'Target practice': sanction detection and the criminalisation of children

Tim Bateman sets out how police targets have led to the criminalisation of greater numbers of children and dispels the myth of a girl crime wave.

In the tick-box culture that has come to dominate the criminal justice world, some performance measures appear to have more influence on outcomes than others. The Youth Justice Board's (YJB's) target to effect a 10% reduction in the number of children in custody, in the three years from April 2005, remains unmet. At the end of March 2008, the juvenile secure population had risen by 10% over the relevant period, and – at 2,942 – stood at 22% above the figure of 2,408 required by the measure. By contrast, the Government's target to increase the number of **'offences brought to justice'** *(OBTJ), from 1.025m in 2002 to 1.25m in 2007/08, has proved rather easier to meet. In the year ending June 2007, 1.434m offences were dealt with by way of a recognised* **'sanction detection'** *(reprimand, warning, caution, cannabis warning, penalty notice for disorder, charge or summons), a rise of 43% over the 2002 baseline (Home Office, 2007).*

Ironically, while the merits of reducing the numbers of imprisoned young people are manifest, the growth in OBTJ appears to have brought no discernible benefit and, the evidence suggests, may be damaging to children.

Dealing formally with behaviour that 'would be better dealt with in a different way'

Clearly, the latter figures reflect significant changes in police practice, but they are not – as might be assumed – indicative of improved performance, since the 'clear up' rate for recorded offences has not risen alongside the number of sanction detections. (Indeed, it would be something of an indictment of previous policing if a substantial increase in detection rates had been so effortlessly achieved consequent to the introduction of a single performance target.) The growth in OBTJ is rather a function of sanction detections being imposed for behaviour that would previously not have attracted such an outcome.

This shift is easily demonstrated. Between 2002/03 and 2006/07, while the overall detection rate for violent crime fell slightly, the proportion of such offences that were dealt with through a sanction detection rose by 10%, as shown in Table 1 below. The apparent anomaly is explained by a considerable reduction in cases being discontinued because it would serve no useful purpose to proceed.

The expansion in the number of OBTJ is thus a consequence of changes in decision-making in relation to matters that already come to police attention as opposed to any improvement in detection of other criminal activity.

Perhaps unsurprisingly, then, a recent Government review of policing has been critical of the OBTJ measure for undermining professional judgement, diverting police resources from offences that generate the highest levels of public concern, and encouraging the imposition of a formal criminal justice response for behaviour that '*would be better dealt with in a different way*' (Flanagan, 2008: 57). Other commentators, Nacro (2008) among them, have augmented these complaints by speculating that the target has been met largely at the expense of children.

A rapid rise in youth crime?

The period 1992 – 2003 was characterised by a consistent decline in recorded youth crime, with the number of indictable offences attributable to children aged 10 – 17 falling by more than a quarter. The latter year however witnessed an abrupt reversal of the pattern that had prevailed over the previous decade; by 2006, figures for detected youth offending crime were 19% higher than three years earlier.

There is good reason to be cautious about taking these figures at face value. The *British Crime Survey*, and police recorded data, both show continued reductions in total volume crime over this period. Similarly, the *Offending Crime and Justice Survey* also confirms that between 2003 and

Table 1: Offences of violence against the person: Total detection and sanction detection rates – 2002/03 to 2006/07

	2002/03	2003/04	2004/05	2005/06	2006/07
Total detection rate	54%	50%	53%	54%	51%
Sanction detection rates	36%	33%	36%	42%	46%

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2005 self-reported delinquency by young people was stable. The coincidence that the departure from the long-term trend in youth offending commenced in the same year as the establishment of the performance target to increase OBTJ raises the prospect that the data reflects a process of netwidening – whereby children are drawn into the youth justice system in circumstances that would previously have been dealt with outside of it – rather than any dramatic turn in the underlying pattern of offending. A cursory examination of the latest *Criminal Statistics* provides compelling support for just such an analysis.

Unusual suspects

It is a relatively straightforward exercise to specify what patterns might be expected to emerge in the event that target-driven changes in the nature of police decision-making had made a significant contribution to the inflation in figures for detected youth crime. In particular, one would anticipate disproportionate rises for those types of offences, and those populations of offenders, that would, prior to the introduction of the target, have been likely to elicit an informal police response. These would inevitably include:

- Offences committed by young people below the age of 18 years, as opposed to those attributable to adults
- Offences committed by younger children rather than older teenagers
- Less serious offences, in particular those committed by children who have not previously come to the attention of the police, or done so rarely
- Offences committed by girls.

Precisely because each of these categories represents 'unusual suspects', the potential for a shift from informality to sanction detection is correspondingly greater. Put bluntly, an adult with a lengthy list of previous convictions who commits a serious burglary would almost certainly be charged by the police, irrespective of any target to maximise OBTJ; by contrast, a young girl, with a limited antecedent history, apprehended for a relatively minor transgression, might have been expected to benefit from police discretion that militated against entry into the youth justice system. A target-driven escalation in sanction detections would therefore be manifested particularly strongly among cases of the latter type. Analysis of the data confirms that the overall growth in detected youth crime since 2003 can indeed by explained, in large part, by disproportionate rises in the criminalisation of unusual suspects.

Up to 2003, the trend in offences attributable to children below the age of 18 years mirrored closely that for young adults aged 18 – 20. Since the establishment of the OBTJ target, however, that correspondence no longer holds. In particular, the rise in detected offending by under 18s, has not been matched by an equivalent rise in the 18 – 20 group, whose offending (as with older adults) has remained relatively stable.

At the same time, within the juvenile age range, younger children's offending appears to have risen much more rapidly than that for teenagers aged 15 – 17 years, as indicated in Figure 1 below.

Alongside a declining rate of youth crime, the period from 1992 was characterised by a falling rate of diversion. The proportion of all offences dealt with by reprimand or final warning, relative to those resulting in conviction, fell consistently up to 2003. Since the introduction of the OBTJ performance target, the latter trend, like the former, has gone into reverse: the rate of diversion rose from 56% to 61.3% in the three years to 2006. The significance of the shift is twofold. First, a reprimand or warning is available only to children with no convictions who have no more than one previous pre-court disposal. A greater use of such measures is accordingly suggestive of an increase in formal treatment of young people with a very limited offending history. At the same time, an increase in the rate of diversion is – other things being equal – an indicator that more minor offences are being drawn into the ambit of the system, since the police are required to prosecute offences they regard as too serious for a pre-court option.

More tellingly, perhaps, in regard to the latter issue, detected summary offences – by definition relatively minor in nature – have risen considerably faster than indictable matters over the same period – 39% against 19%.

The publication of *Youth justice annual workload data 2006/07* by the YJB, in May of this year, was greeted by a plethora of press headlines bemoaning a 25% increase in the number of crimes committed by girls in the past three years, a trend attributed in most reports to the rise of a '*ladette*' culture and associated underage female binge drinking (for instance, Ford, 2008). The widespread

Figure 1: Relative increases in detected youth crime by age: 2003–2006 indictable offences

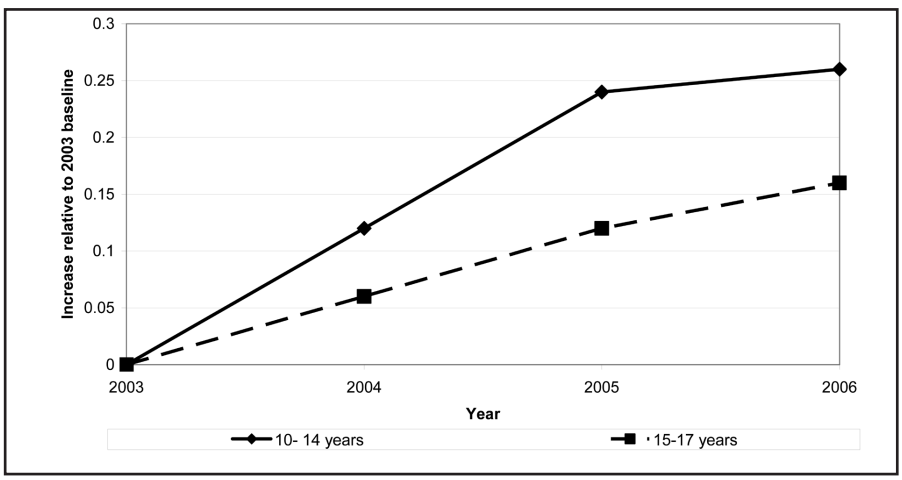
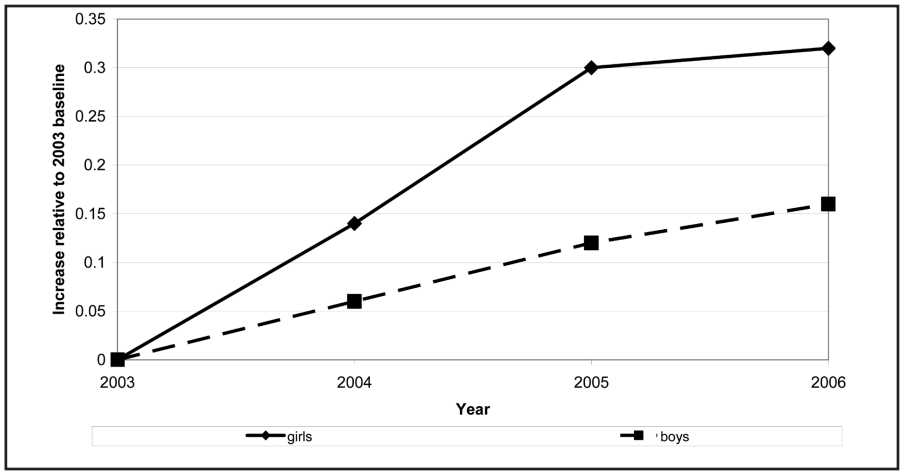


Figure 2: Relative increases in girls and boys detected offending: 2003–2006 indictable offences



perception that offending by girls has become more prevalent and more serious is not new, but the release of the recent figures has lent fuel to the fire.

Over the longer term, however, the available data do not support the existence of a sustained trend in that direction: indeed between 1992 and 2002, the number of indictable offences attributable to girls declined by almost 31%. Once more, however, the introduction of the sanction detection target marked a watershed and, in the three years from 2003, detected offending by females below the age of 18 years grew, according to *Criminal Statistics* (calculated on a different basis to the YJB figures), by just over 31%. Moreover, the rate of increase was markedly sharper than that for boys, as shown in Figure 2 (incidentally, strikingly similar to the chart showing the relative increases in recorded offending by younger and older children).

As with the other unusual suspects, the recent pattern of detected offending by girls is a predictable outcome of a decline in informal responses to female misbehaviour. Far from providing evidence of the need for the police to 'toughen their stance on anti-social girls', as the Daily Telegraph (2008) would have it, such findings are in fact a statistical manifestation of tougher police decision-making, geared to meet an arbitrary target.

Conclusion

Not before time, enthusiasm for sanction detection as the preferred measure of police performance appears to be on the wane. However, the damage so far as many children are concerned is already done: unnecessary criminalisation stretches scare resources, limits young people's future opportunities and, according to findings derived from the *Edinburgh Study of Youth Transitions*, is liable to exacerbate delinquency (McAra and McView, 2007). Abandonment of the target will in any event do little to dent the political zeal for early youth justice intervention that has been one of the defining elements of New Labour's programme of reform. From this perspective, the impact of increasing the numbers of OBTJ has simply served to accelerate (albeit it to a breakneck pace) a process that was already underway, to reduce professional discretion and curtail the potential for informal resolution.

A belated recognition of the problem has led to a new Public Service Agreement to reduce the number of first-time entrants to the youth justice system, but it is hard to square this laudable aspiration with the imperative to intervene early. The OBTJ target having been met, police priorities for 2008-2011 have also been reconfigured to focus on more serious violent offending, serious acquisitive crime, alcohol-related crime and disorder, and anti-social behaviour. While less prescriptive than the sanction detection indicator, the inclusion of the latter two forms of conduct, in particular, in the latest targets is guaranteed to ensure a continued concentration on the misdeeds of children. Under New Labour, target-driven policing has become practically synonymous with netwidening. The commitment to reduce first-time entry to the system is not obviously compatible with other indicators that tend towards the continued criminalisation of children. ■

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