REBALANCING CRIMINAL JUSTICE: POTENTIALS AND PITFALLS FOR NEIGHBOURHOOD JUSTICE PANELS

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Abstract *The coalition government have pledged a commitment to a shift from 'Big Government' that presumes to know best, to the 'Big Society' that trusts in people for ideas and innovation to mend Britain's 'broken society'. While the policy implications of this shift remain opaque at this stage, further work has been undertaken to articulate what this strategy entails (see Cabinet Office, 2010). Five key themes have emerged which promise a dramatic shake-up of the system. This paper focuses on the theme that most closely relates to notions of 'Big Society' - restorative justice. In the current economic climate it is perhaps unsurprising that the coalition is supportive of restorative justice, as it mirrors the desire to redistribute power from central government to local communities and individuals. The Liberal Democrat experimentation with Community Justice Panels (now being referred to as Neighbourhood Justice Panels or NJPs) in the run-up to the general election has been highlighted as a measure that will be introduced to combat low-level offending and anti-social behaviour. This is given particular consideration as it involves local communities and victims themselves responding to offending behaviour rather than the state. NJPs, it is claimed, have a dramatic impact on recidivism rates in comparison to the traditional criminal justice process and a corresponding reduction on police time and resources. However, as Crawford & Newburn (2002) highlight, England has traditionally adopted a more punitive approach towards dealing with offending behaviour due to widespread public anxiety about crime and political competition to secure votes. Thus, this paper seeks to explore the potential implementational difficulties and resistance that may come from communities and criminal justice practitioners, particularly the police, to this model.*

Keywords *Community justice, restorative justice, big society, neighbourhood panels.*

Introduction

The collapse of the rehabilitative ideal during the 1970s gave way to a 'crisis of penal modernism' (Garland, 2001) which ultimately led to a number of assumptions about the way in which crime had been traditionally approached being challenged. These included: the monopoly of the state in responding to crime to the exclusion of other parties; the dominance of 'experts' or professionals in the administration of justice; and the almost exclusive focus on the offender (see Garland, 1996). The subsequent rise of the 'populist

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punitiveness' (Bottoms, 1995) or 'law and order' (Cavadino & Dignan, 2002) ideology in the United Kingdom ultimately led to inflated prison populations and the creation of a perceived increase in criminal incidents despite a relatively stable decline in the crime rates in the decade since the mid-1990s (Cesaroni & Doob, 2003; Young & Matthews, 2003).

Despite the highly visible strategy of expanding both the types of activity which the government controls and the mechanisms through which to do so, re-offending rates are high and public confidence in the system is unbearably low. The global challenges brought about by the economic crisis will seemingly exasperate this situation as both the Ministry of Justice and the Home Office face budget cuts of between a quarter and a third over the next four years (Faulkner, 2010). The austerity measures have provided an impetus to find responses to offending that are more effective and less expensive than the strategy adopted by the previous administration, with the new coalition government advocating a greater use of restorative justice (Ministry of Justice, 2010).

While the exact extent of restorative justice adoption and integration at this stage remains unclear, there are indications in the sentencing Green Paper that the Liberal Democrat experiment with Community Justice Panels or CJPs (now being referred to as Neighbourhood Justice Panels) in the run-up to the general election will be adopted at a national level:

> *We want to test new, innovative ways of getting communities more involved in tackling low-level crime and anti-social behaviour. One approach which we are particularly interested in piloting is that of Neighbourhood Justice Panels. These provide a form of restorative justice in which local volunteers and criminal justice professionals are brought together to decide what action should be taken to deal with some types of low level crime and disorder. We will be bringing forward plans to test their effectiveness in the summer.*
> (Ministry of Justice, 2010: Para.287)

Neighbourhood Justice Panels (NJPs) provide a tangible programme through which to realise the overriding aim of replacing 'big government' with 'big society' as citizens, local communities and voluntary organisations are made responsible for creating and maintaining the environments in which they would like to live. The question remains, however, as to both the ability of the coalition to create 'big society' from the top-down and the desire of local people and organisations to take on responsibility for things that have traditionally been the domain of national government policy. England has, in recent decades, adopted a more punitive approach to dealing with offending behaviour than its European counterparts due to widespread public anxiety about crime and political competition to secure votes (Crawford & Newburn, 2002) and it will be difficult to change this mindset. A further issue in a period of austerity is the support that will be given by criminal justice practitioners, particularly the police, who have a vested interest in protecting their traditional roles (Shapland, 1988) within the communities in which they are based.

This paper takes the position that if the culture of a country can have an impact on the delivery of punishment (see Melossi, 2001; McAra, 2005) then the culture of an institution or group may also have a similar impact on the extent to which new initiatives are supported. This line of thought has important consequences for the implementation of NJPs due to the fact that its successful implementation relies on the support of both the community who will need to facilitate the process and police officers who will need to refer cases to the process. This paper seeks to explore the potential of NJPs, whilst also highlighting the potential difficulties that may arise in terms of the culture of specific communities and that of the police.

We begin this paper by outlining the origins (and perceived benefits) of the NJP process in Chard and Ilminster and its subsequent adoption in Sheffield. The varying levels of success in the implementation of NJPs across these two sites is discussed and the authors argue that important lessons may be learnt ahead of the intended national roll-out over the summer. The direction of policy implementation (i.e. bottom-up versus top-down) is thought to be of significant importance and the potential resistance that may come from communities and police officers from areas with different demographics and socio-economic circumstances are explored. While the Conservative Party, in particular, has been critical of the previous administration for reducing the ability of communities to take charge of their own issues, this paper highlights the problematic strategy of trying to facilitate community cohesion and police engagement from the 'top-down'.

Bottom-up versus top-down approaches: lessons from two sites

The development of CJPs may be traced back to Chard and Ilminster in February 2005 (Meadows *et al.*, 2010). Residents of the borough were frustrated by a perceived lack of justice for offences committed in their area due to the removal of magistrate courts from their locality to more urban areas. Local newspapers could no longer report on their outcomes,[2] which contributed to a perceived increase in crime, a decreasing sense of community and increasingly strained relations with the police led to alternatives being sought. Following a murder in the area, the local media ran a campaign called 'Bring Justice Home' with the initial intention of getting the court reopened. County Councillor Jill Shortland and a management team came up with the idea of a CJP and, after discussion with various agencies, agreement was reached and a steering group set up to take it forward.

The idea was taken to the Home Office's Anti-social Behaviour Unit (ASBU), which subsequently provided funding for an 18-month pilot (Mirsky, 2006).[3] Initially, 35 volunteers were recruited from the local community through safety days held by the police and fire service and, currently, coordinators also conduct presentations at community groups such as WI and the Quakers. Additionally, 30 police officers, including

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[2] The local newspaper was unable to send a reporter to Yeovil where cases had been relocated on the off chance that someone from Chard and Ilminster would be appearing.

[3] Following this pilot, further funding has been agreed from the Home Office to allow the project to continue until March 2010, with smaller contributions from South Somerset Homes and Avon and Somerset Police. It is unclear what the current funding arrangements are.

Police Community Support Officer (PCSOs), have been trained alongside volunteers. CJPs were implemented and began taking referrals on the 28 January 2005, dealing only with adult offenders.

Like much restorative conferencing and mediation, CJPs represent a less formal, less costly alternative to the adversarial process. Sessions are facilitated by a trained community volunteer, attendance is usually voluntary and they are only used where the offending party or parties admit culpability (Rogers, 2005). Once a case has been referred by the relevant agency (generally the police), a volunteer facilitator interviews both the victim and the offender. The purpose of the interview is not to establish guilt but rather to explain the process and to make firm arrangements (dates, times and ground rules) for the meeting to occur and both parties are offered the opportunity to bring supporters with them. The accompanying literature states that volunteers should not offer an opinion on what happened and not to stray from the 'restorative justice' questions (what these are exactly is unclear).

The actual process itself seeks to provide an opportunity for the offender to reflect upon their actions and to offer some form of reparation to the victim or the broader community. Victims are also encouraged to attend where they want to, to communicate the impact of the incident and to understand why they were targeted. CJP coordinators are responsible for facilitating this process and follow an '*International Institute for Restorative Practices*' (IIRP) script throughout the process (Mirsky, 2006). This meeting therefore ensures that the offender is directly confronted with the consequences of his/her actions and the victim can separate the offender from the offence. Both parties are also directly involved in determining the extent and nature of the content of behaviour contracts to which the offender needs to adhere for an agreed and specified period.

Once the contract has been signed, the referral agency is responsible for monitoring the contract. Should the offender breach the contract the panel is notified and, depending on the circumstances, the panel may be reconvened or the case referred back to the referring agency for resolution through the normal adversarial processes. All participants receive feedback forms at the end of the panel to comment on the process and any aspects that they found particularly good or negative to assist with best practice for future panels.

The voluntary involvement of both parties and their ownership over both the process and outcome of the panels means that they are generally very successful. As such, the Deputy Chief Constable in Chard requested that the panel consider expanding their remit to include both young offenders and victims, which was well received. Support from the main agencies has been vital to the success of the project and, by March 2007, the project had dealt with 107 cases with only one person re-offending. Current figures show that 330 cases have now been dealt with, police administration time has been reduced by 75% and the recidivism rate for those who participate in the panels is down to 5%. It is therefore unsurprising that the results rapidly caught the attention of Councillors from other areas and that the project was subsequently extended to neighbouring areas in

Somerset, including Wellington and Wiveliscombe in Taunton Deane, which have also reported impressive success rates.[4]

The subsequent transfer and implementation of CJPs in Sheffield, South Yorkshire, formed part of the Liberal Democrats 2008 local election manifesto to directly involve the community in the 'fight against crime'. In contrast to Chard, the project is funded by the local council but still run by trained community volunteers who accept referrals for both adults and juveniles who have offended for the first time. A further distinction between the two sites involves the perceived benefits that the model would yield and thus be measured against: reducing recidivism, anti-social behaviour and low-level offending; improving victim satisfaction; reducing police administration time; making communities safer; and, finally, increasing community involvement and volunteering.

However, the ease with which CJPs were implemented within varying boroughs in Somerset was not experienced when the project was transferred to Sheffield. An evaluation conducted by the Hallam Centre for Community Justice, in which one of the authors was involved, reported low initial referrals to the schemes, some implementational difficulties and resistance by some police officers to the new exit route to the formal process (Meadows *et al.*, 2010). While this evaluation was conducted during the initial pilot phase, it does raise questions about the ease with which this model can be rolled out nationally. As Johnstone (2002) warns, 'restorative' schemes are inherently more difficult to implement due to the fact that there is a lack of consensus about the roles (both traditional and those that are newly created) of individuals within the process.

Community-based sanctions generally draw mixed reactions from the public who know little about the manner in which they work and the offences that fall within their remit. The Green Paper acknowledges this and outlines plans to consult on the types of offences and offenders that should be eligible for referral to NJPs. Traditionally, such models have been developed as a means to further engage the public in the administration of criminal justice for first time, low-level offences[5], thereby making it more responsive to public concerns and increasing confidence in the criminal justice system. The consultation process will allow members of the general public and community organisations to have a say in how broad the remit of these panels will be, thus, facilitating a sense of ownership and redistributing power from the 'central to the local, from politicians and the bureaucracy to individuals, families and neighbourhoods' (Conservative Manifesto, 2010).

However, the authors argue that further attention needs to be given to the experience already gained from the two models outlined above. We therefore investigate the potential difficulties (particularly in terms of community and police buy-in) in implementing NJPs from relatively small and homogenous communities to urban areas with more complex and diverse demographics. To do this, we consider the broader

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[4] Telephone interview conducted with Jan Hart, the coordinator for CJPs in Wellington and Wiveliscombe, on the 30 October 2009.

[5] Such as drunk driving, speeding, mindless criminal damage, drunk and disorderly behaviour, vandalism and neighbourhood disputes (BBC, 2005).

restorative justice literature, which discusses issues around community involvement in similar schemes and, subsequently, the policing literature which has to a large degree discussed implementational resistance to policies by police officers at various levels.

Community participation: opportunities and threats

Community[6] is often mentioned in political rhetoric as something that we have lost and that somehow needs to be recovered. Reference is made to the 'good old days' when we could always leave our doors unlocked and someone was always available to lend a helping hand (Braithwaite, 2002). However, a number of authors highlight the convenient loss of memory about the manner in which those who were different were ostracised, punished or exiled from the communities in which they lived (Cohen, 1985; Crawford, 1999; Dignan, 2000). This distinction between 'us' and 'them' is still apparent today and easily recognised in partisan statements made by different socio-economic and cultural strata of society. Nevertheless, as argued by McCold & Wachtel:

> *When we speak of the 'sense of community' that is missing from modern society, we are speaking about the absence of meaningful interrelationships between human beings and an absence of a sense of belonging to and common interest in something that is greater than ourselves.* (2003: 295)

It is precisely this 'sense of community' that the coalition is seeking to generate through the use of NJPs. Community participation is seen as an effective way to confront offending due to the fact that members are not considered 'outsiders' by offenders (Zehr, 1990). Thus, community participants are able to actively denounce actions that contravene the norms and values of the community but also to demonstrate to the offender that they are keen to invest in both understanding and addressing the causes of that behaviour (Braithwaite, 1989; 2002). The subsequent opportunity for the offenders themselves to actively be involved in determining the nature and scope of the sanctions allocated means that they are more likely to fulfil their obligations, as the process is seen as legitimate.

While this all seems generally straightforward, the difficulty is in achieving buy-in from all stakeholders – victims, offenders and individual members that make up the 'community' – during the initial phase of implementation. The negative connotations surrounding community-based programmes are largely due to the perception that they are 'soft' on crime and primarily for the benefit of the offender rather than those that have been harmed by the incident or the community in which the incident took place. Challenging this assumption is particularly difficult without individuals actually participating in the process themselves.

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[6] There is substantial debate within the restorative justice literature about the meaning of 'community' (see McCold & Wachtel, 1997; Van Ness, 1997; Crawford & Clear, 2001; Sullivan & Tift, 2001; Zehr, 2002; Duff, 2003; Walgrave, 2003; Pavlich, 2005), however, in community justice a presupposition of some form of community existence is essential.

Given the central role that volunteers play in facilitating the process, considerable effort is invested in recruitment and training. Recruiting sufficient volunteers is therefore essential to the success of the initiative. As the process stands, all volunteers undergo CRB checks and are interviewed by the coordinator during the vetting process. Those who successfully complete this process receive a three-day training course accredited by IIRP, which covers issues such as communication skills, introduction to the criminal justice system, role-plays and asking 'restorative' questions.

This raises two potential stumbling blocks. First, the key idea underpinning lay involvement in these panels is that volunteers should represent their local community. The likelihood that all individuals have the time and the stamina to progress through each of the stages means that certain groups, such as students, part-time workers and the unemployed, may be over-represented. Second, individual members of communities may also not necessarily share similar values and aspirations (Van Zyl Smit, 1999; Shapland, 2003), which may present a significant challenge to the process. Certainly in small, cohesive communities where active citizenship is part of daily life community norms and values may be broadly consistent and supported. In larger cities and towns this becomes more problematic as community membership is often more transient and diverse.

To some extent, this may go some way to explaining the contrasting success of CJP implementation in Chard and Ilminster and Sheffield. In the former, the community had already bought into the project as they had had a key role in developing the programme and were therefore able to define its scope and ethos in such a way that was consistent with broadly accepted norms and values. Conversely, the model being implemented in Sheffield was void of any community consultation, which attracted considerable criticism, particularly from some police officers who felt that a model from a small rural community was not appropriate for an urban context. The lesson here is to ensure that local knowledge and priorities are sought to inform the shape and character of the model so as to conjure up a sense of ownership and support from the local community and police.

The significant disparity between the demographics and crime context confronting the two 'communities' raises further questions about the suitability of one model for the entire country. Not all communities are tolerant and espouse liberal values (Dignan, 2005), which raises questions about the potential for vigilantism, authoritarianism and domination (Shapland, 2003). Resources also vary and it is unclear what steps the government will take, if any, to ensure that what does not transpire is an equivalent of a 'postcode lottery' in justice (Crawford & Clear, 2001). Wide local variations in law enforcement or sentencing are generally perceived to be unacceptable (Faulkner, 2010) and there must be some concern that greater local influence may lead to disparities in the amount of referrals to NJPs; the types of conditions that are agreed during the process; and that unrepresentative local interests may have a disproportionate influence. Mechanisms will have to be put in place to ensure that NJPs are transparent and frequently evaluated to remove the potential for significant criticism which requires the allocation of sufficient resources from local government who are under significant pressure to reduce spending.

While the coalition's commitment to the broader use of restorative justice within criminal justice is particularly welcomed, it is concerning that this is being conducted during a period of austerity and a simultaneous 'hollowing out' of government. The critical issue here is that the model of NJPs is coming from central government, while implementation and funding will have to be carried out at a more local level. Traditionally, reforms have been characterised by an active government and promoted with money, allocated and controlled by central government, so that new initiatives can be centrally and politically driven forward. In a climate where power is devolved downwards, government may be less willing and able to micro-manage the course of events. The hope is to ultimately end up with communities that are pro-active and mobilised, thereby leading to a reduction in the need for state intervention (Weisberg, 2003). However, what might transpire is an increase in vigilante activity and poorly run and attended panels. The potential problems and uncertainties outlined here are coupled with an assumption that there will be support for this initiative by the primary referral agency, the police. The following section seeks to tease out the potential for resistance at a policing level.

Police and NJPs: challenging culture, tradition and purpose

The role of the police service in facilitating NJPs needs to be understood within the context of other community initiatives. The coalition government has ring-fenced funding for PCSOs for the next two years, proposed further expansion of the volunteer special constabulary and enhanced community consultation, all policies that emerged under the previous administration. Thus, the ongoing restructuring and rebranding of the police service as a local, community-oriented and engaged service, is exemplified by the police embrace of restorative justice and initiatives such as NJPs. As is the case elsewhere in the criminal justice system, the twin drivers here are a desire to increase community confidence in the police, together with an acknowledgement of the state's limited capacity to manage problems of crime and disorder by itself.

The political emphasis placed upon the importance of 'community' in public policy, coupled with the third way focus on moral authoritarianism and communitarian values, has helped promote the profile of restorative justice policies in policing. Most clearly, distinct commonalities exist within contemporary political discourse in the fields of both restorative justice and policing surrounding active citizen participation, social inclusion, community cohesion and improved informal social controls that aim to foster more civilised, self-regulating conduct amongst citizens. Yet the emphasis placed upon community-based restorative initiatives such as NJPs is driven by legal developments, political discourse and funding from the top-down in a manner that makes it difficult to tailor initiatives to individual local contexts.

Contemporary explanations concerning the exercise of governmental power, most famously the new penology (Feeley & Simon, 1992), often underplay the importance of the role of political agency and the way that it operates within structures of governance (Cheliotis, 2006). While grand theoretical narratives help us to understand the social, cultural and political conditions that have enabled community-based modes of crime control to rise up the political agenda (Garland, 2001), these narratives lack a focus on developments at the local level. This paper places local political contests over the

development of restorative justice policies at the centre of the analysis to highlight the tensions that exist between official political and policy discourse and policy implementation by street-level bureaucrats.

These tensions are intensified in the complex and diverse western cities of the twenty-first century and help to explain variations in practice at the local level. Therefore, it is essential to investigate the situated social practice, or 'habitus' (Bourdieu, 1977), of human agents in different local contexts in order to make sense of the ways in which policy is put into practice. This helps explain the resistance evident amongst members of the community and police officers in Sheffield towards the top-down transfer of a restorative justice initiative from a small, rural community to a more diversely populated urban area faced with much more complex crime and disorder problems.

Attempts to promote greater citizen participation in policing are just one component of broader attempts to reassert the central role of the community in policing, yet this ideological shift runs contrary to the historic policing mission where independent police professional knowledge directs local developments. In this instance, the objective is to push forward a shift in both power and responsibility towards neighbourhood groups who are tasked with policing functions. A body of critical literature has developed that questions the extent to which this shift in power and responsibility has, or even can, take place (Hobsbawm, 1995; Bauman, 2001). This literature questions whether placing 'the community' at the centre of policing policy makes sense, especially during a historical period in which many communities (in their traditional sense) are understood to have disappeared. To some degree, this has been evidenced in the low rates of victim participation in restorative projects in the UK (Hoyle & Young, 2003) and the findings of the evaluation in Sheffield, which points towards significant resistance to restorative initiatives from the police and the wider public.

As research on 'cop culture' (Skolnick, 1966; Reiner, 1992) and other criminal justice professions has highlighted, the objectives of policy makers, managers and those working at the 'street-level' often diverge (Lipsky, 1980). Thus, the lens of analysis moves from a macro focus on legislation, discourse and policy to a micro focus on local political cultures, organisational dispositions and the role of the community that has been targeted by the initiative. This form of analysis highlights the way in which the police interpret the role and function of restorative justice initiatives as well as the contested notions of 'community' that exist at the local level. Despite the community-oriented and often mundane nature of much policing, police officers still possess a monopoly over the use of force in civil society and their action-oriented culture is a manifestation of this civic position as custodians of state authority.

This presents a clear challenge to the shifting sands of the police role and the drift to community-oriented, restorative policing. Debate about the introduction of NJPs must be cognisant of this tension between community engagement and law enforcement, which lies at the heart of the police role. In providing a *service* to one section of the community the police often have to use *coercive force* against another section of the community. Age, gender, religion, class, ethnicity and culture all impact upon interpretations of police

action and the extent to which contact with the police is interpreted as a public service or the threat of coercive force, thus providing a potential barrier to the resolution of conflict.

Contemporary analyses of police culture emphasise the interpretive and creative aspects of a multitude of cultures. Most usefully, Manning (1993) has suggested that there are three subcultures of policing – senior command, middle management, and the rank and file – which can be used as analytical tools for investigative police studies. Chan takes this further and suggests that police culture 'results from the interaction between the socio-political context of police work and various dimensions of police organisational knowledge' (Chan, 1996: 110). This framework provides an acknowledgement of multiple police cultures, that operate both horizontally and vertically as well as across time and space, and helps to explain the multiplicity of responses to restorative justice initiatives from the police at the local, national and international levels.

Attempts to implement restorative policing and NJPs must bridge these three cultural arenas, otherwise policy implementation is likely to fail and the focus on restorative approaches is likely to be usurped by more traditional punitive policing strategies and tactics used by fellow officers (Mastrofski & Ritti, 2002). The work of Holland (2007) has shown us that the process of reform (i.e. the way in which it is enacted), in particular the central role played by trainers and leaders, is essential for success. In Thames Valley, restorative justice initiatives were deemed to be a success because the force was (on the whole) united in supporting the developments throughout the hierarchy (Hoyle & Young, 2003). This seems to have been the case in Chard and Ilminster as well, where an inclusive training programme helped convince police officers and the (relatively homogenous) local community of the value of the NJP. This was not the case in South Yorkshire where a much busier police force tasked with the management of a complex set of crime and disorder problems in a diverse urban area was unable to generate this sense of inclusivity. The NJP programme was subsequently viewed as peripheral to the day-to-day concerns of the force and its officers.

By shifting the focus of analysis to police culture it is possible to understand police resistance to new initiatives as active resistance to top-down edicts rather than as an instinctive rejection of something new. This is an idea that has been explored by Lipsky (1980) and, within a policing context, by Punch (1983), who argues that a police officer's primary allegiance is to his peer group rather than to the organisation as a whole. Thus, it is essential for those tasked with policy implementation to be aware of local political cultures as well as organisational dispositions to change. Within British policing, police culture has long been characterised by an 'anti-centralist', strongly localist, tradition where police chiefs maintain a high degree of control over local policing policy (Savage, 2003: 172). In addition to this, the focus on performance indicators that has dominated policing for the last decade has led to a cultural focus on incident management and resolution ahead of long-term problem-oriented strategies, such as restorative referrals.

Herewith, it is possible to see a layering of cultural challenges that mirrors Manning's earlier model. First, a challenge is presented by the arrival of NJPs into South Yorkshire via a top-down, politically-driven initiative. Second, a challenge is presented in providing

suitable inclusive training and leadership via middle management to embed NJPs into the operational practice of front-line officers. Third, an ideological challenge is presented to front-line, street-level workers whose punitive working philosophy and traditional offender-victim demarcation, is being contested. Bazemore & Griffiths note that the successful policy implementation of restorative policing programmes is reliant on a 'systemic vision and focus' (2003: 9). Therefore, restorative policing cannot work where its ideas are placed solely in individual programmes. Instead, a clear vision for the local police needs to be articulated with subsequent programmes being built around this overarching philosophy. A systemic vision aims to embed change at the departmental level and let this emanate outwards to rank and file police officers and the community itself.

Conclusion

While this article has outlined a number of potential obstacles for the implementation of NJPs, these can be transcended through a more localised consultation on the future shape of this model of dealing with low-level crime. Restorative justice has increasingly captured the imagination of policymakers, criminal justice practitioners and communities alike. However, embedding restorative justice into responses to crime in England and Wales has lagged behind neighbouring Northern Ireland, Scotland and most of Europe. One of the main reasons for this lack of development is the continuing overriding influence of punitive mentalities towards those who offend in England.

For many restorative proponents, the supportive rhetoric from government for restorative justice processes to be adopted is welcomed. Restorative justice is not only seen as a means through which to deal more effectively with the causes and consequences of offending behaviour, but also as a mechanism through which to facilitate community cohesion. The authors do not disagree with this position, but question the extent to which a programme can be designed and implemented from the top-down successfully. In countries such as South Africa and Northern Ireland, where variations of NJPs exist,[7] these models have been developed from the 'bottom-up' with significant support from a number of stakeholders.

The concern is that NJPs will suffer the same lack of victim participation as the last government's restorative justice initiative - youth offender panels - and become a means through which to 'process' offenders as quickly as possible without achieving any meaningful 'justice' for stakeholders. The exemplars of restorative justice are generally well-funded or supported by volunteers who are active citizens within the community where a significant amount of time and effort is devoted to supporting both victims and offenders through the process. This is not only time-consuming but also resource intensive. It is unclear if the success of Chard can be replicated in more urban areas, which are characterised by a more disparate population and a significantly increased demand on police resources.

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[7] Such as the Zwelethemba Model in South Africa (see Froestad & Shearing, 2007) and community restorative justice initiatives in Northern Ireland (see Eriksson, 2009).

While much attention has been devoted to programmes such as restitution and community service, community policing, community courts and community corrections, citizen involvement as decision makers in the sanctioning process remains unexplored. It is important to be realistic about what restorative justice can achieve and cognisant of the importance of local context when putting policy into practice. Only time will tell whether the coalition will be able to increase community participation across the country and simultaneously reduce recidivism and resource demands on the police.

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