Findings

An evaluation of the impact of restorative cautioning: findings from a reconviction study

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In contrast to traditional cautions, restorative cautioning aims to encourage the offender to take responsibility for repairing the harm caused by their offence. A restorative caution is a meeting facilitated by a trained police officer, based around a structured dialogue about the offence and its implications (with active involvement from the offender and the victim, if present). The research examined whether restorative cautioning had an impact on resanctioning rates. This was explored by examining the policy of restorative cautioning (by comparing all cautions in Thames Valley with traditional cautions in Sussex and Warwickshire) and the practice of restorative cautioning (by comparing restorative conferences, restorative cautions and traditional cautions within Thames Valley). The term resanctioning is used, as this includes cautions, final warnings and reprimands, as well as convictions.

Key points

- There was insufficient evidence to suggest that restorative cautioning was more effective than traditional cautioning in terms of reducing resanctioning rates. There was also no evidence that restorative cautioning had increased resanctioning rates.

- Resanctioning rates declined substantially in all three forces between 1998 and 2001, with Thames Valley having the lowest rates for all three years.

- When looking at each year separately, Thames Valley had significantly lower rates than Sussex for all three years, and significantly lower rates than Warwickshire for the first two years, but not the third year.

- When resanctioning rates for the three different types of caution within Thames Valley were compared, caution type was not a statistically significant predictor of resanctioning.

- There were no statistically significant differences in terms of the frequency or seriousness of subsequent offending either between offenders in Thames Valley compared with those in Sussex and Warwickshire or between offenders in Thames Valley receiving the different types of caution.

- The aims of restorative justice are broader than the reduction of crime – earlier research (Hoyle et al., 2002) suggested that the restorative cautioning initiative had delivered other benefits to both victims and offenders such as formal reparation agreements.

Restorative cautioning was introduced force-wide in Thames Valley in 1998. In that initiative, all police cautions were meant to be delivered according to restorative justice principles. This study follows on from previous research into Thames Valley police’s restorative cautioning initiative (Hoyle et al., 2002), which found that around one-quarter of offenders either desisted from crime or reduced their offending at least in part because of the restorative caution (based on observation of 56 cautions and conferences involving 67 offenders, and interviews with participants).

The views expressed in these findings are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).
Between 1998 and 2001, over 16,000 offenders were cautioned - this resulted in almost 20,000 cautions (Table 1) as some offenders received more than one caution. Around 30% of cautions were traditional cautions. Of the 70% administered according to a ‘restorative script’ the victim attended (restorative conference) in 13%, and in the remainder (restorative caution) officers were meant to outline the views of victims.

The follow-up period for the current study for offenders was two years from the date of caution. Resanctioning was defined as any conviction, caution, final warning or reprimand resulting from an offence committed within two years of the original caution. Conviction data was obtained from the Police National Computer and the date of reoffence (rather than date of conviction) was used to determine whether or not a subsequent offence fell within the follow-up period.

The sample

All offenders cautioned between April 1998 and March 2001 were eligible for inclusion. Where offenders had been cautioned more than once during the period, the first caution was considered to be the ‘index’ caution (the rates of repeat cautioning were very similar in the three forces). The restorative justice group consisted of 12,476 offenders who received a caution in Thames Valley between April 1998 and March 2001 (just under a quarter of the 16,000 offenders receiving a caution could not be followed up because of difficulties in tracing offenders). It should be noted that final warnings and reprimands replaced cautions for juveniles in April 2000, coinciding with the last year of the initiative. These continued to be facilitated by the police according to the restorative script, although offenders may additionally have had some contact with the youth offending team.

As restorative cautioning was introduced force-wide in Thames Valley, two other forces provided cases of traditional cautioning for the comparison group. Sussex (12,496 cases) and Warwickshire (4,693 cases) were selected as they were similar to Thames Valley in relation to variables which might be expected to influence the resanctioning rate (such as rural/urban mix, social composition and cautioning and detection rates). Sussex and Warwickshire maintained traditional cautioning throughout the period.

Three-quarters (76%) of offenders in the sample as a whole (i.e. all three areas) were male, and 38% were aged 17 or under. The most common offences leading to caution were:

- theft and handling (33%)
- crimes of violence (17%)
- drugs (17%).

Only one-third of offenders had any previous convictions or cautions. There were some small differences in offender characteristics (e.g. gender, age and criminal history) between forces. Thames Valley, for example, had a higher proportion of both juveniles (offenders aged 17 and under) and women and girls than either Sussex or Warwickshire. Some of these differences (e.g. gender) might be expected to lower the resanctioning rate in Thames Valley (other things being equal), while others might be expected to raise it (e.g. age). It was possible to control for these differences in the logistic regression analyses described below. The raw resanctioning rates (without controlling for these factors) showed that offenders in Thames Valley were significantly less likely to be resanctioned (30%) than those in either Sussex (34%) or Warwickshire (35%). In all three forces the resanctioning rate decreased substantially from 1998 to 2001 and the difference between Thames Valley and the other forces also decreased.

The policy of restorative cautioning

All cautions in Thames Valley were compared with cautions in Sussex and Warwickshire. Logistic regression was used to determine whether police force area was a significant independent predictor of resanctioning. The results suggested that once other variables (gender, age at caution, number of previous appearances, number of offences dealt with at caution, principal offence and date of caution) were controlled for, the police force in which someone was cautioned remained a statistically significant predictor of resanctioning. Those cautioned from Thames Valley were the least likely to be resanctioned.

If one assumes that restorative cautioning was the reason for the demonstrated difference, one would expect police force area to remain a relatively constant significant predictor of resanctioning throughout the three years, if not to increase (as the proportion of cautions delivered restoratively increased). When the analysis was repeated for each of the three years, Thames Valley had significantly lower rates of resanctioning than Warwickshire and Sussex combined in each of the three years, when other factors were taken into account.

<table>
<thead>
<tr>
<th>Year</th>
<th>Traditional caution</th>
<th>Restorative caution</th>
<th>Restorative conferences</th>
<th>Total cautions</th>
<th>Restorative conferences and cautions as % of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998-99</td>
<td>3,123</td>
<td>2,815</td>
<td>652</td>
<td>6,590</td>
<td>53%</td>
</tr>
<tr>
<td>1999-2000</td>
<td>1,177</td>
<td>4,388</td>
<td>626</td>
<td>6,191</td>
<td>81%</td>
</tr>
<tr>
<td>2000-01</td>
<td>1,715</td>
<td>4,862</td>
<td>637</td>
<td>7,214</td>
<td>76%</td>
</tr>
<tr>
<td>Totals</td>
<td>6,015</td>
<td>12,065</td>
<td>1,915</td>
<td>19,995</td>
<td>70%</td>
</tr>
</tbody>
</table>
However, looking at the comparison police forces individually, by the third year the difference between Thames Valley and Warwickshire was no longer statistically significant (p=0.189). The difference between Thames Valley and Sussex remained significant. The reasons for this were unclear. It was possible that this (and the initial difference in resanctioning rates between the forces) was due to unmeasured variables (such as different operational policy between the forces). However, none of the officers interviewed as part of the research indicated that there were any other significant initiatives going on at the time. The results suggest that it would be premature therefore to conclude that restorative cautioning in Thames Valley had a beneficial impact on resanctioning over the three-year period compared to the other two forces.

There are a number of possible explanations for this result including:

- It may be that there was no ‘restorative’ effect, and the initial advantage in favour of Thames Valley, and subsequent decline in this advantage (with respect to Warwickshire), was due to another variable such as detection rates or socio-demographic differences.
- Perhaps the ‘less’ restorative cautions (i.e. those that deviated from the script), which characterised the first year of the initiative in Thames Valley were actually more effective in reducing resanctioning than more restorative cautions.
- It may be that it was not the restorative qualities of the caution which were important but the enthusiasm of facilitators for this new approach. After the first year of the initiative, this enthusiasm may have waned.

**The practice of restorative cautioning**

To investigate the relationship between caution type and resanctioning further, the remainder of the analysis considered differences within Thames Valley i.e., the practice of restorative cautioning.

Different types of caution (restorative and traditional) within Thames Valley were compared. The research examined whether cautions recorded as restorative had a greater impact on resanctioning than traditional cautions and whether the presence or absence of a victim had any impact on resanctioning. It should be noted that since offenders were not selected for the different types of caution at random, there was the possibility that some kind of selection effect operated - offenders may have been given different types of caution for different reasons. Indeed, there were differences between those receiving the different types of caution:

- age, number of previous appearances, year of caution and offence type were all found to be associated with caution type
- the area (within Thames Valley) in which the caution was delivered also affected the type of caution given – the proportion of cautions dealt with restoratively ranged from 38-99% in different areas within Thames Valley.

These selection effects were examined further by means of logistic regression and this confirmed that offender characteristics as well as place and date of caution were associated with the type of caution an offender received. Thus, younger offenders, who committed crimes likely to have a personal victim (particularly burglary and criminal damage), were more likely to have received a restorative caution or conference. Adult offenders with prior sanctions committing drugs, motoring or other offences were far more likely to have received a traditional caution. Further analysis, controlling for age, number of previous appearances, offence type and year of caution, found that caution type was not a statistically significant predictor of resanctioning. In other words, there was no evidence to suggest that restorative cautions or conferences had any positive or negative impact on resanctioning compared with traditional cautions.

**Frequency and seriousness of offending**

The frequency and seriousness of subsequent detected offending can provide additional evidence as to the effectiveness of an initiative. Both the frequency of offending (measured by the number of offences resulting in a sanction in the two-year follow-up period) and the seriousness of offending (measured both by offence type and the disposal at first resanction) were considered.

There were only minor differences in terms of disposal at first resanction between the three forces (for example, offenders in Thames Valley were slightly less likely to receive a police disposal and more likely to receive a fine than offenders in the other two forces). Analysis of offence type showed that the distribution of offences at first resanction was similar across the three forces. The average number of offences leading to a sanction in the two years following the original caution was 3.8 in Thames Valley compared with 3.9 in Sussex and 4.1 in Warwickshire, a non-significant difference (p=0.115).

Similar results were obtained when offenders receiving the three types of caution within Thames Valley were compared. The proportion of offenders receiving different types of disposal varied slightly. Those who had originally received a traditional caution were more likely at first resanction to be fined and less likely to receive a police disposal or youth court orders (explained by the fact that these offenders were also more likely to be adults).

The main offence at first resanction varied little between the three types of caution. The average number of offences leading to a sanction in the two years following the original caution was 3.8 for restorative conferences, 3.7 for restorative cautions and 4.0 for traditional cautions (again, a non-significant difference: p=0.116).

**Conclusion**

Resanctioning rates in Thames Valley were consistently lower than those in the two comparison forces throughout the three-year period (but were not consistently significantly different over this period). The two comparison forces also had significantly different resanctioning rates over the three
years. Differences between the three forces may be due to factors unrelated to the cautioning initiative.

Within Thames Valley, the type of caution was not a significant predictor of resanctioning rates once other factors had been controlled for. Such lack of significance suggests that the practice of restorative cautioning had little effect, although it needs to be remembered that offenders were not selected for the different types of caution at random, and other factors potentially related to this selection process (such as motivation) may also have influenced resanctioning rates.

This study was unable, therefore, to establish definitively whether the restorative cautioning initiative made an impact on resanctioning rates or the seriousness and frequency of subsequent offending. The more positive findings of Hoyle et al. (2002) – that there appeared to be a causal link between restorative justice and desistance for about a quarter of the offenders they studied – were not supported by the large-scale study reported here. It is possible that the presence of the researchers at the cautions studied by Hoyle et al. (2002) produced a ‘research effect’, with police making special efforts in these cases (a possibility the authors themselves raised). However there was no evidence from the current study that restorative cautioning had increased resanctioning rates.

Resanctioning rates are only one measure of effectiveness and failure to find an impact of the restorative cautioning initiative on resanctioning rates does not mean that the initiative had no value. Restorative justice has many aims other than reducing offending. Hoyle et al. concluded that the restorative cautioning initiative had been generally successful in achieving its many short term aims and delivered benefits for both victims and offenders. Most cautions resulted in apologies which were usually seen as genuine expressions of remorse and formal reparation agreements were entered into in about one-third of cautions (the majority of which were completely fulfilled). The large majority of participants believed the caution had helped the offender to understand the effects of the offence and to induce a degree of shame in them and interviews with the offenders indicated that this belief was, by and large, well-founded. Most participants (including offenders) were supportive of the police role in facilitation (Hoyle et al., 2002).

Methodological note

Almost a quarter of cases were lost to follow-up by the analysis stage, a rate of attrition comparable to other studies using Police National Computer data (e.g. Ghate and Ramella, 2002) and the rates of attrition in the three forces were similar. There were no statistically significant differences between cases lost to follow-up in the three forces in terms of gender or age or, for Thames Valley cases, the type of caution administered. There was no reason to believe that the level of attrition invalidated the results of the study. Variables were put into the regression equation using the ‘enter’ method. The significance of each variable was tested using the likelihood ratio test.

References


For a more detailed report see Two-year resanctioning study: a comparison of restorative and traditional cautions by Aidan Wilcox, Richard Young and Carolyn Hoyle. (2004). It is available as Online Report No. 57/04 on http://www.homeoffice.gov.uk/rds/

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