“Crime isn’t a disease, it’s a symptom. Cops are like a doctor that gives you aspirin for a brain tumour”. Marlowe in Chandler

Introduction

In *Crime and Punishment in America*, Currie notes that, short of major wars, mass imprisonment has been the most thoroughly implemented USA government social programme of recent times. The increase in imprisonment in the UK since 1995 has outpaced that of the USA, (Figure 1) to the point where England and Wales have the highest per capita prison population in Western Europe.

The French sociologist Loïc Wacquant has argued that this increase in imprisonment arises, not from increasing insecurity about crime rates, but rather from increasing social insecurity. However that may be, Currie argues the expensive experiment in substituting imprisonment for social investment is not working. Fortunately, there is an alternative.

**The good news and the bad news**

First the good news: In general across most of the western world, crime has declined in the first decade of the 21st Century (Figure 2). Now the bad news: Imprisonment – and therefore the cost of imprisonment – is up.

The reason why increasing rates of imprisonment are bad news is that it is a costly exercise. In the USA, the prison population has more than tripled in the last three decades to over 2 million. The total cost to the taxpayer of USA prisons was approximately $39 billion in the fiscal year 2010. Similarly, in the UK the prison population has close to doubled since the early 1990s. According to the Ministry of Justice the average cost of a prison place in 2011-12 was £34,771, implying a total cost of approximately £3 billion. To justify such an expensive experiment, we require evidence that increasing reliance on imprisonment reduces the crime rate more effectively than other social interventions.

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**Figure 1: Indexed imprisonment Rates (1995 = 100)**

- Australia
- Canada
- England and Wales
- France
- Germany
- United States
**The bad news and the worse news**

Superficially, it might appear the fall in crime and the rate of imprisonment are related. As Michael Howard (UK Home Secretary from May 1993 to May 1997) famously declared in his speech to the 1993 Conservative Party Conference, “prison works”! On the other hand, it is worth noting that Canada’s imprisonment rate declined from 1995, while that of the UK rose; yet Canada’s crime rates have fallen more rapidly than those of the UK.

More formally, there is little evidence that imprisonment works as a cost-effective criminal justice policy, particularly in the UK. Carter claims the 22% increase in the UK prison population between 1997 and 2003 led to a 5% decrease in crime; however, as Hedderman notes, no evidence is presented to support this claim. In the US where incarceration has been at a much higher rate than the UK there is some evidence that increased prison numbers have reduced crime. Conversely, Shepherd points out, that recent studies in the USA suggest that imprisoning people might increase crime. Studies that directly compare prison to community alternatives tend to reach similar conclusions. Following an extensive review Nagin et al. (2009: 178), found:

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

In sum, it is clear that many western nations, the UK and USA governments included, have increasingly resorted to imprisonment as a response to increasing crime rates, and this has come at a great cost to the taxpayer. There is, however, no evidence this policy has reduced crime.

**The good news and the better news**

There is an alternative to imprisonment. Tucker and Cadora argue for a more economically efficient solution to crime; a more holistic approach to reducing offending and re-offending, an approach which fits within broader debates about social justice and the type of society in which we want to live. The approach they suggest is “Justice Reinvestment”. Originally a response to identifying ‘million dollar blocks’ (residential blocks where spending on incarcerating the residents topped one million dollars a year) Justice Reinvestment, JR, seeks to reduce the level of crime in the most efficient way possible, potentially creating a more law-abiding society at a lower cost than the traditional detect/convict/punish approach.
Clearly the crimes which cost society the least are those which are discouraged before they are committed. Hence, JR proposes moving funds spent on punishment of offenders to programmes designed to tackle the underlying problems which gave rise to the criminal behaviour (Allen 2007) in the first place. Society not only saves the cost of imprisoning offenders but, by reducing offending, saves the cost of crime on victims and wider society – a double win!

JR starts from a universal criminological truth, that people in prison are not drawn in equal numbers from all neighbourhoods (ibid.). Therefore, we need to stop looking to prisons and start looking to communities if we wish further to reduce crime. As Tucker and Cadora put it:

There is no logic to spending a million dollars a year to incarcerate people from one block in Brooklyn – over half for non-violent drug offenses – and return them, on average, in less than three years stigmatized, unskilled, and untrained to the same unchanged block. (p.2)

Thus, Allen (2007: 5) suggests that JR seeks to develop measures and policies to “improve the prospects not just of individual cases but of particular places”. The underpinning logic of JR is that savings to the state which arise from reduced crime (for example, reduced imprisonment costs) may be subsequently reinvested in further social interventions. To further the metaphor of Marlowe (quoted above), JR suggests we stop searching for more effective aspirin and seek to address the cause of the disease.

What next for the US?

Over recent years the scope of JR in the USA has started to narrow. According to Tony Fabelo, who was involved with the Council of State Governments 2007 Texas initiative, and was interviewed by the authors in August 2011, JR was initially seen as a way of “reweaving the fabric of society”. Fabelo acknowledged that JR is a changing concept and that use of the term varies from state to state in the USA – also it is changing in line with the current political emphases of the USA. In the early JR interventions, a unifying theme was to intervene in neighbourhoods to reduce incarceration and “free-up” resources for further investment, (reinvestment) at neighbourhood level. Now, Fabelo reports, money saved from successful interventions is more likely to go on closing the fiscal gap.

JR – UK

JR was thoroughly reviewed by the House of Commons Justice Committee and was given a broad endorsement by that cross-party body. To date, a full ‘Justice Reinvestment’ model has not been implemented in the UK. However, a number of projects in the UK have implemented discreet elements which could be said to be in line with the principles of JR the most recent being the Transforming Justice Programme in Greater Manchester (Wong et al. 2013). This and other UK projects have experienced various challenges including: drawing in partners; developing effective incentive structures; and grappling with issues of scale.

In the first comprehensive analysis of Justice Reinvestment to be published, Fox et al. argue that if JR is to be developed in the UK the original vision of Tucker and Cadora of Justice Reinvestment as Social Justice should be preserved. As the Commission on English Prisons Today (p.49) argues, “Justice Reinvestment is not about alternatives within the criminal justice process, it is about alternatives outside of it”. To the Commission, the JR approach allows the holistic consideration of the problem of criminality. It is in the interlinking of localised costs and benefits – including social costs and benefits – where real opportunities arise for innovation and win-win reductions in both crime
and the cost of criminal justice.

Fox et al. argue that more work is needed before such an innovative and potentially transformative approach can be widely implemented in the UK. This includes: further theoretical development; persuading policy-makers and the public; and greater exploitation of current opportunities in the policy landscape. They go on to sketch out how this might look. While recognising that JR is unavowedly an ‘economic’ approach they set out a theoretical framework that is built upon rather than being constrained by the neo-liberal model of ‘standard’ economic theory. Drawing on recent US experience they start to describe a ‘pitch’ for JR that will appeal to politicians and an electorate looking for ‘more from less’. Finally, they suggest how JR could fit within and enhance the current ‘Rehabilitation Revolution’.

**Conclusion**

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

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iii  Source: Eurostat and authors’ own calculations.
iv  http://www.prisonstudies.org/info/worldbrief/?search=europe
viii  Source: Eurostat and authors’ own calculations.