

Reducing the numbers in custody: looking beyond criminal justice solutions

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Introduction

This is the second and final paper in the Reform Sector Strategies project funded by the Esmée Fairbairn Foundation. The two papers produced as part of this work intend to generate debate among those committed to reducing the prison population on how to tackle prison expansion in England and Wales and bring about a reduction in the prison population in the longer term.

The first paper in the series, *Community Sentences: a solution to penal excess?*, was published earlier this year.¹ The paper reflected on the limitations of attempts to reduce prison numbers by reforming community sentences, one of the major interventions undertaken by those opposing the high numbers imprisoned in England and Wales in the period since the late 1990s. The paper concluded that attempts to reduce the numbers in prison to below 80/85,000 would require looking for solutions outside the confines of a debate about more and better community sentences. This second paper moves from 'looking back' to 'looking forward' to what might inform a debate about how to reduce the use of custody in the future. Its main aim is to contribute to such a debate by considering the potential of a perspective which suggests that the challenge of addressing prison numbers can be assessed rather differently than it is in many campaign strategies challenging the use of imprisonment, that of socio-economic explanations for the numbers we imprison.

The term 'socio-economic explanations' is used to describe an account that locates answers to the question of why we imprison the numbers we do in a wider set of social arrangements and conditions. Its innovation is in bringing together two fields typically regarded as peripheral or even of separate concern to each other: wider socio-economic circumstances and the use of imprisonment.

The intention here is to consider a perspective that locates prison and criminal justice system as *institutions* among a wider set of social and economic arrangements. Socio-economic explanations are also applied to questions about those caught up in the criminal justice system, such as why some people are more (so called) 'criminal' than others or why some individuals and not others end up in the criminal justice system. These are not the questions explored here. Locating the challenges for criminal justice change in a wider social context is something the Centre for Crime and Justice Studies (CCJS) has had an interest in for a number of years.² This paper is a further contribution to understanding this perspective and focuses on the new question of what the implications of this perspective are for those engaged in work to reduce the use of custody.

The concerns of this paper

At time of writing, the prison population in England and Wales was 87,573.³ This is an increase of over 30 per cent compared to ten years ago and a prison population nearly double that of 20 years ago, with increased prison numbers a recurrent feature of the penal system since the mid-1990s. Recent prison population projections imply further growth as a 'medium' predicted scenario based on current sentencing trends, with the Ministry of Justice estimating a prison population in six years time of between 83,100 and 94,800 (Ministry of Justice, 2011).

1. This first report and other articles produced as part of this project can be downloaded from the project's webpage: www.crimeandjustice.org.uk/reformsectorstrategies.html

2. Previous CCJS publications about this issue include Downes and Hansen (2006) and CCJS (2007/2008).

3. As of the week beginning 28 October 2011.

The idea that these prison numbers are embedded in a set of wider social arrangements and decisions is hardly novel. And it is certainly not a new concept for those organisations engaged in a programme of work attempting to reduce the prison population (hereafter referred to as penal reform organisations or reformers).⁴ Informal discussion of this perspective with reformers has met with broad agreement that the fundamental drivers for the use of prison and criminal justice are connected to broader social arrangements. Indeed, statements that allude to a need to look beyond criminal justice in this respect can be found in the written reports and public comments made by individuals engaged in reform activity. Take the following examples from the Howard League for Penal Reform, the Prison Reform Trust and the Criminal Justice Alliance:

The criminal justice system is a blunt instrument which politicians have tried to use for solving social problems. Changes in sentencing can only be considered in the context of wider social policy.

We want to focus on crime prevention not obsess over what happens to offenders.

The Coalition now has the opportunity to address issues of social justice that are inextricably linked to criminal justice.

However, an approach to intervening with respect to prison numbers informed by wider social conditions raises fundamental questions about the intended scope and priorities of penal reform. As the term ‘penal reform organisations’ suggests, those who campaign with the intention of reducing prison numbers are, typically, organisations primarily engaged in a process of seeking to change or improve criminal justice. As such, making arguments perceived as having traction with political and policy elites, sentencers and the public is an important consideration for their work. It is commonly agreed in these organisations that while the link between crime rates and imprisonment is far from straightforward, changes to recorded crime alone do not account for the increases that have occurred in the numbers imprisoned. Something else is going on. In major penal reform initiatives and reports over the past decade the answer typically encountered as to why the prison population has increased during this period is that there is more severe sentencing. This is variously attributed to a combination of:

- **More punitive public attitudes**
- **Sensational media stoking up public emotions about crime and punitive responses to restore order**
- **Sentencers/judges/the public lacking confidence in the use of non-custodial sentences**
- **Political rhetoric talking up crime problems and prison as a solution.**

Various reform interventions have flowed from this analysis, not least that considered in the first paper: attempts to increase the public’s/sentencers’/politicians’ confidence in effective, tough community sentences. That any or all of the factors identified above may have happened is not disputed (ample evidence has shown that sentencing has become more onerous over several decades). Nor is it disputed that these developments would potentially influence the size and shape of the prison population. However, as an account trying to shed light on why the numbers in prison have increased, while considering these factors may describe some of the things that have happened, it does not explain why these changes have occurred. If there has been a move to more severe sentences, what has caused this? If public attitudes have become more punitive, why?

Current penal reform interventions which oppose high prison numbers are predominately based on thinking through the issue of how we have got to record imprisonment as a criminal justice problem (albeit there are a number of notable exceptions to this). Therefore these high prison numbers are often proposed as a problem that can be resolved by improving criminal justice. This primarily means making criminal justice more humane, more effective at addressing offending/reoffending and having a more economically rational system (see figure 1).

⁴ The term ‘penal reform organisations’ is intended to refer to those nationally focused organisations that view the use of prison as a last resort, are committed to policies aimed at rehabilitation rather than punishment, and undertake lobbying, media work, research and campaigning on criminal justice issues to achieve these ends. These organisations include the Howard League for Penal Reform, the Prison Reform Trust, Nacro, the Criminal Justice Alliance, and Make Justice Work. The use of the single term ‘penal reform’ is not intended to suggest that the organisations considered under this umbrella are uniform or that they all agree.

Figure 1: Overarching common narratives for intervening in high prison numbers in England and Wales

Crime fighting	Humanitarianism	Managerialism
<ul style="list-style-type: none"> • The crime problem can be better addressed by another criminal justice intervention than prison. • There are non-custodial measures which are more effective at reducing reoffending than prison. • 'Tough' community sentences are a way for people to pay back for their crime and are not a 'soft' option. 	<ul style="list-style-type: none"> • Highlight human costs of the high prison population and its effect on CJS's ability to be rehabilitative. • High prison numbers and overcrowding result in prisons being less effective at rehabilitating people and poorer prison conditions. • Prison is not appropriate for specific 'vulnerable' populations such as children, women, non-violent offenders. 	<ul style="list-style-type: none"> • Dispassionate arguments about the financial cost of prison, money spent on prison could be better spent elsewhere. • Prison is not a good investment. There are cheaper options that are more cost effective from a cost/benefit analysis. • Increased prison population is costly and puts the prison service under strain to maintain regime and rehabilitative work.

What's the scale of ambition for reducing prison numbers?

The Coalition government's agenda for criminal justice includes a stated goal of attempting to curb the extent of future increases to prison numbers. This is an ambition which was shared by the previous Labour administration, which sought to slow the growth in prison demands and to stabilise the prison population at 80,000 by 2008 (albeit unsuccessfully) (see Mills, 2011). The Coalition's proposed reforms to criminal justice to achieve these reduced prison demands include abolishing Imprisonment for Public Protection, introducing a financial incentive for community sentence providers to achieve lower reconviction rates, reducing the minimum length of sentences and restricting the use of remand. In this context, there may well be an understandable attraction for organisations concerned with high prison numbers to place themselves as offering policy makers potential ways to change criminal justice to achieve the hoped for reductions to future prison demands and to make these actions palatable in punitive times.

As a result of seeking to influence policy agendas penal reform organisations' criminal justice-centric dialogue may well be an understandable response to the significant pulls experienced to propose solutions that are implementable by politicians and policy makers, appeal to public concern (not to be dismissed as woolly liberals) or establish broad alliances. Indeed, for some committed to reducing high prison numbers, the key function of penal reform organisations' was to seek to influence policy decisions about criminal justice and, in doing so, as one reformer told us, to 'achieve whatever humanitarianism is possible in a restrictive punitive environment'. However, working in the current policy context, which, at best, conceives of a prison population of over 83,000 in the coming period, this caps an agenda regarding prison numbers as at best working to slow future growth and halt further expansion to prison. *Is this all penal reform intends to do? Or will a long-term goal of a smaller prison population than that of over 80,000 ever be reached?* A new challenge emerges at a time of penal excess, in addition to trying to control things getting worse, about how to turn around a reliance on custody radically different from that of a generation ago. Proposing ways to reduce prison numbers by reforming criminal justice in this context not only suggests a narrow scope of ambition, but may even risk legitimising criminal justice as the appropriate mechanism to respond to harmful events. As the previous report in this series described, in the case of community sentences, this resulted in an expansion to the numbers subject to community sentences alongside continued prison growth.

In exploring explanations and narratives for intervening in high prison numbers that are outside of criminal justice solutions it is not our intention to suggest that serious engagement with the processes and decisions involved in criminal justice change does not have a valuable and important function. Indeed, given the hostile environment for seeking to challenge the current high use of imprisonment – where, as Marsha Weissman describes in her piece in this paper, ‘policy makers are wedded to the present structure and dismiss even modest reforms as “soft on crime”’ – this conversation about long-term, more ambitious goals for addressing prison numbers has, perhaps understandably, not been a priority for the penal reform sector.

While a long-term strategy on prison numbers is a less prevalent discussion among penal reformers in England and Wales (publicly at least), it is likely that there is greater scope for disagreement in the sector about the specific nature of this longer-term vision than about the work and interventions by organisations in the sector that attempt to control the potential future growth of prison numbers in current policy agendas. From discussions CCJS has been involved in with representatives from penal reform organisations, perceptions of the ideal prison population size in England and Wales range from 80,000, as a figure some consider a realistic, achievable goal that they would not be uncomfortable with, to 60,000 to a population of around 15,000 to 20,000 incarcerated in a radically different system from that currently operating. Others are uncomfortable assigning an ‘ideal’ number, considering this an abstract distraction from thinking through the issues involved in imprisonment.

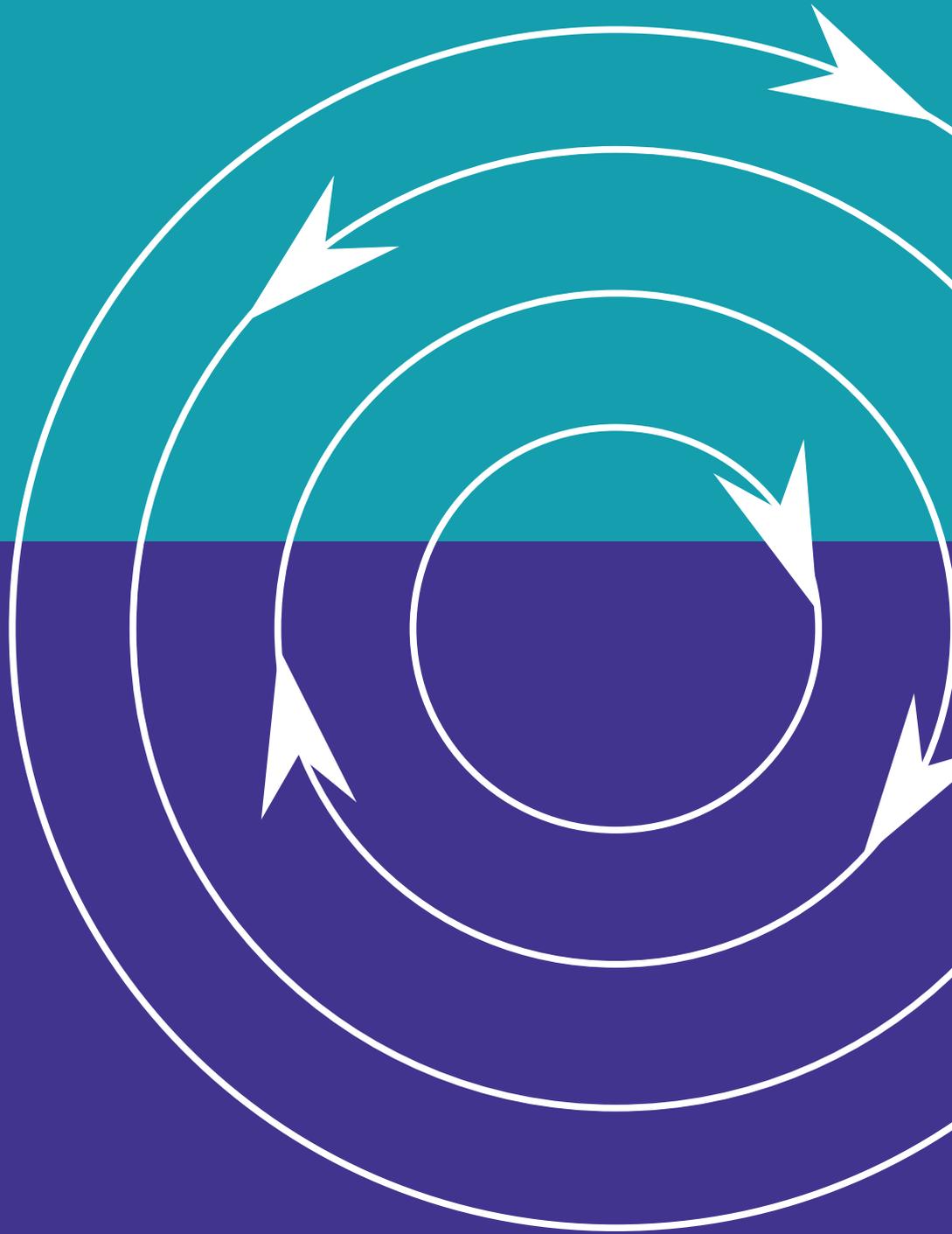
We acknowledge that there is scope for agreement and disagreement about the ultimate ambition for the size of the prison population but also anticipate that most who oppose high prison numbers would reject the principle that a prison population of 83,000 (the Ministry of Justice’s low predicted scenario for the coming period) is their ultimate ambition. If this is the case, it is useful for those seeking to challenge high prison numbers to engage in a process of thinking beyond current narratives about influencing criminal justice policy decisions. We hope this paper is a useful contribution to thinking beyond criminal justice solutions to high prison numbers and to a process of ongoing discussion. The two ways in which the paper aims to do this are by:

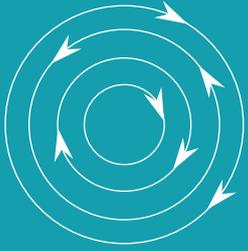
- **Exploring a socio-economic perspective that accounts for the drivers of high prison numbers differently from that commonly presented in penal reform accounts**
- **Considering what might be involved in an approach to tackling prison numbers that acknowledges socio-economic and political factors.**

Outline of this paper

The first chapter outlines the findings of international comparative studies that have explored the relationship between various socio-economic factors and imprisonment. Chapter two contains contributions from the representatives of four organisations working to reduce the prison population in American and Australia. These organisations apply perspectives to the problem of high prison numbers that move beyond the criminal justice perspective typically pursued in England and Wales and hence provide potential new avenues of intervention to tackle high prison numbers. Finally the implications of incorporating socio-economic explanations for prison numbers for those committed to challenging the use of custody in England and Wales are considered in the last chapter.







Chapter 1

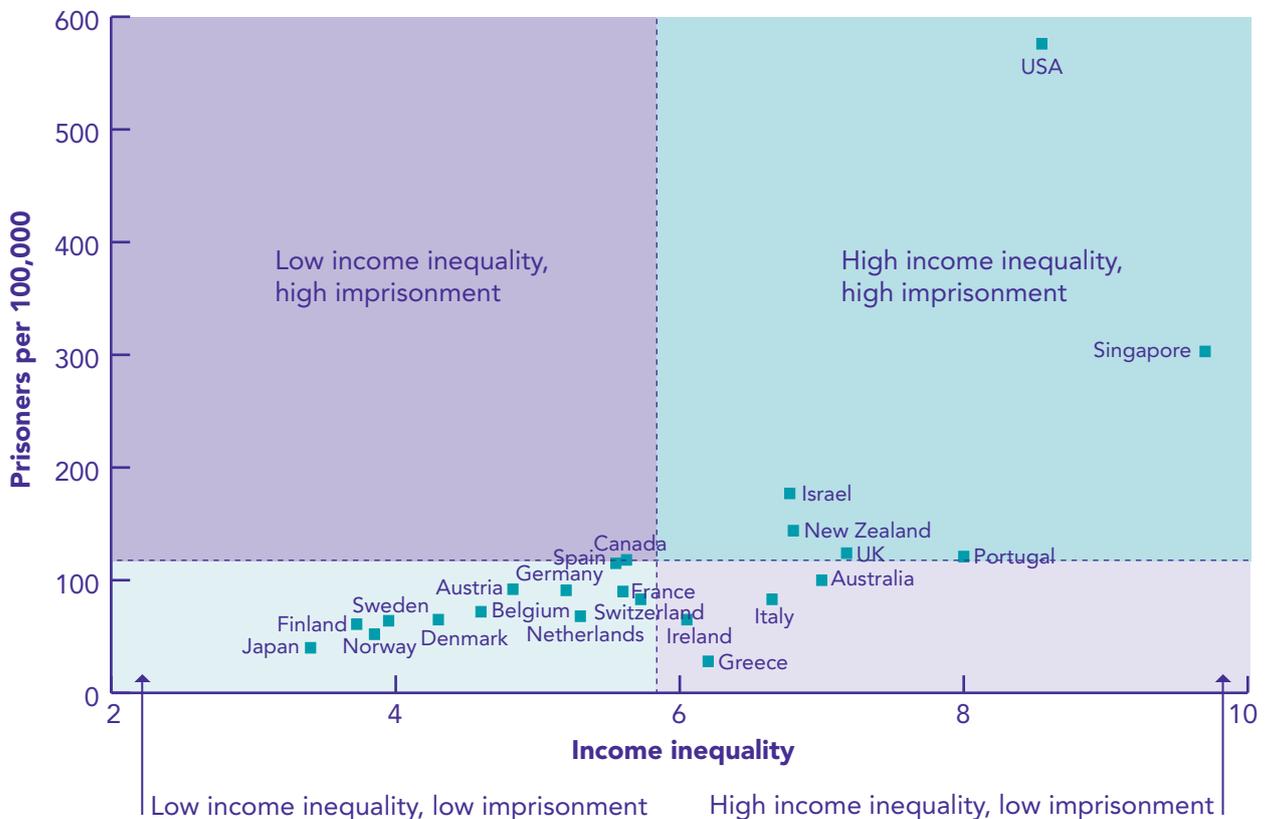
Accounting for prison numbers differently

This section considers evidence that has accounted for high prison numbers by looking at factors outside the criminal justice levers on the prison population. We briefly introduce the key findings of three recent studies that have undertaken this kind of analysis by comparing nations' imprisonment rates alongside wider social variables. What this source of evidence suggests about the relationship between the numbers imprisoned and wider social conditions and about the implications for intervening regarding addressing high prison numbers are then considered.

Inequality

Following extensive research regarding health inequality, Wilkinson and Pickett (2007) expanded the scope of their enquiry to consider how 'well' developed nations do in relation to a wider range of social outcomes and how this corresponds to income inequality (the gap between the richest and poorest in a country).

Figure 2: Income inequality and imprisonment



Adapted from Wilkinson and Pickett, 2007. Original data supplied by The Equality Trust⁵

⁵ The imprisonment data Wilkinson and Pickett use are from the United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems for the period 1990–2000. Index inequality scores are Wilkinson and Pickett's original data, made available by The Equality Trust.

The hypothesis they set out to prove was that more equal societies in this respect generally 'do better'.⁶ Imprisonment rates were one of several indicators Wilkinson and Pickett explored as part of this inquiry (Wilkinson and Pickett, 2007, 2010). (See figure 2).

All the developed market economies studied by Wilkinson and Pickett imprison but do so to different degrees. At the extremes, of these countries, the US's use of imprisonment is over 20 times that of Greece. However, the vast majority of countries are clustered between an imprisonment rate of 50 and 150 per 100,000 population.

In terms of the correlation between imprisonment and income inequality, the countries with the highest income inequality tend to have relatively high imprisonment rates (eg Singapore and the US). The countries with lower income inequality also tend to imprison fewer people (eg Japan, Finland, Norway and Sweden). Most countries from those studied fit this pattern, as can be seen from the sparsely populated 'low inequality, high imprisonment' and 'high inequality, low imprisonment' quadrants on the graph; these quadrants show the average amongst the countries studied. Within this pattern the UK is shown to have both relatively high imprisonment and relatively high income inequality, with the fifth highest imprisonment rate and the fourth highest inequality rate of the countries studied.

However, there are countries which are outliers to the broad pattern identified. For example, Greece has the lowest imprisonment rate of the countries considered but has above average income inequality. In the case of the US, even accounting for its high income inequality, its imprisonment rate is significantly greater than that of the more unequal Singapore (indeed the US is in a different league in terms of its rate of imprisonment from any of the other countries studied). However, the identified correlation between relatively high imprisonment and relatively high income inequality holds for the sample of countries studied even when the extreme cases of the US and Singapore are excluded.

Welfare spending

Downes and Hansen's study of 18 nations' welfare arrangements and numbers imprisoned found an inverse relationship between a country's expenditure on welfare as a percentage of its gross domestic product (GDP) and the rate of imprisonment (Downes and Hansen, 2006). Using data from 1998, of the 18 countries studied:

- **The seven countries with the highest imprisonment rates all spent a below average proportion of their GDP on welfare**
- **The eight countries with the lowest imprisonment rates all spent an above average proportion of their GDP on welfare.⁷**

Downes and Hansen also examined the change in countries' welfare spending and imprisonment rate over time (between 1987 and 1998). They found that, during this period, the countries that increased their GDP share on welfare experienced slower increases to their imprisonment rate than other, lower welfare spending countries (in the case of Finland and Sweden, there was a relative decline in imprisonment).

This international study was inspired by and supports an earlier study of imprisonment and generosity of social welfare that compared 32 US states between 1975 and 1995 (Beckett and Western, 2001). In this study, states with less generous state welfare systems tended to have higher imprisonment rates in 1995. The study included a number of socio-economic and political variables.⁸

⁶ The countries included in the study were the 23 richest countries with a population of over three million for which comparative data on income inequality were available

⁷ The exception to this was Japan, which had the lowest imprisonment rate of the countries studied but spent a below average proportion of its GDP on welfare.

⁸ In addition to welfare, the factors that corresponded to states having relatively high incarceration rates at specific points in the period studied were higher violent crime and poverty rates, a greater proportion of minority ethnic population, and having a Republican Party representative.

Both studies found that a strong correlation between welfare spending and the numbers imprisoned was possible but not fixed over time. Welfare spending and imprisonment were found to be closely linked by the later time period considered by both studies (for Beckett and Western, 1995 and for Downes and Hansen, 1998). However, in the earlier periods considered (1975 and 1988 respectively), no statistically significant correlation between welfare spending and prison numbers was found. Beckett and Western concluded that the close and inverse relationship between welfare spending and prison numbers observed during their period of study was because these are both aspects of policy which disproportionately impact the marginalised and can be interpreted as forming a 'singular response' to this group at specific points.

Political economy

Cavadino and Dignan set out to provide a comparative analysis of nations' penal systems by considering the broader economic organisation and social structure (political economy) in which they are located (Cavadino and Dignan, 2006). Their analysis is based on a comparison of 12 'contemporary Capitalist societies', which they group according to four categories of political economy (a categorisation based on Esping-Anderson's (1990) typology of late-modern capitalist societies):

- **Neo-liberal: free market capitalist societies, typified by considerable income inequality and a minimal welfare state. Examples include the US, England and Wales, and Australia.**
- **Conservative corporatism: defined as a status-related economic and social organisation, with a moderately generous welfare state and pronounced but not extreme income differentials. Germany and France are examples.**
- **Social democratic corporatism: characterised as a society with a generous welfare state, universal benefits and relatively limited income inequality. Countries in this category include Sweden and Finland.**
- **Oriental corporatist: described as a nation with private sector-based social and economic policy, paternalistic social system, and very limited income differential. The only country studied in this category is Japan.**

(Descriptions adapted from Cavadino and Dignan, 2006: 15)

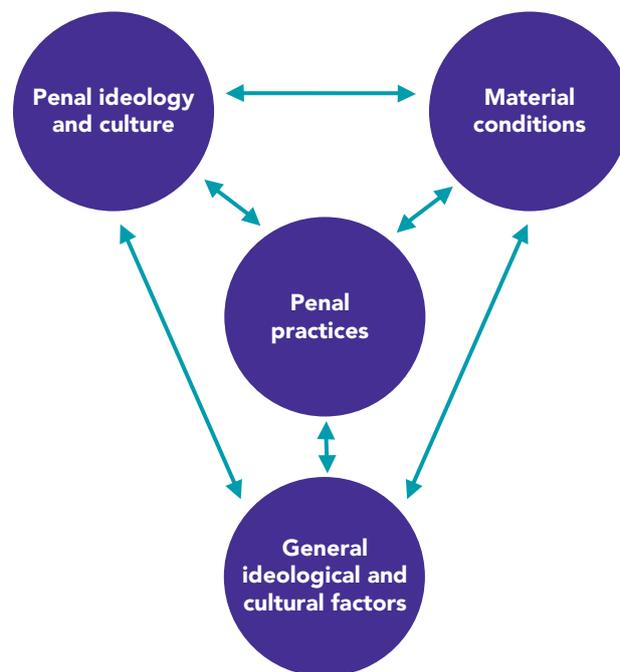
When imprisonment rates are considered in relation to these groups, countries that share the attributes of a particular political economic 'type' tend to be closely matched in terms of imprisonment rates. Using data for 2002/2003, the neo-liberal countries studied relied on imprisonment most (all were over 115 per 100,000 population). This compared to imprisonment rates for the other political economy groups of 100–93 (conservative corporatism) 73–70 (social democratic corporatism) and 53 for oriental corporatist (p. 22). Cavadino and Dignan argue that these differences in reliance on imprisonment are a feature of the broader political economy similarities of countries in the groupings identified above.

The correlation between these political economic groupings and similarities in their use of imprisonment holds when changes to imprisonment over time are considered. For the period from the mid-1980s to 2002, with the exception of Finland which experienced decreased rates of imprisonment, all of the countries studied increased their use of imprisonment. However, neo-liberal countries tended to be 'relatively upwardly volatile' and social democratic countries tended to increase much less rapidly (p. 32).

The criteria for the categorisation Cavadino and Dignan applied to the 12 countries include income equality and welfare organisation. It is therefore of no surprise that their findings about the relative use of imprisonment in these groupings reflect those identified in research on welfare investment and income inequality. However, this is not the end point of Cavadino and Dignan's analysis. They consider each of the 12 countries in turn and inclusive of the structural, material, ideological and cultural elements identified as part of political economy. In doing so, they make a case for understanding imprisonment as the outcome of the varied, complex and particular

interplay of all these factors in any one country. For example, Japan and Sweden both have relatively low imprisonment rates. When the specifics of each country are explored, it becomes clear that there are likely to be very different reasons for this.⁹ In the case of Finland, it is suggested that the decline in its use of custody is the result of a political decision to move closer to its Nordic neighbours (p. 167). For the authors, therefore, the use of imprisonment is embedded in wider political economy; economic, social structural, cultural and ideological factors are all part of this. They argue that these factors can best be interpreted when considered as a complex whole for any one nation rather than their being reduced to straightforward, fixed variables that can be applied universally. An encompassing diagram is offered regarding this (see figure 3).

Figure 3: The factors and inter-relationships involved in prison numbers identified by Cavadino and Dignan.



(Reproduced from Cavadino and Dignan, 2006: 13)

Implications for those concerned with high prison numbers in England and Wales

By comparing nations' imprisonment rates and wider socio-economic variables, the three studies considered here intend to say something about how the prison population – and, in their periods of study, the prevailing trend of high imprisonment – can be explained. But this is far from their sole or main aim. At one level, the studies point in the same direction. They all provide evidence for the prison population being linked to a broader set of social, political and economic relations. The correlations they reveal disprove a 'null' hypothesis – that there is no relationship between the numbers imprisoned and a wider set of social relations outside criminal justice. Moreover, while the specific variables considered in these studies differ, they can all be considered as different ways of expressing a similar phenomenon: that there is something about the way societies are structured, and specifically the way they create, view and respond to those at the margins, that is fundamental to understanding what happens regarding prison numbers.

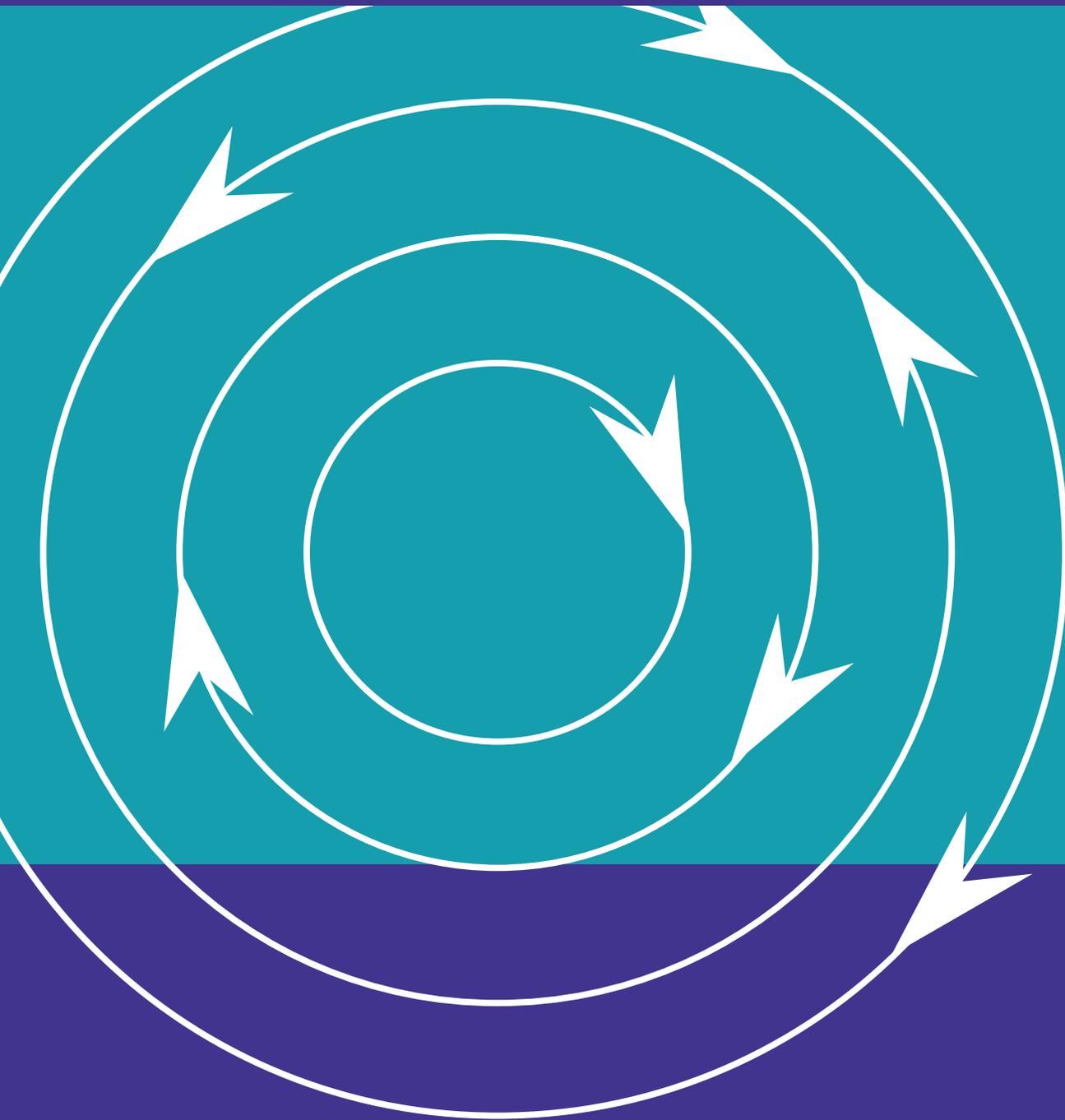
⁹ It is proposed that Japan's inclusive culture towards members is a significant factor in its relatively low rates of imprisonment and in Sweden an investment in social justice and welfare-based approaches rather than criminal justice is a strong determining factor.

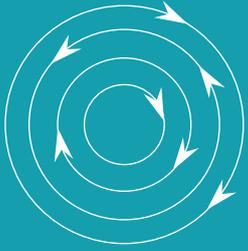
In terms of the implications for taking forward campaigns to reduce prison numbers in England and Wales, the correlations between imprisonment rates and the wider social circumstances identified suggest that concern about prison numbers cannot be divorced from a wider set of questions about the nature of society we live in. Thinking through the problem of high prison numbers and intervening with the intention of having a smaller prison population must be organised across a broader spectrum than simply reforming criminal justice, and include issues such as structural inequality, broader social policy arrangements and attitudes and responses to the marginalised.

However, it is not clear from these accounts that a more specific set of interventions can be identified which could be straightforwardly adopted by those seeking to significantly reduce imprisonment. Having established a connection between prison numbers and a wider set of social relations, there is a complexity about the relationship between imprisonment and the specific factors which have been shown to be associated with it which cannot be resolved by this type of large-scale empirical work. By depicting the pattern formed when comparing countries' imprisonment rates with another variable, these accounts show striking correlations. However, these data on their own cannot explain whether and how the factors identified relate to each other. For example, does the identified correlation between inequality and imprisonment in Wilkinson and Pickett's study mean that:

- **More unequal societies are more likely to have more violent crime, hence make greater use of imprisonment?**
- **Greater inequality is the product of a less generous welfare system (therefore welfare is the fundamental explanation; inequality is only an intervening variable)? Or is it the other way around: more unequal societies invest less in welfare?**
- **Or as in Wilkinson and Pickett's own interpretation of their data, greater inequality affects how members of a society relate to each other and how inclusive/exclusive they are?**

All these potential interpretations can be drawn by going beyond the data. One or a combination of these interpretations may explain the variation between nations' use of imprisonment shown. However, it is only possible to form an explanation of the relationship between the various factors explored in the studies and imprisonment by going beyond this type of data source. There are no universal social laws revealed (such as inequality affects prison numbers 'this' amount and in 'this' way) that can then be applied to the specific example of England and Wales' prison population. Nor can these studies be cherry picked as a potential source of simple lesson learning: that a bit of one country can simply be transplanted to another country (if Britain just did this a bit like Sweden ...). The studies identified here do not build a universal equation about what affects prison numbers that could be translated into strategies for reducing the use of prison in any jurisdiction. Hence, whilst these accounts are an important evidence base for thinking differently about high prison numbers, in terms of contributing to a discussion about working towards a significantly smaller prison population in England and Wales, they raise more questions than answers.





Chapter 2

Intervening to reduce prison numbers: fresh possibilities

In order to gain insight into what an approach to tackling prison numbers that goes beyond reforming criminal justice involves, this section contains contributions from the representatives of four organisations currently attempting to reduce the prison population through engagement with a broader set of questions than those only focusing on criminal justice reform. Each contributor was asked to describe their organisation's activities and values as well as their reflections on seeking to reduce prison numbers.¹⁰ For those engaged in campaigning to reduce prison numbers in England and Wales, these accounts may contain familiar and unfamiliar descriptions of activities, perspectives and the dilemmas involved in working to reduce the prison population, as well as revealing new possibilities to consider.

About the contributors

The first three contributors are from America. Marsha Weissman from the Center for Community Alternatives locates seeking penal reform within a wider civil and human rights agenda. Undertaking a combination of policy and practice interventions in her organisation's work, she argues that it is possible to pursue a wider social agenda for change as a separate and complementary endeavour to pursuing change intended to improve criminal justice. Unlike other contributors, Gina and Jessica Womack provide a perspective from an organisation seeking change at a local (US state) level. For them, the pursuit of a reduced juvenile prison population is located in education system change as well as in efforts to mobilise grassroots support for systematic reform. 'Who ends up in the criminal justice system, when and why?' is a fundamental question Tracy Velázquez describes the Justice Policy Institute as engaged with. She advocates interventions which seek 'to change the conversation around criminal and juvenile justice policies' and outlines several examples of work the Institute has undertaken in this vein. The final contribution is from Australian organisation Justice Action. As a community activist organisation, Justice Action is unique among the contributors and has a distinctively different approach to campaigning to reduce prison numbers. Brett Collins outlines five principles in their activism, including prisoner-led campaigning.

Three of the four contributors are from the country which has been shown to be an extreme example of high imprisonment. This may seem an odd choice compared to obtaining contributions from the more moderate places that have been identified in international comparative studies such as Japan or Norway. The selection of contributors reflects our objective to identify organisations that in different ways are attempting to look beyond criminal justice solutions at high prison numbers. With this in mind, perhaps it is not as incongruous as it might first appear that the organisations identified are from places where criminal justice expansion has been at its most prevalent and were not nominated from countries with comparatively low prison populations.

¹⁰ The search of potential contributing organisations was initially conducted in Canada, Australia and the US. In addition, a number of academics and campaigners were approached who had specific knowledge of other countries, including Brazil, Denmark, Germany, Italy, the Netherlands and Norway, and were asked to nominate organisations they were aware of that fitted our search criteria.

‘The criminal justice system in a social justice society would look very different from the current system’

Marsha Weissman, Center for Community Alternatives

I learned my most important lessons about criminal justice reform more than 30 years ago while working on what has become known as the Attica Prison rebellion.¹¹ My teachers were former prisoners who were charged with leading the uprising. They taught me the importance of remaining true to one’s principles and relying on allies for support when facing political forces that would marginalise the struggle for justice. They taught me the importance of working side-by-side with friends and colleagues who have been directly affected by the criminal justice system. I have tried to implement these lessons through my organisation, the Center for Community Alternatives (CCA).

Situating criminal justice in a wider socio-economic and political context

It is imperative to develop a coherent critique about the limits of achieving criminal justice reform within a socio-economic and political structure that privileges profits over human rights. Such a perspective understands that reform is not a ‘technocratic’ challenge to be solved by improved conditions of confinement or even expanded ‘alternative-to-incarceration’ (ATI) programmes. It looks squarely at the social, economic and political agendas that drive our current criminal justice system. It exposes the major role of the restructuring of the labour market, including the collapse of the industrial section, changes in family structure and the globalisation of capital, in mass criminalisation.

Criminal justice reform has, at its core, civil and human rights issues. The legacy of racism – slavery and Jim Crow – haunts the US criminal justice system. Racial discrimination in the US criminal justice system is historical and current, deliberate and inadvertent, and occurs at every stage, from arrest to sentencing. In the US, imprisonment rates per 100,000 are 3,218 for Blacks, 1,220 for Latinos and 463 for Whites.

That said, it is difficult to raise structural conditions in reform work. Policy makers are wedded to the present structure and dismiss even modest reforms as ‘soft on crime’. Those with good intentions but a ‘technocratic’ gaze disregard or reject the inclusion of structural issues for fear of alienating public officials, considering these problems ‘too big’ to tackle and unlikely to be funded by government or philanthropy. Instead, many reformers focus on circumscribed changes to the current criminal justice system. The result is the continued expansion of the criminal justice system in lieu of the building of social institutions that are embedded in community life. A notable example is the myriad of ‘speciality’ courts in the US, which started with drug courts then expanded to mental health courts, veteran courts and even truancy courts. Speciality courts have become international – including England, Scotland and Wales – displaying a form of US criminal justice system imperialism.

Social justice analysis

Nonetheless, incorporating wider socio-economic and political analysis in policy and practice interventions can move reform efforts closer to deconstruction of the carceral state. Such analysis offers the prospect of bringing the voices of those caught up in the criminal justice system to the fore – those prosecuted as criminals and their family members. It offers a meaningful way to reach out to crime victims, many of whom come from the very same communities as those charged with crime, communities marginalised by poverty and racism. A broader social justice analysis would

11. The Attica Prison rebellion took place in September 1971 in the maximum security prison in upstate New York. Led by prisoners with a broad social justice agenda, the prisoners’ demands were focused on basic human rights, including the right to organise, the right to be free from abuse from prison guards and the right to basic living conditions – health and sanitary conditions among others. The rebellion was ended when then Governor Nelson Rockefeller sent in state troopers to retake the prison by force, resulting in the death of 39 prisoners and prison guards. A political and legal struggle to defend prisoners charged in the uprising ensued, eventually resulting in the dismissal of the charges against the prisoners. In 2000, the people who had been prisoners at Attica during the 1971 rebellion were awarded an \$8m settlement from the State of New York.

lead to redefining crime; for example, considering why multinational banks go unchecked for their role in the current economic collapse while the average sentence for a person convicted of bank robbery in the US is nine years.

Criminal justice reform based on a socio-economic and political analysis neither negates individual responsibility for harmful acts, nor denies the need for accountability and/or rehabilitation. In the long term, a fair and human criminal justice system will require social and economic justice so that people can access basic human rights of decent housing, nutritious food, adequate healthcare and education. These fundamentals will go a long way in mitigating conditions that contribute to crime and criminal behaviour.

The criminal justice system in a social justice society would look very different from the current system. It would minimise the use of the criminal justice system to address what are fundamentally social problems. Poor people in need of drug treatment or mental health services would no longer be pushed into the criminal justice system to access those services through structures such as drug court. A social justice-grounded criminal justice system would expect the parsimonious use of the formal state apparatus in meting out accountability measures and instead strengthen the role of community-based institutions. It would focus on the healing of victims and restorative justice that give people who commit crimes meaningful opportunities to make amends.

The difficulties in undertaking criminal justice reform work within a socio-economic and political framework cannot be an excuse to withdraw from the effort. The struggles that take place every day in police stations, court rooms and prisons in the US do not permit us such a luxury. Even within the current carceral state, CCA tries to chip away at mass incarceration by focusing on those who would otherwise be incarcerated and rejecting a priori exclusionary rules that would turn away individuals based on the crime charged or prior criminal history. As practitioners, we work hard to ensure that our programmes do not widen the net of social control. As policy advocates, we emphasise that those who commit crimes, even crimes involving personal violence, are human beings and must be afforded basic civil and human rights.

CCA makes explicit commitments to recognise and confront racial discrimination and disparities in the system. Our organisation reflects all manner of diversity and includes formerly incarcerated people at every level including governing boards. We engage in community-led struggles that are focused on social justice as well as criminal justice reform. We stand with youth-led efforts that are taking on police harassment through indiscriminate stop and frisk policies and practices and practices that are turning schools into pipelines for prisons.

The barriers to decarceration are deeply embedded in the US social, political, economic and ideological being. Moving away from the carceral state will require community and grassroots organising efforts that open the door to community-based solutions to crime, safety and social justice.

Marsha Weissman is the Executive Director of the Center for Community Alternatives (CCA). CCA is based in New York and promotes reintegrative justice and a reduced reliance on incarceration through advocacy, services and public policy development in pursuit of civil and human rights.

'It's important that people see the bigger picture [and] are aware that they deserve more'

Gina Womack and Jessica Womack, Families and Friends of Louisiana's Incarcerated Children

Families and Friends of Louisiana's Incarcerated Children (FFLIC) began in 2001 as a support group dedicated to advocating for the proper treatment of youths in state prisons. FFLIC comprises members from the entire state of Louisiana who are committed to creating a better life for all of Louisiana's youth, especially those who are involved or at risk of being involved in the juvenile justice system. FFLIC strives to use education, direct action organising and peer advocacy to empower families to fight for the rights of their children.

Since the organisation's inception, FFLIC has worked alongside its parent organisation, Juvenile Justice Project of Louisiana, and advocated for the closing of juvenile prisons in Louisiana known for their mistreatment of youth, such as the notorious Tallulah Correctional Center for Youth, and demanded rehabilitative centres based on the Missouri Model, which keep parents at the centre of the treatment of their children, and more community-based services.

Youth imprisonment and education system failure

FFLIC steadfastly believes that the number of youth in prisons can be steeply decreased with the implementation of a stronger educational system, utilising proven methods like positive behaviour approaches and restorative justice practices. Louisiana's education system is ranked 49th, and this undoubtedly affects the number of youth sent to prisons. The poor education system plays a large role in the 'school to prison pipeline', a trend that affects the entirety of the US, where children are systematically funnelled out of public schools and pushed into the juvenile and criminal justice systems. The basis of the injustice is 'zero-tolerance policies' which tend to amplify student's minor infractions and criminalise what is often normal childhood behaviour. Enacting such policies tends to lead to a high number of expulsions and suspensions.

FFLIC fights the detrimental effects of the 'school to prison pipeline', and has effectively done so with the recent passing of Louisiana Senate Bill 67, a bill authored to effectively reduce the state's suspension and expulsion rate and to ensure that students are not hastily put out of school for minor infractions like uniform violations, habitual tardiness and absences, and instead keeps children in school learning.

If suspension and expulsions are decreased and these goals are met, there will be a substantial decrease in the number of youth in state prison facilities. It is FFLIC's vision that the aforementioned goals are met, so that youth of all backgrounds can be exposed to equally opportunity-filled futures.

Involving those most affected by the issues

FFLIC believes that in order to be truly effective in overcoming some challenges of criminal justice and penal reform, organisations must work and take their lead from those most affected by the issues. FFLIC also strives to keep those affected at the forefront of its work. We believe that our families are the experts on what their communities, families and children need. We work with and educate those families on how to achieve reform of a system. We focus on organising: you need to organise the families, advocate for them and help them advocate for themselves. Education and leadership development also plays a crucial role; you have to do this to keep families interested in and understanding of systemic reform and how the system continues to oppress families. FFLIC works to teach a theory of social change: in order to change oppressive systems, you need to organise the people most affected by the issues to fight the old system and to construct a new system based on equality and justice for everyone, not just a select few. Lastly, we emphasise taking action and confronting power. FFLIC develops opportunities for its membership base to confront and speak truthfully to those in power and make effective strides towards both small and large wins that make concrete changes that affect members' lives. Remember that just

because you win support and change laws that affect lives, people are not anxious to make the change and carry out the law; they will put up all kinds of road blocks and find ways to keep reform from happening. Be prepared to have an implementation strategy and to keep fighting, even past implementation.

Having a longer term vision

FFLIC applies the frame of human rights to its work. It's important that people see the bigger picture, are aware that they deserve more, and because some people want all of the privilege, some folks are made to suffer. By applying this larger political analysis to our work, our members can really apply their experiences to that larger issue: why we fight for systemic reform, why organising all the people who are affected by the issues are important, why we need to vote, and why we need to build solidarity.

We have learned that you need a long-term vision to express to policy makers and others we try to influence. We have found that policy makers understand facts if you apply a monetary value to it. You need to make those in power see that they are wasting money and that doing something different is better for the financial bottom line and increases public safety.

Reconciling work to relieve the immediate problems facing those affected by the system is very complicated to do, but we have found that you have to have an advocacy component to keep families engaged. If a family comes to us for help, we have to provide some immediate assistance. For example, if they don't have transportation to visit their incarcerated loved one, we help find rideshares or take them for visits. Also, we hire from our membership base. Having peer-to-peer working relationship makes defining trust much easier. For us, you cannot do one without the other. If you want people to be invested in the organisation and the long-term work, you have to show that you are invested in them. Also, we include our members in the decision-making/campaign-building process, utilising a bottom-up approach.

It is very obvious that clearly defined economic barriers exist in the US. What is less transparent, however, is exactly how entrenched said barriers are. Wealthy Americans are seen to be living the 'American Dream', yet the lives of those in poverty are less than ideal. The opportunities people in the US are privy to reflect the socio-economic status in which they are placed, and dishearteningly, education, health and other similar services are distributed accordingly. In Louisiana, the social injustice is evident. Many families of colour live in poverty and are forced to send their children to unacceptable and inadequate public schools that are more interested in disciplining than educating. Because of the lack of proper education, many youth of colour, especially Black youth, are funnelled into detention facilities and jails where their basic civil rights are constantly violated, as they are beaten, abused, and mistreated. Further, lack of rehabilitation and community service force youth back to the streets and subsequently into the adult system.

Gina Womack is the executive director of Families and Friends of Louisiana's Incarcerated Children and Jessica Womack is a student intern. FFLIC is a statewide membership-based organisation which fights for a better life for all of Louisiana's youth, especially those involved in or targeted by the juvenile justice system.

'Who ends up in the criminal justice system, when, and why'

Tracy Velázquez, Justice Policy Institute

The Justice Policy Institute (JPI) is a young organisation, having been incorporated in 2003 after operating as a project of another organisation for about five years. The way we do our work is through creating accessible reports on timely issues, partnering with advocates and government to improve systems, and using strategic communications to change the conversation around criminal and juvenile justice policies.

There is an ongoing tension in our work between trying to reform the criminal justice system and attempting to influence social and economic policies and practices that play a significant role in who ends up in the criminal justice system, when, and why. This is partially reflected in our recently updated mission statement: 'to reduce the use of incarceration and the justice system and promote policies that improve the well-being of all people and communities'. US policy makers increasingly are turning to the criminal and juvenile justice systems to address a multitude of issues. Some of these are serious problems that should be dealt with by other social systems, while in others the justice system is being used to further economic or political ends of various people or institutions. Here are some examples of our work in this latter regard:

Our recent report, *Addicted to Courts*, shows how we are increasingly using the courts as a substance abuse treatment delivery system. What is really needed is more accessible and better treatment in the community for those who need it, so people can avoid justice involvement altogether. A similar dynamic exists with mental health courts, which are seeing explosive growth even as community mental health budgets are being slashed.

In *Money Well Spent*, we looked at the nexus of race, poverty and juvenile justice involvement in Washington, DC. We noted that wards (sections) of the city with the highest percentage of people using public welfare assistance also had the worst school outcomes and sent the most youth to the juvenile justice system.

Our just-released report, *Gaming the System*, describes how incarceration is used to generate profits for large corporations, and how these companies promote pro-incarceration policies to the detriment of both those in private prisons and society as a whole.

Advocating a prevention model

You could say that JPI's approach increasingly is a 'prevention' model. What do I mean by that? To use the example of the public health issue of cancer: there are those who focus on treating cancer, making the experience of having cancer less painful and debilitating, and lessening the lifelong consequences of having cancer by reducing the chance of recurrence; there are others who try to prevent people from ever having cancer by passing policies that eliminate smoking by children or in public places and limit the number of cancer-causing substances that we are exposed to every day. In applying this to the justice system, we know that there is a critical need to 'treat' the criminal justice system so that, for example, people in prisons and jails are treated humanely and outcomes are improved for those re-entering the community from correctional facilities. But just as reducing the number of people who get cancer will make it more possible to care for those who do, the fewer people the criminal justice system ever touches, the less harm to those who are in it we will have to help undo later.

This prevention approach does create challenges, one of these being that other 'disciplines' often do not, or will not, talk about the justice impact of their policies and practices. For example, while there are people that speak of the 'school to prison pipeline', education leaders seldom talk about investing in education as a way of shrinking the justice system. And some in the treatment community are loathe to speak out against using the justice system to provide mental health or substance abuse treatment, perhaps because they do not believe substantial improvements in community treatment will ever occur. Clearly, if we are to be successful in advocating for broader social changes, breaking down the 'silos' that different disciplines exist in and showing how working together will be mutually beneficial are critical.

Reducing prison numbers: incremental changes and broader context issues

Earlier this year, JPI published *Finding Direction*, which looks cross-nationally at the justice system in the US and five western democracies. While the report highlighted a number of changes that could be made incrementally to reduce incarceration and the use of the justice system, a variety of 'big picture' differences between the US and other countries shows how complex the issue of change truly is. For instance, that prosecutors and judges are elected in the US has an impact on justice reform efforts; as was noted in the report, 'creating fair, cost-effective policies may take second place to satisfying the perceived desires of constituents, appease the media, and respond to campaign financiers'. And the myth of American self-sufficiency – that everyone should be able to 'pull themselves up by their bootstraps' – means that inadequate social supports, ranging from unemployment income maintenance to healthcare, will likely continue to impact rates of justice involvement. Given that many in the US have vested economic interests in the status quo – from insurance companies that underwrite commercial bail bondsmen to private prison corporations – finding champions for systemic change in a donation-driven democracy will be all the more difficult.

Will JPI continue to work for criminal justice system reform? Undoubtedly yes, especially for changes that lead to fewer people incarcerated, and especially now, when state budget crises are providing opportunities for advancing these incremental reforms. But for lasting change in the role of the criminal justice system in society as a whole, we must also strive to build understanding of the 'justice impact' of other social, economic and political decisions; only in this way can we create the type of healthy and safe communities that we all want to live in.

Tracy Velázquez is the executive director of the Justice Policy Institute, a national non-profit organisation that intends to change the conversation around justice reform and advances policies that promote well-being and justice for all people and communities. The Justice Policy Institute is based in Washington, DC.

‘Unless those who wish to reduce imprisonment can identify with the people they would release, they will be ineffective’

Brett Collins, Justice Action

Justice Action is unashamedly an advocacy organisation committed to the abolition of imprisonment. We see it as torture, unacceptable like slavery and executions – barbaric. We do casework to the extent that is necessary to secure our base, monitor trends and link to funded organisations in the field of prisoner services.

We are independent from the government. We fund ourselves through a social enterprise called Breakout DesignPrintWeb that has provided services to unions, community groups and corporations since 1984. It means that we exist for a purpose and have to focus on effective strategies. The more high profile the political work we do, the more support we get, with purchasers of our services giving us the chance to do work at the same price as other suppliers. It also links us to service providers in the areas of mental health, housing, women and indigenous services, as well as to unions who want social change.

We feel entirely optimistic that we have the direction and levers to cause radical changes. The reactions we stimulate confirm that we are on the right track. Our people and publications are banned, but are eminently reasonable. The defensiveness of the system in itself raises questions. We network with all other organisations so do not depend on access. Currently we have over 20 active interlocking campaigns carefully stated, and two separate cases before the Supreme Court driving our agenda with our leading issues. We have been running for many decades and call upon the heritage and lessons of Australia's formation as a penal colony.

Issues and responses

Current failure

The structure and principles of the prison system are actually counterproductive as well as being expensive and satisfying no one. To exclude people from the community at enormous cost for long periods of time and then try to resettle them without the few positive things that previously existed is doing damage. If we were fixing a car we would focus on the broken parts, not dismantle those that work.

Crime is a community problem and can only be dealt with effectively in the community, where all participants are involved, the victims are compensated, the offenders are held responsible and the punitive money distributed for a safer community.

Response

Offer real answers that work. We point to restorative justice and peer mentoring and highlight our successes. We use our media access to continually state our positions in real situations. We create analyses and share them for all to adopt or modify.

Good people

This is an essential part of our understanding. Unless those who wish to reduce imprisonment can identify with the people they would release, they will be ineffective. And the experience of everyone at first involvement in prison is the normality of the people inside and shock at the unfairness of the dangerous stereotype. A ‘murderer’ is seen to be generous and caring with family who love him. Many more aggressive people walk the streets outside. It is the fear of ‘others’ behind the high walls that justifies the system to the taxpayer.

Response

Exposing this truth is radical. And the best way to do that is to personalise the people inside. The higher profile the case the better. The media loves to focus on the horrible past acts of certain individuals. But we as prisoners know a different person entirely, and propose a better way to deal with their problems, socially with people around them. And we do it with certain

people. Stand beside them and make it work. Rather than being silent when these difficult cases occur, we meet the situation with a media release offering another view and we get heard.

We see prisoners' access to the internet with computers in each cell as a very significant game changer in presenting the very normal side of prisoners and we are developing our website to take prisoners' profiles. The media should be allowed into prisons, with the option of privacy.

Unused social support

As the rate of imprisonment has increased, so has the number of our people inside. They are under enormous personal pressure and have communities who yearn for them. That increases the strength of our position and makes their involvement essential.

The principles of sharing and mutual support under oppression are inherent in the experience, although management deliberately creates divisions and intergroup tensions. Only the violence inside prisons is expressed publicly, but the deep interpersonal relationships are much more significant. That social support is never acknowledged, just as families are criminalised instead of supported. It is the basis for peer mentoring – extremely effective but unused as it gives prisoners power.

Response

Training from organisations outside linked to prisoner committees. Freedom of association is a stated right. Peer mentoring is paid and recognised, with voluntariness and trust.

Controlling support services

There is a fat industry built around prisons bloated by the fear of those inside. It ranges from health services, psychologists, welfare officers to aftercare services. But all are linked to funding by the government, controlled by the same ethos as the prison system.

It has become part of the coercive apparatus, uncontrolled and untrusted by those whom it was created to serve. It becomes cynical and authoritarian just out of its funding vulnerability, and the powerlessness of those it serves. In that process, the inability of prisoners to control and trust those services makes them useless and a cloak for the system's violence and destructiveness. They sap useful money and work against prisoners' interests for structural change.

Response

We focused on mental health, as the basis for dealing with health issues is care not punishment. The judgment of 'good health' is a subjective one commanded by the consumer. We created an analysis called the *OUR PICK* Report that drew upon current situations, accused the industry of corruption and proposed changes. It reverberates around the health industry as yet unanswered.

Human rights

We struggle with the lack of enforceable rights, yet we have the vote. Justice Action spoke for prisoners nationally before Senate Inquiries in 1997 and in 2006 when the prisoners' vote was under attack. We see lifting the status of prisoners as fundamental to any change in how they are seen.

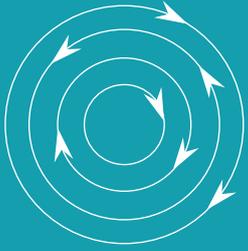
Response

We use the right to vote as forming a kernel of democratic respect and have launched a series of Supreme Court cases directed at compelling authorities to recognise the constitutional entitlement for prisoners to receive political information in a newspaper created for them.

Likewise, we fight against privatisation as being morally dangerous and likely to lead to a larger coercive apparatus. We work with the prison officers' union as part of a union umbrella.

Brett Collins is a coordinator at Justice Action, a community-based organisation of criminal justice activists based in Sydney, Australia.





Chapter 3

Beyond criminal justice solutions

The future prison population will depend on all kinds of things beyond the control of the Government [...] Eventually it will all depend on whether we have long and protracted youth unemployment, how far the recession has retracted, and how successful we are with our rehabilitation revolution, workplace reform, skills training, education reform and so on. The Prison Service is there to meet the demand, but we expect the demand to be reasonably stable.

Ken Clarke, Justice Secretary (Hansard, HC deb., 8 November 2011, c150)

At one level the key idea proposed here that an explanation for the numbers imprisoned lies outside of the criminal justice system is, we anticipate, uncontroversial. The above quote suggests the Justice Secretary himself acknowledges the drivers for future prison numbers are grounded in factors outside the scope of reforming criminal justice. However, the incorporation of a socio-economic perspective regarding prison numbers into penal reform organisations' campaigns to reduce custody is unlikely to depend on a shared agreement that socio-economic factors are involved in prison numbers. From the conversations we have had with those engaged in penal reform during the Reform Sector Strategies project, most people agreed in principle that socio-economic conditions affect prison numbers. Rather, the common objectives we encountered to incorporating a socio-economic perspective in penal reform campaigns to reduce prison numbers are about the practical considerations this approach would potentially imply. Typically that incorporating socio-economic explanations:

- **Does not seem very possible or feasible**
- **Is politically unpalatable (and would potentially undermine reform organisations' work to influence policy change in criminal justice)**
- **Could dilute the potential influence of the penal reform sector by delving into the relatively uncharted territories of welfare, social services, education, community work etc.**

In practice, campaigns to reduce prison numbers are most often undertaken by organisations caught between attempting to mitigate a scenario of growing prison numbers *and* attempting a more ambitious programme of work charting a long term course for a smaller prison population. In relation to the former agenda, it is both undeniably important and a valid ambition for penal reform organisations to attempt to influence policy agendas to reform criminal justice with the hopes of trying to ensure the criminal justice system doesn't exacerbate high prison numbers. This is an area of work in which penal reformers can intervene with authority, substantial knowledge and considerable experience. The proposal made here to pursue an agenda at a considerable distance from the current policy agenda with the intention of realising more significant reductions in imprisonment in the longer term is unlikely to be considered feasible or desirable by all those concerned about high prison numbers.

Whether it is possible to move beyond criminal justice in addressing prison numbers and if it is not, what this implies about the sector's ambition for prison numbers are important questions this paper poses to those engaged in penal reform work. For those interested in an ongoing development of this socio-economic explanation for prison numbers, the various academic and campaigners' contributions to this paper offer a number of new avenues and ways of responding to penal excess, although it cannot be claimed these are tried and tested ways to reduce prison numbers.

Firstly, in terms of the research evidence presented in this paper, thinking through and organising a response to prison numbers based across a broader spectrum than that of reforming criminal justice has a basis in empirical evidence. Comparing various nations' use of imprisonment has revealed striking correlations between the numbers imprisoned and wider social issues of income inequality, welfare and broader social policy arrangements, and attitudes and responses to the marginalised. However, the relationship between these wider social issues and imprisonment is far from a simple cause and effect relationship that would make either future prison numbers or a programme to reduce custody, predictable known processes which follow on from these studies' findings. The recognised limitations of this type of data to identify the relationship between the variables involved in the complex process of prison numbers does not however, reduce the importance of its broad implication that concern about prison numbers cannot be divorced from a wider set of questions about the nature of society we live in and the role of prison in this structure.

Secondly, the descriptions from representatives of organisations that are making connections between prison numbers and a wider social context provide some insight into how a perspective which goes beyond criminal justice solutions may be applied to intervening to reduce the prison population. Two interesting aspects raised by the four contributors to this paper are rethinking the relationship between campaigns to reduce the use of custody and the public, and creating a different kind of discussion about prison and criminal justice.

Campaigning to reduce the use of custody some contributors suggest, has the potential to be organised as a social movement, building a broad alliance of people who empathise with the goals of the organisation. The notion of proposing significant changes to the use of prison and criminal justice and of building a broad alliance of support may appear unrealistic to many experienced penal reformers in England and Wales. Indeed, the perception of a punitive or indifferent public that penal reformers were careful not to alienate by being seen to be 'soft on crime' or 'on the criminal's side' was considered to be one of the key challenges facing the cause of penal reform by representatives from penal reform organisations interviewed early in this project. So how do contributors propose to achieve the necessary traction to build a broad emphatic alliance?

It was suggested that directly involving those most affected by criminal justice as prisoners, victims, their friends, families and communities in campaign decisions and organisation direction, and undertaking local-level community-led campaigns, such as those on police harassment of youths or school exclusion policies, should be prioritised. An interesting implication flowing from this is that there is a role for identifying and provoking anger about criminal justice and for embracing the emotional fallout caused by current criminal justice arrangements. This is in notable contrast to the popular notion that there is a benefit in 'taking the heat out of' criminal justice by engaging in rational arguments about cost and effectiveness and prioritising elite policy and professional engagement in campaign activity.

Finally, in obvious and important ways, all the contributors prioritised creating a greater space and narrative for thinking differently about both prison and criminal justice as a response to penal excess. While the four organisations were engaged in this challenge in different ways, principles outlined include:

- **'Disrupting': recalibrating the way the penal system is considered, troubling its meanings, definitions and function, rather than incorporating 'common sense' language which is imbued with questionable assumptions about the role of prison and criminal justice**
- **'Exposing': investing in developing an ability to clearly explain and articulate who, why and how imprisonment is used**
- **'Choice': that the size and scope of the criminal justice system is not inevitable and is not the only possible response to issues of harm and safety**
- **Appropriating a 'rights and social justice' framework to resituate criminal justice**

- **Finally, detaching the goal of changing criminal justice to make it less punitive or better at rehabilitating people, from a goal of making progress on establishing a safer, more secure and healthier society. The opposition to specialist courts for accessing drugs treatment, mental health support or school truancy is cited as a clear example where concern about further extending the scope of criminal justice system is considered to take priority over 'improving' or making criminal justice more humane or rehabilitative.**

It would be naive to suggest that the socio-economic perspective outlined here provides all the answers to establish credible, coherent strategies to achieving a smaller prison population in the longer term. Or that this is an approach that will resolve the challenges facing those organisations that intervene to reduce prison numbers. We are also wary of reaching premature conclusions to what we feel is an area which would benefit from further discussion and collaboration among those concerned with high prison numbers. Therefore we end this paper with a more modest conclusion. Considering what can be done to intervene in penal excess in the future requires thinking across a broader spectrum than criminal justice solutions or fixes to prison numbers. Attempting to address record prison numbers is commonly considered an unpopular cause and is undoubtedly one with substantial challenges. Imagining a prison population significantly smaller than the current 87,573 entails moving beyond the concerns of current policy agendas, which at best attempt to control the potential future growth in custody. It implies developing a coherent critique about the limitations of criminal justice improvement to address the use of custody, and the incorporation of a broader perspective about the social and economic circumstances and arrangements which may provide a way to potentially lasting positive gains regarding tackling prison numbers in a time of penal excess.

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This is the second publication in the Reform Sector Strategies series funded by the Esmée Fairbairn Foundation. This paper explores a potential new direction in campaigning to reduce the prison population in England and Wales; that of incorporating socio-economic explanations for prison numbers into strategies to reduce high prison numbers. Recent empirical studies regarding the socio-economic drivers of prison numbers are considered as well as contributions from the representatives of organisations who think beyond criminal justice improvement in their work to reduce the use of imprisonment.

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