

Engaging Communities in Justice - the OCJR Green Paper Summary

The Office of Criminal Justice Reform (OCJR) published the 'Engaging Communities in Justice' Green Paper in April. This sets out proposals to make the criminal justice more open and accountable to the public. The consultation around the Green Paper closes at the end of July and the paper seeks members' views on the points to be made in the LGA's response to the Green Paper.

Recommendations

Board Members are invited to:

- a. Note the OCJR's Green Paper 'Engaging Communities in Justice' and the key proposals in it.
- b. Comment on the suggested points to be included in the LGA's response to the Green Paper, and any other issues that should be included in the LGA's response.

Action

LGA officers to reflect the Board's views in the LGA's response to the Green Paper consultation.

Background

1. The Crime and Communities Review (the Casey Review) which reported in the summer of 2008 looked at how the public could become more involved in helping to fight crime. The review concluded that for all the improvements across the criminal justice system in the last decade the public feel that it is still remote and the justice it delivers is not visible enough.
2. While the Home Office responded to the Casey Review in last year's Policing Green Paper, 'Engaging Communities in Justice' is the Office of Criminal Justice Reform's (which is a cross-departmental body in Whitehall) response to the review. The aim of the Green Paper is make the justice system more open, more accountable, more effective and more able to inspire trust and confidence from the communities it serves.

The Green Paper's content

3. The Green Paper is divided into three main sections. These cover strengthening the connections between communities and the prosecution and court services; ensuring that justice is more responsive and more visible to communities; and improving communication between local people and the criminal justice system.
4. As a result the Green Paper's proposals concentrate on changes to the criminal justice system. Key elements within the Green paper include the introduction of Community Prosecutors, increasing the diversity of the magistracy, greater use of problem solving techniques in criminal courts, better information for the public on the outcome of court cases and ways of increasing the visibility of volunteering opportunities in the criminal justice system. Details of the main proposals and the consultation questions relating to them are set out at **Appendix 1** and the full consultation paper can be found at: <http://consultations.cjsonline.gov.uk/?conid=1>
5. There are a number of recommendations of interest to local authorities. These are:
 - Developing the community justice approach by:
 - Appointing community prosecutors in 30 pilot areas to strengthen the contribution of the CPS to community engagement activity by working with neighbourhood policing teams and neighbourhood crime and justice coordinators to obtain information on community concerns and providing feedback to communities.
 - Introducing community impact statements so that courts have an understanding of the impact offences have on the community in which they occur. They will set out local crime statistics, anti-social behaviour

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data and community concerns and be used to guide prosecution and sentencing decisions.

- Developing problem solving approaches by co-locating crime and justice teams with advice and support services (such as youth services, council ASB teams, and employment advice) in one building extending the multi-agency approach used in the 13 community justice pilots.
- Making the public more aware of the courts in their area by introducing hallmarks of effective practice in the delivery of justice in the community. Amongst other things achieving the hallmarks would require magistrates' courts to demonstrate regular direct contact between the judiciary and the community, engagement activity fully integrated with other engagement plans including those of local authorities, and strengthened links to community pay back.
- Following on from the pilot programme in June 2009 to give the public a greater say in which community payback schemes are carried out first, the Green Paper proposes giving communities even more say in which community payback schemes are done. The proposals include proactively contacting community leaders, neighbourhood crime and justice coordinators and key local forums to identify projects. It will also mean establishing citizens' panels and using existing police and local authority consultation mechanisms.

Suggested response from the LGA

6. Set out in the paragraph below are some suggested key points to be made in the LGA's response to the consultation. These do not cover all the consultation questions. They also do not cover examples where councils are already addressing the issues raised in the Green Paper, but the LGA's submission will highlight relevant council work. Members are asked to comment on the suggestions, whether they cover the main points the LGA should be looking to make and to consider if any other additional points should be included in the LGA's response.
7. The suggested points are:
 - The LGA welcomes the overall aims and objectives in the Green Paper of making the criminal justice system more open and accountable to the communities it serves. The LGA's submission to the Crime and Communities Review highlighted both the absence of information for the public on what happens to those who commit a crime, and the need for greater information about community sentences. The LGA therefore particularly supports the provisions around providing the public with greater information.

Giving the community a greater say in sentencing

- Community Impact Statements could be compiled by CDRPs/CSPs, but local authorities in the area covered should be invited to contribute to the Impact Statements both as key partners in tackling crime at a local level and the locally democratically elected leaders of their community. Given the role ward

councillors play in planning and licensing matters, consideration could also be given to allowing councillors to represent their constituents views at court sentencing hearings in addition to considering the community impact statements.

Encouraging closer work between the courts and other agencies in reducing crime

- Adopting a problem solving approach in all criminal courts will in the LGA's view be particularly helpful in preventing re-offending particularly around drugs and alcohol.
- This approach in the courts needs to be supported by the community justice proposals outlined in the Green Paper, where criminal justice services will involve communities at a very local level. The LGA believes that all communities would benefit from a community justice approach – persistent problems associated with anti-social behaviour are difficult to solve where ever they occur.
- Co-location of crime and justice teams with advice and support services is the ideal mechanism for promoting the joint working that an intensive community justice approach requires. Councils have already found practical ways of creating problem solving teams with the police and other partners that work very closely, sharing intelligence and analysis of issues to tackle local issues.

Making the courts more responsive to local crime issues

- The LGA welcomes the proposed requirement for district judges and magistrates to engage with local communities. Magistrates' regular attendance at neighbourhood policing meetings alongside the police and council representatives would be a clear way in which the court system could hear the views of local people and what their local issues are. There is also currently a structural gap in the links between those bodies tackling crime on the ground (brought together in CDRPs/CSPs) and the criminal justice system through Local Criminal Justice Boards (LCJBs). Closer relations between these bodies should be encouraged with councils in particular able to provide community views on criminal justice in their area through their democratic leadership role.
- The LGA welcomes the proposals to establish some criteria by which magistrates' courts performance in engaging with the communities they serve can be judged and a system of hallmarks would be a way of doing this. There would also be benefits from linking magistrates' courts engagement activities with those undertaken by councils to ensure a streamlined and cost effective approach. The existing duty to involve on local authorities may be expanded by a new duty to facilitate democratic participation, so the leading role local authorities already have in engaging with local residents will be extended to encouraging and assisting people to take on a number of civic roles including that of magistrates.

Involving and informing the public in punishment of offenders

- The LGA welcomes the intention to make more information available to the public about community payback and to involve them more systematically in making suggestions about projects. Councils and councillors have already provided a means for passing on community proposals for community payback schemes and the LGA believes they can continue to do so alongside direct nomination. Councillors in particular are often made aware through casework and campaigning of for example local spots that would benefit from clearing up, as well as other projects suitable for community payback. Suggestions could also be sought through the neighbourhood policing meetings with the public.
- Other than the proceeds of crime assets that councils directly recover themselves, local authorities and councillors have little role at the moment in how these funds are spent. As with nominations for community payback schemes councils and councillors can provide a useful source of feedback on local community priorities. Councils also have considerable experience now of using initiatives like participatory budgeting to involve local residents in deciding how funding is prioritised. Using proceeds of crime assets for local CDRPs/CSPs to use in participatory budgeting events would be one way of getting greater public involvement in how these assets are spent.
- Councils also have experience of running restorative justice schemes, and many provide details of how it works in their areas, especially in relation to youth crime. Again working with councils on this agenda would be a means to further publicise restorative justice and what it can achieve.
- Although Victim Support has made great progress in keeping victims informed of progress, when people hear about criminal activity in their local area, they like to know what action is being taken to catch those responsible even if they are not a victim or a witness. In the great majority of instances they do not hear from the police about what is being done to investigate the crime, nor whether anyone is charged, nor the punishment or sanction. The easiest way for this information to be reported back would be to the neighbourhood policing team and the local councillors. This would help ensure a wider circulation of information about people who have committed crimes. Court sentences are not a private matter and there is also a strong case for local communities to be told by the police and the local authority what has happened to people who commit crimes and are then caught.

Financial Implications

8. There are no financial implications arising from this report.

Implications for Wales

9. The proposals in the Green Paper would apply equally to Wales as to England. Officers will be seeking WLGA views on the proposed LGA response and will provide members with an update on this at the Board meeting.

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The consultation questions from 'Engaging Communities in Justice'

Section 1A: Community Prosecutors: enhancing the role of the Crown Prosecution Service (page 16, paragraphs 11 to 25)

We will introduce Community Prosecutors in at least 30 pathfinder areas in 2009–10 to strengthen the contribution of the CPS to community engagement activity alongside the police, courts and other partners. Community Prosecutors will be more involved with their communities, more aware of local concerns and better able to reflect those concerns when making case decisions and setting local business priorities.

Q1. We believe the CPS should work more closely with local people and CJS partners. In what other ways could Community Prosecutors work with local partners and with local communities to provide a more locally responsive prosecution service?

Section 1B: Community Impact Statements: community concerns taking centre-stage (page 21, paragraphs 26 to 33)

We will introduce Community Impact Statements to make community views more visible to crime and justice service providers and as a mechanism to feed community views directly into the justice process. Community Impact Statements will enable crime and justice practitioners to consider offences in the context in which they are committed and to take into account the harm inflicted on individual victims and the wider community. As part of our plans for keeping communities better informed (Chapter 3), we will also look at developing a response to the Community Impact Statement, which will give communities feedback on how their views were incorporated into the justice process and what outcomes were achieved.

Q2 We think Community Impact Statements are a good way of allowing people to have a say. Are there other ways in which community views could be fed directly into the court?

Q3 Which organisations or individuals, in addition to the police, might compile the Community Impact Statements?

Q4 For what other purposes might Community Impact Statements be used?

Q5 How else could we give feedback to the public on how their views have been used in the justice process?

Section 1C: Increased problem-solving in the courtroom (page 26, paragraphs 34 to 44)

We will introduce problem-solving approaches into magistrates' courts across England and Wales, building on the existing community engagement initiative in magistrates' courts. We will also look at the feasibility of extending use of the power to bring an offender back to court to review their progress on their Community Orders (we say more about this in Section 1D). We will train and support magistrates to effectively identify and solve problems, give information in court and signpost defendants with underlying problems to sources of help.

Q6 Problem-solving can help address local problems. What are the issues that might benefit from a problem-solving approach?

Q7 All magistrates should be able to use problem-solving techniques. What further tools and support do magistrates need to carry out problem-solving in court and which individual or agency is best placed to support them in this role?

Section 1D: Judicial continuity and case review (page 30, paragraphs 45 to 52)

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We will look at ways of improving the continuity of judges or magistrates from hearing to hearing for an individual case and at extending the use of Section 178 of the Criminal Justice Act 2003 (the power to bring an offender back to court to review progress on their Community Order).

Q8 Continuity of the judiciary has proved effective in problem-solving cases. How can we achieve greater continuity of magistrates' panels between hearings for problem-solving cases? Are there any particular disadvantages to this approach?

Q9 Using the power to review a Community Order has proved effective in helping offenders complete their sentence. If we extend the use of the powers to review Community Orders, what kinds of cases would benefit most from its use?

Q10 Should these powers be extended to cover offenders under the age of 18 serving sentences in the community?

Section 1E: Intensive solutions to the most persistent problems (page 34, paragraphs 53 to 78)

We will expand our use of the successful principles and practice pioneered through the Community Justice projects and apply them intensively where local community needs and concerns, backed by evidence from crime and justice information, suggest that this approach is most needed, for example in areas of high crime and social deprivation. Where possible, we will co-locate crime and justice teams with advice and support services in one building to deliver the full range of community engagement and problem-solving services more effectively to benefit communities. Where co-location is not an option, we will look at ways to bring together dedicated teams to deliver the full range of services in appropriate cases.

Q11 The intensive Community Justice approach works best in areas suffering the worst problems. What are the most important considerations in choosing potential new sites for intensive Community Justice initiatives?

Q12 If full co-location of all staff and services is not possible, which group of agencies and services should always be co-located to ensure the approach is delivered effectively?

Q13 How could the concept of virtual problem-solving teams be made a reality and are there virtual teams or similar initiatives operating in other public services we might look at to explore further the feasibility of this proposal?

Q14 What other options are there for delivering the intensive Community Justice approaches in the areas of greatest need?

Section 1F: Selection and deployment: the right people doing the right jobs in the right places (page 41, paragraphs 79 to 103)

We will re-focus the role of district judges (magistrates' courts) and volunteer magistrates explicitly to include the adoption of problem-solving techniques and a requirement that these judicial office holders must engage with local communities. As a start, we will refresh the job description and outline of responsibilities for both roles to make clear the expectation that they will provide leadership in bringing the courts closer to the community. We will look at ways of involving the community in the appointment and deployment process for district judges (magistrates' courts), and develop further strategies for increasing the pool from which magistrates are drawn to ensure that they are more reflective of the diverse experiences and backgrounds of the communities they serve. In particular we want to encourage younger members of the public and people who live in socially deprived areas to volunteer.

Q15 Community engagement and problem-solving should be integral to the role of district judges and magistrates. We will provide training and support but how else can we encourage judicial engagement with communities?

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Q16 More information should be made available about the appointment and deployment processes for district judges in the magistrates' courts and the public should be able to get involved in the process. What information should be provided and how could community representatives usefully be involved?

Q17 How might Key Individual Networks be used to encourage more people from communities most directly affected by crime and social deprivation to volunteer to become magistrates? Are there other ways of attracting more volunteer magistrates from a wider range of communities?

Section 1G: Magistrates' courts: justice for the community, in the community (page 48, paragraphs 104 to 111)

We will reinforce the purpose of the magistrates' courts in delivering justice for and within local communities, increasing confidence in the courts through demonstrating more clearly to local people that they serve their local communities.

Q18 All communities have the right to be confident that their local court services are delivered to a nationally consistent and high standard. Is there merit in inviting or requiring magistrates' courts in England and Wales to work towards a set of hallmarks of justice in the community and on what should any system of hallmarks be based?

Q19 How might local people be involved in the design, implementation, award, monitoring and review of any hallmarking system?

Q20 Would it be appropriate for local authorities (councils), as service providers themselves, to support or get involved in the proposed hallmarking scheme and, if so, how?

Section 2A: Giving local people more of a say in Community Payback and Asset Recovery schemes (page 56, paragraphs 121 to 135)

Community Payback can be an important component of engaging communities in criminal justice, building confidence that justice is done and seen to be done. We will involve local people more systematically in Community Payback, and give them more opportunities to suggest projects they would like undertaken in their area. We will tell them how they can do this through a variety of clear and simple channels. This will include extending to more areas the concept of the Citizens' Panel, which we are currently testing in six areas in England and Wales. We will also give the public better access to information about what Community Payback is being done in their area (see Chapter 3).

Q21 The public should have a say about what Community Payback projects are done in their area. In addition to nominating projects directly, and Citizens' Panels, what other means would you suggest for giving local people more say in the type of work that should be undertaken as Community Payback?

Q22 How could local communities be more involved in what recovered assets are spent on?

Section 2B: More visible and more immediate Community Payback for offenders (page 61, paragraphs 136 to 148)

We have already increased the visibility and impact of Community Payback, so that local people can more readily see when and where it is happening in their community, and have a better awareness of the reparation by offenders to make good the harm done to the community. We will now look to make Community Payback more intensive and immediate for more serious offences, and are considering increasing the minimum intensity per week from six to 18 hours, and starting offenders on projects within five days of sentencing whenever possible.

Q23 Intensive Community Payback is far from a soft option and can be very effective in dealing with some types of offending. In addition to offences of knife possession, offences against the person and property, what other offences should be dealt with through intensive Community Payback?

Q24 In what other ways might we enhance the effectiveness of Community Payback in the eyes of the community?

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Section 2C: Restorative Justice and compensation: repairing harm, restoring communities, compensating victims of crime (page 65, paragraphs 149 to 165)

Restorative Justice is a process by which an offender voluntarily makes reparation for the harm they have done, to the community or to their victim, in a way which should contribute to their 'restoration'. On this, we have delivered high quality guidance for practitioners, and improved the evidence base. This shows that Restorative Justice can increase victim satisfaction with the criminal justice process, and may also help to reduce reoffending. We will raise awareness of these benefits to victims, and do more to encourage provision of and participation in Restorative Justice. We are also considering the best way of getting court awarded compensation to victims of crime paid, in full, as quickly as possible.

Q25 Restorative Justice has proved a positive experience for victims and can be effective in reducing reoffending. How could we publicise this and encourage community involvement in Restorative Justice projects, in particular as a service to victims?

Section 3A: Better information, better presentation (page 76, paragraphs 182 to 204)

We will provide better public access to joined-up information on all criminal justice outcomes, linking this with crime mapping to provide the public with all information for local areas by the end of 2009. This will include data on sentencing and out-of-court disposals, and will be presented within the wider context of the overarching approach to sentencing. We will also raise the profile of performance information, ensuring that the public are aware of online information on the performance of their local criminal justice agencies, and that this information is easily accessible.

Q26 The public should have more information about justice outcomes. What kind of information should be made available?

Q27 How could this information be made available and accessible most effectively and at what local level would this be most useful?

Section 3B: Making individual court case outcomes publicly available (page 81, paragraphs 205 to 218)

We will improve the availability of and public access to information on specific case outcomes, making more systematic use of a range of communications channels to give regular, in-depth updates on specific outcomes of cases that are of concern to the community as quickly as possible.

Q28 The public have a right to know about specific court case outcomes of local interest. What case-specific information should the public have access to about convictions for crimes committed in their area?

Q29 How much personal information (such as name, age and address or partial address) should be included in the final version of the court results website? How important to confidence in the justice system is such personal information?

Q30 Do you think that case-specific information in relation to out-of-court disposals should be available online or be proactively communicated?

Section 3C: Local Criminal Justice Boards: joining up communications and engagement activity (page 85, paragraphs 219 to 229)

We will give people better information about the full range of opportunities to raise concerns with Neighbourhood Policing Teams, Community Prosecutors, magistrates and other criminal justice service providers. The public will be consulted about their concerns, hear about the actions taken and outcomes achieved, and get more involved if they choose to do so. Every LCJB will have a nominated lead with specific responsibility for improving the co-ordination of engagement activity, so that it better supports joined-up delivery of criminal justice services, and better meets the needs of victims and communities.

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Q31 Community engagement activity at Local Criminal Justice Board area level should be more joined up so that people know how and when they can engage. Do you think a dedicated resource within each LCJB area, supporting all criminal justice agencies, is the best way to ensure this happens?

Q32 Are there other and/or better ways to join up engagement activities across criminal justice agencies?