

Restorative Policing

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What is Restorative Policing?

Restorative Policing can be seen as a set of principles or a philosophy rooted within the ideals and practices of Restorative Justice. It is not based on one particular practice or method but rather builds on the concept that by looking at crime through a different lens as articulated by Howard Zehr, criminal justice should seek to place the greater emphasis on those involved in an offence - victims, offenders and the community - and seek to reconcile, restore and repair the harm caused by crime. It is not however the 'silver' bullet nor is it the solution to all the problems and inadequacies of the western criminal justice system but it could be a significant step in changing the paradigm about how we respond to crime and the harm it causes.

If policing is to be consensual, transparent and accessible to all our community then it requires an ethical framework on which to hang its values and beliefs. Without this the individual decisions made every day by every police officer, whether at a strategic or an operational level, will rely on those individuals having a value system which is compatible with and in agreement with the organisation and society as a whole. Police officers are given and use a considerable amount of discretion in how they use and interpret the significant power invested in them. This element is rarely talked about in any training from initial recruits to the most senior leaders within the service. The principles of restorative justice of integrity, openness, respect and fair process, sit very comfortably within policing which is trying to move from a 'Force' to 'Service' ethos. A concept much aspired to by many police agencies but not yet achieved.

Police **force** can be described as:

- Reactive
- Narrow, law enforcement focus
- Militaristic
- Hierarchical
- 'Blame culture'
- Backward looking
- Reliant on 'tradition'
- Rule tightening

Where as Police **service** would focus on:-

- Problem solving
- Wider, community safety focus
- Individual responsibility and accessibility
- Acknowledges and learns from mistakes
- Forward looking
- Encourages innovation

- Rights of victims, witnesses and offenders

Restorative policing is also not 'yet another' new policing model or initiative, competing with all the other things we do. Rather it supports and builds on the ideas of problem solving policing whilst acknowledging the need to detect and reduce crime in the short and long term (crime fighting). Restorative policing can be a range of tactics and strategies, whose end result, when done right, is that offending behaviour is prevented or curtailed, conflict between communities is reduced and victims are given back their own confidence and sense of well-being. Increasing victims' and communities confidence by involving them in finding the solutions and seeking to repair the harm caused, can lead to a greater sense of safety and improved quality of life. These are positive outcomes little achieved by the traditional western approach to criminal justice. However, restorative policing could also be much more than tactical interventions. It could be the catalyst that would facilitate a cultural and behavioural change which would support the ethos of police 'service' rather than police 'force'.

What would restorative policing look like?

Thames Valley Police like many police organisations publishes its set of values in its annual policing plan. In the 2002/03 plan these are:-

We are people of integrity who:

- **listen and learn**
- **work together and do what we say we are going to do**
- **take responsibility for solving problems**
- **earn trust and respect**
- **are courageous, open and fair to all**
- **challenge, innovate and achieve**
- **hold ourselves and others accountable for performance**

Within these values there are clearly ideals which can be seen within the principles of Restorative Justice with words such as integrity, trust and respect etc. However, words have little meaning when written within such documents or simply published on notice boards. They have no reality, they do not 'live' in the day-to-day working of the organisation and particularly, the individual police or support officer who is faced with the difficult task of policing and meeting the ever increasing demands. Their reality is to meet targets and achieve greater detections and improve individual and team performance. As laudable and necessary as that is there is a paradox. Without the initial detection of the crime or the identification of the problem, interventions, whether restorative or any other kind, can not happen! Detection, reducing crime and prevention are all part of the same equation where the solution to crime is reliant on each part being solved, doing one or two will not address the problem. Detection without successful rehabilitation leads to the vicious circle of yet more crime - more victims - more broken communities. Officers can, therefore, by the very nature of their work, be confronted by an ethical dilemma for which the organisation has little to prepared them. The decision to arrest or not, to get the detection or address the human dimension, to walk away and ignore or to use tactics or methods which contravene basic human rights to meet targets, all of which can lead to consequences far more serious and damaging to the individual and community cohesion than the original problem. We need to find the virtuous circle that breaks the cycle of criminality and repairs the harm crime causes victims, offenders and community.

A suggested framework on which to build a policing approach that takes account of the dilemmas facing Policing in the 21st century whilst meeting Government, community and individual expectations is outlined below. Based on the ideals and philosophy of restorative justice this suggested definition of a 'restorative

policing' approach could be based on three principles which combines an ethical dimension and a pragmatic and realistic outcome:-

(Ethical dimension):-Restorative policing is about working in accordance with our restorative values that:

(principles)

- 1. uses RJ ideas and techniques to help solve policing problems**
- 2. involves and engages with citizens, community and partners**
- 3. encourages decentralisation and decision making geographically, operationally to achieve organisational and local targets, which**

Seeks, with others, to repair the harm caused by crime and find real long term solutions for victims, community and offenders.

The ethical dimension

Striving for professional status and having an ethical framework added to the training, development and working ethos of all staff within the police, would be an significant step towards creating a police organisation which is truly transparent, open and transformed from 'force' to 'service'. The restorative justice philosophy and values provides a basis on which to build this. It provides a context and framework on which to base decisions and judgements on, whether that be at an operational (tactical) or strategic (future planning) level. The work of Terry O'Connell adds an important element to this argument and his own experience and ideas will, no doubt, help develop this concept further particularly in his ideas about changing behaviour at an organisational and personal level. Peter Neyroud, Chief Constable of Thames Valley, whose ideas and thoughts from his book 'Policing, Ethics and Human Rights' has significantly contributed to this paper, argues that because of the introduction of the Human Rights Act into British law, there is an urgent need to develop an increasing ethical dimension to policing which takes account of the increasing demand for personal responsibility of policing practitioners to be accountable for complex ethical judgements. He also suggests that there is a substantial challenge to change deep rooted operating culture but that this can be achieved by both the internal and external pressure that policing is subject to, to which the Human Rights Act is a significant contributor. That change can also help to influence the operational and ethical judgements that police officers make particularly if the idea of a rigid rule bound hierarchical police organisation would not, as I suggest, meet the future needs of policing.

The three principles of a restorative policing model

Peter Neyroud talks about the three futures of policing, the '*enabling*' police force, the '*crime fighters*' and the '*social engineers*'. These three futures, I suggest, need to live in co-terminus harmony rather than be seen as three distinct and different models of policing. To see the provision of a police service as a competition between 'crime fighting' and 'problem solving' or 'zero tolerance' fails to recognise that policing, by its very nature, is complex, requiring numerous and different approaches to resolve the harm caused by crime. Policing needs to be evidence led using what works rather than dogmatic or ideological ideas based on gut feelings, if we are to meet the policing challenges of the 21st century.

Using Neyroud's three futures of policing it is possible to link them to the three restorative policing principles suggested above. Taking the first: **uses RJ ideals and techniques to help solve policing problems.** We can see its relevance to the 'social engineer' future. This is a future of pursuing determined crime prevention. Its aim is to create stable communities and the police taking the lead in defining the solutions. Problem-oriented policing is the style of delivery supported by 'community policing'. There is an

extensive commitment to community crime prevention and diversion through restorative approaches. Performance is measured by long term measures of social outcome and crime reduction. Examples of this would be:-

Restorative conferencing: this has been researched by Oxford University over a three year period and their findings published in 2002. Based very much on the work of Terry O'Connell's in Australia at Wagga Wagga, offenders are taken through a form of structured or scripted cautioning process, designed to bring them face-to-face with what they have done and the consequences of it for themselves, the victim and the community as a whole. Where possible the victim or representative takes part too. The evidence shows that it really does reduce re-offending and is seen as being fairer and more satisfactory for victims and offenders

Community conferences: often police get drawn into a breakdown between different parties of the community - for example between young people hanging around outside shops in the evening, to the annoyance of local residents who do not want them there. The British Crime Survey identified this as one of the most significant causes of concern for the over 30's and a factor which leads to a feeling of insecurity within the community. Restorative techniques have been used to bring together the two groups to hear about the effect their behaviour and attitude has on others. It opens up a communication between two groups which is unlikely to happen by any other means. It is not mediation but an RJ conference which uses the basic principles of the scripted model used in restorative conferencing, but is less prescriptive because of the very nature of the harm caused is different. The outcome seems to be equally successful, leading to better understanding and very often new friendships and a desire to make their community a safer place. A true problem solving approach at a local level.

Restorative conflict resolution: These same restorative techniques used in conferencing can and are used in other forms of conflict within the workplace and the family. Dealing with complaints against police officers has for many years been seen by the public and the officers, as being unsatisfactory. Very often the officer and the member of the public, who feels aggrieved, have a negative outcome leading to dissatisfaction and the inability for the police organisation to learn from the incident. This is particularly true in minor cases which can very often have a disproportionate affect on public confidence and satisfaction with the police. Disputes between individuals, managers and staff at all levels of the organisation are also better dealt with by using conferencing as the basis of how to communicate and share feelings which can lead to repairing the harm.

Community engagement: work in Milton Keynes, an area within Thames Valley Police, has shown that using the right skills, techniques and training, meetings between the local police and the public can be transformed from a sometimes negative and defensive experience to a positive one that enables all parties to share mutual problems and find solutions that all can agree on.

The second principle: **involving and engages with citizens, community and partners**, links with Neyroud's 'enabling' future, which is a future of high value professional service at the core, whilst low cost, private, community or volunteering are encouraged to fulfil a number of general functions, particularly patrol and public reassurance. It requires extensive information sharing and involvement of local communities and partners, in implementation of 'new' initiatives. It provides a core of basic services - national crime service, call handling, serious crime management and intelligence. It manages and collaborates with a series of locally provided and community patrol forces through 'intelligent regulation' to provide the other part of the service. Examples of this would be:-

Beat officers in schools: now known as the *Safer Schools Programme* ('SSP') which is based on the evidence that beat officers in the school, particularly those schools that are in the heart of a community that is

struggling and is showing all the signs of falling into decline (the broken window philosophy) can make a real difference. The officer based in the school, working with the staff, pupils, parents and other professional agencies such as social services and educational specialists, can begin to change the nature of the whole community, not just the school. Using restorative techniques, sharing information and intervening at the earliest stages pre- and post-criminal in a positive and constructive/problem solving way, can have dramatic effects on that individual, their family, fellow pupils, teachers and the wider community, which would have a long term impact on crime and anti-social behaviour. The SSP concept in the UK is being led by the Department for Education and Skills and not the police per se, but is a shared responsibility which acknowledges the correlation between early behavioural problems, poor educational achievement, peer pressure and parenting skills and other factors which could increase the probability of an individual becoming part of the formal criminal justice system.

Managed town centres: during the day such areas can suck in police resources to deal with shop lifters and to meet the public's insatiable desire for visible patrols. At night the environment can change and it can become a place where people feel threatened and unsafe. A mixture of alcohol and young people can lead to violence on the pavements. There is a choice of taking this issue alone or working with others - using Closed Circuit TV, ANPR (number plate and facial recognition technology), sharing radio communications, joint briefings with security staff and police, police accredited training for security staff, dedicated town centre managers and using licensing more proactively as a means of eradicating bad managers in pubs and clubs. Sharing responsibility with others to resolve the problems.

Drugs treatment and rehabilitation: with up to 60% of acquisitive crime committed by drug addicts to buy drugs to feed their addiction, there is a huge opportunity to knock a huge hole in crime figures, freeing up police resources to do other things and reducing the victimisation of the public. The potential of drugs treatment and the rehabilitation of drug addicts has only just begun to be realised. Using an 'intelligent drugs strategy' to target the prolific volume criminals, arresting often and with sufficient evidence to get them into the system where they can be placed on an appropriate scheme outside prison. The police can provide help in supervision of such schemes but they are run and managed by both voluntary and statutory organisations working with the criminal justice system

The third principle: **'encourages decentralisation and decision making geography, operationally to achieve organisational and local targets'**. This fits Neyroud's third future - 'crime fighters' This is a police force which is a lean, professional machine whose real business is fighting crime or 'efficient law enforcement'. Ancillary aspects of policing which do not support or form part of 'crime fighting' are increasingly privatised or outsourced. Community policing is only valued as a function of intelligence gathering and enforcement of the law in a 'zero tolerance' approach. Intelligence, technology and performance are the watch words. An example of this would be:

National Intelligence Model ('NIM'): brings the best practices in intelligence led policing together, providing a blueprint for answering questions about strategy and tactics, the NIM gives a structure for integrated intelligence to impact on three levels of crime fighting: local, cross border, and serious and organised crime. The model comprises of four components which are fundamental to achieving the objective of moving from 'the business' to 'outcomes':

- tasking and co-ordinating process,
- four key intelligence products,
- knowledge products, and
- system products

This is about focusing police resources in order to identify and limit the activities of volume criminals and

dangerous offenders, controlling disorder and tackling the many problems that adversely affect community safety and quality of life.

Other examples in the UK would be the recent introduction of Neighbourhood Wardens employed by the District Councils to provide an additional 'authoritative' figure on the streets and the use of private security guards in shopping, business and private spaces. There is a growing trend towards private housing areas being patrolled by security guards employed by residents, particularly in areas of high affluence. Some already see this as a steady erosion and withdrawal of the uniformed police officer away from the streets and the beginning of a two tier police service.

Conclusions

The Pattern Commission report on policing in Northern Ireland said:

'It is a central proposition of this report that the fundamental purpose of policing should bethe protection and vindication of the human rights for all ...policing means protecting human rights'

The International Association of Chief Police Officers (1999) stated:

'ethics is our greatest training and leadership need today and into the next century: nothing is more devastating to individual departments and our entire profession than uncovered scandals or discovered acts of officers misconduct and unethical behaviour'

Equipping police officers with an official framework on which to make decisions when using their discretion, which would be both ethical and defensible, would be an important step forward in making policing more responsive to the needs of the community. Policing which is entirely process driven - pursuant of targets, without a more holistic approach to crime, can lead to a vicious circle and alienation of the police from the wider community. In Neyroud's one future of 'crime fighting' we would see policing as the lean, professional machine somewhat divorced from the idea of 'community policing' which has long been such a feature of British policing. The Oxford University research in Thames Valley on the use of restorative cautioning, clearly demonstrates the positive outcomes for the police service, victims, offenders and the community when the police act to facilitate changes in behaviour (social engineers). Respect for the police and criminal justice increases, building a long term relationship which can have lasting benefits for society as a whole.

Neyroud concludes with the need to develop the 'virtuous circle' which includes elements from the 'learning cycle', Ekblom's crime prevention and the principles of policing. Restorative Justice principles seem to fit well within this model. The missing element is 'leadership' which will be an essential if the relationship between police officer and the citizen is to be rebuilt on a foundation where human rights, openness, integrity and improved performance are going to be achieved.

The three principles suggested for a restorative policing approach take account for the need for policing to have a combination of strategies and tactics. Neyroud's three policing futures, crime fighting, social engineers & enabling, all need to be pursued together but linked, I suggest, by a restorative justice framework. This idea of maintaining a diverse role for policing seems to be supported by both research into public satisfaction with policing and the diverse activities undertaken by officers on the ground which are not directly 'crime fighting'. When 'policing' becomes alienated and divorced from communities, when ethical considerations are ignored and the means justify the ends, then the rule of law and order can break down with devastating consequences for the whole of society. Restorative policing, as a concept, could provide the means if there is a willingness to change, to have the best of all three potential futures.

The ideals and principles of restorative justice provide a framework on which to build an ethical policing model, whilst the practices and tactics associated with RJ can provide the tools, not only providing a more effective and satisfactory police response to victims and community but also in helping to achieve the goal of less crime and safer communities. The RJ philosophy of inclusivity, fairness, integrity and fair process can provide a basis of a management/leadership model which can shape behaviour and change the paradigm of policing to 'what works' rather than arguments about a particular style or approach.

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