

## Deliberating Police-led Restorative Justice

On Tuesday 24<sup>th</sup> and Wednesday 25<sup>th</sup> July 2018 the Public Engagement Strand of the N8 PRP Catalyst Project brought together a small group of residents of Chapeltown in Leeds to deliberate on the question, “Should the police use ‘restorative justice’ and, if so, how and in what circumstances?” Participants were recruited ‘blind’ – all they knew was that the topic would relate to ‘police reform’ and that what was required of them was a willingness to listen to different points of view and discuss with others.

### Organisation and recruitment

Dr Sarah Mosedale (University of Liverpool) worked closely with Dr Ian Marder (then at Leeds University, now at Maynooth University) to design and deliver the event. Ian is a restorative justice (RJ) expert and had excellent local contacts in the Leeds area. Through Ian, PC Matt Guy (West Yorkshire Police) and Kate Brooksbank (Restorative Solutions) were recruited to provide input from the perspective of, respectively, a police officer and RJ service provider. Ian also provided a researcher perspective.

Following local consultation it was agreed to hold the event on two consecutive days at the West Indian Centre in Chapeltown, and to contract a well-known and long established local organisation, the Chapeltown Development Trust, to handle the recruitment of participants. To maximise the opportunity to recruit people from diverse backgrounds who might not normally consider taking part in such an event we chose dates and times which were more likely to allow unemployed people, people caring for primary age school children, people with non-typical working hours and retired people to participate. We offered participants a £50 shopping voucher to incentivise participation, particularly from low income households.

Sixteen people confirmed to say they would attend, but on the day only nine arrived. Two of the non-attendees then asked if they could come just for the second day but due to the nature of the event we had to decline. One person did not return on the second day so we had eight participants in total. Four participants reported household incomes of under £10,000 and two more under £20,000, suggesting the approach to recruitment was effective in attracting people on lower incomes.

### Design and structure of the event

A good deal of planning and collaborative work between Sarah, Ian and the invited speakers (Matt and Kate) informed the structure of the event and ensured that everyone fully understood its ethos and purpose and their own roles. This was important to ensure that ‘expert’ inputs would be relevant and delivered appropriately and that issues likely to be particularly contentious or sensitive could be anticipated so far as possible. Although all three speakers had considerable experience of providing information on RJ in different contexts (e.g. to students, other academics, police colleagues and trainees, other service providers, members of the public who were victims or perpetrators of crime etc.) none had previously taken part in an event specifically intended to encourage deliberation by members of the public. Therefore it was important for all concerned to reflect on how this should shape their input.

It is essential for deliberative events to allow participants to explore arguments from different perspectives and positions on the issue under consideration. The possibility of organising the input into arguments for and against restorative approaches was considered but was abandoned when it became clear, first, that this was an oversimplification and second, that there was no obvious source for a purely critical position. Instead each speaker would offer a nuanced perspective, acknowledging difficulties and disputed areas. Also, while influencing the behaviour of participants (e.g. encouraging more people to come forward to access RJ services) might have been seen as a desirable outcome by some speakers, it was important to understand this was not the purpose of the event. Instead the intention was to explore how participants might be assisted to weigh up competing arguments and how the results of their deliberations might usefully impact on policing policy and /or practice.

In designing the event some key principles were: it should be as inclusive as possible (e.g. people should not feel intimidated by the process); participants' pre-existing experience and knowledge should be respected; participants should be compensated for their time (shopping vouchers were provided to all who took part in both sessions); and the process should be as varied and enjoyable as possible. Whole group and small group discussions and activities were included; two short videos were viewed and only one speaker used PowerPoint (almost entirely text-free). With the informed consent of the participants all sessions were audio recorded. One participant did not want to be photographed; therefore photos were only taken of flip chart outputs.

The role of the facilitators (Dr Sarah Mosedale and Dr Liz Turner, University of Liverpool) was understood to be substantively different from that of the three speakers. It was acknowledged that facilitators could not be completely neutral. Like anyone else, they would have relevant experience and opinions, but they would make efforts not to share these. It was stressed to participants that the facilitators' role was to help participants process, question and discuss the input provided by the speakers. In order to ensure that the event would be at least somewhat shaped by the participants' input the concluding session was left unresolved, to be designed in the light of discussions on the first day.

### Content of the presentations and deliberative discussions

As anticipated, the term 'restorative justice' was unfamiliar to many. It was initially defined very simply as meaning the police being involved in bringing a person who has committed a crime together with the victim of that crime (provided both parties agree). The first activity involved participants identifying, in two groups, potential benefits and problems. These were then collected and overarching themes identified. The primary purpose of this session was to start from and explore the participants' own perspectives. Potential benefits that were identified for the victim included moving on and healing and, for the offender, understanding the consequences of their action and reduced reoffending. Potential negatives included the offender manipulating the process, the victim suffering further stress and diverting police resources from other activities. Some participants felt RJ would always be inappropriate for violent crimes.

*"But I do think that over a period of time being the victim destroys you. And if you can come to some sort of reconciliation, it can heal you."*

*"We were subject to crime over a period, horrendous crime. And at the time I would have seen them hung, all of them. And then 20 years later I'm still angry at what happened... but then I met one of the men that had been involved in that and had a conversation with him and now he's a good friend."*

The afternoon involved the participants learning more about how police-led RJ works in practice. First Ian delivered a short presentation outlining the key organisations involved and what the different levels of RJ mean. This was followed by a Q&A session. Two short videos were then viewed. The first was a local news report on the introduction of RJ by Leicestershire Police as a diversion from arrest and prosecution<sup>1</sup>. Participants were asked to discuss whether they would be happy for the police to work like this in their area. Issues they raised included concern about the police role in terms of potential corruption and lack of independence and the need for accredited training.

*"Yeah but what is this about? Is this about saving police time or is it about preventing crime? ...For me, if it's saving police time and a bit of paperwork, I'm sorry, it's not on. That's not what it's about."*

The second video highlighted three cases from West Midlands Police<sup>2</sup>. Participants were asked to discuss: what the victims got out of it; what were their motivations; what impact it might have had on the offender and why the police might want to use RJ. One of the cases involved a police officer who had been the victim of extreme racist verbal abuse. Feelings were mixed about this – some participants felt strongly that race hate crimes should always be prosecuted; others felt that seeing the racist offender in such a powerless position had worked well.

<sup>1</sup> [https://www.youtube.com/watch?v=zG0dgGG\\_FSc](https://www.youtube.com/watch?v=zG0dgGG_FSc)

<sup>2</sup> <https://www.youtube.com/watch?v=VzIAyaXWkSo&t=1s>

There was also some disagreement about whether offenders must have good intentions to take part in RJ. Some considered this essential; a counterargument held that motivation was irrelevant and that the process itself might generate genuine remorse.

*“A friend of mine was burgled and he was asked if he wanted to meet the perpetrator... so they met and my friend said to him... why pick on me, why do it? He said oh that’s my job. I’m meeting you to tell you it’s my job and I’ve no intention of giving it up....My friend? He said it was just a waste of time.”*

Day 2 started with the experiences of local RJ professionals. Kate Brooksbank gave an overview of the Restorative Solutions service in West Yorkshire with examples of cases including neighbour disputes, death by dangerous driving and rape. She outlined some of what constitutes best practice and gave examples of some of the issues which arise when working with the police. In Kate’s absence the group discussed what she had said and identified questions for her. Participants were particularly interested in the use of RJ in more serious crimes and wanted to know more about how unsuitable perpetrators were weeded out. They also observed that the availability of RJ needed to be much more widely known. After Kate’s talk one participant commented that while she herself would not choose RJ she was coming round to the idea that it might be good for others.

PC Matt Guy then spoke to the group about different policing styles and his own experience of trying to promote RJ good practice within the police, particularly in relation to avoiding criminalising young people. He emphasised that ideally the police wouldn’t even be involved but questioned what other agency would be in a position to deliver RJ. As expected the group did not give him an easy ride. One participant, for example, challenged his characterisation of the Peelian police force as ‘policing by consent’, describing it instead as “a military-based organisation... designed to look after the interest of the middle class”<sup>3</sup>. The ensuing Q&A discussion also highlighted concern about whether restorative approaches might cause crime not to be properly recorded; comments that, in the past, trusted community police officers used a restorative approach informally without naming it as such, as well as observations on the wider socio-economic causes of much anti-social behaviour and how preventative work should be funded. The role that other agencies, such as social services, might play was questioned and it was asked, “Can we really expect the police to be both deterrence and ‘understanding uncle’?”

*“if the government was really interested in dealing with crime, and dealing with children and crime, then they would fund social services and we wouldn’t need young men like him [PC Matt Guy] and volunteers tinkering... tinkering around the edges, which is all that is happening.”*

After lunch Ian provided a research overview. Evidence exists for many of the positive and negative impacts already identified but we do not really know if using RJ produces better, fairer policing overall. Ian’s main points were that the quality of RJ depends on how the police officer does it and that it is important to consider what officers would use their discretion to do if they did not have the option of an RJ intervention. Most police work involves negotiating low-level disputes and they already use their discretion to encourage people to accept cautions and resolve even serious things informally. So restorative interventions could offer a significant improvement on alternative discretionary approaches by teaching police to involve the community in decision making and supporting them to avoid punitive actions where possible, while still doing something useful that is not just informal resolution. Crucially, RJ is not a soft option, it is a serious process to meet your victim. Ian emphasised that research doesn’t tell us the right answer – it raises the question: how can we do this so that the benefits most outweigh the risks, and how many risks are we willing to take to achieve what kind of benefits overall? The ensuing discussion included consideration of the extent to which body cams might increase accuracy of police reporting; whether offenders benefited in terms of reduced sentences by volunteering to take

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<sup>3</sup> Matt had commented in a planning meeting that we could expect people to come with unresolved issues with the police and we had taken his advice in setting up a system where people could post anonymous questions and comments (unrelated to what we were discussing) which Matt would ensure the local Chief Constable saw. It was interesting that the challenge actually came at a much higher level of abstraction than anticipated. Our system remained unused apart from a comment on the slow response time of the 111 service.

part in RJ (this was felt to be undesirable); whether the high rates of victim satisfaction quoted were the same for violent crimes and how satisfaction might break down in terms of class, age and gender.

### Reaching conclusions

The concluding session of the event involved small group activities to help participants pull together and clarify their thinking on two key issues: reasons for doing RJ and risks that police should take care to avoid. Firstly, participants were provided with a pre-prepared list of ‘reasons for the police doing RJ’ (drawn up the previous evening in the light of the first day’s discussions). Participants were asked to accept each reason as true and then to discuss two questions in relation to each:

- Is this a good reason for police doing RJ?
- Is it essential that this is true for police-initiated RJ to be appropriate?

Facilitators noted each group’s responses on flipcharts and these are summarised in Table 1, below. Some participants also commented that one reason on its own was not sufficient for doing RJ i.e. that it was in conjunction with each other that they could produce a justification.

Table 1: Reasons for doing RJ

Reason	Group A	Group B
Reduces police paperwork (money, time)	Good reason but depends what you do with the money (3 people) Irrelevant (1 person)	Disagreement within group
Reduces number of people going to court (money, time)	Good reason provided it is a first offence	Disagreement within group
Positive impact on police attitude / culture	Good reason	Sceptical that it does
Increases victim satisfaction	Good reason	
Victims involved in deciding what offender has to do	Good reason (3 people) Not a good reason – standardisation preferable (1 person)	
Humanises / promotes forgiveness, reconciliation	Good reason <u>and</u> essential	Some issues with idea of forgiveness
Reduces reoffending	Good reason <u>and</u> essential	Questioning the evidence?
Avoids criminalising young people	Agree	Disagreement over whether this is good in itself and what evidence on impact is

Both small group activities were recorded and detailed transcript analysis should provide more information about how and why participants came to the conclusions they did. It is possible that two different facilitation styles are visible here. It seems the Group A facilitator was more interventionist in finding out how many people were on each side of the argument when the group disagreed whereas the Group B facilitator was content to record the disagreement.

However, the notes recording Group B being ‘sceptical that it does’ and ‘questioning the evidence’ reflects a difficulty experienced in both groups. The premise was that these reasons were to be accepted as true for the purposes of the argument; however some participants were reluctant to do this, especially when their own experience, or that of a friend, provided a counter example. This could be interpreted as a failure to understand the rules of the game but it could equally well be framed as a refusal to play a game whose rules make no sense. We anticipate looking more deeply into questions of credibility and evidence appraisal in our subsequent reports.

*“I think it’s quite significant the restorative stuff works more with someone who has committed a crime against a person rather than a crime against... rather than... I got caught shoplifting from Sainsbury’s so I’m sorry, I’m not going to be sorry. Sainsbury’s got much more money than I have.”*

For the final activity participants were provided with a list of 12 potential risks of RJ and given 7 votes each to use to identify the risks they felt the police should be most concerned about and make most effort to avoid. Participants could cast more than one vote for each risk, if they felt that risk was particularly important. Results are shown (in descending order from the risks generating most concern) in Table 2, below.

*Table 2: Risks of RJ police should be most concerned to avoid*

Risks	Group A	Group B	Total
Police use process to get easier life	5	3	8
Process not managed well leads to fewer positive outcomes	4	4	8
Crimes that should be prosecuted to show society’s disapproval e.g. hate crime, dealt with on individual level	4	3	7
Police dominate process	3	3	6
Police biased in use of RJ	1	5	6
Situation may be aggravated for victim	3	2	5
Some victims may be distressed by RJ process	2	2	4
Some offenders may not participate genuinely	1	2	3
Some victims may feel pressurised to do RJ	1	1	2
Victims choosing penalties leads to inconsistency, inequality	0	2	2
Police diverted from other activities	0	1	1
Some victims may abuse offenders	1	0	1

At this stage we can note some areas which both groups agreed were relatively high risk and areas where the two groups differed. In particular, it is perhaps worth noting that while the group discussions indicated significant distrust of the police in terms of their being potentially lazy, domineering and poor managers, only one group indicated significant concern about actual police bias as a risk of RJ. It would also be fair to say that the relatively low score given to ‘some offenders may not participate genuinely’ seems at first glance surprising

given the tenor of the conversations recorded. Again, detailed analysis may clarify whether this was in fact a minority view expressed several times or whether perhaps it was not emphasised in the final voting because participants felt the point had already been clearly made.

### **Participant feedback**

To support the process of facilitator reflection and design of subsequent events, Dr. Geoff Page (University of York, working for the Evaluation Strand of the N8PRP Catalyst Project) conducted phone interviews with five participants about three weeks after the event. Responses were generally positive, people had felt free to speak and to question the expert speakers, said they had learned something and all were able to describe RJ. The main criticism was that participants were not representative of the area (being disproportionately white and older). One person felt that the concluding exercise was a bit too binary and would have appreciated more nuance. Two people said they had become more critical of policing practice as a result of taking part. Another felt there was a lack of clear evidence and statistics and that the topic needed more research. Some mentioned that they had subsequently discussed RJ with friends and family.

*“But I did enjoy listening to other people’s views, too. Well... I say enjoy. Enjoy is the wrong word. I found it tremendously depressing to hear what some other people think. But it helped me to reflect that, well, maybe I do look at the world a little bit through rose tinted glasses.”*

### **What we learned**

We have demonstrated that it is possible to design and deliver a meaningful deliberative event around a policing-related topic in a fairly condensed time period and on a relatively small non-staff budget. The amount of cross-institutional planning and collaborative working involved should not be underestimated. The speakers for this event were all highly motivated and willing to give their time not only to attending on the day but also to helping think through, plan and design the event. This meant that the bulk of the work did not have to be completed by the organising and facilitation team alone. The fact that the academic speaker (Dr. Ian Marder) was employed on an hourly-paid basis to support delivery of the event was without doubt a factor here, and we recognise that it may not always be possible to secure the level of input Ian provided without some transfer of resource (thus increasing costs).

A further point to take into account is that the speakers who contributed to this event were all RJ enthusiasts. Though committed to supporting a process of public deliberation, ultimately their collaborative engagement with the process of event planning is likely to have been facilitated by the sense of a shared position on the topic. For events where intended contributors have positions in relation to the question for deliberation which are more oppositional, the organising and facilitation team may have to undertake the bulk of the planning work to ensure participants are given adequate opportunities to engage with different sides of the arguments presented by the speakers. Such was the situation for our second deliberative event on road safety, which will be summarised in our next strand update.

A key learning point from this first event, which was taken forward in the organisation of the second event, was that it was not safe to assume that a single organisation would be able to reach a large number of people for recruitment purposes. More than one method of recruitment is required to ensure events are better attended.

As always, we welcome feedback and comments on this document. You can join in with discussions by accessing the members’ area of the N8 Policing Research Partnership website and using the North of England Police Community Engagement Network discussion board. If you require a log-in for the website please contact the Project Manager [Steph Abraham](#).

**Dr Sarah Mosedale and Dr Liz Turner, University of Liverpool**  
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