The future of the Criminal Justice System Phil Bowen

Public scandals, endemic failure and justice

As a person who has devoted a large part of my career in and out of Government to justice policy, I am used to thinking and talking in abstractions— thousands of people being fined over here, billions of pounds being spent there. But I do think we should not ignore what individual cases communicate about that state of justice today.

Take the Grenfell Tower tragedy. This was not simply a building fire—it was a catastrophic failure of regulatory oversight, social housing policy, and accountability. The tragedy exposed how systemic neglect and a culture of indifference led to loss of life and profound social injustice. It is a stark reminder that the failures of our institutions have real, sometimes deadly, consequences.

And, centring the conversation on criminal justice, rather than just wider social justice, who has truly been held accountable? What does justice in our society feel like to a young black man in west London, repeatedly stop and searched by police, to know that no one has been held accountable for 72 entirely preventable deaths— dead because people cut corners to make more money.

Then there is the Post Office scandal—a scandal in which flawed technology, combined with bureaucratic arrogance, resulted in wrongful prosecutions that ruined people's lives. Again, no has been prosecuted for the perjury, mistreatment and indifference. And this case may be emblematic of a broader trend I will return to later: when technology is implemented without proper oversight or understanding of its limitations, the result can be devastating.

Or take Andrew Malkinson, wrongly convicted of rape and spending over 17 years in prison before his conviction was overturned in 2023. That case highlights that our justice system is not infallible- no human system is- but also that our system has purposely been made more unjust by political decisions. Our democratic institutions have acquiesced in constricting the avenues in which the justice system has the space and the maturity to allow for the fact it does and will make mistakes.

Sarah Everard was murdered on the streets of South London a few hundred metres from where I live by a police officer who was still serving, despite an extensive history of alleged sexual offences. Sarah's tragic murder shone a harsh light on the culture within our policing institutions, particularly the failure to tackle misogynistic behaviour.

And let's go then to the abstractions. Over 2,000 people are in prison who have been there for more than a year awaiting trial. Do they feel innocent until proven guilty? Would you?

What about other figures? 332 people died in police or prison custody last year, a 10% increase on last year. 5,448 people died from the use of illegal drugs in 2023, the highest on record. 20% of children in youth custody attended just six schools.

These persistent scandals and problems suggest to me something sobering. Do they not force us confront a painful reality: these individual and broader failures are not isolated incidents but symptoms of a broader, systemic malaise?

When I hear from some members of the senior judiciary and legal profession that we have the finest justice system in the world, I don't know whether to reach for the sick bag or for a stick of dynamite. Justice for whom? Justice

when? Justice where? And at what human cost? Can the public trust our justice system, and the state, to truly deliver justice?

We are not at a crossroads

It is best that we have a frank appraisal of where we stand.

Over the past decades, our criminal justice system has become overburdened, under-resourced, and even more disconnected from the communities it serves.

Reports of overcrowded prisons, underfunded probation services, and an ever-growing backlog in the courts are not anomalies—they are part of a pattern. My organisation's "Systems Shift" paper, a ten-point plan for reform, lays bare the systemic overload: too many victims waiting years for justice, too many offenders re-offending, and too many frontline practitioners stretched to breaking point.

This overload is compounded by the requirement it places on the decision makers to introduce short-term fixes. The measures proposed—such as early releases from overcrowded prisons or temporary streamlined processes in the Crown Courts—are designed to manage the crisis, rather than cure it. They reflect a system in perpetual crisis management. And while they may be necessary in the short term, they delay addressing the root causes of crime and investing in longer term solutions. This may be part a political culture that is unable to articulate a vision of what true justice and what true social justice should mean.

And it is traditional at this point to say that our system is at crossroads, that we can continue down the current path or, as the metaphor goes, choose a

different route to a shinier, happier place? It is the metaphor that most obviously came to mind when I was thinking about the title of this lecture.

But, in all candour, I don't believe we are at crossroads .

Certainly, if the Government's 332 page Crime and Policing bill is anything to gauge things on, we are due another bout of tough on crime, tough on ASB policy from the Home Office, an enforcement first approach to crime reduction. On the very day that David Gauke's interim report on sentencing was lambasting the political rhetoric that promises a "tough on crime" approach and leads to a larger prison estate we have, Home Office ministers blitzed the media with proposals to increase sentences for people caught with knives and to tackle shoplifting by imposing tougher sentences.

This rhetoric, repeated ad nauseam by politicians seeking to project strength and resolve, often translates into policies that favour more punitive measures—more incarceration and more surveillance. And we have been on that track for most of my adult life.

Even if we wished we were at a crossroads, I am not sure that is the view of those who hold power. They see the only potential lost votes in justice and play to some of the baser instincts in society in order to win elections.

Punishment and Technology: The Promise and the Peril

So, one key question seems

- do we have a set of institutions or a set of politicians (or both) with the vision and the drive to take us in a new direction?

Let me ry to answer that by exploring a case study in policy making, that is pretty much happening in real time now- that is the role of new technology in how we administer punishment and offender management. As I do so I would like to make a special mention of Professor Mike Nellis's work and his overall basic human decency, which has strongly influenced my sensibilities in this debate.

We have a set of policy makers, some who directly benefit from the capital invested in emergent technology, who are making great claims that the answers to our current predicament rest on ambitious use of new technology—electronic monitoring forming new "prisons outside prison," and the smart deployment of AI, facial recognition surveillance and remote supervision.

The allure is clear: if we can replace costly, overcrowded prisons with high-tech surveillance and control mechanisms, then perhaps we can both reduce reoffending and ease the burden on our over-stretched public services.

At first glance, such technological innovations seem modern, efficient, and even humane—a way to manage offenders in the community without resorting to the isolation of traditional incarceration.

However, we've been here before. The initial promise of technological solutions—such as the much-hyped mass GPS tracking initiative—ended in spectacular failure, not only in terms of effectiveness but also in terms of cost and human impact. These digital tools that were expected to revolutionize offender management ended up being little more than expensive experiments. And now, as the current government embraces a broader "AI by default" approach, there is a real danger that we are trading on a misplaced faith in technology.

Consider the irony: while the government touts its ambition to make the country an "AI superpower," there is little appetite for investing in the human relationships and community support systems that have long been proven to reduce reoffending. Instead, are we on the cusp of seeing a drive to replace experienced probation officers through expensive investments in algorithmic assessments and automated monitoring systems?

The promise is efficiency and cost-effectiveness. The peril is a deep dehumanization of justice—a system where decisions about people's lives are made not by compassionate human judgment, but by opaque algorithms that lack empathy, context, or accountability.

And, peering into the future, Professor Nellis warns us of the potential for "ultra-punitive" technologies—a future where non-compliance might be met with remote electro-shock responses or other forms of harsh digital discipline. Such measures may appear futuristic, dystopian- but are they really so far removed from the historical trend of escalating punitiveness in our criminal justice system? The irony is that the very technologies promised to streamline and modernize justice may end up deepening its faults.

The shape and tone of that debate about technology is not accidental. It is the natural outcome of a system that prioritizes expedient, punitive measures over thoughtful, human-centred and evidence-based reform. And it is precisely in this kind of environment—in which the faceless power of capital-backed technology re-enforces a pre-existing culture of punitive political rhetoric—that those voices that instead emphasize community support, rehabilitation, and human oversight are drowned out— that are made to sound old fashioned, unrealistic, fuzzy.

In the clamour for faster, and more "modern" solutions, we are being turned away from the evidence that says humans can change when other humans demonstrate to them that they are loved.

The case study and the scandals I have mentioned not only demonstrate the fallibility of our institutions but also highlights how a system fixated on punishment—and increasingly on technological shortcuts—can lose sight of the human element at the heart of justice. And this is wrong headed not least because when the focus is solely on appearing "tough" rather than on delivering fair, rehabilitative outcomes, the result is a profound erosion of public trust, delegitimising the very thing that oft times well-meaning officials and others seek to rescue.

Moreover, are these trends toward punishment not also the flip side of a society in which success is often measured by personal achievement, grounded in individual self-determination and entrepreneurial spirit? Stories of self-made entrepreneurs and innovators reinforce the belief that personal responsibility is the key to success. In this context, individuals are seen as solely accountable for their fortunes, with little emphasis on collective or communal support systems. The digital revolution and widespread adoption of social media and its democratization of communication has elevated the prominence of individual voices where communal actions often take a secondary role. In that context, if individuals fail or harm others, is it no surprise we have, as a society, heap punishment on them, rather than examine our collective failures? Is it not a natural consequence that we seek to try and change the individual calculation of self-interest, rather than see our collective action as restorative?

And we should never forget that as a society, we chose what we punish- in the law's insistence on identifying and proving culpability on individuals, it's

insistence on regulating the behaviour of the poorer in society, and, conversely, its inability to deal with the harms caused by corporations, crimes of the powerful, do we not see revealed the wider truths behind neo-liberal attitudes?

A new vision

So far, so depressing. But I do try to be an optimist. As I travel around the country talking to be people about justice reform, the thing I come back to are people and communities.

People. People. People as fundamentally decent, hopeful, compassionate.

Communities, yes, maybe less of geography these days, but communities of interest. Communities of values.

I think a promising vision for reform lies in part in devolving power and trusting in and enabling communities to become more, and not less, involved in justice. At the heart of this vision is a belief that local communities possess the nuanced understanding necessary to address conflict, crime, and social harm. Traditional criminal justice systems often centralize power, creating an impersonal, professionalised structure that may overlook the unique needs and dynamics of diverse neighbourhoods. By devolving decision-making power to communities, local residents can actively participate in shaping policies and practices that reflect their values and experiences and in recognising the need to balance competing priorities.

Community-based justice initiatives of this type should empower local leaders, trusted community members, and practitioners to work together in

mediating conflicts and devising solutions that are contextually appropriate. This collaborative approach fosters accountability, as offenders are encouraged to understand the impact of their actions on real people within their community, and victims receive the opportunity to have their voices heard and their needs addressed.

Central to this reformed system is the notion of restorative justice, which aims to repair harm rather than solely punish it. That more restorative vision recognises that healing and rehabilitation are not the antithesis of accountability and retribution, but actually necessary parts of the same balancing act that justice must play. The process begins by acknowledging the harm done, facilitating dialogue between victims, communities and offenders, and creating a pathway for offenders to make amends.

Offenders are not seen merely as individuals to be punished but as members of the community capable of transformation. This process may include therapy, education, community service, and other programs designed to address the root causes of criminal behavior.

Importantly, restorative justice also keeps the needs of victims front and centre. Victims are given a platform to express their experiences, determine what restitution might look like, and actively participate in shaping outcomes. This victim-centric approach not only aids healing but also reinforces the community's collective commitment to justice.

And such an approach does not ignore the value of retribution— it is essential to recognize that there remains a role for punishment and retribution in society, to safeguard the community and ensure justice is visibly served. The interplay between rehabilitation and retribution becomes the fulcrum on which the system pivots. It does not mean stopping the censure and the temporary punishment of wrongdoing but, instead, doing so

with as much emphasis on laying out and honouring the path back to recovery and reintegration.

The challenge lies in striking these balances—one that maintains accountability through consequences, yet remains fundamentally oriented towards rehabilitation and restoration.

And these commitments, to community and restoration in the age of digital transformation would underline that new technology must serve human decision-makers, not replace them. The human element is indispensable, particularly in matters as sensitive as justice and rehabilitation.

One of the key applications of technology n this vision is through the humble analysis of data to identify patterns and underlying factors contributing to criminal behaviour, not just to catch and convict more people but to direct and channel wider collective efforts at prevention. By analyzing socio-economic factors, community dynamics, and historical trends, data analysis, made more powerful through the careful and ethical considered use of AI, could provide valuable insights that inform community-led interventions.

This vision for reforming the criminal justice system is one that weaves together the best elements of traditional community practices with modern technological innovations. Devolving power to communities reaffirms the value of local knowledge and collective responsibility, ensuring that justice is not a top-down mandate but a shared commitment. By centring restorative justice, the system transforms the narrative from one of retribution to one of healing and growth, recognising that even those who have caused harm are capable of change.

Implementing a community-based and restorative justice system is not without its challenges. Issues such as resource allocation, community

capacity, and ensuring the ethical use of technology require sustained commitment and collaboration among stakeholders.

Additionally, shifting public perception from a punitive model to one that values rehabilitation and community accountability is a gradual process, necessitating dialogue, humility and education— and not just education of the liberal professional class of the great unwashed but genuine attempts to reach new understandings and a new consensus. At the Centre, we are incubating a new listening initiative, designed to understand the nuance of what the public believes. I have faith in people- and our early efforts suggests that they may believe the system is broken, that we are not protecting them enough, even that they want more prisons because they want their families to be safe but they also know that the lack of youth provision and support stores trouble up for the future. That they recognise both the liberations and harms of social media and look to Government to strike the right balance.

Conclusions

In closing, we have this evening confronted uncomfortable truths. The direction of travel for the British criminal justice system appears bleak:

- one of deepening punitiveness, with a political fixation on being "tough on crime,"
- one of a reform trajectory marked by an over-reliance on technology at the expense of humans
- one in which a series of scandals show the endemic nature of our collective failure

- One in which public trust is at a low ebb, not least in those communities that are both over policies and underprotected.

But I have hope we can rise to the challenge.

The future of criminal justice that I have tried to outline lies in a balanced system where communities take the lead, where technology serves as an assistive tool to them, and where justice is a shared, transformative process that heals individuals and strengthens society as a whole.

In the end, we have to have hope in creating a fairer, more just system—one that reflects the complexity of human relationships and the enduring value of community, empathy, and redemption.