



THE YOUNG FOUNDATION

Escape from the Titanic:

Why Britain's criminal justice needs systematic innovation and how innovation can help secure a justice dividend for local communities

Summary

The British criminal justice system is failing by many measures. Costs are rising as is the prison population. The sheer pressure on the system is making it hard to introduce long overdue reforms. As a result recidivism rates remain high and public confidence remains low. Ahead of a likely squeeze on public spending over the next few years the current strategy looks unsustainable, combining as it does very high costs and little scope for cutting the underlying causes of offending.

Some are fatalistic that anything can be done. Others have proposed “big bang” reforms to put it right. This paper makes the case for managed evolution towards a system that is much more effective at tailoring punishments and interventions to fit offenders’ characteristics, and that helps communities take more responsibility for their part of the system. It argues for changes that can go with the grain of public opinion but also help to educate the public about what works – so as to help escape from knee-jerk reactions against reform.

It advocates wide-ranging systematic innovation to develop better models, and then scale them up, in particular in relation to skills, psychology, connections and opportunities for offenders, to be undertaken at all levels but particularly at the local authority level. The paper cites a number of examples of interventions which focus on early risk factors such as the work of the innovative In Tune project in Gloucestershire; interventions in the custodial setting such as the Barbed Design social enterprise in HMP Coldingley and work to manage risk post-release such as the pioneering Canadian model of Circles of Support and Accountability. It discusses mechanisms such as Community Justice initiatives which can bolster public confidence in innovative interventions.

This paper suggests how a menu of such interventions can be made available to a locality, and presents an overview of those structures which could ensure that the system has capacity for this, as well as how to bolster public confidence in innovative approaches, and in a radically reformed system.

It makes a number of recommendations including:

- Factoring in targets for innovations that cut across the criminal justice system and local government in Local Area Agreements, so that areas which want to can become exemplars of more joined up and effective ways of combining punishment with crime reduction
- Mandating senior commissioners to ensure that at least 2% of spending goes on innovative models which have the potential to significantly improve the system's effectiveness
- Setting up specialist semi-autonomous intermediaries such as the Center for Court Innovation in New York to develop and drive forward innovation, as well as an autonomous body along the lines of NICE (National Institute for Clinical Excellence) to evaluate and publically endorse innovations which work best.

There are many excellent and imaginative models in place in the UK and around the world which point to how criminal justice could be organised more intelligently. However at present we have a system that lacks systematic means of supporting and growing innovations. Getting this right is not a complete answer to the problems of criminal justice. However, a strategy for innovation has to be a central part of any strategy for reform and for evolution towards a system that achieves what the public ultimately want – lower crime, fair punishment and reasonable cost.

Introduction

The criminal justice system is failing to fulfil its proper function, which is to combine fair punishment, crime reduction and the maintenance of public confidence. Instead it is costly, wasteful and causes unnecessary harm to both victims and perpetrators. Since 1997, the prison population has increased by 35% to over 82,000 at the time of writing.¹ Reconviction rates have decreased by about 5% in this period according to NOMS figures, whilst rates of violent crime have remained virtually unchanged.² Reconviction rates for young people run at over 40% within twelve months of release.³ Meanwhile, the public believes that crime rates are rising⁴ and victims of crime have lost confidence in the notion that prison holds rehabilitative value.⁵

The financial cost of damage caused by crime and dealing with offenders is enormous – the Home Office puts this at nearly £60 billion a year.⁶ This constitutes a rise from 2% of GDP to 2.5% over the last ten years - a higher per capita level than the US or any EU country.⁷ The Social Exclusion Unit estimated that re-offending by ex prisoners alone cost the public £11 billion annually.⁸ The cost of a prison place is over £40,000 per annum per adult, and much higher for young offenders.⁹ According to recent research, incarceration is the least cost-effective intervention.¹⁰

Prison population projections indicate that it is likely to increase to roughly 100,000 by 2014¹¹ – an increase in cost by £900,000,000 per annum by 2014 just for keeping individuals in custody (and not including the wider cost of crime and re-offending).¹²

The experiences of people who are sent to prison are not conducive to their rehabilitation. Some 90% of prisoners display symptoms of at least one of five mental disorders¹³, around 20% of heroin addicts first try heroin in prison¹⁴, and three quarters of all prison suicides occur in overcrowded conditions.¹⁵

Existing widely-implemented pre- and post-custodial interventions and other means of addressing the behaviour of children at risk are either ineffective or lack the confidence of the public and / or sentencers. Outside of the criminal justice system for example, some Pupil Referral Units can hinder the progress of those sent to them and reinforce patterns of poor and potentially criminal behaviour¹⁶ (nearly half of all prisoners have been excluded from school¹⁷). Within the system community sentences, whilst much more effective than custody, are underused¹⁸ and post-release and resettlement work lacks an architectural integrity needed to support the structures which reinforce a young person's journey through life.¹⁹ The impact of education in establishments is measured in outputs (for example the number of hours of classes attended) rather than outcomes such as enhanced financial skills or improved ability to find employment upon release.

The state's approach to young people has become more legalised and criminalised, but also more abstracted. There have been fifty five Criminal Justice Acts introduced since 1997.²⁰ ASBOs are often ineffective and can result in young people receiving

custodial sentences for non-imprisonable offences which places further strain upon an over-stretched system.²¹ The overuse of custody and the multiplying harms of over-criminalisation are resulting in a vast waste of human potential, with the public often reduced to being angry and frightened onlookers.

The difference between failure and success for an individual caught up in the system and for potential victims of crime can literally mean the difference between life and death. A value shift is needed, one which would give communities the opportunity to retake responsibility for their own children and safety. Innovation within the field can facilitate this shift and provide communities with such an opportunity. Given the current crisis as well as the high quality of many professionals and volunteers working in criminal justice and at its fringes, the sector is fertile territory for innovation.

Why innovation is needed

Currently there is no prospect of a “big bang” reform, not least because it may contribute to further deterioration of performance at least in the short-term. The only possible route out of the current crisis is the gradual evolution of the system to a point where it is capable of delivering successful outcomes. Key to this will be systematic innovation around aspects of the system which are working the least well, where it is possible to hold back further increases in the prison population and the spiralling costs and harm which come with it.

There is a good deal of fairly reliable evidence about what could work in criminal justice. Examples include prevention strategies such as the one for which Denmark has won the 2006 European Crime Prevention Award to reduce peer pressure to drink, take drugs and behave violently in groups²²; drugs treatment programmes which lead to reductions in crime that provide immediate benefits to society through the reduced economic costs of crime and incarceration²³; and work to bolster the emotional resilience of offenders.

These interventions point to promising approaches rather than offering definitive proof that those different models would work to counter the current crisis. Even if they were all done in tandem they would at best reduce crime levels by another 10-20%. That is why The Young Foundations believes that much more intensive and systematic innovation is needed to develop, assess and improve approaches that deal more directly with the causes of offending.

Social innovation and its key stages

We believe that more systematic innovation will in the medium to long-term deliver a ‘justice dividend’ to society, in the form of lower crime and less spending. The innovation we are concerned with is distinct from ‘improvement’ or ‘change’ which are often modest adjustments or alterations; and from ‘creativity’ and ‘invention’, which although crucial to the innovation process, exclude the practical steps of

implementation and diffusion. Nevertheless, there are substantial overlaps between innovation and improvement, change and creativity.

Some of the likely innovations can be described as 'incremental' because they improve existing practice, or 'systemic' because they disrupt traditional models and methods of meeting social need. Other typologies distinguish between process, delivery and service innovations.²⁴ Even though innovation within the criminal justice system will take many forms, we are primarily concerned with innovations that: **reduce harm**; are focused on those **aged under 25**; can be **defined** and potentially **spread beyond their initial context** (namely those which are not entirely context or location specific); whose implications are either **cost neutral or cost cutting** and offer value for money; and whose impact can be **assessed within a reasonable time-frame**. We believe that the most fruitful innovations will arise from combining a bottom-up approach which emphasises the insights we gain from the experiences, views and feelings of both victims and offenders with a rigorous top-down approach which prioritises systems thinking and cost / benefit analyses of those interventions.

Any new approach to innovation needs to provide support for at least four key stages which can usually be found in innovation processes:

1. Generating ideas: here there is a role for open discussions; prizes; small funds; competition and contestability; and systematic processes to tap front line workers' and others' thinking, all designed to widen the range of options that can be considered;
2. Incubation, prototyping and development of promising ideas: there are a series of more formal tools for testing and evaluating innovative ideas in practice, through pilots, pathfinders, experiments etc;
3. Replication and scaling up. There are then crucial processes to ensure that successful innovations are scaled up and spread. This is where strategic budget setting and performance management can be vital;
4. Analysing and learning: there needs to be constant assessment, analysis and learning since unexpected results are likely.²⁵

An innovation system for criminal justice

There are many ways in which innovations can be organised. The diagram in *Figure 1* summarises the different ways in which a more systematic strategy for innovation could work. It starts with the cohort of offenders – some likely to be persistent while others are not much different from others of their age group. Then there are several categories of type of intervention and innovation:

- **Prevention** - such as the various strategies on education, community safety, creating a crime-free environment as highlighted by the European Crime Prevention Awards
- **Enforcement** – for example the work of Criminal Justice Mental Health Liaison Schemes, which seek to divert people with mental health needs away from the criminal justice system at the police or court stage
- **Rehabilitation** - such as the work of the Resettlement Unit at HMP Liverpool which takes an integrated multi-agency approach (including agencies such as JobCentre Plus which aim to secure employment and run CV workshops, organisations which assist with opening bank accounts, registering with a GP, seeking accommodation, Citizens Advice Bureau etc) to initiating the process of resettling people in custody some time before their jail term comes to an end
- **Managing risk** in the community, for example the work on Circles of Support and Accountability pioneered in Canada (see p. 12 for case study)

Within each of these support needs to be provided for ideas generation, incubation, scaling up and learning. Innovations in these different areas can be supported through a range of channels:

- One model is to use specialist intermediaries like the US Center for Court Innovation - a public/private partnership between the New York State Unified Court System and the Fund for the City of New York, which helps courts and criminal justice agencies aid victims, reduce crime and improve public trust in justice. It combines action and reflection to spark problem-solving innovation both locally and across the US ²⁶
- Another is to tie approaches into the new LAA architecture, so that a locality commits to cutting offending and is given leeway to try out new models, pool budgets etc, potentially sharing some of the savings from reduced prison numbers ('Crime Reduction Pioneers')
- A third is to use social venture funds of the kind that are springing up in other sectors, and which design and launch new models, particularly social enterprises.

All of these need to be evaluated carefully – and interrogated to see the scope for adapting them. This could be done by an autonomous body along the lines of NICE (National Institute for Clinical Excellence) which could evaluate and publically endorse innovations which work best. The best of these will generate savings – a justice dividend – which can be shared with communities or local authorities.

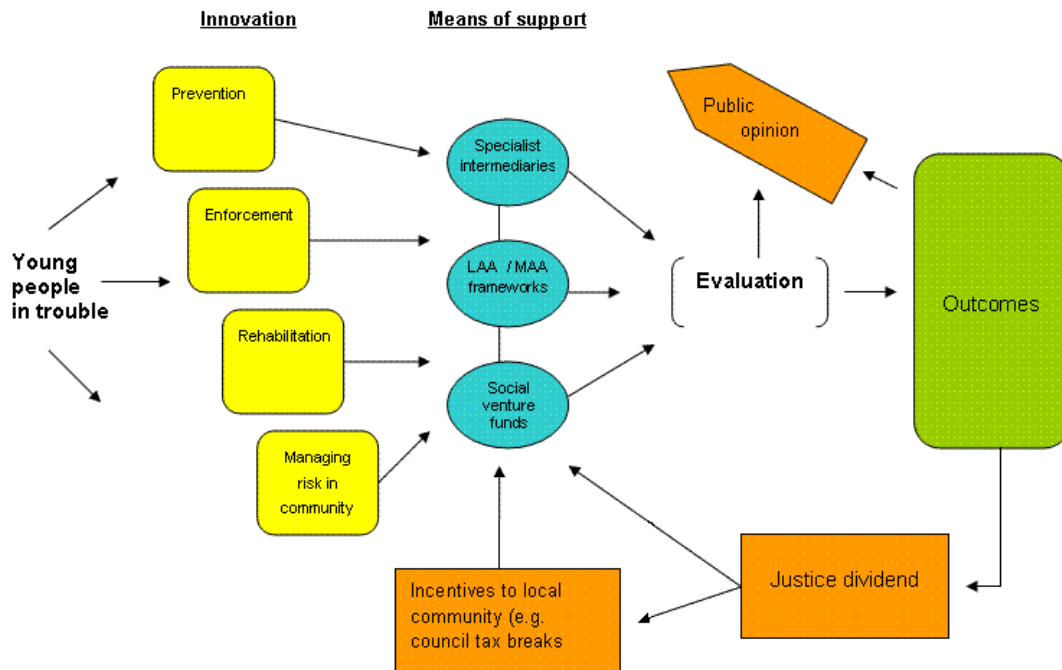


Figure 1

Funding and innovation

Even though innovation does not necessarily require significant extra resources, it will at some stage need funding.²⁷ This can either come from existing budgets or new funds. A number of budgets have been devised within the public sector to support innovation. The Treasury's Invest to Save Budget, for example, encouraged joined-up working across government departments.²⁸ Other funds to support pathfinders, pilots and so on have also been used. Across the public sector, but particularly in the field of criminal justice there need to be a wider range of financial instruments to support innovation. The following are a few ways innovation within the field of criminal justice can be supported:

- Easily obtainable **small grants for frontline staff**, user groups and other stakeholders to develop new ideas; for example the small grants programme of the Foundation of Nursing which focuses on supporting local projects of up to a year to improve patient care in a number of branches of healthcare, including prison health;
- **Funding for experimental zones**, where innovators can opt out of national rules pertaining to accountability and performance to test out new ideas and models; for example the Restorative Justice programme of work in the North East which saw offenders restore Albert Park in Middlesbrough²⁹, but on a much larger scale;

- Funds for **testing out a variety of approaches simultaneously** with fast learning to share lessons. This could include, for example, a series of projects working with young offenders and young people at risk to a common target;
- **Social venture funds** – such as the Young Foundation/ NESTA Health Innovation Accelerator, which focuses on the development of new models and enterprises to help people manage their chronic illnesses;
- A combination of **public and private funding for high risk ‘blue skies’ R&D** in priority areas, deliberately aiming to generate a wide range of options that can be tested, observed, adapted and improved, with an assumption that a significant proportion will not work;
- Core funding from the public, private and third sectors to set up intermediary bodies like **innovation laboratories and accelerators** which can then provide a mix of development and financial support; and
- **More complex packages of investment finance** for initiatives which involve a mix of different types of risk.³⁰
- The commissioning process can incorporate a specific **mandate to commissioners** that a proportion (up to 2%) of the services they procure answer to the criteria of being innovative.

The health service provides a range of models which could be transferred into criminal justice including:

- A much stronger focus on innovation in the new commissioning framework, including a number of commissioning bodies charged with supporting higher risk but potentially higher reward innovations
- The NHS Institute which specifically supports innovations
- A substantial R&D budget, which has traditionally focused on technologies and pharmaceuticals but is being adapted in addition to services
- Programmes such as the expert patient’s initiative which draw on the tacit knowledge of participants
- Outside ventures such as the Young Foundation/NESTA Health Innovation Accelerator (see above)

Barriers to innovation

In the criminal justice field there are many factors standing in the way of more intelligent innovation, as well as blocking the wider take up of promising models.

The commissioning process often results in many of the nine hundred NGOs and statutory bodies which work in the sphere competing against each other to supply services to clients within the criminal justice sphere rather than co-operating and sharing innovative practice.³¹ The small size of many of the NGOs with innovative ideas can mean that they lack the capacity to access central government funding streams for which the application process can be rather complex. The lack of credible evaluations (often resulting from the small-scale localised nature of projects) can mean that the evidence base for scaling up innovations is not sufficiently strong. This can also mean that large organisations and companies working in the sector remain dominant and the smaller innovative organisations do not get the opportunity to expand.

In addition, some academics have demonstrated that there is often poorer performance during the early stages of innovation than in more mature existing models³². The management of these periods has always proved challenging for the innovators and their supporters especially in the public sector. This has driven the greater emphasis on pilots, pathfinders and experiments to test out different models of innovation.

Not all innovations are good; some can have a detrimental impact. Research from Canada has shown for example that the innovative practice of applying high-intensity offending behaviour programmes to low-level offenders can result in a worsening of their offending behaviour.³³ Similarly the use of boot camps in the US which were advocated as an innovative approach to addressing youth crime have resulted in serious human rights abuses including the beatings and torture of trainees in some of those institutions.³⁴

Public opinion: building public confidence

A major concern for policy-makers may be that public opinion will be hostile to innovative and progressive approaches. This need not be the case. The public responds well to interventions which are seen to save money, support families and children and make a visible difference to their community. A critical factor is that innovations should be congruent with the public's view of what's fair in punishment – and their implicit calculus of fair treatment. A number of examples can be cited, with many others available.

Recent work on public opinion indicates that the public have little confidence in the rehabilitative effects of incarceration. According to a recent ICM poll only one in ten people believe that incarceration can turn young offenders into law-abiding citizens. More than eight out of ten people (84%) backed compulsory work in the community along with drug treatment for young drug addicts and only 30% believed building more prison places would be effective in reducing re-offending amongst young people who have committed non-violent crimes.³⁵ Another poll found that 86% of the public, given a choice between prison and local community centres for women to address the root causes of their offending, backed the latter.³⁶

The financial case for these findings is also compelling – calculations by the Matrix Knowledge Group indicate that non-custodial interventions for young offenders can save the public between £16,260 and £202,775 over custodial ones which resonates well with taxpayers.³⁷

Moreover, innovative interventions such as the homework club in HMP Wandsworth, which gives fathers serving their sentences there the opportunity to help their children with their homework, have received only positive press coverage.³⁸ Since the imprisonment of a parent affects some 150,000 children every year³⁹, more such innovations would be welcome and are likely to be supported by the press and by public opinion.

Another example of work with a strong focus on community confidence building began in Middlesbrough in 2001. This pilot project involved a partnership between the city council and local prisons which saw soon-to-be-released prisoners carrying out highly visible work in restoring a large public space called Albert Park. This renovation, which included skilled metalwork, woodwork, painting, textile and craft work, as well as landscaping, received much positive coverage in the local press and was very well regarded by local people. Crucially, the prisoners were not simply regarded as free labour but as individuals contributing to creating a better public space; publicity materials were produced providing information on the prisoners' involvement and the benefits to the community of that involvement. In 2002 the park won the prestigious national Green Flag Award for quality green spaces.⁴⁰

Local and regional innovations which produce visible results are therefore key to fostering supportive public opinion at that level, which can translate into wider support for innovative solutions to current failings. Just as in the days of the Tin Pan Alley “hit factory” when the catchiness and hit potential of a tune was determined by whether the elderly caretaker would whistle it on his rounds – the “old grey whistle test” – if members of the local community think of and recall in positive terms an intervention which have made a visible difference to their lives, that intervention can be said to have passed the “community catchiness test”.

It is vital that any strategy for innovation takes public opinion seriously, and shapes pilots in ways that are likely to avoid negative responses. We see significant potential in mobilising more localised dynamics of innovation and public engagement which involve the community in discussing appropriate interventions for young people in their own town or area. The more options are refracted through the lens of the national media the greater the risk of misrepresentation.

Connective architecture: a menu of innovations

Evidence from the innovative Justice Reinvestment work in the UK and US suggests that handing over budgets which would have been spent by central government specifically on incarceration to local and regional players can act as a curb on prison numbers and on crime.⁴¹ Localised and regionalised responses to the problem clearly carry a number of benefits – from fostering a more positive public response through

to preserving the family links of offenders who have the opportunity to serve their sentences in their own locality, either in the community or at secure / semi-secure facilities.

A menu of interventions made available to a local authority should take a connective approach. This would involve tracking individuals and shoring up the potential institutions which reinforce the structures that support a young person's journey through life and minimise the harm caused by their actual or potential involvement in the criminal justice system. Naturally a systematic approach would also take into account short-term remedial activities.

A number of case studies detailing innovations which can be adapted to other settings / localities and scaled up exist. These can be classed as actions on early risks, work in the custodial setting, post release interventions and across-the board innovative approaches which encompass setting-specific interventions, remedial responses and connectivity between structures. Other examples can include interventions to address specific needs, for example tackling addictions or problems focussed on particular locations such as children's homes.

Case Study 1: Action on early risk – In Tune

The innovative In Tune project started in Gloucestershire in April 2006 with the aim of supporting the learning and entry to employment of disaffected year 10 and 11 students at risk of exclusion. The project is funded by the European Social Fund.

The project targets students who are typically underperforming, at risk of exclusion and very challenging, with severe emotional and behavioural difficulties. These students are removed from the curriculum for three weeks, during which time they work towards a qualification in music oriented performing arts. As part of the course, students learn to make short films and soundtracks, create CDs, set up recording equipment, set up club visuals and lighting, record their own singing and MCing and create mixes. Students are also introduced to the wide range of career opportunities within the creative industries – ranging from ring-tone composers to club DJs to festival organisers. Key skills are embedded in the curriculum and the course ends with a performance by the students, showcasing their work.

The three week course is designed to draw on students' interests and the teaching strategies used aim to engage, motivate and encourage students to participate fully in the learning. Moreover, the small numbers of students means that their individual needs can be identified and addressed.

The project employs a tutor and a technician who take the music equipment to local schools and other venues. Participating schools select between eight and ten year 10 and 11 students who they feel would benefit most from the project.

Even though this project has not been formally evaluated, feedback from schools and students has been extremely positive. It has improved the behaviour and learning outcomes of students, for many it has encouraged students to pursue further education, and project organisers argue that it has significantly reduced participants' likelihood of offending. The

project has now been expanded to include NEET groups and forms part of the Entry to Employment provision at Stroud College.

Some recent innovations, for example the Barbed Design social enterprise operating in a custodial setting can be applied to the Young Offender estate, perhaps as a hybrid with an education model which is focused on practical learning such as Studio Schools.⁴²

Case Study 2: Custodial setting – Barbed Design

Since the early 1990s, the Howard League for Penal Reform have undertaken research exploring the provision of work experience in prison. The League found that there was confusion over the purpose of prison workshops – in some places they were seen as a means of improving prisoners' skills, while others merely saw workshops as a way of keeping prisoners occupied outside their cells. The research also showed that most work in prison used equipment and processes that had already been rendered obsolete, was repetitive, low skilled and more or less unpaid (prisoners earn a token salary of £7-12 per week), thereby doing little to reinforce the wider positive aspects of employment such as recognition, social interaction, financial reward and so on. Prisoners were seldom able to work towards recognised qualifications – despite the fact that this can improve prisoners' chances of employment upon release. The league also found that work in prisons did very little to support the rehabilitation of prisoners by reinforcing positive lifestyle choices.

In response to this situation, the Howard League developed and now run Barbed Design, a social enterprise which provides design services to a number of clients including NOMS and the Big Issue, based inside HMP Coldingley. All profits are re-invested into Barbed and go towards supporting prisoners' rehabilitation. Prisoners follow an intensive four month training programme, undertaking apprenticeships and working towards accredited qualifications. Their work is overseen by the studio manager. Prisoners are expected to carry out 'real work for real clients'. Prisoners are encouraged to take ownership and responsibility for their work. The programme is highly successful: prisoners are trained and able to experience real work for a proper wage and feedback from prisoners and clients has been very positive. The following is a comment from a Barbed prisoner.

"The studio has become a sanctuary from the daily regime of the prison. We are all treated as individuals who have abilities. Responsibility has now been placed more with us, to meet deadlines, to perform new tasks for clients' needs and to think of new creative ideas. This experience will be invaluable for us in the future and should be the model for how to employ prisoners." (Dom).

Source: <http://www.barbed.org.uk>

The perceived and actual risks posed by offenders returning to communities can be managed in that community. An innovative approach from international practice to managing such risks among one of the most sensitive categories – convicted sex offenders – can be adapted to other categories, for example ex-young offenders who currently run a high risk of falling back into a pattern of criminal behaviour upon release.

Case Study 3: Managing risk post-release – Circles of Support and Accountability, Canada

“To substantially reduce the risk of future sexual victimization of community members by assisting and supporting released individuals in their task of integrating with the community and leading responsible, productive, and accountable lives.”

Mission statement, Circles of Support and Accountability, Correctional Services Canada.

Circles of Support and Accountability, which began in Ontario, Canada in 1994, aim to safely reintegrate sex offenders into the community after the completion of their prison sentences. The scheme targets the worst offenders who usually have no one else to turn to and for whom there is no support from governmental or non-governmental agencies. Circles try to assuage public fears by including members of the local community in the rehabilitation process.

Usually, each circle is made up of 7 members – six volunteers and the ex-offender, known as the ‘core member’. For at least one year, volunteers have daily contact with the core member, helping him/her to reintegrate into the community – tasks include helping with finding employment and housing, attending medical appointments and shopping. Volunteers hold the core member accountable if he/she shows signs of reoffending. The core member must abide by conditions imposed by the court (such as avoiding areas where children congregate), avoid high-risk behaviour (such as drinking) and communicate honestly with other circle members. Once a week, circle members meet and discuss the last weeks events, devising solutions to problems, taking stock of successes and making plans for the following week. Circles are underpinned by a belief in restorative justice and use a consensus model for decision making where possible.⁴³

The scheme has been highly successful – circles have been set up in all Canadian provinces, a number of US states and interest has been shown in the Netherlands and the UK, where a number of pilot projects have been set up. An evaluation of the Circles of Support and Accountability pilot project in South-Central Ontario found that participating ex-offenders had significantly lower rates of re-offending. Offenders who participated in the scheme had a 70% reduction in sexual re-offending in comparison to the controlled group (5% vs. 16.7%), a 57% reduction in all types of violent re-offending (including sexual – 15% vs. 35%), and an overall reduction of 35% in all types of re-offending (including violent and sexual - 28.3% vs. 43.4%). In addition, two-thirds of core members report that they would probably have returned to crime without the support of circle members. Results to a community-wide survey show that 68% of respondents would feel safer if a high risk sexual offender in their community belonged to a circle.⁴⁴

An effective regional series of interventions can be a mixture of work in a specific setting, short to medium term remedial activity and interventions which provide connectivity between the various structures a young person will encounter. The case studies above are all examples of scaleable innovations which can be adapted to various settings / risk groups. Local authorities or commissioners within the criminal justice system must have a platform to be able to commission and support such innovations and their performance assessment should include a measure of the impact of such innovations. Ensuring that takes place could be done by including a requirement for innovation in targets against which performance is measured, key performance indicators and / or budgets and time set aside for separate evaluations.

This approach must first and foremost focus on fields where the failings are the worst and costs are highest as this is where innovation can have the most immediate impact both in terms of results and public response. In the longer term, a mosaic of interventions addressing less pressing fields can be developed. The evolution of a system which is capable of delivering public safety effectively could take a number of years.

Some innovative interventions may not have a dramatic effect which solves all of a community's problems. However, if they produce results which are an improvement on the status quo (for example, reducing recidivist behaviour by 10%-15%) whilst delivering a clear justice dividend to that community, then their benefit is clear. This message is key in building public confidence in progressive interventions.

In international experience, the community justice approach has proved effective in creating positive engagement with the public and ensuring that local and regional public opinion is supportive of progressive and innovative initiatives.

Case Study 4: Community solutions - Community Justice Centres

*"Community justice is about engaging with the local community, making the court more responsive to local people and working in partnership with criminal justice agencies, support services and community groups to solve the problems caused by offending in the local area."*⁴⁵

The first community justice centre was established in 2000 in Brooklyn, New York to address local problems such as crime, drug abuse and domestic violence. The Red Hook Community Justice Center deals with low level offences and operates with the premise that early intervention is crucial in preventing repeat and more serious offending. The Center is the first multi-jurisdictional court in the US, which means that local cases that would usually go to three courts – civil, family and criminal, are heard by one judge. There are then a number of services and sanctions available. These include community restitution projects, on-site educational workshops, drug treatment and mental health counselling.

The Center's work is innovative for a number of reasons. First, the Center focuses on rehabilitation and reparation rather than retribution. It provides a holistic approach to harm reduction, providing on-site social services, and delivering punishments which benefit the community and are a proportionate response to the crime. So, for example, offenders are sentenced to job training, counselling, community service or drug rehabilitation programmes. Second, a single judge hears all court proceedings. This ensures consistency in decision-making and greater accountability to residents. The third is multi-agency working which ensures that the root causes of crime can be identified and addressed in one location. The most innovative aspect of the Center's work is the involvement of the local community in the design and delivery of solutions. Local residents work on a number of community outreach programmes including, Mediation, a Youth Court and the Red Hook Public Safety Corps, where 50 volunteers undertake community service for one year⁴⁶. Red Hook has proved highly successful – 75% of defendants comply with sanctions in comparison to 50% at the court in downtown Brooklyn and over three years, the re-arrest rate among drug offenders who had completed a drug-rehabilitation programme has decreased by 29%⁴⁷. Red Hook has also inspired a community justice movement in the UK.

Community Justice Centres have been running in Liverpool and Salford since 2005 using the principles of community engagement, multi-agency working and harm reduction, to address low-level offending. The North Liverpool Centre serves 80,000 people across seven neighbourhoods including Walton and Everton, and works with a number of volunteers, charities and agencies, including the Crown Prosecution Service, Probation Service, Youth Offending Team and Liverpool City Council's Anti-Social Behaviour Unit. A number of charities, including Addaction, Lighthouse and Age Concern are based on site and provide a range of services such as mediation, housing advice, information, advice and guidance on vocational education and training, debt counselling and mentoring⁴⁸. In line with its focus on socially harmful behaviour, the centre hears non-criminal offences such as Anti-Social Behaviour Order applications, enforcement of confiscation orders, education welfare cases, local authority prosecutions for non-school attendance and environmental offences.⁴⁹ The centre also holds regular meetings with the Community Reference Groups representing local residents, businesses and young people to discuss the work, priorities and services of the centre and to consider suggestions for tasks to be carried out by offenders. This ensures that reparation in the form of unpaid work is being used to improve the physical environment of the locality and in response to local residents' demands.

The centres were tasked with the specific objectives of: reducing low-level offending and anti-social behaviour; reducing fear of crime and increasing public confidence in the criminal justice system; increasing compliance with community sentences; increasing victims' and witnesses' satisfaction with the CJS; increasing the involvement of the community in the CJS; and reducing the time from arrest to sentence.⁵⁰ And by this standard they have proved very successful. A recent evaluation of the North Liverpool Community Justice Centre, undertaken by the Ministry of Justice, has concluded that court proceedings at the centre were effective and efficient, with a guilty plea rate of 82% compared to the national average of 68%; that the multi-agency approach had reduced the number of hearings required (2.2 hearings per case on average compared with regional figures of 2.8) thereby helping to reduce the time from arrest to sentence; that sentencing decisions were better informed due to the 'problem solving meetings' held prior to sentencing but after a guilty plea and; that the presence of representatives from Victim Support ensured a fast resolution of victims' and witnesses' grievances. The evaluation does argue, however, that the centre has only succeeded in engaging community members who were already active.⁵¹ Moreover, it will take time to assess the longer term impact of the centre on local residents' fear of crime and confidence in the criminal justice system – even if early signs are promising. The government is now extending the initiative to 11 new areas in England and Wales, including Bradford, Birmingham, Leicester and three projects in London in Haringey, Newham and Wandsworth.

Conclusions & Recommendations

Innovation within the criminal justice system is essential. There is a widely held view, clearly supported by evidence, that current models are under-performing by any objective standards.

The challenge for government – both national and local – is to put in place a more sophisticated innovation system. That requires new approaches to commissioning, policy design, and finance. Networks to share, spread and diffuse innovations are also a crucial element in creating an effective innovation system. Such intermediaries can link innovators with people who may have the skills, support and means to turn

their idea into a product or service. Such networks also play an important role in linking the micro level (for example, prison or local authority secure children's home) with the macro level (for example, the Ministry of Justice). These roles can be played by:

- sectoral bodies
- specialist institutes located in universities charged with overseeing what works in, for example, specific professions
- communities of practice
- collaboratives
- regional bodies
- brokerage agencies
- consultancies

Innovation can occur at different levels – at practitioner, institutional, agency or government level. This does not mean that every single unit of every establishment should innovate. Many need to focus on performance management. But when there is failure it's vital that some parts of the system are strongly focused on innovations which in time may become mainstream. Without this long-term failure is inevitable.

Whilst finance is not all-important to innovation, new models will require some funds. Dedicated central government funding for innovation should be available to organisations and frontline practitioners promoting the innovation agenda and piloting innovative approaches, in a way which they are able to access, whilst bypassing the barriers posed by bureaucratic structures, their size and area of activity. Commissioners could be mandated to commission work which innovates as a proportion of other services and KPIs and other forms of assessment can include an element of measuring the impact of innovation.

Risk is a factor when innovating in a field such as criminal justice. Public safety is paramount, and should not be compromised. However, high numbers of offenders sentenced to custody are non-violent. Action on early risk factors designed to reduce levels of potential offences as well as the introduction of innovative ways of dealing with non-violent offenders will not compromise security. Innovative interventions can limit the risk of eventual re-offending among ex prisoners and support serving prisoners as well as those going through the resettlement process in not returning to a pattern of offending.

The Young Foundation recommends the following:

- Local government should be further encouraged to work with NOMS to develop local strategies for cutting crime and reoffending, with a justice dividend for any savings delivered to the prisons system. These should form part of local area agreements

- Local authorities should support high-impact visible community solutions such as community justice centres in order to bolster public confidence in progressive interventions and non-custodial measures
- The Ministry of Justice, NOMS or successor body should employ lead commissioners for innovation, just as third sector champions are currently employed by some departments. They should be of a sufficiently senior level with freedom and sufficient funds to commission innovation. They should have evaluation commitments to measure how many innovative interventions they have commissioned
- NOMS or successor body should commit at least 2% of its budget to innovative interventions, as should other agencies which commission criminal justice interventions
- Specialist semi-autonomous intermediaries or incubators for innovation in the system should be set up, along the lines of the model of the New York Center for Court Innovation, with national funding, as well as an autonomous body along the lines of the NICE (National Institute for Clinical Excellence) to evaluate and publically endorse innovations which work best.

The criminal justice system isn't working. As often happens in such situations some argue for doing more of what isn't working – more prisons, more investment, bigger facilities. This is a strategy that's doomed to fail – and particularly doomed to fail in a likely context of greater constraints on public spending.

At some point wiser counsel will prevail - then it will be vital that the UK has a very strong body of alternative models ready to be scaled up. At present there are many promising models – but not enough with the capacity to be grown, or the evidence to guarantee that greater spending will achieve predictable results. Hence innovation and more systematic evaluation must be a priority.

We believe that widespread innovation of the kind outlined in this short paper will also help to influence public opinion, encouraging communities to take greater responsibility for crime and for dealing with offenders.

Our own programme of work over the next year will take this forward, working with national and local government, as well as NGOs, to develop more practical initiatives that can help to deliver a justice dividend – and to achieve the double win of a safer society and more resources freed up for improving health, education and well-being.

The Young Foundation
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