

JUSTICE DEVOLUTION:

Delivering better justice through Justice Reinvestment ?

13TH SEPTEMBER 2017

-
- What can Justice Reinvestment offer?
 - What is the shape of Justice Devolution?
 - What is possible?

A SOCIAL JUSTICE IDEAL?



- Re-directing prison funding to non-CJS spending in high incarceration neighbourhoods
- Community level solutions to community level problems
- Preventative approach to public safety – funding for education, health, job creation, job training in low income communities

Tucker and Cadora (2003)

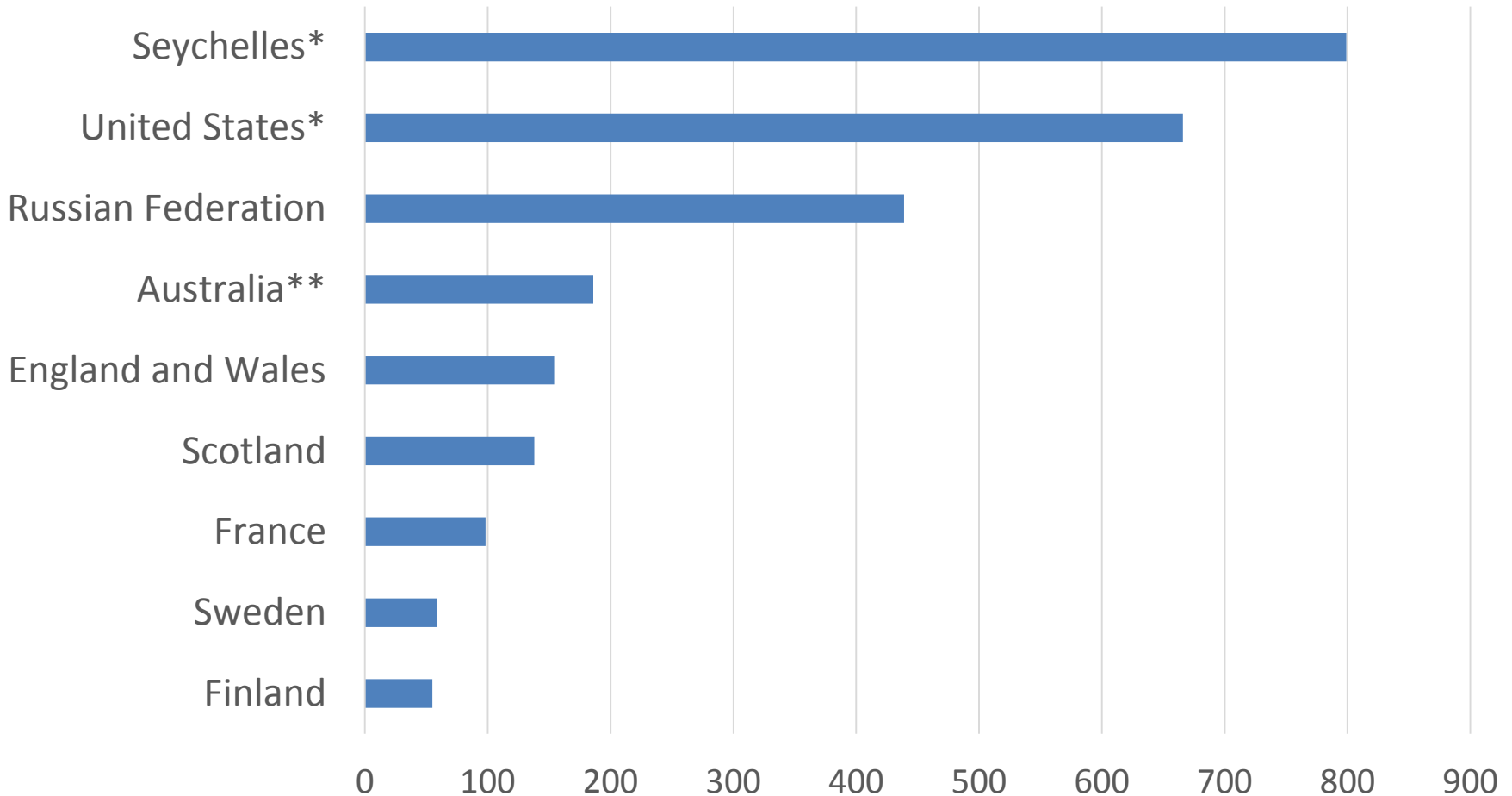
“It’s the economy stupid...” (Carville 1992)



Using data and evidence to provide a better return to society than the existing criminal justice system

RESPONSE TO MASS INCARCERATION...

Number of prisoners per 100,000 population (2015)

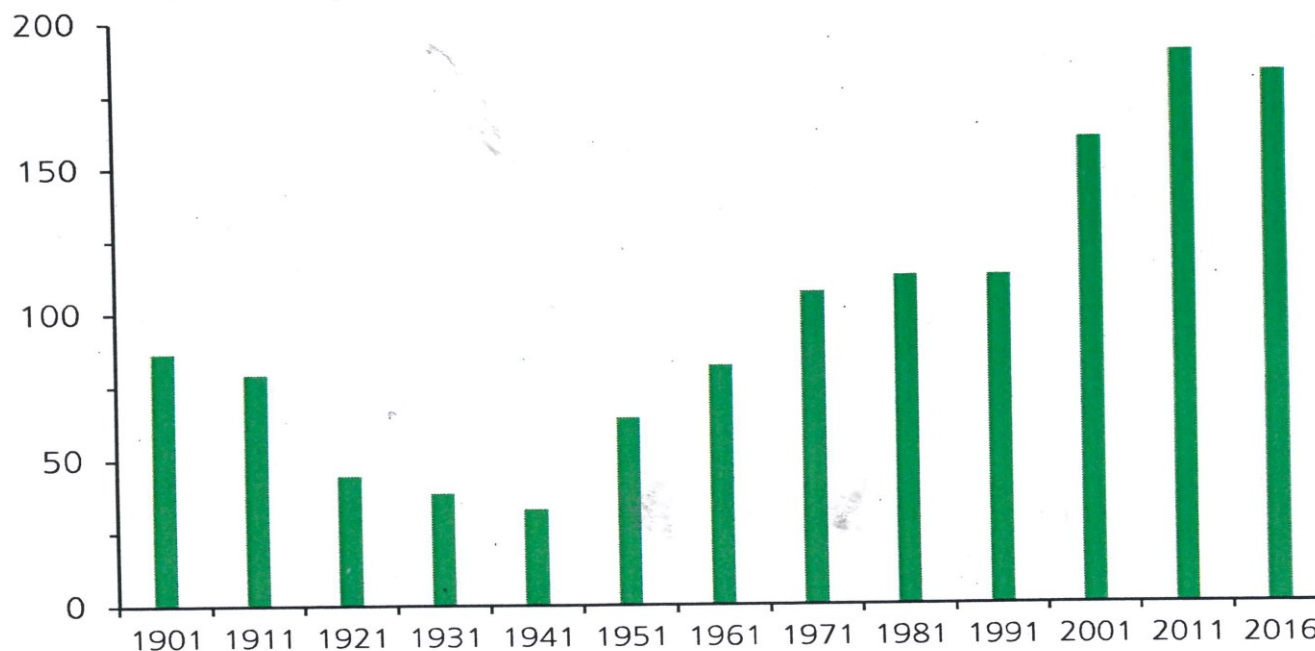


* July 2017 **2014

...GROWTH OF IMPRISONMENT...

POPULATION CHANGES ENGLAND AND WALES

Prison population per 100,000 head of population, 1901-2016, selected years



Sources: MoJ, *Offender Management Statistics Quarterly* October-December 2013, 24 April 2014; MoJ, *Offender Management Statistics Quarterly*, various dates, B. Mitchell, *British Historical Statistics*, 1988, p. 15-16, NOMIS, Census 1991-2011, accessed 24 May 2016, ONS, *Mid-year population estimates for high level areas 2015*, 23 June 2016.

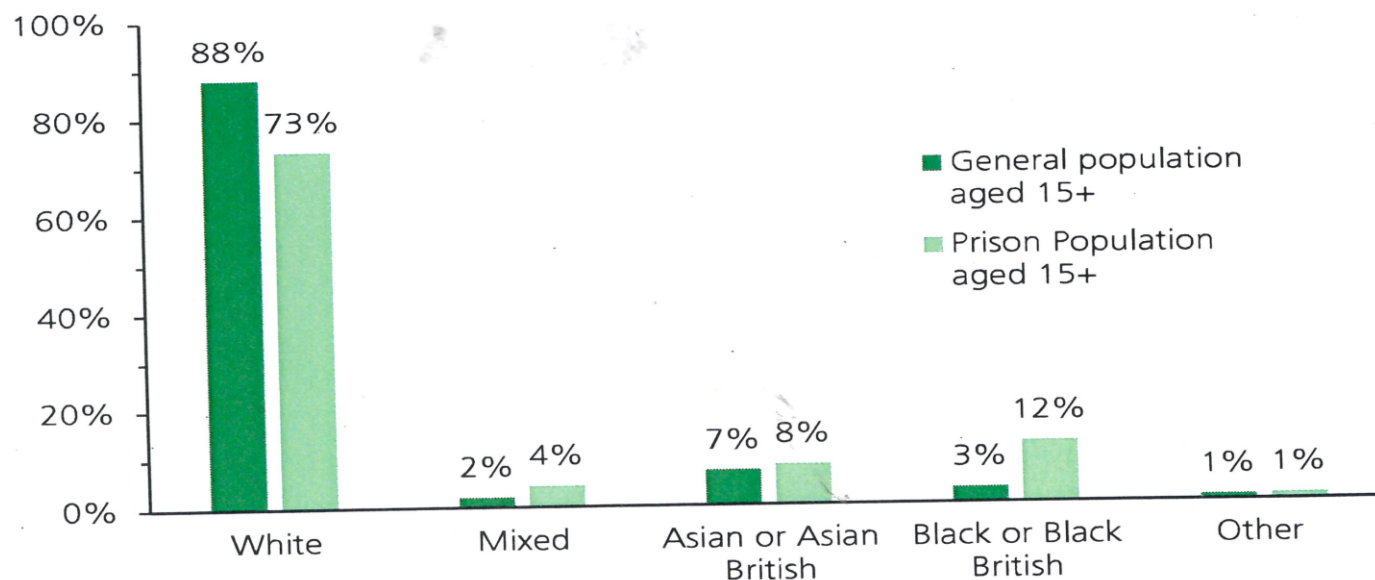
Notes: England and Wales population aged 15 or over and 16 or over after from 1991

AND ETHNIC DISPROPORTIONALITY...

Ethnicity

At the end of 2016 just over a quarter of the prison population was from a non-white ethnic group – this figure has stayed relatively constant since 2005.¹⁹

Prison & general population by ethnicity, December 2016²⁰



Sources: MoJ, *Offender Management Statistics Quarterly, July to September 2016*, 26 January 2017; NOMIS, *Census 2011*

Compared to the population as a whole, the non-white population is over-represented in the prison population, with 12% of the general population and 27% of the prison population being non-white.

IATROGENIC EFFECTS OF IMPRISONMENT–TIPPING POINT

“...high rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential and engender a deep resentment toward the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up

(Rose and Clear, 1998: 457)

USA - South Carolina

- Legislation passed in 2010,
- No of state prisoners decreased by 8.2%
- 49% fewer people on supervision are revoked for violations of supervision conditions
- Low-level, non-violent prisoners from 50% to 37%
- Crime has decreased by 14 percent over 5 years.
- The state has saved \$12.5 million while increasing public safety.



OPERATIONALISING JR

1. Analysing prison population and public spending in the communities which prisoners return to*.
2. Examining the provision of options for generating savings and increases in public safety
3. Quantifying savings and reinvestment in high-stakes communities*; and
4. Measuring the impacts and evaluation of programme effectiveness

Council for States Government 2010 and Commons
Justice Committee 2010

USA

“What you’re doing is good...but don’t call it Justice Reinvestment”

(Mark Mauer in Brown et al 2016)

USA - OVERVIEW

- Most extensive implementation of JR - 31 states and localities
- Driven by Justice Reinvestment Initiative – technical support and other funding
- Preventing a *punitive relapse*? A political and legislative process to address over-incarceration
- Narrowing of focus on criminal justice efficiencies
- Absence of reinvestment in high incarceration communities and analysis of public spending in these communities

AUSTRALIA

- Focus on place-based initiatives – Bourke
- Explicit commitment to addressing the disproportionate representation of indigenous people in the CJS
- Community involvement – Bourke and Wooribinda pilots
- NGOs leading pilots and advocacy (Red Cross 2016)
- State backing for JR – Australian Capital Territory JR Strategy 2014-18
- “Social reinvestment not justice reinvestment” (Fabelo in Brown et al 2016)

HAS JUSTICE REINVESTMENT IN THE UK STALLED?

“The bastard child of Justice Reinvestment”

(Allen in Fox, Albertson and Wong 2013)

WHAT CAN WE LEARN FROM THE UK?



Site 1

Target	Reduce custody bed nights for young offenders by 10% in Year 1 and Year 2 against a 2010/11 baseline
Outcome	<p>Compared to the baseline:</p> <ul style="list-style-type: none">• 28% reduction in Year One• 42% reduction in Year Two <p><i>“...beyond what would be expected from natural variability.”</i></p>
Payment	“Pre-investment” of £1.5m over 2 years based on projected savings if target attained.

Wong, Ellingworth, Meadows 2015a



“A few seconds here, a few more there. A late push up a steep summit finish, squeezing out a little more on a solo ride against the clock. It is not spectacular but it is brutal..” (Fordyce, 2017)

ADOPTING A SYSTEMS APPROACH - PATHFINDER

- Effective use of data to analyse demand and identify where improvements in practice, processes or interventions would be most likely to reduce the use of custody bed nights;
- Regular performance management and forecasting of future custody bed night demand to help plan and target resources and interventions;
- Marginal gains (i.e. making small practice changes, such as ensuring that young people kept their appointments, which could reduce breaches and the use of custody arising from breaches).

PRE AND POST INVESTMENT IN SOCIAL JUSTICE?

- **Worklessness and Financial Exclusion** – Adults out of work or at risk of financial exclusion, or young people at risk of worklessness.
- **Education and School Attendance** – Children not attending school regularly.
- **Children Who Need Help** – Children of all ages, who need help, identified as in need or subject to a Child Protection Plan.
- **Health** – Parents or children with a range of health problems (including drug or alcohol abuse).
- **Crime and Anti-Social Behaviour** – Parents or children involved in crime or anti-social behaviour.
- **Domestic Abuse** – Families affected by domestic violence and abuse.

Department for Communities and Local Government, 2017

HM Government Social Justice Outcomes Framework, 2012

Post June 2017

- **Partial universality** - Police and Crime Commissioners making good on the '*And crime*' part of their brief (Redgrave 2016:7)
- **Additional powers/responsibilities** - Devolution deals for English regions – Greater Manchester, Lincolnshire, Liverpool City Region (although some areas have chosen not to pursue them - LGA)
- **Back-end devolution** - Prison reform devolved responsibilities to Governors – Prison and Courts Bill 2017?
“...committed to building on the essential reforms that are already under way to make prisons places of safety and reform.” (Liddington 2017)
“missed opportunity” (Clarke 2017)

Rationality is not enough?

“...a rational social policy, the intelligent use of data on the geography and sociology of crime, the futility (and, implicitly the savagery) of imprisonment as a cure all for crime and safety problems...”

Homel 2014

Changing the narrative?

“Smart on crime”

V

Tough on crime

Smart Justice, Victoria

Redemption?



Perfect is the enemy of good?

“Criminal justice system re-design on the journey to social justice” (Wong, Fox, Albertson 2014)

“We don’t have to get the perfect set of reforms, we just have to beat the current system, we have to improve on the current problem”

(Clear 2012)

A mixed economy

Place-based

- this approach involves understanding the crime reduction and community strengthening impacts of programs and supports that are provided in the same location as the people who need them. An example of this pathway is the High Density Housing Program on Ainslie Avenue

Point in the system

- this approach involves looking at crucial points in the justice system, for example arrest, bail and remand, where a change to that part of the justice system could reduce a person's future contact with the justice system. An example is undertaking restorative justice as a diversion or post-sentence.

Cohort

- this approach is about focusing efforts on a particular group (such as parolees, persistent offenders or high and complex needs families) who are in constant contact with justice system and targeting services and support to that group. An example is the ACT Corrective Services Extended Throughcare models of prisoner support

3 TOP TIPS 3M's – Match ambition to capability

(Adapted from Wong and Christmann 2016)

	Dimensions
<i>Model</i>	<ul style="list-style-type: none">• CJS redesign• Social justice• Offender population• Geographical unit
<i>Measure</i>	<ul style="list-style-type: none">• Reducing criminality• Social justice• Savings within specified time frame• Pre-investment or post-investment• Process outcomes
<i>Match to capability</i>	<ul style="list-style-type: none">• Project/programme implementation• Effective working within and between agencies• Monitor/measure

And finally...

1. Devolution deals – what do we know/think is happening?
2. The appetite and ambitions of PCCs?

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