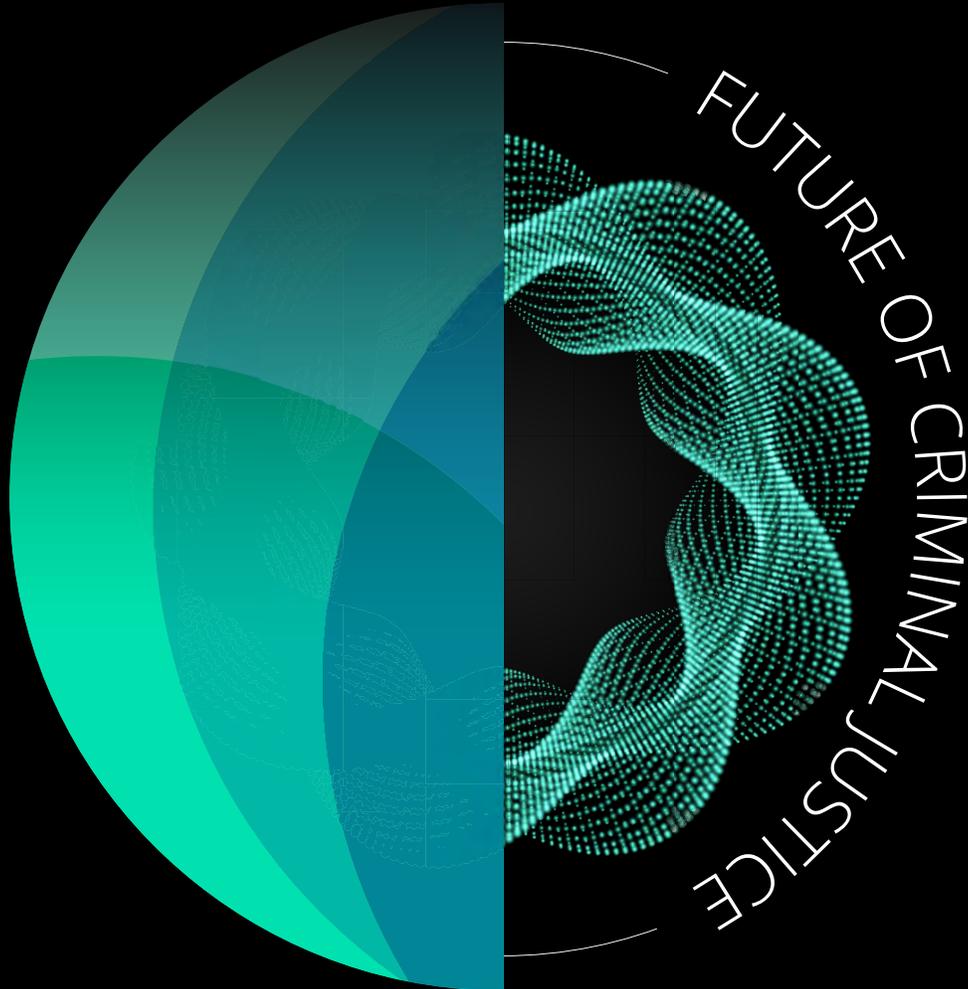


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The future challenges facing criminal
justice systems

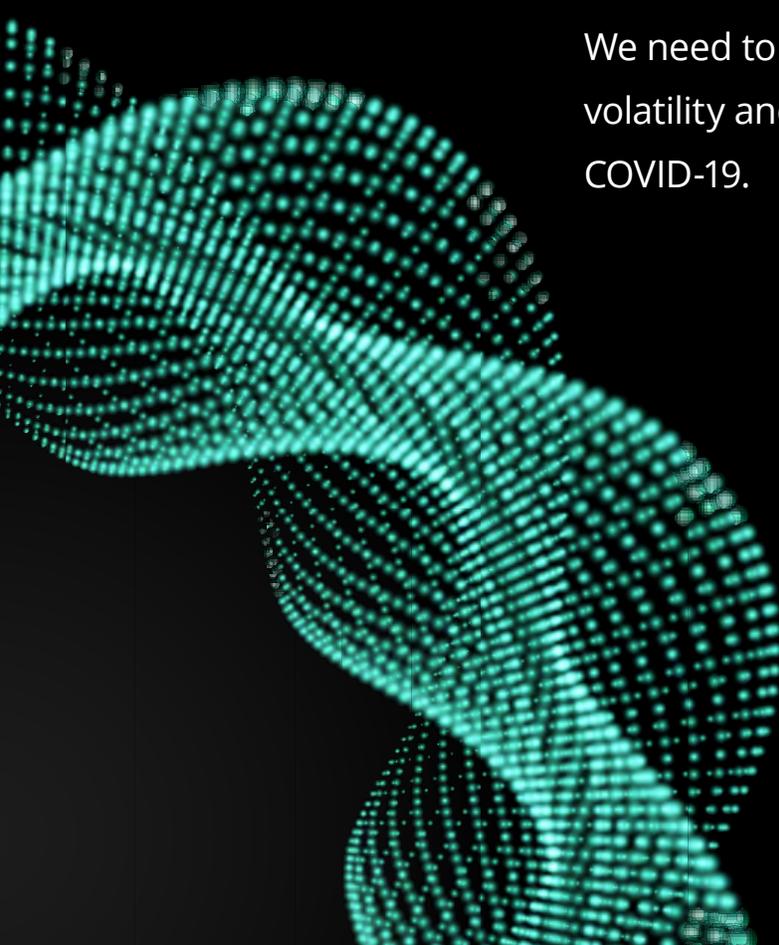
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The changes that have impacted criminal justice in recent years are just the beginning. Criminal justice systems need to begin to adapt to a volatile reality and build resilience fast.

The future of anything as complex as a criminal justice system is going to be determined by a mix of many sectors. To try and predict and plan for that future, leaders often need to identify **megatrends**, those significant global trends that will shape many different sectors. Identifying these trends requires both art and science. But today, the challenge is even greater. We need to plan for the future in a time of extreme volatility and in the midst of the global shock caused by COVID-19.



The long legacy of COVID-19

COVID-19 will leave a long legacy for criminal justice systems across the world. Despite decreases in many types of crime and the [rapid shift](#) to remote court hearings and probation meetings, court backlogs have increased across the world.¹ Community sentences (including mandated community service) have not yet been served. Many countries have pursued significant early prison release programs, creating a natural experiment regarding the impact of prison sentence lengths on crime. And while some technology projects have been accelerated to ensure continuity in services, many others have been delayed.²

The economic and social impacts of the epidemic are still unknown but are almost certain to be profound. The International Monetary Fund tentatively estimates the global economy will shrink five percent in 2020.³ Given those estimates, the economy at the start of 2022 would be 6.5% smaller than predicted at the start of 2020.

Less growth has meant lower tax revenues. And attempts to minimize the impact of the virus have meant increased government spending. Government debt is rising. And in many countries, governments are now running long-term deficits which will be worsened by the continued pressures to increase health system funding and to support those who have lost jobs.

Socially, many of the interviewees in our global project on the future of justice expressed deep concern about the impacts of the virus continuing over generations – in health, education, employment and beyond. Like virus-related deaths, these impacts have been most extreme for the most vulnerable: the poor and those from minority ethnic backgrounds.⁴ Surveys are showing that these groups are less likely to benefit from structured remote learning, most likely to have lost work, and are experiencing greater stress and anxiety.⁵ The impact of these disparities in education and economic opportunity may persist across generations.⁶



COVID-19 disruptions and crime patterns

Nearly any change that affects patterns of social life may affect crime patterns. For example, measures to restrict social movement during the epidemic in many places led to a dramatic overall fall in calls for service to the police. Domestic burglary and night-time assaults dropped significantly as homes were more likely to be occupied and the night time economy shut down. Shoplifting fell 75% in some places, as retail premises were closed in large numbers.⁷

Meanwhile, the virus led to a surge in online offences, with the predicted surge in Coronavirus related scams quickly materializing.⁸ There was a significant amount of fraud relating to government stimulus packages.⁹ Domestic violence problems increased too, as perpetrators spent more time in confined quarters with potential victims and experienced increased stress.¹⁰

Changing daily patterns of movement and shifting opportunity structures will likely continue to affect crime for some time. It is probably safe to say that as more of our economic activity continues to shift online, crime will follow – at least without improvements in online security. And if cityscapes are reshaped by remote work and social distancing – rather than continuing the long-term trend towards the density that facilitates social exchange – crime shifts will likely also be felt swiftly.

The impact of economic and social disruption on crime, however, is less certain.¹¹ If and to what extent unemployment leads to increases in crime in the short or long term, for example, seems to depend on social safety nets and even factors such as the timing of benefits payments.

In our work, interviewees were in general pessimistic about the likely impact of COVID-19 and responses to it. Recent years have seen rises in 'deaths of despair' relating to suicide, drug overdoses and alcohol abuse in the US and UK. And a senior UK official speculated this could continue, mentioning the "long-term mental health impacts of COVID and thinking about where that leads... drugs and alcohol abuse and crime."¹² A US judge made a similar observation that the short-term withdrawal of some mental health support in prisons and her community as a result of COVID could have more immediate impacts.

What next for crime after COVID?

Criminologists Graham Farrell and Dan Birks have speculated that the period before the end of coronavirus-related restrictions represents an opportunity to put in place dynamic strategies that can either stop a rebound in crimes that had been depressed by COVID or decrease rates of those crimes that saw increases such as domestic violence. A range of evidence-based strategies are available, but the right approach may vary by geography.

Thinking about the future in an age of volatility and uncertainty

To reshape the future of justice, it is vital to understand not just the criminal justice context today and in the coming months, but the world it will be operating in five, ten and even twenty years' time. Little is known for certain. As shown by COVID, predicting the state of the world is more difficult today than ever before. Global interconnectedness mean that an unpredicted event in one part could undermine reforms across the world. But by considering the future, we can begin to understand the crime and social environment in which justice systems will need to achieve their multiple goals around safety, justice and legitimacy.

A simple four-step futures method can give justice system leaders a starting point for building this understanding (Figure 1). It can be used by specific justice agencies, but it is most useful as a whole justice system exercises, involving leaders from across justice agencies and potentially beyond. In this way, corrections, courts, judiciary, law enforcement and other interested agencies all gain a shared understanding and benefit from exchanges of knowledge and perspectives.

A framework for considering criminal justice futures

"Nothing is inevitable except death and income taxes" – and even those are now in question.¹ However, we can glimpse the future through three lenses, while remembering there are 'black swans' that we will be unable to anticipate.² [Click on each element of the framework below for better understanding](#)



1. Review the past

2. Nowcast

3. Dream the future



What big societal and crime shifts should criminal justice systems begin to prepare for?

The value of this framework comes from the process of applying it and the understanding this generates – for example, better understanding future demand and its drivers, such as population, crime patterns, and periodic incidents. The process can also generate shifts in perspective that allow a focus on resilience to potential shocks, prevention of harm, and the creation of accelerated innovation pathways. It can prevent investments in reforms that will soon be unnecessary – such as investments in physical training facilities that could be rendered redundant by advances in augmented reality and [digital learning environments](#). Ideally, the process becomes the starting point for improving system-wide forecasting and planning capabilities – meaning that as well as being a valuable one-off exercise, it lays the foundation for ongoing improvements in effectiveness.

While the “nowcast” and “dream the future” steps will vary greatly from country to country – altering the future planning scenarios as well – the megatrends shaping the world as a whole are expected to apply to justice systems in every country.



Megatrends

Some of the critical external megatrends that all countries should understand include:

- 01. A growing and aging society:** All things being equal, more people means more demand on justice systems. But demographic shifts can have complex effects. Younger groups, particularly the under 30s, are more likely to commit crime and become victims of it – so decreases in the size of these cohorts may lead to similarly reduced crime rates.¹³ But, while older groups are generally less involved in and affected by crime, they may be more likely to overestimate their likelihood of becoming a victim of crime.¹⁴
- 02. A globalizing economy.** There is a currently a lively debate about how far COVID-19 will lead companies and countries to re-shore supply chains. The consensus, however, is that globalization will continue in some form.¹⁵ But as global trade and economies advance, there are opportunities for illegal economies as well. For example, the globalized pharmaceutical supply chain has led to the rise of synthetic drugs and unpredictability of street drug supply.¹⁶ Similarly, global conflicts have increasingly rapid contagion effects – for example, when wars conclude, we see surges in firearms availability, and shifts in drug and people trafficking routes.¹⁷
- 03. Persistent inequalities.** The slight dip in global economic inequality between 2008-2013 was the first since the early 19th century.¹⁸ It was driven largely by the economic success of populous but still generally poorer countries such as China and India, reduced inequality in some extremely unequal Latin American countries and stable levels of inequality within more advanced countries. Whether this modest progress is sustained or not, the inequalities that have built up over centuries are not expected to disappear overnight and sustained economic and race-based inequality will likely continue to pose challenges for criminal justice systems – not least because those who are most economically and socially marginalized are least likely to see criminal justice agencies as legitimate.
- 04. Technological acceleration.** New technologies are developing rapidly in the biological, physical and digital spheres. [Deloitte's Tech Trends](#) report highlights some of the latest developments, but of particular importance are artificial intelligence and the emergence of cyber-physical systems that link physical and digital worlds. These new technologies not only bring new ways of delivering services but they also can bring new forms of crime as well. To take one example, consider the potential criminal exploitation of Artificial Intelligence for:
 - A. Identity Forgery.** AI methods can generate speech in a target's voice given a sample and couple it with synthesized video of them speaking. Criminals have already used this technology to impersonate a senior executive's voice, bilking a UK-based energy company of hundreds of thousands of dollars.¹⁹
 - B. AI Snooping:** Phones, PCs, TVs and Home Hubs provide the sensors for audio snooping inside homes, while drones provide video surveillance opportunities in public spaces. Speech Recognition can sift the resulting data for exploitable fragments (e.g. passwords or bank details, affairs being admitted to).
 - C. Hacked Vehicles:** Hacking to crash a driverless truck may not be a likely crime for most cyber criminals since there is no money in it, but even though rare, this type of crime could be attractive to terrorists seeking no other benefit than to kill or maim.Such crimes can be partially 'designed out', building on what we have learned about how to do this effectively over recent history (for example, to reduce car crime). But the accelerating pace of technological and social change places a new emphasis on the speed of reaction. The development of new domains of internet activity (darknets) and crypto currencies also creates new crime challenges. And the break-down of the boundaries between physical and virtual world, and public and private spheres creates greater levels of systemic risk.

05. A broadening information space. Improvements in data capture and storage, mean that the average domestic crime scene in many countries already requires the seizure of at least eight connected devices [holding vast volumes of information](#).²⁰ More powerful tracking and sensing technologies (including natural language processing and image recognition) are also exponentially increasing additional information that can be added to any case file. This data now forms the starting point for a criminal investigation. And while this information can dramatically increase the chances of a just outcome for any investigation, our interviewees across the justice system are already pointing out the difficulty of digesting and analyzing huge volumes of data at every stage of the criminal justice process.

Surveillance and tracking likewise offers significant crime prevention and efficiency benefits. But it raises questions for civil liberties and criminal justice system legitimacy. And examples of high-profile unintended consequences from new technologies (for example, bias in early predictive policing and facial recognition technology) have raised the importance of engaging in ethical debates and safeguarding rights.

As the information space grows, it is also democratizing – with more people able to produce, share and access information from increasingly disparate sources. This can be an opportunity for law enforcement via better crowd-source intelligence, but it can also pose a risk through viral dissemination of misinformation and unrest.

06. New models of work. The criminal justice system will be part of broader trends in the labor market and the developing [Future of Work](#). There will be tough choices for the various criminal justice agencies about [how far to embrace flexible working](#) and the ‘gig economy’, how to integrate the ‘four generation workforce’, [how to better incorporate the talents](#) of marginalized groups, and other shifts. As technology

evolves and the paper-based work of some court systems is digitized justice professionals will likely need to work in new ways. For example, digitization facial recognition and predictive analytics could affect the role of corrections in the profile of a future ‘[criminal redirection officer](#)’.

07. Identity and ideological conflict. Many countries are seeing an increasingly vigorous conflict around identity and ideas – with strong nationalist governments emerging in several countries.²¹ One consequence of coronavirus could be an entrenchment of exclusionary political narratives, calling for new security measures to be placed around borders. Activism around giving full civil rights for marginalized groups has often provoked reactions and resistance, but there are signs that identity culture wars are growing and there have been significant rises in reported hate crimes and race-based or nativist terrorism.²²

08. Climate change and resource scarcity. Extreme weather events could create additional public safety demands and have implications for the functioning of justice infrastructure in affected areas. Weather genuinely affects crime patterns, with murder rates in some US cities correlating with warmer weather for example.²³ However, even bigger geopolitical issues could emerge as resource scarcity creates local and global conflict, with knock on impacts for immigration and illegal markets.

09. The rise of the market economy. Private investment in security services already exceeds public investment in many areas.²⁴ There are as many private security guards in the US and UK as there are police personnel (officers and staff), and private investments in security devices, consultancies and technologies are only growing.¹ Many market analysts predict increases in private spending on security to accelerate.²⁵ Meanwhile, some forms of private and community activism on crime have increased and this trend may continue as citizens are enabled and empowered by new technology tools.

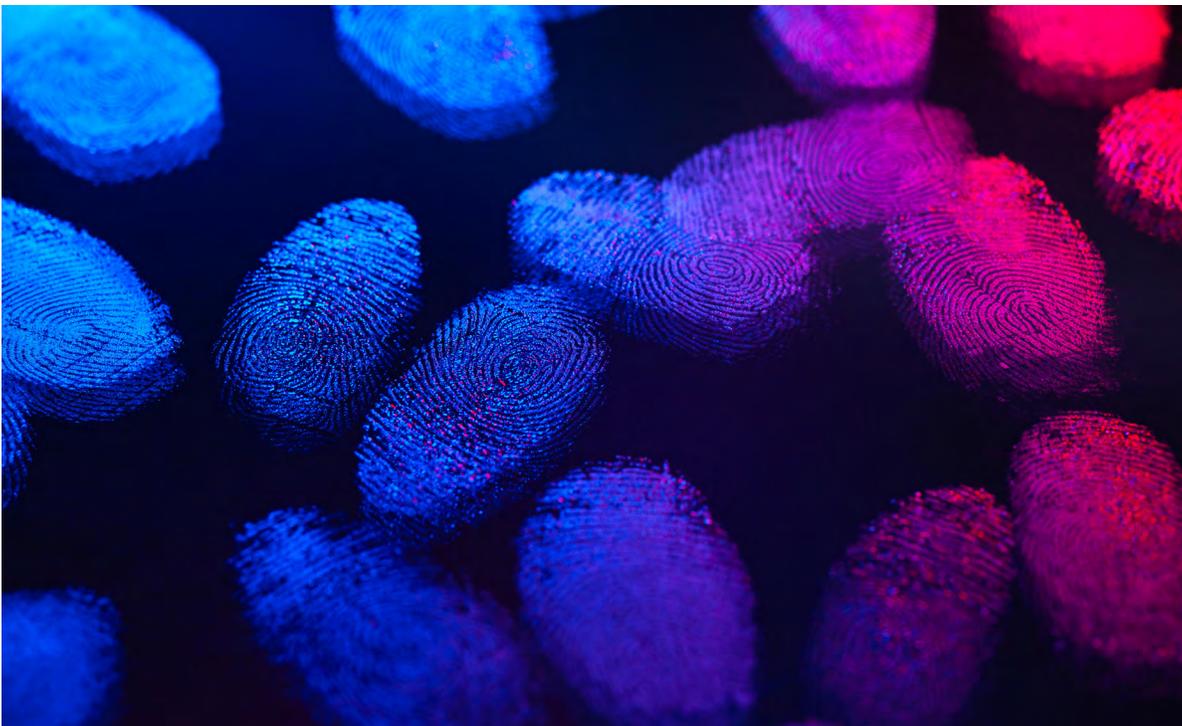
Global businesses, whose influence and power cross continents and regulatory regimes are also increasingly posing challenges to state authority. An increasing number of complex terrorism and fraud investigations require the access to information held by global technology firms and financial institutions. Building relationships and legal frameworks to support collaborations with these companies will be a vital component of effective investigations in coming decades.

Alongside continued trends, we should expect issues that affect policing in a cyclical fashion to recur. Our recent work on the [Future of Policing](#) in the UK suggested that recession, 'moral panics', controversy and large scale public disorder were all very likely to feature at some point in the coming decades. Most countries experienced a recession on every decade or so in the post-war era,²⁶ sizeable jurisdictions can expect period

public disorder and rioting (every 5 to 10 years in the UK, for example), and many countries have periodic police legitimacy controversies (with or without police wrongdoing).²⁷

The long-term challenge

The fall-out from the COVID-19 epidemic and other megatrends shaping the world is expected to have profound consequences for criminal justice systems – shaping the nature of crime demands, models of service delivery, and even the social contract that underpins the rule of law. But the challenge today is to find the time and space to build a better future, even while responding to daily events and crises. Those working across criminal justice internationally should use this opportunity to plan for the long-term, while also attending to the vitally important day to day operations of this important area of public life.



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Endnotes

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- 2 A summary of criminal justice system responses to COVID-19 including early releases can be found here: <https://www.prisonpolicy.org/virus/virusresponse.html>
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- 7 Halford, E. et al. (2020, in press). 'Crime and coronavirus: Social distancing, lockdown and the mobility elasticity of crime', Crime Science <https://osf.io/preprints/socarxiv/4qzca/>
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- 11 See T. Gash, Criminal: The Truth About Why People Do Bad Things (Penguin 2017) for a comprehensive look at evidence on economic and social influences on crime
- 12 Interview with project team.
- 13 For example: <https://www150.statcan.gc.ca/n1/pub/85-561-m/2005005/figures/4144299-eng.htm>
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- 25 Private Security Services Market by Service, End-users, and Geography – Global Forecast and Analysis 2019-2023 <https://www.technavio.com/report/private-security-services-market-industry-analysis>
- 26 For example, the UK had recessions 1956, 1961, 1973-5, 1980-1, 1990-1, 2008-9, 2020 (1945-2020 = 75 years; 75/7 = 10.7)
- 27 In the last 25 years, UK policing controversies include Stephen Lawrence (1993), Bichard Inquiry (2003), Menezes 2005-7) Hillsborough (-2017), 'Plebgate' (2012), the undercover policing enquiry (2015-)



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