

# Solving problems: A study into the role and importance of a community court in the South of England.



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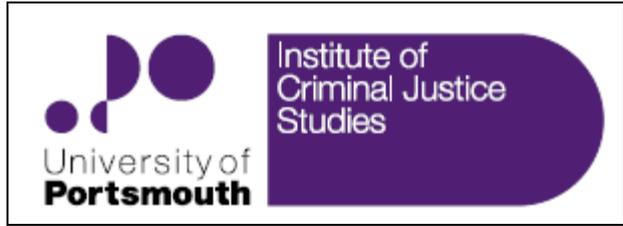
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## Abstract

Criminal justice professionals in the UK are seeking alternatives to the formal criminal justice system for young people. In response to this community courts have started to emerge in the UK.

Community courts originally emerged out of North America during the 1990's in response to quality of life crimes that neighbourhoods in New York faced (Atherton, 2015, p.113). The aim of this dissertation was to critically examine the importance of a community court in the UK that is offering an alternative for dealing with young offenders, as well as highlighting the issues that it faces. This was achieved by critically reviewing the literature around restorative justice and community courts to build an understanding of the two. A primary research study was then carried out to find out the views of volunteers on the importance of the community court and the issues it faces. Semi-structured interviews were used for the research as this qualitative method allows the participants to express their views. The interviews were carried out with three more experienced members of a community court to offer more of an insight. One of the findings from the research is that community courts are addressing some of the failures in the formal criminal justice system, such as victim satisfaction and involvement. Another finding is that the community court and restorative justice faces negative attitudes towards it due to lack of knowledge of the concept, and this can be addressed through education. Other findings include the community courts focus on reoffending, the influence of the media, funding, and links to procedural justice.

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## List of Abbreviations

**CJS-** Criminal Justice System

**HCC-** Hampshire Community Court

**MCC-** Midtown Community Court

**MOJ-** Ministry of Justice

**NLCJC-** North Liverpool Community Justice Centre

**PCC-** Police and Crime Commissioner

**RHCJC-** Red Hook Community Justice Center

**RJ-** Restorative Justice

**VOM-** Victim Offender Mediation

# Introduction

Community justice approaches have been created to address wide ranging problems that criminal justice professionals and society face with the current criminal justice system. These problems include 'an increase low-level crime; an overwhelmed criminal justice system; frustration with repeat chronic offenders; dissatisfaction with the results of traditional punishment, lack of public confidence in justice' (Wolf, 2006, p.4). One of the approaches that looks to tackle these problems is community courts, and this will be explored throughout the dissertation. This includes looking at procedural justice to offer some explanation as to why there is dissatisfaction with traditional justice approaches. Other theories will also be explored to explain how the community courts and its restorative approach can address these issues in the criminal justice system.

As well as exploring how community courts seek to address the issues highlighted by Wolf (2006, p.4) above. There are certain factors that have a positive influence on them or cause problems. One of the factors that has an influence on community courts is the media, and within the dissertation the positive and negative impact of this attention on a community court will be explored. Another aspect that influences restorative justice and community courts is funding. Restorative Justice programs in recent years have had money put forward by Police and Crime Commissioners under orders from the government. The views from the volunteers who help run the community court will then inform some of these topics that arise in the dissertation. This will then help to inform future research and implications for the future practice of community courts. Semi-structured interviews were used to gain the perspectives from the volunteers.

The aim and three objectives of this dissertation are:

Aim - To investigate the role/importance of a community court in the South of England from the perspective of the people who are involved in the restorative justice programme.

## Objectives

- 1) - Undertake a systematic literature review to explore community courts and restorative justice. This includes looking at the origins, theories and issues for the two.
- 2) - Undertake a small scale primary research study to discover the views of the people who volunteer within in a community court in the South of England.
- 3) - Evaluate the role/importance of community courts and issues it encounters, identifying implications for the future and areas for future research.

Chapter 1 will examine restorative justice and the literature that surrounds the topic in criminal justice studies. The history of restorative justice will be explored to see how the concept has been around for some time. However, restorative justice struggles to break through with the more punitive nature of the current criminal justice system. Some models of restorative justice have emerged on the edge of a more punitive criminal justice system, and these will be explored in the chapter. Procedural justice and defiance theory will also be critically examined to explore how restorative justice can be used to help solve some of the problems of the criminal justice system. The funding for restorative justice will also be critically discussed in this chapter.

Chapter 2 will start by looking at what community courts encompass, and the rise of them that starts in New York. This rise has links to the broken windows theory and this chapter will explore this. The funding of community courts will also be examined as growing pressure is put on criminal justice professionals to provide programs that work. Two courts in the UK will be examined to highlight the importance of funding as well as the need for the courts be successful in times of austerity. The attention paid by the media towards community courts will also be explored in the chapter to highlight the positive and negative impact it can have.

Chapter 3 will explore the methodology used for the primary research used in this dissertation. This will include discussing the need to choose semi-structured interviews for this study. The method of analysis used to find themes from the data to inform the discussion will be examined. Accessing the participants for the research is also explored in this chapter and how it was achieved. There were also ethical considerations that the researcher had to consider when carrying out the primary research. The considerations highlighted in this chapter include risks posed to the participants or researcher, ownership of data and a role conflict.

Chapter 4 presents the themes of the research which include addressing failure in the criminal justice system, Focusing on reoffending, media influence, attitudes towards restorative justice and community courts, funding, and links to procedural justice. The discussion in this chapter will then use quotes from the interviews held with the volunteers of the community court. These quotes will then be linked back to literature used in previous chapters to help highlight issues, inform the future practice of community courts and highlight areas for future research.

# Chapter 1: Restorative Justice

This opening chapter will examine the history of restorative justice (RJ) and how it has moved on in more modern times. The processes and the issues surrounding the funding of RJ will be explored. This chapter will also analyse theories surrounding RJ and how they can help advocate its use in the current criminal justice system (CJS).

RJ is not seen as having one definition, and it has many practical applications (Zernova, 2013, p.1). Wallis (2014, p.1) sees it as a facilitated conversation between victim and offender that looks to repair harm caused by crime. The conversation in RJ programs then exposes the experiences of all people affected by the crime allowing for a better outcome (Zehr & Toews, 2004, p.61). This is in contrast to a CJS that is seen as more of a 'process' than a conversation (Hudson, 2001, p.66).

## History of restorative justice

Liebmann (2007, p.37) noted that RJ is not a new concept, but instead it is an ancient and prevalent process that has been used to solve conflicts. From the 12th century onwards in the west, RJ became marginalised and the state became focused on punishing offenders (Johnstone, 2011, p.30). As Barnett (1977, p.286) highlighted, punishment helped the state/monarchy to strike fear into their citizens and helped to show the power over them. The use of punishment also helped the state or monarch financially as offenders would be fined for their wrongdoing (Liebmann, 2007, p.37). Fines are widely used in modern society with 72% of all offenders in 2015 receiving a fine for smaller offences (Sentencing Council, n.d., para 3). It is questionable to see how fines help repair the harm caused to the victim by the crime and reduce recidivism of offenders.

Sylvester (2003, p.522) argued that more focus should be placed on what RJ should be instead of what justice and punishment use to be. Johnstone (2011, p.10) notes that there has been a revival, but RJ still sits on the edge of the mainstream CJS. A reason for this may be due to a lack of awareness of RJ. An Ipsos MORI poll showed that public awareness of RJ was at 28% (Restorative Justice, 2016, p.1). The public will be less inclined to support a program if there is a lack of knowledge around topic. The way to raise support for the model is to raise the awareness of it. Van Ness (2002, p.14) noted that RJ programs try to raise its awareness by solving the problems in the mainstream CJS. An example of this can be seen in the UK, Liebmann (2007, p.38) noted the rise of a scheme in Bristol during the 1970s that tackled the issue of empathy towards the victim. It included offenders meeting their victims to understand how their actions have affected them, and this is something that the formal setting of the CJS cannot cater for.

## Models of restorative justice

There are three models that have led to the development of RJ around the world (Van Ness & Strong, 2010, p.26). The three programs are victim-offender mediation (VOM), conferencing and circles.

### **Victim-offender mediation**

VOM was one of the first processes to be used in modern RJ with a variety of interpretations around the world (Raye & Roberts, 2007, p.212). Although there are differing variations of VOM it involves the victim and offender meeting in a safe environment with a mediator present. These meetings allow the victims to give the offender their account of how the crime has affected them. This then gives the offender the opportunity to be held to account, and then ways of repairing the harm can be discussed. Not all VOM hearings take this approach as the victim or offender may not want to meet in person, so the mediator will act as a messenger between the two (Raye & Roberts, 2007, p.212).

### **Conferencing**

Conferencing originated from New Zealand and Australia with varying forms of how they are run (Daly, 2002a, p.59). In New Zealand, the conferences were used to allow extended families of aboriginal people to solve conflicts caused by crime, and this approach suited their culture (Raye & Roberts, 2007, p.213). Conferencing is similar to VOM, as it allows the offender and victim to meet and find a solution to repair the harm. One of the differences between the two is the number of people who attend. In conferencing the offender and victims' families will also attend the meeting, along with criminal justice professionals.

### **Circles**

Circles derive from aboriginal culture and traditions as a response to wrongdoing in the community (McCold, 2001, p.48). The first use of circles in the CJS occurred in 1990 within a judges pre-sentence hearing (Raye & Roberts, 2007, p.215). These sentencing circles are used to form a plan to help the offender move away from crime by using all the interested parties (McCold, 2001, p.51). Raye & Roberts (2007, p.215) noted that the offender, victims, family members and criminal justice professionals will sit in a circle with a chance to have an input on the sentencing outcome. To stop the participants in the circle from talking over each other a talking piece is used (Coates, Umbriet & Vos, 2003, p.270). The talking piece is passed around the circle and only the person handling it can talk. Circles has close links to procedural justice with the use of offenders in decision making when sentencing them.

## Procedural justice and restorative justice

One of the theories surrounding RJ is the procedural justice model, and this helps show how offenders and victims can benefit from having their views heard. Procedural justice is defined as 'examining the process employed rather than just the outcomes from a dispute' (Gover, Brank, & MacDonald, 2007, p.605). Procedural justice highlights the need for the offender to have an 'opportunity to present their arguments, being listened to, and having their views considered by the authorities', and this also applies to victims (Tyler, 2006b, p.163). The characteristics of this process are the opposite of the current CJS, but are more evident in RJ circles carried out by advocates. Van Ness & Strong (2010, p.30) noted that RJ circles allow the offender to take responsibility and have an input the outcome that they face.

Tyler (2006a, p.307) argues that the values of sanctioning in the CJS are harmful for the offender and for society. The decision making is made by the judge, and the views of the victims and offender are heard through the barristers. RJ breaks down these barriers and allows the people affected by the crime to interact. Tyler (2006b, p. 163) also stated that when the offender is more involved with the decision making they are more likely to accept the outcome given to them. One drawback of this model is that the offender must accept guilt before they are dealt with, but this also shows how procedural justice fits in with RJ because the admission of guilt being needed in both.

RJ is involved with motivating offenders to correct their behaviour, which helps them to become self-regulated (Tyler, 2006a, p.307). Some of the motivation to change comes from hearing the victims' account of events. The hope is that the offender will not want to commit the offence again after hearing how detrimental their actions were to the victim. There is lots of evidence to support the use of victims account to help reduce offending. Miller & Hefner's (2015, p.157) study into procedural justice in RJ schemes throughout North America and Australia show that the victims views have a long-lasting effect on the victim. Using the victims account is process used by the Community Courts, VOM, conferencing and circles. There is also some public support for this with 80% of the participants in a Ipsos MORI poll agreeing that the victims should be able to give their account to the offender (Restorative Justice Council, 2016, p.1).

## Defiance Theory

Defiance theory looks to explain how criminal sanctions can increase deviancy in an offender. It was formed by integrating parts of reintegrative shaming, procedural justice theory, and unacknowledged shaming theory (Braithwaite, 2004, p.50). The punishment handed out by the formal CJS is meant to serve as a deterrent to further offending. However, Sherman (1993, p.460) saw these four conditions as to why an offender will not be deterred:

1. The offender defines a criminal sanction as unfair.
2. The offender is poorly bonded to or alienated from the sanctioning agent or the community the agent represents.
3. The offender defines the sanction as stigmatizing and rejection a person, not a lawbreaking act.
4. The offender denies or refuses to acknowledge the shame the sanction has actually caused him to suffer.

Braithwaite (2004, p.50) argued that RJ processes are more likely to meet the conditions put forward in defiance theory than the formal CJS. This is achieved as RJ lets the offender to have an input with their sanctioning agent and this helps them to see the outcome as fair. It also shows how the procedural justice model was integrated with this theory because it has strong links conditions 1 and 2. RJ also aims to reintegrate the offender back into society, so this covers conditions 3-4 of the defiance theory. It does this by offering outcomes that will help the offender build social bonds with the community, instead of severing the bonds with punishment that only serves to deter. Reintegrative shaming which is integrated into this theory will be covered in the next chapter to explore its link to community courts.

### Funding of restorative justice

Liebmann (2007, p.37) noted that RJ has a wide appeal to lots people within the CJS, and this includes the police, policy makers and even more punitive professions. The appeal of RJ to these people can be seen for many reasons. Some of the appeal comes from the offender accepting and putting things right, and the fact that it meets the needs of victims. The police are strong advocates of the victims' needs being met as it fits in with their core values and force policy. Research by the Ministry of Justice (MOJ) shows that RJ does have high victim satisfaction rates. In the study, 85% of victims who took part felt 'very/quite satisfied' with the RJ conference (Restorative Justice Council, 2011, p.2). The study also had enough cases of RJ conferencing to create figures around re-offending rates that were statistically significant. There was a 27% drop in frequency of re-offending with offenders who took part in RJ conferencing (Restorative Justice Council, 2011, p.1). These figures help to fuel the funding being poured into RJ schemes in the UK.

The figures above support the need for more RJ in the CJS, but Ashworth (2003, p. 175) argued that there has been an overselling of RJ by its advocates and volunteers and it will continue to be. This overselling shows the division between RJ and the CJS, with RJ prevailing (Daly, 2002b, p.72). It then boosts the funding of RJ as the government see it as the answer to the problems with the CJS.

Despite these strong criticisms of RJ, money from the government is still being put forward for RJ schemes. Wallis (2014, p.4) points out that in 2013, the Justice minister will put forward £29 million for Police and Crime Commission's (PCC) and charities to deliver more RJ scheme in England and Wales.

### Summary

This opening chapter has critically examined some of the literature surrounding RJ. The history of RJ has shown that it has become marginalised in a CJS that is more punitive aims. One way to change this marginalization is to instead focus on the future of RJ. There is a need for this as public awareness of RJ is still low and this will need to be targeted for RJ to grow in the formal CJS. VOM, conferencing and circles have also been explored to show the forms that RJ takes in practice. Procedural justice and defiance theory have highlighted the need to involve the victim and offender in the CJS process, and this is something RJ looks to do. Funding is also an important topic to discuss as programs using RJ are continuing to grow. There is evidence from reoffending rates of RJ programs that supports it continued funding from police forces and the MOJ. However, there has been criticism of advocates overselling RJ figures to gain funding for programs and future programs.

## Chapter 2: Community Courts

Having explored restorative justice (RJ) in Chapter 1, Chapter 2 will now consider the origins and prevalence of community courts within modern criminal justice processes. Chapter 2 will also consider how criminological theory can be applied to the practice within community courts. The funding of these courts in the UK will also be explored to see the results that they are offering to the criminal justice system (CJS) in times of austerity. Media influence is also important for newly emerging programs like the community courts and it can help them gain public support. There are also drawbacks on having media attention that the chapter will explore.

A community court can be the first outcome that a young offender is given once they have admitted guilt to the police, or it can also be the place repeat offenders go to tackle their offending.

Community courts in general are neighbourhood-focused and look to tackle the issue of quality of life crimes (Berman & Feinblatt, 2005, Introduction, para. 13). There are many community courts around the world and they all differ from each other in some way, and some these differences include being volunteer led or they have a main judge with lots of criminal justice professionals. Although the formats of community courts differ, the focus is to rehabilitate the offender and help repair the damage caused to the community and victim.

### Origins of the community court

Community courts (also known as peer courts, teen courts, or community justice centres) originate from North America in the 1990s (Atherton, 2015, p.113). There have been many community courts that have followed dealing with all sorts of offences affecting the community, for example low level drug offences, anti-social behaviour, and youth offending. Steinberg & Albertson (2016, p.1002) see these smaller offences that community courts deal with as 'quality of life offences', and the reason for this is that offences affect the quality of life of the community and victims. The first two community courts to emerge from North America were the Midtown Community Court (MCC) in Manhattan and the Red Hook Community Justice Center (RHCJC) in Brooklyn (Atherton, 2015, p.113). Community courts around the world differ from each other in design but have similar aims. Among others, the Hampshire Community Court (HCC) in the UK is an example of this as it differs in design to the two North American community courts. These aims include educating the offender and holding them to account, repairing harm caused to the victim and community. Walsh (2013, pp.28-33) who helped start up the HCC made 9 recommendations for UK peer courts/community courts and these recommendations were made after visiting these community courts in North America.

## Community courts and the broken windows theory

The origins of community courts offer an insight into what they deal with, but the broken windows theory can explain the need for them. Steinberg & Albertson (2016, p. 1007) see community courts as a response to the broken windows theory, which is the idea that poor maintenance of a community will lead to its decay. This then leads to crime becoming a norm in the community (McLaughlin, 2001, p.23). Community courts can help to tackle these smaller offences being committed and stop the decay of the community. Kelling & Coles (1996, p.149) used the example of the MCC, and how it is being used to tackle the quality of life offences that are linked to the decay of communities.

The MCC has close ties to the police and the community and this allows it to be successful and offer good results. Kelling & Coles (1996, p.151) noted the success of the MCC as 'positive and truly astonishing'. When the judge hands out the sanctions to the offender they can then check their compliance with them by a computer system (Berman & Feinblatt, 2005, Chapter 3, para. 14). When compliance with the order is not met, the police become involved with the offences committed and take further action.

Compliance with these mainly community service focused sanctions was 78%, and over 24,842 hours of community service was completed in 2015 (Midtown Community Court, 2016, p.1). The compliance with the community service sanctions can help to stop the decay of a community. Community service sanctions include cleaning the streets and restoring public places helping the maintenance of the area to stop crime becoming the norm. Success cannot just be measured with compliance of the sanctions so it is important to also examine the reoffending rates as well. The MCC could just have offenders complying with these sanctions to meet the request of the judge and then move on to further crime. This was seen in the UK with 81,594 offenders out of 107,688 given a community sentence with similar requirements in 2011/12 went on to reoffend ('Community sentences', 2013). However, Waller (2014, p.59) notes that MCC offered notable reductions in reoffending after initial evaluations. The MCC is still operational and in 2013 it celebrated its 20-year anniversary (Center for Court Innovation, 2013), but more up to date reoffending rates are harder to find.

## Funding community courts

Community Courts need funding like many other programs that start out in the CJS. The purpose of community courts can differ from court to court, and this can have an influence on how much funding they receive. In Liverpool, a community justice centre was created and it had a set up similar to the RHCJC in New York. The North Liverpool Community Justice Centre (NLCJC) received a lot of

funding, with a purpose-built building costing £3 million and the judge who oversees the court receiving a yearly salary of £113,121 ('Community judge set', 2004). Mair and Millings (2011, p.8) saw the NLCJC as a one-stop shop for the community and its problems whether they be criminal or not. The NLCJC brought together services that dealt with alcohol and drug abuse, and educational services that look to stop quality of life offences being committed in the community. The support for these services that the NLCJC provided cost a lot of money, so the program needed a steady stream of funding for it to function.

In 2013 the MOJ (2013, p.23) decided to close the NLCJC after consultation on its future. One of the reasons that the court closed was due to its funding and whether the MOJ could keep funding the centre in times of austerity (Ministry of Justice, 2013, p.13). There were also questions over the effectiveness of the court at reducing re-offending in offenders over formal courts in the CJS. Booth, Altoft, Dubourg, Gonçalves & Mirrlees-Black (2012, p.iii) concluded that there was not any evidence to show that the NLCJC reduced reoffending more than formal courts. This shows that the NLCJC couldn't offer an alternative to the government to tackle re-offending. Like the study on the NLCJC the research in this project will also explore the effectiveness of a community court to reduce re-offending.

Programs like the NLCJC that have failed to offer results can cause the government to be hesitant when investing in similar projects. In comparison, the HCC received its funding from the ex-PCC of Hampshire. In 2013/14 the HCC received £165,000 to fund the community court for the three year pilot of the scheme (Police and Crime Commissioner for Hampshire, 2014, pp.22-23). The HCC received a smaller budget than the NLCJC, but there are certain reasons for this. One of them is that the HCC is mainly focused with the offending of young people and the NLCJC had the whole community to deal with. Another reason is that the HCC relies on volunteers from the community to take part in the running of the hearings within the court, instead of relying heavily on criminal justice professionals like the NLCJC did. Having a volunteer led program can come at a disadvantage when handing out options for the offender, and this is due to the volunteers not having the same powers that a judge can hand out to an offender.

### Media Influence

Community courts need funding to function, and the media can play an important role in securing it. In times of austerity the need to save money in the CJS has become a hot topic. In the UK, the justice system has seen a 34.1% cut in their budget since 2010, and the Home Office has seen a 24.9% cut (Wheeler, 2015). These budget cuts have led to criminal justice professionals looking for new ways to save money, but at the same time the need to tackle issues in criminal justice have grown. The

media have some role to play in this raised awareness of criminal justice issues that the public want criminal justice professionals to tackle. Brogden and Ellison (2012, p.112) refer to a media inflated panic about young people with knives in North Wales, and then this led to an overnight operation with searches, but resulted in no arrests. This example shows the power of the media to put fear in the public, but it also shows the pressure that the media can apply to the police and the CJS. These operations can put a strain on police budgets, and not leave any funding for projects like community courts.

The media can also have an influence on programs like community courts being a success. Surette (2011, p.196) argues that the success of criminal justice policies and programs depend on how they are presented to the public by the media. In 2014, the Daily Mail referred to the HCC as 'a mockery of justice' (Delgado, Kent-Smith & Craven, 2014). Articles like this can have a negative effect on new programs gaining support from the public, and this was just when the community court had just started. Since then local news outlets and the local MP have supported the progress made by the HCC. The local MP called the program a way of 'effectively dealing with minor and first-time offending outside the formal court system' (Barber, 2015, para. 7).

### Reintegrative shaming and community courts

An element of shaming is used in many community and peer courts. The shame is used to make the offender realise the harm they have done to their victims or the community. Community courts in North America and the HCC use shame by using the peers of the young offenders to use shame in a good way. In the HCC, volunteers will put questions to the young offender to make them think about their actions and how their actions have affected the victim or community.

The theory of reintegrative shaming has close ties to community courts and their use of peers to help stop re-offending. Braithwaite (1989, p.102) argues that stigmatization of offenders can lead to them entering sub-cultures where their offending is accepted. Stigmatization of offenders can be seen through the media or from people within the community, so this can stop offenders from seeking help and support labelling theory by accepting their tag of offender. Reintegrative shaming shows the disapproval of the community towards the crimes committed, but it can be detrimental to stopping reoffending if the shaming falls into stigmatizing offenders (Brathwaite, 1989, p.55). Dignan (2005, p.102) points out that the theory disproves of the formal CJS and its 'exclusionary and alienating settings' that cause the offender to be stigmatized in the first place.

Community courts look to tackle the settings of the CJS by breaking down the confusing system that offenders encounter, but also hold them to account for their crimes. Atherton (2015, p.119) points out that community courts offer both a formal and informal approach to tackling offending of

people who commit quality of life crimes. One way community courts break down these settings by using the peers of the offenders and this is where the element of shaming comes into community courts. Butts & Ortiz (2011, p.20) see the use of pro-social peers to put pressure on offenders to participate in law-abiding behaviour. Instead of the offender being influenced by negative peers they will be encouraged to obey the law, but this has limitations because they may be in a negative peer group and not be willing to leave it. This will limit the affect a community court can have on their behaviour due to their reluctance to leave a friendship group. In Alaska teens that have been through a peer court their reoffending rate was only 6%, and teens that have gone through the normal juvenile courts had a reoffending rate of 23% (Butts & Ortiz, 2011, p.19).

### Summary

This chapter has explored many aspects of community courts from their origin to their use of shaming to tackle reoffending. There are many aspects of community courts that help make them appealing to criminal justice professionals, and this chapter has explored some of them. Broken windows and reintegrative shaming theories have also shown that community courts can offer an alternative to the police or CJS. Community courts do show signs of offering an alternative but it is vital that the right funding, support and management are present to for the programs.

## Chapter 3: Methodology

The dissertation has already explored some of the literature surrounding restorative justice (RJ) and community courts. This chapter will examine the methodology used to carry out the research into the community court. Researching in the police can be very interesting and it can offer results to help them move forward. Thomas, Rodgers & Gravelle (2014, p.1) note that issues surrounding the 'expenditure, budgets, costing and performance targets' are high up the agenda of senior police officers and researchers. There has been research carried out in North America around community courts, but very little in the UK due to the implementation of community courts being relatively slow.

### Research design

The aim of this research was to investigate the role and importance of a community court located in the South of England, through the eyes of the individuals who run the RJ scheme. To get the best data from the participants in the research a qualitative method in the form of interviews were carried out. Robson (2002, p.271) noted that qualitative research interviews can be used when looking at people's perceptions on a certain process. Gaining rich data is important especially when looking at a topic that does not have that much research done around it. Observations of the community court were also considered by the researcher. Jupp (1993, p.58) noted that observations have been carried out within the criminal justice system (CJS) to find out its inner workings. This would help to gain a better understanding of the role of community courts, as it would aid in analysing the work being carried out by the volunteers. Due to lack of referrals to the court at the time of the research being carried out it would be hard to carry out the observations. Another issue with the use of observations can be time consuming for a researcher (Robson, 2002, p.311). With the lack of referrals being made to the court it would have made a time-consuming method an even longer process.

### Interviews

Interviews allow for valuable data to be collected through deep probing questions (Davies, 2011, p.163). It was important for this research to get rich data as it can help inform the findings of the research and future practice. This also allowed the participants to raise issues that they feel affect the community court and what they believe makes it a success. The research needed to gain the views and attitudes of the participants as they could offer the best insight into the community court. The research participants chosen help run the community court and manage the hearings, so this

means overtime they have seen the success and issues it has had. Byrne (2004, p.182) pointed out that qualitative interviewing can offer the researcher an insight into the attitudes and values of the participant, and these cannot be overserved. The participant's experiences were also something that the research looked to tap into by using qualitative research interviews. Kvale (1996, p.1) noted that these interviews can help in the task of unfolding the participant's real life experiences, and this can be achieved by using semi-structured. Once the participants agreed to take part in the research the interviews were set up. The interviews took place in an office at a police station. The office used was high up away from the noise of the floors below to avoid the voice recorder from picking up unwanted noises.

### Analysing the data

The interviews were audio recorded with the consent of the participants, and the audio data was then put into transcripts to be analysed. No set themes or codes were created before the research, so through analysing the data to find codes there was themes produced for the findings and discussion. Seale (2004, p. 313) stated that using thematic analysis for qualitative data can be more exploratory of a topic, and produce codes and themes that may not be thought of at the start of the research. Due to the small number of participants in the study the interviews were analysed by using highlighters to find themes with in them.

### Participants

Access to the participants was gained through contacting the Organisational Learning Department at the police force in which the community court runs. Ethical documentation used to gain the authorization from the police force to carry out research in their organisation was the same used for the university ethics committee. No direct contact was made between the researcher and participants in relation to the research. The manager of the community court acted as the gatekeeper for the research to address this. The gatekeeper provided the participants the information documents that included the participant information sheet, consent form and the invitation letter. This does cause an ethical issue as the volunteers may have felt more inclined to take part in the research as the manager of the court is asking them to take part.

Being a member of the community court for a number of years the researcher had already built up a rapport with the volunteers. This helped when interviewing the participants as they felt comfortable with the researcher interviewing them. Noaks & Wincup (2004, p.74) noted that it is important to have a good rapport with the interviewee as they will be more likely to disclose information on the topic. This was important for the study to achieve this as the more incite provided by the volunteers would then help inform the findings and the discussion.

Semi-structured interviews were used in the research with 3 more experienced members of the community court. One of the reasons for choosing these members is that they can offer more insight to community court to help inform the dissertation. The new volunteers at the community court are suffering from the lack of referrals being made to the community court, and this means they cannot offer input on the working of the community courts.

### Ethical considerations

There were many ethical considerations to take for this research. As the study involved participants the research met all the needs of the University of Portsmouth Ethics Committee and was in line with the British Society of Criminology Code of Ethics (2006). The research received a favourable ethical approval from the University of Portsmouth Ethics Committee allowing the research to be carried out.

The cases that the community court deals with can sometimes be emotional and contain upsetting nature. If a case brought up in the interview made a participant upset they had the right to pull out of the interview, as their participation was voluntary. Bachman & Schutt (2017, p.279) note that researcher must avoid causing harm to the participants feeling or reputation. Due to the nature of policing it is accepted that things that cause emotion will be encountered, but there are support agencies available to help. The details of the welfare service for the police force that the research took place in were provided to the volunteers to help cater for this. The participants were also anonymized to make sure that their reputations were not harmed, and to also keep the identities of the participants confidential. This is achieved by just referring to them as participant 1, 2 and 3.

The ownership of the data from the research belongs to the researcher and the University of Portsmouth. The data collected from the interviews will meet the university guidelines on data protection, so this will mean the data will be stored for 3 years and the consent forms for 10 years. The data from the interviews is stored on a personal laptop owned by the researcher. The participants have been made aware of the details on storage by the information sheet given to them, and agreed to on the consent form.

One important issue that arose when considering the ethics of this research was a role conflict. The researcher is a volunteer within the community court that this dissertation is looking at. One issue with this is that the researcher could post findings that only favour the community court, and not present issues that may arise from the findings. This also links in with issues around reputational damage for the community court that the research looks at and the police force that it comes under. The way these issues were dealt with was the researcher would present the findings favourable or

not favourable to the community court. The findings can offer a chance for the community court to see improvements that can be made to the model.

### Summary

The methodology allowed the researcher to understand the role and importance of a UK community court. Semi-structured interviews allowed the participants to open up about their experiences in the community court. It allowed participants to also highlight the importance of the program in the CJS. More participants would have been preferred for the study as this would have helped support the points being made by the participants, but this could not have been achieved as already discussed.

## Chapter 4: Findings and Discussion

### Findings

Having explored the methodology used for the research in this dissertation in Chapter 3, Chapter 4 will present the findings and discuss them. In previous chapters this dissertation has critically reviewed the literature surrounding community courts and restorative justice (RJ). This includes theory that shows how they both work and how they can be successful with implementation in criminal justice system (CJS). Funding and the influence of media on the two was also explored to show some of the issues that RJ programs and community courts can face. After the completion of the interviews, transcripts were created and analysed to find themes. The themes found in the research include:

- Addressing failure in the CJS
- Focusing on reoffending
- Media influence
- Attitudes towards RJ and community courts
- Funding
- Links to procedural justice

### Discussion

#### Addressing failures in the CJS

As noted in the first chapter, Van Ness (2002, p.14) highlighted that RJ programs come about by addressing the issues of the CJS. This was highlighted by a participant in the interview as a response to whether more can be done to implement RJ into the CJS.

*“Yeah. I think arguably restorative justice is on the outskirts of the criminal justice system. I think people recognise it as important, but then it’s only recognised as important when it’s suitable really. It needs to play more of an important role, and I think it would actually address a lot of failures with the criminal justice system. By further implementation.” (Participant 3)*

One issue that the community court tries to tackle is the lack of victim involvement and satisfaction in the CJS. This was highlighted by two of the participants in the research. The victims who attend the community court get to have their say and have an influence on the offender in the hearings. Even when the victim cannot attend the hearing a statement on their behalf can be read out by one of the volunteers.

*“The criminal justice system doesn’t tend to focus on the victims, it’s about punishing the offender rather than focusing on what’s best or what would be most appropriate for the victim.” (Participant 2)*

*“...it gives the victim a chance to have their questions answered, and portray their opinions...” (Participant 1)*

### Focus on reoffending

A lot of focus is put on the reoffending rates of programs in the CJS. The same link can be made with the community court that this research took place in. Merrington and Stanley (2000, p.243) noted that in probation the reoffending rates of cognitive behavioural therapy programs had become the only measure of its success. There is little published evidence into reoffending rates around the community court that this research delved into, but the volunteers promote its success in that area. From the interviews with the participants there is evidence of the focus on the reoffending rates. As Ashworth (2003, p.175) noted that exaggerated claims have been made about RJ and its effectiveness without proper empirical data to support it.

All three participants had differing opinions on whether community court can be measured on reoffending rate alone, but all agree it plays an important role in measuring its success.

*“I think it’s a tough one. Although the stats are a lot, and you look at the reoffending rates as the big statistic. If they commit a crime again that means what we have done is not successful.” (Participant 1)*

*“I don’t think that reoffending rates show the entire success of the community court, but if you were to look at offending rates alone. I believe you could see it as a success.” (Participant 2)*

*“I think reoffending rates are important because obviously that’s ultimately what it’s measured by. That’s what the public want. That is what we want to see as society that we reduce reoffending.” (Participant 3)*

Merrington and Stanley (2000, p.273) also noted that the success of cognitive behavioural therapy programs could be measured in other areas. Although reoffending rates are seen as important, there are also other areas that the participants feel community courts can be measured on its success. This included the satisfaction of the offender and victim during the hearings at the community court.

*“So, the effect it has on the victims as well. So whether the victim’ is more involved or gets something further back from it. The fact that it involves the victim where the criminal justice system doesn’t tend to be very victim focused. I think is also one of the successes of the program” (Participant 2)*

*“I think it needs to be measured by firstly with their most importantly for the victim’s satisfaction. If it’s not working for them it’s pointless. I think it also need to work for the offender. If the offenders not willing to engage or their not prepared to admit guilt then it is pointless. It needs to be measured kind of most importantly on victim’s satisfaction.” (Participant 3)*

One of the participants admitted that the reoffending rate of the community court is appealing to criminal justice professionals. This could be the reason why there is a focus on the reoffending rate by the volunteers in a bid to promote the effectiveness of the community court. This can then lead to more funding being secured for its future.

*“The reoffending rate is. Although we don’t have the full picture completely accurately with all the stats that would be wanted for a major release...” (Participant 2)*

## Media Influence

Media influence can have a positive and negative effect on new programs in the CJS, as already discussed in Chapter 2. Participants have highlighted in the interviews that the media has had a similar effect on the community court. Negative attention towards the community court was highlighted by the participants in the research, with reference to the online article by a British newspaper and the effect it had on the community court and the volunteers. One participant highlighted that the article was a personal attack on the volunteers and their capability to run the court, whilst calling into question the concept of the community court. This led to some of the volunteers questioning whether or not to continue on with the program.

*“At first it was really negative. The first thing we had was the (British newspaper) going against us, and that was before we was even live as a pilot. That wasn’t only negative towards the perception of the community court. It was very personal attacks on individuals, and I know for at least a couple of them it nearly made them leave before the pilot had even started...” (Participant 1)*

*“Unfortunately, again the attitudes that we’ve had from the national press. So the times that it has been seen in the national press haven’t always been so positive.” (Participant 2)*

*“Obviously, the community court had the (British newspaper) hit”. (Participant 3)*

Surette (2011, p.196) noted the portrayal of criminal justice programs in the media can have an influence on the way the public perceive them. The portrayal of the community court in the article was meant to call into question its use of young volunteers to help stop other young people from reoffending. Although the attention can be negative one participant in the research mentioned that a negative portrayal can help the programs to show its effectiveness in retaliation to negative media reports.

*“Which is probably a fair representation, but then that also had a positive affect because obviously, we were able to respond to that and actually. If there’s not scrutiny and criticism. We’re unable to kind of justify it. It gives us that opportunity to say no it has worked... Negative media reviews actually just give us the opportunity to actually go back and say no it’s a project that works. It’s a project that’s growing.” (Participant 3)*

Two of the participants also highlighted the positive media attention paid towards the community court, but this was mainly in the form of local media coverage. Although there has been one bad story in the news, the same two participants agree the good outweighed the bad media attention. There were articles written by the local newspapers highlighting some of the success and aims of the community court. Local TV news also filmed a report for the community court. This helps to give the community court to have a platform to express the work being carried out, and how it can help the local community that it looks to serve.

*"...we've had a lot more positive stuff in the news, and for example with our year on, we had the BBC South Today come in, and I thought that was a great opportunity for us to get out there. So overall, although there has been the one bad story. I think the good outweighs the bad." (Participant 1)*

*"The media representation that we've had in general has be overwhelmingly positive and that is a good thing, but that's almost always local press." (Participant 2)*

### Attitudes towards RJ and community courts

One of the barriers that participants feel the community court faces are people's attitudes towards it. This can be the attitudes of the public who lack knowledge on the program, or police officers who don't see it as an effective way to deal with crime. There is a lack of knowledge around RJ, and an Ipsos MORI poll showed that 71% of the people asked had no knowledge of it (Restorative Justice Council, 2016, p.16).

*"...but the problem is that there is a lack of knowledge of what it is, and that's probably in the police world as well." (Participant 1)*

*"Attitudes. Attitudes of the older generation of police officers in general. We see it quite a bit don't we, where there's people that don't think or they think it's the soft option, or they think it's not tough enough on people, or it's not the lock them up attitude. That is the main issue I see with getting the funding, is the attitudes of individuals for it." (Participant 2)*

There is a need to educate people around the concepts of RJ and community courts. This was highlighted by the participants as key for getting people to change their attitudes of the two concepts. As noted in the first chapter, Sylvester (2003, p.522) argued that more focus needs to be placed on the future of RJ and how it can be moved forward. The move towards RJ in the future can be achieved through educating people and one participants highlighted the need for it. This will then in turn help to change people's opinions of community courts. Educating people can be achieved through holding workshops, attending public events, media and social media coverage.

*"I think partly the way it's overcome those barriers is education isn't it. It's educating people about it. What we've found in the community court is when we've told people about it online. Told them how well the community court works and how we do*

*things. Then they seem to change their opinions. Yeah I think it's important to educate.” (Participant 3)*

## Funding

Funding was also a barrier that two of the participants felt the community court faces, alongside people's attitudes towards it. At the time of the interviews the future of the funding of the community court was not confirmed. The new PCC did not want to fund the community court, unlike the predecessor who did. The police force that the community court sits in is now funding the project. Although the funding has been secured, there is still pressure on the community court to prove its effectiveness.

*“The funding, whether it's there or not. So whether, depending on how the funding is allocated. It also depends on who is going to be funding it. Like we've been very lucky to have the Police and Crime Commissioner behind it...but now the police force have taken on the funding for it. So it depends on where that funding is coming from and whether the people being asked for it see the benefit of it.” (Participant 2)*

*“It's arguably the taxpayer's money, and I think that the huge barrier” (Participant 3)*

The reoffending rates are an important part of securing the future of the community court, but one of the participants also highlight the fact that it is volunteer led helps it secure funding. Having volunteers taking the lead means that budgets do not need to be spent on criminal justice professionals' salaries. As highlighted in a previous chapter, the NLCJC had a judge with a salary of £113,121 and a £3 million centre built for it ('Community judge set', 2004). The NLCJC failed to show the benefit of having the program closing, so this meant a lot of money was spent without results for the CJS. With a volunteer led projects the budgets can be kept low with the only funded position is the PC that manages the community court. This can help professionals in charge of providing justice during times of austerity by easing pressure on their budgets.

*“I think it's the idea of volunteers doing it...With volunteers that are generally taking a led. Yes, we are guided by (the PC who manages the court), but obviously maybe less so in the future as things change, but I think that what's appealing is that it's kind of sustainable. It's grown in a successful model... I think for the constabulary they have to do very little. There's not really a lot of input needed from them” (Participant 3)*

## Links to procedural justice

The research from this study has shown procedural justice does play a role in community courts, due to the offender having an input in the process. Tyler (2006b, p.163) noted that offenders will believe the outcome of their hearing will be fairer if they can have an influence on it. The volunteers on the panel try not to be judgemental towards the offender or not tell them off. Instead, they try to speak to the offender and try to gauge what support they need. This was also evident in RJ circles having success by allowing the offender to play more of a part in the process (Van Ness & Strong 2010,

p.30). The young first time offenders who attend the community court will feel there is support for them. There is a chance to deal with the root causes of their offending, instead of letting them walk off to commit the same crime again.

*“...through community court you talk to the young people who are there, and you actually find out the reasons behind why they have committed the crime, and if for example being under the influence of alcohol is one of the things. Then you can provide support for them. So hopefully we are seen as someone who is not just telling them off because they have already admitted guilt”. (Participant 1)*

*“...if the reoffender can be prevented from offending, and can be supported to find ways of stopping them from reoffending...” (Participant 2)*

### Summary

These themes highlighted through the research help show some of the issues that volunteers feel community courts face. This includes people’s attitudes towards RJ and community courts, but the way to tackle this is to educate people more on them. Funding for the community court has now been confirmed, but for it to secure future funding a participant highlighted that it must continue to show its effectiveness. With the community court highlighting its effectiveness in reoffending rates there should also be a focus on other factors that can make it a good program. There is also links to theory which show the effectiveness of community courts in the CJS.

# Conclusion

The aim of this dissertation has been to investigate the role/importance of a Community court in the South of England from the perspective of the people who are involved in the restorative justice programme. The first objective to help achieve the aim was to undertake a systematic literature review to explore community courts and restorative justice. This includes looking at the origins, theories and issues for the two. The second objective was to undertake a small scale primary research study to discover the views of the people who volunteer within in a community court in the South of England. The third objective was to evaluate the role/importance of community courts and issues it encounters, identifying implications for the future and areas for future research.

Chapters 1 and 2 looked to address the first objective of the dissertation. This was to undertake a literature review of community courts and restorative justice to identify the origins, theories and issues for the two. Chapter 1 started by looking at the definition, history of restorative justice and the models of it to provide some background topic. This was then followed by looking at two theories within restorative justice that look to highlight its effectiveness over a more formal criminal justice system that can be alienating for offenders and victims. Funds for restorative justice are also being provided by the government as it looks to do more for victims. This comes with criticism as Ashworth (2003, p.175) noted an overselling of restorative justice which is leading to more funding being given to the programs.

The focus of Chapter 2 is on community courts and this starts with a definition of a program that can address many issues that offenders, victims and communities face. The origins of the courts are seen in New York to combat the quality of life crimes in the community. This has led academics seeing the courts as a response to the broken windows theory. Also, highlighted in the chapter is an example of a court that received extensive funding from the government but failed to offer results to the community and the CJS professionals who funded it. This contrasts with another community court that receives little funding for its services. The media can also play an important role for community courts and this is highlighted by the positive and negative representation they receive. The theory of reintegrative shaming helps to highlight the use of peers in the community court as having a positive effect on the offender.

Chapter 3 met objective two of the dissertation by detailing the methodology for the research. Objective two was to undertake a primary research study to see the views of the people who volunteer with in a community court in the South of England. Semi structured interviews were used

and then transcribed so they could be analysed. The analysis of the transcribed interviews looked to find themes that informed the findings and discussion in Chapter 4.

Chapter 4 of the dissertation looked to discuss the themes that the primary research identified with the literature identified in chapters 1 and 2. The themes include addressing failure in the criminal justice system, focusing on reoffending, media influence, attitudes towards restorative justice and community courts, funding and links to procedural justice. As well as highlighting the importance and issues that community courts face through the themes, it needs to identify implications for the future. One of the implications highlighted is that there is a need to educate the public on restorative justice and community courts. This will then help to address the attitudes that the two face.

To meet objective three this conclusion must provide areas for future research. Research into community courts in the UK is relatively small due to there not being many of them in practice. The research already available includes Gilling and Jolley's (2012) article on the implementation and operation of Northtown Community Court, and Atherton's (2015) article highlighting the work of the NLCJC. The numbers of the courts will begin to increase as the community court that this research was carried out in begins to expand across the county that it sits in. The program is also helping to inform other police forces in the UK to help implement something similar. This comes with the opportunity to collect more data and provide more findings to help inform future practice. The data that can be collected includes looking at reconviction rates of the offenders who attend the court, and the satisfaction rates of victims who attend. There is also the opportunity to delve deeper into the role of the media influence on community courts in the numbers grow, by looking at wider media theories available.

In Chapter 4, one of the findings of the research is that there is a focus of the reoffending rate by volunteers without published data on them. Addressing the issue of no published data on the reoffending rates of the community court should be a focus for future research. This will help the program to help promote the work carried out. There are issues with this as it can be very costly to carry out a study of this scale, and it may not be a study that the police force is willing to fund in times of austerity. One area that future research could explore within the community court that dissertation focused on is the offenders or victims' satisfaction with the court, as this has links to defiance theory and procedural justice mentioned in Chapter 1. There may be ethical issues when trying to gain the information on offenders and victims that go through the court. This was highlighted by the Organisational Learning department at the police force when gaining ethical clearance for this research.

One area of weakness with in this dissertation is that it could have used more volunteers from the community court. This would have offered a better representation of the volunteer's views and better inform the findings. The researcher decided to only use more experienced volunteers as the most detail could be provided to the questions in the interview. New members of the court are lacking experience in the hearings. The reason behind this is that there is a lack of referrals being made to the court, and this is something the management are looking to address. As already mentioned the community court is expanding across the county allowing for more volunteers to take part, and this will lead to more views being available to researchers. Both changes to the community court will allow for future research to not suffer the same issues that this dissertation has.

Overall, this dissertation has highlighted the role and importance of community courts, as well as highlighting some of the issues it faces. Community courts play an important role as they look to give the victim and offender a voice in proceedings unlike the formal criminal justice system. Procedural justice and defiance theory have helped to highlight the effectiveness of allowing this to happen. Moving forward, the community court will need to educate people on its role and the work it carries out in the community to gain wider support. Educating people will also help to address the negative attitudes of some individuals in the police, media and public.

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# Appendices

## Appendix 1: Participant invitation letter

**Study Title: Solving problems: A study into the role and importance of a community court in the South of England**

**Researcher:** Benjamin Slocombe- Email: [up724906@myport.co.uk](mailto:up724906@myport.co.uk)

**Supervisor:** Claudia Cox- Email: [claudia.cox@port.ac.uk](mailto:claudia.cox@port.ac.uk) –

Phone: 02392 843944

**Director of Studies:** Professor Stephen Savage- Email: [steve.savage@port.ac.uk](mailto:steve.savage@port.ac.uk) –

Phone: 02392 843932

**Chair of Faculty Ethics:** Dr Jane Winstone- Email: [jane.winstone@port.ac.uk](mailto:jane.winstone@port.ac.uk)

Dear Potential Participant

I would like to invite you to participate in a research study that will look into community courts. I am currently in my final year at the University of Portsmouth, and for my final project I will be looking into the role and importance of community courts. This community court has given me a lot of skills and experience, and it is a program that really interests me. Therefore I have chosen to research it in my final project. The project itself will consist of three interviews to find out what volunteers in the community court think of the program. I will then discuss the finding from the interviews, and compare them to research already out there.

There is an information sheet and consent form attached to this sheet. The information sheet will go over specific parts of the research that you might be unsure on, and it will help you to decide on whether or not to take part in the research. If you agree to take part in the research you will need to sign the consent form. The consent form will have certain clauses that you will agree to, and for example one of those is that you agree to having your interview audio recorded.

If you agree to take part in the research, please contact the researcher on the details at the top of the letter.

Your participation is completely voluntary in this study, and your withdrawal will be easily facilitated if you do decide to pull out. You are allowed to withdraw from the study up until the data is analysed, so once the data is being analysed you will not be allowed to withdraw your data.

I would like to thank you regardless of your decision for reading this letter.

Kind Regards

Benjamin

## Appendix 2: Participant Information Sheet

**Study Title: Solving problems: A study into the role and importance of a community court in the South of England**

**Researcher: Benjamin Slocombe- Email: [up724906@myport.co.uk](mailto:up724906@myport.co.uk)**

**Supervisor: Claudia Cox- Email: [claudia.cox@port.ac.uk](mailto:claudia.cox@port.ac.uk) – Phone: 02392 843944**

**Director of Studies: Professor Stephen Savage- Email: [steve.savage@port.ac.uk](mailto:steve.savage@port.ac.uk) – Phone: 02392 843932**

**Chair of Faculty Ethics: Dr Jane Winstone- Email: [jane.winstone@port.ac.uk](mailto:jane.winstone@port.ac.uk)**

I would like to invite you to take part in our research study. Before you decide we would like you to understand why the research is being done and what it would involve for you. Talk to others about the study if you wish. Ask us if there is anything that is not clear.

### **What is the purpose of the study?**

The purpose of this study is to understand the role and importance of community courts, and how they can help the police and criminal justice system to help tackle youth offending. The community court deals with smaller offences committed by young offenders. Referrals to the community court are made by police officers, and this allows them to stop young offenders entering the criminal justice system too young. With this study I will hope to find out what the volunteers at the community court think of its importance and the future role it could play in the criminal justice system.

### **Why have I been invited?**

You have been chosen to take part in these interviews because you are a volunteer at this community court. There is no need to use a gatekeeper in this research due to me knowing you personally from the community court, so I have chosen you because of your experience and knowledge in the community court. Three people will be interviewed for this study to get detailed responses for each question.

### **Do I have to take part?**

Your participation in the study will be completely voluntary, so if you feel you don't want to take part in the study you can pull out. During the interviews you can pull out if you feel that you cannot carry on. If you confirm that you want to take part in the research you will have to sign a consent form. Before you make your decision to be involved you can read through the information sheet. This sheet will allow you to see why this study is being undertaken, and there will be the contact information of the people involved in the running of the study. You can pull out of the study up until the data from the interviews is being analysed.

### **What will happen to me if I take part?**

For the study, you will be involved in one interview for the duration of 20-30 minutes, and this will be your only involvement in the study. Once the data is collected it will be analysed to produce findings from it. The interviews will be audio taped, so that I can transcribe them to help me analyse the data.

## **Expenses and payments**

There should be no need for expenses for travel to the community court as the volunteers have already travelled for a hearing. The interviews will be held after the hearings at the community court, or if the time does not suit the participants another time can be arranged. This will help to stop the need for additional expenses to be claimed.

## **What will I have to do?**

For this study, you will be expected to take part in an interview that will last for 20-30 minutes. During the interview I will ask you certain questions on the community court to find out its role and importance. I will ask you to answer the questions in as much detail as possible to help collect a good amount of research data. To keep cases that you have worked on confidential you must avoid mentioning specific case details.

## **What are the possible disadvantages and risks of taking part?**

There is a simple issue of inconvenience of taking part in the research. This can be addressed by moving the interview to suit a time that is more convenient to you. There is a chance that bringing up a case that was emotional for you it can cause you some distress. This also applies to me if we both worked on the same case, it may cause us both some distress. If this does happen it can be addressed by stopping the interview or moving onto the next question.

Another risk is that you may be identified by direct quotes used in the report from the interviews. This should not stop you from saying what you think and this can be solved by anonymising your identity. Anonymising your name will mean you are referred to as "volunteer 1" to help stop this from happening. Your name will stay anonymized throughout the study to help conceal your identity.

## **What are the possible benefits of taking part?**

One of the benefits of the study can be that you want to help address issues with the community court. This can help the community court to grow and become a better service to everyone in the local community. This study can also help raise the awareness of community courts and allow people to have a better understanding of them.

## **Will my taking part in the study be kept confidential?**

Your name and identity will be kept confidential throughout the study. Confidentiality cannot be guaranteed due to people identifying you from your direct quotes, and this also applies when authorised people want to access to your name. Authorised people would need to know your name to assure that you are real to make sure data is not made up. These authorised people would include my supervisor, examiner or head of department, and they will have a duty of confidentiality to you as a research participant and we will do their best to meet this duty.

The data you provided will be collected on my phone and then stored on my personal laptop and university computer account, and after this they will be deleted from my phone. The interviews will then be transcribed and stored on my personal laptop and university computer. The data that you provide will be stored for future research if you agree to it on the consent form, and this will need approval from the ethics committee. You will have the right to check the accuracy of data held about them and correct any errors.

**What will happen if I don't want to carry on with the study?**

You can withdraw during the interview, but once the interview has been analysed it will be hard to remove your input in the study.

**What if there is a problem?**

If a concern or problem arises about this study, you should contact me (on [up724906@myport.ac.uk](mailto:up724906@myport.ac.uk)) or my supervisor (Claudia on 02392 843944 or [claudia.cox@port.ac.uk](mailto:claudia.cox@port.ac.uk)) to answer your queries on the study. If you wish to make a formal complainant, this can be done by contacting the Head of Department (Dr Phil Clements on [phil.clements@port.ac.uk](mailto:phil.clements@port.ac.uk)), or you can contact the Chair of Faculty Ethic Jane Winstone (on [jane.winstone@port.ac.uk](mailto:jane.winstone@port.ac.uk)).

**What will happen to the results of the research study?**

A summary of the results will be created so that participants can see them, and this will be given to the participants on request by them.

**Who is organising and funding the research?**

I will be in charge of organising the research and my supervisor will be overseeing the study. The University of Portsmouth will be sponsoring the research. The University of Portsmouth and myself will not be benefiting financial from this research.

**Who has reviewed the study?**

Research in the University of Portsmouth is looked at by independent group of people, called an Ethics Committee, to protect your interests. This study has been reviewed and given a favourable opinion by ICJS Ethics Committee. If you wish to make a complaint about the research being conducted you can contact the Chair of Faculty Ethics Jane Winstone at [jane.winstone@port.ac.uk](mailto:jane.winstone@port.ac.uk). You can also contact the Head of Department (Dr Phil Clements) at [phil.clements@myport.ac.uk](mailto:phil.clements@myport.ac.uk), or my supervisor (Claudia Cox) at [claudia.cox@myport.ac.uk](mailto:claudia.cox@myport.ac.uk) to make a complaint.

**Concluding statement**

Thank you for reading this information sheet on my proposed study. If you agree to this a consent sheet will be given to you to complete, and once that form is complete you are agreeing to take part in my study.

## Appendix 3: Consent form

**Study Title: Solving problems: A study into the role and importance of a community court in the South of England**

**Researcher:** Benjamin Slocombe- Email: up724906@myport.co.uk

**Supervisor:** Claudia Cox- Email: claudia.cox@port.ac.uk –

Phone: 02392 843944

**Director of Studies:** Professor Stephen Savage- Email: steve.savage@port.ac.uk –

Phone: 02392 843932

**Chair of Faculty Ethics:** Dr Jane Winstone- Email: jane.winstone@port.ac.uk

**Name of Researcher:** Benjamin Slocombe

**Please initial box**

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, up until the data is analysed.

3. I understand that data collected during the study, may be looked at by individuals from University of Portsmouth, or from regulatory authorities.

I give permission for these individuals to have access to my data.

4. I agree to my interview being audio recorded,

5. I agree to being quoted verbatim.

6. I agree to be being a named participant and quoted by name.

7. I agree to the data I contribute being retained for future, REC approved, rese

x. I agree to take part in the above study.

Name of Participant:

Date:

Signature:

Name of Person taking consent:

Date:

Signature:

When completed: 1 for participant; 1 for researcher's file;

## Appendix 4: Interview Schedule

### Interview Schedule

How do you believe the community court helps reduce re-offending?

Do you think the community court can be measured as a success on just re-offending rates alone?

Do you think there should be more funding put forward for projects like this one? If so why?

Do you see any barriers that stop projects like the community court from gaining funding?

Do you believe that restorative justice is a fairer way to deal with offenders and victims?

Do you think community courts hold core values of restorative justice? if so what ones?

Do you think more should be done by criminal justice professionals to implement more restorative justice into the criminal justice system?

Has the media had a positive or negative affect on the community court and how?

How do you feel the community has benefited from the community court?

What do you think makes the community court appealing to criminal justice professionals?