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Changing the landscape
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**New approaches to crime and justice
Andrew Coyle**

When Kim Workman was briefing us for this conference, he wrote to us, "I think you need to expose us to a whole different reality, and then leave!" Well, we are due to leave tomorrow, so I will take him at his word.

At conferences such as this we often find ourselves speaking to and with like minded people. We reinforce our collective wisdom. We usually conclude that we are on the right track and that all we need to do is to continue to do what we are doing, but do it better, and to redouble our efforts to convince the public, politicians and the media about the value of what we are doing. But perhaps this is not the right approach. Perhaps, in the words of this conference, we need to "change the landscape". I would like to offer you such a possibility.

The issue

We all know the figures for imprisonment in this country. When the Department of Corrections was restructured in 1995 there were 4,500 people in prison. By 2001 this had risen to 6,000; by 2004 it was 6,800 and by late 2007 it was 8,300. These increases have happened at a time when, as I understand it, the crime rate in New Zealand has remained broadly stable. Apparently you intend to continue in this vein and the Ministry of Justice forecasts that there will be a further increase of 15.6% over the next seven years, with an estimated prison population of over 9,000. This would put you on a par with Libya, Azerbaijan and Brazil.

I assume, and no doubt someone will correct me if I am wrong, that no one actually wants the number of people in prison to continue to increase for its own sake. Indeed, I noticed that in August 2006 the Prime Minister commented that "Numbers at this level are neither financially nor socially sustainable in New Zealand".

So, what is it that people do want? Let me suggest that what people want is increased public safety and also that they should feel more safe. The question that we have to grapple with is, do the people of New Zealand feel safer as a result of having a higher prison population or might there be a more efficient and a more cost effective way of achieving this aim of greater public safety.

Justice Reinvestment

I would like to tell you about some initiatives that are underway in a number of countries. They go under the general heading of Justice Reinvestment. Very broadly, this involves looking at the amount of resources, financial and other, that are expended on the criminal justice system; evaluating what we as members of the public and taxpayers get from this expenditure; and considering whether there might be other ways of distributing these considerable resources to give us a better return on our investment.

The Justice Reinvestment model recognises that these issues go far beyond a criminal justice parameter and that effective resolution of them cannot be found within the criminal justice system alone. For that reason support and advice has been sought from people with a much wider variety of knowledge and expertise, people such as economists and urban geographers.

First of all the economists. Criminal justice often appears to be the one area of public expenditure which is not subject to the normal rules of economics. It appears, at least in some jurisdictions, to be demand led; whatever it needs, it will be given. A few days ago I looked up the annual reports of the Department of Corrections for 2006 and 2007. I went to the parts that one does not usually bother with – the annexes on the budget and financial accounts. I discovered that in 2006 the operating revenue of the Department was \$660 million. In 2007 this had risen to \$778 million. That is, an 18% increase in one year. I did not look up comparable figures for other government departments but I would hazard a guess that neither the health nor the education budget was increased by 18% in one year.

Now, to the ordinary man or woman in the street the figure of \$778 million probably does not mean very much. They may well shrug their shoulders and say, "If that is what it costs, then that is what it costs". But there is another way of looking at this.

Million dollar blocks

In the United States they have coined a phrase, "million dollar blocks". These are blocks of apartments and houses within a town or city where a million dollars each year is spent sending some people who live there to prison. This might be a block of apartments in an area, say, of Brooklyn, from which 30 or so men are sent each year to a penitentiary in upstate New York near the Canadian border, at a cost to the taxpayer of around \$30,000 each. This expenditure appears to bring little long term benefit to the community since the vast majority of these men are likely to re-offend on return. In addition, in respect of those sent away for crimes such as low level drug dealing, their places on the street corners and alleyways will very quickly be filled by others.

The question that the economists are starting to ask is, supposing we decided to spend those million dollars a year in a different way, supposing even we asked the people who live in these blocks how they would prefer to spend that money so that they would feel safer as they went about their daily lives. They might indeed choose to spend a large or a small proportion of that money in sending some people to prison. But they might also choose to spend some of it on other services which might benefit the community, for example to make available better health care, or housing or education. As a consequence, policymakers are now examining whether redirecting existing resources from providing prison places to re-building the social

fabric of the community – schools, healthcare, public spaces etc – might not have a more effective long term impact on the quality of life in these communities.

The principle of justice reinvestment is now taking a variety of forms in states around the US and within the federal government. The understanding that the criminal justice system on its own cannot accomplish successful reintegration and resettlement of offenders into their communities, what the American call re-entry, has led the U.S. Departments of Justice, Labor, and Health and Human Services to work together and to provide resources for the reorganisation of prisoner re-entry in most states around the country.

The Oregon experience

In the late 1990s the State of Oregon provided an example of the potential for change. In many parts of the United States the juvenile court system is run by the county authorities. If a juvenile county court decides to impose a sentence of custody on a young offender, that person goes to a State institution, so the county incurs no fiscal burden for this incarceration. Indeed, there is a perverse incentive for the county to transfer responsibility for this young person to the State.

As frequently happens in such cases, the initial impetus for change came from one inspiring individual. Denny Maloney had worked for 30 years in the State of Oregon Department of Corrections. In the 1990s, he was appointed to the State's prison forecasting committee, whose task was to estimate the number of prison beds the State would need in the future. Maloney, who was also developing youth programmes as part of Oregon's Commission on Children and Families, found the experience disheartening. "One day I'd be planning children's services, for which there was a pittance of funding, and the next, I'd be projecting prison spending, with politicians eager to throw money in that direction to appear tough on crime." Maloney, a father of five girls, was disturbed by this. "I found myself planning future jails for my daughter's kindergarten classmates," he says. As policymakers poured money into prisons, education took the greatest hit. Denny realised that Oregon would have prison beds, not college classrooms, for too many children.

Maloney realised that because the State picked up the prison costs for children as well as adults, local governments had no political or economic incentive to keep them in their communities and out of prison. Though communities were eager to prevent crime, they lacked the funds to invest in primary prevention programmes, such as after-school care. He presented the problem to local business leaders who understood that the financial incentives of the system were all wrong. They enthusiastically championed his idea of a community service programme that would make crime prevention a local, not a State, responsibility. As Maloney anticipated, politicians from both sides followed suit.

In 1997 Oregon State introduced a new fiscal arrangement. As an experiment, it awarded a block grant to some of the counties equal to the amount that the State was spending to incarcerate juveniles from these counties each year. The county was free to spend the annual grant as it saw fit. If it continued to send the same number of young offenders to State institutions, it would have to pay back that grant to the State. Alternatively, it could choose to spend the grant on other resources which were intended to benefit the community and to provide facilities for the young people. The result was a 72% drop in juvenile incarceration from the county, redeployment of community supervision in those areas in which the young people lived and leverage of new investments in civic service and neighbourhood

revitalization. This model has since been emulated in a number of other states, which have also seen substantial drops in the use of custody for juveniles and the strengthening of local infrastructure.

The Connecticut experience

A number of states are now experimenting with policies that cut costs by reducing the adult prison population and reinvesting the savings to help the communities to which high numbers of people return on release from prison. The first state to take on the issue for its adult prison population was Connecticut. In the early 2000s the State was experiencing rising prison numbers and severe budget strains. Traditional responses to these problems have involved either building more prisons, which sends the state into greater debt, or releasing prisoners early, which has the potential to threaten public safety. As an alternative, Connecticut officials chose to experiment with a justice reinvestment model that reduced the prison population substantially over two years, while crime rates continued to decline.

Public officials sought support from a network of experts who analysed data about prison growth and the places where people in prison came from and to which they were returning. Their research confirmed national trends. Failure of people on probation and parole was pushing prison populations up; they were staying in prison longer and there were myriad delays in their release. They discovered another significant fact. Half the prison population in the state came from a few neighbourhoods in three cities, including one where a single neighbourhood was costing the state \$20 million a year in prison and probation costs. By examining not only criminal justice data but also social services data, the study found that people returning from prison lived in the same neighbourhoods as those where a disproportionate number of people received unemployment insurance and where many families received special welfare payments.

This led to a growing political consensus formed around recommendations made by the researchers for reducing the pressure on the prison population and for reinvesting anticipated savings. In 2004, the State passed the “Act Concerning Prison Overcrowding”, which included measures creating comprehensive community plans for accommodating people returning from prison. The state halted its plans to provide more prison places and reduced the Corrections budget by \$30 million, reinvesting much of the savings in targeted strategies in the relevant neighbourhoods. These reinvestment funds went to support community planning processes, to increase the capacity of the Department of Mental Health and Addiction Services to provide more community outreach and treatment, to new probation programmes that focused on transition from prison to home, and to providing nearly 100 new probation officers to reduce the size of their caseloads.

As a result, Connecticut went from having one of the fastest growing prison systems in the country to having one which was shrinking faster than any other and the state was able to divert additional resources to community based and residential treatment programmes.

As well as achieving significant positive results, the justice reinvestment initiatives also identified a number of obstacles. One was the inadequacy of planning for the resettlement of prisoners. The primary approach taken by local planning committees was to fund isolated small programmes that targeted very small numbers of people returning from prison instead of more widespread community initiatives. The authorities in Connecticut realised that they would have to organize a much more

effective community coalition that was able to understand evidence based research, to overcome inter-agency competition, and to develop a more integrated approach that leveraged more community and extra-criminal justice resources.

Conclusions

The issue of the cost of criminal justice services in New Zealand has clearly not gone unnoticed. As long ago as 2004 the then Minister of Justice, Phil Goff, commented that the number of people in prison in New Zealand was rising despite the fact that there had been no increase in crime or its seriousness. He said:

Tougher sentencing comes at a high cost. Four new prisons under construction or planned will cost over \$600 million in capital expenditure, with operating costs of over \$120 million a year. It's money ideally we'd much rather spend on areas like health and education... Over the longer term, it will be measures to address the causes of crime, rather than simply prisons, which will bring down crime.

So, what are we to conclude from all of this? A number of things are clear. The first is that the time is ripe for reform. Despite the best efforts of the good people who are involved, the focus of significant financial and human resources on what is called "reducing re-offending" by individuals can do little to improve public safety and well-being. A much wider approach is required and one possible way of achieving this is by focussing on localities and communities rather than on individuals.

Justice reinvestment initiatives in the United States and the United Kingdom are leading to new strategies for reinvesting the resources that currently go exclusively into criminal justice processes. There is an increasing awareness that the criminal justice system on its own cannot effectively help former offenders to be reintegrated into their former neighbourhoods. There has to be a parallel reorganisation of resources to make resettlement a primary objective. Policy makers are beginning to recognise that successful resettlement depends on the presence of strong civil institutions. As the justice reinvestment movement begins to point to the end an excessive dependence on criminal justice, it may also hold the promise of a deeper, systemic reform – one that is rooted in a deepening recognition that the resolution of issues of public safety need to engage every institution in civil society. These will include health and housing, workforce development, family and child welfare.

There have to be cross-sector conversations, generating a consensus which can create the critical mass that will be needed to address the increasing social, political, and economic isolation in some of our communities; isolation that can lead all of us to experience increasing insecurity, to fear for our safety and to alienation from our fellow citizens.

And, of course, this consensus cannot be created by governments or by official agencies. It needs the active involvement of concerned citizens, such as those of you who are here today. Prison Fellowship has an important role to play. I am sure that it will respond to the challenge.