

Deloitte Center *for*
Government Insights

The Future of Criminal Justice

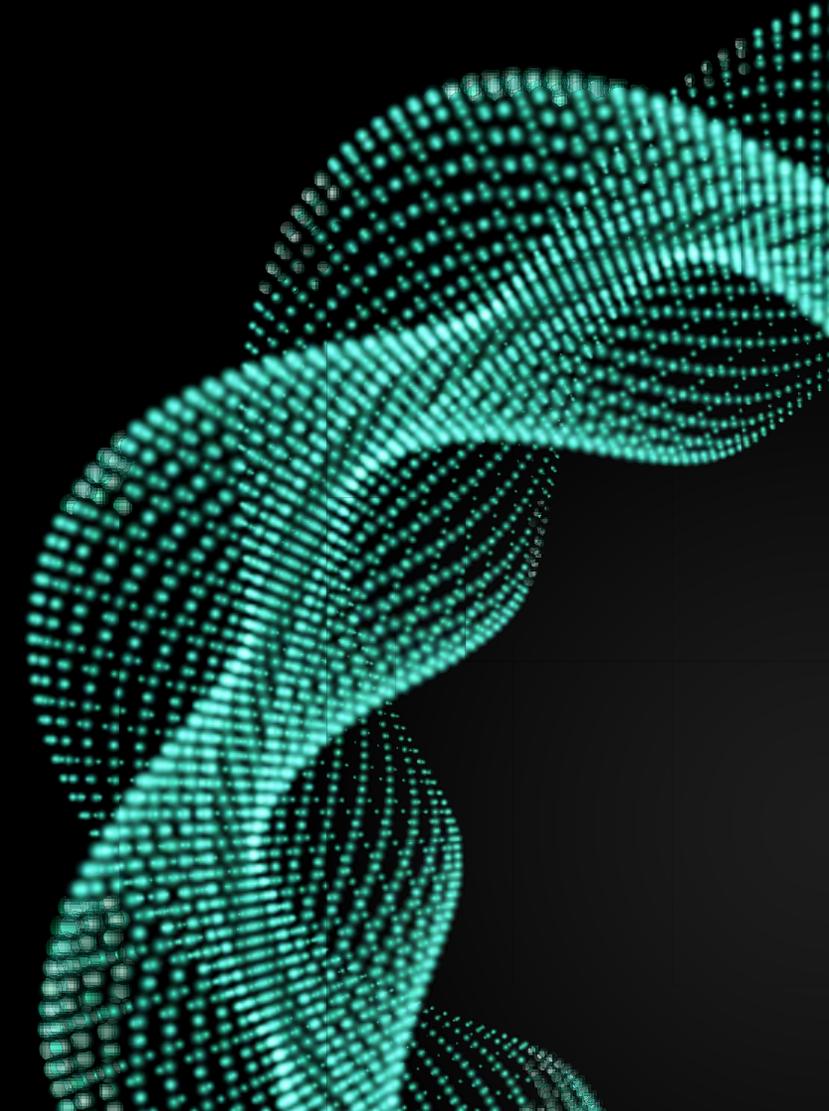
Leading a 'whole-system' approach to criminal justice



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This paper is informed by interviews with criminal justice experts in Australia, Canada, India, Netherlands, the UK, and the US.





Introduction

Criminal justice leaders across the world are trying to build more integrated systems—and are being increasingly open about the need to enlist the support of other agencies and groups to reduce crime and improve safety. Success requires great leadership courage, a fundamental shift in leadership approaches and a different approach to designing and implementing reforms.

A human problem

Criminal justice is often seen as a legal or administrative matter. But at its heart, crime is deeply human and personal. The circumstances that lead to crime are intimate, messy and complex.¹ Chronic offending is often linked to childhood trauma, abuse, and neglect—though many suffer difficult childhoods and go on to live successful law-abiding lives.² Criminality is often correlated with poor education, health, housing and employment situations. And criminal decision-making is shaped by moments. Offending is more likely to take place at specific times and in places where there are crime opportunities and provocations—in insecure properties, crowded bars, or unlit streets, for example.

The consequences of crime are no less multi-dimensional. Those who commit crime often face a long path to desistance, requiring new skills, relationships and thinking patterns.³ Victims and witnesses often require the support of society and government to assist their recovery and ensure their involvement in bringing perpetrators to justice.⁴

Preventing crime, ensuring justice, and supporting desistance are therefore not things that criminal justice agencies can do alone. Even coordinating a criminal investigation and successful prosecution is a multi-agency endeavor. Issues such as addiction, education, housing, employment are all managed by agencies operating beyond the justice system. And outcomes are often shaped by private and voluntary sector organisations as much as governmental ones. It is banks and retailers, for example, whose actions often do most to reduce levels of financial crime and detect fraudsters; vehicle manufacturers whose security protocols significantly influence vehicle theft; and employers whose attitudes to hiring people with convictions can affect reoffending. Even more fundamentally, no organization can force people to desist from crime, or recover from victimization. Government can only encourage and enable better outcomes through the policy framework it designs and the services it delivers. Complex problems require a multi-dimensional response, but governments can harness the hidden wealth of nations: the social capital of citizens, businesses and non-profits to contribute to the criminal justice mission.⁵



Exhibit 1: Harnessing the hidden wealth of nations to help tackle crime

Public consent and support underpins all aspects of the criminal justice system. Identifying whether a crime has taken place requires public reporting to the authorities and securing justice typically requires testimony in court. Prevention meanwhile starts at home: with familial support central to building many of the attitudes and skills that mitigate the risk of criminal justice system involvement. Business innovation builds the security systems that can protect our computers from viruses and our homes from burglary, while arrangements for cash handling and online transactions affect theft and fraud. With as many security guards as police officers in countries such as the UK and the US, and at most 5 to 10 police officers for every 1,000 people, the resources of the state in tackling crime are typically far smaller than those of the private sector.⁶ Technology is also creating new opportunities for citizens and companies to investigate crime. For example, video recordings of incidents on smartphones have become staple evidence in court.

There is a need to ensure that public enthusiasm to support criminal justice does not tip over into vigilantism and create injustices of its own. But governments are increasingly struggle to find the resources to investigate every minor infraction, so realise the importance of harnessing public input. In the Netherlands for example, the police are increasingly seeking to direct and harness this 'self service' effort within a police led framework. They have developed pilot applications that allow citizens to find out about stolen vehicles and the last locations they were spotted by automated number recognition cameras. Insurers even offer rewards for citizens who track down stolen vehicles. A broader initiative from the Utrecht Police Department, aims to encourage and enable citizen support for unsolved investigations, and a web and phone application dubbed Sherlock is being trialled for the purpose of allowing citizens to build their own case files to support investigation of minor crimes.⁷

Europol, meanwhile, reported to a manufacturer that a particular truck design was being exploited to hide drugs in cross-border trafficking, allowing the manufacturer to quickly eliminate the vulnerability.⁸ Football club AS Roma independently started to post calls for assistance in finding missing persons, posting pictures of missing people and contact numbers alongside their high profile football signings. Due to the online reach of their social media and this news, at least six people have been located as a result.⁹ Meanwhile, volunteers play an important role in everything from victim support to community watch schemes, and the latter have been demonstrated to have a proven impact on reducing crime.¹⁰

A number of more subtle attempts to reshape incentives and pressures in criminal justice systems are also interesting. For example, impact investment firms are leveraging capital markets to reduce racial and economic inequality in the criminal justice system. These firms make it easy to invest in companies with strong track records of addressing racial inequity, and avoid investing in firms working around the justice system but with negative impacts.

The limits of government silos

It is sometimes difficult enough to administer basic criminal justice processes well in this complex environment, and never harder than now amid a [global pandemic](#) and [rapid societal change](#). However, leaders at all levels of criminal justice agencies are increasingly aware that they need to do more than simply improve existing processes to transform outcomes for citizens. Innovation during the pandemic has given leaders a glimpse of what is possible when leaders work together across organizational boundaries in a 'whole-system' approach.

Exhibit 2, on the next page for example, shows the wide range of services that need to be co-ordinated to support desistance from crime for offenders. It reveals that sometimes minor failures in one part of the system—for example, failure to provide identity documents in a timely fashion—can undermine rehabilitation. And it shows that many of the negative and positive influences on criminal behaviour lie outside the justice system and, indeed beyond government's direct control.

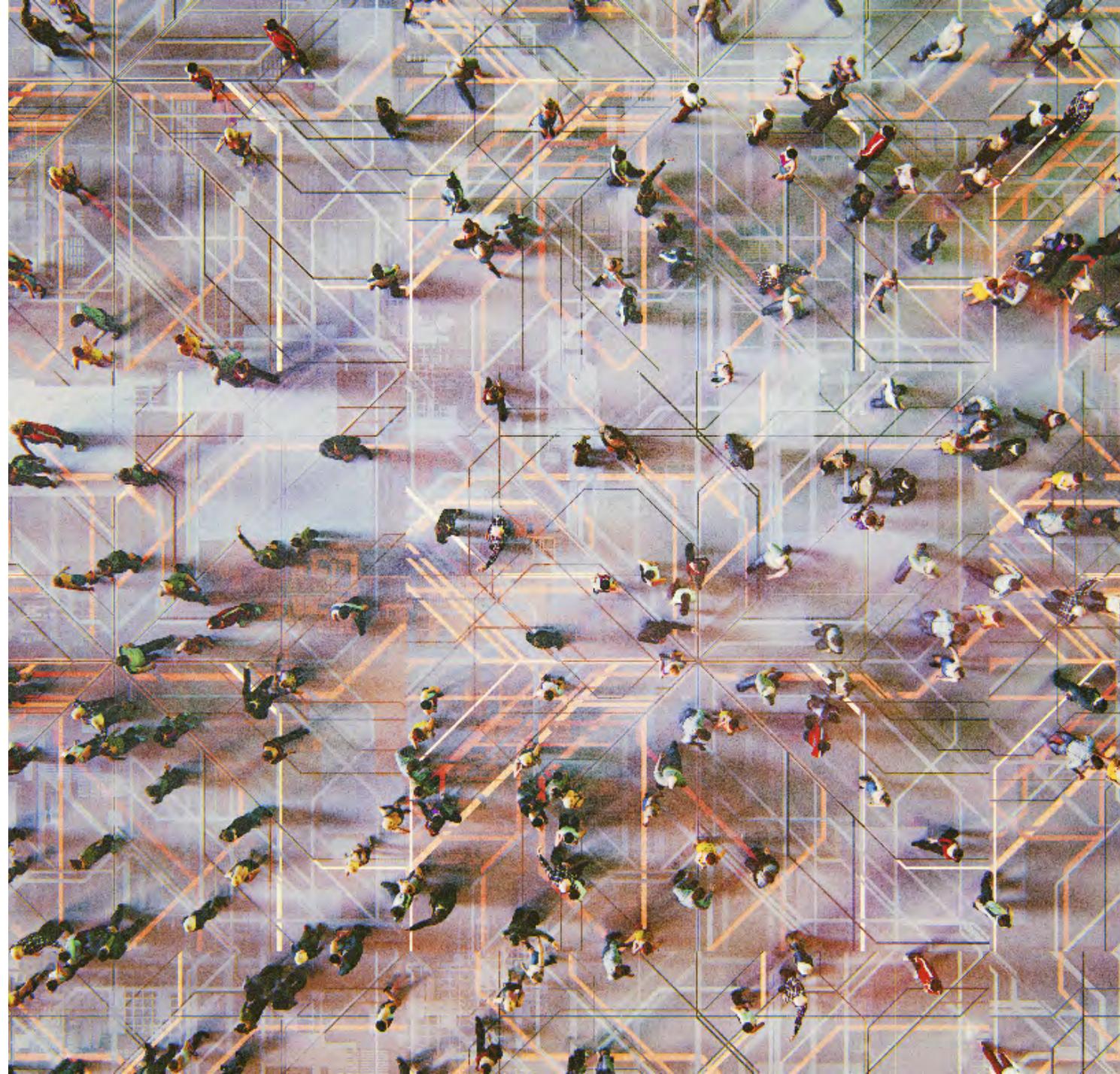
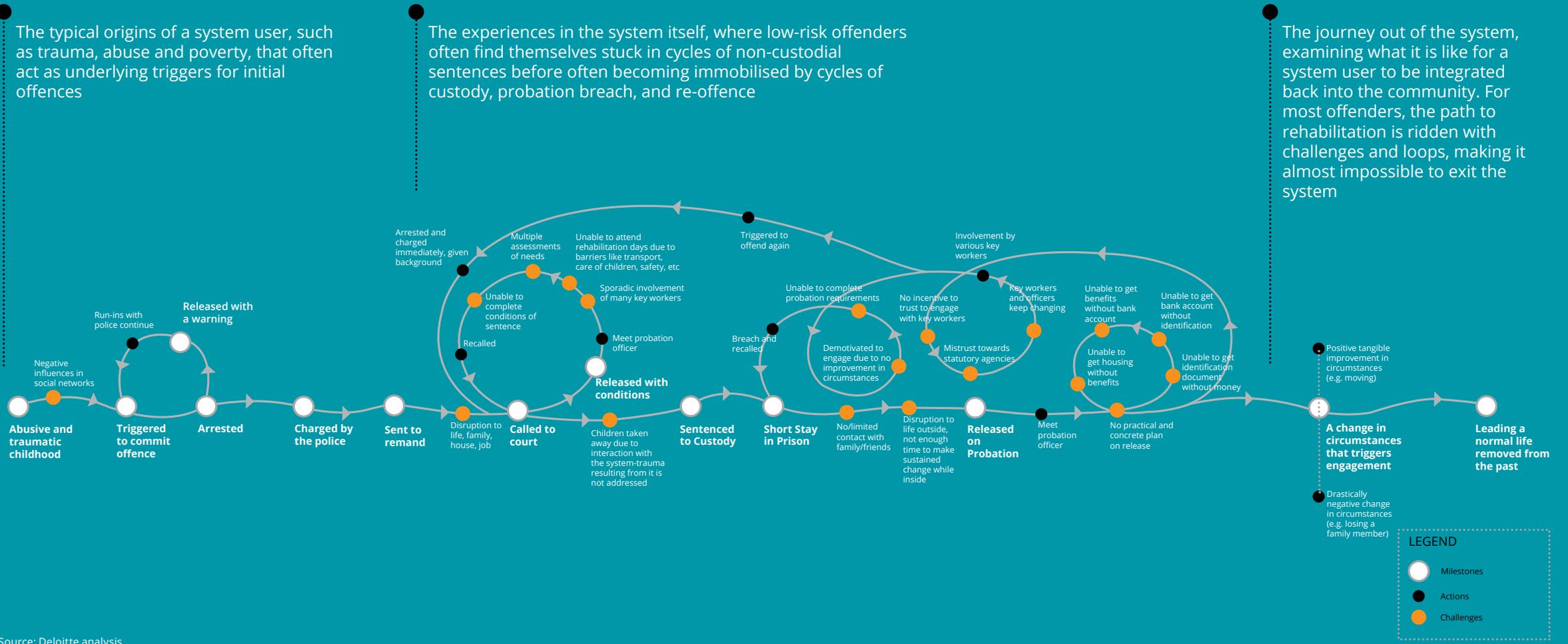


Exhibit 2: mapping of the challenges that keep people involved in—and help them escape—the criminal justice system



PRE ARREST **ARREST TO SENTENCE** **SENTENCE** **POST SENTENCE**



The typical origins of a system user, such as trauma, abuse and poverty, that often act as underlying triggers for initial offences

The experiences in the system itself, where low-risk offenders often find themselves stuck in cycles of non-custodial sentences before often becoming immobilised by cycles of custody, probation breach, and re-offence

The journey out of the system, examining what it is like for a system user to be integrated back into the community. For most offenders, the path to rehabilitation is ridden with challenges and loops, making it almost impossible to exit the system

Source: Deloitte analysis

The secrets of successful reform in complex systems



While there is a growing theoretical understanding of the need for it, adopting a 'whole-system approach' to crime and justice is intensely challenging. Adversarial legal traditions, legal separation of powers, distinct professional identities, rigid funding arrangements, and specific organizational structures and processes were all developed for good reasons. But as these systems have become more internally coherent and efficient some of the connections between them have been missed: resulting in some negative side-effects visible in disjointed experiences of service users. The efficiency within silos has sometimes come at the expense of inefficiencies between silos; strong internal cultures have sometimes obscured the shared goals across agencies, and the commonalities between groups.

Our experience suggests building collaborations and leading fundamental service redesign requires a number of critical steps (Exhibit 3). In the following sections, we explore these steps and point to examples of successful or promising initiatives that criminal justice leaders can learn from. As well as our interviews and case studies developed through our global future of criminal justice research initiative, we draw on wider research 'wicked issues', adaptive and system leadership - as well as public management literatures and our own practical experience. And we gain inspiration from the case studies of successful largescale change achieved through cross-agency and cross-public, private and voluntary sector initiatives globally—discussed in Bill Eggers' book *The Solution Revolution*.¹¹



The five-ingredient framework



01 Build the coalition for systems change

The daunting nature of any significant transformation effort means that leadership courage is a pre-requisite. But for reforms that require the collaboration of multiple organisations within and beyond the criminal justice system, a special type of leadership is required. The prize for taking a whole-system approach is always uncertain, as success depends on much more than the efforts of an individual leader. This means that leaders must make themselves vulnerable and embrace risk and uncertainty. They must admit that they are unable to solve these problems alone. And they must overcome pressure to conform with historic ways of working, becoming more critical of the status quo.

To make such risk-taking easier, it is vital to build relationships across and beyond criminal justice silos. This can be through one-to-one meetings where people seek to understand others' professional—and eventually personal—motivations, goals and struggles. Or it can be through more deliberately creating opportunities to develop relationships across boundaries. For example, jurisdictions can create joint training and leadership development programmes for executives working across the criminal justice system and beyond; or for leaders of a specific locality. Exposure to the different approaches of similar organisations is part of what allows leaders to see new solutions to their own problems. But this kind

of interaction can also be designed deliberately to create the additional benefit of sparking ideas for collaboration, or prototyping collaborative working, for example through collaborative action learning projects.

Understanding your partners in improving criminal justice system outcomes will help you better understand what you can do together. Taking a whole-system approach benefits from willingness to support better outcomes for the public without assurance of individual reward. But the reality is that leaders in the public sector are usually under just as much pressure as their private sector peers. There may be only so much room for maneuver for an organization that is swamped by operational pressure, which might mean that taking a system view here would involve understanding how you can support them in recovery and benefit the overall service to victims, witnesses and the public. Even small steps to support others leading across and beyond criminal justice system with critical issues can build trust and pave the way for bigger collaborative initiatives in future. Transparency about conflicting goals or values is vital: because conflicts can only be reconciled once they are acknowledged—and may even occasionally require an approach to collaboration that is based on more transactional 'deals', rather than deep collaborative endeavor.

Building trust takes more than familiarity, of course. As Deloitte has written previously, "we, as leaders, can demonstrate trustworthiness by being *transparent* with those whom we engage, *reliable* and *capable* in delivering on our promises, and *human*—demonstrating genuine care in the experiences they value most".¹² Vulnerability is again important. After all, as Lao Tzu wrote, "He who does not trust enough will not be trusted."¹³ And it is vital that justice leaders understand the psychological contract they are building with the organisations they work with and the public they serve.¹⁴ Only through understanding the needs and wants of others, their expectations of you and what they are willing to give back in return, can you build the reciprocity and trust required for success.

The concept of versatility is equally important to leading in complex systems. And while this leadership skill can be developed, it is important to nurture the range of leadership styles required for modern leadership. Deloitte's [Leadership in Times of Corona: Moving Beyond Resilience](#) argues that leadership agility is increasingly important to all leaders. Leaders are called on to be able to flex their leadership style to the context in question—and leaders of criminal justice reform must exhibit this versatility as much as anyone. One leadership style choice that is particularly relevant to systems leadership are approaches to unity and diversity and approach.

As Meyer and Meijers write:

“Achieving the right organizational composition starts with striving towards a common goal—no unit without unity of mission. But to really pull together ‘as one’, people need to also embrace common values, share common convictions, speak a common language, adhere to common rules and work according to common processes and practices [exercising integrative leadership]... Yet, besides unity, you will also want to have enough diversity of ideas, experiences and practices on board to fuel discussion, make better decisions and stimulate renewal. There is no innovation without diversity... [federative leadership]”¹⁵

Meyer and Meijers also highlight other leadership trade-offs that are particularly relevant to whole-system approaches to criminal justice reform, including:

- **Autocratic versus democratic approaches to decision-making:** While the former can provide clarity, accountability and speed, the latter can build participation and buy-in for implementation. If leaders can only adopt an autocratic approach to decision-making, this will often impede their capacity to lead whole-system transformation.
- **Executive versus entrepreneurial styles:** Executive leaders tend to focus on stability and maximising the impact of the existing strategy with SMART (specific, measurable, actionable, relevant, and time-bound) goals, while entrepreneurial leaders will be more oriented towards change and set ‘bold’ goals.
- **Sovereign versus servant leadership style:** The former style is more oriented towards fulfilling their own objectives, mobilising others where required. The latter, more oriented to fulfilling wider group objectives.

An awareness of these leadership styles in oneself is critical, but it is also critical for understanding the ways of working with others. All change starts with oneself, and systems leadership is no exception.

Real reform across the justice system starts with the intention to do things differently. If leaders really want to do this, they have to think about what it really is to work together, to lead by example, to follow, to stimulate the right behaviour, to build the agenda.

Leadership is also, of course, shaped by who we appoint to leadership roles. Unless promotion considers the leadership skills required for leading whole-system approaches, there is a risk that we appoint leaders who are less inclined to move beyond their organisational boundary, and less capable of doing so.



02 Develop system insights and focus

Developing a shared view of the challenges across the criminal justice system is a vital early step in moving towards a whole-system approach to criminal justice reform. One of the boldest attempts to map the criminal justice system using user-centred design principles was undertaken by the UK Government Digital Service in 2015.¹⁶ Mike Bracken, then Executive Director of the Government Digital Service, concluded *“The more you look at this map, and the rest of the (extremely detailed) work the team has done so far, the more you realise that the criminal justice system isn’t a system at all. In reality, it’s a series of events and processes made of bits of policy from [the Ministry of Justice] and the Home Office, interpretation from the Judiciary, implementation from local police forces and the National Offender Management Service (NOMS), the Crown Prosecution Service and much more besides. Each one of those acts as a separate entity. A silo.”*¹⁷

Taking a user perspective is critical in part because it builds understanding of the human impacts of silo-driven approaches, and builds motivation for change. Indeed, some of the most successful collaborative improvement processes mentioned to us in our research were sparked by individual tragedies. If there was ever a case that called for a more integrated approach it is that of convicted serial murderer Samuel Little who died in

prison in December 2020.¹⁸ The FBI has verified 50 of the 93 murders he confessed to but he remained at large to offend for sustained periods for a range of reasons—not least that his crimes between 1970 and 2005 spanned 19 states and a number of his murderers were wrongly determined to be overdoses or accidental because he targeted vulnerable women.¹⁹ Although he was detained and even convicted of multiple minor crimes, the historic weaknesses of DNA evidence gathering and data sharing and the fact that several vulnerable attempted murder victims did not come forward to report him (or were ignored) prior to his eventual trial meant that 44 years passed between the murder of his first victim and his first murder conviction.

Analysis of how the whole system is working for victims, witnesses and the wider public is also a pre-requisite for understanding the precise types of collaboration and redesign are necessary. Because criminal justice systems have multiple—and sometimes competing—goals, it is important to understand how the system produces or undermines each outcome sought. Often, such analysis makes fully transparent the limitations of what an individual programme or agency can achieve alone. Reduced recidivism is, for example, as heavily affected by post-release housing, mental health, and employment

support as prison programming or parole supervision. And it can highlight where resources are being expended with limited impact: for example, prison terms for non-dangerous offenders do relatively little to reduce crime rates but can be seen as more important for other goals of the justice system, such as retribution or ensuring ‘just deserts’.

Analysis of this type benefits from good data sharing across the system, so improving information sharing can be a vital part of the change process. Many jurisdictions take huge strides forward in data sharing in recent years. Owing to its complex, multi-layered political institutions, the US faces some of the most significant barriers to information sharing yet has made some particularly notable progress (Exhibit 4). Europol and Interpol have also built strong systems to identify cross-border offenders and connected crimes. There remain, however, rivalries between agencies both in the US and internationally that create friction in international crime prevention. As a result, these efforts can still be more of an afterthought for foreign and development ministries than it could be, given the importance of global illicit markets in perpetuating crime harms across the world.



Exhibit 4: joining up data to create new insights and support service users in the US—Rhode Island, West Virginia and beyond

There are many types of data sharing that have helped to improve criminal justice outcomes in the US across recent years.

In the field of criminal investigation, a major area of investment has been in core law enforcement and justice agency data systems. Within an overall National Information Exchange Model, a new Law Enforcement Information Sharing Program Exchange Specification was set up to translate information held by the vast array of law enforcement agencies in widely varying formats into a shared common format, searchable by all.²⁰ This system in turn draws on a range of national and regional initiatives. For example:

- The National Data Exchange (N-DEx)—which brings together incident and case reports, booking and incarceration data, and parole/ probation information, and includes data exploitation tools to identify relationships and correlations between people, vehicle/ property, and location and crime characteristics.²¹
- State programs, for example the North Carolina CJ Leads system which serves more than 500 local agencies and 14 Federal Agencies to provide timely, accurate and reliable profiles of offenders in real time via web services.²²
- In the wake of 9/11, a range of additional systems set up to support collaboration and data sharing across relevant agencies, including through the Joint Terrorism Task Forces and ‘fusion centres’ which act as hubs for two-way intelligence and information flows.²³

Data sharing beyond the criminal justice system is evolving more slowly but is no less important. In 2010, the Rhode Island Department of Corrections (RIDOC) was selected as a pilot site for the U.S. Department of Justice Re-entry Information Sharing Project. Specifically, RIDOC sought to develop a capability that would allow it to partner and exchange information with those state agencies that served many of the same clients. RIDOC was using an assessment tool called the Level of Service Inventory-Revised (LSI-R) to assess the risk of offenders reoffending

and their needs rehabilitative services for throughout their detention. But prior to data sharing, the LSI-R was almost entirely self-reported and consequently risked recording inaccurate or incomplete information. RIDOC reasoned that receiving background information from state agencies directly could help fill these gaps in the LSI-R and, by extension, improve the rehabilitative services afforded to an incarcerated individual. Ultimately, RIDOC moved forward with the Rhode Island Department of Children, Youth, and Families (DCYF) as its first data sharing partner.

Data sharing between the state and private sectors—via warrants, fraud or cybercrime investigations for example—is also vital part of improving criminal justice. The challenge of engaging all companies in supporting such efforts equally is well known, and many of our interviewees felt that while some resistance to data sharing was the result of valid and genuine privacy concerns, there were still some organisations that were doing too little to identify and respond rapidly to harmful content, to support criminal investigations, or to manage threats to public safety.²⁴ We discuss related issues and opportunities for data sharing in the financial services domain in this article by [**Deloitte and World Economic Forum**](#).

Operational information sharing now needs to be augmented by evidence of the impact of programs and areas of government spending. By opening up data to academics and researchers, there have been huge advances in building the evidence base about ‘what works’ in criminal justice in the US and internationally. For example, the University of Chicago Crime Lab “partners with cities and communities to use data and rigorous research to design, test and scale programs and policies that enhance public safety, improve educational outcomes and advance justice”.²⁵ A similar justice data lab run by the Ministry of Justice in the UK gives public sector, private and non-profit organisations working with offenders access to central reoffending data in order to allow them to evaluate the impact of their services and strengthening the evidence ecosystem.²⁶





Analysis of the current system also helps to build understanding of the potential benefits of different approaches. Indeed, it is vital that this phase of collaborative work shifts makes clear the prize from new integrated solutions to build motivation across partners. Pin-pointing the nature of problems and solutions will in turn clarify the nature of new partnerships and collaborative working required to make progress. For example, should problems mainly be tackled at local, state, national or an international level? In many countries, children in care are far more likely to end up in prison, but examining the extent to which this is true for all areas within a country may help to uncover insights on both causes and solutions. Another goal of systems analysis is to identify which the critical relationships and boundary issues that criminal justice agencies should focus on. While ambition is vital, it is impossible to solve all issues that create disjointed, ineffective services for users at the same time. If the most pressing problem is youth crime involvement, then partnerships could focus around the interfaces with family and care giver support services or education.

If poor victim experiences and outcomes are the issue, the focus could be on interfaces across police, victims services, courts administration and health services.

In-depth collaborations involving many partners are much harder to govern and make effective. As partners are added, there can be a loss of ownership and additional work is needed to maintain buy-in and organise across multiple organisational boundaries. Narrowing down which partners are central to solving a specific issue and putting in place specific leadership, funding and decision-making roles will counter this risk and help reduce complexity. Other agencies can still be involved in a consultative and supporting capacity.



While planning is critical for major transformation initiatives, it creates deep challenges in terms of building and maintaining collaborative endeavors and retaining focus on service users and citizens. During planning, organisations can turn inward and the timescales required for transformational change can result in people losing faith in new approaches before they are even implemented. As we discuss below, a short political cycle and churn in senior roles can lead to the arrival of new

leaders who might question the value of reforms if they have not yet delivered results.

For this reason, experimentation and ‘quick wins’ are a vital building block of whole-system approaches to criminal justice reform. Alongside or before major reforms, it helps to demonstrate the value of working together in new ways across organizational boundaries. Interviewees in Australia, Canada, England and Wales, Ireland, Northern Ireland and the Netherlands all

mentioned the value of working to create simple improvements locally to build momentum and the relationships of trust required for more fundamental changes.²⁷ We provide one example of success in Exhibit 5, below, but other examples are initiatives to allow offenders to access employment programmes usually only accessible to the long-term unemployed immediately after release, involvement of mental health practitioners in police triage, and no doubt many others.²⁸

Exhibit 5: Rapid, local improvements: Expanding the use of Community Sentence Treatment Requirements in England

Over a number of years, the Ministry of Justice (MoJ) developed new sentencing disposals that aimed to not only deliver punishments to offenders, but also address the underlying causes of offending in the first place. There are three types of Community Sentence Treatment Requirements (CSTRs): Mental Health Treatment Requirements (MHTRs), Drug Rehabilitation Requirements (DRRs) and Alcohol Treatment Requirements. Until 2017, CSTRs were used only exceptionally so a new CSTR protocol was introduced in five testbed sites, which involved:

- providing the courts access to all three CSTRs
- developing partnerships through multidisciplinary steering groups
- developing clear process, procedures and pathways
- increasing awareness amongst the Judiciary and court staff around mental health
- substance misuse and associated vulnerabilities
- striving for sentencing on the day, wherever possible

A Department of Health and Social Care evaluation showed that pilots of the new CSTR protocol in four areas showed an increase from 10 CSTR sentencing disposals in the year before the new protocol, to 128 the year after.²⁹ Outcomes in terms of reoffending are yet to be evaluated, but there are strong theoretical reasons (and background evidence) which make such a shift promising.

An MoJ official reported to us that leadership was required at all levels, but that willingness to avoid over-prescription from the centre over the precise approaches to driving increased uptake of more rehabilitative sentencing disposals. As he put it, *“It’s been driven locally by local leadership, relationships, the chemistry, and with some funding support from the centre.... They make their own plans and agree on the right people to access interventions and plans. It won’t work everywhere, but it has real traction where local leaders drive it. The Ministry provides a project manager and some resources, but it’s left to areas to make choices. So in Sefton, the community partnership is led by a judge, in Milton Keynes by director of children services.”*³⁰



A vital component of experimentation and testing is evaluation of both process and outcomes. While imposing excessive constraints and seeking to systematize new approaches too soon can undermine the continuous adaptation and improvement required for success, it remains the case that many cross-sector initiatives that appear promising lack robust evidence.³¹ This in turn can undermine long-term transformation efforts, when leadership changes bring into positions of influence people who are more skeptical of the benefits of collaborative initiatives and demand evidence to justify their continuance.

Once there is sufficient trust and momentum, it is then possible to develop a more ambitious shared agenda and ambition for fundamental change. Brave leadership is again required and one approach is to identify a set of ‘bold plays’ to integrate services and improve outcomes through collaborative working. Our article on virtual justice and the technological revolution highlights several possible examples of bold programs for integrated justice reform. Another option is simply to make bold decisions about resource allocation, for example reducing expenditure on downstream justice system resources (expenditure

on courts, prison and probation for example) to invest in preventative services. Whatever the emphasis, the shared ambition and change agenda should ideally be supported by visible commitments from all parties—be this in a form of a signed written ‘strategy’, budget commitments or even visible joint presentations or speeches.

Exhibit 6: A bold effort to tackle financial crime in the UK

Illicit financial flows move seamlessly across borders and between institutions, allowing criminals to profit from their crimes. The intelligence and information that is needed to effectively understand and disrupt illicit finance resides in both the public and private sectors. It is only through collaboration and cooperation that we can hope to improve outcomes.

The UK recognised this reality relatively early—founding the world’s first public private partnership to tackle illicit finance, the Joint Money Laundering Intelligence Taskforce, in 2014. Through this partnership, the UK brought together banks and law enforcement under a clear governance framework to increase and accelerate the sharing of both tactical and strategic intelligence between stakeholders. This collaboration led to marked improvements in both law enforcement outcomes (asset recovery, arrests etc) and enabled prevention activity within the regulated

sector—a collective success noted by the global Financial Action Task Force (FATF) in the UK’s 2018 mutual evaluation.³²

The UK has continued to build on and industrialise this collaborative approach to tackling illicit finance including through the creation of the National Economic Crime Centre (NECC) and the publication of the Economic Crime Plan in 2019.³³ The NECC will further deepen public and private sector cooperation and coordination across a greater range of threats (e.g. fraud) and across more industry sectors (accountancy, insurance, etc.), while the Economic Crime Plan sets out the UK’s strategy to tackle illicit finance collaboratively across a number of fronts including enhanced mechanisms to recover more assets from criminals, company register reform and the development of a new payments architecture.



For major reforms in particular, it is vital to align objectives, budgets and incentives to support efforts to create integrated services and improve outcomes. This can require reshaping wider governmental approaches to budgeting and performance management, as seen in the example of New Zealand's Justice Sector Fund (Exhibit 7).

There are some instructive examples of effective collaboration structures in other sectors. A report from Infrastructure Australia, highlighted that system design and incentives are vitally important in the area

of transportation.³⁶ The highest performing systems, however, all have strong cooperation across the private and public sectors, regulation or central planning to manage the interfaces between different modes of transport, and rich ecosystems that allow sharing of information across the system. One example of note is in the Netherlands, where an independent company is provided with and processes data on transit patterns on behalf of the various transport providers, enabling joined up provision.³⁷ Amsterdam's Smart City initiatives benefit from a similarly joined up ecosystem.³⁸

As important as ensuring the governance environment enables collaboration is ensuring that people implementing changes understand and support efforts. And this will require attention to the workforce—and the harnessing of behavioural science techniques to support motivation and engagement. Our work on '[behavior-first government transformation](#)' highlights that this requires tapping into intrinsic incentives - the motivators that spur employees to change such as a desire for connection with a higher purpose, gaining autonomy and control, and feeling mastery, learning and growth.³⁹

Exhibit 7: Justice sector collaboration in New Zealand and beyond

New Zealand has developed the concept of the 'criminal justice pipeline'. This covers: identifying the causes of crime and working to prevent it; investigation and resolution; court processes; and then sentencing and rehabilitation. In 2012, the six agency budgets that were previously separate were pooled to create the 'Justice Sector Fund'. The Fund is used to allow money saved in one justice sector agency to be used by another, rather than clawed back by the Treasury as an underspend. The Fund is led by a board of the agency chief executives who share accountability (including a sizeable amount of at-risk performance pay) for delivering ambitious targets, such as a 25% drop in re-offending by 2017.

This incentive, combined with structural changes to allow savings to pay for investment in different parts of the sector, demonstrates the kind of transformative approach that other governments could consider. Another example, this time from the UK, was the creation of a 'triple lock' pooled budget involving three justice sector agencies. This budget was focused on supporting initiatives that would improve access to justice by reducing the time from arrest

to sentence and all three agencies involved would sign off new programmes seeking to draw resources from the budget. In the Netherlands, a similar pooled budget of around €200 million was created to support cross-agency technology improvements—but this budget was reduced as individual agencies started to draw on it to support the success of individual technology programmes that were facing delivery challenges. Another interesting approach to encouraging collaboration come from inspectorates that choose to undertake joint inspections on thematic issues.³⁴ In areas where cross-departmental collaboration is particularly important (and absent), heads of state can deploy joint ministers, and use share goals, pooled budgets and joint teams in combination to support the design and implementation of new, more integrated service models.³⁵

Those involved in each of these initiatives explain that such structural, regulatory and budgetary changes are simply enablers of collaboration and not the 'magic bullet' for success.



05 Stay and adapt the course

The hardest part of any transformation is rarely at the beginning. The daunting first step aside, the job of generating new ideas can be exciting and the prospect of improving lives provides energy. The biggest leadership challenge comes with adversity: when initiatives lose traction or focus, where initial results are disappointing, or when new pressures and events threaten to undermine even business as usual, as happened [during the COVID-19 pandemic](#).

This is when leaders must lean on their partnership relationships and trust, foster a culture of openness across partners, and avoid blame. If initiatives have been designed with learning in mind, this will be easier—as leaders will be able to draw on more objective evidence and leaders will be better able to agree what is and isn't working and why. Structured processes that enable ongoing reflection on progress can help ensure there is space for reflection and course-correction as programmes and partnerships progress. Some of the challenges criminal justice systems are trying to address are so called 'wicked issues' so leaders should expect to course-correct, and even for solutions that have worked to lose their impact over time.⁴⁰

As for all long-term public sector change, while leaders must adapt their approaches while maintaining long-term focus on the goals of transformation efforts. Leadership continuity is helpful and succession planning for leadership transitions is essential. Simply explaining to those with leadership aspirations what it means to lead across a system and the rationale for major reforms can help—but longer term cultivation of successors capable of maintaining the trust of partners and seeing through change is better. Of course, leadership continuity is not always easy to protect in a political environment. However, political efforts to reach across the political divide to build the cross-party support for changes can help ensure that valuable changes survive political transitions.

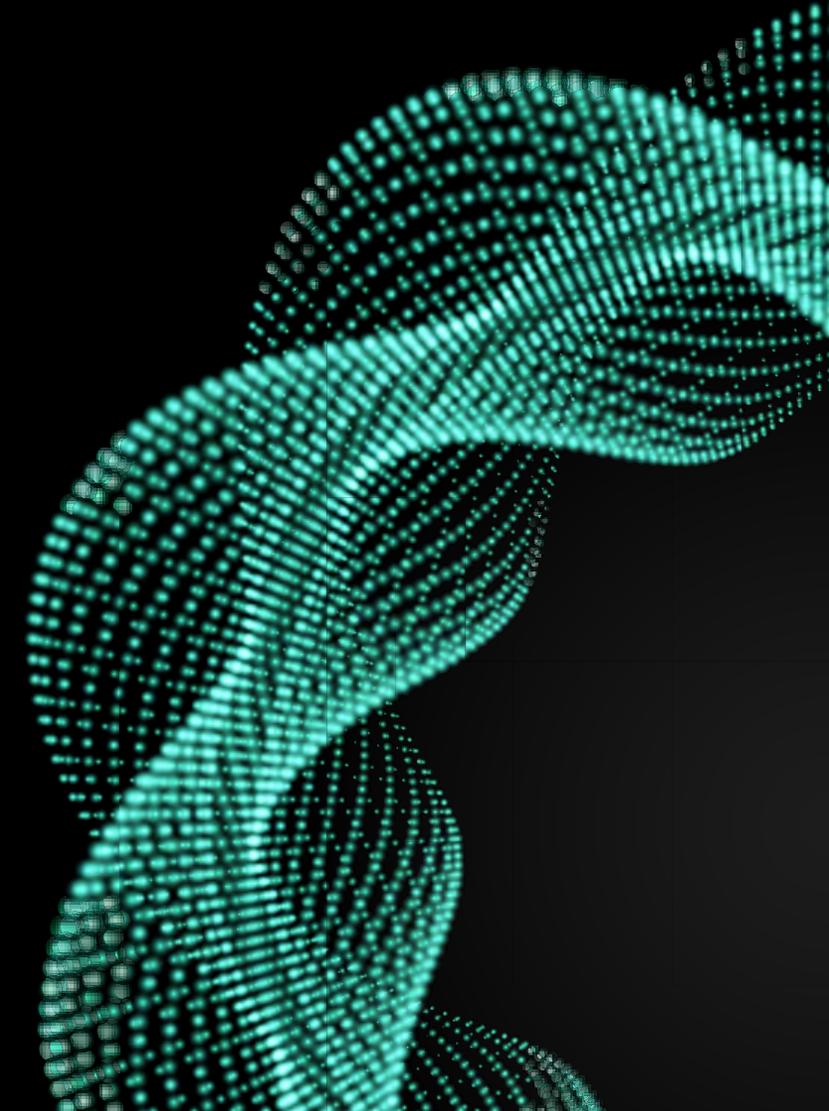


Conclusion

Criminal justice is a complex system. Its myriad of players and often conflicting incentives can make it a difficult environment for any reform. But as recent events have uncovered underlying issues that need to be resolved, they have also illuminated the great strength and resilience of that ecosystem. Courts, police, community agents, and others in the justice system have adapted quickly to changes ranging from virtual hearings to new rules for parole.

Progress from this point requires more than just individual innovation, it requires coordinated action across the whole criminal justice system. A whole system approach demands strong, engaged leadership at every level. But by harnessing the approaches highlighted in this article, we believe it is possible to improve not just pockets of criminal justice, but the entire system. With a concerted effort, the future of criminal justice can be more effective and equitable than it has ever been.

Such a whole-system approach can be difficult and demands strong, engaged leadership at every level. Yet, with that and the other factors we have identified in this article, progress is possible to improve not just pockets of criminal justice, but the whole system. The future of criminal justice can be more effective and more equitable than it has ever been.



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Endnotes

1. For discussion of the evidence on the complex causes and contributors to offending, see T. Gash, *Criminal: The Truthy About Why People Do Bad Things* (Penguin, 2016)—particularly chapters 3 and 5 ('Myth 3: Criminals will stop at nothing' and 'Myth 5: Biology Determines Criminality')
2. Ibid
3. For discussion of evidence on recidivism and desistance from crime, see T. Gash, *Criminal: The Truthy About Why People Do Bad Things* (Penguin, 2016) 'Myth 10: Leopards can't change their spots'
4. A 2016 analysis of 'what works' in victim support from the UK suggested "strong evidence... to suggest that the key things that support victims are timely and accurate information; effective methods of communication with victims, both in delivering information and listening to victims' needs; multi-agency partnership across statutory and voluntary sectors and providing a range of services that are accessible and flexible which victims can access when they need them": https://researchportal.port.ac.uk/portal/files/3695582/What_works_in_supporting_victims_of_crime.pdf
5. David Halpern, *The Hidden Wealth of Nations*, Polity, 2009 discusses sources of social capital and how it affects social outcomes across a range of domains
6. Eurostat data from 2016 shows that in European countries there are at most 572 police officers per 100,000 (5.72 per 1,000)—with these kinds of levels reached only by smaller island nations Cyprus and Malta. https://ec.europa.eu/eurostat/statistics-explained/index.php/Police,_court_and_prison_personnel_statistics These levels are also the highest in the US (Washington D.C. at 656 per 100,000 <https://www.governing.com/archive/law-enforcement-police-department-employee-totals-for-cities.html>) and countries such as Bangladesh. An interesting outlier in terms of police officers per capita is Vatican City, whose police force supports papal security and a vast daily influx of tourists.
7. See <https://www.politieonderzoeken.nl/over-ons> <https://www.politieonderzoeken.nl/over-ons> and <https://youtu.be/cX-uNFTbWAQ>
8. The authors are aware of this example from prior interviews with Europol officials
9. <https://www.bbc.co.uk/sport/football/51041303>
10. For evidence, see for example, [https://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=8#:~:text=%E2%80%8BOverall%2C%20the%20evidence%20suggests%20that%20neighbourhood%20watch%20can%20reduce%20crime.&text=The%20review%20estimated%20that%20overall,s%20%E2%80%8B%E2%80%8B%E2%80%8Btudies\).](https://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=8#:~:text=%E2%80%8BOverall%2C%20the%20evidence%20suggests%20that%20neighbourhood%20watch%20can%20reduce%20crime.&text=The%20review%20estimated%20that%20overall,s%20%E2%80%8B%E2%80%8B%E2%80%8Btudies).)
11. <https://www2.deloitte.com/global/en/pages/public-sector/articles/solution-revolution.html>
12. <https://www2.deloitte.com/us/en/insights/economy/covid-19/trust-in-leadership-organization.html>
13. Lao Tzu, *Tao Te Ching*, Chapter 23
14. S. van der Smissen, *Contemporary psychological contracts*, Tilburg University, 2015, https://pure.uvt.nl/ws/portalfiles/portal/10218145/Van_der_Smissen_Contemporary_14_12_2015.pdf
15. <https://www2.deloitte.com/nl/nl/pages/human-capital/articles/leadership-in-times-of-corona-moving-beyond-resilience.html>
16. <https://gds.blog.gov.uk/2015/08/18/mapping-new-ideas-for-the-digital-justice-system-2/>
17. <https://gds.blog.gov.uk/2015/08/18/mapping-new-ideas-for-the-digital-justice-system-2/>
18. <https://www.bbc.co.uk/news/world-us-canada-55494784>
19. <https://www.fbi.gov/news/stories/samuel-little-most-prolific-serial-killer-in-us-history-100619>
20. <https://www.dni.gov/index.php/who-we-are/organizations/ise/ise-archive/ise-additional-resources/2142-law-enforcement-information-sharing>
21. <https://www.dni.gov/index.php/who-we-are/organizations/ise/ise-archive/ise-additional-resources/2142-law-enforcement-information-sharing>
22. <https://it.nc.gov/programs/cjleads>
23. <https://www.dhs.gov/fusion-centers>
24. Future of Criminal Justice interviews, Canadian police chief, August 2020
25. <https://urbanlabs.uchicago.edu/labs/crime>

26. <https://www.gov.uk/government/statistics/justice-data-lab-january-2020>
27. Deloitte Future of Criminal Justice interviews, July-October 2020
28. Deloitte Future of Criminal Justice interviews, July-October 2020
29. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810011/cstr-process-evaluation-summary-report.pdf
30. Future of Criminal Justice interviews, UK, Ministry of Justice official, July-September 2020
31. For example, a recent review of the benefits of mental health practitioner support for police triage and response concluded that, while 'promising', 'stronger research was needed': <https://evidence.nihr.ac.uk/alert/closer-links-between-police-and-health-services-can-improve-experiences-for-people-in-mental-health-crisis/>
32. <https://www.fatf-gafi.org/media/fatf/documents/reports/mer4/MER-United-Kingdom-2018.pdf>
33. <https://fulcrumchambers.com/uk-government-publishes-landmark-3-year-plan-to-target-economic-crime/>
34. See, for example, the UK: <https://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/criminal-justice-joint-inspection/>
35. <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Reshaping%20government.pdf>
36. https://infrastructure.org.au/wp-content/uploads/2016/12/Integrating-Australias-Transport-Systems_IPA_BoozCo_FINAL-1.pdf
37. <https://www.translink.nl/about>
38. <https://sloanreview.mit.edu/article/six-lessons-from-amsterdams-smart-city-initiative/>
39. <https://www2.deloitte.com/uk/en/insights/economy/covid-19/behavioral-science-in-government-transformation.html>
40. Rittel, H. W., & Webber, M. M. (1973). "Dilemmas in a General Theory of Planning." *Policy sciences*, 4(2), 155-169 argue that wicked problems are: 1. difficult to define. There is no definite formulation; 2. Wicked problems have no stopping rule. 3. Solutions to wicked problems are not true or false, but good or bad. 4. There is no immediate or ultimate test for solutions. 5. All attempts to solutions have effects that may not be reversible or forgettable. 6. These problems have no clear solution, and perhaps not even a set of possible solutions. 7. Every wicked problem is essentially unique. 8. Every wicked problem may be a symptom of another problem. 9. There are multiple explanations for the wicked problem. 10. The planner (policy-maker) has no right to be wrong.



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