

Justice Reinvestment – thinking outside the cell

Kevin Albertson, Chris Fox and Kevin Wong consider social justice alternatives to imprisonment

In Crime and Punishment in America, Elliot Currie (1998) notes that, short of major wars, mass imprisonment has been the most thoroughly implemented USA government social programme of recent times. In the last two decades, the increase in imprisonment in the UK has outpaced even that of the USA, (Figure 2). This increase in imprisonment arises, not from increasing insecurity about crime rates, but rather from increasing social insecurity and ideology, according to Loïc Wacquant (Wacquant, 2012). However that may be, Currie argues the expensive experiment in substituting imprisonment for social investment is not working. Fortunately, there may be alternatives.

The good news, the bad news

First the good news: in general, across most of the western world, crime has declined in the first decade of the twenty-first century (Figure 1). Now the bad news: imprisonment – and therefore the cost of imprisonment – is up (Figure 2).

One of the reasons why increasing rates of imprisonment are bad news is that it is a costly exercise. In the USA, the prison population has more than tripled in the last three decades. The total number of inmates in state or federal prisons in mid-1985 was 744,208 (Fox et al., 2013); this had increased to 2,384,912 by the end of 2009 (Eurostat). The total cost to the taxpayer of USA prisons is approximately \$39 billion in the fiscal year 2010 (ibid). Similarly, in the UK, the Ministry of Justice budget for 2010-2011 was just over £9 billion (House of Commons, 2012), of which the NOMS budget, which

meets the cost of prisons in England and Wales, is around £4 billion (ibid). It seems eminently sensible then, not only to consider whether prison works, but also whether it is cost effective. To justify such an expensive experiment, we require evidence that increasing reliance on imprisonment reduces the crime rate more effectively than other social interventions.

The bad news, the worse news

Superficially, it might appear the fall in crime and the rate of

imprisonment are related. As Michael Howard famously declared 'prison works'! On the other hand, it is worth noting that Canada's imprisonment rate declined from 1995, while that of the UK rose; yet Canada's crime rates have fallen more rapidly than those of the UK.

More formally, there is little evidence that imprisonment works as a cost-effective criminal justice policy. Recent studies in the USA (see for example, Shepherd, 2006), have failed to demonstrate imprisonment reduces crime. Indeed, what evidence there is suggests that imprisoning people might increase crime. To support this counter-intuitive result, Shepherd points to empirical evidence which suggests longer sentences lead to offenders experiencing more alienation from society, greater deterioration of family relations, and further removal from the prospect of regular employment.

This argument is backed up by Nagin et al. (2009), who argue:

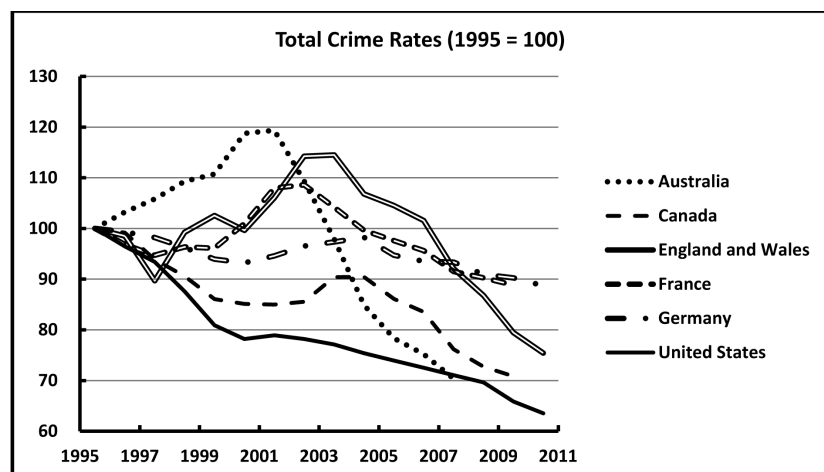


Figure 1. Index of total crime rates for selected nations

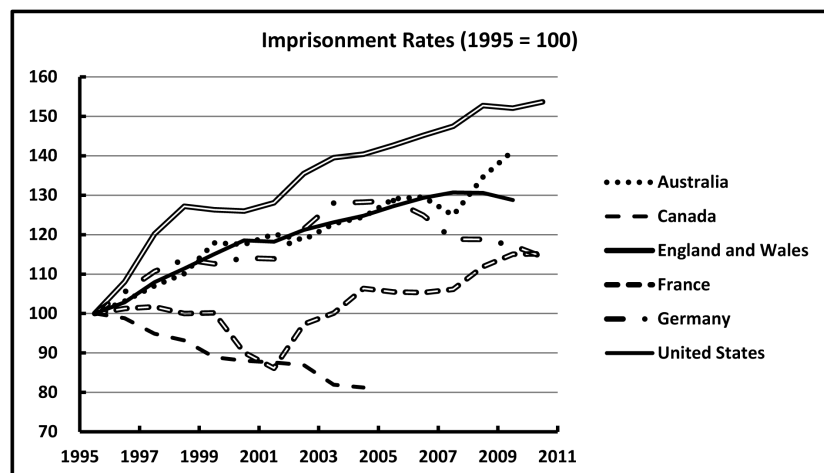


Figure 2. Index of imprisonment rates for selected nations

Source: Eurostat and authors' own calculations.

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...the great majority of studies point to a null or criminogenic effect of the prison experience on subsequent offending. This reading of the evidence should, at least, caution against wild claims – at times found in “get tough” rhetoric voiced in recent decades – that prisons have special powers to scare offenders straight.

In sum, it is clear that many western nations, the UK and USA governments included, have increasingly resorted to imprisonment as a response to increasing crime rates, and this has come at a great cost to the taxpayer. There is, however, no evidence this policy has reduced crime. Therefore, we need to stop looking to prisons and start looking to communities if we wish further to reduce crime. As Tucker and Cadora (2003) put it:

There is no logic to spending a million dollars a year to incarcerate people from one block in Brooklyn – over half for non-violent drug offenses – and return them, on average, in less than three years stigmatized, unskilled, and untrained to the same unchanged block.

The good news, the better news

There is an alternative to imprisonment. Tucker and Cadora argue for a more economically efficient solution to crime; a more holistic approach to reducing offending and re-offending, an approach which fits within broader debates about social justice and the type of society in which we want to live. The approach they suggest is ‘Justice Reinvestment’.

Justice Reinvestment (JR) seeks to reduce the level of crime in the most efficient way possible, potentially creating a more law-abiding society at a lower cost than the traditional detect/convict/punish approach. Clearly, the crimes which cost society the least are those which are discouraged before they are committed. Hence, JR proposes moving funds spent on punishment of offenders to programmes designed to tackle the underlying problems

which lead to offending and re-offending behaviour in the first place. Society not only saves the cost of imprisoning offenders but also, by reducing offending, saves the cost of crime on victims and wider society – a double win!

The approach of JR starts from a universal criminological truth, that people in prison are not drawn in equal numbers from all neighbourhoods. Therefore, JR seeks to develop measures and policies to improve the prospects of individuals by improving the prospects of communities. The underpinning logic of JR is that savings to the state which arise from declining crime rates (for example, reduced imprisonment costs) may subsequently be reinvested in further social interventions creating a virtuous cycle of falling crime and falling costs.

There are four main stages to a Justice Reinvestment approach (Fox et al., 2013):

1. ‘Justice mapping’: analysis of the prison population and of relevant public spending in the communities to which people return from prison
2. Provision of options to policy-makers for the generation of savings and increases in public safety
3. Implementation of options, quantification of savings and reinvestment in targeted high-risk communities
4. Measurement of impacts, evaluation and assurance of effective implementation

To date, no UK project can be said to have implemented a ‘full’ JR project. Indeed, recent government policy appears to limit JR to rehabilitation and, in particular, payment by results schemes. However, as Fox et al. (2013) make clear, JR is not about providing criminal justice services more cheaply, it is about motivating a holistic consideration of the problem of criminality. It is in the interlinking of localised costs and benefits – including social costs and benefits – where real opportunities arise for innovation and win-win reductions in both crime and the cost of criminal justice.

As we have seen, JR is not, in and of itself, a criminal justice intervention, it is an evidence-based paradigm which diagnoses social ills – based on the diagnostic of local crime rates. JR suggests efficient cures, evaluates outcomes and ensures ongoing efficiency and sustainability in providing criminal and social justice. The JR approach is well established in the USA; indeed, its adoption is one of the reasons why imprisonment in the USA is beginning to decline (Figure 2). JR’s potential has yet to be established in the UK.

To paraphrase Tony Blair, we suggest it is time for the UK to become ‘more efficient on crime, more efficient on the causes of crime’. Justice Reinvestment provides the framework to do this. ■

Kevin Albertson is Principal Lecturer in Economics and **Chris Fox** is Professor of Evaluation, both at Manchester Metropolitan University. **Kevin Wong** is Deputy Director of the Hallam Centre for Community Justice

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