

# Success or statistics?

## New Labour and crime control

What has happened to crime under New Labour? Robert Reiner considers whether or not the trends are attributable to its criminal justice policies.

Tony Blair's capture of the issue of law and order from the Tories with his trademark slogan 'tough on crime, tough on the causes of crime' was one of New Labour's most surprising and characteristic political coups en route to its 1997 general election victory. During the 2005 election campaign that gave New Labour its record third win, its literature made much of a supposed triumph in the war against crime. "When Labour came to power in 1997 we inherited a grim legacy. Crime had doubled [since the 1970s] ... Overall crime is down by 30 per cent on 1997 ... violent crime by 26 per cent" (Labour Party, 2005). Michael Howard attacked with directly contradictory figures: "When I was Home Secretary crime fell by 18 per cent ... Under Mr Blair ... Overall crime is up by 16 per cent. Violent crime is up by over 80 per cent" (Conservative Party, 2005).

Neither the Labour nor the contradictory

development of victim surveys, in particular the BCS since the early 1980s. As it is not subject to the reporting and recording vicissitudes of the police data, the BCS is generally seen as a more reliable estimate of trends. It also sheds light on changes in reporting and recording patterns, making interpretation of the police recorded statistics safer.

Putting together the implications of both police recorded statistics and victim surveys suggests that there have been at least three distinct phases within what otherwise appears as a pretty unbroken story of remorseless and huge rise in the recorded rate since the mid-1950s (Reiner, 2007, ch. 3). Until the 1970s there was no other measurement of trends apart from the police statistics. But during the 1970s the *General Household Survey* (GHS) began to ask about burglary victimisation. Its data suggest that most of the increase in recorded burglary in that

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Conservative claims quoted above are based on lies: just different damned statistics. Labour's success story cites the *British Crime Survey* (BCS), the Conservative rebuttal uses the police recorded statistics. The BCS trends suggest that Tony Blair might be the greatest crime buster since Batman tamed Gotham City; the police figures give that mantle to Michael Howard. Not surprisingly the issue of the validity of these different data sets has become sharply politicised. Survey evidence suggests that the public are not buying either good news story. The BCS regularly finds that some two-thirds of the population believe crime is rising nationally. No wonder the government agonises over the 'reassurance gap'.

So what has happened to crime under New Labour? Nobody who has studied even a few weeks of Criminology 101 will be unaware of the pitfalls of interpreting official crime statistics. Almost from their inception, the limitations of the crime figures collated nationally by the Home Office from local police records since the 1850s were well known. Because victims may not report crimes to the police and the police may not record them, and because an unknowable number of crimes occur that have no individual victims who could report them, there is a vast, incalculable 'dark figure' of unrecorded offences. So apparent trends in the statistics may reflect changes in recording crime rather than in offending. Until quite recently not much more could be said with confidence about crime patterns although much was! The key change has been the

decade was due to more reporting by victims. This cannot be extrapolated necessarily to other crimes, or even for burglary to previous decades. But certainly the GHS suggests that much of the rise in the rate for this highly significant volume crime was a recording phenomenon, up to the early 1980s, and it is plausible that this applies to volume property crimes more generally.

The BCS in its first decade showed the reverse: although recorded crime rose more rapidly between 1981-1993 than BCS crime, the trends were very similar. By both measures crime rose at an explosive rate in the 1980s and early '90s. From the early 1990s, however, the police statistics and the BCS began to show different trends. The BCS continued to chart a rise until 1995, but the police data fell from 1992 to 1997. This was because the proportion of offences reported by victims and recorded by the police decreased as victimisation rose. Insurance companies made claiming more onerous, discouraging reporting by victims, and a more 'businesslike' managerial accountability structure for policing implicitly introduced incentives to keep the recorded crime rate down. So Michael Howard's success in bringing the crime rate down was in large part a recording phenomenon.

After New Labour came to power in 1997 the two measures continued to diverge – but in the opposite direction. The BCS fell continuously from 1995 to 2005, since when it has remained roughly at the level of the first BCS conducted in 1981 before the crime boom of the 1980s. The police recorded

statistics, however, began to rise again in 1998 up to 2004, since when they have begun to decline a little.

The rise in the recorded rate was due overwhelmingly to two major changes in the procedures for counting crimes used by the police: new Home Office Counting Rules in 1998, and the 2002 National Crime Recording Standard (NCRS). These two reforms clearly boosted the recorded rate substantially compared to what would have been measured previously (as shown by the alternative calculations by both methods in Walker *et al.*, 2006, figure 2.6). This was a predictable consequence of the changes, because the 1998 rules made 'notifiable' a number of offences (such as common assault and assault on a constable) that hitherto had not been included in the recorded rate, whilst the NCRS sought to make universal the *prima facie* rather than evidential criterion for recording offences, whereby police were required to record "any notifiable offence which comes to the attention of the police" (Burrows *et al.*, 2000, p.31), even in the absence of evidence supporting the victim's report. Whatever the reasons for these reforms, keeping the crime rate down for political reasons cannot have been amongst them! This cannot be said of a further recent revision in 2006 that restores some discretion to the police not to record offences reported to them in the absence of supporting evidence. The rules as amended in 2006 specify that: "An incident will be recorded as a crime (notifiable offence) if, on the balance of probability: (a) the circumstances as reported amount to a crime defined by law; and (b) there is no credible evidence to the contrary" (Home Office, 2006).

The BCS is free from the particular problems that make the police figures particularly unreliable as a measure of trends. However, it is not (and has never claimed to be) the authoritative index that many journalists now regularly refer to it as. It is conducted with exemplary rigour and thoughtfully reflexive scrutiny of its own methods. But as a survey of individuals to ascertain their victimisation it necessarily omits many types of offences: the supreme example of personal victimisation, homicide; crimes with individual victims who are not aware of what happened (such as successful frauds); crimes with institutional victims such as businesses, or where the victim is the public at large; consensual offences such as drug-taking, and many other serious examples. Its sampling frame excludes certain highly victimised groups such as children under 16 and the homeless. So the government's tendency to treat the BCS as the key measure is as problematic as the earlier exclusive reliance of policy-makers on the police statistics.

Nonetheless, it seems clear that overall crime and volume property crime have gone down under New Labour. This is indicated clearly by the BCS, and the contrary impression given by the police statistics is primarily due to the altered counting procedures. The omissions from the BCS, however, are arguably of increasing significance, and can only be estimated by the police statistics, or indirect measures. Murder and other serious crimes of violence have gone up, but are either not measured at all by the BCS or particularly inadequately. Drug offences are not tapped by it. Crimes against young

people and the homeless are probably increasing. So the trends of the last ten years are certainly not as rosy as the BCS suggests. It is also questionable how far the reduction of overall crime is attributable to the success of New Labour criminal justice policy.

## Has crime fallen because of New Labour criminal justice policy?

As far as the overall level of crime is concerned, Labour's period in office since 1997 has been a success, with victimisation returning to the levels of a quarter of a century ago. But it has got things 'right for the wrong reasons' as Richard Garside argues (Garside, 2006). Labour captured the issue of law and order from the Conservatives in the early 1990s with the pledge to be "tough on crime, tough on the causes of crime". Over the years its rhetoric and practice have increasingly concentrated on the former, sidelining the significance of causes, especially 'root causes' in terms of political economy (Reiner, 2007, ch. 5). In the recent panic over gun crime, it is the Conservative leader David Cameron who talks about society being badly broken (conveniently neglecting to mention that it was his party that broke it in the 1980s). Tony Blair sees the problem as having very specific causes, with policing as the main solution.

Yet as a recent comprehensive audit of Labour's criminal justice record shows, its success in boosting the resources and powers of the system bears at best little relation to the crime decline (Solomon *et al.*, 2007 and see Solomon in this CJM). A review by the Prime Minister's Strategy Unit itself concluded that 80% of the crime reduction was attributable to economic factors, although it concentrates its attention almost entirely on criminal justice solutions, and this estimate is somehow omitted from the version of the report currently on the Cabinet website (Solomon *et al.*, 2007, p.14).

The rise in crime up to the early 1990s, and the subsequent decline, are primarily driven by changes in political economy and culture (Reiner, 2007, ch. 4 is a detailed overview of the evidence). The decline that began in the mid-1990s was a paradoxical result of the failure of Conservative economic policy when it was driven out of the ERM, thus ending the deep recession. But as David Downes has pointed out in these pages (Downes, 2004), neither party can espouse this account. Both are locked into the law and order political auction of 'anything you can do, I can do tougher'. So Labour's relative economic success (less long-term unemployment, less family and child poverty) has mitigated the causes of crime a little, but by stealth. And overall inequality, a major factor in generating *anomie* and crime, is something it is explicitly relaxed about.

In so far as crime control specifically has had a major impact, it is through the vastly improved security of the targets of volume property crime, especially cars and buildings. This is a great success, but has its downsides as long as the fundamental causes of crime are unabated. There is some evidence of displacement to more serious crimes such as robbery, and rising homicide is attributable in large part to economic exclusion and inequality

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of these 'reforms' have improved the sentencing system, and even fewer have contributed to the reduction of crime in society. The government's most recent consultation on *Making Sentencing Clearer* (December 2006) asks alarmingly basic questions such as "What more could be done to promote the use of community sentences instead of short periods of custody for lower level offenders?" Is it not obvious that sentencers will not believe that community penalties are 'robust' unless the requirements on offer are challenging and significant? Yet probation priorities (and resources) are being diverted towards the management of the 'dangerous'. 'Offender managers' (what was wrong with calling them probation officers?) need much closer relationships with those they supervise, and smaller case loads. There is also of course the problem of the 'custody threshold': the legislation (and the Sentencing Guidelines Council) still forces sentencers to assume that custodial sentences are more serious, and higher up the ladder of penalties, than a community order. Yet all sentencers know that a sentence of nine months' imprisonment probably means in reality only three months inside (and a life much disrupted during that time), thanks to Home Detention Curfews, another legacy of the *Crime and Disorder Act 1998*. A community sentence with teeth, imposed with challenging demands over perhaps two years, may be much more 'punitive' and much more useful in encouraging an offender to lead a 'good and useful life'. So we need imprisonment for the seriously dangerous, and tougher and more effective community penalties for less serious offenders: we knew that ten years ago.

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#### References

- Halliday, J. (2001) *Making Punishments Work, a Review of the Sentencing Framework for England and Wales*. London: Home Office.
- Padfield, N., (ed) (2007) *Who to Release? Parole, Fairness and Criminal Justice*. Willan.
- Padfield, N. and Maruna, S. (2006) 'The Revolving Door at the Prison Gate' *Criminology and Criminal Justice*, 329.

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(Dorling, 2004). Crime reduction through better physical security, desirable in itself, paradoxically feeds a sense of insecurity as its paraphernalia and routines act as constant signs of threat (Zedner, 2003). These are major factors in the 'reassurance gap', the failure of public opinion to recognise the declining overall levels of crime. In short, New Labour has largely delivered on its pledge to be tough on crime overall, but it needs to get tough on the economic and social causes of crime, especially more serious crimes, if it is to achieve security and a public sense of security.

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#### References

- Burrows, J., Tarling, R., Mackie, A., Lewis, R. and Taylor, G. (2000) *Review of Police Forces' Crime Recording Practices*, Home Office Research Study 204. London: Home Office Research, Development and Statistics Directorate.
- Conservative Party (2005) *Conservative Election Manifesto 2005*. London: Conservative Party.
- Dorling, D. (2004) 'Prime Suspect: Murder in Britain' in P. Hillyard, C. Pantazis, S. Tombs and D. Gordon (eds.) *Beyond Criminology*. London: Pluto.
- Downes, D. (2004) 'New Labour and the Lost Causes of Crime', *Criminal Justice Matters*, 55: 4-5. London: CCJS.
- Home Office (2006) *Counting Rules for Recording Crime, General Rule A*. [www.homeoffice.gov.uk/rds/countrules.html](http://www.homeoffice.gov.uk/rds/countrules.html)
- Garside, R. (2006) *Right For the Wrong Reasons: Making Sense of Criminal Justice Failure*. London: Crime and Society Foundation.
- Labour Party (2005) *Tackling Crime, Forward not Back*. March 2005, p. 2. London: Labour Party.
- Reiner, R. (2007) *Law and Order: An Honest Citizen's Guide to Crime and Control*. Cambridge: Polity.
- Solomon, E., Eades, C., Garside, R. and Rutherford, M. (2007) *Ten Years of Criminal Justice Under Labour: An Independent Audit*. London: Centre for Crime and Justice Studies.
- Walker, A., Kershaw, C. and Nicholas, S. (2006) *Crime in England and Wales 2005/06*. London: Home Office.
- Zedner, L. (2003) 'Too Much Security?' *International Journal of the Sociology of Law* 31/1: 155-184.