

Police Reorganisation and Penal Reform

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DISCUSSION of the 1967 Criminal Justice Act has centred mainly around the question of whether or not the new measures will be effective in achieving the desired ends. Will parole help to alleviate overcrowding in the prisons, or will its effects be nullified by the imposition of longer sentences by the courts? Will measures for dealing with drunks and fine defaulters and the introduction of suspended sentences have any long term effect on the prison population, or will they merely delay the date of the offenders' ultimate imprisonment? Amidst all the talk and speculation about questions such as these, the possible implications of Home Office activities in another area seem to have been forgotten and, in this article, I shall suggest that there may be something paradoxical about the simultaneous introduction of penal and police reforms.

A number of the measures introduced by the Criminal Justice Act are designed to relieve some of the pressure on our already over-stretched prison facilities, while, at the same time, other steps have

been taken in an attempt to make the police more efficient in the war against crime. The reorganisation of the police into bigger forces, the development of research into police methods, higher pay and the bid to attract better qualified recruits into the force, are all designed to improve the general efficiency of the police. The cynic might ask if the reason for wanting to clear some space in the prisons were not simply to make room for the additional offenders caught as a result of the improved police methods, but it seems unlikely that this is the logic behind the recent innovations.

The desire for improved police efficiency is presumably based on the assumption that some would-be offenders will be deterred by the knowledge that the chances of being caught are high, which is what seems to have happened recently in Chicago. This means that the innovators must be hoping not just that the police are going to catch more criminals, but that they will manage to bring about an improvement in the *proportion*

of offences which are *cleared up*. In 1966, the clearing up rate was 40.2 per cent of the total number of indictable offences known to the police, while in 1962 it was 44 per cent and in 1938, 50 per cent.* If one assumes for the moment that the number of offences known to the police will remain constant at its present level of about a million, it requires only the simplest mathematical calculation to show that the police would need to clear up something more than 10,000 extra offences to effect a 1 per cent improvement in the clearing up rate, 20,000 for a 2 per cent improvement and so on. While such estimates should obviously be treated with caution, it is clear that even a small improvement on the present clearing up rate could have a very considerable effect on the whole penal system, as well as on the police themselves. If great improvements in police efficiency do take place, a spiral could be set in motion: the extra cases cleared up would mean more work for the police, which might result in reduced efficiency, further reorganisation and changes, more cases cleared up, more work, less efficiency, and so on. Presumably it is hoped that such a situation will be avoided by the reduction in the overall crime rate which is supposed to result from the better clearing up rate. So little is known about the effectiveness of

deterrence, however, that it would be rash to assume that this is what actually will happen.

The effects of any increase in police efficiency could also be decisive in determining whether or not some of the objectives of the Criminal Justice Act are achieved, and the bid to relieve prison overcrowding would seem especially likely to be foiled. From the 1966 Criminal Statistics, one can see that, for every 100 indictable offences cleared up annually by the police, between six and seven offenders are committed to prison. If the possible effects of the Criminal Justice Act on the number of offenders sent to prison are ignored, and if we assume again that the number of indictable offences known to the police will remain unchanged, the number of extra imprisonments likely to occur as a result of an improved clearing up rate can be estimated. Again it requires only a simple mathematical calculation to show that, if the police cleared up the extra 10,000 cases needed to bring about a 1 per cent improvement in the clearing up rate, another 600 sentences of imprisonment would be added to the present annual total. A return to the 1962 clearing up rate of 44 per cent would require an extra 40,000 offences to be cleared up, which would mean 2,400 more prison sentences, while, if the odds of getting away with an indictable offence were shortened to the 1938 figure of 50:50, 100,000 more offences would have to be cleared up, which might mean as many as

*These and all subsequent figures are derived from the *Criminal Statistics, England and Wales* for 1964 and 1966. London, H.M.S.O., 1965 (Cmnd. 2815), 1967 (Cmnd. 3332).

6,000 more prison committals a year than at present. Although the figures must again be treated with caution, they do suggest that, if the police do become more efficient, there could follow a noticeable increase in the annual number of prison sentences, which might counteract any reduction in prison overcrowding brought about by the Criminal Justice Act.

The introduction of parole is, of course, not seen simply as a bid to reduce the demand for cell space, but is also claimed to be a new form of "treatment". The extent to which it will deserve to be called "treatment" rather than just "early release" will, however, depend largely on the success or failure of another branch of the Home Office to recruit more probation officers, to whom parolees will be responsible. The possible higher proportion of offences cleared up by the police referred to above could also result in many more additional probation orders, which would place an even greater strain on the Probation Service than has already been placed on it by the addition of parolees to its clientele. In short, an improvement in police efficiency could have as serious an effect on parole as a form of treatment as on parole as a device for emptying prisons.

However enlightened it may be to introduce police and penal reforms at the same time, then, success in the former could have the effect of limiting, or even nullifying the chances of success in the latter. The

process, however, need not necessarily be a one way one. If some of the doubts about the effectiveness of the Criminal Justice Act mentioned at the start turn out to be justified, an improved clearing up rate may become even harder to achieve. If parolees commit new offences while on parole, and those given suspended sentences reoffend quickly, then it is the police who will have to catch them, which means that, if the pessimists' view of the Criminal Justice Act is the correct one, the police will have to clear up many offences which would not have been committed in the days before the Act.

If the reorganisation of the police and the new penal reforms both go according to plan, the possible problems outlined above need never arise. Fine defaulters will pay up, parolees will go straight and those given suspended sentences will take the chance to start a new life away from crime. The police will clear up such a large proportion of offences that the crime rate will fall, and no extra strain will be put on the prisons, the legal system or the Probation Service. But reforms rarely work out so smoothly in practice, and it looks as though the aims implicit in the police reforms cannot be realised without having an adverse effect on some of the aims of the Criminal Justice Act. If the reforms do work against each other in this way, they could raise new problems as serious as the ones they have been designed to solve.