

Community Restorative Justice Ireland: Newry and South Armagh Scheme

**An inspection of the Newry and South
Armagh scheme of Community
Restorative Justice Ireland**

October 2009

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all



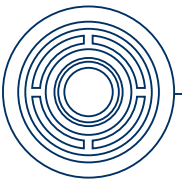


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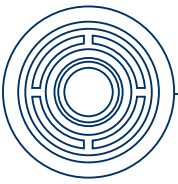
Presented to the Houses of Parliament by the Secretary
of State for Northern Ireland under Section 49 (2) of
the Justice (Northern Ireland) Act 2002.





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List of abbreviations

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| CBRJ | Community Based Restorative Justice |
| CJI | Criminal Justice Inspection Northern Ireland |
| CRJI | Community Restorative Justice Ireland |
| CSP | Community Safety Partnership |
| DSD | Department of Social Development for Northern Ireland |
| NIHE | Northern Ireland Housing Executive |
| PPS | Public Prosecution Service for Northern Ireland |
| PSNI | Police Service of Northern Ireland |
| UN | United Nations |



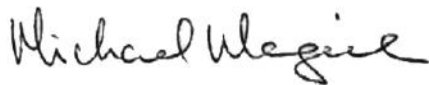
Chief Inspector's Foreword

In March 2009 Community Restorative Justice Ireland (CRJI) wrote to the Criminal Justice Minister for Northern Ireland seeking accreditation in respect of the community-based restorative justice scheme in Newry and South Armagh. The Minister asked Criminal Justice Inspection Northern Ireland (CJI) to inspect the scheme and to advise him on its suitability for accreditation.

The inspection took place between May and August 2009. Inspectors sought evidence of the scheme's suitability for accreditation based on a series of questions designed to assess their preparedness to operate the Government Protocol for Community-Based Restorative Justice Schemes. The criteria included a review of the management arrangements of the scheme, engagement with the local community, seeking the views of key stakeholders on its operation, and compliance with recognised good practice in the operation of community-based restorative justice schemes.

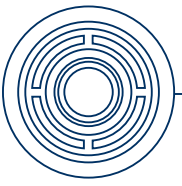
The scheme satisfied the standards expected of a community-based restorative justice scheme and in my view, is suitable to be considered for accreditation.

The inspection was led by Brendan McGuigan and Tom McGonigle and I would like to thank all of those who gave so freely of their time in completing this inspection.



Dr Michael Maguire
Chief Inspector of Criminal Justice
in Northern Ireland

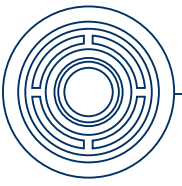
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Section



Inspection Report



CHAPTER 1:

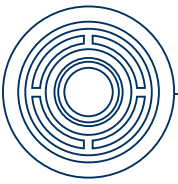
Background and Criteria for Inspection




- 1.1 In March 2009 Community Restorative Justice Ireland (CRJI) wrote to the Criminal Justice Minister for Northern Ireland seeking accreditation in respect of the community-based restorative justice scheme in Newry and South Armagh. The scheme is a member of the 10 schemes operated under the auspices of CRJI, (accreditation was awarded to the other nine schemes in 2008). The Minister asked Criminal Justice Inspection Northern Ireland (CJI) to inspect the scheme and to advise him on its suitability for accreditation.
- 1.2 CJI has applied the same criteria for inspection to this scheme as had been applied to all other schemes¹. The criteria relates to the relevant sections of the UN 'Basic Principles on the use of Restorative Justice Programmes in Criminal Matters', in particular the following:
- restorative processes should be used only with the free and voluntary consent of the parties (which may be withdrawn at any time);
 - agreements should be arrived at voluntarily and should be reasonable and proportionate;
 - disparities leading to power imbalances, and the safety of the parties, should be taken into consideration in referring a case to, and during, a restorative process;
 - parties should have the right to legal advice about the process;
 - before agreeing to participate, parties should be fully informed of their rights, the nature of the process, and the possible consequences of their decision; and
 - neither victim nor offender should be coerced, or induced by unfair means, to participate in the process or to accept the outcome.
- 1.3 Inspectors also sought evidence of the scheme's suitability for accreditation and developed a set of questions which were designed to assess their preparedness to operate the Government Protocol for Community-Based Restorative Justice Schemes². Questions which Inspectors sought to answer in relation the Newry and South Armagh scheme included:
- are the schemes triaging cases correctly and passing appropriate cases to the PSNI?;

1 CJI has previously carried out and published reports of its inspections of community-based restorative justice schemes. Copies of the reports can be obtained from the CJI website - www.cjini.org - in the Inspection Reports section for 2007 and 2008.

2 Copies of the Government Protocol for Community-Based Restorative Justice schemes can be obtained from http://www.nio.gov.uk/protocol_for_community_based_restorative_justice_scheme__5_february_2007.pdf

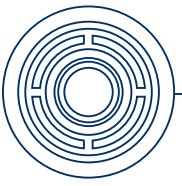


- are clients (victims of crime) properly informed at the outset about the role of CRJI and its obligations under the Protocol?;
 - are human rights, the rights of the child, and the UN Principles on Restorative Justice observed?;
 - are they providing the police with all the details they require and indicating how they would deal with a case if it were referred back to them?;
 - do they react correctly if other offences come to light while they are working with a client?;
 - is the training of staff and volunteers adequate?;
 - are offenders and victims given the necessary personal support in the restorative justice process?;
 - does the scheme have access to expert advice when necessary, on matters of law and human rights?;
 - do they have proper arrangements for the independent handling of complaints?; and
 - are proper records kept and stored securely?
- 1.4 In common with the inspections of all community-based restorative justice schemes, Inspectors conducted one-to-one interviews with individuals and groups who have knowledge and experience of the schemes and the people who work within it. This included statutory and voluntary organisations, local politicians, community leaders and other individuals and groups who provide services or, who have influence in the areas in which the scheme operates. Inspectors also spoke to critics as well as supporters of the schemes. They conducted interviews with the co-ordinator, management committee, staff and volunteers. Inspectors also spoke with clients of the scheme both victims and offenders.
- 1.5 Inspectors conducted an examination of all case files held by the scheme since its establishment in October 2007. Inspectors also examined minutes of management committee meetings, reports by the scheme co-ordinators, and records of contacts/referrals to other organisations and agencies. Records of expenditure, personnel and training records, copies of funding applications and case files for the matters dealt with since then by the scheme, were also reviewed.
- 1.6 The Newry and South Armagh CRJI scheme was re-launched in October 2007, replacing a number of smaller local schemes that had been operating in the South Down/South Armagh areas in previous years. The decision by mainstream republicans to support policing was the catalyst for the reorganisation of the previous schemes. Some of the original members had difficulty with the Sinn Féin decision to support policing and decided to leave. Other schemes wound up as a result of insufficient workload/resources.
- 1.7 Most of the work undertaken by the scheme is in the Newry area (61%) with a smaller number of cases in South Armagh (39%). All of the other schemes affiliated to CRJI are operating in a mainly urban environment. This particular scheme is the only one of its type in Northern Ireland as it is divided between an urban and rural area. The co-ordinator told Inspectors that



South Armagh is a very complicated place, with whole communities scarred by the conflict and a tradition of sorting out their own problems. The co-ordinator believes the scheme's role in this area is more about encouraging and supporting people to report incidents and crimes to the police. He told Inspectors that in Newry, the public housing estates present the common problems of anti-social behaviour and neighbour disputes which occasionally escalate into violence and criminal damage. Inspectors received confirmation of this analysis from a number of sources including the Police Service of Northern Ireland (PSNI), the Northern Ireland Housing Executive (NIHE), the Department of Social Development (DSD), and some local councillors.

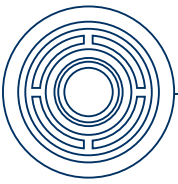
- 1.8 Accreditation was being sought not only to bring the scheme in line with other schemes within CRJI but also to allow them, in the short term, to be considered for grant applications from the local Community Safety Partnership (CSP) and to access support through other funding streams. The scheme has recently applied for and been granted charitable status.



Operation and Outcomes



- 2.1 The current scheme operates out of a rented office, secured on a three-year-lease in the Ti-Chulainn Centre, Mullaghbawn. This is a relatively modern building which provides a centre for tourism, community development, voluntary services, genealogy and geological study. Inspectors spoke to members of the centre's management committee who confirmed that it is being used by a variety of individuals and groups living in and visiting the South Armagh area. There were a number of pictorial exhibitions on display reflecting the range of activities undertaken in the centre including catering for First Communion, Confirmation, wedding anniversaries and birthday parties.
- 2.2 At the time of the inspection, the scheme was operating with limited funding. A start up fund of £3,000 of monies left over from the previous schemes has been augmented by a grant of £10,000 from the National Lottery 'Award for All' in 2008. The scheme was also awarded £900 from the local health trust to allow it to purchase a laptop and projector. None of the staff are paid and so the scheme relies entirely on the personal commitment of volunteers. The co-ordinator's employer facilitates some of his daytime working, which allows him the opportunity of contacting agencies during office hours. Most of the work is undertaken in the evenings or at weekends.
- 2.3 Inspectors spoke to the local police leadership who had a clear understanding of the background, origins and operation of the scheme. The PSNI analysis of the relationship between police and the scheme is one that is developing and which holds promise for the future. They confirmed to Inspectors the degree of co-operation that now exists and how the senior figures in the scheme have facilitated dialogue with several communities that had not previously engaged with the police. Since it was established in 2007, the scheme had referred five cases to the police for investigation, one of these cases was subsequently returned to the scheme by the police.
- 2.4 Police confirmed to Inspectors that they had participated in a joint event with the scheme at the Armagh City Hotel in October 2008. Officers were informed of the operation of the Belfast schemes and there were inputs from CRJI HQ and a police officer working with one of the Belfast schemes. Inspectors spoke to all those who had participated who confirmed that it was a useful event



and part of a dialogue that needs to continue.

- 2.5 The South Armagh area still presents major security considerations for local police who accept that they do not, as yet, enjoy the full and wholesome support of local people. They told Inspectors that there were still paramilitary/organised criminal influences in the area which is inhibiting the development of normal relationships.
- 2.6 The police told Inspectors that they would welcome the scheme having an office in Newry which would be more accessible to local community police officers so that communication with the scheme could be improved.
- 2.7 Inspectors conducted an examination of all the case files held by the scheme. In the period October 2007 to April 2009, there were 46 cases in total recorded by the scheme. Most were neighbour disputes, low level anti-social behaviour, minor vandalism, underage drinking, landlord/tenant disputes, access to land, boundary disputes and noisy parties. There were a total of five cases referred to the police. Three of those cases were referred from South Armagh and two were referred from Newry. Examination of the 'referred to police' case files revealed that they were potentially serious criminal allegations that required varying degrees of police investigation. One of these cases (illegal drugs found by young children) was referred back by the police to the scheme to facilitate an opportunity for police to give a talk about illegal drug use to local primary school pupils.

2.8 October 2007 - December 2007

There were four cases, with two caseworkers assigned to each case and a total of 42 hours were spent dealing with the cases. The cases included a boundary dispute, eggs and stones being thrown at a house, and neighbour disputes.

2.9 January 2008 - December 2008


There were 31 cases. Of those 31 cases, 18 were self-referrals, four were referred to the PSNI, eight were referred to the NIHE, 25 were resolved, nine involved direct mediation and seven involved indirect mediation. Two caseworkers were assigned to each case. The cases involved a total of 353 people and 357 hours were spent dealing with the cases. The issues included party houses, bus windows broken, underage drinking, landlord/tenant disputes, and access to land.

2.10 January 2009 - April 2009 – There

were 11 cases. One was referred to the PSNI. The other 10 cases were dealt with by the scheme. Two caseworkers were assigned to each case and a total of 80 hours were spent dealing with the cases.

2.11 Inspectors assessed that the case files

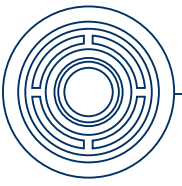
were generally quite good, and that the cases were being processed through the principles of restorative practice. Mediation and restitution were the principle methods of disposal. Inspectors were given satisfactory answers to their questions when the documentation did not show a clear outcome. Not all cases had been resolved nor was it always evident that parties were entirely satisfied with the



outcome/resolution. This however is consistent with other inspections of community-based restorative justice schemes. The standard of case recording was comparable to that in other schemes and while assessed as being quite good, Inspectors believe that there is always room for improvement especially in achieving consistency in the level of detail being recorded.

outcomes were fair and balanced. As part of the wider consultation, Inspectors were not given any evidence to suggest that this was not the case.

- 2.12 There are in total 35 staff involved with this scheme including those who sit on the management committee and 11 new members. One of the two main figures in the scheme were involved in every case and are supported by a small number of active case workers. The co-ordinator had no concerns about the small caseload, believing that an increase in funding would enable the scheme to open an office in Newry and that in doing so, the number of cases would rise.
- 2.13 During the inspection, Inspectors interviewed representatives of the NIHE, Translink, a DSD official, teachers, representatives of residents associations and local voluntary organisations. They were extremely positive about the work of the co-ordinator and the impact the scheme was having in dealing with neighbour disputes and anti-social behaviour in the public housing estates in Newry and in the city centre.
- 2.14 Interviews with several victims and an offender whose cases had been dealt with by the scheme were also positive and reaffirmed to Inspectors that no coercion had been applied to secure their participation and that the



Conclusion



3.1 Inspectors found that following examination of the case files, interviews with staff, volunteers and clients of the scheme, that the UN *Basic Principles on the use of Restorative Justice Programmes in Criminal Matters* were being observed. Critics of the scheme were unable to identify to Inspectors any cases to the contrary.

3.2 Inspectors also found good evidence to support the answers to the following questions:

- *Are the schemes triaging cases correctly and passing appropriate cases to the PSNI?*

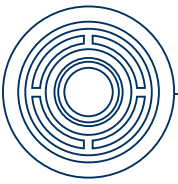
Yes. In addition to those five cases that were referred to the police, Inspectors found a further two cases which should have been referred to the police for investigation. The incidents (a violent dispute between parties known to each other and a burglary committed by a neighbour) were potentially serious and certainly merited investigation. When Inspectors spoke to the scheme co-ordinator about these cases, the co-ordinator claimed that both victims were adamant that they did not want police involvement, a dilemma that has resonance with previous reports.

3.3 • *Are clients (victims of crime) properly informed at the outset about the role of CRJI and its obligations under the protocol?*

Yes. Those involved with the scheme were clear about their obligations under the Protocol and were adamant that they informed all potential clients at the outset of their contact. Inspectors also spoke separately to a small number of clients who confirmed that this was their experience when dealing with the scheme.

3.4 • *Are human rights, the rights of the child, and the UN Principles on Restorative Justice observed?*

There was no evidence on the case files to suggest any breach of human rights or rights of the child standards. However, during the file examination, Inspectors found that on one occasion, two scheme members had spoken to a group of 12 16-year-old boys about their anti-social behaviour without their parents or other appropriate adults being present. Inspectors pointed out to the co-ordinator that this potentially was a breach of child protection guidelines.



- 3.5 • *Are they providing the police with all the details they require and indicating how they would deal with a case if it were referred back to them?*

Yes. In the small number of cases referred to the PSNI, the schemes had provided all relevant information.

- 3.6 • *Do they react correctly if other offences come to light while they are working with a client?*

There was no evidence from the files examined during the inspection of the scheme of them ever having to do so. Inspectors confirmed with scheme members during interview that they were clear as to the parameters of their role, especially when dealing with allegations of sexual offences and/or offences involving children.

- 3.7 • *Is the training of staff and volunteers adequate?*

Yes. Inspectors have in the past examined and assessed the training materials used by CRJI. The staff and volunteers of this scheme have undergone basic training in the techniques of restorative justice and mediation, (Open College Network Level 2 qualification in restorative practice). A small number of the more senior staff are currently completing the University of Ulster (Jordanstown) six-month course leading to a Certificate in Restorative Practice.

- 3.8 • *Are offenders and victims given the necessary personal support in the restorative justice process?*

Yes. The case files indicate that the

scheme members invest a great deal of time and effort in supporting people through the restorative process.

- 3.9 • *Does the scheme have access to expert advice when necessary, on matters of law and human rights?*

Yes. The scheme can access expert advice through CRJI. The Board of CRJI includes some prominent legal academics who continue to publish work on these subjects.

- 3.10 • *Do they have proper arrangements for the independent handling of complaints?*

Yes. The scheme provided Inspectors with a leaflet which is given to clients who are unhappy with the way their case has been handled. The scheme will attempt to resolve the complaint through the local co-ordinator. If the complainant is not satisfied, the matter is referred to the Director of CRJI for investigation and subsequent reporting to the Board of CRJI. The complainant, if still dissatisfied, may refer the complaint to an Independent Person (a senior trade union official who lives locally) for investigation. Inspectors spoke to the Independent Person who confirmed the process and who reported that to date, there have been no complaints.

- 3.11 • *Are proper records kept and are they stored securely?*

Yes. The Ti Chulainn Centre is a secure, modern building fitted with a burglar alarm. The rented office is locked when not attended and all records are kept in lockable steel



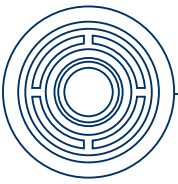
cabinets within the room.

- 3.12 The management committee of the scheme - which includes a number of community activists, local employers, and former political figures - meets regularly and maintains close links with the other affiliated schemes. Both leading members of the Newry and South Armagh scheme have been members of the Board of CRJI for a number of years and are well aware of the previous inspections conducted by CJI and expectations in relation to their practice.
- 3.13 As with other CBRJ schemes there is no clear consensus about their effectiveness. During this inspection Inspectors heard a range of views both supportive and critical. The critics of the scheme were more negative about its operation in South Armagh than in Newry. They comprise political representatives and a political activist. They expressed concerns that the scheme was another way of controlling access to police and ensuring the community has limited and vetted contact with PSNI. It was suggested to Inspectors that the membership of the South Armagh scheme is such that some members of the local community are not enthusiastic about supporting or using their services, hence the small number of referrals from that area. It was also suggested to Inspectors that accreditation will be used as a further justification for controlling the relationship building between the police and the community. The political activist told Inspectors: *“This is a place apart and one where violence and the threat of violence is barely below the surface.”*

- 3.14 Supporters of the Newry scheme included local Translink and NIHE officials who had first hand experience of their handling of recent cases. The government official co-ordinating the local Neighbourhood Renewal Partnership spoke positively about the scheme’s efforts to involve local police in finding resolutions to anti-social behaviour. A local unionist councillor who has spent a number of years in politics and community development, told Inspectors that in his view, the co-ordinator of the Newry scheme has real credibility with the community and is earning the reluctant admiration of many critics for his work with the police.

- 3.15 As with the other accredited schemes, the record keeping and overall management of the Newry and South Armagh scheme was of a standard Inspectors would expect of a community-based organisation operating with limited resources. There were detailed records relating to the operation of the scheme and the accounting mechanisms for the money that is spent. The assessment of the Inspectors is that this scheme, like its counterparts elsewhere, is more often about good community work within a restorative ethos than direct mediation and reparation.

- 3.16 The two main figures in the scheme have a long track history with community activism in the Newry and South Armagh areas. In recent times they have become involved in both the District Policing Partnership and the Community Safety Partnership. Examination of the case files showed that either one or the other are involved in every case. They also




maintain a high community profile, both as community activists and members of CRJI. Inspectors suggest the need for the scheme to consider succession planning and spreading the workload more widely. Inspectors acknowledge that both individuals are extremely enthusiastic however, they believe that no organisation can continuously and safely function in this way.

3.17 Inspectors heard from a wide variety of sources that the scheme members are committed to their neighbourhoods, keen to work within a proper structure and governance arrangements, and provide appropriate training for their personnel. They also assessed from interviews and examination of records that staff and volunteers are alert to their various policy responsibilities and willing to engage collaboratively with statutory partners.

3.18 Inspectors saw no evidence of the scheme or any of its volunteers being associated or having joint membership with the Community Alert schemes which are currently operating in some areas of South Armagh. The police believe these to be a form of vigilantism and there are concerns that they are providing a degree of alternative policing. It is vital that the Newry and South Armagh scheme continues to keep clear distance from these groups.

3.19 During the course of this inspection, Inspectors did not find or hear of any evidence of coercion or threats of violence having been used to secure involvement with the schemes in their handling of a case. Nor was there any evidence of the scheme providing an alternative policing or judicial system. If Inspectors had found evidence of this, CJI would not hesitate to say so. On the basis of the evidence gathered and examined by CJI, Inspectors recommend that the Newry and South Armagh scheme is now suitable for accreditation subject to the deliberations of the suitability panel.



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