

Justice without bars: Expanding community sentencing to reduce reoffending

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The UK's prison system is under mounting pressure, sparking political debate about the role of non-custodial sentences in reducing reoffending. Drawing on evidence from international practices, this briefing explores the potential of community sentencing to reduce recidivism rates, improve rehabilitation outcomes, and address prison overcrowding.

KEY POINTS

- Longer prison sentences are increasingly common,¹ with 'sentencing inflation' contributing to overcrowding and poor conditions in prisons.²
- In response to this growing pressure, the government has launched an Independent Sentencing Review to examine both custodial and community-based sentencing options.
- Community sentencing, where offenders are punished without imprisonment, is promoted by campaigners as an alternative to short prison terms.
 - Examples of community sentencing include fines, home detention, community service, restorative justice, and treatment programmes.
 - Imprisonment is expensive, costing £37,500 per person annually, compared to £2,500–£4,000 for a community order.³
- Evidence from other countries suggests community sentences can reduce reoffending and improve rehabilitation outcomes.
 - In the Netherlands, community sentencing reallocates resources toward rehabilitation, with changes in the justice system contributing to a reduced prison population.⁴
 - Norway's exemplar model prioritises rehabilitation through community sanctions, such as electronic monitoring and limited custodial sentences for young offenders. It has one of the world's lowest recidivism rates.⁵
 - Other countries, such as Canada, Australia, Northern Ireland, and New Zealand use community sentencing with positive results.
- The government should consider increasing the use of community sentencing, with international evidence showing there is potential for alleviating pressure on the justice system.

PRISON OVERCROWDING IS IN THE POLITICAL SPOTLIGHT

Longer prison sentences are becoming increasingly common. As highlighted by the Institute for Government, the average prison sentence has risen from 11 months in 2000 to 20 in 2023.⁶ For serious offences, the average prison sentence is now 62.4 months – almost two years longer than in 2010.⁷

This ‘sentencing inflation’ has contributed to overcrowding and poor conditions in prisons.⁸ In the summer of 2024, capacity pressures within the prison system brought it dangerously close to collapse. On taking office, the new government was forced to announce emergency measures that reduced the custodial term of some sentences. The crisis has sparked debate about the effectiveness of different sentencing options, with political attention now focused on who should go to prison, for how long, and whether there are alternatives.⁹

In response to these challenges, the government has announced an Independent Sentencing Review to ensure a sustainable prison system. Led by former Justice Secretary David Gauke, the Review will interrogate how reforms to sentencing can improve outcomes for offenders, victims, and communities, while delivering on its core purpose of delivering justice. It will examine both custodial sentences and non-custodial, community-based alternatives.¹⁰

This briefing paper focuses on the latter. Building on previous research looking at prison reform,¹¹ we argue that the government should explore increasing the use of community sentencing, with international evidence suggesting these options can be effective at reducing recidivism while promoting rehabilitation.

COMMUNITY SENTENCING PROVIDES AN ALTERNATIVE TO IMPRISONMENT

The debate over sentencing tends to focus on the effectiveness of long versus short prison sentences.¹² Advocates for longer sentences argue they provide greater deterrence, incapacitate offenders for extended periods, and ensure justice for serious crimes. However, keeping people in prison for longer strains prison capacity and comes with significant costs.¹³ This includes expenses of maintaining the care of prisoners and expanding prison infrastructure – a commitment the government has made by planning to create 14,000 new places by 2031.¹⁴

Table 1: Average sentencing cost per person

	Data period	Costs
Custody	2017/18	£37,543
Community order	2016/17	£2,500-£4,000

Source: Parliamentary Office of Science & Technology

The Justice Secretary Shabana Mahmood has stated that building alone is not enough to address the shortage of space in UK prisons.¹⁵ Involving less time behind bars, shorter sentences could be presumed to offer a solution to this. However, there

is growing consensus that they are ineffective, fail to break the cycle of offending, and severely disrupt lives by separating offenders from their families and support networks.¹⁶

Citing Ministry of Justice statistics¹⁷ that link custodial sentences with higher reoffending rates,ⁱ organisations such as the Prison Reform Trust and Revolving Doors support the greater use of community sentences.¹⁸ Focusing on rehabilitation, advocates argue that it addresses the root causes of criminal behaviour, reduces reoffending, and allows offenders to remain in their communities under tailored conditions, minimising the harms of being in prison. For instance, imprisonment for non-payment of council tax is considered to be disproportionate, cause considerable harm, and an area more appropriately served by non-custodial sentencing.¹⁹

Community sentencing faces some criticism, such as risking public safety, reoffending concerns, and perceived leniency that may fail to meet the public's desire for justice. Types of community sentencing include fines, home detention, community detention, supervision, community service, discharge, restorative justice, and treatment requirements. As noted by the Parliamentary Office of Science & Technology, there is insufficient robust evidence on which of these interventions is most effective or how they should be put into practice.²⁰

INTERNATIONAL EVIDENCE SUGGESTS IT CAN REDUCE REOFFENDING AND ALLEVIATE PRESSURE ON THE PRISON SYSTEM

Previous SMF research has briefly examined sentencing practices.²¹ As well as highlighting a statement from the United Nations that commends the potential of non-custodial sanctions to improve offenders' post-release prospects, particularly for less serious crimes,²² it also touched on alternative approaches in other jurisdictions, using the Netherlands and Norway as key examples. Below, we revisit evidence from these countries with a specific focus on community sentencing.

The Netherlands prioritises community sentencing to better allocate resources to rehabilitation

The Netherlands is renowned for its social liberalism, which is reflected in its criminal justice system. Britain's Minister of State for Prisons, James Timpson, has described the country as a source of inspiration.²³

The SMF has previously highlighted the Netherlands's use of community sentencing, which imprisons fewer offenders and gives greater priority to alternatives such as diversion, fines, suspended sentences, and task penalties²⁴ to allow for a greater allocation of prison resources to rehabilitation.²⁵ Community-based sanctions in the Netherlands are applied to a broader range of offences, with an extensive variety of

ⁱ It is important to note that reoffending rates are difficult to measure. As highlighted by the Prison Reform Trust, published figures tend to use reconviction as a proxy measure, which can be affected by many factors, but it can also refer to the rearrest or reimprisonment of an individual. Definitions of recidivism therefore vary, and comparing it across contexts can be challenging. Recidivism data in this briefing should be interpreted with caution.

non-custodial options available – practices that stem from deliberate policy choices aimed at minimising the use of imprisonment.²⁶

Research conducted by Leiden University and the Netherlands Institute for the Study of Crime and Law Enforcement in 2022 has highlighted the potential long-term advantages of community sentences over short prison terms. The findings show that adults who serve short prison sentences are 55% more likely to reoffend within five years than those given non-custodial sentences. This holds true across different categories of crime, including violent offences, property offences, and other offences. The research notes that subsequent offences linked to short prison terms result in greater financial costs and more future victims.²⁷

The country has experienced lower reoffending rates. Between 2002 and 2008, the two-year reconviction rate for ex-prisoners dropped from 55% to 49%,²⁸ stabilising at 47% for prisoners released in 2017.²⁹ While wider trends are also at play – crime rates have also plummeted, for example, with registered offences declining by 40% between 2008 and 2018³⁰ – changes in the Dutch justice system have contributed to “decarceration” and smaller prison populations.³¹ One study reveals that, between 2005 and 2015, the Dutch prison population almost halved,³² sitting in stark contrast to England and Wales’ prison population, which grew by 13% during the same period.³³

With reference to the United States’ prison system, the Vera Institute has suggested that prisons should draw on lessons from The Netherlands to improve outcomes, recommending they reduce reliance on “imprisonment as a first response” and expand the use of community-based sanctions. It advises that “policymakers interested in effective corrections should ask whether they are making the best use of the options available to them and explore whether these options be safely expanded”.³⁴

Norway’s exemplar system also uses community sanctions as substitutes to imprisonment

Norway’s prison system is recognised as one of the most effective in the world.³⁵ In the 1990s, 70% of released prisoners reoffended within two years.³⁶ Since then, Norway has overhauled its prison system and its recidivism rate has dropped to 20% as of 2019, one of lowest globally.³⁷ Norway ranks 193rd out of 224 countries for prison population rates, with only 55 prisoners for every 100,000 people.³⁸

According to the Borgen Project, a global poverty non-profit, the key to Norway’s success is that it treats prisons as rehabilitation facilities.³⁹ As part of this rehabilitation approach, Norway also uses community sanctions as substitutes to imprisonment, including the serving of short sentences at home with electronic monitoring and alternative measures offenders under the age 18.⁴⁰

Electronic monitoring is linked to lower recidivism

Electronic monitoring (EM) is widely used as an alternative to imprisonment in Norway, where it is primarily viewed as a rehabilitative tool. Offenders can serve their custodial sentences at home under EM, allowing them to maintain ties to their family,

job, and community, with the overall goal of promoting reintegration. This system operates on a voluntary basis, acting as a direct substitute for a prison sentence.⁴¹

Under this model, the prison administration converts a custodial sentence into an EM sentence and is managed by the prison and probation services. Eligible offenders are notified by letter about the option to serve their sentence at home under strict surveillance. Those who wish to participate must apply, triggering the preparation of a personal inquiry report. Approval is dependent on meeting certain criteria.⁴²

EM-enforcement is mostly used for short sentences, such as drunk driving offences. A 2019 study suggests that EM is linked to slightly lower recidivism compared to traditional custody, reporting reoffending rates ranging from 6% to 12% for EM participants, compared to 5% to 15% for those in custody, depending on the year and the type of EM.⁴³ The research highlighted that thousands of offenders are “saved” from entering prison in Norway each year and, without EM, the daily prison population in Nordic countries – Denmark, Sweden, and Finland have adopted EM under a similar penological approach – would surpass existing levels by around 10% on average.⁴⁴

It has an exceptionally small young offender prison population

Norway's approach to young offenders prioritises rehabilitation and seeks to avoid imprisonment due to its negative long-term impact on their development. Over recent decades, the number of young people receiving prison sentences has significantly decreased, with imprisonment only used when considered absolutely necessary. On average, only 4–6 young offenders are locked up annually, in specialised institutions with high staff-to-prisoner ratios and a strong focus on support and rehabilitation.⁴⁵ In England and Wales, there was an average of around 450 children in custody at any one time during 2021–22.⁴⁶

Since 2014, Norway has introduced alternatives like Youth Punishment and Youth Follow-Up for offenders aged 15 to 18. These programmes involve restorative processes with victims, tailored action plans, and supervision by multidisciplinary teams, allowing young people to remain with their families and continue living in their communities.⁴⁷ The UK has significantly reduced the number of young offenders in custody – in England and Wales, the number of children in custody has fallen by 77% from 2011–12 to 2021–22⁴⁸ – but it still relies more heavily on imprisonment.⁴⁹

Fighting Knife Crime has pointed out that young offenders released from custody in the UK have the highest reoffending rates compared to those given non-custodial sentences, suggesting that imprisonment fails to rehabilitate children effectively. While acknowledging the challenges of making direct comparisons due to the limitations of recidivism data, the organisation has praised Norway's model for its long-term success, citing its focus on education, health, and integration.⁵⁰

Other countries have had positive outcomes from using community sentencing

Community sentencing is increasingly used in other countries, particularly those with legal systems comparable to the UK.⁵¹ While prison laws and policies naturally vary by context, evidence from these jurisdictions provides valuable insights into how

community sentencing is implemented and its effectiveness in reducing reoffending and promoting rehabilitation.

In Canada, the government has acknowledged that “prison is no more effective a deterrent than more severe intermediate punishments”, while also noting the higher cost of imprisonment compared to community supervision.⁵² Public opinion increasingly supports alternative approaches, with 77%–86% of respondents favouring sentences such as diversion, probation, fines, or community service over jail. Support drops for violent crimes, with only 30% in favour of community-based alternatives for offences like assault.⁵³

The Australian Law Reform Commission highlights that community-based sentences provide courts with the opportunity to serve both the community's and the offender's best interests.⁵⁴ While research on Australian community sanctions is limited, existing studies indicate that intensive orders – the most stringent community sentence with close supervision – are more effective than prison at reducing reoffending rates.⁵⁵

In Northern Ireland, restorative youth conferences – which involve the offender, an appropriate adult, a police officer, and a conference coordinator – serve as both an alternative to prosecution and a post-conviction intervention. In 2010–11, 70% of victims attended these conferences, and 100% of them reported satisfaction with the process. Similarly, in New South Wales, Australia, a restorative justice conferencing programme for young offenders revealed that 89% of victims agreed with the outcome plan.⁵⁶

Assessing the efficacy of two community sentencing approaches, the New Zealand Treasury found that individuals sentenced to community are more likely to reoffend within two years of conviction compared to those fined. Additionally, people sentenced to community work were more likely to rely on benefits following their conviction than those who were fined.⁵⁷ The use of community work as a sentence has diminished significantly, making up 53% of community-based sentences in 2010 and just 25% in 2019.⁵⁸

THE GOVERNMENT SHOULD LOOK TO LEARN FROM THE EXPERIENCES OF OTHER COUNTRIES

Evidence from countries like Norway and the Netherlands suggests that expanding alternatives to imprisonment can reduce recidivism and therefore the high turnover of people in prison. While this analysis is far from exhaustive and has left several important questions unaddressed – such as what types of offences should be dealt with in the community, whether they address the vulnerabilities of offenders, and which alternatives are most effective – these approaches have demonstrated positive outcomes while ensuring justice is delivered effectively and humanely.

The government should explore increasing the use of community sentencing. Preventing recidivism is a core focus of judicial policy, and prioritising non-custodial sentences offers a promising path toward achieving this, especially as part of a broader rehabilitation agenda. By prioritising non-custodial sentences, there is

potential for alleviating current pressure on the prison system while fostering a more rehabilitative approach to justice. This shift could lead to better long-term outcomes for offenders and broader benefits for society.

ENDNOTES

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