

Crime and Criminal Justice

“Forced to Make Amends” An Evaluation of the Community Reparation Order Pilots

Joe Curran, Sarah MacQueen and Bill Whyte, Criminal Justice Social Work Development Centre,
with John Boyle, DTZ

Community Reparation Order pilots were set up by the Scottish Executive in Dundee, Highland and Inverclyde from May 2005. The Orders provided district and sheriff summary courts with a community based disposal for relatively minor offences containing an element of antisocial behaviour. The disposal could run for between 10 and 100 hours. Each Order required the offender to engage in unpaid activities designed to increase awareness of the harm done by the offence, reduce the likelihood of future offending, and to encourage personal and social responsibility and self respect and/or develop life problem solving skills.

Main Findings

- The pilot areas originally estimated a possible 550 Community Reparation Orders (Orders) in the first 12 months. During the 20 month evaluation period there were 74 Orders.
- 20 Orders were made by sheriffs; 19 of these were from one pilot site.
- Almost three quarters of those given an Order were aged 21 or younger and 29% were under 18; 88% were male; most offences involved a breach of the peace or vandalism and the offending was often related to alcohol consumption.
- Orders had to be returned to the courts (breached) more often than is the case for Community Service Orders and Probation Orders.
- Successful completion rates of Orders varied from 18% for one pilot site to 60% for another.
- In general, district court justices of the peace welcomed the Order; sheriffs did not see much value in it in view of the fact that they already had Community Service Orders.
- Some offenders felt they had gained some skills or a sense of achievement from their CRO activities and had made some changes in their lives; half, however, felt they had not gained anything.
- Some supervising officers and activity supervisors appeared to have been good role models for the offenders.
- Each pilot area successfully established a CRO scheme, but the research identified a number of problematic aspects of the initiative.

Introduction

The evaluation of Community Reparation Orders (CRO) was based on interviews with key members of local authority (LA) staff in the 3 pilot areas and analysis of their CRO monitoring data; interviews with 10 justices of the peace and 4 sheriffs; interviews with 17 offenders given a CRO; consultation with key stakeholders, community stakeholders and community representatives; and a cost analysis.

The 3 pilots had originally estimated that there might be as many as 550 CROs per annum. In the event, during the 20 months research monitoring period, 74 Orders were imposed on 70 separate offenders.

Setting up the Pilots

As required, staff in each pilot site sought both to consult locally about appropriate activities for offenders given Orders and to inform the relevant courts about the nature of the pilots and the activities.

Two sites reported getting a mixed reception from the courts, with the most positive response coming from the district courts. All 3 sites reported disappointing levels of reaction from Community Councils, Community Safety Partnerships and other local groups.

One of the sites established a short (6 session) module to help raise victim awareness among its CRO clients. The other 2 sites relied on their prescribed activities to meet this requirement of the Orders.

Opportunities for constructive and visible reparation to the community were limited. Most activities involved 'work gangs' or individual placements cleaning graffiti or gathering litter. Two major exceptions to this related to projects in pilot Site 1.

Information on the Orders and on the Offenders

During the first 20 months of the pilot, of the 74 Orders given, 20 were made by sheriffs and almost all of these (19) came from pilot Site 2. Justices gave 50 Orders in Sites 1 and 3.

Site 3 had most Orders (34, 46%) in the pilot period. Site 2 had 23 (31%) Orders and Site 1 had 17 (23%). Numbers of Orders were smaller in the second year than in the first.

Orders could run for up to 100 hours. The average number

of hours for Orders given was 44 and this varied from 30.4 in Site 3 to 70.5 in Site 1. The justices in Site 1 adopted a policy to generally make Orders of no less than 50 hours.

At the time of drafting the research report (January 2007), 24 Orders had been successfully completed and 16 were still in progress. Site 1 had the highest completion rate at 60%, with the lowest, at 18%, in Site 3.

Offenders who did not abide by the conditions of their Orders risked having them 'breached', that is, taken back to court. The breach rate for the CROs was higher than the approximately one third breach rates for Community Service Orders and Supervised Attendance Orders and considerably higher than the approximately 1 in 4 breach rate for Probation Orders. For Sites 2 and 3, almost half of their Orders resulted in a breach application; for Site 1 the figure was a quarter.

Following a breach application, the courts reinstated 10 Orders. During the evaluation there were 33 breach applications for 29 offenders. As at January 2007, only one offender who had been breached went on to complete the Order.

Sixteen (23%) offenders had their Orders revoked by the court. One was given a 7 day custodial sentence, another received a Community Service Order and another a Restriction of Liberty Order. Five were fined. No information was available for the remaining 8 cases.

Most (88%) of the offenders given a CRO were male which is similar to the distribution for Community Service Orders, Supervised Attendance Orders and Probation Orders. Fifty one (73%) offenders given a CRO fell into the young offender category, being 21 or younger and 29% were under 18.

Previous conviction information available for 30 (43%) of the 70 offenders showed that 65% had none, or only one, previous conviction.

Most of the offenders given a CRO had committed offences consistent with the public image of antisocial behaviour, that is, breach of the peace or some form of vandalism.

Sentencers' Views and Experiences

In general, the district court justices had welcomed the CRO disposal, whereas 3 of the 4 sheriffs felt it was mainly designed for the district courts.

The sheriffs interviewed in Sites 1 and 3 could not recall being briefed about CROs by their LAs. In contrast, justices

across the 3 pilots appeared to have been briefed well and recalled a variety of relevant training sessions.

In Site 1, justices wanted to use the legislation more but felt they had seen far fewer relevant cases than might have been expected.

Some justices were uncertain about the types of offences for which they could legitimately use a CRO, for example, shoplifting. There was also some doubt over the use of the legislation where there had been an infringement of local bylaws against drinking in public.

In Site 2 the most common speculation from sentencers for the low number of Orders was a local diversion scheme which sentencers felt filtered out likely CRO cases. Sentencers in Site 3 believed the location of the pilot scheme on the edge of town made its use more problematic.

Sheriffs in Sites 1 and 2 felt they did not need CROs because they already had Community Service Orders (CSO) but this explanation was not used by the justices in Site 2 who could, unlike justices from other local authorities, impose a CSO.

For a number of the sentencers, CROs were useful for cases involving young unemployed offenders who could not, or would not, pay a fine.

The Offenders' Views and Experiences

All 17 offenders interviewed considered their offences to be minor. Sixteen said they had been drinking alcohol at the time. Thirteen recognised that their behaviour had been anti-social but only 2 acknowledged that it had an adverse impact on the community.

Some of the offenders believed they had gained some reasonable rewards from their placements, including the acquisition of skills or a sense of achievement. Previous Scottish research has suggested that having an awareness of the 'beneficiary' in their unpaid work endeavours is important to the impact on offenders and there were good examples of this in the pilots.

About half of the offenders felt they had not gained much from their placement. Some tasks were tedious and menial and were seen by the offenders simply as a punishment.

All but one of the offenders had praise for their supervising officers, suggesting that the placements had potential to motivate and change offenders. Some offenders described building a relationship with their supervising officers or activity supervisors, suggesting they had been something of

a role model. A number of the offenders believed they had changed, for example, by learning to control their bad tempers or their alcohol consumption, or by recognising that graffiti and litter were a public nuisance.

What Might National Roll-Out Cost?

Assuming a cost for each CRO of around £1,000 and that the numbers would be closer to the original estimates, the likely cost of a national roll out of CROs would be around £7 million. If numbers of CROs were closer to the figures actually arising in the pilots, then the estimate might be just over £4.5 million, but with far greater unit costs.

Summary and Conclusions

Each pilot area successfully established a CRO scheme. There were however a number of problematic aspects of the initiative; for example, the local authorities in two sites appeared not to have engaged very effectively with sheriffs.

All sheriffs interviewed felt that CROs had little if anything additional to offer them given that they already had the Community Service Order, and some justices were uncertain about the kinds of cases for which they could use a CRO. The role of CROs as a vehicle for unpaid work was unclear to some and should be reviewed in the light of other available options.

Consideration should be given to the value of a Social Enquiry Report and specific guidance to procurators fiscal for this high profile group of young offenders in order to meet Scotland's international obligations in relation to children's rights.

The evaluation provides some evidence that if CROs were rolled out nationally, a number of district court justices might make use of them; particularly for young people committing minor offences. There was, however, some risk that this might widen the net and bring some young people into the courts who might otherwise have been diverted.

An integrated policy of unpaid work across the continuum of disposals, including diversion and reparative and restorative provisions, might provide more coherence in philosophy for both serious and minor offences. Whether it is realistic to seek to change the attitudes and behaviour of offenders without the assistance of a Social Enquiry Report and the ability to match CRO activities with the nature of offences, is debatable.

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Scottish Executive Social Research
4th Floor West Rear
St Andrew's House
Regent Road
EDINBURGH
EH1 3DG
Tel: 0131 244 7560
Fax: 0131 244 5393
Email: socialresearch@scotland.gsi.gov.uk
Website: www.scotland.gov.uk/socialresearch

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