

British Society of Criminology Outstanding Achievement Award 2013

Acceptance Speech

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I am delighted - and very surprised - to receive this honour, the Outstanding Achievement Award from the British Society of Criminology. It means a lot to me to be nominated for and to receive an award from my peers, particularly for research, and I am very grateful to Stephen Farrall and to the British Society of Criminology.

The award particularly references the research and subsequent work on explaining the research to government, to policy makers and to practitioners on restorative justice. That research is definitely not just my research. It would never have been done or drawn to a conclusion without the sterling efforts over seven long years of the team of researchers based at the University of Sheffield: Anne Atkinson, Helen Atkinson, Emily Colledge, Jackie McKay, Jim Dignan, Jeremy Hibbert, Marie Howes, Jenny Johnstone, Gwen Robinson and Angela Sorsby, together with Becca Chapman and Rachel Pennant of the then Home Office, and NFO Europe, the survey company. I also really need to thank those who were running those three schemes and putting up with the evaluators, whilst trying to - and succeeding in - delivering very high standard restorative justice. For Justice Research Consortium, that was Larry Sherman and Heather Strang, now of the Institute of Criminology at Cambridge. For CONNECT it was Ben Lyon. And for REMEDI it was first Philip Gilbert and then Steve Jones.

I don't think if we'd known in 2001 what we were taking on we would have done it. The sheer scale has been astounding - over 10,000 e-mails have flown through my mailbox. Because restorative justice is about bringing together those affected by a crime and encouraging them to discuss together what happened, what effects it has had and what should happen as a result, it really needed a very multi-method approach. And it got it - being around the schemes, observing the conferences and mediation sessions, interviewing both victims and offenders, interviewing staff running the schemes, wading through forests of Police National Computer data, calculating reoffending rates and costs and benefits.

Some things are still very fresh in my memory - how, with a few researchers, can one cover a conference in Newcastle, one in a prison near Reading, a mediation in Rotherham, another conference in a rural area near Gateshead? Train timetables and Metro timetables to the fore. And sitting on the floor in an extremely dusty windowless basement of a magistrates' court in London in a heatwave, flicking through towering piles of paper court records (and filing them on the way) to find a match for a female 30 year old fraudster convicted on a certain date. There are some real advantages to randomised controlled trials - and they're not just about removing the real selection effects of agreeing to participate in restorative justice on reoffending. They're also about the lack of information on offenders in court papers and victims in all papers, to do proper matching. But most vivid of all are the reactions of individual participants to restorative justice itself - the ability to communicate, to describe the effects the offence has had, to outline hopes and plans for the future. So my - and our - main thanks must go to the thousands of participants in the research, who agreed to try something very new, and also to be researched along the way.

After the research, and doing the analysis, and writing up the research, and rewriting it to satisfy funders and so forth, came the perhaps hardest task - to explain what it meant to policy makers and practitioners. Criminal justice is built on certainty and lack of change in what the law is. Changing

criminal justice - allowing a new way of doing things to come into play, particularly for adult offenders and more serious offences - is worse than changing the direction of an oil tanker - because oil tankers are not usually quite so certain that the way things are is the right one. It was very difficult to get across to policy makers the lessons of the restorative justice research - though eventually we managed to do so.

I'm not just talking here about restorative justice in terms of the difficulty of achieving change. From way back in the 1970s and 1980s, when I was researching first mitigation in the criminal courts and the process of sentencing, and then the experiences of victims with criminal justice, it has been very clear to me that the perceived experiences of victims, defendants and witnesses with criminal justice are very like each other – and very different from what the professionals in charge of those domains think they are. The criminal justice system in this country and in others has now tried to do helpful things in relation to victims and witnesses - though it seems to be currently going backwards in relation to defendants and legal assistance. But it is still extraordinarily difficult for victims to find out from the police or the CPS what is happening in their case, for witnesses to find out where and when they are supposed to be going to court, or for victims to plough through the bureaucracy which is claiming compensation from the Criminal Injuries Compensation Authority. No wonder the European Union in 2012 gave up on its previous Framework Decision issued ten years earlier and issued a new Victims Directive, hopefully with a few more teeth.

Back in the late 1970s in the magistrates' court, the judiciary was trying to deal with unrepresented defendants for many quite serious cases. In the civil courts in the 1990s, doing a civil justice audit, I watched District Judges trying to cope with one civilian 40 year old male driver representing one multinational firm against another. The judges found it really difficult, not because they weren't trying, not because they were out of touch - they were amazing in how they tried to explain legal concepts in everyday language (perhaps a model for law lecturers!). They were finding it difficult because ordinary people find it difficult to grasp what is relevant legally and what is evidence – and what isn't. I don't think the current reductions in legal assistance have been thought through. Legal assistance isn't required because it's welfare, or for scroungers, or because those accused or suffering deserve everything coming to them, but because we live in a country which values the rule of law, and the values of justice. And so it is important that people can defend themselves and important that victims know what is happening. It's about trust and confidence in our legal system, our courts and our police. And that is something that once lost, is extremely difficult to regain.

At a previous BSC conference dinner, many years ago (you can see the grey hairs coming out here), Professor Sir Leon Radzinowicz stormed at the assembled criminologists. We were too passive, too cosily bedded in our ivory towers, too dependent on funders so that we were self-censoring ourselves in our research and our research topics. I subsequently published that speech in the *British Journal of Criminology*¹ because I thought it was so important. I think today it is even more important in these times of change, of recession and of insecurity. I said to the International Society of Criminology in 2011 that we as criminologists were failing to think about the economic recession and its effects - and its potential implications for the informal economy. I think that is still so, with a few honourable exceptions. We need to be listening closely to what people are saying, the citizens of each country. We need to be challenging the accepted wisdom where it no longer serves much use. We need to be thinking carefully about what should be crime, how policing can be done to preserve trust and confidence, what it means to encourage desistance from crime by persistent offenders. But I hope - and yes, I'm sure - that this conference, from its programme, will set itself those tasks of examining and of challenging.

Joanna Shapland, July 2013

¹ Radzinowicz, L. (1994) 'Reflections on the state of criminology: Speech made at the dinner to mark the British Criminology Conference held in Cardiff 28-31 July 1993', *British Journal of Criminology*, 34(2) 99-104.