

# Good Practice and Promising Initiatives: An International Perspective

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# Outline



Some examples of good practices and promising initiatives:

- a. Reducing Pre-trial detention
- b. Community alternatives
- c. Diversion from court
- d. Excluded minorities
- e. Restorative justice

A wider system response



# Reducing Pre-trial detention



1. Pragmatism in Detention Reform
2. Empiricism and the Wheels of Measurement
3. New Forms of Collaboration and Co-governance

Foglesong T. (2008) "Grand Ambitions, Modest Scale" *Justice Initiatives* April 2008 pp. 4-10



# Reducing Pre-trial detention



“To convince skeptical observers that investments in reform make sense, practitioners need indicators that matter to the public as a whole”

- ▶ What type and proportion of victims receive timely or full restitution when offenders are placed in detention?
- ▶ How frequently do defendants who are not in detention have problems complying with the condition of liberty?
- ▶ What is the net contribution to public safety of placing people in jail?
- ▶ What kind of drain on public investments in schools and roads comes from expenditures on jails and prisons?

Foglesong T. (2008) “Grand Ambitions, Modest Scale” *Justice Initiatives* April 2008 pp. 4–10



# Evidence based interventions

## Blueprints Initiative

Review of delinquency drug and violence prevention programs

### Criteria

Evaluation through an experimental design, evidence of a significant deterrent effect, successful replication at multiple sites, and sustainability of favourable outcomes for at least a year

1. Functional Family Therapy
2. Multisystemic therapy
3. Multidimensional treatment foster care

# Plea Canada



Plea have produced a wide range of services for the juvenile justice system in British Columbia using a combination of three elements:

- ▶ Family care homes
- ▶ Intensive Individual support programmes
- ▶ Mentoring



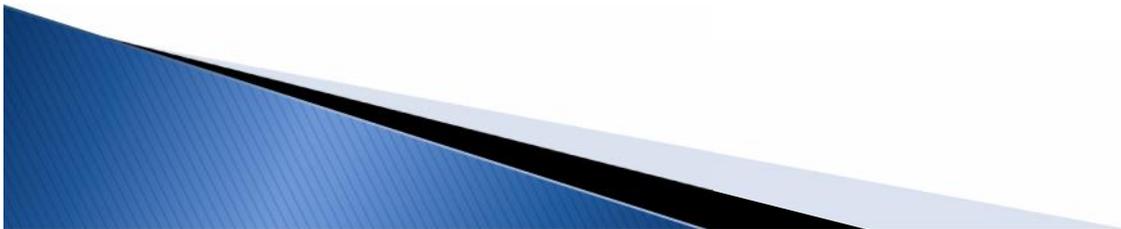
# Diversion from court



A meta-analysis of 29 controlled studies comparing juvenile justice processing with either release without services or processing to a diversion program.

Analyses showed that juvenile court processing tended to increase criminal behavior, especially when compared with diversion to community services

Petrosino, Turpin-Petrosino, and Guckenburg (2010)



# Diversion of Youths with Mental Health Problems



- ▶ 10–county diversion initiative in New York State evaluated by *Hamilton et al.* (2007)
- ▶ Texas state initiative focused on diverted and adjudicated young people with mental health problems evaluated by *Cuellar et al.* (2006)
- ▶ Randomised controlled trial of a juvenile drug court evaluated by *Henggeler et al.* (2006)
- ▶ Youth Justice Liaison and Diversion Scheme UK evaluated by *Haines et al.* (2012)



# Indigenous children



To the extent compatible with articles 37, 39 and 40 of the Convention and other relevant UN standards and rules, the Committee suggests that States parties respect the methods customarily practised by indigenous peoples for dealing with criminal offences committed by children when it is in the best interests of the child.

*Day of general discussion on the rights of indigenous children –  
CRC 2003*



# Reducing Disproportionate minority involvement



- (a) data review and decision–point mapping;
- (b) cultural competency training;
- (c) increasing community–based detention alternatives;
- (d) removing decision–making subjectivity;
- (e) reducing barriers to family involvement; &
- (f) cultivating state leadership to legislate system–level change

Emily R. Cabaniss, James M. Frabutt, Mary H. Kendrick, Margaret B. Arbuckle (2007) “Reducing disproportionate minority contact in the juvenile justice system: Promising practices” *Aggression and Violent Behavior*, Volume 12, Issue 4, 393–401



# Restorative Justice



‘a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future’  
(Marshall, 1996: 37)

- ▶ Northern Ireland
- ▶ Belgium
- ▶ Australia



# Restorative Justice



there is much talk about restorative justice, and a very well developed system of justice conferencing for young people. It is established in legislation. It has a dedicated team of conference managers and local conference convenors. There are clearly articulated legislative and administrative procedures for the use of conferences. The system has been in place since the later 1990s, developed after various trials of restorative justice for young people which date back to the early 1990s.



# Restorative Justice



So after nearly 20 years what has been the net outcome?

For every one young person who appears in a restorative justice conference, about 15 appear in court, and the great growth area in court has been an expanding use of incarceration. And this is the jurisdiction viewed as one of the pioneers in the 1990s in developing restorative justice practice for young people

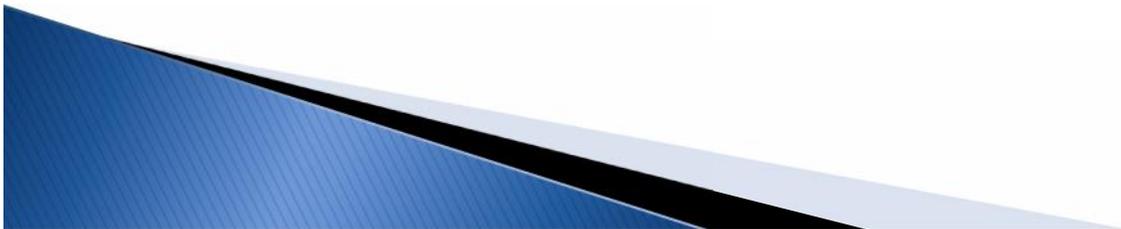
Cunneen, C., (2010:184) *The limitations of restorative justice*. In: Cunneen, C., Hoyle, C. (Eds.), *Debating Restorative Justice*. Hart, Oxford



# A Wider Systems Response



- ▶ Policy decisions, which often affect sizeable proportions of a population, are driven by political values and agendas, influenced by both irrational and rational factors and by the benefactors of the status quo, and can change quickly as agendas and coalitions shift (Melton, 1997; Morris, 2000).



# Downs and Ups in England

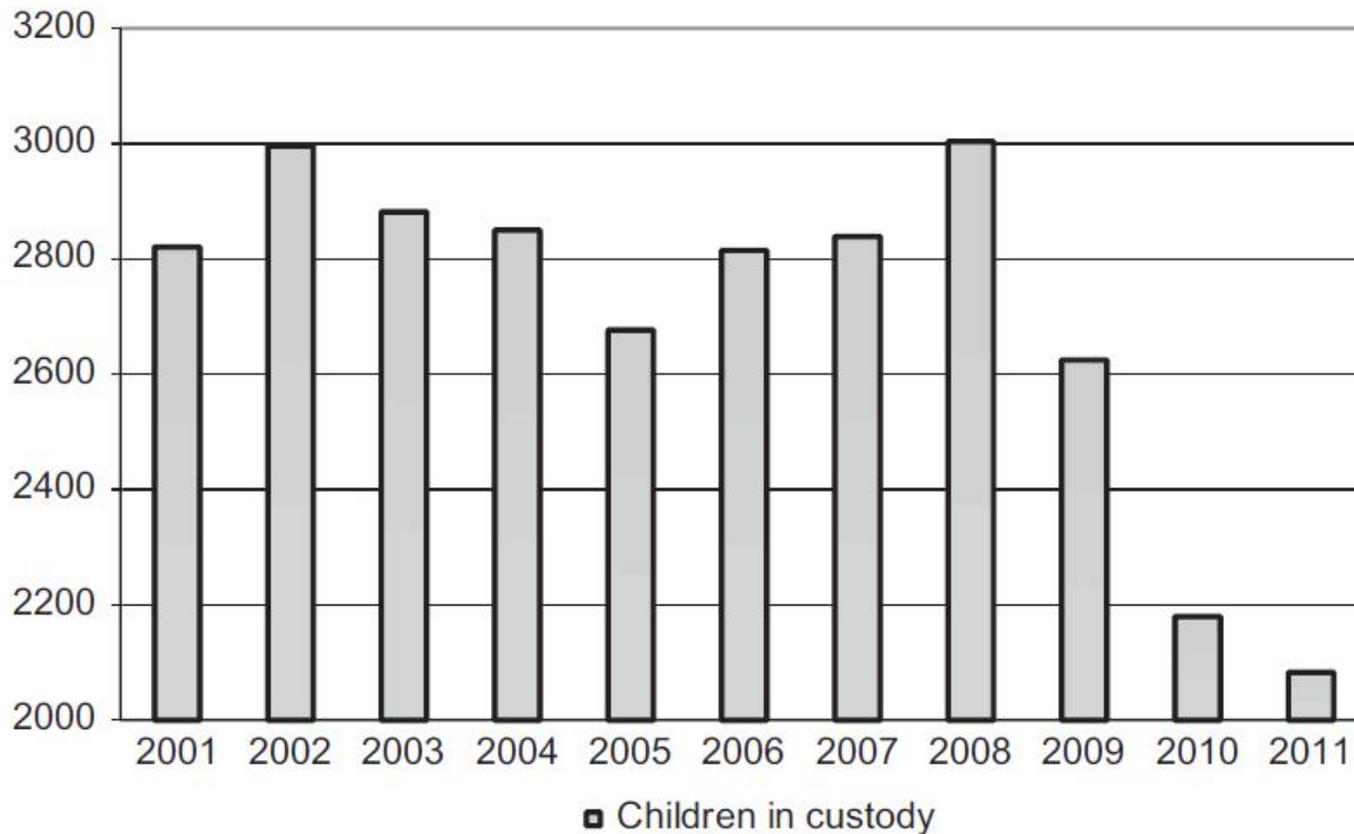


- ▶ Between 1992 and 2002, the number of children sentenced to custody rose by more than 85% while the level of detected youth crime actually fell by more than a quarter.

## The “punitive turn”:

- ▶ an increased politicisation of youth crime, with the main political parties vying to appear the toughest on law and order;
- ▶ tougher decision-making by courts and other agencies working in the youth justice system; and
- ▶ shifts in legislation which loosened the criteria for custody and encouraged harsher sentencing for offending that did not meet the custody threshold.

# And downs



**Figure I.** Population of the secure estate for children and young people 2001 – 2011 (last day of March)  
Derived from Ministry of Justice, 2011a.

# Chile – Boomerang



“The ease with which the laws were changed illustrates the vulnerability of reforms to perceptions rather than fact, especially suspicions that leniency in criminal justice contributes to crime or hinders its prosecution.”

Venegas V. and Via L. (2008) “Boomerang: Seeking to Reform Pretrial Detention Practices in Chile” *Justice Initiative* April pp. 44–56



# A wider systems response?



- ▶ Better information
- ▶ Evaluation of programmes
- ▶ Communities' perceptions of crime and safety
- ▶ Politics



# Rights Based Criminal Justice Process

## Levels of prevention

