

Engaging communities in criminal justice

July 2009

Northgate Public Services Response

Introduction

1. Northgate warmly welcomes the publication of the government's green paper on criminal justice: *Engaging communities in criminal justice*.
2. We believe that, if the public is to regain confidence in the criminal justice system, there must be a radical overhaul in the approach of local criminal justice to working in partnership with local communities.
3. All too often, local communities do not feel as though the courts are working for the good of the community, and that crime is at unacceptable levels. Many do not understand how courts work or how sentencing is determined.
4. Over recent years, the police service has made remarkable improvement in the way that it communicates and engages with the public at a local level through neighbourhood delivery.
5. If trust in the criminal justice system is to increase, we need to improve people's confidence that their concerns will be addressed.
6. This requires a clear understanding, on the part of citizens, of the service they can expect, and of national and local criminal justice priorities.
7. It also requires the criminal justice service and wider public services to step out of the organisational silos into the world of citizen-focused and personalised services.
8. Where once standardised public services met public need, now citizens expect services which are seamless and tailored to personal preference.
9. The challenge is to meet citizens' demands for services that are more proactive, responsive to individual need and that keep pace with changing expectations, whilst ensuring that information collected is used for clear and appropriate purposes, in line with data protection and human rights legislation.
10. It is also to ensure that the rights and preference of the individual - be they offender, witness or member of the community - are balanced against the needs and concerns of the community as a whole, including those who are least likely to have a voice in the democratic process and suffer from disadvantage in their community.
11. Whilst there have been improvements in the criminal justice system, much more can be done to address crime and quality of life issues in our communities. We believe that a major change in the culture and performance of courts in dealing with less serious crime is required if public trust is to be restored.
12. A problem solving approach that engages the criminal justice community and the wider public services offers enormous potential to deliver more effective services in both an efficient and effective manner.

13. Multi-agency working provides a key to the radical improvement of services that citizens want. Crime and anti-social behaviour do not respect the boundaries of service delivery of our public service organisations, and the sharing of information between all agencies responsible for community safety and well being is crucial to success.

The prosecution and the courts

Problem solving principles

14. We wholeheartedly support the community justice approach that the government proposes to help build public confidence in the criminal justice system.
15. The Center for Court Innovation in New York has highlighted the principles behind a successful problem-solving approach. We support these principles:
 - Enhanced information - better information about individuals and the services on offer help to improve court decision making in the interests of victims, witnesses and offenders
 - Community engagement - involving the community in the prevention of crime and the promotion of justice is essential to building public trust
 - Collaboration - rather than courts dictating solutions, they can assist in facilitating and planning inter-agency partnerships, enabling the criminal justice system—along with relevant stakeholders in the community— to work together toward a common goal
 - Individualised justice - focusing on the individual needs of offenders, building public trust is critical to the fight against crime and to promoting an effective police service.
 - Accountability - increasing the visibility of the court and improving the accountability of the offender to the community, and the court to the community
16. Enhanced information and collaboration can help to build public confidence through improved decision making and performance of the criminal justice system. For example, CJ Know How brings together information from a wide number of sources including police, prosecutor and court databases. It enables users to measure performance in a range of ways including how well victims of crime are informed about their cases and how long a case takes to reach court.
17. In Cumbria, CJ Know-How has been used to identify the use of Conditional Cautions as a means of providing local victims and offenders with a faster and more effective outcome. It demonstrated that the use of cautions has freed up courts to deal with more serious cases and saves local criminal justice agencies almost £100,000 per year to spend elsewhere on tackling and reducing crime.

Community prosecutors

18. Set in this context the proposal to introduce community prosecutors in 30 pathfinder areas in 2009-10 is welcome. Local prosecutors will be more visible to their communities and have a greater understanding of the community context of crime. Sharing information on a local basis they will be better placed and more informed to work in the public interest.
19. A local approach should be developed in the context of local circumstances as different methods may be applied locally. How community prosecutors obtain information and use it should be a vital part of the proposed pilot programme. Joining up local databases of information on an inter-agency approach could be an integral part of the approach.
20. If a problem solving approach is to be truly successful, information should be shared between a range of agencies outside of the criminal justice system e.g. social services, health services and so on.
21. Enhanced information and collaborative work between agencies involving local communities can also assist in closer understanding of the community context of crime and offences.
22. It is essential that community prosecutors have the necessary training and development for their roles to be widened so that they see that they have a responsibility, not only for prosecuting, but solving public safety problems, preventing crime and improving public confidence in the justice system. In the measurement of their performance, therefore, attention should be paid to measuring the effect of their work on quality of life, community attitudes and well being. (Q.1)

Community impact statements

23. The introduction of community impact statements could help to put the crime within the wider context in which it is committed. However, considerable care should be taken in drawing up such statements so that they are representative of the entire community concern.
24. Giving "people a say" is important, but it is essential that those who are less likely to voice their concerns or are disadvantaged within their community have equal access to promoting their point of view. In drawing up statements, particular care should be taken to ensure that this is the case and a range of channels of communications should be used as part of the process.
25. Whilst statements are normally drawn up by the police, there is no reason why Crime and Disorder Reduction Partnerships (CDPPs) or Community Safety Partnerships could not be given this role, and we believe that the public should also have the right to make community impact statements direct.
26. We believe that if a community impact statement has been drawn up by the police or a similar such body is to be used to inform the courts, it is essential that the community it represents has feedback not only on how the statement is used but on

the content of the statement. This could be made available on public display via website or alternative channels. Furthermore, the public should be able to make additions or contributions to the community impact statement if they wish.

27. In Minneapolis, for example, individuals can use an online search mechanism to review recent arrests for a wide variety of crimes in their locality and submit a community impact statement online. These are then submitted to the courts via the prosecutor. In other US states such as Maryland, meetings can take place between those who have submitted community impact statements prior to the prosecution taking place.
28. In addition, consideration could be given to allowing people to make community impact statements, not only on specific offences, but also on types of crimes affecting their neighbourhood. This would help to increase community engagement in assessing the adverse impact of crime in local neighbourhoods. (Q.2-5)

Increased problem solving in the courtroom

29. We welcome the proposed extension of the problem solving approach in magistrates' courts in England and Wales. As the consultation document points out, this is particularly effective in low-level offending where a plea of guilty has been entered and no custodial sentence is to be applied.
30. There are a wide range of offences where such an approach could apply including: quality of life crime, low level offences such as use of drugs, petty shoplifting and theft, and other offences associated with anti-social behaviour. (Q.6)
31. Providing magistrates with the tools to bring a problem-solving approach to the courts is essential if the problem solving approach is to be successfully rolled out. Making use of online information in the court room about the history of the offender and the local services available, along with an online view of the offender's history both within and outside the locality would assist in providing courts with the information that they need to make better decisions regarding justice for the individuals before them. This should include any community impact statements. (Q.7)

Judicial continuity and case review

32. Building relationships with offenders is critical to enabling judges to develop a problem solving approach in the court room.
33. We welcome the proposals to improve judicial continuity and to extend the use of Section 178 of the Criminal Justice Act 2003. Both of these will help to forge new forms of relationships between judges and certain types of offenders that come before magistrates' courts.
34. We believe that this approach would have dividends in cases where individuals are involved in high volume, low level forms of offending, and that the approach should be extended to offenders under the age of 18.

Intensive solutions

35. We welcome the proposals to co-locate crime and justice services with advice and support services in areas of high crime and social deprivation.
36. As part of the process for choosing co-location sites, consideration should be given to reducing the space taken up by paper documentation through extending the use of electronic document management systems and considering the potential use of managed systems and enhanced use of mobile working to encourage greater flexibility and less intensive use of space.
37. Where full co-location is not possible, information sharing and virtual co-location could be considered. This would embrace the close multi-agency working approach which has been adopted in the existing community justice sites and would join up services through sharing information, enhancing dialogue between agencies through the use of web technology the use of video conferencing, and making use of new technology to share, revise and review documents as part of an integrated strategy. (Q.11-14)

District judges and magistrates

38. We welcome the proposal that district judges and magistrates should have their role refocused in relation to problem solving and community engagement. The more that this approach is adopted, the more we believe it will help to demystify the legal process within the local community. This, in turn, will help to improve the representative nature of the magistracy and district judges.
39. We agree that training and development in these areas is vital, as too is evidence that experience of these is taken into account in the selection process. Virtual community engagement and the use of social media to engage with particular groups, such as younger groups, should form part of the training. It may also help those with less time to engage with their communities in a more time efficient manner.
40. Demystifying the processes whereby magistrates are selected and then used within the community should take place within the context of communications campaigns highlighting the importance of problem solving and community engagement. We also agree that some form of community involvement in selection is desirable.
41. Our concern lies in the nature of the change required, and the ability of the existing magistracy to deliver it and the length of time required for changes to be made. We do not think that it is enough to merely integrate techniques into the toolkit of magistrates and district judges, but that a genuine approach to problem solving involves a major cultural change programme that must be managed effectively to deliver positive outcomes. (Q 15-17)

Hallmarks of justice

42. We agree that all communities have the right to be confident that their local court services are delivered to a nationally consistent and high standard. If a problem solving approach is adopted on a nationwide basis there may be some merit in requiring

magistrates' courts in England and Wales to work towards a set of hallmarks of justice in the community.

43. We believe that the basic principles outlined by the Center for Innovation, referred to above, could form the basis for this, and that there should be community involvement in developing the criteria further.
44. Without a national roll out, local evaluation partnerships should involve local people in their review and in a way that best meets the needs of the local circumstances. If innovation is to be encouraged, it is essential that failure should be anticipated, addressed and analysed in order to prepare for successful future outcomes.
45. As the Center for Court Innovation points out, it is essential that the collection of data is integrated into the planning phase to ensure that evaluation is effective. (Q. 18-20)

Making amends: payback, reparation, restorative justice and compensation

Community payback

46. It is clear that if the public are to have confidence in the community payback system, more must be done to improve awareness of the scheme. Linking the community impact statement that we have advocated above to an ability to say what community payback the individual advocated would be one way of building confidence that an individual can have some say over enforcement in their area.
47. If voting is to be the method by which community payback is determined, it is essential that this is opened up to all members within the community, and not only those with access to online facilities. (Q. 21-22)

Restorative justice

48. We agree that Restorative Justice can increase victim satisfaction with the criminal justice process, and may also help to reduce reoffending. It can give offenders the opportunity to understand the adverse impact of their actions and to do something to repair the harm.
49. Evidence from other jurisdictions demonstrates that restorative justice is a useful tool both for tackling wider community concerns about crime and fear of crime, and diverting people away from a lifetime of crime. We therefore welcome the government's commitment to extending the use of restorative justice as a means of providing alternative solutions for problem solving courts.
50. If people are to regain trust in the criminal justice system they need to understand how it works, who operates it, what the implications of their actions may be and how community justice will be enforced.
51. We think that it is important the relationship between restorative justice and other forms of enforcement for low level, high volume crime introduced by the government should be carefully considered by policy makers. For example, the relationship

between penalty notice enforcement for minor crime and restorative justice needs evaluation. This would help to ensure that offenders are dealt with on an equitable basis and deliver a community justice system that operates on the basis of fairness, efficiency and effectiveness. (Q.25)

Keeping communities informed, getting people involved

52. We agree with the approach outlined in the green paper in relation to community engagement. It is founded on the principle that a public service is most effective when the people it serves are genuinely informed about, and involved in, its activities and feel that they have helped to shape the decision-making process and setting of priorities.
53. A more responsive and accountable criminal justice system must involve and engage with all parts of the community in all its variations, including those most hard to reach and those most disengaged from the process. New technology has the power to radically transform service delivery across the country, including through the use of SMS, mobile working and the expansion of web-based services and e-portals, particularly where the information or service has a local context. It is particularly suited to reaching out to young people.
54. However, it is important that the digital divide is addressed. It is highly probable that particular groups within the community who suffer disproportionately from the adverse effects of crime are those who suffer disproportionately from lack of access to the web. Their needs for accessible information must be addressed.
55. Good reputation is often based on familiarity or an awareness of an organisation. Raising awareness of the criminal justice process through the effective use of information is therefore critical to building public confidence in the system.
56. Improving the levels of local information about the criminal justice system and linking this to crime maps will help to tackle ill-founded public perceptions about the nature of crime and assist in creating greater understanding, community engagement and reassurance.
57. We have indicated before that in relation to crime maps, 'Signal events' can skew the citizen's perception of the risk of being a victim of crime. Lack of trust in the political system can lead to a lack of faith in its ability to control crime.
58. Crime maps must address the needs of individuals and their quality of life. The crime map web page affords an opportunity to provide a portal which provides a one stop shop for all crime and disorder related issues. This information is currently only available through disparate sources at a local level. Linking this to local policing and criminal justice priorities, methods of giving feedback and monitoring responses to customer feedback would help to build trust at a local level.
59. We welcome the government's acceptance that it needs to be much clearer with the public about what offenders and the public can expect in terms of overall sentencing,

and provide communities with information on justice outcomes in their area and on how the punishment fits the crime.

60. We think it is essential that for the public to get a rounded view, these must be effectively linked up to crime maps. We welcome the fact that the National Policing Improvement Agency (NPIA) is developing a single national system of crime map and that it will explore how information about aggregate CJS outcomes can be linked to crime maps. (Q.26-27)
61. We welcome the proposal to join up community engagement activity at a Local Criminal Justice Board (LCJB) area, and believe that a dedicated resource or lead within each area, would help to join up all criminal justice agencies within a community. (Q.31)

Conclusion

62. As a company with a long track record of working within criminal justice, we are committed to contributing to broader public policy debate on community justice and well-being. We have prepared this brief response as a contribution to debate. It has focused only on those questions where we believe we have the expertise to respond.
63. Our objective is for stronger and safer communities, and a society in which rights and responsibilities are recognised by governments, companies and individuals. Our services help to support that vision.
64. We believe passionately that the criminal justice system should be increasingly responsive to local community needs. We agree that professionals working within the system often feel disconnected from the communities that they serve, and that local communities need to have increased confidence that the system understands their problems, promotes community well being and equitable justice.
65. We warmly welcome the approach laid out in relation to problem solving and community engagement. However, we believe that the approach needs to involve a major cultural change programme, the extent of which has been under-estimated by government, if improvements in public confidence in the criminal justice system are to be achieved in the short to medium term.