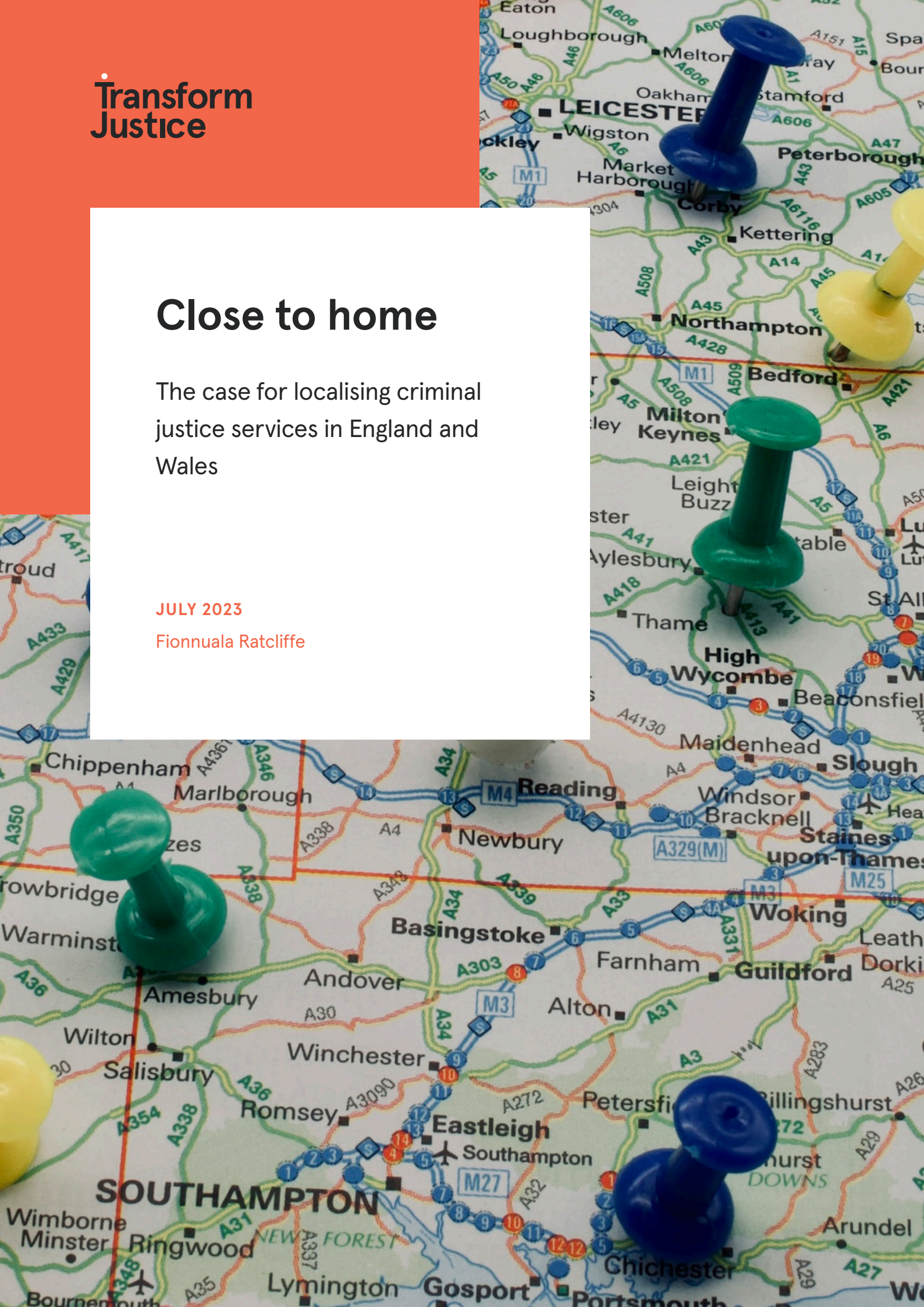


Close to home

The case for localising criminal justice services in England and Wales

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Contents

3 Summary

4 Why localise justice services?

6 What would localisation of justice services look like?

7 Evidence for localising criminal justice services

8 Localised justice in practice

12 **Endnotes**

Summary

- Our criminal justice system in its current form is unsustainable. Long court backlogs, few crimes resolved, probation staff shortages. An ever-rising prison population despite prisons costing a disproportionate amount of taxpayer money and not working to reduce reoffending.

One problem is that our criminal justice services – prisons, probation, courts, prosecution, and to some extent policing – are incredibly centralised. There is a lack of local ownership for crime prevention and reducing reoffending. Local agencies go cap in hand to central government for funding, rather than fostering and supporting innovative solutions locally.

Another issue is that many of the levers to prevent crime and reoffending – including health, employment, education and housing – lie outside the criminal justice system. Local actors are not financially incentivised to tackle these drivers and invest to solve problems upstream. Public services work in silos rather than together toward common goals.

We can reduce crime and make our communities safer by giving local leaders the right levers and incentives to tackle crime at a local level – by localising justice services and budgets.

What would localised justice services look like?

- Delegation of justice budgets for prison places, magistrates' courts' administration, policing, prosecution and probation to police and crime commissioners or mayors
- Pooling of criminal justice resources so that local services work together towards a shared aim and share any savings made
- Financially incentivising local services to shift investment upstream from enforcement to prevention, by allowing them to benefit from the savings from investment
- Local management of probation and of the administration of magistrates' courts and the CPS. Prisons and Crown Courts continue to be managed nationally

- Prosecutorial and judicial independence maintained through continued use of nationally agreed prosecution and sentencing guidelines.
- Standards monitored through inspectorate, effective community scrutiny, and a newly created interdepartmental board

This paper sets out how localising criminal justice services will:

- Reduce crime
- Reduce waste in criminal justice system spending
- Increase trust and confidence in the criminal justice system
- Improve the experience of victims

Why localise justice services?

The current system is unsustainable and does not work.

Demand for courts, prisons and probation are predicted to rise in the coming years due to the recruitment of 20,000 more police officers, the introduction of longer sentences for some crimes and sentence inflation. The government's response has been to commit to creating more prison places, despite prisons costing a disproportionate amount of taxpayer money and not working to reduce reoffending.¹ A recent evidence review by the Sentencing Council concluded that "short custodial sentences under twelve months are less effective than other disposals at reducing re-offending" and that increasing the length of prison sentences also doesn't reduce reoffending. This money would be better spent on driving down demand for criminal justice services by tackling the root causes of crime.

Centralised funding wastes resources and stifles innovation.

Meanwhile the current begging bowl culture, where local agencies bid for centralised pots of funding, wastes millions of pounds on bidding and grant management which could otherwise be spent on delivery. The latest round of the Safer Streets Fund saw over 80 PCCs, councils and police forces applying to the Home Office for projects as minor as installing extra CCTV and street lighting. This approach wastes time, stifles innovation and disadvantages small, specialist organisations.

Centralised funding also forces local agencies to deliver activities within the narrow remit of what central government civil servants deem most important, rather than what will deliver the best outcomes locally. Targets focus on stifling metrics such as fixing appointments within a given timeframe, rather than reducing repeat crime in the long-term such as through the delivery of a trauma-informed service.

Women's centres – the problem of centralised funding.



Women's Centres are one-stop shops where women can access support with issues such as housing, health, and domestic abuse. They address the drivers of crime for women. A recent economic analysis² found that Women's Centres generate a nearly triple return on public investment, by keeping women out of prison and easing demand for other services. Unfortunately, centres are hindered in delivering these benefits by having to bid for, on average, 20 separate funding streams from local authorities, health, police, probation and trusts and foundations, all with different delivery and reporting timeframes. Many also fundraise locally to support their services. The MoJ provides some grant funding, but this is mostly limited to providing support to women on probation, is short-term, and insufficient.

Increase trust and confidence in the criminal justice system.

A string of recent policing scandals and high levels of racial disparities throughout the criminal justice system has caused confidence in the system to plummet. Localising justice services allows communities to take back control of crime priorities and approaches.

In the US, justice reinvestment started by asking communities what they needed to prevent crime. Communities are involved in finding solutions, rather than local organisations bidding to deliver services that are designed and commissioned by central government civil servants who may not understand local nuance, capacity and priorities. PCCs and mayors are directly accountable to local people for crime and justice outcomes and budget. Community scrutiny is provided via reformed police and crime panels, who review performance against agreed goals informed by performance data.

TABLE 1: What would localisation of justice services look like?

WHAT WOULD LOCALISATION OF JUSTICE SERVICES LOOK LIKE?	
Delegation of justice budgets to police and crime commissioners or mayors.	Budgets for prison, magistrates' courts, policing, prosecution and probation delegated to the local level of police and crime commissioners (PCCs) or mayors. In Wales the budget is delegated to the Welsh government to choose whether or not to devolve budget and responsibility further.
Development of shared crime and justice goals.	Local agencies agree to joint outcomes/aims for crime and justice, held by the PCC/mayor, for example to reduce reoffending, reduce certain types of crime, reduce short prison sentences and/or remand, or reduce imprisonment of children or women. This could use a similar mechanism to local area agreements, whereby areas set local priorities within a framework agreed by central government.
Pooling of criminal justice resources at the local level.	Local services work together towards those shared aims and share the savings when they are achieved. This is facilitated by making regional probation, CPS and magistrates' courts services coterminous with police force areas. PCCs or mayors are also represented on the new Integrated Care Boards and vice versa, which bring local partners together to address the wider health care, public health and social care needs of the population.
Financial incentives.	Local services are financially incentivised to shift investment upstream from enforcement to prevention, by allowing them to benefit from the savings from efficient practice. Local leaders are financially accountable for anyone who is sent to prison (for all but the most serious crimes), with a fixed charge for anyone sentenced to prison or remanded pre-trial. Money that would otherwise be spent on imprisonment would be used by local communities to support rehabilitation locally and invest in community services. Services will also be incentivised to support those who receive out-of-court sanctions and court sentences to comply with rehabilitative conditions, and not to reoffend.
Management of prisons and Crown Courts stay centralised.	Local management of probation and the administration of magistrates' courts, and prosecution. Prisons and Crown Courts continue to be managed nationally. Prosecutorial and judicial independence is maintained through continued use of nationally agreed prosecution and sentencing guidelines.
Transparency.	Accurate local data published regularly on a data dashboard, enabling citizens and organisations to view performance and compare with other areas.
Standards and accountability.	Standards monitored through inspectorate and effective community scrutiny. Reformed police and crime panels provide scrutiny of performance. Prosecution and sentencing decisions continue to be made by independent arbiters, not local budget holders, with the judicial appeals system as a further check on the system. All criminal justice agencies would still need to meet statutory responsibilities and would be scrutinised by inspectorates against their minimum standards and expectations.
A staged introduction.	Trialling the localised justice model in a few areas initially, or with one service (e.g. probation).

Evidence for localising criminal justice services

- Localising criminal justice services and budgets has worked before to cut crime, reduce costs and incentivise prevention.

Localised youth justice services are a success story.

Youth justice services in England and Wales are one of the few areas of the justice system that are localised, unlike adult probation which reports to a centralised HMPPS. In recent years the youth justice system has bucked the wider trend of worsening criminal justice services and represents a success story.

The number of children entering the criminal justice system for the first time reached an all-time low in January 2023. The number of children in youth custody is now the lowest figure on record. Inspections show youth justice services are functioning much more effectively than probation. The chief inspector of probation recently said that:

“Over two-thirds of the Youth Offending Services (YOS) we inspected last year [got] an overall rating of ‘Good’ or ‘Outstanding’. In a marked contrast to the Probation Service, around the country we are seeing stable and experienced YOS staff groups with low vacancy and attrition rates, very manageable caseloads and an impressive range of services. Including welcoming, child friendly premises and imaginative use of IT – all of this supported by often impressive leadership and very engaged multi-agency management boards.”

Previous England pilot programme cut demand and incentivised prevention.

In 2011, the Ministry of Justice introduced a pilot in six local areas across Manchester and London to try to incentivise local agencies to work together to reduce reoffending. The idea was that the Ministry of Justice would pay local partners if they were successful in reducing court convictions and disposals in their areas. Sharing the savings that accrued to the Ministry of Justice from the reductions would enable the local partners to reinvest further in crime prevention activity at the local level. All but one area met or exceeded their targets, and although some areas received relatively small payments, Greater Manchester delivered a large reduction in demand on courts and prisons, receiving a £3.6 million payment in the first year which could then be reinvested in local services.⁵

US justice reinvestment saved costs and reduced reoffending.

Further afield, localisation of justice services in the US shows significant cost savings and reinvestment in preventative services. Between 2003 and 2014, more than half of US states introduced justice reinvestment laws or policies which sought to reduce the severity of sentences for nonviolent offences, and to reduce breaches of parole and supervision, in order to avert unaffordable prison growth. The approach has allowed the states to save more than \$1billion. In Mississippi, by 2018 the state had saved \$40m by decreasing the reoffending rate of people leaving prison and reducing the number of people in prison for non-violent offences.⁴ 2014 was the first time in 38 years that both federal and state prison populations fell in tandem. Since then the US prison population has declined for eight consecutive years. Many states have used some of the spending earmarked for new prisons to strengthen alternatives.

Localised justice in practice

Housing for people leaving prison

Many people go into prison homeless and even more leave with nowhere to live. Those who are released homeless are more likely to go on to reoffend and to return to prison.

There are many barriers to people leaving prison obtaining suitable accommodation including a shortage of housing stock, high up-front costs of renting, and housing providers who are averse to accommodating people with criminal records. While local authorities have a duty to prevent and relieve homelessness, they do not have a duty to house people leaving prison unless they are particularly vulnerable. This is despite stable housing being one of the most important factors in supporting people leaving prison to live crime-free lives. People therefore often leave prison homeless, or are given tents to live in.⁵

A justice reinvestment model puts shared responsibility and accountability on all local public services to provide settled accommodation to people leaving prison. It incentivises local authorities to work together with prisons and probation to develop innovative solutions to ensure sufficient accommodation is available, to fund new accommodation when there isn't enough available, and to support people to move into this accommodation quickly after leaving prison.

Incentives can also be applied to encourage local authorities to provide accommodation for people at risk of being remanded - imprisoned pending trial. Having suitable accommodation available will reduce the likelihood that courts will refuse bail to people.

FIGURE 1: The journey for people without a home leaving prison

Incentivising diversion from court

There are many ways to resolve crimes without going to court, for example, through community resolutions or cautions. These options are used by the police to deal with people who admit to committing offences where prosecution would not be proportionate. They can have conditions attached such as taking part in an addiction recovery programme or paying for damages.

Resolving crime without going to court has proven effective at preventing reoffending and helping victims move on. The public are also supportive of these options. Despite this, out of court disposal use has dropped by 75% since 2008.⁶

One reason for the decline is how resource-intensive they are for the police, who must use staff and officer time to administer the out-of-court options, as well as pay for third sector or private providers to run the attached rehabilitation programmes. This can be more time-consuming for officers than prosecution, where the costs are picked up by the courts.

A localised justice model will break down the silos between police, courts and community rehabilitative services. This removes the perverse financial incentive on police to charge cases rather than resolve them effectively without going to court. It transfers resources away from the often ineffective court processing of lower level cases, towards local agencies who can choose where to spend it more constructively to reduce crime and repair harm in the community.

FIGURE 2: The journey for someone being diverted from court



Victims' services

Currently victims' services are fragmented. The police deal with victims who report crime, provide support for victims of the most serious crime, and may refer victims to local victims' services. Local authorities or PCCs fund general victims' services and specialist services for survivors of domestic abuse and sexual offences. Witness care is funded centrally by the Ministry of Justice and supports victims who are witnesses in court. NHS England and new Integrated Care Systems also fund victim services in some areas. Restorative justice services are funded piecemeal and local services struggle to get sustainable funding.

This fragmentation leads to some victims being ignored while others are passed on from service to service and get fed up with retelling their story every time. Localising all funding and responsibility for victims' services would enable local budget holders to fund a range of local victim and witness services, to ensure all local victims have their needs met with a minimum of duplication.

Early intervention and prevention

Links between past traumatic experiences and involvement in the criminal justice system are well evidenced.⁷ Effective prevention and early intervention means recognising when people have had traumatic experiences, and supporting them at an early point to reduce the impact of that trauma on their lives. But doing this properly takes training, time and resources, not something that local health and support services always have.

Under a localised justice model, PCCs or mayors will have the budget to invest in training local agencies in trauma-informed practice, and supporting people who have experienced trauma to reduce its impact on their life and steer clear of the criminal justice system. For example, having a parent with an alcohol or drug use problem is one type of childhood adversity. Health and care services that support people with these issues can extend support to their children, to minimise the impact of trauma on these children including their risk of ending up in contact with the criminal justice system.

These are not criminal justice interventions but will lead to fewer people entering the criminal justice system because they are supported at an earlier stage, meaning less money spent on police, courts and prisons. The money saved from reducing the prison population and reducing the number of people who need to be prosecuted is fed back to the local agencies (health, social care) funding the interventions. PCCs or mayors will also form part of the new local Integrated Care Systems, engaging with health partners regularly to promote evidenced crime prevention initiatives.

Community sentences

It costs £48,000 to keep someone in prison for a year;⁸ costs which are met centrally by the Ministry of Justice. Under a localised justice model, local leaders would be financially accountable for anyone who is sent to prison (for all but indictable only offences), with a fixed charge for anyone sentenced to prison or put on remand (pre-trial imprisonment). This incentivises local services to spend money upstream to prevent people being sent to prison, and to develop effective alternatives to prison such as non-custodial sentences and out-of-court options. Money that would otherwise be spent on imprisonment would be used by local communities to support rehabilitation locally and invest in community services.

Locally tailored solutions would include: effective bail support packages, improved resettlement services that involve prisons, probation, local authorities and community organisations; more effective community supervision to increase compliance with community sentences, for example through intensive support programmes; and reinvestment in schools, housing and employment.

Endnotes

- 1 <https://www.sentencingcouncil.org.uk/wp-content/uploads/Effectiveness-of-Sentencing-Options-Review-FINAL.pdf>
- 2 <https://womeninprison.org.uk/news/report-launch-the-value-of-womens-centres>
- 3 https://www.ippr.org/files/publications/pdf/prisons-and-prevention_Jan2016.pdf
- 4 https://www.urban.org/sites/default/files/2020/03/06/justice_reinvestment_initiative_jri_mississippi.pdf
- 5 <https://www.dailymail.co.uk/news/article-6774259/Prisoners-given-TENTS-leave-jail.html>
- 6 <https://www.transformjustice.org.uk/publication/deflect-and-divert-a-common-sense-approach-to-dealing-with-low-level-crime/>
- 7 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1148546/Changing_Futures_Evaluation_-_Trauma_informed_approaches_REA.pdf, p.15
- 8 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050046/costs-per-place-costs-per-prisoner-2020_-2021.pdf

Transform Justice's vision is a fair, open, and compassionate justice system. We believe that evidence about what works to reduce crime and prevent reoffending should be at the heart of policy decisions and embedded in practice by those working in the criminal justice sector. Through our work we hope to reduce crime and the harm that can be caused by the criminal justice system.

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