

Public want offenders to make amends

September 2011

Key findings

- **An overwhelming majority of the public (94%) want people who have committed offences such as theft or vandalism to be required to do unpaid work in the community as part of their sentence to pay back for what they have done**
- **Nearly nine out of 10 people (88%) agree that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused**
- **Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused**
- **Offered a range of measures to prevent crime and disorder, most people (84%) consider that better supervision of young people by parents would be effective**
- **There was widespread support for ‘better mental health care’ (80%); ‘making amends to victims’ (79%); ‘unpaid community work’ (76%); and ‘treatment to tackle drug addiction (74%)’. Less than two-thirds (65%) consider that a prison sentence would be effective in preventing crime and disorder.**

Introduction

As the full social and economic cost of the recent riots in English cities is revealed, people will be looking to our courts to deliver justice in the weeks and months ahead and to nationally and locally elected politicians to agree on how best to prevent crime and disorder in future.

The results of an ICM telephone poll of 1,000 members of the public across Great Britain, conducted one month after the disturbances, show overwhelming popular support for constructive ways in which offenders can make amends to victims for the harm they have caused. A huge majority of those surveyed (94%) support opportunities for offenders to do unpaid work in the community, as part of their sentence, to pay back for what they have done. Restorative measures, giving victims the opportunity to inform offenders of the harm caused and a say in how the offender can best make amends, attracted strong support. Lower income groups, who are more likely to be victims of crime, are most in favour of adopting community payback and a restorative justice approach.

While 84% feel that better supervision of young people by parents would be effective in preventing crime and disorder, and the vast majority back better mental health care (80%) or making amends to victims (79%), fewer than two thirds (65%) believe a prison sentence would be effective. One in four feels expressly that it would not be effective in preventing crime and disorder.

A clear majority of people surveyed by ICM is in favour of the courts having a range of measures available for offenders to make amends to victims. With a justice bill before parliament, the poll indicates that there is scope for a profound change in the way we respond to crime that would both improve victim satisfaction and reduce reoffending.

Background

There is a widespread perception, reinforced by some media headline reports, that the public is simply in favour of harsher sentencing and backs ever-increasing use of imprisonment.

Given the poor record of prison at reducing reoffending and low rates of victim satisfaction this perceived view is inevitably of concern to people working in, and in contact with, the criminal justice system. In just over 15 years the prison population has almost doubled from around 45,000 to over 86,000 men, women and children in custody today. Prison numbers are now at a record high level and most prisons are experiencing problems associated with overcrowding. It costs £45,000 per year on average to lock someone up¹ and reoffending rates are high with around half of all released prisoners being reconvicted within a year.² For under 18 year olds the reconviction figure rises to 72%.³ Over half of all victims of crime do not think that the criminal justice system takes account of their needs.⁴

Recent Ministry of Justice research shows that community sentences for petty, persistent offenders are more effective than short prison sentences in preventing reoffending.⁵ For example, in 2008, after controlling for measurable differences between offenders, the proven reoffending rate for those receiving community orders was 8.3% lower than for those given custodial sentences of less than 12 months. This is achieved at a fraction of the budget for incarceration.

The Home Office and Ministry of Justice seven year research study of restorative justice showed that, for adult offenders and serious offences (robbery, burglary and violent offences), the majority of victims chose to participate in a face to face meeting with the offender, when offered by a trained restorative justice facilitator. 85% of victims said they were satisfied with the process. Participation in restorative justice, pre- or post-sentence, reduced the frequency of reoffending by 14%.⁶

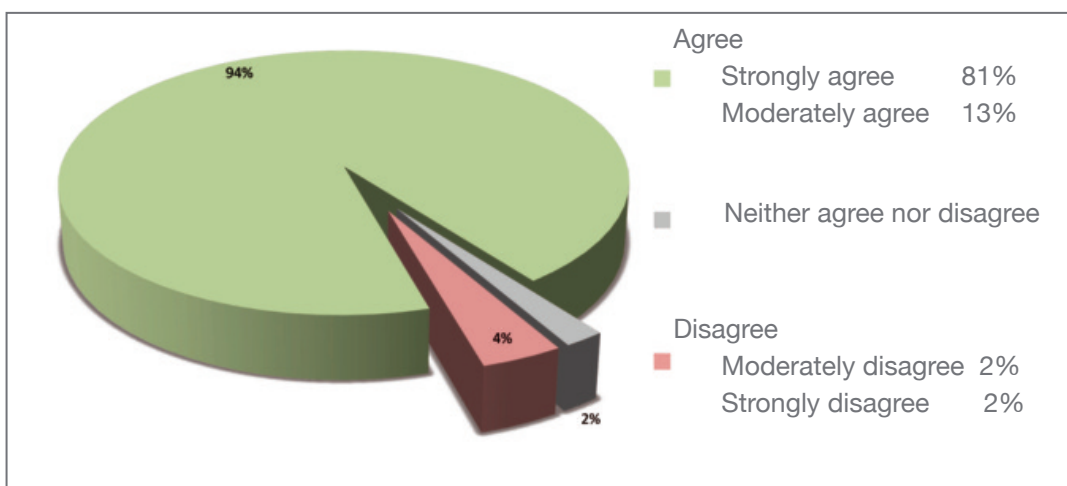
In the aftermath of the disturbances the Prison Reform Trust commissioned ICM to conduct a public opinion poll which would elicit people's views on dealing with theft and vandalism and effective ways to prevent crime and disorder. We were keen to explore what the public attitude was to offenders making amends for the harm they have caused. We wanted to know whether there was popular support for people who had committed offences such as theft or vandalism to do unpaid work in their local communities, as part of their sentences, to pay back for what they had done. We were also interested in whether the public would support greater use of restorative justice, which, in many cases, for less serious offences, has demonstrated higher rates of victim satisfaction and reduced rates of reoffending compared to custody. Finally, we wanted to know, out of a range of measures, including a prison sentence, what the public would rate as effective in preventing crime and disorder.

The survey

ICM interviewed a random sample of 1,000 adults aged 18+ on its Telephone Omnibus between 2 and 4 September. Surveys were conducted across the country and the results have been weighted to the profile of all adults. ICM is a member of the British Polling Council and abides by its rules. Further information at www.icmresearch.com

Respondents were asked to what extent they agreed or disagreed with the following statements:

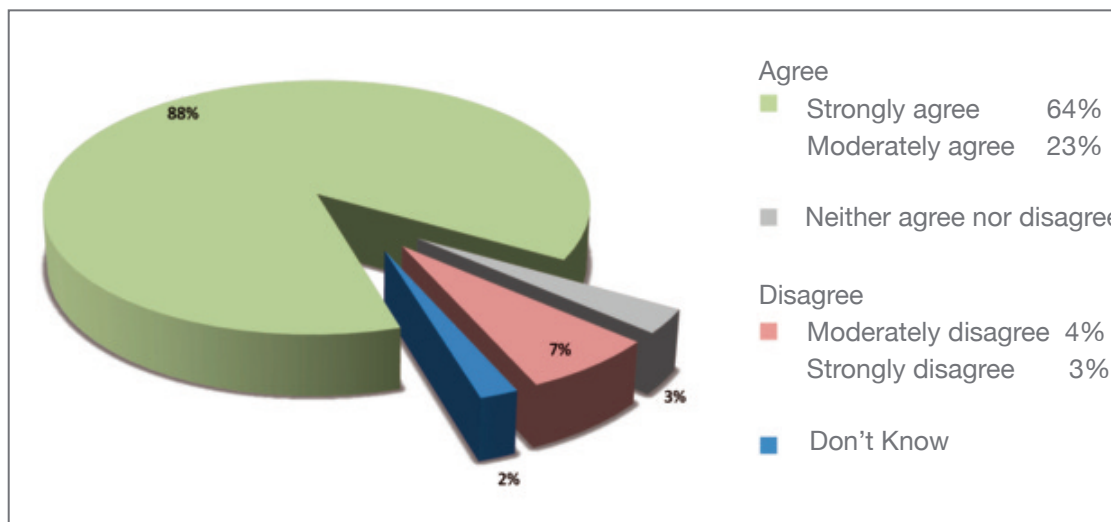
Q1) People who have committed offences such as theft or vandalism should be required as part of their sentence to do unpaid work in the community



There was overwhelming public support for offenders doing unpaid work in the community to pay back for what they have done. 94% were in favour and over eight out of 10 people agreed strongly with the measure.

Women were slightly more favourable to the idea, with 85% agreeing ‘strongly’ with the suggestion compared to 78% of men. The measure was also popular among young people with 96% of 18-24 year olds in favour. Support for the measure was highest among low income groups with 96% of social groups DE agreeing compared to 93% of ABs. This suggests that it is the lower income groups, who are often most affected by crime, who are particularly keen to see offenders making amends in their local communities.

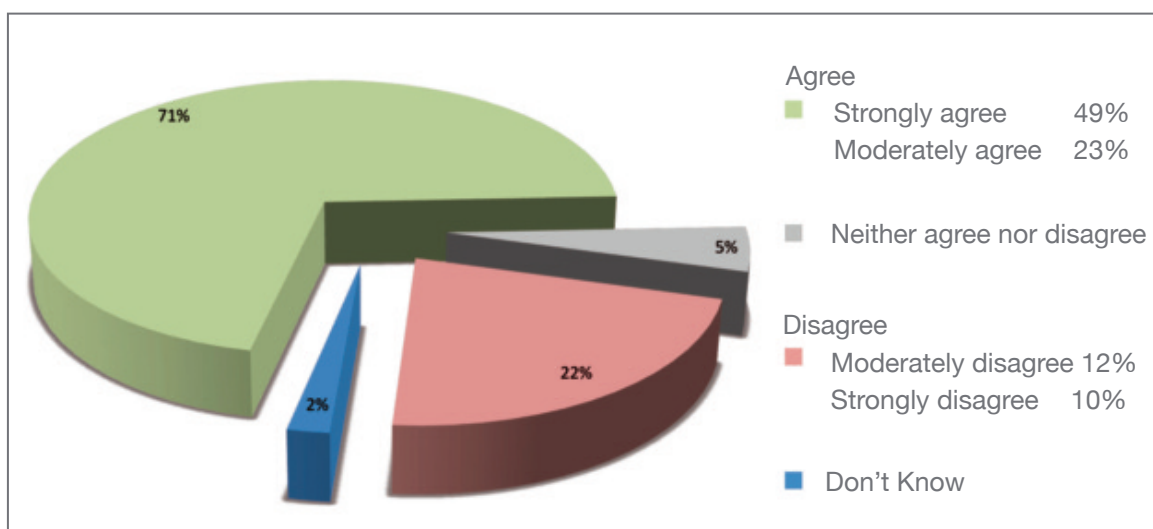
Q2) Victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused



A large majority were in favour of victims having the opportunity to inform offenders of the distress and harm they have caused - a key element of the restorative justice approach. Nearly nine out of 10 people were in favour of the measure and just under two thirds strongly agreed.

There was considerable unanimity in support across gender, age and social status. Among age groups, agreement ranged within four percentage points, from 86% of 25-34 years olds to 90% of those aged 35-44. The range of difference in agreement with the proposal among social grades was one percentage point. Very few respondents disagreed that victims should have the opportunity to inform offenders of the harm done, with only 3% expressing strong disagreement.

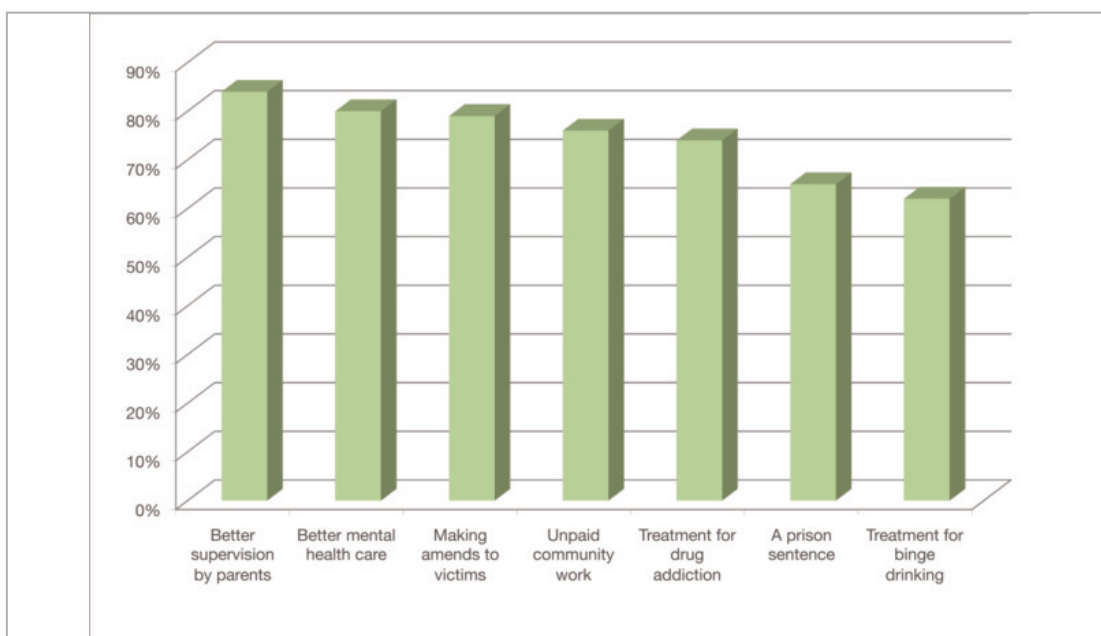
Q3) Victims should have a say in how the offender can best make amends for the harm they have caused (by make amends we mean show remorse and work to put things right)



A high proportion of people surveyed were in favour of victims having a say in how offenders can best make amends – another important element of restorative justice. 71% supported the idea with around a half agreeing ‘strongly’ with the measure.

While there was little variation between different genders or age groups, the variation across income groups was again noteworthy. Over three in four (76%) in social groups DE agreed with the measure compared to 66% of ABs, with support rising consistently the lower down the income scale.

Q4) How effective, if at all, do you think each of the following would be in preventing crime and disorder



Offered a range of measures to prevent crime and disorder, most people (84%) considered that better supervision of young people by parents would be effective. This was followed by ‘better mental health care’ (80%); ‘making amends to victims’ (79%); ‘unpaid community work’ (76%); and ‘treatment to tackle drug addiction’ (74%). Less than two-thirds (65%) considered that a prison sentence would be effective in preventing crime and disorder. Prison was the second least popular option. Only ‘treatment to tackle binge drinking’ scored lower with 62% of people surveyed considering it to be effective.

Overall there was positive public support for a range of solutions to crime and disorder. None of the measures put forward received less than 60% support.

Better supervision of young people by parents

On whether different options would be effective in preventing crime and disorder, there was particularly strong support for better supervision of young people by parents (84%). Higher income groups were more likely than lower ones to rate better supervision of young people as effective (Grade AB: 90%; C1: 88%; C2: 79%; DE: 78%). There was a distinct downward trend in confidence that better parenting would prevent crime and disorder from higher to lower social grades.

Better mental health care

There was very little variation across gender or income groups regarding the effectiveness of this provision. Confidence in better mental health care was at its highest among 35 – 44 year olds with 87% of this group regarding it as effective. One in 10 men and just under a third of women have had a previous psychiatric admission before they come into prison.⁷

Unpaid work in the community

Levels of confidence in this option appear to have increased. An ICM poll conducted in 2006 for Victim Support and SmartJustice at the Prison Reform Trust showed a similar pattern of responses, but then, fewer people (54%) felt that pay back to the community would be effective at preventing reoffending compared to three quarters (76%) in this poll.

Treatment to tackle drug addiction

As with better mental health care, confidence in this measure was at its highest among 35 – 44 year olds with 87% of this group regarding it as effective. Slightly more women (76%) than men (72%) thought treatment to tackle drug addiction was effective. There was a marked difference between income groups with 82% of C1s compared to 65% of C2s regarding it as effective.

In 2010, 15% of men and 24% of women in prison were serving sentences for drug offences.⁸ Over half of all prisoners (55%) report committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.⁹

A prison sentence

Men were slightly more likely to think that prison sentences could prevent crime and disorder than women (67% to 64% feeling that it would be effective). One quarter of people surveyed thought it would not be effective. Londoners were among the least likely to think prison is effective in preventing crime and disorder (62%).

Making amends to victims

There was widespread support (79%) for making amends to victims. In particular over 80% of those 65 and over believed that this would be effective in preventing crime and disorder (half of them thought very effective). There was very little variation between social groups in their confidence that making amends would be an effective way to prevent future crime (from 77% in grades AB to 81% among C1).

Treatment to tackle binge drinking

While nearly two thirds (62%) of those surveyed regarded this provision as effective this was the lowest percentage rating out of all of the measures. This may be due to a lack of public knowledge regarding the impact of drinking on violent crime and public order offences. Research shows that in half of all violent crimes the victim believed the offender or offenders to be under the influence of alcohol.¹⁰

Community payback and restorative justice in practice

Following the disturbances across England, a number of police forces, probation trusts and youth offending teams have used community payback and restorative justice to require and encourage offenders to make amends for the harm they have caused. Some examples are outlined below along with details of well established pre-existing schemes.

Manchester

Offenders carrying out community payback helped to clear up the rubbish created by the riots in Manchester. The Ministry of Justice reported that three teams supervised by staff from Greater Manchester Probation Trust have been working in the Northern Quarter, Great Ancoats, and near Piccadilly station. Interviewed, Steve O'Neill, Community Payback Development Manager, said that probation had a long-standing relationship with Manchester City Council and Greater Manchester Police and was delighted to help in the clear-up operation. He added:

Each team of eight offenders are currently removing broken glass and rubbish and are helping restore the city. Community Payback makes sure offenders pay for what they have done and this job is a visible demonstration of that. We are working closely with the police and the council to protect the public.¹¹

Hackney

The local youth offending team in Hackney is using restorative justice to help restore public confidence after the riots. They have put together a robust restorative justice programme attached to the referral order and put it forward in cases that came before the court. They have used pre-sentence reports as a way of focusing on the reparation aspects of the referral order, contacting victims in advance to get their approval and engagement in any possible intervention. The courts have been impressed with the judge in one case citing the restorative justice element as the reason he was sentencing the child to a referral order. The judge said: "It is very important for the community to know that there is some kind of reparation." The work, she told the defendant, will "help clean up the damage you did, and make sure you don't do it again".¹²

Derbyshire

More than 12,000 crimes in Derbyshire have been dealt with using restorative justice. The project, introduced by Derbyshire Constabulary, has been running since April 2009 and 12,213 crimes have now been resolved by way of the scheme. Commenting in the Derbyshire Times on 4 September, Superintendent Terry Branson said:

If a victim requests an alternative to the criminal justice system to deal with local minor crime, officers have been trained to use their professional judgement based on their discretion, policing experience and skills to resolve the incident. Restorative Justice saves thousands of officer hours, reduces reoffending rates and most importantly, provides satisfaction for victims of crime. People dealt with in this way often see their actions as a wake-up call and do not go on to commit further crimes. It is a purely voluntary process which both the victim and the offender must agree to. It can also be used to deal with conflict wherever it arises, for example after neighbourhood disputes or anti-social behaviour.¹³

Northern Ireland

The Youth Conference Service, established in Northern Ireland in 2003, places restorative justice at the heart of the youth justice system. *Making Amends*, a report commissioned by the Prison Reform Trust, explores its impact and looks at the potential benefits of introducing a similar model in England and Wales. It found that victims were present in two-thirds of all conferences held in

2008/9 – 89% expressed satisfaction with the conference outcome, and 90% said they would recommend it to a friend.¹⁴ In 2006, the combined reoffending rate for youth conferencing was 37.7% - this compared to 52.1% for community sentences and 70.7% for custodial sentences.¹⁵

Legal Aid, Sentencing and Punishment of Offenders Bill

The Legal Aid, Sentencing and Punishment of Offenders Bill¹⁶ currently before Parliament presents an opportunity to strengthen the provision for community payback and restorative justice.

Community payback

The Prisons Minister Crispin Blunt recently underlined the government's commitment to strengthening provision for community payback. He said:

*The public want to see offenders giving something back to their communities.*¹⁷

In March 2010 the former Labour Justice Secretary, Rt Hon Jack Straw MP, on a visit to Northants Probation Service, expressed his strong commitment to community sentences:

*Schemes like Community Cashback, Community Payback and the work of Neighbourhood Policing Teams are central to giving local people a say in how justice is done- empowering communities to set local justice priorities based on local concerns. Above all projects like this make sure that offenders pay back for their crimes, and the community can see that justice has been done.*¹⁸

Community sentences have, however, lacked sustained political support and adequate investment, and both should be put right if prison is to be reserved for those who have committed serious and violent offences. Specific duties in section 174 of the Criminal Justice Act 2003 to explain the court's consideration of the thresholds for imposing a custodial sentence or community order should be retained. The current bill seeks to remove this duty from sentencers.¹⁹ This would appear to undermine the government's desire to ensure community sentences are robust and effective. The current duty helps focus the minds of sentencers on the rehabilitative benefits of community sentences, and ensure that prison is reserved for the most serious offenders. It also helps victims, the public and offenders themselves understand why a particular sentence has been passed.

Restorative Justice

The bill presents an opportunity to build on significant cross-party support for restorative justice to mainstream it as a disposal throughout the justice system. In recent weeks ministers and shadow ministers alike have voiced their support for a reparative approach:

The Justice Secretary, Rt Hon Ken Clarke MP, said:

*We have recommended the extension of restorative justice from the start. The more I come across it, the clearer it is to me that it is very welcome to victims and can be made very successful. We are continuing unswervingly in that regard, and intend to make more use of the system.*²⁰

The Home Secretary, Rt Hon Theresa May MP, said:

*I have long been a supporter of restorative justice where it is going to work ... Restorative justice has a record of dealing particularly well with those who are young and first offenders.*²¹

Lord McNally, the Liberal Democrat Minister of State for Justice, said:

*Restorative justice is not a soft option ... Facing up to wrongdoing can be a difficult and unpleasant process, perhaps even more challenging in some ways than some of the more traditional criminal disposals.*²²

The shadow Labour Justice Secretary, Sadiq Khan MP, said:

*Restorative justice programmes that make young offenders take responsibility for their crimes can indeed be transformative justice. It can help develop the moral vocabulary, emotional intelligence and offer a level of reparation for the victim that punishment alone can't always deliver.*²³

Victim Support and the Restorative Justice Council have estimated that using restorative justice pre-sentence, with 70,000 adult offenders convicted of burglary, robbery and violence, would produce cost-savings to the criminal justice system of £185 million from reductions in reoffending alone.

There is a growing consensus that restorative justice should have an established place in the criminal justice system – both as a preventative measure and as a sentence of the courts. The government can use the Legal Aid, Sentencing and Punishment of Offenders Bill to fulfill its promise to expand the opportunities for victims to benefit from restorative justice.

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