

Ending the criminalisation of poverty



UNIVERSITY OF
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EXECUTIVE SUMMARY

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Ending the criminalisation of poverty through prevention and diversion is an effective way to keep communities safe.

- The **criminalisation of poverty refers to the unfair treatment of individuals and communities** by the Criminal Justice System (CJS) because of conditions of poverty.
- The poor may be imprisoned for debt: between 1995 and 2018, **over 2,200 people were sent to prison for non-payment of fines associated with using a TV Licence**. Between 2010 and 2017, 692 cases resulted in a jail order and 7,990 in a suspended committal order for **non-payment of council tax**.
- A survey of Welsh prisoners revealed that **33% of them reported having experienced a parent or relative's incarceration during their childhood**.
- **65% of sons of prisoners** end up in the Criminal Justice System.
- School exclusion affects life outcomes. In 2019, the National Crime Agency found that **100% of children involved in County Lines had been excluded from school**, and that being excluded from school is a contributing factor leading to a young person's risk of criminal exploitation.
- In 2012, the MOJ published a report on prisoners' childhood and family backgrounds and found that **62% of prisoners had been excluded from school** (a number much higher than the rate of exclusions at the national level).

Policy Recommendations

1. **End imprisonment for nonpayment of a civil debt** - i.e. for not paying the council tax, TV Licence, etc.
2. **Enable diversion from the CJS with well-funded community support programmes that have proven to be effective as a first option**, tailored diversion programmes are cost effective and keep communities safe.
3. **Consider the intergenerational impact of custody when calculating the costs of sentencing** - children of prisoners are at risk of significantly worse outcomes than children not affected by parental imprisonment, including an increased risk of future offending, mental health issues and poor educational attainment, all of which will cost society more in the future.
4. **Minimise school exclusions** by funding innovative local initiatives and stop punitive fines. Evidence suggests that both kinds of 'punishment' are linked to higher risk of involvement in criminal activities and incarceration.
5. **Be forward looking!** The current cost of living crisis will have longer consequences driven by economic desperation. Consider how to effectively support both individual victims and businesses impacted while funding local initiatives to alleviate the causes of economic distress.

About the Research

The analysis of the criminalisation of poverty including identification of the channels through which it takes place, as well as the exploration of possible ways to prevent it, is deeply rooted in the mission of the [‘Is it a Crime to be Poor’ \(ICP\) Alliance*](#).

As part of its research, ICP has collated evidence on how the poor are disproportionately affected by the criminal justice system.

Evidence Based Solutions

- Solutions that divert people away from custody **can be cost effective**. See for example [Alternatives to Custody: Evidence from police force areas in England and Wales](#).
- Further evidence shows that diverting ‘offenders’ from custody can reduce reoffending. For example, an evaluation of the [New Chance programme in the West Midlands](#), working to support women offenders, showed that reoffending rates for those on the programme was lower by between 7% and 11% compared to a similar ‘control’ group. For those with substance abuse issues, this reduction was 51 - 55%, and for those with mental health issues, the reduction was 35-37% compared to the control group.
- Three workshops on the cost of living organised by the [ICP alliance](#) with law enforcement representatives, think tanks and NGO’s (including one focus group with people with ‘lived experience’) distilled the emerging evidence on the **disproportionate impact on the poor of the risk of committing acts that may criminalise them**. It also showed how **local support can alleviate the problem**, and highlighted the need to scale up such initiatives.

Conclusion: Implementing evidence based support programmes

Given the current cost of living crisis, more and more people are facing poverty and are desperately struggling to make ends meet with consequent implications for

potential criminalisation, something borne out by the emerging evidence that has been shared by practitioners and people with lived experiences.

It is therefore more important than ever to shape policy and practice to address the vulnerabilities that lead to such crimes and **implement evidence based support programmes to divert the vulnerable from the CJS**. Research shows that such programmes not only cost a fraction of traditional CJS processing (including incarceration) but are also more effective in **keeping our communities safe**.

Public opinion also favours alternatives to custody. Data published by Revolving Doors (2022) shows 76% of UK adults think that rising levels of poverty will lead to increase in crime but the majority (68%) are against imprisonment for poverty-driven crime.

Contacts

Professor Siddhartha Bandyopadhyay, Professor of Economics, Director, Centre for Crime, Justice and Policing, University of Birmingham.

e: s.bandyopadhyay@bham.ac.uk

Dr Juste Abramovaite, Senior Research Fellow, Institute for Global Innovation, University of Birmingham.

e: j.abramovaite@bham.ac.uk

Dr Debjani Dasgupta, Research Fellow, University of Birmingham.

e: d.dasgupta@bham.ac.uk

*The ‘Is it a Crime to be Poor?’ (ICP) alliance is a diverse group of people who, either individually or as part of their organisation, are working to end the criminalisation of poverty. ICP believes it violates equality under the law and principles of social justice.

