



## Building an effective criminal justice system

*Justice and Home Affairs Policy Commission*



Thank you for taking part in the Labour Party's 2019 National Policy Forum Consultation, the Party's process for getting input from our members, supporters and stakeholders on how we shape our policies.

This booklet is one of eight policy documents published by the Labour Party as part of our consultation this year.

Each document contains sets of questions for you to answer. You do not need to answer every question, nor is there any specific way to answer them. We suggest picking the questions most important to you and using them as a guide to write a few lines or paragraphs on what you think about the issues in this area.

At the end of the document you can find a guide on how to send in your ideas to us and other ways to get involved in the consultation.

There are seven other documents that might interest you covering different areas of the Party's policies, you can find them in the consultation pack or online. If you have an idea or issue you would like to talk about that is not covered in this year's consultation, you can submit these to us too via [www.policyforum.labour.org.uk](http://www.policyforum.labour.org.uk)

Whether you're a Labour Party member or not, we want to hear your ideas on how the next Labour government should tackle the challenges our country faces, and build a more equal Britain for the many, not the few.

### **Want to know more about how Labour makes policy?**

You can learn more about how Labour makes policy, further details about the 2019 Consultation and find policy events in your area on our website [www.policyforum.labour.org.uk](http://www.policyforum.labour.org.uk)

### **ACCESSIBLE MATERIALS**

The Labour Party is an inclusive member-based organisation that prides itself on being accessible to all who share its values. If you would like an accessible version of these documents please email us at [policydevelopment@labour.org.uk](mailto:policydevelopment@labour.org.uk) to discuss how we can best accommodate your requirements.

## Building an effective criminal justice system

Labour believes that an effective criminal justice system is one which has prevention and early intervention at its heart, which addresses the underlying causes of offending, and which gives people the best chance of rehabilitation. At present, however, the system is under strain at every level. A prompt, holistic approach to tackling the development of criminality at an early stage requires input from a wide range of agencies, from the police and other criminal justice stakeholders to schools, local authorities, health services, and beyond. However, the ability of these bodies to effect early, cross-cutting interventions has been undermined by the pressure on resources brought about by over eight years of central government funding reductions. A fair, effective, and efficient criminal court system must provide a rational and consistent sentencing framework which seeks to appropriately punish those who have broken the law, but which also addresses the underlying drivers of offending behaviour so people have a real chance of turning their lives around. Currently, however, a lack of confidence by the courts in the efficacy of non-custodial sentences has seen their use dwindle. Instead, a growing number of non-violent offenders are being incarcerated on very short sentences in conditions which not only undermine the chances of rehabilitation, but can actually increase the likelihood of reoffending. Therefore this year Labour's Justice and Home Affairs Policy Commission is seeking views on how best to rebuild the criminal justice system so that at every stage effective action is taken to prevent further offending and provide real opportunities for rehabilitation.

## Early intervention

The factors which influence offending behaviours are complex, involving deep-seated societal problems such as social alienation, educational exclusion, family breakdown, mental health problems, poverty and a failure to provide adequate opportunities. As such, an effective response requires coordination across a range of public bodies to identify those at risk of offending at an early stage and to address the specific issues driving their offending behaviours. However, the budgetary pressures experienced not only in the criminal justice system, but throughout the public sector, has meant that the various agencies that could play a role in developing this preventative approach are instead left to respond reactively to increasing demands on their services, rather than working collaboratively to reduce that demand in the first place. We need to explore ways in which to encourage these public bodies to work more closely together in a joined-up fashion to tackle the conditions in which crime can thrive.

- The proportion of the population involved in criminal activity tends to peak at adolescence or young adulthood and then declines with age. What do you think are the key drivers of criminality in young people and how can schools, the police, local authorities, and others work together to address these?
- What should be the core response of each public service when a young person is at risk of offending or has offended?
- How can public services work better together to identify those at risk of offending?

## Courts

For the courts to effectively reduce the levels of repeat offending and put people on a path to rehabilitation, there needs to be a greater focus on addressing the underlying factors which drive a person's offending behaviour. As with effective early intervention, this requires that the courts engage with agencies beyond criminal justice who can provide the services that will help a person turn their life around. This joined up approach is a central feature of specialised problem-solving courts, whereby judges impose non-custodial sentence with strict rehabilitative conditions and then reviews the progress of offenders through the duration of their sentence with the aim of keeping them out of prison. These courts also tend to have a specialised focus, whether that is addressing specific issues such as substance abuse, or dealing with particular groups of offenders or with certain types of crime. While there are currently a small number of these problem-solving courts in the UK, the Government scrapped plans to investigate a wider roll-out in 2016. More broadly, it is important that the sentencing framework as

whole works to reduce the likelihood of reoffending. For dangerous offenders and those who have committed the most serious crimes, incarceration is necessary to protect the public from further harm. However, overcrowding, understaffing, violence, and drug abuse within prisons make rehabilitation next to impossible. This situation is made worse by the numbers of low-level, non-violent offenders are sent to prison on very short sentences. Not only does this contribute to the dangerous levels of overcrowding, but those on short sentences often find themselves more likely to reoffend, and to commit more serious offences, upon release. It is necessary, therefore, to examine how to build a presumption against short sentences into the criminal justice framework, so the disposal an offender receives is fair, proportionate, and effective.

- How can courts work more closely with local authorities, health service, probation providers and other public bodies, as well as the third sector, to address underlying behaviour?
- It is not in the interest of society or the individual for persistent low level offenders to serve very short sentences in prison, further exacerbating problems of overcrowding, and reducing their chances of rehabilitation. How can sentencing be rationalised to address these issues?
- Some groups of people, for instance women offenders or people from a BAME background, are much more likely to receive a custodial sentences for a first offence. What can we do to tackle underlying biases within the criminal justice system so sentencing is applied fairly?

## Offender management

To address the chronic overcrowding in prisons, thereby allowing those institutions to improve efforts in rehabilitating serious offenders, there needs to be effective alternatives to custody. In recent years, the use of community sentences has fallen sharply, in part because magistrates and judges do not have confidence in the oversight and supervision of offenders on such sentences by privatised Community Rehabilitation Companies. This is despite the fact that community sentences are less costly and can be a more effective alternative to prison, offering offenders a chance to address the root causes of their criminal behaviour while easing pressure on the prison system. In a similar vein to work around early intervention and the operation of criminal courts, there is clearly a need for greater multi-agency coordination when managing offenders,

whether in prison or in the community, so that other relevant public services work together with the criminal justice system to reduce reoffending by providing genuine opportunities for rehabilitation. Consequently, we must investigate how to reinvigorate confidence in community-based sentences, as well as how to engender a greater degree of cross-agency cooperation between the public bodies that work with offenders.

- How should the criminal justice system work with other public bodies to ensure people convicted of low-level offences are not dragged into a cycle of reoffending?
- If there is a presumption against short sentences, how can we ensure community-based alternatives, command the confidence of the public and the criminal justice system, as well as provide a chance for effective rehabilitation?
- Which public services beyond the criminal justice system should be included in offender management?
- What changes need to be made to the management of women offenders in order to create a presumption against custodial sentences for non-violent offending?



Thank you for taking the time to read our consultation document.

We want to harness the views, experience and expertise of our members, stakeholders and the wider public. If you would like to respond to any of the issues in this document, there are a number of ways you can get involved:

- 1. Online:** The best and easiest way to send in your ideas and join the discussion is via our online home of policy making:  
[www.policyforum.labour.org.uk/consultation2019](http://www.policyforum.labour.org.uk/consultation2019)
- 2. By post:** If you have written down your ideas, you can post these to us at:  
The Labour Party,  
Policy Unit,  
Southside,  
105 Victoria Street,  
London, SW1E 6QT
- 3. At your local party:** You may want to discuss your ideas with other members of your CLP or local branch. You can suggest to your CLP Secretary that a policy discussion is held at a future meeting.
- 4. Regional Policy Forums:** Look out for events hosted by your regional office, local parties and National Policy Forum Representatives.

You can find out more about the 2019 consultation, upcoming events and more details on how Labour makes its policy at  
[www.policyforum.labour.org.uk](http://www.policyforum.labour.org.uk)

Follow us on Twitter for regular updates during the consultation  
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**Please send your ideas before the consultation period ends, it runs until Sunday 30 June 2019.**

