meeting, and although ‘it’s not perfect, you’re getting as close as you can’ to a ‘”full blown”’ restorative outcome’ (PCSO 1, Buckingham). One senior officer stated that ultimately, all outcomes should aim to encourage the offender to ‘take responsibility and consequences for what they have done’ and essentially that a ‘restorative disposal’ was ‘only effective if there is restorative work around it, otherwise it is just a disposal and it means nothing’ (Superintendent, Milton Keynes).

The lack of guidance in Thames Valley, despite encouraging discretion amongst officers, seemed to create a level of uncertainty with regards to what was, or was not, a suitable outcome for a restorative intervention, and consequently how the disposal or outcome was intended to be restorative. Officers mentioned that they might ‘enforce’ outcomes, but realistically the only restorative outcomes which were actively enforceable by Thames Valley officers were those conditions within a conditional caution under the new Legal Aid, Sentencing and Punishment of Offenders Act 2012, which very few officers had been exposed to or received information on, when questioned during interviews.

## Police Officer Perceptions

This section covers police officer perceptions and beliefs regarding restorative justice and includes their personal attitudes towards the delivery and purpose of RJ in their work. It should be remembered that these statements do not reflect the values of the police service within which they are based, but are the personal and individual beliefs of the officer.

### ‘It makes perfect sense’: The practical benefits

All but one officer expressed a positive view towards the use of RJ by Thames Valley police during interviews, and many believed that its use was ‘so much more common sense’ as a way in which to approach low level and first time offending. However, one response officer in particular expressed very strong opinions that he did not have time for RJ in any aspect, as his role as a police officer was to ‘catch bad people’ (PC 4, Milton Keynes) and he therefore did not have time to ‘worry about their lives [victims and offenders] or what they want’. Although this negative opinion was a very outspoken and strongly felt belief by the officer, it is important to stress that this was the only negative response witnessed to the possibility of delivering RJ.

However, whilst no other officers were similarly negative towards the possibility of using RJ, there were a few comments made by officers in relation to the true ‘restorativeness’ of RJ used by Thames Valley Police. Furthermore, a few officers felt that though RJ was a positive response to crime and they were happy using it in their daily work, they expressed a concern that the RJ used now is ‘not what it used to be’. One sergeant believed that ‘Before the 1990s and lots of targets were brought in, officers used to give restorative type cautions and mediate between parties. Now, officers don’t have the time. Sector and target policing is too restrictive for it to work properly’ (Sergeant 3, MK). In addition, a neighbourhood officer went on to discuss the ‘old use of RJ’ as a way in which to resolve low-level offending, and believed that the RJ use at the time of the interview taking place was nothing like the ‘original use’:

*‘like fights between kids, now we criminalise those kids by saying it’s an assault whereas years ago we actually did RJ effectively – we talked to both of them, in front of parents probably and resolved it amicably. Now, of course the emphasis is on convicting somebody.’* (PC3, Buckingham).

Therefore, whilst officers considered RJ to be a good idea in most instances some, especially response officers, were skeptical of the impact it could have given the limited time and extensive restrictions there were surrounding its delivery and the emphasis given by management to making arrests to meet specific targets. Many officers stated that where the RJ intervention was not ‘truly restorative’, officers were using RJ as a ‘diversionary tactic’ and not including any restorative principles in their delivery.

Despite the occasional negative views from response officers, many neighbourhood team officers were incredibly enthusiastic and expressed that they would like to be able to use RJ more:

*‘I think it should be more widely used personally, because it’s very efficient dealing with things ... it makes perfect sense on every level. I’d try and make it a first port of call rather than arresting people automatically and criminalising people automatically because by doing that* [RJ] *if it’s a first time offence for somebody you can actually change their behaviour and give them the opportunity to see the impact on the victim and vice versa and people are less inclined to reoffend when they realise the fallout from their actions. When they see their mother is in tears in embarrassment, that’s much more impactive* [sic]*, or they see how frightened the neighbour is ...* [it should be used] *for any offence within reason. The everyday, more minor things like criminal damage, shopliftings, thefts, public order offences that we tend to blow out of proportion sometimes.’* (PC 2, Buckingham)

Here, the officer strongly believed that RJ should be available to officers where they thought that the victim or offender would benefit from its use, regardless of offence or offending criteria. This officer stated that he favoured RJ use when it acted as an educational tool for both the victim and offender, reduced reoffending and could help the victim in some way. There was minimal mention of how the victim might be helped through increased use of RJ, but their involvement was recognised nonetheless.

Furthermore, some officers saw the increased ‘bureaucracy’ surrounding their daily work to be a positive way in which to manage low level crime and RJ as a way in which they could keep on track of young people at risk of future offending:

*‘It’s a way of recording all the minor offences, you used to not record them but now recording them means you can track minor offending history.’* (Fieldnotes, Buckingham)

This ‘net-widening’ approach was seen as a positive aspect by some officers, though others resented the fact that it was, by and large, a reduction of their discretion whereby officers were expected to record all crimes, regardless of seriousness or outcome which, they stated, was not formerly required of them.

### ‘I’m out to catch bad people’: A cultural barrier

Within Thames Valley, the main differences in opinion were between response and neighbourhood officers. Here, it was thought that neighbourhood officers had more time available to them to deliver a RJ intervention, and that simply due to their ability to spend more time on the case plus their greater knowledge of the area and residents, they ‘get better results’ (PCSO 1, Buckingham). This officer believed that as a member of a neighbourhood team, he was able to spend the time and resources setting up meaningful meetings between parties and monitoring any outcome which came from the RJ intervention. He commented that this just wasn’t possible for response officers, who were bombarded with jobs and therefore eager to move from one task to the next, as quickly as possible. This resulted in, he claimed, a much less restorative outcome from the response officer.

One police officer commented that in addition, older response officers were even less likely to deliver a RJ intervention. Though he acknowledged the positive aspects of having RJ available to them, he stated that here RJ might be being used as a quick solution rather than in a restorative manner:

*‘It’s good for saving time and getting a detection, but seasoned officers just want the job gone off the screen.’* (PC 4, Milton Keynes)

Here, the officer specifically notes the importance of gaining a ‘detection’ which refers to the sanction detection rates monitored by all police forces. In 2012 RJ disposals were recognised as a detected crime and thus could contribute to a force’s sanction detection rate. Though this subsequently provided encouragement for officers to use RJ without fear that they wouldn’t be seen to be solving crimes, it may have contributed towards some officers using a RJ disposal for the reasons of speed and ease instead of any restorative factor.

An unusually negative officer described Restorative Justice as a ‘toothless tiger’ in the way in which ‘it means well but does fuck all’ (PC 4, Milton Keynes). Here he referred to the idea that officers could not enforce any outcomes agreed through a ARD or YRD and whilst officers who used RJ may have good intentions, he considered RJ to be futile in its efforts to change or alter any offending behaviour. He stated that ‘RJ is for the do-gooder officers’ (PC 4, Milton Keynes), and that he had no intention of using it in his work.

### ‘Kids make mistakes’: The offender perspective

All police officers mentioned a benefit for the offender of a RJ intervention, and many focussed on the use of RJ disposals with young offenders. Here, officers were keen to see RJ more established within the means with which they dealt with youths, and stated that RJ could have a positive effect on children:

*‘It’s good because they don’t get a criminal record – so I would like to see it used more with youths’* (PC 2, Milton Keynes)

When referring to youth offenders officers often justified the use of RJ by stating that ‘they shouldn’t get a criminal record’ for reasons such as future job prospects, holidays or opportunities abroad or university applications. What was not regularly discussed, however, was the fact that RJ disposals would show up on an advanced CRB check, as commented upon earlier in this chapter:

*‘RJ is used mainly on youths shoplifting in the school holidays but it does come up on an advanced CRB, so it doesn’t help children as much as they say it does.’* (Sergeant 3, MK)

However, again the one outspoken officer not in support of RJ in Milton Keynes was adamant that for ‘youths it’s good for the ones with an ounce of intelligence’ where he thought that they may take on board any restorative intervention and learn from the outcome. For those ‘less intelligent’, he believed RJ to be a ‘waste of time’ and would rather process them in the normal manner. Another officer disagreed slightly, saying that although YRDs were useful for youth offenders, he considered ARDs to be the ones which were not as effective:

*‘YRDs are good. Kids make mistakes, you know, peer pressure. It is good for them to meet the victim and understand why it was wrong and the impact it has had. ARDs I only give for really minor things, they should know better.’* (PC 4, Milton Keynes)

Officers believed in general that RJ could be considered ‘as a way of education depending on the views of the victim’ and took the decision to decide who would benefit from the RJ disposal into their own hands. Similar to the ‘attitude test’ mentioned earlier, officers believed that offenders from wealthier, more educated backgrounds would understand and benefit from a RJ disposal as a ‘first chance’ to stop offending:

*‘some people there’s absolutely no helping, make them feel bad for an hour they’ll reoffend but even if you put them in prison’* (PC 2, Buckingham)

Many officers thought of RJ only as a way in which to prevent re-offending, and if they felt that the offender was likely to offend again in the future, would not entertain the idea of delivering a RJ intervention despite any desire from the victim.

### ‘Therapeutic’ : The victim perspective

Victims were not high on the officers’ priorities when discussing RJ use in Thames Valley, and minimal comments were offered with regards to their involvement in any restorative intervention. Whilst many officers stated that RJ ‘has to be with both the victim and offender’, officers did not say how the victim should be involved. Furthermore, this lack of involvement of the victim was clear from the RJ disposals witnessed by the researcher as described earlier in this chapter.

Whilst victims were recognised to the extent that an officer would remark upon their presence in a case, one PSCO stated that he thought the ‘victim needs the support but they get forgotten by police officers’ (PCSO 6, Milton Keynes). Officers all recognised that a hypothetical crime or case included a victim who might have some input into the outcome of the matter, and yet the reality was when attending a case they often forgot to ask the victim how they wished to proceed, if they had any specific thoughts on the outcome and often failed to inform them of any progress in a case at a later date. Officers mentioned that they would ‘inform the victim’ that a RJ would take place, but this information provided no choice in the matter for the victim, and acted merely as an informative statement from the officer.

Where mediation and conferences were discussed by officers, they thought that ‘the victims have a less demonised view of the offender’ as a positive outcome, but yet again the focus of this outcome was referring to the victim’s perspective of the offender and protecting the offender’s image or character. However, one officer stated that a victim can be ‘quite often scared to death to confront [the offender]’ and the restorative meeting can be ‘therapeutic on both sides’ (PC 4, Buckingham), potentially decreasing the victim’s fear of crime or the offender and promoting a sense of closure.

## Vignette Results

As described in the previous chapter, six short scenarios, or vignettes, were presented to officers for their thoughts and opinions regarding their suitability for RJ. Again, officers were asked to read each scenario and then rank the suitability for RJ on a scale from 1 to 10, where 1 is not at all suitable, and 10 being highly suitable. For reference, the full scenarios can be found in Appendix 1.

In Thames Valley, 11 officers completed the vignettes. From Milton Keynes, five officers participated, four being from a response team, and the other officer being from a neighbourhood team. In Buckingham, all six participants were from a neighbourhood team.

1. Two teenagers (aged 15) have been having a disagreement with their local shop-keeper. He called the police after their comments.

For the first scenario, describing a dispute with a local shopkeeper, Thames Valley scores ranged from 4 to 10, with most officers tending towards the higher numbers. Here, one officer awarded a 4, two officers a 5, two more officers gave a 6, two gave a 7, one officer an 8 and the final three officers awarded a 10. Buckingham officers gave an average score of 5.5, whilst Milton Keynes officers’ average score was 9. From the Thames Valley participants, neighbourhood officers gave on average a lower score of 5.7 than the response officers’ average of 9.5, as many were unsure what the crime was in this case and whether anything needed to be done at all. They also stated that should it just be a minor disagreement, they would rather disperse the parties and leave the case as a ‘no crime’. Response officers, however, stated they would use RJ to move quickly on to the next job, and saw that there was little reason that this case could not be dealt with by way of RJ, despite mentioning during the earlier interviews that they delivered RJ infrequently. Here, their eagerness to use RJ may be mainly due to their feelings towards wanting to move onto the next task as quickly as possible. Interestingly, and in contrast with South Yorkshire, the context of the disagreement was not commented on, for example any possible racially motivated comments which may have affected the suitability of a RJ intervention.

1. Three neighbours (all adults) in a terrace have been having a long-term disagreement about the noise levels coming from the middle house. What started as a verbal dispute has now escalated into petty theft, vandalism, verbal abuse and has begun to negatively affect the quality of life from the other residents on the street. The police were called after one other resident became concerned after an argument escalated between the parties late one night.

Regarding the second scenario featuring a neighbourhood dispute, officers in Thames Valley gave this scenario scores ranging from 1 to 10, with the majority scoring between 7 and 10 (n = 6) and the remaining four officers awarding a 6, two 4s and a 1. The higher scores were given by members of the Buckingham Safer Neighbourhood Team, who considered it their role to manage problems such as these between residents and were very familiar with this sort of situation. The average score from Buckingham was 8.2, whereas Milton Keynes officers gave an average score of 5.4. This is reflective of the lack of confidence displayed by response officers in Milton Keynes when resolving this type of case with RJ. Some of these response officers stated that they would rather refer the case to the local neighbourhood team for their attention, though there were no comments suggesting that it could be referred to an external organization such as the council or a housing association. It should be noted that the neighbourhood officer in Milton Keynes gave this scenario a score of 4, whereas the neighbourhood teams in Buckingham scored, on average, much higher. It had been stated throughout the interviews that the Buckingham officers were much more used to dealing with issues such as these, and therefore perhaps the Milton Keynes officer was not confident with a large case or did not have the time available to manage such a matter:

*‘RJ in Buckingham and surrounding areas is regularly used to solve minor disputes and crimes, as officers are comfortable with the process and may also have more time to deal with incidents in this way. This could never be used as a quick fix and would require time to set up ... it is not used as frequently there* [Milton Keynes] *due to the general time factors involved in its set up and delivery, in comparison to the demands on the local police there.’* (Schools’ Officer, Buckingham)

1. Two youths have been caught vandalising the seat on a public bus. The bus company has reported the situation to the police after other passengers told the driver what was happening.

Scenario three is concerned with a matter of bus vandalism by two youths. This case scored highly with officers in Thames Valley, receiving scores no lower than a 5 and with over 70% of officers (n=8) giving it a 10 for RJ suitability. Officers were curious as to whom the victim was, but many believed it would be useful for the youths to repair the damage in some way or apologise for their actions – a distinct offender focused attitude. In Buckingham, officers awarded this scenario an average score of 9.2, and Milton Keynes officers scored equally highly with an 8.8. One officer from each area scored this case at a 5 for suitability, and it was these officers who mentioned the matter of a corporate victim and whether they would be willing to participate, and therefore giving a middling score due to uncertainty.

Across Thames Valley, officers were rarely concerned with the views of the victim and as demonstrated in this scenario took little time over considering their position or participation within the case. It is unclear (due to little commentary from officers) whether officers simply disregarded the victim in this case, or felt that there was no need to comment on the corporate nature of the victim, thus treating them as they would any other victim in an RJ case.

1. a) A woman has been caught shoplifting by a high-street store security guard. She has a history of theft from the shop and the store security reported the theft to the police.

For the case of the woman shoplifting, Thames Valley officers were adamant that the scenario described in 4a was not at all suitable for RJ due to the offender’s previous history of theft. All scores were low, at 1 (n=6), 2 (n=1), 3 (n=2) or 4 (n=2). Buckinghamshire officers on average scored this scenario at a 2.5, and Milton Keynes’ average score was a little lower at 1.4. No score was given above a 4, and the two officers who awarded this score (both from the Buckingham neighbourhood team) stated that their response would depend on how long ago the previous convictions had been awarded. If the previous convictions had been given a couple or more years ago, they might consider a RJ disposal, if the offender’s shoplifting was a regular and on-going occurrence, however, then they considered it to be completely unsuitable for RJ.

The matter of previous convictions was seen as a large barrier for using RJ by all officers in Thames Valley, and many stated that restorative interventions should be used as a ‘first chance’ – first time offenders and youths who are deeply regretful for their actions – placing restorative processes at the bottom of the punitive hierarchy of case outcomes. When discussing the scenario of a shoplifter with previous offences, some officers commented upon the offender’s ‘situation’ (for example living arrangements or health) but determined that ultimately the fact that they had previously committed the same offence prevented the offender from receiving an RJ intervention. As seen in the next scenario (4b) however, should the offender have no history of offending officers were much more open to the idea of using RJ to complete the case.

4) b) A woman has been caught shoplifting by a high-street store security guard. She has no history of theft and the store security reported the theft to the police.

When looking at the second half of question 4, where there is no history of shoplifting, Thames Valley officers were very happy to deliver an RJ disposal to the offender, and over 80% of officers (n=9) awarded the scenario a ‘10’ for suitability of RJ. Buckingham officers on average awarded this scenario a score of 9.7, and Milton Keynes officers equally scored a high average of 9.6. Two neighbourhood officers, one from Milton Keynes and one from Buckingham, gave this case an 8 on the basis that they had to be sure that the victim did not want to prosecute, and they stated that in some cases shops ‘aren’t interested’ in RJ (PC 5, Milton Keynes). These findings and high scores reflected the common nature use of RJ for offences such as shoplifting in Thames Valley. The confidence displayed by police officers could be partially due to the RJ initiatives previously run by the Milton Keynes shopping centre and also the high frequency that they attend similar cases in their daily work.

1. An elderly woman has called the police after some boys in her street accidentally kicked their football towards her house, smashing her window. She is afraid to confront the three boys as she doesn’t know how they will react to her so asks a member of her local neighbourhood policing team to help her.

Thames Valley officers gave a large variety of scores for question 5 which concerns an elderly lady who has had her window broken by youths playing football. The scores ranged from 3 to 10 and the majority of officers gave a high score (n=9). In Buckingham the average score was an 8, whilst in Milton Keynes the average score was 9. Two officers from Buckingham gave a 5 and a 3 on the grounds that the elderly lady was afraid of the youths, and therefore they thought she would not want to participate in any RJ. For this reason, the officers stated that they would not offer it to the parties involved. It is clear here that despite the scenario stating that the victim wished to confront the offenders, the officers were inclined to make their own assumptions about the case, and though it seems that they were trying to protect the victim, they were ultimately ignoring her request. This is reflective of many officers’ instinct to take control of cases, and finding it difficult to allow victims to have a large influence over any outcomes. It was inherent for officers to fall into a ‘reactive’ policing mode, and therefore address the offence and offender presented to them, with the victim taking secondary importance to their immediate decision-making process.

1. A rape victim (aged 25) is in the station giving a statement. She knows the perpetrator but would rather discuss matters with him than go to court.

All officers in Thames Valley were not confident with question 6 as a potential case for RJ, due to the seriousness of the crime (rape). Scores were very low with the majority of officers giving a 1 (n=9) and one officer giving a 2. However, a schools’ officer in Buckingham did award the scenario a 6 as he believed that the victim’s wishes should be heard. The officer stated, however, that senior and management officers would not be willing to put the case forward for RJ due to the seriousness of the offence, but the officer personally felt that it should be considered if the victim wanted it. Clearly, this was a score that did not reflect the other officers’ beliefs that due to the seriousness of the offence and the ‘red’ classification on the gravity score matrix RJ could not be delivered for such a case. Furthermore, no officers mentioned the possibility of post-sentence RJ, referral to external RJ services or even acknowledging the victim’s request.

In summary, the key findings from Thames Valley show that RJ was well received by most officers in both Milton Keynes and Buckingham, however there were large differences between the two districts; primarily due to the differences in size, demographics and use of the area. For instance, the large urban area of Milton Keynes experienced significantly higher, and notably more serious, crime reports on a day-to-day basis, and subsequently officers in the area felt a high amount of pressure to meet targets and solve crimes frequently, illustrated by the findings from response officers who reported they had little time to deliver RJ. On the other hand, the market town of Buckingham had a largely residential population, policed by a large group of neighbourhood officers who demonstrated confidence in managing level 1 and level 2 RJ both in the vignettes, interviews and observations. Though these neighbourhood officers displayed some consideration towards victims, this was still largely lacking across Thames Valley. The longstanding experience of Thames Valley police with restorative justice, as evidenced within the literature review and Phase 1 findings, was reflected within the officer awareness and confidence with RJ processes, despite there being no policy in use. This lack of policy created some confusion between response officers who had minimal training, though senior officers were clear within their responses that less confident officers should ask for assistance.

When comparing findings between Thames Valley and South Yorkshire, there are many similarities, most notably the distinct lack of commentary from officers regarding the victim across both forces. However, both services voiced concerns over the corporate victim, both claiming that some shops ‘aren’t interested’ in RJ, though only officers from South Yorkshire showed consideration for both the bus driver and bus company as potential victims, unlike Thames Valley. Both police services’ participants gave similar responses in scenarios 4a and 4b (involving shoplifting), and yet contrary to the findings from the interviews very few (only a couple of officers in South Yorkshire) officers mentioned the cost of the stolen goods, instead concentrating on the matter of any previous offending history which became obvious as a large hurdle for officers to manage when considering using RJ on a case.

Subsequently, findings from both police services demonstrate a clear understanding of the remit and restrictions surrounding RJ use, both areas quoting parts of the ACPO 2012 guidelines surrounding the gravity score matrix and the associated ‘acceptable’ offences. However, though one service had a recent force-wide RJ policy introduced (South Yorkshire), this was not commonly understood between districts. On the other hand, Thames Valley had no official policy in use and yet a good understanding of force-wide use of RJ was largely common across all participants, seemingly partially due to the long-standing experience of RJ within the force. Nonetheless, officers often concentrated on the barriers or restrictions which prevented them from using RJ, as if they were conscious of making the ‘wrong’ decision. They were inherently searching for any criteria which prevented them using a restorative process, details of the offence or offender, instead of appreciating factors which demonstrated that they should use RJ; the victims’ wishes. Both South Yorkshire and Thames Valley were not forthcoming with any information regarding post-sentence RJ or any referral programmes available in their respective areas. This is particularly surprising within the vignette findings from South Yorkshire where the Sheffield community justice panels were not mentioned, despite their somewhat proactive involvement within police RJ demonstrated within the interviews and observations.

It should be noted that any disparity between services should not be seen as indicative of a particular force view or policy, but rather the interviewee’s opinions. This can be demonstrated where there are clear differences within the same police service, for example scenario 2 in Thames Valley which was scored from 1 to 10, displaying different verdicts between officers despite being part of the same police service. Here, officers had different views on the impact previous convictions could have on the delivery of RJ, which is suggestive of the absence of a force policy creating uncertainty and diverging opinions between officers. The police officers here were not discussing their discretionary choice to deliver RJ to the offender, rather whether they should consider it as a possibility at all. Furthermore, differences both between and within police services may be reflective of the somewhat vague nature of any official guidance available for officers and forces which, at the time of writing, only provided specific provisions for the categorization of offences – the gravity score matrix.

Covering the results from Thames Valley Police, chapter 7 concludes the Phase 2 findings. Again using two distinct force districts, similarly to the findings from South Yorkshire, Thames Valley officers reported a large variation in RJ experience between officers, primarily between job roles and age of officers, but again a positive perspective on the whole towards RJ use due to Thames Valley Police’s historical involvement in RJ programmes. In order to compare and contrast the findings from Thames Valley, South Yorkshire and Leuven, they will be discussed in more depth next, in chapter 8.

# Chapter 8 – Discussion

This chapter discusses the findings from Leuven, Thames Valley and South Yorkshire Police and places them within the context of the research questions. Whilst chapters 6 and 7 each focus on the findings from a single police service, this chapter attempts to compare and contrast findings in a general discussion, drawing on the experiences of officers from the three areas, and attempting to place findings within a context by understanding issues surrounding the police culture, funding, policy and policing strategies. Ultimately, the chapter will address the research questions outlined in previous chapters.

## Research Questions

Looking back to chapter 1, it is possible to revisit the research questions and draw upon the findings from both Phase One and Phase Two in an attempt to begin to consider the presence of restorative policing in England and Wales. Below, are the fundamental questions with which this research is concerned:

* How do police officers use RJ in their daily work?
* How do police officers understand the role and purpose of RJ?
* Does RJ fit into the neighbourhood policing strategy within which RJ is predominantly based in these forces?
* Are police officers suited to the role of restorative facilitators?

Firstly, question one covers RJ practice more accurately in what officers do; the findings of these aspects can be seen within the results in chapters 6 and 7. This chapter begins by addressing the restorative nature of the processes documented in the findings by comparing them to the definitions and criteria outlined in the literature review by Dignan (2005) and HMIC et al. (2012) – specifically by addressing the criteria of victim and offender participation, restorative outcomes and a voluntary process. Next, question two concentrates on the officer perspective on RJ and is covered in section 8.3, additionally discussing the impact it is suggested police culture has on police officer delivery of RJ. Then, though question three is lightly touched upon throughout this chapter, it is in section 8.4. where it is discussed in more depth. Police services are compared and focus is given to the different use of RJ between police services, specifically urban and rural differences and variations between response officer and neighbourhood officer usage. Finally, this chapter concludes after addressing question four and the problem of deciding whether police officers should be delivering RJ at all.

## Are police programmes truly restorative?

In order to determine the role of the police facilitator, we must first evaluate the ‘restorativeness’ of the RJ used by the police. Should there be no restorative elements it will be necessary to question the label ‘RJ’ being applied to the interventions as well as the role of the officer. By addressing the manner in which police officers used RJ in their daily work, we may begin to place police-led RJ within the restorative framework proposed by Dignan (2005) discussed earlier in chapter 1.

Dignan has argued that there is a focus, process and goal to analyse when considering whether a practice can be labelled as truly ‘restorative’ (2005) and that an initiative can only be described as restorative if there is a particular combination of these three factors. This research uses the following definition of RJ by the HMIC, HMI Probation, HMI Prisons and the HMCPSI (2012): *“….processes which bring those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward”.* Therefore there are some questions which are immediately apparent considering the findings in previous chapters in comparison with the above definition. Where the victim and offender are not brought into communication (whether face to face or otherwise), should this be called restorative? ACPO lead and Greater Manchester Police ACC Garry Shewan agreed in a 2013 ACPO web conference that where ‘the most restorative the process the better the outcome ... the most restorative of processes involve face-to face conferencing’ (Shewan, 2013). Also, it is questionable whether officers believed the goal of RJ interventions to be that of ‘repairing harm and finding a positive way forward’ as some officers stated personal goals and time-management issues as relevant to its use, whilst others commented upon the benefits it may bring to youth offenders. Therefore, is the use of police RJ examined in this study representative of those set out in the above definition? We have identified that for a process to be considered truly restorative, there is a need for victim and offender participation, restorative outcomes and for it to be a voluntary process on the part of the participants, and therefore it is this question which shall be next discussed here.

### Victim participation

The repeatedly stated ‘victim focussed’ aims of police RJ policy in Thames Valley and South Yorkshire may be seen to be reflective of their ‘mission to protect victims’ (Reiner, 1978, p.79). However, the findings from chapters 6 and 7 show that police-led RJ may not be as victim-centric as intended. Firstly, most victims dealt with by response officers were not consulted nor involved in the delivery of a restorative caution or disposal. Whilst many officers stated that RJ is ‘for the victim’ and ‘if the victim wants it’, many officers initiated the restorative intervention before informing or discussing the options with the victim. The intended focus of a restorative intervention has been suggested by most literature to be that of the victim, though Dignan (2005) also states that the focus should be equally balanced on the victim and offender. However, little practical and operational evidence collected through this research suggested that this was the case when looking at police-led cautioning or disposals. Where conferencing and mediation did take place, this was invariably inclusive of the victim where there was an immediately identifiable victim (as opposed to corporate victim), and yet still might be carried out with a ‘representative of the victim’ or the wider community (a volunteer or police officer). There was no pre-requisite that the victim must directly participate for a restorative intervention to take place.

In Leuven it was stated by interviewees that in suitable cases all victims were offered opportunities to participate in some form of restorative meetings at various points of the criminal process[[26]](#footnote-26). From arrest to post-sentencing, they had multiple opportunities to communicate with their offender in some manner. Victims were found to be able to participate when they felt ready to, and were provided with mediation services details should they wish to participate in mediation many years later. Furthermore, it was considered in Leuven that mediation would not take place unless both parties consent and wished to participate. In contrast to the practices discussed above regarding English police services, in Leuven no form of mediation was offered if there was no participation of the victim, due to the belief that without the victim, then the meeting would not be truly ‘restorative’.

### Offender participation

In Thames Valley and South Yorkshire, offender participation was largely decided by the attending officer prior to facilitating the intervention. The findings have shown that the officer would take into account the offender’s past misdemeanours and the severity of the case in order to decide whether the case was suitable for an RJ intervention, prior to discussing matters with the victim or offender. It was the severity of the offence and any mitigating factors which were initially considered by officers when assessing the case, before taking into account the offender’s attitude and any remorse shown. Officers and policies stated that the offender must show remorse and admit to the offence, but in some situations there was evidence that feelings of remorse were not always forthcoming, and many had to be encouraged by the officer who explained the proposed use of RJ. For example, an officer might say ‘you have to show you’re sorry, or you didn’t mean it, otherwise we can’t do an RJ and I’ll have to take you back to the station’ (Milton Keynes, Field notes). Here, the offender was encouraged to participate for their own benefit. Though offender participation was encouraged by officers, selection was heavily biased by (often conflicting – discussed further on) advice from policy and guidance about suitable offences, previous offending history and suggested outcomes. Offenders who displayed no immediate remorse or guilt were encouraged to do so in order to complete the RJ process.

In Leuven, it was the officers’ role to select cases which may be suitable for mediation. This might mean that both the victim and the offender were considered in terms of willingness to participate, the type of crime and ability to make reparations. The offending history had less impact on the officers’ decisions compared to those in England due to the fact that the victim–focus ensured all victims were offered some form of mediation, regardless of offending history or crime. In Leuven, cases were selected for police mediation where it seemed possible that the offender could act or pay to repair the harm caused. Should this not seem likely then police mediation would not take place, but the parties may still be offered mediation at a later date by the prosecutor, or post-sentencing.

### Restorative outcomes and goals

The goals of many police-led RJ strategies were stated within force policies to be to repair the harm caused by the offence/the offender, though many officers also commented on the potential to reduce reoffending rates, and to not criminalise young people. Many of the goals believed by the officers were with regards to the offender and working towards improving their behaviour and their future, and not regarding the victim or reparation. Furthermore, many officers were not willing to enforce or follow-up any plans for reparation and did not fully engage with the victim’s wishes for an outcome. Where victims were asked about their wishes, many officers suggested outcomes to the victim, therefore taking on the role of the victim themselves, and manipulating the result of the intervention to one which the officer deemed suitable.

### Voluntariness and coercion

This research has considered a variety of methods and approaches to RJ within the police, and all programmes, initiatives and strategies featured the importance of ‘voluntariness’ in their guidance. For example, as we have already seen in the literature review, Van Ness (1996, p.23) stated that a restorative meeting should be voluntary on both the part of the victim and the offender. In this respect, it was stressed that the parties should participate in a voluntary manner in any restorative practices.

The role of the police mediator or facilitator of restorative practices has a large part to play in the voluntary aspect. We may draw upon the use of the independent mediator in Leuven, Belgium, in addition to the prior commentary on victim and offender involvement. Here, the placement of a non-police mediator within the police station brings about numerous questions regarding their independence and neutrality as a facilitator. By placing the facilitator within a police station there is inherently a connection made between the mediator and the police service, and the parties may have some concerns or preconceptions about police involvement in the case. Furthermore, the proximity of the mediator to police officers may result in the influence of police culture on the mediator, whilst isolation from other social services and mediation initiatives both compounds their connection to the police and distances their involvement with the other external services. On the other hand, there are arguably advantages to police mediation and the presence of the police may help the victim feel supported; from the Thames Valley initiative it was found that some participants comment on the ‘welcome degree of authority and formability’ (Hoyle, 2007, p. 298). In Leuven this research has found that mediation may occur ‘in-house’ but also that referrals may be made to other mediation services. It is unclear when a referral may take place, and also why an officer may decide to use in-house mediators as opposed to an external provider, or vice versa. It was originally intended for the ‘in-house’ mediator to be made superfluous over time, and yet both literature (Moor et al., 2009) and this research show that this has not been possible. This is suggested to be due to participants’ preference towards a third party mediator and that most cases are either too legally or technically complicated for officers to manage (p.73). However, findings from Leuven suggest that there is still a hope that mediation may one day move towards officer delivery due to the easy access by participants to the police, and interviewees often mentioned the role of the officer in regards to community and neighbourhood policing.

In England and Wales, the progression of the use of RJ into legislation introduced conditional cautions contained within LASPO, 2012. Here, RJ practices are able to be attached to a caution as a condition, thus presenting RJ as an enforceable part of a disposal. In turn, this questions the involvement of the victim, as the victim cannot be forced to participate in a restorative meeting. Restorative practices under a conditional caution may take the shape of community reparation, but will primarily involve engagement with a referral service such as drug and alcohol abuse networks, anger management services, and similar services. Therefore, the direct involvement of the victim is rare, and here the victim is used in order to improve the offender’s behaviour. This use of conditions is not unlike that of a Referral Order contained with the Criminal Evidence Act (1999), as non-completion of conditions is consequently pursuant to prosecution in the traditional manner.

In addition, the findings in this research identified numerous cases during the observations where officers discussed the possibility of an RJ process with the offender in such a way which convinced them that an alternative was much more serious. For instance, an officer might say something such as ‘you have to apologise then we can do an RJ, otherwise I’ll have to take you to the station’ (Milton Keynes, Field notes). Here, it is clear that although the consent to proceed with the process remained with the offender, it was the role and actions of the police officer which persuaded the offender both to admit to the offence and continue with the restorative process.

Therefore, voluntariness is a questionable element for the restorative interventions considered here. As Dignan (2005) argues it is an integral part of the definition of RJ, the process must be voluntary on the part of the victim and the offender. However, despite the fact that the participants are actively encouraged to participate, this is not to say that they are coerced. Officers were eager to engage parties in the process, though as covered in the next section the reasons for this may not be entirely restorative.

It has been previously identified that RJ is considered a new ‘tool’ for officers to use (Pollard, 1999). Moreover, it was reported that policy frequently encouraged officers to engage more with victims, consider their wishes and see that harms to them were rectified. One may consider this a new role for the officer, who may be more used to the rhetoric of catching criminals, fighting crime and portraying a hardened, zero-tolerance attitude. The RJ, victim focussed ‘hat’ is a new one for officers, and it may not be readily obvious how officers manage switching hats from a crime-fighting to victim-centric focus. The delivery and understanding of restorative principles of RJ did not come easily to all officers, and we see a clear divide between those who supported it, and those who did not. It was those who did not engage fully with restorative principles, who delivered it with their traditional ‘crime-fighting’ hat on, who undermined the process for all parties involved in that case, and consequently were not fulfilling the aims and principles of a restorative process.

## Police perceptions of restorative programmes

This section will aid us in our understanding of officer perceptions and understanding of RJ and restorative principles. By considering police culture, attitudes and awareness towards their work and their involvement in restorative interventions, we may begin to discuss the officer as the facilitator and their role within RJ. Furthermore, this research has considered data collected from a variety of police officer roles in England, and therefore it is possible to consider the function of RJ within the neighbourhood policing strategy by comparing its use by neighbourhood officers with response teams, for example.

As stated in chapter 2, Waddington has attempted to define the occupational culture of the police and considered the ‘mix of informal prejudices, values, attitudes and working practices commonly found amongst the lower ranks of the police that influence the exercise of discretion’ (2008, p.203). Where officers are able to make discretionary decisions such as deciding to offer RJ, it is important to consider the factors which may influence this decision. Occupational culture may affect the police officers’ decision-making process; influence their decision to offer RJ, or their delivery of restorative processes. These police occupational characteristics have been described often by academics and frequently cover the relationships and actions which influence the ‘individual’s sense of self’ (Westley, 1953). This could include the hostility with which officers are treated by members of the public, which in turn encourages officers to adopt behaviours such as overt secrecy and a belief that the use of force to attain an arrest is legitimate. Alternatively it could also include the officer role of ‘peace-officer’ (Banton, 1964) and develop a suggested ‘working personality’ (Skolnick, 1994, p.4) as a product of the notions of danger, authority and efficiency present in an officer’s everyday work. However, it has also been suggested that officers develop a cynical and pessimistic view of their work and the world around them (Niederhoffer, 1967; Vick, 1981), which may influence a disappointment in the career, ultimately eroding the initial sense of mission (Reiner, 2010), which is equally reflected in the younger officers’ favourable attitudes towards RJ, and also the older officers’ more negative opinions of its introduction. The findings from this research show little support for these theories of ‘working personalities’ in terms of secrecy, hostility or use of force. There is, however, evidence to suggest that some officers displayed feelings of negativity and cynicism. Officers in lower ranks seemed to be primarily concerned to get from one job to another, one hour to the next, with minimal paperwork, bureaucracy and fuss. This is fully supported within the findings from both South Yorkshire and Thames Valley, whereby officers frequently stated that they were in favour of RJ processes due to their ease of use and time saving aspects. Though there was little to suggest that there was a real sense of urgency, response officers strongly displayed a need to complete a job as fast as possible, to become available for the next task quickly and to display a fast ‘detection’. Neighbourhood officers, on the other hand, did not display these feelings and instead were primarily concerned with the community values of the neighbourhood in their beat, the victims and offenders and the outcomes of any meeting or disposal.

Many commentators have described the nature of police work to be one of isolation coupled with internal solidarity (Clark, 1965; Reiner, 1978; Crank, 2004), and subsequently claim that these characteristics may develop and form many cliques and conflicts *inside* the police organisation (Reiner, 2010, p.122, original emphasis). This may be present within teams, divisions, within job role and within districts. It must be remembered that this is not applicable to each and every officer, for behaviours and attitudes will obviously vary between differing individual personalities, initial orientations to the job and varying career ambitions and trajectories. However, as discussed below (see 8.3.2.) we can see that management and operational officers expressed very different views and perspectives on RJ, further suggesting that roles and hierarchy have an important part to explain the variations in RJ understanding and delivery across the police service.

###  ‘It’s what we’ve always done’: A new label for an old way of doing things

As already identified, the main focus and immediate importance of our consideration of police culture is the potential ‘effect’ the culture may have on the use of discretion by police officers. The discretion to deliver an RJ intervention, as opposed to issuing a fixed penalty notice, a caution or making an arrest, was largely the police officer’s, and therefore the underlying culture, attitude and behaviours of the officer or group of officers may have had a large effect on the number and quality of RJ interventions carried out. Whilst discretion is applied differently between ranks, the broad disparity in status between officers also ensures that discretion has a different form and nature for different ranks, with more senior officers’ decisions falling under more scrutiny (Cockroft, 2012, p.47).

Neyroud and Beckley (2001) consider that the type of discretion officers use where they are required to decide whether to deal with an offence formally or informally, such as the application of a restorative intervention, to be an ‘interpretive decision’ and that officers may consider the most fitting resolution to be one based on negotiation rather than enforcement. In South Yorkshire, the discretion available to officers in order to deliver RJ seemed to be particularly restricted by a number of factors. Primarily, it was the officers’ belief that RJ is at the bottom of the punitive hierarchy, and that therefore it is a ‘first chance’ option. Officers saw RJ, particularly ARDs and YRDs, as the first rung on a ladder, where a caution, fine or arrest were progressively higher. For this reason, officers felt themselves to be restricted to using RJ for first time offenders, low level offences and for the most minor of disputes. This was despite the availability of referral programmes for additional or post- sentencing RJ. Secondly, though most officers were eager to refer to RJ as a ‘victim-led’ option, the nature of their job presented the offender and the offence in the forefront of many situations. Therefore, officers considered these aspects first in order to determine the case suitability for RJ and in some cases disregarded the victim’s wishes entirely. It was not common for the officer to consider the victim first in a situation, and it seemed to be inherent that the officer first acknowledged the offence and the offender, as is usual practice for other case outcomes. Finally, the majority of officers did not consider RJ as a ‘tool’ for the victim, or indeed the offender, at all. Officers frequently referred to RJ as a way in which they could deal with cases faster, cheaper and easier. As response officers were often on a tight schedule, it was these officers who used RJ as a ‘quick fix’, and their decision-making process was led by their own needs ahead of the victim’s or the offender’s. In addition, as Neyroud and Beckley (2001) acknowledge, where these more informal decisions are required to be made, some officers based their decision making-process on the negotiations and conversations which took place, albeit with the offender. Many officers commented on the ‘attitude’ and the willingness of the offender to cooperate, and it was here that the officer decided that they were ‘RJ appropriate’. As demonstrated in the vignette findings, however, this negotiation process did not apply in a similar manner to the wishes of the victim.

Within each English police service studied in this research there was a mixture of new officers and older officers, some of whom were familiar with the RJ principles, and some who were not. It was common for most officers to assume that the ‘old style’ of policing (more than 30 years ago) was much more relaxed, officers had more discretion and there was less bureaucracy within the service. Therefore, when officers referred to the ‘old style’ or ‘what we used to do’ it is these presumptions which they were addressing, despite most officers not serving during this time. It was an assumption, a time about which they reminisce through stories, anecdotes and policing history.

In both Thames Valley and South Yorkshire, both older and newer officers viewed RJ as a ‘new’ way of dealing with crimes, and saw an arrest or caution as ‘traditional’. However, older officers reflected that the ‘new’ RJ was similar to how they had worked many years ago, before they were required to complete forms and paperwork. In South Yorkshire, an older officer stated that officers were being given some discretion back, but also that their discretion was being monitored through the RJ process. Officers, especially older ones, often described a cyclical progression; from a large amount of discretion in the past, curtailment under a new government resulting in less discretion for officers, and now, the (re)introduction of RJ to the diversionary outcomes available to them increasing discretion once more. These officers claimed that they ‘always used to do RJ’ in the past, and yet this was not monitored in the current manner as the option to ‘do nothing’ was available to the officer, who subsequently ‘had a word’ with the victim and offender and considered the case closed. At the time of this research being conducted, the option to ‘do nothing’ if there is a crime present was not available to officers, and therefore officers found themselves presented with a variety of options with which to deal with the case. This may partially explain why some officers delivered restorative disposals without the involvement of a victim. If the officer believed that a restorative disposal was the best outcome for a case and yet the victim did not wish to be involved (or there was no direct victim), they had no alternative other than to continue with a restorative disposal or to issue a more serious form of disposal or punishment. Though Dignan (2005) suggests that a non-victim restorative meeting is not truly restorative, where the alternative is to record the case as ‘no-crime’ (which could be untrue) or to issue a disproportionately serious punishment (notably widening the net of low-level crimes and increasing up-tariffing (see Heidensohn, 1986; Carlen, 2004; and Gelsthorpe, 2006)) it could be suggested that a non-victim RJ disposal may be the best outcome. Indeed, this could be argued to be inappropriately named ‘RJ’ but it may be useful for the offender in terms of proportionality nonetheless.

###  Understanding the impact of police culture on RJ

As described in the literature review and reiterated above, the culture of the police is often commented on under many different definitions (Westmarland, 2008). Ultimately, however, the culture of a group is broadly considered to be the ‘foundation upon which a social group functions’ (Crank, 2004). The police services and groups of officers covered within the Phase Two findings may be considered to fall under this ‘social group’ description primarily due to their close knit grouping, the fact that they worked within teams and their occasional need for support and guidance from their peers. Subsequently, RJ facilitated by the police must be acknowledged to be influenced by the ‘hodgepodge of cliques, cabals and conspiracies’ said to be present within the police force (Van Maanen, 1978, p. 322).

The complex issue of police culture cannot be grouped solely under one umbrella, and therefore this section will carefully consider various aspects of the police culture present within the Phase Two findings as to how aspects of RJ delivery by the police were influenced. Each police service will be discussed separately with regards to the areas of police culture covered in the literature review, before discussing any overarching themes, cultures or emerging discrepancies by presenting a comparison between police services.

South Yorkshire

When looking at the impact the police culture in South Yorkshire may have had on the delivery of RJ, it appears there are numerous aspects within the findings which may be seen as influential on restorative interventions.

Firstly, there was clearly a difference between the views of neighbourhood and response officers as to the purpose of RJ interventions. Here, the role of the officer was a highly influential aspect of their decision-making process. For neighbourhood officers, the role of community supporter and integral part of their beat influenced their views on the type of case suitable for RJ. Response officers stated that they saw RJ as a disposal for a particular type of offence. Though the offences stated were different – neighbourhood disputes and minor anti-social behaviours compared to shoplifting and low level assaults – these offences reflect the type of cases regularly dealt with by the respective groups. Therefore, due to the jobs and tasks presented to the different groups of officers regularly, the two groups of officers regarded RJ to be suitable for different cases. This is not to say that these officers would rule out its suitability in other matters, but that primarily officers were more confident using it within their usual role and would perhaps be less inclined to use RJ for a case not familiar to them, instead issuing a caution, fine or making an arrest. Furthermore, due to the inclination not to ask for help or advice from others, discussed further below, officers might become stuck in a form of ‘RJ rut’, whereby they would deliver RJ for a specific set of offences only, where they felt most confident, and thus reverted immediately to the more ‘traditional’ responses for cases where they did not usually use RJ. In addition, the time restraints felt by officers[[27]](#footnote-27), especially response officers, was very clear as many commented that RJ was ideal for saving time. Where complicated cases were presented to them through the vignette study, response officers stated that they would not use RJ, and instead would refer the case to either a neighbourhood team or the community justice panels. Response officers were eager to move quickly from one job to the next, and it was clear that the pressure to achieve their targets and complete as many jobs as possible was high. For this reason, response officers tended to advocate RJ for small, easy jobs, whereas it was hinted during interviews that neighbourhood officers were able to spend more time on cases and therefore use RJ for more complicated matters.

In addition, there was a clear difference between the opinions displayed by the different ranks of officer. Hawkins and Manning (1985) explain variations within a police force by way of the contact each rank or specialism has with the public and the information they obtain. For instance, it is typically only constables who regularly meet the public on a day to day basis, whereas sergeants and inspectors have to rely on paperwork records for their decisions and are therefore somewhat dependent on the work of the constable and the way in which the PC interprets and deals with the situation. In South Yorkshire, supervisors and officers in charge were well versed in the South Yorkshire RJ policy and were confident that their beat officers were able to deliver RJ at a level which satisfied the force policy. However, officers said they were able to make recommendations only towards one referral programme in the area (Sheffield Community Justice Panels) and rarely commented on any post-sentencing programmes available in their district. Though some beat officers were also knowledgeable about the RJ policy, they did not demonstrate the confidence in RJ that their management did, and despite being trained in RJ disposals and some in conferencing, rarely delivered RJ interventions. Furthermore, they were often not aware of all the potential uses for RJ, especially any referrals available to partnership agencies or local mediation services such as Remedi either pre- or post-sentence. In comparison, both operational and management officers in Thames Valley were unsure about service policy on the use of RJ, and many reiterated previous or past initiatives as reference to their knowledge and experience. Furthermore, no officers were able to confidently state any experience or ability in referring a case to another mediation service.

In the literature review, it has been stated that rank hierarchy and force divisions are emphasised in the division between ‘street’ and ‘management’ cops; rather than sharing a standardised occupational culture, specific and different police cultures could be identified throughout the policing world (Reiner, 2010). ‘Management’ must reflect a legalistic, policy driven face to the public, yet were often derided by the ‘street-wise’ operational officers. The ‘street cop culture’ was found to subscribe to the prevalent view that ‘social and political forces have weakened the character, performance and effectiveness of police work and that as a result the policing function is under strong attack’ (Ianni and Ianni, 1983, p.254). Officers in Sheffield, the central and largest division of South Yorkshire Police, were vaguely aware of the possibility of delivering a RJ disposal where there had been an instance of hate-crime. However, this was not understood nor considered a possibility for officers in Barnsley. Senior management officers stressed that this was intended to be a force-wide initiative; however they believed that initiatives such as this were struggling to filter through the force and to be implemented in districts outside the central base in Sheffield. What is clear is that not only were divisions operating under different RJ assumptions and guidelines but also officers were unaware of the processes available across their police force. Officers in Barnsley were unaware of the hate crime initiate mentioned by Sheffield officers, and similarly they were unsure whether schools officers were present across South Yorkshire. On the other hand, in Thames Valley some management officers were aware of the absence of any RJ policy in use, whereas operational officers were unaware of this and tended to believe that their personal, limited, knowledge and use of RJ was common across the force.

The duty and responsibility officers felt towards their job was evident, and although the community justice panels were present to take referrals in South Yorkshire, officers felt personally responsible for their case and struggled to make a referral. In the literature, the adrenaline, the thrill and the chase are said to be a considerable addiction to the officers, and are reflected in the somewhat hedonistic, masculine and action-centred aspects of cop culture (Holdaway, 1977; Reiner, 1978). A feeling of ‘ownership’ towards a case was clear as officers were said to be encouraged to check with their supervisor if unsure of the possibility of delivering a RJ disposal, though some officers stated that they would not deliver a RJ disposal if they had doubts about its suitability, and would not check with their supervisor. During the vignette exercise, where officers were unsure and gave a middle score of around 5, none stated that they would ask for assistance or guidance from their supervisor, demonstrating the internal belief of the officer that it was ‘their job’ and that they should see a case from start to finish. This is also seen in the findings from Sheffield where one officer reported managing a lengthy case in order to return an iPod. The officer believed that it was his duty to finish the case, and was not willing to refer the matter to another party to complete. It is clear that some officers were willing to spend more time than others on a RJ, although most showed some form of ownership over the case. Where some officers were not willing to spend time on an RJ intervention, they stated that they would rather deliver another form of disposal. On the other hand, some officers wished to complete the RJ themselves despite how long the process might take. Overall, the desire to complete the job was inherent in the ‘sanction detection’ culture, as each officer strived to hit their targets, whether these were personal or set by their supervisor.

Furthermore, despite the RJ programme in South Yorkshire being considered a partnership programme, there seemed to be little enthusiasm or even knowledge shown by beat officers with regards to partnership programmes available, referral services outside of the Sheffield Community Justice Panels, or Level 2/3 referral services such as Remedi. Despite this, schools officers and officers of higher ranks were aware of their partnership programmes and fully advocated referrals to other services, especially for young people. It is clear, therefore, that not only was information not being fed down the ranks, or indeed being retained by the lower ranks, but also that referral programmes were only considered for two types of cases – neighbourhood disputes and youth offenders via the YOT. Furthermore, officers struggled to think outside of their immediate contacts and did not consider any partnership or external services available to them for referral for RJ, or any possibility of RJ further than as a disposal.

As discussed in chapter 2, the literature suggests that officers may be considered to have a ‘victim-focussed’ attitude towards helping others. The findings, however, suggest that though officers were continuously trained and encouraged by policy to put the victim first, this did not often happen in practice. Senior officers were quick to stress that the RJ delivered by their officers was victim-focussed, as stated in the policy, and that outcomes were to be dependent on the victim’s wishes. RJ interventions were stated by beat officers to ‘help the victims’, though during interviews and observations it was clear that officers did not act this way in practice. This was further emphasised during the vignettes exercise whereby no officers thought question six (including the rape victim) to be at all suitable for RJ despite the victim expressly stating their wish to communicate with the offender. Furthermore, a couple of officers in South Yorkshire acknowledged the existence of this discrepancy, and stated that though RJ should be victim-led often the victim’s wishes were those forgotten by officers. It was difficult for officers to put victims first in practice, though they were vaguely aware of the aims that the SYRJP had in benefiting victims of crime. One reason for this may be the rarity with which this was required of them, as officers were often presented with an offence and potential offender to deal with first in most cases. This was demonstrated within the vignette findings, where most officers requested further information on all the scenarios: whether the offender had any previous offences, and if they admitted to the crime. For each scenario, officers turned their attention to the offence and the offender, regardless of any scripted statements regarding the victims’ wishes. It seemed difficult for officers to make a change in their outlook towards the jobs and crimes they encountered to initially consider all parties, but in RJ cases especially to regard the needs and wishes of the victims first.

Thames Valley

In Thames Valley there were clear differences between the rural neighbourhood officers and the urban officers in Milton Keynes. This difference in policing style was recognised often as those outside Milton Keynes often referred to the area as ‘the independent republic of Milton Keynes’. Here, they referred to the dramatic difference in size and demographic of the large town, the difference in the nature of the crimes and ultimately the difference in the style of policing therefore needed. When asked why the RJ styles were dissimilar between the two areas, one officer stated that:

*‘Milton Keynes is an up and coming city with a huge influx of people from all across the country and overseas, whereas Aylesbury Vale is still a very rural based community with only one main town centre. This is a very multi-cultural town, but does not compare in size or problems to that of Milton Keynes whatsoever. RJ in Buckingham and surrounding areas is regularly used to solve minor disputes and crimes, as officers are comfortable with the process and may also have more time to deal with incidents in this way. This could never be used as a quick fix and would require time to set up. It would not surprise me if it is not used as frequently there* [Milton Keynes] *due to the general time factors involved in its set up and delivery, in comparison to the demands on the local police there.’* (School’s Officer, Buckingham)

Due to the above described differences between rural and urban Thames Valley, specifically Buckingham and Milton Keynes, it was perhaps unsurprising that the officers in Milton Keynes were less confident in RJ practice than their counterparts in Buckingham. The nature of their job and roles, though often holding the same title, were drastically different when it came to attitudes regarding RJ. In Milton Keynes, officers were pressed to deal with jobs quickly and efficiently and sometimes used RJ as a ‘quick fix’. The large amount of staff, opinions and advice forthcoming regarding both RJ and youth offenders led some officers to becoming confused regarding RJ use and process. The officers in Milton Keynes were not encouraged to follow up on a case, and additionally they were not inclined to refer complicated cases to an external partnership RJ provider. Not only may this have been due to the aforementioned ‘ownership’ felt towards the jobs in hand, but again mixed opinions and frequently changing staff led to levels of confusion and being unaware as to what options were available. In Buckingham, however, officers were part of a much smaller team, in a quieter, more rural area. For this reason, they were afforded a larger amount of time per case and many officers took great pride in listening to victims and offenders and attempting to reconcile the parties. They, again, showed great ownership towards their jobs and were eager to complete each case in its entirety. They were not strangers to making referrals outside of the police service, though the officers felt they should still remain part of the mediation in order to oversee the case. It is clear, therefore, that the need for officers to manage a case from start to finish was strong in both rural and urban Thames Valley, yet the time they had to do this differed greatly. The fast-paced work in I observed in Milton Keynes was primary to any officer’s wishes to carry out a full mediation or in-depth restorative meeting between parties, and for this reason they were unable to make full use of the RJ options available. It is areas such as this where the ability to make referrals to partnership programmes should be increased and encouraged, providing provisions for RJ for all parties regardless of the officer’s time allowance or experience.

The differences between urban and rural forces are regularly considered in the literature (Shapland and Vagg, 1988; Shapland and Hobbs, 1989; Loftus, 2009), though it is often thought to be the difference in conditions which dictate policing styles in these areas, rather than organisational styles (Reiner, 2010, p.135). The career development and specialisation within the police as mentioned by Shapland and Hobbs (1988, p.86) may be reflected in this difference between Milton Keynes and Buckingham, and the difference between uses of RJ between areas may not be exclusively be due to the rural-urban divide, but instead the placement and involvement of ‘flag-bearers’. RJ was not (at the time of the fieldwork being conducted) being promoted by the most senior officers in Thames Valley, and therefore it was down to individual ‘flag-bearers’ to keep the RJ fire burning. Where they may be placed, as in Buckingham, in an influential role such as a schools officer, they will subsequently have a large impact on the local policing team. However, where these flag-bearers are present within larger teams, such as Milton Keynes, it is easier for them to get over-looked and drowned out by the higher number of cases and busier environment than where they are present in smaller teams and thus can influence the use of RJ in a greater way.

In a similar way to that in South Yorkshire discussed above, the senior and management officers in Thames Valley were well-versed in the basic restorative principles and had a good understanding of the gravity matrix, however it was made clear that there was currently no up-to-date, working RJ policy in Thames Valley (Sergeant 6, TVP). Consequently, senior officers were not able to gather advice or guidance from any form of policy, and thus were unable to filter this advice down to any operational officers – resulting in confusion and a reluctance to deliver RJ by beat officers. Furthermore, this confusion and lack of guidance resulted in some senior officers being largely mistaken with regards to RJ processes, notably a sergeant in MK mentioned in the findings that an adult did not need to be present for a youth RJ. This assumption suggests that youth RJ in Thames Valley might not have been meeting PACE requirements, though I was assured by other officers that delivering a youth RJ disposal without the presence of a parent/guardian would never be the case. The lack of policy has therefore led to assumptions being made by senior officers and passing these thoughts onto their operational staff, subsequently feeding more confusion and uncertainty on recommended RJ usage. Operational officers, therefore, were not confident in any Thames Valley involvement in RJ and the mixed opinions reflected the lack of support and guidance given. Even managerial staff reported that chief officers were not supportive of any move towards greater use or progression of RJ development within Thames Valley, and therefore any knowledge or use of RJ was due to the ‘old ways’ remaining through older staff. This finding can be compared to those of Hoyle (2009) where it was found that new officers tended to be more open to RJ and new initiatives compared to traditional ‘die-hard’ officers who could not be converted. Though in the findings stated in this work we see older officers who were more open to RJ, this is because they were, as suggested by Hoyle, ‘stuck in their ways’. In Thames Valley it so happens that the older group of officers interviewed for this research were present at the time of Sir Charles Pollard being chief constable, remember the RJ strategy introduced then and had subsequently clung onto those beliefs. Furthermore, though the new officers were not familiar with RJ in Thames Valley, if Hoyle’s suggestions are correct, then any new introduction of initiatives should be taken up well by those officers. Should this occur in the near future, Thames Valley may be able to boast knowledge of RJ across the span of officers, whereas other forces may struggle to introduce the idea to older, more experienced officers.

As noted in the chapter 2, some studies have found that police officers develop a profound attitude of continuous suspicion throughout their years as an officer (Holdaway, 1983), often as a response to their constant need to look out for trouble, problems, clues and danger (Reiner, 2010). As a consequence of this suspicion officers are often accused of developing, and acting upon, stereotypes of likely offenders (Young, 1971). Reiner (2010) further notes that police prejudice may not translate directly towards such behaviour, and thus researchers (and even the public) cannot be expected to witness outwardly discriminatory behaviour by street officers, despite police officers’ internal beliefs (Police Studies Institute 1983; Henry, 2007, p.84-92). He further emphasises the point that it is in fact societal, not racial, prejudice which affects police work, as those less privileged members of society are prone to the types of crime that officers on the street deal with regularly (p. 131). Nonetheless, in Milton Keynes officers were very clear with regards to when and where they were more likely to deliver RJ. For example, one officer who covered a less affluent sector of Milton Keynes, when interviewed on his recent RJ use, replied: ‘I hardly ever use it ... [why not?] ... in my sector you know all the offenders, they are regulars and so you know they just won’t be suitable (Milton Keynes, Field notes). Here, the officer was adamant that RJ did not apply to him or his beat, and his internal prejudices towards his beat area and its inhabitants were manifested in his disinterest in any possibility of him using RJ in his daily work. Despite the fact that there might be a high crime rate in his area, the officer clearly labelled his entire sector as populated by frequent offenders, and by only acknowledging the characteristics of a potential offender and ignoring any crime characteristics or potential victim wishes, disregarded RJ as being part of his job.

Furthermore, with regards to the ‘victim-focus’ of the officer culture, and subsequent delivery of RJ, one officer in Milton Keynes was particularly negative towards not only RJ but victims in general. It was clear in the interviews and the vignette findings that officers were not familiar with acknowledging the victim in their everyday work. One Sergeant described this as a matter of culture: ‘officers don’t know how to think about the victims, that’s not what they’re here to do. They are here to catch bad guys, and their focus is on the offence and the offender. The police culture doesn’t lend itself to thinking about the impact on victims’ (Sergeant 1, TVP). The nature of the job and role of the operational officers, especially beat officers, inherently disregarded the presence of the victim in most cases. It was the movement from one job to the next, the lack of time for any constructive conversation and the need to acquire a ‘detection’ and close the case rapidly which prevented the officers from doing much more than identifying and processing the offender before moving on to the next job. Furthermore, there were restrictions on passing on or referring victims’ details (whereas this process for offenders is sanctioned within the Crime and Disorder Act (1998)) and therefore officers had no responsibility to follow up any cases or proposed outcomes.

Leuven

The police involvement in RJ in Leuven was very different to that in England and Wales, primarily due to the prosecution processes and roles police officers have in continental Europe. To start, the question of the police role as facilitator was irrelevant in Leuven as referrals were made from officers to an ‘in-house’ neutral mediator, and post-prosecution cases were referred to external, non-profit agencies for mediation.

In Leuven, mediation was intended to be an alternative way to think about crime and victimisation, and the police were intended to be the ‘gate-keepers’ to the initial access to RJ upon a case occurring. Primarily their role was to inform victims and offenders of the possibility of RJ. Furthermore, it was the officers’ role to select parties whom they deemed suitable for mediation and it was often the officers’ and their region’s thoughts, ideals and objectives towards the use of restorative practices which influenced case selection. It was been stated by interviewees that across Flanders and Brussels the objectives of mediation varied greatly, and consequently the selection of cases varied in criteria and outcomes (for instance petty damages cases being primarily dealt with in one area, compared to a focus on damaged social relationships in another). Officers in Belgium were afforded little discretion in their daily work, and this use of police mediation and introduction of RJ at the police level was providing officers with a level of discretion which they were not usually granted. This lack of experience and practice in developing and exercising discretionary powers may have produced inconsistent selections by officers, as well as some officers not making referrals at all. In addition, the autonomous police treatment of case files produced a restricted selection of case files by officers, where only cases restricted to the categories of offences listed in official instructions were selected, and other cases supported locally were ignored. This method of working was not supported by all officers, who were instructed to provide leaflets to parties and subsequently their details to the in-house mediator. Many cases were not referred and therefore parties were missing out on the opportunity to participate in mediation prior to prosecution. As the prosecutor would consider successful mediations when closing or sentencing a case, this put non-referred parties at a significant disadvantage. Nonetheless, the ability for officers to engage with cases in this manner may be the initial starting point in ‘re-orienting the police and criminal justice system towards an integration of RJ principles’ (Aertsen, 2009, p. 67).

Though there had arisen the possibility of police officers undertaking mediation themselves (Aertsen, 2009, p.73), Leuven police mediation had thus far not progressed from the independent mediator. The fact that officers were not seen as ‘neutral’ mediators was considered a main drawback, though the common factor of tight officer time allowances was seen as an additional factor preventing officers from managing mediation themselves. As commented above, however, the use of an ‘in-house’ mediator has created some concerns about their proximity to the police, so that too strong an identification by the mediator within police culture could influence their work, their task perceptions and objectives and mediation style (p.74). Despite these concerns, the role of the police officer in Leuven, and indeed Belgium, was not dissimilar to that in our British case studies, and the strict time constraints, inflexible working style and need for officers to manage a large caseload were barriers to their involvement in the structured process of mediation. Subsequently, the provision of a mediator within the police provided support and cooperation with administrative services for officers when referring cases (which may be a problem for external services suffering from lack of referrals) and for the mediator to access further case information, an ability and provision to potentially train officers in mediation should the need arise, and the development police involvement with victim care and inclusion.

##  Comparing forces

There is little British research on the differences in police culture between forces, though a study in the early 1970s indicated that rural officers were much more integrated and involved within the community than urban forces (Cain, 1973). It has been further suggested that the police may be resistant to change, experimentation and research though this has supposedly altered over the last few years with the development and growth of bodies such as the Police Foundation and the forces themselves. The recent influx of graduates and some experienced civilian researchers into police research departments has expanded the range and quality of in-house research somewhat (Reiner and Newburn, 2007), though resistance to research and analytic approaches by officers still remains (Cope, 2004).

Both Thames Valley and South Yorkshire exhibited differences between rural and urban officers and their delivery of RJ. However, this may be due to different reasons. Firstly, South Yorkshire districts were responsible for their own RJ strategy, corresponding to the South Yorkshire RJ policy. Therefore Barnsley, for example, was able to develop their use of RJ independently of Sheffield, and this was shown through the differences in use and availability of provisions. Being a more rural area, Barnsley might not be afforded with the support and facilities of Sheffield, but nonetheless was responsible for developing a strategy which suited the community and officers in the area. It was also identified that time was needed for this to be filtered down from command to the ranks, and also for the districts to further embed RJ into their own strategies. It had been stated during interviews that there is a significant ‘time-lag’ between the larger district of Sheffield implementing RJ initiatives and techniques, and the smaller, more rural and quieter districts such as Barnsley. It was further identified that the district of Rotherham in South Yorkshire is far behind the other districts and therefore it was not predicted for RJ to be fully embedded force-wide for a couple of years longer. Thames Valley, on the other hand, did not have a policy from which districts could base their RJ strategies. RJ was not being supported nor promoted at the time of the fieldwork by the most senior officers, and therefore it was down to individual ‘flag- bearers’ to keep the RJ fire burning. Through the nature of busy, urban police work it was in rural areas where these ‘flag-bearers’ were having the most impact, often within small neighbourhood teams. However, officers in charge of RJ strategy in Thames Valley foresaw a new revival of restorative techniques through the 2013 RJ campaign from the Ministry of Justice and subsequent support from the local Police and Crime Commissioner.

The characteristics of the officers who promoted and advocated RJ in each area were interestingly different. Primarily, it was the age of the officers which stood out. In Thames Valley, it was the older, more experienced officers who were still using RJ regularly and encouraging its use within their teams. On the other hand, it was stated in South Yorkshire that the older officers were less supportive of the introduction of RJ than the younger officers, and they subsequently used RJ less. Whilst South Yorkshire described this as a ‘cultural barrier’ for older officers to learn new skills and implement new initiatives, Thames Valley stated that the older officers remembered Sir Charles Pollard’s drive on RJ in the service and therefore still held these ideals whereas younger officers did not get the needed support and training to use it regularly. In this aspect, it is possible to draw some conclusions about the cultural differences of those officers advocating and delivering RJ regularly and that it is not directly to do with age. Instead, it seems that the officers who are provided with the best training and support are those who are confident in using RJ often, which has been previously suggested by Hoyle et al. in their 2002 evaluation of the Thames Valley restorative cautioning initiative. Though South Yorkshire stated that the older officers were facing a ‘cultural barrier’ when it came to learning to use RJ, instead it might be simply that the training for existing PCs, when compared to newly qualified PCs, was lacking. Furthermore, the newly qualified PCs in Thames Valley were not being provided with any in-depth training and support as RJ was plainly not a priority for Thames Valley Police. For this reason, it was the older officers who were previously trained and given extensive advice on RJ under the previous management who were now left as the most confident in its delivery.

It is clear that when looking at our British city divisions - Milton Keynes and Sheffield - there were many things Milton Keynes could learn from Sheffield. Both areas are multi-cultural, busy, large urban towns, and with Sheffield having over double the population as Milton Keynes, officers are under similar time and job pressures. The availability, however, of the South Yorkshire Community Justice Panels in Sheffield provide officers with a clear referral point for complicated or long-standing cases. The lack of a common referral service in Milton Keynes, it seemed, resulted in officers rushing to complete an RJ, or disregarding the possibility completely if the case may be lengthy. Where referrals were able to be made, Sheffield officers were able to facilitate, albeit not directly, an RJ meeting between parties and be happy that the case was being dealt with in the most beneficial manner. It is here where we may also start drawing comparisons with Leuven, where it was also possible to refer cases to a number of internal or external partners for mediation. Officers were not constrained with completing mediation meeting themselves, and yet were able to facilitate the possibility of one either pre- or post-sentencing. As in Sheffield, officers in Leuven understood the importance of RJ and though they might not have had the ability to conduct mediation themselves, had the power to facilitate a referral to initiate the process.

It has been suggested that in Leuven, RJ and mediation do not compete against traditional criminal processes and instead work alongside (Moor et al. 2009). Here, mediation was not initially used as a disposal and from the police officer perspective, it featured as a process alongside the usual prosecution process. It was only when the case reached the public prosecutor that it might be decided that the case would progress no further, and therefore might be closed following a successful mediation. In South Yorkshire, however, it was stated by senior management that there were conflicting advice and opinions between how and where RJ fitted within the traditional prosecution process for officers in England and Wales. The ACPO (2012) guidance suggests that RJ should be considered for low-level offences and first time offenders, seemingly positioning RJ at the bottom of the punitive ‘hierarchy’. On the other hand, the LASPO legislation also published in 2012 provided provisions for RJ to be used more than once, as part of a ‘Community Resolution’ or as part of a conditional caution. These ‘out of court disposals’ were not intended to be part of the escalatory process for youth offenders (such as that of the previous Final Warnings) thus removing the hierarchal system and allowing any of the range of options to be given at any stage where it was determined to be the most appropriate action. Furthermore, LASPO guidance stated that the RJ element of these disposals should not be considered a disposal in its own right. In Leuven the mediation process was contained within government circulars and again in local policy. However, the practice of police mediation in Leuven was only minimally supported by the legal framework and it was for this reason that police mediation was only practiced in the area of Leuven, creating disparity with other Belgian districts. Therefore, despite the fact that the position of mediation and RJ within the prosecution process is different in our European and British case studies, the legislation and provisions for its use were similarly confusing. Though South Yorkshire and Thames Valley were presented with legislation, the advice and guidance on its use were conflicting and confusing, whereas in Belgium though guidance for RJ inclusion in prosecution was available, it was only partially supported by a wider, legal framework and it was still unclear as to whether any legislation would include police mediation (D’haese and Grunderbeeck, 2009, p. 96).

##  Are police officers suited to the role of restorative facilitator?

When comparing the findings of this research to Dignan’s (2005) framework, which suggests that there are three dimensions (goals, focus and process*)* against which the ‘restorativeness’ of various practices can be evaluated, it is easy to query the true restorativeness of the police-led restorative interventions studied here for reasons previously identified. The question remains, however, is whether that is the fault of the facilitator (the police officer)?

A study in Belgium by Aertsen (2009) identified three types of RJ classification across eleven mediation programmes; however it is rare in the research contained within this thesis to identify anything outside of ‘institutional mediation’ within the findings covered in chapters 6 and 7. The term ‘institutional mediation’ is used to describe initiatives which are centred on the offender, aim to make offenders more responsible and adopt a legal set of categories for mediation (such as offences suitable, prescribed outcomes, etc.). Furthermore, where initiatives such as these are aimed at resolving harm through actions or compensation, as opposed to a dialogue between parties, it has been acknowledged that the facilitators do not receive specialist mediation training and the restorative process is instead ‘employed in order to meet the priorities of the police’ (p.78). Alternatively, ‘semi-autonomous mediation’ is used to describe partnership programmes or set-ups whereby neutral (non-police) mediators focus on the offence and communication processes on behalf of the police. Finally, ‘communautarian mediation’ (sic) includes mediation where RJ acts apart from the justice system and this classification includes programmes which focus on a holistic mediation service for all as a service to citizens. The use of RJ across the police services studied here may be recognised to fall loosely under the name of ‘institutional mediation’ and though we can identify partnership agencies such as Remedi, housing association involvement and the Sheffield Community Justice Panels as falling under the second classification of ‘semi-autonomous mediation’ no ‘communautarian mediation’ services or processes were identified within the findings as being accessible by the police.

For such narrowly prescribed initiatives as police mediation and restorative disposals, therefore, is it really sensible to expect officers to be able to deliver RJ processes in a wholly constructive manner as suggested by Aertsen (2009) to be more common with more ‘semi-autonomous’ or ‘communautarian’ mediation where RJ is seen more as a therapeutic and empowering process than a ‘penal norm’? Where restorative programmes are employed and delivered by the police service, there is a limit to the standards which both training and delivery can reach, taking into account the vast variety of tasks and roles an officer is expected to fulfil – be it crime-fighter, traffic controller, members of the coroner’s office, direction giver, community representative or simply the public face of the justice system. For this reason, it is no surprise that at the time of this research being completed, there were neither in-depth RJ training programmes nor opportunities for beat officers to carry out structured RJ meetings or mediation in the British police services studied.

Friedmann (1992) identified community policing policy as a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime causing conditions (p.4). The introduction of neighbourhood policing teams and programmes have further employed a ‘citizen-focused policing’ (Flanagan, 2008) focus, whilst ‘restorative policing’ encourages an approach towards crime and anti-social behaviour based on the principles of RJ (Aertsen, 2009), simplifying out-of-court disposals and ensuring offenders pay back to their victims and communities (Ministry of Justice, 2010).

It is clear that where the literature review displayed inconsistency in methods and effectiveness across forces in neighbourhood policing (Rogers et al., 2011), the same can be said regarding RJ and consequently restorative policing. In the introduction and subsequent literature review in this research, it was demonstrated that the skills and ability needed from a police officer to deliver RJ are not outside of their remit, and should not be any more than a development of their everyday duties in the community (McCold and Wachtel, 1998). However, from the findings it is evident that officers (especially response officers) are not comfortable with delivering restorative interventions regularly. Many do not reference the victim or the community in practical RJ delivery, and would not choose to facilitate a restorative conference or structured mediation between parties, notably opting instead to either deliver a restorative disposal as a fast solution, or instead issuing a more traditional outcome such as a caution. It is unclear whether McCold (1998) meant that all officers should be able to easily deliver RJ in their daily work, but it is clear from this research that this is not the case. The findings further show that neighbourhood policing team officers were more comfortable with the idea of delivering RJ than their response counterparts, and therefore it can be suggested that the community basis, neighbourhood policing ideals and more citizen-focussed culture is more suitable for facilitation of restorative interventions than the target-focussed, job-chasing culture which seemed evident within the response teams. Interestingly, when comparing this with the findings from O’Mahony and Doak (2004) who mention similar characteristics which may influence police officer facilitation, it should be noted that in fact they did not report such findings, due to the separation of officer facilitators from everyday police work.

Despite the findings highlighting significant downfalls in the use of RJ by the police, there were also some notable advantages. As identified by writers looking at Belgian uses of restorative policing (Moor et al. 2009), there were positive aspects to having mediation managed from within the police station, specifically for ease of case management and access to case notes (a positive finding also found in the British Shapland studies (2002, 2006 2007, 2008); where officers were used by REMDI and CONNECT for informative purposes rather than facilitation). Furthermore, all but one officer interviewed within this research mentioned multiple advantages of having access to a restorative intervention as a disposal. Though the advantages recognized by officers were rarely in relation to the victim, they regularly commented on the education RJ may offer to young offenders, the ‘second chance’ and business benefits RJ disposals offered in terms of time and cost savings. The ability for the officer to provide an outcome for a case which did not amount to a criminal record was seen as a major positive aspect of restorative disposals, due to the ability for the officer to do nothing if a crime has been reported being no longer available. Whilst this might amount to net-widening by processing cases which would have previously gained nothing more than stern words from the officer (O’Mahony and Doak, 2004), it does however provide a low-level option which attempts to acknowledge the harm caused. In a current climate where accountability, recording and public spending are under rigorous scrutiny, it can be shown that restorative disposals at police level are an important low-level solution to offending. However, it also may be argued that the involvement of the police is tantamount also to the involvement of the ‘State’ in low level issues, which as stated above, would have previously received no more than a verbal warning from the attending officer, subsequently adding further to potential issues of net widening and social control.

Therefore, it cannot be said that RJ at police level is not a positive idea. However, what can be questioned, firstly, is the use of the term ‘RJ’, especially for disposals such as YRDs and ARDs. This research has identified that at times the disposals being issued by officers are lacking in restorative principles, and that it is very rare that any structured mediation or conferencing takes place. Whilst in some areas referrals to external services were becoming regular, this was due to the constant reminder to officers of that possibility by mediation service staff. This research has shown that whilst referrals are a popular idea with officers, if they are not continuously reminded or presented with the facility, it can fall by the wayside as more immediate issues take over. Unless a referral is an easy process, officers are simply not interested in proceeding with an RJ intervention. In a follow up interview, Thames Valley Police mentioned the possibility of introducing a contracted service to deliver mediation and RJ, not dissimilar to the set-up found and described in Leuven whereby independent facilitators worked from within the police station. This may be one solution in order to increase referral rates, use specially trained facilitators and encourage the use of RJ principles such as active victim involvement. Neighbourhood officers stated that though they were able to set up mediation and conferencing, it was not actively encouraged. Therefore, this use of in-house mediators may only be necessary for those with less inclination to spend time on a case (such as response officers) and who would benefit from the ability to refer parties to mediators.

It may be concluded that RJ as implemented by the police and ‘restorative policing’ as a conceptual application of RJ scholarly theory to policing are two very different things in England and Wales. A theoretical approach would state that RJ should always involve all parties, with a clear process and outcome, however the findings from this research show that police officers are not implementing RJ theory in its entirety within their work as there is often a lack of inclusion of one or more parties involved. Compared to the theoretical definition, the findings showed that it was rare for victims to be consulted or included in depth in the RJ process, an inclusion which is seen by many academics to be imperative towards the use of reparation as an outcome. Reparation, if it in intended to specifically address the harm caused and restore matters, should include all parties involved. Police-led RJ in England and Wales showed a lack of inclusion of victims, their supporters or the outside community, in direct contrast to the more inclusive nature of RJ programmes initiated by the police in Leuven where the RJ process was dependent on victims agreeing to take part in the process. This, in turn, may directly hinder the outcome specified by the definition (HMIC et al. 2012) of allowing all parties to find a positive way forward; the victims’ may not have closure nor the offenders held directly accountable for their behaviour thus neglecting the potential for education and reformation of future offending patterns.

This lack of victim participation was found to be due to multiple variables including a lack of understanding, inconsistent policy messages, the underlying police culture or irregular management of expectations and practice. The distinct lack of focus on victims in policing in England and Wales goes far to explain the officers’ lack of consideration of them in the RJ process, as it is apparent that instead focus is given to the offence and the offender. This offending focus is largely due to the inherent police culture present in England and Wales, with the policing role concerned with the offence and offender being a priority for officers in their day-to-day work. Force targets were aimed towards offences and offending behaviour and little mention was made of victims or their needs, creating a target-driven culture which placed the victims’ wishes below the aim to address behaviours and solve crimes. In addition, sporadic managerial support and inconsistent policy resulted in unpredictable and varying methods of RJ delivery, both within and between forces, creating an unsupported basis from which to develop good practice. However, where RJ champions were present in district teams, it was clear that RJ could be delivered to a good standard, in line with the HMIC et al. (2012) definition. Also, in Leuven it was demonstrated that good practice can be entrenched in police procedure through policy and the separation of RJ delivery in more difficult cases from active officers, allowing them to concentrate on simple cases.

The term ‘restorative policing’ as covered in the literature review refers to the police service inclusion and implementation of RJ theory. Consequently, it is clear that police use of RJ does not equate to restorative policing in England and Wales. As identified earlier in this chapter, it is questionable whether the police are being ‘restorative’ within their RJ programmes, and therefore it cannot be assumed that by claiming to deliver RJ programmes the police service are acting within a restorative policing ideal. However, this is not the case in Leuven, where the RJ process is more embedded within police practice, is primarily victim centred and in intended to be inclusive regardless of offence or offending history.

##  Implications and recommendations

Finally, we can address issues which have been raised throughout this research and suggest alternative methods, ideas and processes which may assist in the development of more consistent RJ by police services in England and Wales. It should be remembered that as an original contribution to the current literature on Restorative Justice, this thesis addresses the lack of inclusion of police officer perspectives within evaluations of RJ programmes in England and Wales. Whilst previous literature has analysed outcome results and the opinions of victims and offenders, this research further adds the perspectives of the police officer as facilitator. Therefore, this thesis is able to make some recommendations which may inform both future research and practice where it is intended that the police will be acting as the RJ facilitator.

Firstly, the findings in this research show that there were rarely face-to-face or direct communication between victim and offender in police-led RJ, which is noted as specific criteria in the HMIC et al. 2012 definition of restorative justice. Therefore, there remains the question: if the victim and offender are not brought into communication (whether face to face or otherwise), should this be called ‘restorative justice’? When considering the definition of RJ this research in based upon, it might be seen as more comparable to the work of Bazemore and Shiff (2001) which discusses community justice as a way of holding lawbreakers accountable for the harm caused to their victims and communities in ways that ‘make things right’ by repairing the harm (p. 5). They highlight the broad, diverse ‘tent’ (p. 6) of the RJ and community justice movement and the conflict which may be present between new and emerging practices, though argue that there may be enough convergence to demonstrate a shared vision between restorative and community justice. That said, community justice has been described as having ‘focus in community level outcomes’ (Clear and Karp, 1999, p.25). There is rarely mention of a direct victim involvement in community justice definitions whereas this is a common factor in RJ discussions, though it is clear that RJ shares some principles with community justice, for example ‘creating obligations to make things right’ (Zehr, 1990, p.181). It can be argued, therefore, that despite the mention of the importance of victim involvement in RJ policies studied in this research, the practices documented in the findings do not fulfil this key ‘process’ of restorative practice and should not be called ‘restorative justice’. Nonetheless, the officers interviewed frequently demonstrated the need for the offender to the repair damage caused, and therefore it is perhaps more appropriate that the ‘restorative justice’ processes studied here should in fact be called ‘community justice’ in practice?

By calling the processes studied here ‘community justice’ we would be implying that there was some form of community involvement within each RJ intervention. Though Dignan (2005) discusses in depth the involvement of the community as stakeholders in the restorative process, as shown in chapter 2, however, it is clear that is as uncommon as any direct victim involvement. Therefore, with regards to defining and classifying the processes described in the findings, we are with limited options. Earlier in this research, it is said that Level One RJ may be called a variety of names, including ‘youth/adult restorative disposals’, ‘community resolution’ and ‘street RJ’. As these titles would suggest, the processes studied were found to be used on the street, and as a disposal. However, it is clear that it is the use of the word ‘restorative’ is where there lies a downfall. We have shown that the word ‘community’ would not be suitable either, and therefore if these processes were to continue to be used in the same manner, their title should – to start – be reviewed. Though the term used by the HMIC et al. (2012) of ‘informal resolution’ to describe Level One RJ processes seems most accurate, to say that no processes witnessed during the empirical phase of data collection was ‘restorative’ would be an exaggeration, and yet where there were many ‘restorative disposals’ issued with little or no restorative element it seems apt to question either the title, or the process itself.

In addition to the name and definition of the processes, we can also review the use of RJ by the police services covered in this research in relation to the outcomes and goals which their processes should work towards. It is interesting to note that the ACPO guidelines (2012) define RJ in terms of the goals and outcomes – for instance, repairing the harm caused. On the other hand, Dignan (2005) amongst other writers on RJ specifically refer to the processes involved. These are suggested by Dignan (2005) to be accountability, reparation, empowerment of the community and reintegrative shaming. The findings show that when officers think about the offender in the RJ process, they often comment on goals and outcomes which include holding the offender accountable, making right the harm caused and showing the community that the offender is making amends. In addition, officers frequently described police business benefits when asked about the goals of RJ, including time and cost savings. It can be argued that officers rarely considered the goals of RJ disposals to be those which benefited either the victim or the offender, and instead they were most concerned about goals which benefited them and the ease with which they could do their job. Nonetheless, the policies of the police services covered in Phase 1 frequently mentioned goals to the RJ processes which include community empowerment and reparation, and therefore perhaps we should be addressing the police culture here. The response police officers interviewed in this research viewed RJ as a means to complete a job, and intrinsically seemed to find it difficult to view RJ as anything other than a police benefit. The ease of delivery, reduced business costs and time-saving benefits were often quoted as the goals of the disposal, before mentioning any offender or victim outcomes. On the other hand, neighbourhood officers were more ready with their accounts of victim and offender related goals and outcomes.

Subsequently, this may assist in answering research question number three: Does RJ fit into the neighbourhood policing strategy within which it is predominantly based? The findings have shown that neighbourhood officers frequently delivered RJ which matched the definitions of RJ described in chapter 1 more closely than their response counterparts. In addition, they described delivering RJ disposals more frequently, as well as facilitating more complex meetings similar to conferencing. It would seem that neighbourhood officers, being closer to the community and feeling less urgency in their job, were more enabled to deliver RJ, in more detail, particularly given the more detailed RJ training neighbourhood officer interviewees described compared to response officers. This is not to say that one group of officers were more capable than the other to deliver ‘good’ RJ, however the nature of the job suggests that neighbourhood officers are more enabled with the skills, contacts and training to deliver RJ in a manner which is in keeping with the intended ideals.

Though the restorative processes covered in this research (especially those delivered by response officers) could be argued to be inappropriately named ‘RJ’ they may be useful for the offender in terms of proportionality nonetheless. For example, the interviewees often stated that where a minor crime had been committed, there was now (due to the presence of RJ) the option to deliver a disposal that does not result in a criminal record, which a caution or similar would give rise to. In addition, as officers did not have the ability to do nothing when dealing with low level crime, the restorative disposal was suggested by officers to fill the gap between a ‘no-crime’ and more serious punitive measures. It was clear from the findings in Phase Two that as officers were not able to ‘do nothing’ where there was an obvious (if not low level) crime committed, the ‘restorative disposal’ was the alternative outcome due to their inability to ignore trivial problems. This did, however, place RJ at the bottom of the penal ladder in the eyes of officers. This is in direct contrast to the findings of phase one, the police service ‘policy’ picture, where it was often stated that RJ should be able to work in parallel with the more ‘traditional’ approaches to crime. Arguably, the officers interviewed in phase two were often referring to a restorative disposal and not any other form of RJ (mediation, conferencing or post-sentencing) as it was RJ disposals with which they were most familiar. Nonetheless, officers were rarely forthcoming with statements regarding any forms of RJ besides disposals and therefore it is clear that they believed RJ to be a ‘first chance’ opportunity for low-level or first-time offenders. ACPO (2012) guidance clearly states that RJ should be used for low-level and first time offences, though it should be questioned how this fits in with the HMIC et al. (2012) intentions of providing access to RJ at any stage of the CJS for a range of offences. For example, in more complicated, more serious cases such as long-term neighbourhood disputes it may not be in the public interest to prosecute, and yet due to the officer’s inability to ‘do nothing’ and the criteria of ‘low-level, first time offences’ provided for RJ combined with a lack of referral provisions there seemed few alternative options, and certainly little access to RJ for such cases via the police officer.

A question remains whether it was the fault of the facilitator (the police officer) that the findings of this research display shortcomings in the delivery of police RJ. Overall, this research has identified that where officers were lacking in training and support, there was a shortfall in RJ delivery. Though some officers were aware of the principles and benefits, they were unsupported by managers to deliver RJ to victims or offenders, and were not equipped with the time or skills to facilitate structured meetings. Arguably, specialist training would go some way to resolve this issue, but where managers are under pressure to deliver results focussing on alternative targets or strategies (for instance tackling burglary or violent crime) their staff will once again not be incentivised or encouraged to use RJ correctly or regularly. Thames Valley clearly acknowledged a possible solution to both encourage more and better use of RJ in the service; however this did little to address problems surrounding restorative disposals. The RJ witnessed in Phase Two of the data collection of this research was rarely indicative of a truly restorative intervention, and it can be argued that therefore a ‘restorative disposal’ should not be named as such. Though the fact remains that the presence of a RJ disposal was useful to both officers and offenders (and where involved, occasionally victims) it is far-reaching to suggest that they were regularly displaying a form of ‘restorative justice’.

As the police are often referred to as the ‘gate-keepers’ to the justice system, it almost seems strange to suggest that another body should be acting on their behalf to deliver RJ. In an ideal world, in which police services would be provided with funding to meet their aims, it would be achievable to provide officers with more detailed, regular training throughout their career in order to deliver disposals more entrenched in restorative principles, and a possibility of placing specialist officers trained in mediation and conferencing within response teams to facilitate such meetings. However, as this is not practical at the time of writing due to tight budgets, we are faced with a problem. If officers are not enabled to provide truly restorative meetings, then who is? From the findings it is clearly difficult to maintain a working relationship with a mediation service that is based outside the police station, and therefore we look towards Leuven and their in-house mediators. In Leuven the mediators were police staff, but at the time of writing it seems unlikely that British police forces could afford to hire extra staff such as these in a similar capacity any time soon. Therefore, it is contracted mediators and volunteers to whom the responsibility may fall.

When comparing the notion of RJ hierarchy with the findings from Leuven, we are able to contrast the role of the prosecutor to act as the gatekeeper to RJ. In England, the police have the first opportunity to introduce victims and offenders to the possibility of RJ, and likewise in Leuven. However, in Leuven, the public prosecutor is able to refer cases to mediation prior to prosecution and also to dispose of a case should a successful mediation have taken place. At the time of this research being conducted, the Crown Prosecution Service in England and Wales did not have these abilities (though the introduction of the Crime and Courts Act 2013 enables courts to use their powers to defer sentencing whilst a RJ process takes place), instead needing to refer the case back to the police; but would it be a reasonable solution? At the disposal level in Leuven, there were a number of mediation services working in contact with the police and public prosecutor to provide mediation to parties, and yet in England the low number of services available pre-sentencing suggests that should the CPS refer a case for mediation, it would be the police service’s role to provide this facility. As this research has found, police officers were rarely enabled to deliver quality RJ processes for low-level offences and should we assume that the cases which would be referred down by the CPS would be more serious or complicated (otherwise one would hope they might have been offered RJ in the first instance), it would seem unlikely that officers could handle an increased workload through referrals. Should, however, English police services or PCCs develop a RJ process similar to that in Leuven, suggested above, the specialised mediators or extra staff available may be able to cope with the larger workload and consequently provide RJ processes for a wider range of offences.

Regardless of where the service may come from, what is clear is that if we expect a more restorative, standardised practice to be developed within the police, police services across England and Wales need to all work from the same piece of legislation or guidance paper, with specific standards in relation to the ‘restorative’ nature of their approach. The introduction of the PCCs and the Restorative Service Quality Mark should work together in order to ensure that such guidance is followed both to the benefit of each individual service, but also to their communities and therefore ensure that the police-led restorative processes are not doing a disservice to restorative justice principles. .

We should not undermine those RJ advocates in Canada and Australia who worked tirelessly years ago to bring communities together by labelling an approach as ‘RJ’ when it may do little more than to provide an offender a slap on the wrist, enable the officer to finish a job quickly and allow the police service to gain a detection rate and meet targets for each case, despite their low-level nature.

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# Appendix 1

Vignette Scenarios

**Please take a moment to read each scenario and then discuss how you would deal with each situation as if you were the officer called to the scene.**

**Afterwards, please rate on a scale of 1-10 (1 = not at all suitable, 10 = very suitable) whether you think it is suitable to use an RJ in that situation. Why did you rate it this way? Are there any factors that would change your decision?**

1. Two teenagers (aged 15) have been having a disagreement with their local shop-keeper. He called the police after their comments.
2. Three neighbours (all adults) in a terrace have been having a long-term disagreement about the noise levels coming from the middle house. What started as a verbal dispute has now escalated into petty theft, vandalism, verbal abuse and has begun to negatively affect the quality of life from the other residents on the street. The police were called after one other resident became concerned after an argument escalated between the parties late one night.
3. Two youths have been caught vandalising the seat on a public bus. The bus company has reported the situation to the police after other passengers told the driver what was happening.
4. a) A woman has been caught shoplifting by a high-street store security guard. She has a history of theft from the shop and the store security reported the theft to the police.

b) A woman has been caught shoplifting by a high-street store security guard. She has no history of theft and the store security reported the theft to the police.

1. An elderly woman has called the police after some boys in her street accidentally kicked their football towards her house, smashing her window. She is afraid to confront the three boys as she doesn’t know how they will react to her so asks a member of her local neighbourhood policing team to help her.
2. A rape victim (aged 25) is in the station giving a statement. She knows the perpetrator but would rather discuss matters with him than go to court.
1. It should be noted that this research only contains policy and guideline changes up until June 2014 and any later developments or publications will not feature here. [↑](#footnote-ref-1)
2. The RJC is an independent third sector membership body for restorative practice. They provide a national RJ trainers register, a practitioner register, advice and consultancy. They are also one of the providers of the Restorative Service Quality Mark which provides quality assurance to the public on RJ schemes and practices. [↑](#footnote-ref-2)
3. This finding was achieved through looking at schemes working throughout different stages of the CJS, not just police RJ. [↑](#footnote-ref-3)
4. There have been experiments with localised CID, yet this is not the current model (See Shapland and Vagg, 1988). [↑](#footnote-ref-4)
5. The Police Foundation is an independent think tank which aims to develop knowledge and understanding of policing and crime reduction and challenge the police service and the government to improve policing for the benefit of the public. [↑](#footnote-ref-5)
6. However, it should be noted that in Belgium, where part of this research is concentrated, there is a different position held – discussed further in chapter 5. [↑](#footnote-ref-6)
7. Available here: <http://www.cps.gov.uk/publications/performance/conditional_cautioning/> (accessed 20.09.14) [↑](#footnote-ref-7)
8. ‘Integrated Offender Management (IOM) is an overarching framework that allows local and partner agencies to come together to ensure that the offenders whose crimes cause most damage and harm locally are managed in a co-ordinated way.’ From <https://www.gov.uk/integrated-offender-management-iom> accessed 15.09.14 [↑](#footnote-ref-8)
9. Integrated Offender Management (IOM) is the ‘overarching framework that allows local and partner agencies to come together to ensure that the offenders ... are managed in a coordinated way’. See: http://www.homeoffice.gov.uk/crime/reducing-reoffending/iom/ [↑](#footnote-ref-9)
10. Find all details of this request here: <http://www.whatdotheyknow.com/request/youth_restorative_disposal> (accessed 10.04.2012) [↑](#footnote-ref-10)
11. See: http://www.hullcentreforrestorativepractice.co.uk/ [↑](#footnote-ref-11)
12. Triage in criminal justice terms refers to a scheme where a dedicated Triage worker and the police work together to make a decision regarding the youth and their offending behaviour. This may include diversion, assessments and interventions or a fast-track through the youth justice system (Home Office, 2012, *Assessing Young People in police custody: An examination of the operation of Triage schemes,*  Institute of Criminal Policy Research: University of London). [↑](#footnote-ref-12)
13. Sheffield Community Justice Panels are covered in more detail in chapter 4, but in brief are a RJ referral service for low level and complicated cases available to the police in Sheffield. [↑](#footnote-ref-13)
14. See <http://www.acpo.police.uk/documents/crime/2009/200907CRIKCO01.pdf> page 4 for a current breakdown of gravity score guidance. Accessed: 01.09.2012. [↑](#footnote-ref-14)
15. Find all details of this request here: <http://www.whatdotheyknow.com/request/youth_restorative_disposal> (accessed 10.04.2012) [↑](#footnote-ref-15)
16. See: <http://www.thamesvalley.police.uk/aboutus-depts-cj-rj> Accessed: 12.01.12. [↑](#footnote-ref-16)
17. See The Hull Centre for Restorative Practice website for further information and examples of police interventions: http://www.hullcentreforrestorativepractice.co.uk/news-for-police/ [↑](#footnote-ref-17)
18. See in full here: <http://www.merseyside.police.uk/media/57340/dj5412_-_policy_-_restorative_justice.pdf> Accessed 20.08.12 [↑](#footnote-ref-18)
19. ‘Ondersteuningsstructuur Bijzondere Jeugdzorg’ [OSBJ] is a non-governmental organisation set up to partly coordinate restorative practices in Flanders. See [www.osbj](http://www.osbj).com for further details, [↑](#footnote-ref-19)
20. Suggnomè is a provider of mediation services for adults in Flanders. More information available here: [www.suggnome.be](http://www.suggnome.be) [↑](#footnote-ref-20)
21. Suggnomè also receives funding from the Flemish community for offering mediation in prisons. [↑](#footnote-ref-21)
22. Circular CP 1, 27 May 2003 on community policing, B.S. 9 July 2003 [↑](#footnote-ref-22)
23. Circular CP 2, 3 November 2004 on community policing, B.S. 29 December 2004 [↑](#footnote-ref-23)
24. Personal communication from Joanna Shapland, following attendance at a World Forum of the International Society of Criminology, on restorative justice, held at KU Leuven, 24 May 2013, at which the prosecutor of Leuven spoke. [↑](#footnote-ref-24)
25. The Aylesbury Vale district council website mentions mediation with regards to neighbourhood disputes, and directs readers to ‘Mediation Buckinghamshire’ (<http://www.mediationbucks.org.uk/>) in order to access independent mediation services in their area. It would seem that ‘Aylesbury Vale Mediation Services’ no longer exists, and instead ‘Mediation Buckinghamshire’ is the local agency available to take referrals. [↑](#footnote-ref-25)
26. It should be noted that although some Belgian literature claims that this is not always the case, this research obtained no evidence to state otherwise. Since no observations were carried out in Leuven it cannot be proved that this always occurred, but all interviewees stated that it would happen. [↑](#footnote-ref-26)
27. It should be noted that most officers stated that they felt they often were under pressure to complete cases as soon as possible. However, the evidence for this was not clear during observations, and it was not apparent to the researcher that officers were consistently busy with jobs. [↑](#footnote-ref-27)