Modelling Legislation

Assessing the impact of the Criminal Justice Act 2003

8th September 2004

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Outline

- Introductions
- CSJ Model
- Criminal Justice Act 2003
- The modelling process
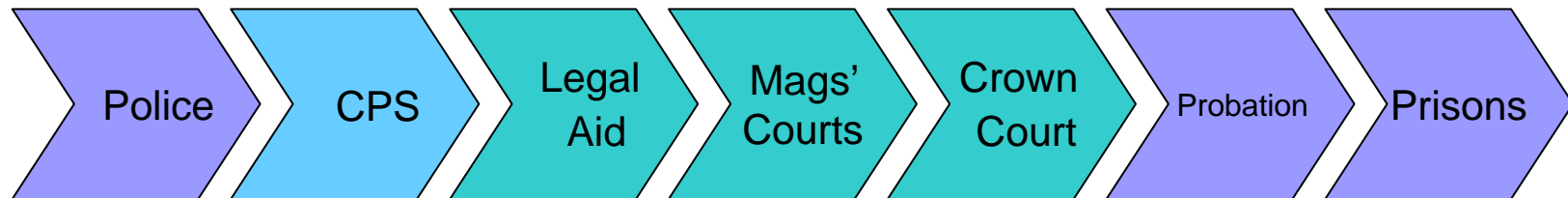- Example – Custody Plus
- Lessons for modelling

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Introductions

- ## Office for Criminal Justice Reform

- ## Criminal Justice System

Police → CPS → Legal Aid → Mags' Courts → Crown Court → Probation → Prisons

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The CJS Model

- **Simulation model of the CJS**
  - Resources, activities, costs
- **Used to analyse the impact of legislation on the CJS agencies**
  - Capacity / workload
  - Cost / efficiency
  - Offences Brought to Justice (PSA target)

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Criminal Justice Act 2003

"[Designed to] overhaul and modernise the Criminal Justice System from end-to-end – from better detection, to effective sentencing and rehabilitation of offenders – with a clear focus on reducing crime."

HO website notice

- Received Royal Assent on 20th November 2003
- Provisions include
  - Custody Plus: reformed short sentences
  - Custody Minus: new suspended custodial sentence
  - Generic Community Sentences: a single community sentence
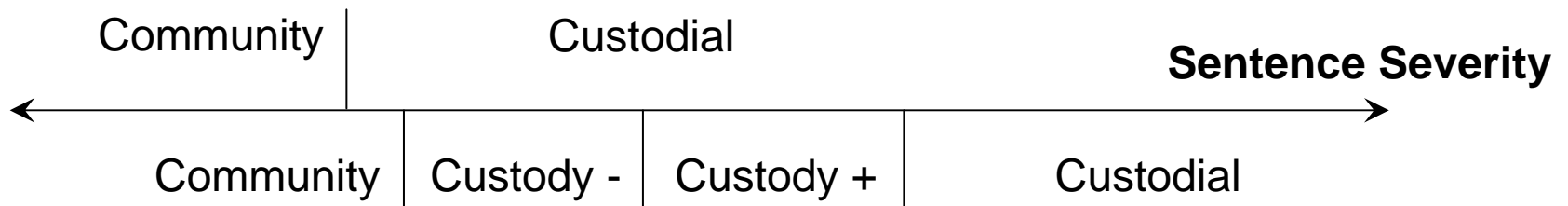
How to model the Act?

1. Identify stakeholders
2. Identify / agree key provisions
3. Agree modelling assumptions
4. Translate assumptions into model input
5. Run the model
6. Report on and interpret results

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Custody Plus as an example

- Custodial option for sentences of less than one year
- Two parts to the sentence
  - Custodial element of 2-13 weeks
  - Community element of 26-49 weeks
- New 12 month sentence available to Magistrates
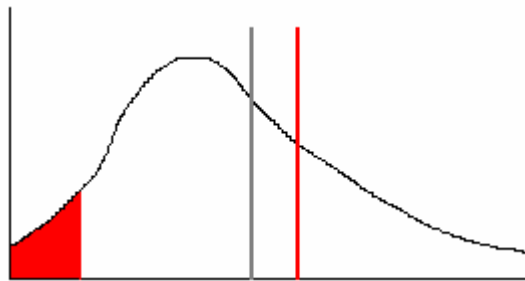- Effective abolition of Committals For Sentence

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Modelling Assumptions

- Impact on prisons vs. probation
- Mapping of old sentences to new

Community	Custodial		**Sentence Severity**
Community	Custody -	Custody +	Custodial

- Changes to breach rates

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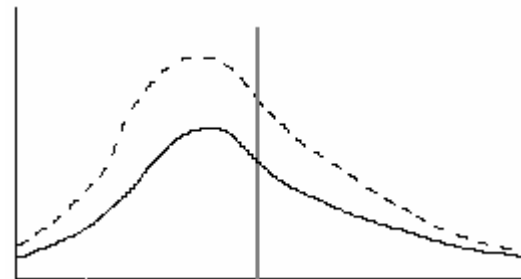
Interpreting Assumptions

- **Diverting some offenders from custody**
  - Divert short custodial sentencees only, do not redistribute
  - Increases average sentence length

- **As modelled**
  - Decrease total proportion being sentenced to custody
  - Sentence length distribution unchanged
  - Average sentence length unchanged

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Lessons for modelling

- Involve stakeholders in making modelling assumptions
  - More inclined to believe results
  - Provides them with better understanding of the modelling process
- Be aware of any bias introduced by your modelling assumptions
- Be aware of previous analysis

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