

Justice reinvestment: Making sense of the costs of imprisonment

Rob Allen describes a new approach in attempts to divert people from away from custody and into the community.

The rapid rise in prison numbers in England and Wales in the last ten years has proved as unexpected as it has been unmanageable. The system of early release introduced at the end of June has provided only temporary breathing space with up to 300 remanded and convicted prisoners being held in police and court cells under Operation Safeguard at any one time since then. Following Lord Carter's review, 'Securing the Future' (Carter 2007) the government plans to spend at least £2.3 billion on creating new prison places over the next six years.

Among the familiar arguments about the effectiveness of prison, the question of the cost of detention is looming larger than usual. The Lord Chief Justice among others has drawn attention to the large amounts of public money committed by sentencing decisions, and ministers have called for a national conversation about the level of imprisonment we as a society want to pay for. While there is unease about judges introducing cost-benefit analysis as a factor in reaching individual sentencing decisions, there are much stronger arguments for subjecting prison expansion plans to a more sophisticated investment appraisal than has hitherto been the case.

A more radical approach to sentencing could see financial incentives introduced so that in areas where prison numbers are reduced, the resultant cost savings could be invested locally. In the US, an

initiative called Justice Reinvestment (JR) has focused political attention on the costs of imprisonment and the opportunities to spend resources locally in a more socially constructive way. Concentrations of prisoners in the most deprived 'million dollar blocks' – blocks where so many people were sent to prison that the total cost of their incarceration will exceed a million dollars a block – have led to calls for investment in public safety by reallocating justice dollars to refinance education, housing, health care, and jobs (Cadora, 2006).

The International Centre for Prison Studies (ICPS) has been exploring how such a system might work this side of the Atlantic (Allen and Stern, 2007). In 2004, Gateshead magistrates sent 126 people to prison for an average of 2.3 months at a cost of a total of £1 million. One way of trying to reduce this would be for those resources to be made available to develop more relevant and effective alternatives than currently exist. The Regional Offender Manager could for example make a block grant available to the local authority and Probation Service to use to develop community based measures for these short-term prisoners. Should the use of the funds fail to impact on sentencing, the local agencies would be charged for the short custodial sentences that continued to be imposed. But an incentive to decarcerate would be introduced into the system. The grant could be used to enhance existing measures. Discussions in the North

East have suggested two particularly promising ways to redeploy the detention funds. The first is to develop a multidisciplinary approach to meeting the needs of young adult and adult offenders, along the lines of the Youth Offending Team and the Prolific and Priority Offender (PPO) Projects. The funds could not pay for all that is required but could help to mobilise existing resources from health, education, employment, and social care programmes in ways which are more accessible to people in conflict with the law and more effective in helping them to change.

The second element would be to increase the local aspect of service provision. Our study showed that people going to prison are predominantly drawn from the most disadvantaged neighbourhoods. Across the five boroughs of Tyne and Wear, out of 5000 plus people known to the probation service last year, almost a third came from the poorest ten out of 111 electoral wards. The concentrations of those who went to prison are even higher. What this suggests is that Justice Reinvestment resources could best be deployed in some of the neighbourhoods most affected by detention. Among the ideas being considered are locally managed neighbourhood justice centres, patch based probation services, young adult offending teams, and more local authority involvement in community payback and resettlement.

In order to reduce custody rather than widen the net, these localised and multidisciplinary approaches would need to be translated into a set of convincing options for magistrates to use instead of prison. Arguably, sentencers might be involved in the decisions about how best to dispense the sums and provide the kind of services that they consider necessary. Work separately undertaken by ICPS has shown the need for much better channels of communication between sentencers and the organisations providing alternatives to prison, particularly the probation services, and piloted mechanisms for bringing these about.

These ideas have much in common with the Community Justice

model piloted in North Liverpool and Salford and now extended to ten further areas. Crucially, however, the JR approach attempts to create a virtuous circle which draws funds away from prison and into strengthening community infrastructure.

Extending the reinvestment approach to the resources committed by decisions in the Crown Court would produce much greater sums to use. We estimated that sentencing decisions in the Crown Courts in respect of offenders from Gateshead in one year committed a total of 160 prison places at a cost of more than £6 million.

Devising a mechanism for local incentives at this level is more sensitive, given the more serious nature of the offences. The answer here lies in a more wholesale recalibration of sentence lengths in line with the resources available. In a little noticed evidence session with the Home Affairs Committee in April 2007, former Lord Chief Justice Lord Woolf suggested that the Sentencing Guidelines Council be put into the same position as the Bank of England.

It should be told, 'Look, over a five-year period this is the amount of money that the government has decided can be provided for the prison population, and you must see that your sentencing guidelines achieve a prison population within those resources where the commodity of prison space is used in the most appropriate way without prisons being overcrowded so they can do constructive things'. (Home Affairs Committee, 2007)

Where could the government start? The most promising area is in youth justice. If local authorities were required to meet some or all of the cost of juveniles sentenced to custody, they might work harder to develop preventive programmes or community based alternatives. There is currently an incentive for 'cost shunting' in which local authorities fail to make interventions for which they have to pay, in the knowledge that, should the child offend, custodial costs will be met centrally. Youth Offending Teams could be given a sum by the Youth Justice Board based on the average costs of custody incurred by their young people over the last three years. The YOT/local authority would then be charged back in respect of custodial costs incurred in the following year but would be able to retain any savings. This form of Justice Reinvestment has proved successful in reducing juvenile incarceration in the US states of Oregon and Ohio.

There is also a Justice Reinvestment approach to restoring the market share of the fine among sentencing disposals, a key part of the strategy to reduce the pool of candidates for detention. As well as introducing the fully fledged day fine system in the way Lord Carter suggested in 2004, fine revenue (or a proportion of it) should be available to spend on crime-reduction initiatives locally, perhaps by the Crime and Disorder Reduction Partnership. This would provide an incentive for courts to impose fines and possibly for offenders to pay them.

Nearly £29 million was spent on housing offenders in police cells due

to prison overcrowding in the past year, yet some of the the effective locally based PPO schemes are facing closure next March (Butler, 2007). Prisons under unprecedented pressure are being forced to find 3 per cent efficiency savings. A systematic look at the financing of criminal justice is long overdue. The introduction of the Ministry of Justice provides the opportunity for a full-scale enquiry and the introduction of more radical incentives to bring the imprisonment levels in England and Wales down to the levels of our Western European neighbours. The Justice Committee of the House of Commons is embarking on just such an inquiry and provides an opportunity to debate just how this can be done. ■

Rob Allen is Director, International Centre for Prison Studies at King's College London.

References

- Allen, R. and Stern, V. (eds) (2007), *Justice Reinvestment – A New Approach to Crime and Justice*, London: International Centre for Prison Studies.
- Butler, P. (2007), 'Question of priorities', *Guardian*, 21 November.
- Cadora, E. (2006), 'Open society', *Criminal Justice Matters*, 64, pp.20–21.
- Carter, P. (2007), *Securing the Future – Proposals for the efficient and sustainable use of custody in England and Wales*. London: Ministry of Justice.
- Home Affairs Committee (2007), Minutes of Evidence Taken Before the Home Affairs Committee, 17 April 2007. <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmconst/467/7041701.htm> (accessed 4 January 2008).