



South West Scotland
Community
Justice
Authority

Conference Report: A Thousand Small Sanities

The Park Hotel, Kilmarnock
Thursday, 15 November 2012



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Introduction

Inspired by a paper, “A Thousand Small Sanities – Crime Control Lessons from New York” produced by Greg Berman from the Centre for Justice Innovation, South West Scotland CJA decided to host an event to bring together partners to share and build upon the concept that a combination of many small, good ideas can significantly improve the lives of individuals, families and communities affected by crime. Delegates had been asked to read the paper prior to the event to familiarise themselves with the concept. http://173.231.132.82/sites/default/files/documents/AThousandSmallSanities_June11b_color.pdf

The Director of the Centre for Justice Innovation, Phil Bowen, was invited to speak at the event to give his view on incremental innovation. The Centre for Justice Innovation seeks to promote criminal justice reform in the United Kingdom by helping to improve the implementation, evaluation and dissemination of demonstration projects. This London-based Centre is a project of the Centre for Court Innovation, a New York-based non-profit organisation that has helped to create dozens of demonstration projects, including the award-winning Red Hook Community Justice Centre.

Delegates were also able to view the film, *The Road from Crime*¹, which was produced by The Institute for Research and Innovation in Social Services (IRISS) as part of a project to share knowledge and improve understanding about why people desist from offending. We were delighted to welcome Allan Weaver, a Criminal Justice Team Leader and reformed prisoner who features in the film, to give us his own view on desistance.

We were also pleased to welcome our third speaker, Sheriff Desmond Leslie, a resident Sheriff at Ayr Sheriff Court, to give his view from the judicial perspective.

Aims of the Event

The main aim of the event was to reflect on our collective achievements to date in reducing reoffending, and identify our own ‘thousand small sanities’ to improve our rate of progress in South West Scotland, energising and inspiring our work together.

¹ <http://www.iriss.org.uk/resources/the-road-from-crime#>

Programme

10.00	Welcome	Cllr Peter McNamara, Convenor, South West Scotland CJA
	At Your Table (1) – “A small sanity shared ...”	
	Meet Your Panel	
10.30	At Your Table (2) – “If you could ask anything ...”	
10.50	Incremental Innovation	Phil Bowen, Director, Centre for Justice Innovation
11.10	Coffee	
11.30	Film - The Road from Crime	Allan Weaver, Practitioner and Ex-Prisoner
12.30	At Your Table (3) – “Hope and change”	
12.45	Lunch	
13.15	A Personal View from the Bench	Sheriff Desmond Leslie, Ayr Sheriff Court
13.35	At Your Table (4) – “What’s your small sanity? – prepare your pitch”	
14.00	A Thousand Small Sanities (or a Dozen Daft Ideas?) – Your Panel Responds	
14.20	Closing remarks	Cllr Peter McNamara, Convenor

At Your Table (1) – A small sanity shared....

Following the opening remarks from Councillor Peter McNamara, Convenor of South West Scotland CJA, delegates were asked to introduce themselves to the person next to them and to share an example of a “small sanity” (ie a small positive change or improvement from their own life), and then to introduce this person and their small sanity to the rest of the delegates at their table.

This exercise served to introduce delegates to each other and there was much discussion over the small ideas which could be combined to contribute towards reducing re-offending, and was seen as a good, innovative ice-breaker

Meet Your Panel

Councillor McNamara welcomed and introduced the Panel Members: Phil Bowen, Director of the Centre for Justice Innovation; Allan Weaver, Team Leader, Criminal Justice Services, North Ayrshire Council; and Sheriff Desmond Leslie, a Sheriff from Ayr Sheriff Court.



Phil Bowen is the Director of the Centre for Justice Innovation, an institution that seeks to support practitioners and policymakers in promoting thoughtful criminal justice reform throughout the United Kingdom. From 2011 to March 2012, he was a consultant at Adam Smith International, helping shape centre of government operations in South Sudan. Prior to that, he spent nine years working in the British civil service. He worked for the Home Office and Ministry of Justice on community policing, counter terrorism, and probation reform before becoming a delivery advisor in the Prime Minister's Delivery Unit. During his time in the civil service, he spent 14 months on secondment to the Centre for Court Innovation in New York, working at Bronx Community Solutions and helping start the Centre's work on failure in criminal justice reform. He holds a Master's in History from St Andrews University and an MBA with Merit from Imperial College London.



Allan Weaver was born and raised in Saltcoats. He began offending at the age of 12 and subsequently spent more than a decade steeped in an offending lifestyle. This culminated in years of detention in various penal institutions across the country. After returning to school at the age of 31 and obtaining Higher qualifications, he attended the University of Strathclyde gaining his Diploma and BA in Social Work. He has been employed by North Ayrshire Council as a Criminal Justice Social Worker for the past 17 years and has been a Team Manager for the past 10, during which time he completed his MSc in Criminal Justice and obtained a Practice Award in Advanced Criminal Justice Studies. He is also a qualified Practice Teacher and has supported a number of students through their placements. His autobiography *“So You Think You Know Me?”* was published in 2008 by Waterside Press and he recently played the narrator and protagonist in the film *“The Road From Crime”*. Allan has spoken at various public events, sharing his experience of desistance to inform the developing dialogues surrounding desistance focused policy and practice.



Sheriff Desmond Leslie was educated at the Gregorian University in Rome and at the Universities of Glasgow and Strathclyde. Prior to taking up judicial office he practised as a lawyer for 25 years in one of Glasgow's most deprived areas, specialising in criminal defence and family law. He has lectured in Criminal Advocacy at Strathclyde University Graduate Law School and has sat as a Tribunal chairman in Mental Health and Social Security Appeal Tribunals. He was appointed a part-time sheriff in 2005 and appointed full-time as an all Scotland Floating Sheriff in 2006. In the course of his time as a peripatetic sheriff he presided in all of Scotland's Sheriff Courts. He has been a resident sheriff in Ayr since April 2010.

At Your Table (2) – If you could ask anything...

This exercise invited delegates to agree on one question from their table to ask each of the three panel members, an innovation and change expert; a practitioner and ex-prisoner; and a local sheriff. One question was then put to each of the panel members. A selection of the questions asked is given below and although time did not permit answers to the questions, some of these were answered within the subsequent presentations given by the speakers, and panel members were available at the breaks to answer questions. The questions asked demonstrate the areas where small changes might be identified and combined towards reducing re-offending.

How do we make less money go further?

How can we realistically make services work together?

How do you inspire hope in someone who feels they have none?

How do we change public perceptions to support / facilitate changes in the justice system, eg shift from custodial sentence to community sentence / early intervention?

Questions to an Innovation and change expert

How do you influence the people who influence the change?

How do we build a more optimistic culture in Scotland, which focuses on building on strengths and maximising how people learn and change?

How do you measure change?

How could we implement early intervention from school onwards to divert individuals from prison – please give some examples?

Following the conference, Phil Bowen gave this reflection:

My central reflection was that there is great deal of empowerment that can be unleashed by allowing frontline practitioners make the small changes that will make differences- some of those differences might not appear huge but that is what procedural justice is all about- making everyone who comes into contact with the criminal justice system feel like a human who deserves to be treated fairly. Those things can be small - letting natural light into our public spaces, spending a little time to ask about family circumstances, remembering the story of the person in front of you next time you meet.

The other big agenda for me, related to it, was we need to tap into the knowledge, insight and resources of the offender population who we work with - in lean times, they can help us cut out unnecessary processes, act as volunteers (with the right training) and help us identify service improvements as well as advocate for us - changing perceptions about the criminal justice system can only be done if credible voices speak up for the change we can deliver. One of the questions for me was how do we make less money go further - the only choice is service re-design, done not just with partners but our clients too.

Thirdly, I think there is a real missing link in the chain in the criminal justice system - that is assisting sheriffs and the courts to be part of the wide web of services and agencies out there who provide health and social care. To hear Sheriff Leslie say he could not hold his hand on his heart and say he knew what was out there was a positive lesson for the conference to hear - and it is service providers who need to barge into courts and provide information to give sentencers more and better options. Equally, sheriffs need to be unafraid of the outside world, need not to accept their court service colleagues' conservatism, be confident in their ability to maintain their independence but nonetheless committed to experimenting with alternative disposals over and above the statutory offer.

Moving on from that, there were questions about how to work in partnership with others. In many ways, this is also a clue to delivering better for less - we all know the waste in processes between agencies so any partnership needs to be founded on a genuine desire to re-design together and needs to be open to the idea that 'we do things this way because we do them that way' is not a good reason for continuing practices.

How do you balance reflective practice with the pressures of the job ie meeting performance indicators, case loads, etc?

Was there any one thing that made you change direction in your life?

How long did it take for you to stop considering yourself as an ex-prisoner / offender?

Questions to a Practitioner and ex-prisoner

Within the context of existing PVG and Disclosure schemes, how do we ensure personal development opportunities for those who have offended at the same time as ensuring protection of the public?

What can we learn from individuals who go through the prison system and do not re-offend?

Do you think that there is a "best" age where services can intervene and support an individual to desist?

What triggered the change in your offending and could your offending behaviour have been preventable in the first place?

What services would you like to see available in the community rather than sending people to prison because there's nothing better available? We are particularly interested in services for people with mental health issues.

Do you think the criminal justice system works?

How difficult is it for you to divorce yourself from media pressure when making decisions, ie how do you strike a balance between changes to media criticism?

What are your personal views on the restrictions placed on your by Sentencing Guidelines and how do you feel when you are forced to give a lighter sentence than you think is deserved?

Questions to a Local Sheriff

Is there any consideration by the Scottish Justice to adopt the thought of Albi Sacks which takes the family / dependents into account prior to sentencing?

How aware are sheriffs of alternatives to imprisonment?

What services would you like to see available in the community rather than sending people to prison because there's nothing better available?

Would you like to come and visit our unpaid work scheme (North Ayrshire)?

To what extent can an extension of problem solving courts be achieved and embedded within the current court restructuring plans?

The figures show that Scotland's women are imprisoned or remanded for some crimes men are bailed for, why is this?

Following the conference, Sheriff Leslie gave this reflection:

"Getting sentencing right is as much an art as a science for sheriffs. The interests and safety of the community have to be balanced with the need to punish and the desire to rehabilitate the offender. Custody is the last option after all other sentencing options are considered. In many ways sending someone to prison is an easy option for everyone including the offender who will frequently appear in the dock prepared and kitted out for a custodial outcome. Custody has a finality about it and requires little input and effort from the offender....and that may be why it fails to be a deterrent to further offending. Sheriffs daily consider the whole range of sentencing possibilities from admonition to custody. To disregard, without reflection, how an offender should be managed and sentenced would be a dereliction of the obligations imposed by the Office of sheriff and the oath which each sheriff takes when appointed by the Queen to administer justice "without fear or favour". It is that privilege of Judicial independence that enables a Sheriff, or Justice, or Judge to do what they consider to be the right thing in the circumstances regardless of media, public, or individual opinion. If a sentence fails to weigh and balance appropriately the various and sometimes conflicting interests which arise when dealing with a case then the matter can be referred to the Appeal Court who may, or may not, adjust the balance by imposing a sentence which that Court (usually 3 senior judges) considers best reflects the requisite balance. There are no sentencing guidelines in Scotland as there are in England. Rather, there are sentencing "expectations" which afford considerable latitude to the sentencers who may feel an offender should be dealt with in a particular way which might deviate from a more obvious course.

The sentencing of women can be particularly difficult. In my experience the courts, if anything, discriminate in favour of women. It is an urban myth, in my opinion, that women are prejudiced in sentencing by sheriffs. Each case is decided on its own merits taking into account the facts of the offence and the personal circumstances of the accused. Bail, equally, is decided with regard to an accused's individual circumstances and to the criteria for refusing bail. The legal presumption is in favour of bail being granted and therefore, if refused, there must be circumstances which would warrant that presumption being rebutted e.g. by persistent failure to attend court or a history of continual breach of court orders including breach of previous bail orders.

Bail can sometimes be refused in the interests of the accused who might, if not observed, self harm or commit suicide. There are often mental health issues which make it unsafe for the accused as well as for the community that that person be at liberty. A prison environment is not the optimum by a long way but it is often the only resource. Secure hostels, secure day and/or night units might be useful as might secure accommodation which is designed around addressing specific difficulties such as addictions or abusive relationships. That is for the politicians to address. The Sheriff is restricted to the immediate resources at hand.

Although there are many problems with the delivery of criminal justice, as a whole it is serviced by dedicated people who try and make it work successfully and improve the lives of communities. The courts are open and transparent. Every decision a judge makes is reasoned and can be scrutinised whether it is in their criminal or civil jurisdiction.

Sentence is never passed without an accused person being given the reasons why. I am more than happy to invite any participant to spend time in my court to see just how it ticks and how sheriffs do their work and to assist in explaining the mechanisms which bring about a process which is progressed by the various criminal and community justice teams."

Incremental Innovation

Phil Bown, the Director of the UK Centre for Justice Innovation delivered his presentation on incremental innovation. Phil described the Centre for Justice Innovation history and philosophy and lessons learned on incremental innovation for services and project innovators.

He distinguished between two types of innovation, “Incremental Innovation”, and “System Innovation”.

Incremental Innovation - Focusing on the Centre’s publication, ‘From the Ground Up’, Phil emphasised that the lessons learned in incremental innovation could be grouped under the following three headings on which he expanded.

- **Getting It Started**
- **Getting It Right**
- **Keeping It Going**

System Innovation – Phil emphasised and expanded on the need to:

- **Encourage ideas**
- **Be open to the arrival of the new**
- **Share and mitigate the risk**
- **Be reliable**

The full presentation is available at <http://www.swscja.org.uk/download-document/335-centre-for-justice-innovation-1000-small-sanities-presentation-by-phil-bowen.html>

The Road from Crime

Delegates then had the opportunity to view the 50 minute film, A Road from Crime. This documentary/film was produced by The Institute for Research and Innovation in Social Services (IRISS) as part of a project to share knowledge and improve understanding about why people desist from offending and featured Allan Weaver, who is currently a Criminal Justice Team Leader with North Ayrshire Council and who grew up in Saltcoats, Ayrshire.

“In this timely and compelling documentary, Allan Weaver, a Scottish ex-offender turned probation officer (author of the book So You Think You Know Me?) asks a simple question: What can we learn from those former prisoners who have successfully “desisted” from criminal behaviour or “gone straight”?

Starting where it all began for him on the streets of his hometown and in Barlinnie Prison in Glasgow, Allan sets off to understand how individuals like himself get caught up in cycles of crime and punishment, and how they break out of these patterns and move on to new lives. This journey takes him across the UK, meeting an array of ex-prisoners and ex-prisoner activist groups, probation leaders, and criminological experts from London to Washington, DC.

He discovers that much of what the criminal justice process does actually leads to more re-offending through the labelling and stigmatisation of ex-offenders. Indeed, few ex-prisoners say they were “rehabilitated” by the criminal justice system, but many blame their experiences with the justice system for keeping them trapped in cycles of crime and punishment.

Allan learns that real change more typically involves processes of self-discovery and mutual support. Allan discovers that ‘desistance’ from criminality is an internal change process although it is almost never done without support from the outside. Ex-prisoners speak in detail about the remarkable people who believed in them when others had lost hope, and about realising that they too had something to offer others, including, for many, their children. Desistance for them is about realising one is more than just the sum of one’s crimes and re-discovering one’s humanity, potential, and true self.

The big question – especially pressing for Allan as a probation officer – is whether we can bottle and package these often intangible dynamics into our criminal justice interventions? Can criminal justice processes be improved by a better understanding of how the change processes in desistance from crime really work? How would the criminal justice system be different if it were run by people like Allan who had been through the process themselves?

To answer this, Allan finds a fascinating world of ex-prisoner-led mutual aid and activist groups championing a new model of criminal justice practice. Like Allan, many of the ex-prisoners find meaning and purpose in their lives by helping others to avoid the mistakes they made. They might also have the answer for tackling the enduring problem of criminal recidivism.”²

² Content from <http://www.iriss.org.uk/resources/the-road-from-crime>

Allan preceded the viewing of the film with a short presentation and this is available at <http://www.swscja.org.uk/download-document/336-the-road-from-crime-1000-smal-sanities-presentation-by-allan-weaver.html>

At Your Table (3) – Hope and Change

Following the viewing of the film, delegates were encouraged to discuss and reflect over the lunch break on the key themes of hope and change from the film, and how these themes could be more embedded in practice.

A Personal View from the Bench

Sheriff Desmond Leslie, resident Sheriff at Ayr Sheriff Court addressed delegates giving an insight from his perspective. He noted that amongst those who appear before him, he feels there can be a sense of hopelessness, lack of aspiration and ambition. He believes that the judiciary are aware of the problems individuals experience and that compassion is shown. It is also recognised that in some cases, prison can be viewed as a cry for help by some individuals – somewhere they can escape to.

He believes that at Ayr Sheriff Court, the judiciary are trying to introduce creativity into sentencing. Sentences must serve as a deterrent and address restitution and rehabilitation as well as serve as a punishment. Decisions made by Sheriffs are taken with recognition of the fullest information including evidence, Criminal Justice Social Work Reports (which may only portray the accused's version of events), medical assessments / testimonials and also the previous record of offending, including any gaps and the reasons for these gaps.

Legislation states that a custodial sentence should only be imposed where there is no alternative and when custody is imposed, the reason for this must be recorded – every other option must be ruled out first.

Sheriff Leslie emphasised the importance of involvement of solicitors and prosecutors in events such as this conference.

He stated that the judiciary are not always aware of all the community programmes which are available although he has himself has visited South Ayrshire Community Payback Projects. He offered an open invitation to any community-based organisation to make an appointment to come and meet with him to outline their service (sheriff.dleslie@scotcourts.gov.uk).

At Your Table (4) – What's your small sanity?

Delegates were asked to prepare a very brief pitch (lasting no more than 45 seconds) and nominate one person to put this to the panel, arguing the case for a "small sanity" of their group's choosing which would help reduce re-offending. The groups were invited to put their pitch (three groups at a time) "dragons' den style" to the panel and the panel then decided on the best of the three pitches. All tables of delegates were given this opportunity.

Pitches submitted included:

Table 10
Bigger Picture (Big Sanity) – Need tailor made strategies for individual needs; focus needs to be on individual rather than on risk; creativity to risk taking in order to provide care plans. Client involvement (anthropologic), person centred

Table 6
Lay aside some court time regularly for Sheriffs to have agencies who deliver support services, eg Community Payback, Bail Supervision, Structured Deferred Sentence, etc to give face to face information on the service, encouraging Sheriffs to use the disposal.

PANEL'S CHOICE
Table 5
Availability of services on Saturdays to accommodate those liberated from prison on Fridays

Table 8
No person should appear in local or national press regarding court appearances unless they have been convicted. At present this increases the fear of offending in the community; affects families; stigmatises potentially innocent people

PANEL'S CHOICE
Table 1
Big institutions should employ ex-offenders, and show they are prepared to take the risk. This would offer hope and opportunity to people

Table 9
Youth Courts – Intervention / Mentoring by peers – funding for youth groups has disappeared, so there are few positive outlets for young people. Young offenders tend to be dealt with by adults, ie parents, teachers, social workers, children's panel, etc. Ex or reformed offenders have been a positive influence on current offenders therefore there could possibly be similar outcomes for young offenders

Table 3
When individuals in the criminal justice system attend for appointments – make them a cup of tea to show a human side

Table 2
Encourage self-belief and a sense of direction by working together with different services, people with different skill bases and experience to provide better support and direction to people within the criminal justice system who have complex needs

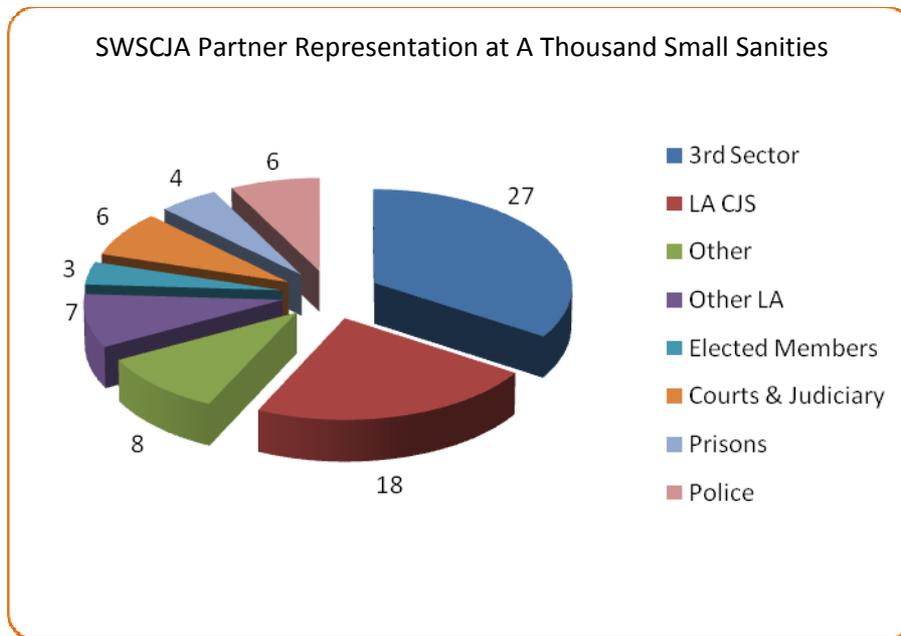
Table 7
Increase knowledge and links between Scottish Court Service, COPFS, Judiciary and service providers around all available services and alternatives

Table 11
Encourage sentencers to visit prisons in order to see rehabilitation work being carried out and the impact of overcrowding on prison systems and rehabilitation

PANEL'S CHOICE
Table 4
Send a text to remind individuals about their court appearance/other appointments.

Evaluation

A total of 79 delegates attended the event with representation across the partners of South West Scotland CJA as follows:



“Other” includes CJA staff, Health, Job Centre Plus, Medics Against Violence, Scottish Government,

At the end of the event delegates were asked to complete an evaluation. The overall response from delegates was very positive, with the following examples of comments:

“Definitely worth the effort. It also varied from the standard conference format and made demands of the participants. Good!”

“Don’t often get a chance to speak to some of the partners”

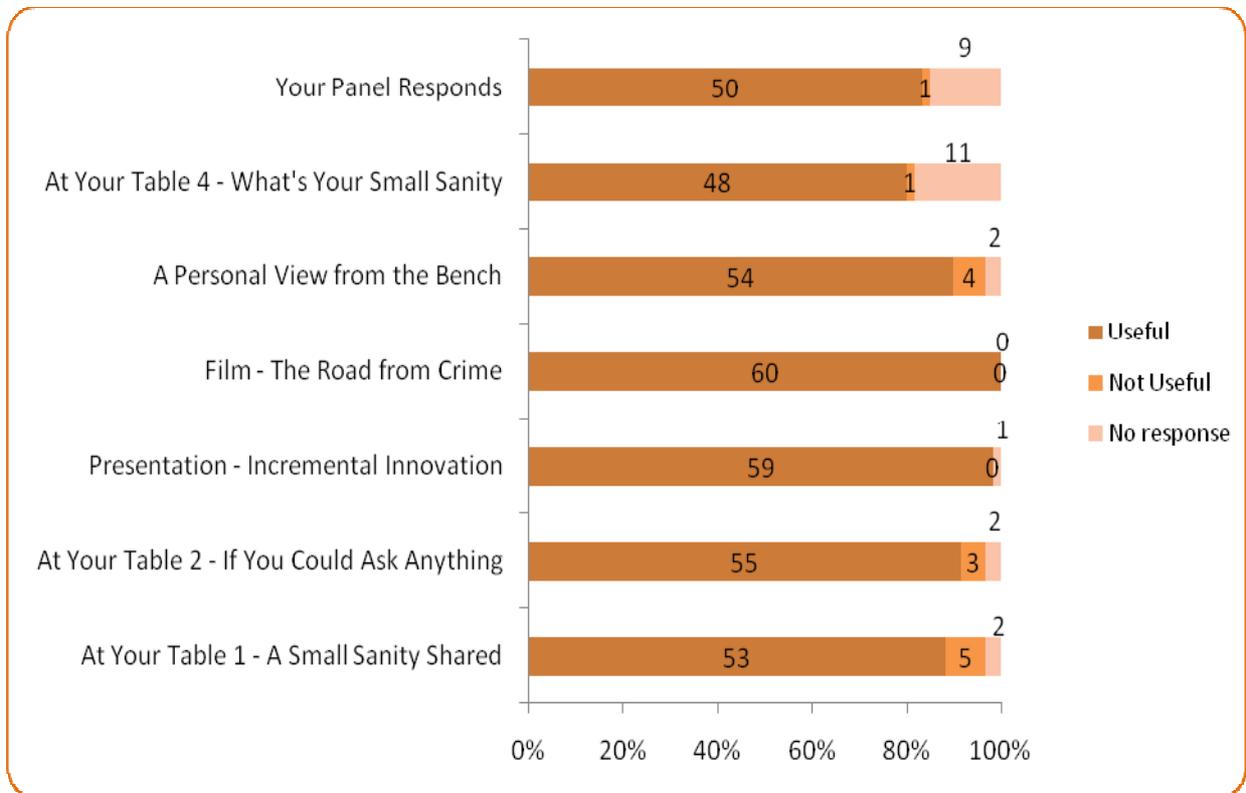
“Good to hear from the Judiciary”

“Gave good pointers to how small changes can lead to big improvements”

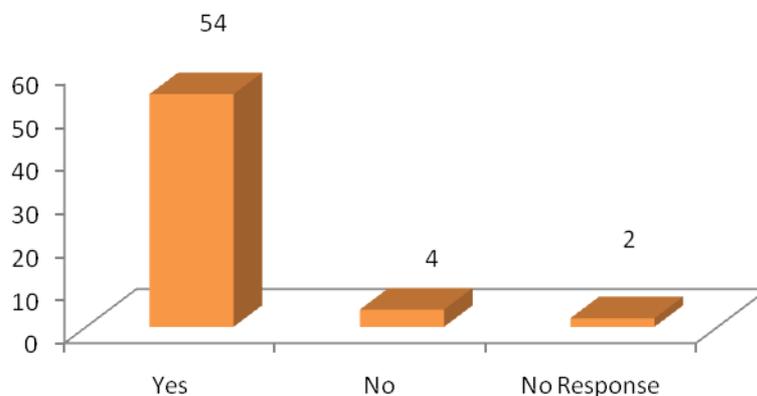
“It’s always refreshing and inspiring to attend a SWSCJA event as they continue to push the boundaries, bringing together a varied and sometimes opposing selection of service and supports, challenging them to work together”

Delegates were asked to indicate the usefulness of the presentations and “At Your Table” sessions, and whether the event had provided any new contacts or networking opportunities. A total of 60 delegates (76%) responded with the following results:

How useful were the presentations and “At Your Table” sessions



Did the event provide you with new contacts/networking opportunities



Next Steps

The findings of this event are being taken forward by South West Scotland Community Justice Authority.

Useful Links & Contacts

South West Scotland CJA	www.swscja.org.uk
A Thousand Small Sanities	http://www.courtinnovation.org/sites/default/files/documents/AThousandSmallSanities_June11b_color.pdf
Centre for Justice Innovation	www.courtinnovation.org/project/centre-justice-innovation
Going it Alone	http://www.courtinnovation.org/sites/default/files/documents/Going_It_Alonge.pdf
The Road from Crime	http://www.iriss.org.uk/resources/the-road-from-crime