

## Enhancing the Use of Restorative Justice within Policing

Restorative justice (RJ) is a process that brings those harmed by crime and those responsible for the harm together, into communication, enabling those affected by an incident to seek to resolve how best to respond to the offence and repair the harm done. Where delivered in accordance with evidence-based principles, RJ affords considerable benefits to victims of crime, as well as offenders. However, promoting the greater take up of RJ within policing is a genuinely challenging enterprise. While the police now better appreciate victim needs and vulnerability and supporting victims is recognised as a key task across the organisation, views about appropriate disposals are still largely offender-focused. A team of researchers from the Universities of Sheffield and Leeds report on an action research project with three police forces in England. It highlights the opportunities and challenges involved in fostering the use of police-led RJ that is sensitive to the needs of victims of crimes committed by both adult and juvenile offenders. It explores mechanisms to improve and enhance the delivery of RJ in relation to policing decisions and practice. This briefing paper presents the main findings from the research and the practical lessons learnt. In summary:

- It is often characteristics of the offender and the offence that determine perceived suitability for RJ by frontline officers, rather than the needs or expressed wishes of the victim(s).
- A victim-sensitive approach to RJ emphasises core principles, values and expectations that are different to, and sometimes at odds with, currently established policing practices, priorities and ways of thinking and working, though not overall policing values.
- Fostering RJ at the frontline demands cultural and organisational change that requires engaging police officers to change behaviour and embrace new patterns of working.
- RJ necessitates a culture of learning and problem-solving; both thinking through what should happen and having the time horizon required to look past the instant 'job' to the outcome of the case and its implications for the parties, notably victims.
- Communication and internal messages about RJ within the police organisation need to be delivered effectively, particularly from senior managers - given the length of the chain of command - as well as built into supervision and quality control mechanisms.
- The use of Safer Schools Officers to promote the principled use of RJ with young people in education provides a good example of the possibilities to effect significant cultural and organisational change that accommodates the needs of victims.
- Working in partnership with external providers of RJ can be challenging - given difficulties in information sharing, interagency working and communication - but can also provide victims with valuable dedicated RJ services that consider their needs.
- Different roles in the police are more suited to differing approaches to RJ, whether facilitated by officers themselves or referred by officers to external RJ service providers.
- Practical strategies for embedding short-term and long-term change, include:
  - Designating pilot areas or teams to promote delivery and serve as beacons of change;
  - Creating force-wide oversight and coordination, including encouragement and promotion by Senior Command Teams;
  - Creating RJ 'champions' to foster and disseminate good practice;
  - Ongoing training focused on officers' actual roles and designed to foster confidence;
  - Developing simple electronic means for officers to refer cases for possible RJ; and
  - Encouraging Scrutiny Panels and analogous mechanisms to review cases in relation to RJ.



## **Background**

Recent years have seen significant developments in promoting the use of RJ within policing. Between 2013 and 2016, the Ministry of Justice provided dedicated resources through the Victim Fund to Police and Crime Commissioners (PCCs) to help deliver RJ. *The Victims' Code*<sup>1</sup> provides a legal entitlement for victims to be given information about RJ - and, where the offender is a young offender, to be offered an opportunity to take part - and puts the responsibility for providing that information on relevant service providers, the police and PCCs. Yet, there is a considerable gap between this position and the practical experiences as revealed both by previous research<sup>2</sup> and the thematic inspection conducted by HM Inspectorate of Constabulary in 2012.<sup>3</sup> This action research project aimed to understand the barriers and opportunities for greater use of RJ at the level of the police and to identify ways of fostering improved means of delivering RJ that is sensitive to the needs and interests of victims.

## **Cultural and Organisational Change**

The needs of victims as well as victim vulnerability are much better appreciated by the police than they used to be and supporting victims is now a central aspect of modern policing. Nevertheless, decision making by the police tends to remain offender-focused – determined in large part by characteristics of the offender and the offence, rather than what the victim needs or wants. The research highlighted that, as RJ is concerned with practice-based learning and problem-solving, encouraging officers to embrace new ways of working is crucial. In particular, this includes officers reflecting on what should happen in a particular situation and looking beyond the immediacy of the specific incident. It is important that officers are encouraged to work differently, in ways that acknowledge and build on their existing skills, competencies and motivations. The research found that when dealing with incidents, officers often responded in ways with which they were familiar or comfortable.

They were less likely to consider whether or not RJ might be appropriate or as something that should be seen as part of everyday policing and the job of the police.

Consequently, it is crucial to ensure frontline officers are aware of the possibilities for RJ and what constitutes a suitable case, providing them with the tools needed to use RJ and, where relevant, to refer cases to external RJ providers. The research showed that achieving this is easier where the officers' roles already involve restorative ways of working (e.g. Safer Schools Officers) or community-based problem-solving (e.g. neighbourhood policing teams).

It is also important that the values embedded in RJ filter throughout the whole police organisation and that there is force-wide oversight and coordination of developments and initiatives, including encouragement and promotion by Senior Command Teams. Indeed, the research process itself - involving officers at different levels of the police as well as the Office of the PCC and by raising the profile of RJ and facilitating shared learning between participating forces – raised the profile of RJ work and gave it a significant boost in the forces involved in the research.

## **Partnership working**

Delivering RJ through policing partnerships and working in collaboration with an external RJ service provider often comes with its own set of challenges. Even when partners are reliable and trusted, these include difficulties in information sharing, interagency working and communication issues. However, working in partnership with an external RJ service provider that police can refer appropriate cases to for RJ can be highly beneficial for victims. Such referral mechanisms give victims the opportunity to access dedicated, specialist help that is sensitive to their needs and provided by highly trained RJ practitioners, who have the required levels of time, capacity and resource to deal adequately with cases. The research showed that relationships between police and partner agencies can be smoother: (i) if there is joint

decision making on cases, (ii) where cases are not kept on police 'books' until the partner agency has completed them, (iii) if there is effective data sharing (such as the agency having access to police computer systems), and (iv) where staff from the partner agency regularly discuss cases with the police.

### **Electronic referral methods**

The research also highlighted that giving officers more, or longer, forms to complete and/or complicated referral processes often deterred officers from referring cases to external RJ service providers. As is often the case, both within and beyond the police organisation, increasing paperwork led to fewer referrals. However, early indications suggest that having an electronic process to make referrals e.g. on officers' hand-held devices, can increase referral rates.

### **Training**

Training is central to the successful delivery of RJ. However, it is vital that such training aligns with officers' actual jobs and is designed to foster confidence and understanding. Those officers who took part in in-depth, longer - over two or three days - training (often associated with RJ facilitation) were more likely to benefit from training, particularly if it involved interactive elements, specifically role-play. It is also important that training includes the role of RJ at all stages of the criminal justice process. This can encourage officers to discuss RJ with victims who might benefit from it at a later point. It also prevents officers viewing RJ as something confined to 'street RJ', young people or minor offences.

Training should be supplemented regularly, so that new officers coming into the force are also able to deliver RJ and make referrals to external service providers, with refresher training provided for officers already trained, to maintain their skills and knowledge. Such follow up training does not need to be a full training event that officers have to attend in person, but could be done online or in discussion sessions at briefings.

### **Fostering Confidence**

It is important that police officers have the confidence to discuss the offer of RJ to victims, deliver RJ themselves and make referrals (where appropriate and where services exist) to specialist RJ service providers. The research highlighted that having a RJ 'champion' – a 'go to' person or single point of contact (SPOC) – based locally (e.g. in a local police station) helped encourage officers to mention RJ in appropriate cases. A dedicated champion can also act as a central source of information, disseminating and fostering good practice throughout the force. It is important that such a role is underpinned by appropriate support, resources and mechanisms. Examples of good practice are highlighted in the research, and include the use of Safer Schools Officers and their delivery of RJ with young people. There also needs to be, both locally and at force level, means of collecting data showing how many cases are referred for RJ or RJ that is facilitated by police (current police disposal codes do not provide such figures).

### **Communication**

Due to the nature and length of the police chain of command – from senior command teams to frontline police officers – gaps in communication and miscommunication can often prove problematic for the effective delivery of RJ. This can result in implementation failure, due to the fact that those officers lower down the chain are not sure where RJ fits with other priorities of the police. The research highlighted that communication around RJ needs to be more than just an initial message to officers on what RJ entails and its importance. It needs to be built into supervision and quality control mechanisms. Reiterating values, addressing practical issues and celebrating success were also seen as important aspects of creating a restorative policing culture.

### **Officers' Roles**

Although the research highlighted that the role of frontline officers needs to become more victim-focused, it also showed that

different types of police-work and roles suit different approaches. For Safer Schools Officers and those who work in community-based or neighbourhood policing, facilitating RJ themselves or referring suitable cases to external agencies fit well with the nature and ethos of their policing work. For those in more reactive roles - e.g. response officers - referring cases for RJ to an external agency may be more appropriate.

### Conclusion

The research highlights that implementing the Victims' Code requirements and delivering effective and principled RJ in policing is challenging, with numerous cultural, procedural and organisational obstacles. However, it is evident that RJ has direct benefits for victims (in terms of having a voice and being sensitively treated) and offenders (in terms of holding them accountable for their actions and reducing the burden on the criminal justice system, as well as reducing reoffending), and the police organisation more generally. Changing police responses and practices regarding RJ is not about simply constraining discretion (given other paths still exist) or merely reducing discretion (which may lead to resistance), nor is it about producing unthinking compliance (since each case needs assessment for its suitability), but rather it calls for *shaping* the best use of discretion with the needs of victims at the forefront of practices.

### Methodology and Reports

Between September 2015 and September 2017, a team of researchers from the Universities of Sheffield and Leeds conducted a multi-stage project on the use of RJ in policing. Funded by the College of Policing *Police Knowledge Fund* (with HEFCE/Home Office funding), the project 'Developing restorative policing' was a collaboration with Humberside Police and the PCC for Humberside, South Yorkshire Police and the PCC for South Yorkshire, West Yorkshire Police and the PCC for West Yorkshire and Remedi (a RJ service provider). This briefing paper is a summary based on project

fieldwork which included a series of focus groups with frontline officers and face-to-face interviews with senior officers and relevant personnel from YOTs, councils, Office of the PCCs and RJ providers, as well as observational research and data collected across three stages of the research.

Findings from each stage of the project have been published separately in three reports which are freely available from the University of Sheffield, Centre for Criminological Research, [Occasional Papers website](#):

**Stage 1 Report:** [Developing restorative policing in Humberside, South Yorkshire and West Yorkshire](#)

**Stage 2 Report:** [Learning lessons from Belgium and Northern Ireland](#)

**Final Report:** [Restorative justice at the level of the police in England: implementing change](#)

An electronic version of this summary report is available at: [www.n8prp.org.uk/enhancing-the-use-of-restorative-justice-at-the-level-of-the-police-in-england/](http://www.n8prp.org.uk/enhancing-the-use-of-restorative-justice-at-the-level-of-the-police-in-england/)

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### References:

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- <sup>2</sup> Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative Justice in Practice*, London: Routledge.
- <sup>3</sup> HMIC (2012) *Facing up to offending: use of restorative justice in the criminal justice system*, London: Criminal Justice Joint Inspection, available at: <https://www.justiceinspectors.gov.uk/hmic/media/facing-up-to-offending-20120918.pdf>