

Crime, persistent offenders and the justice gap

Richard Garside

Crime
AND
Society
FOUNDATION

ABOUT THE CRIME AND SOCIETY FOUNDATION

The Crime and Society Foundation is an independent think-tank for progressive crime policy based at the Centre for Crime and Justice Studies at King's College London.

The Foundation stimulates debate about the role and limits of the criminal justice system and aims to deepen public understanding of the social, economic and political foundations of a safer society.

Crime and Society Foundation
26-29 Drury Lane
London WC2B 5RL

Tel 020 7848 1685
Fax 020 7848 1686
info@crimeandsociety.org.uk
www.crimeandsociety.org.uk

A project of the Centre for Crime and Justice Studies (ISTD),
School of Law, King's College London
Registered charity no 251588
A company limited by guarantee
registered in England no 496821

© Crime and Society Foundation
October 2004

ISBN 0-9548903-0-2

Crime, persistent offenders and the justice gap

Richard Garside

Crime
AND
Society
FOUNDATION

Contents

Executive summary	5
Introduction	7
Crime and the criminal justice system	9
Crime: levels and trends	10
Reinventing the persistent offender	14
Narrowing the justice gap	19
Conclusion and implications	23
References	

Executive summary

As the general election approaches, we can be confident that crime and criminal justice will continue to feature prominently in political and public debate. This discussion paper aims to contribute to the debate by examining three of the core propositions that underlie current crime policy. They are:

- that crime has fallen since the mid-1990s;
- that a significant proportion of crime is committed by a relatively small group of persistent or prolific offenders; and
- that the criminal justice system has a key role to play in reducing crime.

FALLING CRIME

This proposition is based mainly on the downward trend in crimes measured by the *British Crime Survey (BCS)*. However, neither the *BCS* nor police recorded crime (the other generally cited measure) provide a comprehensive picture of all criminal activity. Both measures systematically ignore or underestimate certain categories of crime.

PERSISTENT AND PROLIFIC OFFENDERS

The idea that a significant proportion of all crime is committed by a relatively small number of persistent offenders is not new, but the current government has placed it at the centre of its criminal justice policy. Examination of the

government's own evidence casts serious doubt on the legitimacy of this approach. The statistics may well provide useful administrative data about patterns of criminal convictions, but they tell us little if anything about offending in general.

ROLE OF THE CRIMINAL JUSTICE SYSTEM

Proposals for reducing crime and promoting safety place great weight on measures to improve the efficiency and effectiveness of the criminal justice system. Since the criminal justice system formally resolves only a tiny proportion of the crime that we know about, there are significant limitations on the impact that such measures can have on crime in general.

IMPLICATIONS

By challenging these core propositions of current crime policy this paper raises important questions about the current approaches to reducing crime and promoting safety. For example, does the focus on the intrinsically limited *BCS* prevent us from developing a more comprehensive understanding of the range of different types of crime, their causes and contexts? Is the preoccupation with an administratively defined group of 'persistent offenders' diverting attention from important areas of criminal activity? And, perhaps most significantly, if the criminal justice system only resolves a tiny proportion of all crime, what does this tell us about its proper role in contemporary society?

Introduction

Assertions about crime levels and crime trends, and discussion about the best way of tackling and reducing crime, are never far from the surface of current political debate. One of the Prime Minister's advisers reportedly said in July 2004 that 'we are going to ensure that law and order is debated in the House of Commons every day in the six months before the [general] election' (Grice 2004). Arguably this is simply a matter of business as usual.

When the government launched its five-year crime strategy in July 2004 (Home Office 2004c), a little over three years after the publication of its putative 10-year strategy (Home Office 2001), the opposition parties were quick to dismiss it as simply another eye-catching initiative. The Home Secretary David Blunkett, the Conservatives claimed, had been responsible for some 158 crime-related initiatives since taking office in June 2001. The Liberal Democrats argued that the government was keen on 'get tough rhetoric' but had done little to tackle the causes of crime (Johnston 2004).

The context of this political cut-and-thrust is a fast-changing legislative and policy environment, with new legislation and new laws following in quick succession. Since 1997 more than 20 crime-related Bills have been debated by parliament. More than 270 new offences and at least 350 regulations have been created since 2000 (Johnston 2004). In July 2004 *The Independent* newspaper claimed that the government was planning to announce six 'safety and security Bills' in the Queen's Speech that November (Grice 2004).

Making sense of all this change is a major challenge for anyone interested in the direction of crime policy in England and Wales. This discussion paper attempts the more modest task of examining some of the underlying propositions that characterise current crime policy.

The first of these is, on the face of it, the

least contentious. This is the claim that crime has fallen since the mid-1990s. With the exception of the government's political opponents, there is general agreement that Labour has presided over falling crime levels, raising the hope of further falls in the future.

The second proposition is that a significant proportion of crime is committed by a relatively small group of persistent or prolific offenders. Targeting these individuals, so the argument goes, will be one of the most effective ways of delivering further falls in crime.

The third proposition is that the criminal justice system has a key role to play in reducing crime. Investing time and effort into improving the effectiveness of the police, courts, prison and probation services in catching, prosecuting, convicting, punishing and rehabilitating offenders will reap benefits of lower crime rates.

As the basis for an explanatory framework these three propositions tell a compelling story. The story goes that crime has fallen under Labour as a result of its commitment to investing in and driving up the performance of the criminal justice system. Through targeting persistent and prolific offenders, those individuals who are responsible for a significant proportion of all crime, and through a continued commitment to improving the performance of the criminal justice system, further falls in crime are achievable.

But compelling though this story is, significant flaws permeate the three propositions that underpin it. This in turn calls into question the validity of the story itself. This discussion paper sets out the reasons why this is the case.

The paper begins by outlining the problem of 'attrition' in the criminal justice system. Attrition refers to the gap between levels of known crime and the response of the criminal justice system in terms of prosecutions, convictions and sentencing. As this paper illustrates,

different understandings of known crime lead to different conclusions about the attrition rate.

The paper then goes on to consider the question of crime: how much of it there is, and how it is measured. Informed and effective policy requires a clear understanding of the scope of the problem it seeks to address.

Clarifying questions about crime levels,

types and trends is a crucial first step in understanding how it might be tackled, prevented and reduced.

Finally the paper examines the propositions relating to persistent offenders and the role of the criminal justice system in reducing crime respectively, and some of the policy that has developed as a result.

The paper concludes with some questions and pointers to future work.

Crime and the criminal justice system

In 1999 the Home Office published *Digest 4*, the fourth of its compilations of statistics about crime and justice in England and Wales (Barclay and Tavares 1999).

Among the various facts and figures on crime levels, victims, prosecutions, sentences and reconvictions was an analysis of ‘attrition’ within the criminal justice system. In *Digest 4* attrition refers to the gap between levels of crime known about through the *British Crime Survey* (BCS) and the response of the criminal justice system. The conclusion that emerges from this analysis, surprising for those unfamiliar with criminal justice, is that only a tiny proportion of known crime ends in a caution or conviction. As the authors point out:

For crimes against individuals and their property, 3 in 100 offences committed in 1997 resulted in a criminal conviction or a police caution; 1 in 300 resulted in a custodial sentence.

They emphasise that the 2.2% conviction rate ‘does not mean that only 2% of offenders are ever convicted.’ They continue:

Offenders can commit a number of offences before they are caught and these offences are subject to attrition for all the reasons identified in the graph – they may not be reported, or linked unambiguously to a particular offender, or the offender may have been cautioned for them

and so not prosecuted. The proportion of offenders who are convicted will therefore tend to be higher (possibly much higher) than the proportion of offences which result in a conviction. (Barclay and Tavares 1999, 29).

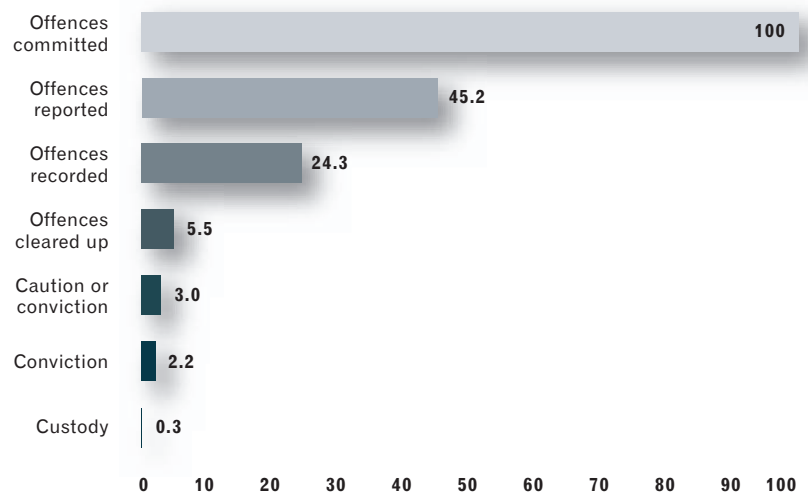
This is no doubt true. Many people convicted by the courts will inevitably have committed other offences for which they will never be found guilty. To say that in only 2% of *offences* is an individual convicted is not to say that only 2% of *offenders* are caught. But by the same token it represents a significant leap of reason to assume that most offenders *are* caught, even if they are never formally convicted of at least some offences.

These striking figures raise important questions about the role of the combined agencies of the criminal justice system – the police, prosecution services and courts; the prison and probation services – and about their centrality to tackling, preventing and reducing crime. Is it the case that, as a recent government document put it, the ‘core business’ of the criminal justice system is ‘reducing crime and bringing offenders to justice?’ (Office for Criminal Justice Reform 2004, 9). If so, how feasible a task is this, and what does it mean?

In order to answer this question, it is first necessary to consider what we know about crime, its levels and trends.

FIGURE 1: Attrition within the criminal justice system, 1997 (percentages)

(Source: Barclay and Tavares 1999, 29)



Crime: levels and trends

Seeking a definitive figure for crime levels is akin to asking how many headaches there are, or how many beetles. Though in principle, and given perfect knowledge, the question is answerable, in practice no definitive answer is possible. As the government's 2001 criminal justice strategy document acknowledges, '[f]ar more crimes are committed than ever come to police notice.' 'It is not known how many crimes are committed every day,' it continues, though 'estimates are available' (Home Office 2001, 122).

BRITISH CRIME SURVEY

The 'estimates' referred to are contained in the *BCS*.

The most recent *BCS*, published in July 2004, estimated total crime in the categories it measured at 11.7 million offences annually (Dodd *et al* 2004). This compares with an estimated 19.4 million offences annually in 1995, a fall of some 39%. Compared with 1995, the latest *BCS* has registered falls in the crimes it measures right across the board. Falls in vehicle thefts (51%) and burglary (47%) are particularly striking.

The *BCS* came about as a result of dissatisfaction with the comprehensiveness of statistics compiled from police records. If far more crimes really are committed

than ever come to police notice, so the argument went, would it not be better proactively to ask members of the public about their experience of crime rather than rely on their coming forward to report crimes and on the police to record them?

Compared with the *BCS* estimate of 11.7 million offences in 2003/04, the police recorded some 5.9 million offences. This comparison is in some ways misleading as there are a number of crimes recorded by the police which the *BCS* does not routinely cover. This includes drug-dealing and drug taking, murder, fraud, and sexual offences. *BCS* interviewers do ask about sexual offences but the figures are not included in the published report because of sampling problems. Limiting the comparison to those offences that both the *BCS* and the police record, an estimated 74% of *BCS* crime was recorded by the police.

What does either set of figures tell us about crime as a whole? An examination of crime trends according to the two different measures provides a useful starting point. Figure 2 compares the *BCS* and recorded crime trends since 1991. To aid analysis the graph maps trends using 1991 as the index year, rather than mapping real numbers.

THE BRITISH CRIME SURVEY

First conducted in 1981 and produced annually since 2001 by the Home Office, the *BCS* is an annual rolling survey based on a sample of approximately 40,000. The *BCS* asks individuals about their experience of victimisation

by certain crimes over the course of the previous 12 months. The main offences covered by the *BCS* are: vandalism, burglary, vehicle-related thefts (including bicycles), other household thefts, theft from the person, common assault, wounding and robbery.

POLICE RECORDED CRIME

Police recorded crime is composed of a list of categories outlined in the Home Office Counting Rules, known as 'notifiable offences.' The main categories are: violence against the person, sexual offences, robbery, burglary, theft and handling stolen goods, fraud and forgery, criminal damage, drug offences and a final 'other offences' catch-all that include categories as diverse as riot and aiding suicide.

Since the introduction of the National Crime Recording Standard (NCRS) in April 2002 the police will record a crime if 'the circumstances as reported amount to a crime as defined by

law and there is no credible evidence to the contrary.' The record will remain unless additional verifiable information emerges to disprove that a crime has occurred (Home Office 2004b, Annex A).

It should be noted that police recorded crime has undergone a number of changes since 1998. In particular, in April 1998 many new offences were added (e.g. less violent crimes) and the introduction of the NCRS had the effect of increasing recorded crime by 10% simply through a change in recording practices. Thus, recorded crime figures, and trends are not reliable measures of '[real]' crime rates and trends.

CRIME TRENDS

BCS crime figures have been on a downward trend since 1995, after a long upward trend since 1981. Police recorded figures trend downwards from 1991 until 1997, but have been on an upwards trend ever since.

Placing these figures in the context of recent political history, crime fell under the Conservatives but has risen under Labour if one accepts the police recorded figures as definitive. Alternatively, if the *BCS* is preferred, crime rose under the Conservatives but has been falling quite quickly under Labour.

Resolving the question of which measure is better or more accurate is not as simple as the partisans for the each would sometimes imply. While the *BCS* is in many ways more accurate as a measure of the crimes that it counts than the police

recorded figures, it fails to record whole swathes of crime covered, however imperfectly, by police data. On the other hand, police recorded crime figures are very susceptible to changes in recording practice. The *BCS*, by comparison, has been compiled in much the same way for over 20 years.

But it is also a distraction from a rather more fundamental point that neither set of statistics is particularly comprehensive as a measure of total crime. The *BCS* might provide a fuller picture of crime both in terms of the crimes it covers, and in aggregate terms. But it also fails to count a range of crimes. Moreover, the partiality of the *BCS* and police recorded crime is not simply a matter of numbers. The *types* of crimes that both exclude or undercount tell us a great deal about the political priorities of the policy makers who place such emphasis upon them.

PLAYING POLITICS WITH CRIME FIGURES?

The leaderships of the two main parties use the contrasting *BCS* and police recorded crime trends to bolster their claims to being the party of law and order. In a speech in Middlesbrough on August 10 2004, Conservative leader Michael Howard used the

police recorded crime figures to claim that 'crime... has risen by almost 850,000 in the last five years.' He contrasted this with his period in office as Home Secretary:

'By 1997 when I left the Home Office, almost one million fewer crimes were being committed each year' (Howard 2004).

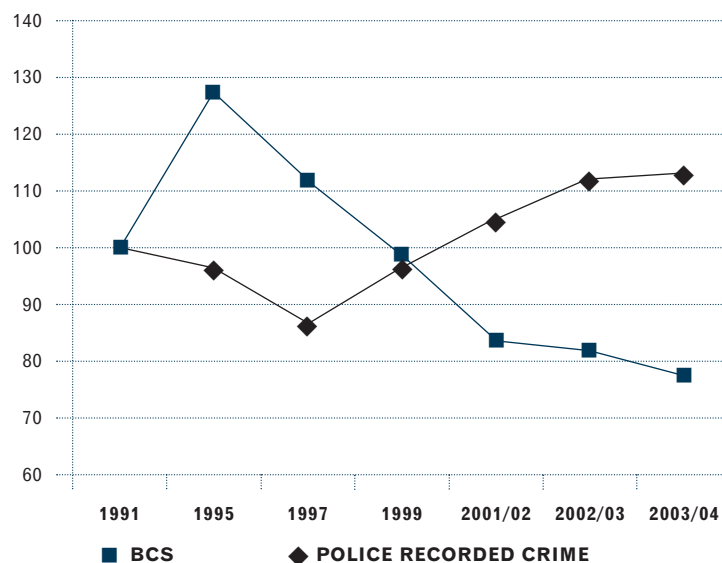
Compare this with the opposite claims, based on the *BCS*, made by the Prime Minister in his foreword to the *Home Office Strategic Plan* a month earlier:

'When this government came to power in 1997 it inherited a grim legacy. We found a situation where crime had doubled...

Putting this right... was never going to be achieved overnight. But we have made a start... The result is that... crime has fallen by 25 percent' (Home Office 2004c, 5).

FIGURE 2: INDEXED TRENDS IN BCS AND POLICE RECORDED CRIME 1991 TO 2003/04 (1991=100)

(Source: Dodd et al 2004, tables 2.01 and 2.04)



MISSING CRIME?

The think-tank Civitas suggests that the most recent *BCS* undercounts crime by at least 10.9 million offences (Green 2004). This includes 556,107 offences against children aged 11-15; 2,730,399 offences against commercial premises, not including shop-lifting; and 7,605,259 shoplifting offences.

Civitas argues that this estimate is a cautious one and does not include a number of other offences recorded by the police but not registered by the *BCS*. These include drug and sexual offences. It is not necessary to agree with each of the calculations made by Civitas to acknowledge that it has a point. But Civitas also omits from its calculations a range of offences.

As noted above, because of sampling problems the *BCS* does not cover sexual assault. In an attempt to fill this gap a detailed questionnaire was appended to the 2001 *BCS*, which covered incidents of domestic violence, sexual assault and stalking. The researchers estimated that there were some 720,000 sexual assaults on over 400,000 victims in the 12 months leading up to the survey. They further estimated that there had been 12.9 million incidents of domestic violence acts against women in England and Wales in the year prior to interview (Walby and Allen 2004, 24).

A different and more detailed survey investigating violence in one north London neighbourhood found that 30% of women questioned had experienced physical domestic violence during their lifetime. Twenty-three percent of women said they had been raped by a current or previous partner (Mooney 2000, 160-63).

Other offences the *BCS* or police recorded crime either do not cover at all, or count inadequately, include benefit fraud, white-collar and corporate crime and environmental crime. A Home Office study published in 2000 attempted to quantify some of this (Brand and Price 2000).

Drawing on a wide range of sources it estimated that more than 60 million offences were committed in the year 1999/2000. This is some five to six times as many offences as are reported by the *BCS*. Even this figure is likely to be an underestimate, as the study excluded a substantial range of offences, including handling stolen goods, drug offences and traffic and motoring offences.

It would be possible to continue with more examples, but the point has been made. The *BCS* and police recorded figures give us a wealth of information and detail. The *BCS* provides some important information about both the incidence of, and trends in, some forms of interpersonal violence and property crime involving adults as victims in England and Wales. The police recorded figures likewise give some indication of crime levels and crime trends. More specifically they tell us what crimes have come to the attention of the police. They also give us a sense of what crimes are considered a priority by the criminal justice system.

But neither the *BCS* nor police recorded crime figures offer us in any way a measure of total crime.

GOVERNMENT CRIME REDUCTION PLANS

The above analysis has implications for the government's well-publicised target 'to reduce crime by at least a further 15 percent by 2008' (Home Office 2004c, 31). Despite acknowledgement in the *Home Office Strategic Plan* that this 15% target refers to those crimes measured by the *BCS* (Home Office 2004c, 27), this important qualification is often absent from ministerial pronouncements.

In his foreword to the Plan the Prime Minister claims that 'crime has fallen by 25 percent [since 1997]' and that '[o]ur target is another 15 percent reduction in crime by 2008' (Home Office 2004c, 5, 6). Mr Blair made a similar claim in his speech launching the Plan, arguing that 'we are the first Government since the

war to have crime lower than when we took office' (Blair 2004b).

Speaking in parliament on the same day, the Home Secretary likewise made claims about total crime:

For decades, rising crime and insecurity seemed inevitable... Since 1997, we have demonstrated that a very different future is possible. Crime has fallen by well over a quarter, and the chance of being a victim is at its lowest for over 20 years.

Mr Blunkett referred to the government's plans for 'a further 15 percent reduction in crime over the next three years.' James Paice MP challenged the Home Secretary's assertions. '[H]e claims a reduction in crime that no one believes,' Mr Paice said. 'That is not surprising because he is counting only part of the figures,' he continued. Mr Blunkett did not respond to this point. (*Hansard*, July 19, 2004, Cols 21-24).

Policy is most effective when based on a clear understanding of the problem it seeks to tackle. Public debate is most constructive when properly informed. Whether the use made of the *BCS* to

issue general statements about crime trends aids effective policy or informs public debate remains an open question. But by using the *BCS* as an all-purpose index of overall crime, the government risks congratulating itself on its achievements while ignoring genuine problems. Policy driven by a target to reduce *BCS* crime, for instance, might have little impact on crimes against children, sexual offences or white-collar crime as none of these currently feature in the survey. Indeed, the mere fact of such a target, with all the political and financial capital that follows to ensure its achievement, risks marginalizing arguably more important crime reduction priorities.

The preceding analysis informs the discussion about persistent and prolific offenders, and about proposals to 'narrow the justice gap.' For if our knowledge of crime levels is based on such a partial and politically spun subset of all crime this raises questions about the basis for claims about who the most persistent or prolific offenders are and what it means to 'close the gap' between known crime and those convicted in the courts.

Reinventing the persistent offender

Writing about the late nineteenth century restructuring of the Victorian penal system, the historian Martin Wiener identifies 'a growing focus on the problem of the habitual criminal.' 'The more successful Victorian criminal policy was,' he writes, 'the more repeat offenders stood out among the clientele of the penal system.' But as Wiener points out, the Victorian concept of the habitual criminal did not imply an undifferentiated mass:

[T]he image of habitual criminals was bifurcating into a small group of hard-core professional outlaws and a much larger group of inadequates, misshapen by both nature and nurture, who generally committed petty offenses (*sic*) (Wiener 1990, 300).

That the Victorians operated with a well-worn notion of the 'criminal class' will not come as a surprise to many people. And as Keith Soothill and colleagues have recently pointed out, the debate about persistent offenders 'is not a new one, for the issue has had several different guises' (Soothill *et al* 2003, 390).

But those familiar with the current debate about persistent and prolific offenders will be struck by the similarities between it and the debates going on more than a century ago. The government talks of 100,000 so-called 'persistent offenders' apparently responsible for half of all crime. Within that is a smaller group of prolific offenders. Thus in the *Home Office Strategic Plan* we read:

A large proportion of crime is committed by a small number of people. In any one year, approximately 100,000 people commit half of all crimes and just 5,000 people commit about 9 percent of all crimes – around one million crimes in total (*Home Office 2004c*, 32-33).

Interesting historical parallels aside, what is the basis for the government's assertions regarding the volumes of crime committed by persistent and prolific offenders? Given that the *BCS* and police recorded crime figures are partial and incomplete, perhaps the Prime Minister

and other ministers are using other, more complete, figures unavailable to the public? Can it really be the case that just 5,000 people commit nearly 10% of *all* crime, or that 100,000 commit half of it?

The assumption that large amounts of crime are committed by relatively small numbers of people is at the heart of current government crime reduction strategy. Does it add up?

THE OFFENDERS INDEX

The government's theory of persistent offenders is based on an interpretation of the Offenders Index, a database containing the details of all individuals convicted of standard list offences in England and Wales since 1963. A Home Office study published in 2001 used the Offenders Index to examine various groups of offenders born between 1953 and 1978 (Prime *et al* 2001). Looking at those offenders born in 1953, the study found that one third of males and 9% of females had been convicted of at least one standard list offence before the age of 46.

The study also looked at the number of times individuals born in 1953 had been convicted of an offence. In the case of male offenders, half of these had only been convicted once before the age of 46; 17% had been convicted twice and 8% had been convicted three times. A relatively small group of male offenders – 25% – accounted for two-thirds of all convictions.

In the case of females, 74% of those who had offended had only picked up one conviction while 14% had been convicted twice and 4% had been convicted three times. A third of all convictions were picked up by 8% of female offenders.

The researchers also looked at that proportion of the male and female population they deemed to be 'criminally active', based on the frequency of convictions. The key determinant was age. For males born in 1953, the peak age of criminal activity was 19, with some 11% of the population having been convicted. By

the age of 30 only 7% of the male population was deemed criminally active, dropping to 3% by the age of 40. As far fewer women picked up convictions, a much smaller proportion were estimated to be criminally active. The proportion peaked at a mere 1% between the ages of 20 and 26.

It is worth reflecting on what these data do and do not tell us. They tell us that men are far more likely than women to pick up criminal convictions, and are more likely than women to pick up a string of convictions. They also tell us that it is mostly young men who pick up criminal convictions and that as men get older they are less likely to be convicted of offences. Finally, they tell us that a relatively small number of men and women are convicted of a disproportionate number of offences.

In other words, the data offer us some interesting information about the internal processes of the courts system; who gets convictions and who does not. What it does not tell us is anything meaningful about who commits crime in some general sense. There are a number of reasons why this is the case.

The information on the Offenders Index relates to individuals convicted of standard list offences in England and Wales. Those cautioned of standard list offences or those found guilty of other offences are not included on the Index. While standard list offences broadly correspond to what most people might consider to be the more significant or serious crimes, interesting exceptions include speeding and kerb crawling. An individual might pick up a series of speeding tickets or be found guilty of kerb crawling offences and yet not make it onto the Offenders Index. By contrast consensual underage teenage sex and possession of a Class C drug such as cannabis are both standard list offences. Parents may worry about the former while some argue that use of the latter has health implications. But there must be some doubt about whether either

constitute a serious criminal offence (Home Office 2003a, Appendices 3 and 4).

Conviction for dangerous driving only leads to inclusion on the Offenders Index if the individual is convicted in the Crown Court. Court figures show that there were just under 5,000 convictions for such an offence in 2002. Some 3,522 of these were in magistrates' courts and so did not register on the Offenders Index. Other anomalies relate more to the priorities of the criminal justice system than to which individuals necessarily cause the most harm. In 2002 there were 11,417 convictions for possession of Class A drugs, 26,139 for possession of Class B drugs, and 13,139 for handling stolen goods. In contrast there were only 749 convictions for health and safety breaches, 745 for false accounting, and a mere 34 for fraud by a company director. Indeed at 809 convictions in 2002, more bicycle thieves will have registered on the Offenders Index than fraudulent company directors or those guilty of false accounting (Home Office 2003b and 2003c, Tables S1.1(A) and S2.1(A)). The activities of recent corporate fraudsters is a reminder that the actions of a few crooked but powerful individuals can cause far more damage and harm to individuals and communities than even the most prolific or expert of bicycle thieves.

The Offenders Index also does not offer reliable information on who is *committing* multiple offences. At best it tells us about those *reconvicted* of new offences. Those who commit new offences but are not caught, or who are cautioned, will not register. As the study authors point out, the Offenders Index offers 'a measure of the proportion who have not been *reconvicted* rather than a measure of those who have not *reoffended*, which we cannot estimate directly' (Prime *et al* 2001).

Finally, and in light of the earlier comments about attrition rates, the standard list offences leading to a guilty verdict in the courts make up but a tiny proportion of all offences known about via

the *BCS*, and an even smaller proportion of the tens of millions of all offences committed each year. 'Our estimates,' Prime *et al* note, 'relate to the subset of known offenders who have been convicted of at least one "standard list" offence. They give only a general indication of offending patterns since we do not know how representative this subset of offenders is of all offenders.'

At best, then, the Offenders Index tells us a certain amount about that tiny subgroup of all people who commit certain crimes in given years who are also caught and convicted, and whose offence falls into the category of a 'standard list' offence. There are various ways in which such figures might legitimately be analysed in order to understand the processes of the criminal justice system. But as the basis for foundational statements about the nature of crime or offending, or of policy initiatives aimed at targeting those individuals who commit the most crimes, or who cause the most harm or damage, it is virtually useless.

But it is on the foundation of an analysis of the Offenders Index that the government's strategy on persistent offenders has been built.

MORE NUMBER JUGGLING

A two-page Annex to the 2001 strategy document, *Criminal Justice: The Way Ahead*, offers a summary analysis of the government's recent thinking on persistent and prolific offenders (Home Office 2001, Annex B). It bases its analysis on the Offenders Index, just as did the paper by Julian Prime and colleagues discussed above. In contrast to Prime *et al*'s paper, the Annex makes a number of sweeping assertions that have a questionable evidential basis.

Entitled 'Estimating the active offender population' the Annex claims to 'describe... a model to estimate the number of people in England and Wales who are actively involved in crime.' Apparently 'a small number... [of]

persistent offenders [are] responsible for a disproportionate amount of crime.' We know from our earlier discussion that a relatively small group of individuals pick up a disproportionate number of convictions. But as Prime *et al* point out, this does not justify conclusions about the amount of crime these individuals commit. Yet this is precisely what the Annex goes on to do. The crucial section reads as follows:

According to the model there are about a million active offenders in the general population at any one time. Of these, some 100,000 will accumulate more than three convictions during their criminal careers. This sub-group represents the most persistent offenders who are responsible for a disproportionate amount of crime. Although they represent only 10 percent of active offenders they accumulate at least 50 percent of all serious convictions.

We need not dispute each figure to identify the ideological slippage at work here. It may well be the case that 'some 100,000' individuals have been *convicted* more than three times of a standard list offence. Moreover, this may well represent 'at least 50 percent of all serious (i.e. standard list) *convictions*.' The Annex does not offer detailed figures so these claims are here taken on trust. But neither claim justifies the added assertion that 'this sub-group represents the most persistent offenders who are responsible for a disproportionate amount of crime,' for all the reasons set out above.

This slippage from what the figures might reasonably show to what the politicians wish to claim is evident at other points in *Criminal Justice – The Way Ahead*. On page 20 we are told that '[r]ecent research *suggests* that a small group of hard core, highly persistent offenders, probably no more than 100,000 strong – about 10 percent of all active criminals – *may* be responsible for half of all crime' (emphasis added). However prolific these offenders may be they cannot be responsible for 'half of all crime'. 'Suggests' and 'may' does at least offer some qualification.

Twenty pages on certainty has replaced doubt:

Since the 100,000 most persistent offenders account for about half of all crime... (ibid 41, emphasis added).

This brief and flawed analysis appears to be the evidential basis for much of the government's unfolding strategy on persistent and prolific offenders ever since.¹ Moreover, ministers regularly talk in certain and absolute terms both about so-called persistent and prolific offenders, and about the crime they apparently commit.

At the launch of the Persistent Offender Scheme in October 2002 the then Home Office Minister, Lord Falconer, claimed that 'Home Office research shows that 100,000 criminals are responsible for half of all recorded crime' (Home Office 2002b). The accompanying pamphlet claimed that 'at any one time, 10% of offenders, a group of about 100,000 in size, will be committing half of all serious crime' (Home Office 2002a, 13). Assuming that 'recorded crime' and 'serious crime' mean the same thing here, this still represents a significant degree of slippage even from the loose language of the Annex. Meanwhile the press release for the launch said that the Scheme would target the 'most prolific adult offenders – those who have been convicted of six or more recordable offences in the last year' (Home Office 2002b).

A year and a half later, in March 2004, the Prime Minister announced the successor strategy to the Persistent Offender Scheme. Called the Prolific and Priority Offenders Strategy, it would focus on a 'hard core of prolific offenders – just 5,000 people – [who] commit around 1 million crimes each year, nearly 10 percent of all crime' (Blair 2004a). A couple of months later this claim had become a matter of received truth, at least for the authors of

the criminal justice strategic plan. 'We *know* that about 5,000 people commit nearly one in ten crimes, over a million crimes in total,' they wrote (Office for Criminal Justice Reform 2004, 37, emphasis added).

Launching the Prolific and Priority Offenders Strategy, the Home Secretary David Blunkett was equally certain, claiming that '[a]cross the country, a hard core of just 5,000 offenders commit one million crimes each year' (Home Office 2004e). This represented something of a return to familiar territory for Mr Blunkett. Back in 2001, and only a few days into his new post as Home Secretary he penned an article for the *News of the World*. The article was substantively about one of that newspaper's favourite topics: paedophiles. But the new Home Secretary found space to promise action on 'persistent offenders' and to observe that '[a]round 100,000 offenders commit half of all crime' (Blunkett 2001).

It should be clear from the preceding analysis that nothing in the Offenders Index, even in the version presented in the Annex to *Criminal Justice: The Way Ahead*, justifies such claims. To coin a phrase, ministerial statements on this issue have sexed up the evidence.

It is manifestly incorrect to claim that half of *all* crime is committed by 100,000 offenders or nearly 10% of *all* crime is committed by 5,000 offenders. Moreover the suggestion that such individuals cause the 'most harm to local communities,' are responsible for 'the most crime, disorder and fear' and 'pose the greatest threat to the safety and confidence of their local communities' (Home Office 2004a), is at best highly contentious. At worst it is deeply misleading, and risks skewing crime reduction policy towards targeting those individuals most vulnerable to arrest (because they are already known about) rather than those who might cause

¹ The Home Office minister Paul Goggins confirmed this in an answer to a parliamentary question on March 24 2004 (*Hansard* March 24, 2004. Column 865W). See also Hilary Benn's answer to another written question on October 28, 2002 (Column 640W) and Home Office 2002a, p.13, n.7

the most serious harm or pose the greatest risk.

It also risks a squandering of resources and encouraging a conveyor belt to ever more draconian interventions to ‘support’ certain individuals and punish them if they do not comply. In the words of the *Home Office Strategic Plan*, ‘[o]ffenders will face a stark choice: take advantage of opportunities to address their behaviour or face a quick return to the court and further punishment’ (Home Office 2004c, 34). These objections aside, singling out for special treatment a small group of individuals who pick up a disproportionate number of criminal convictions – known

by the rather Orwellian appellation of the ‘Premium Service’ (Home Office 2002a, 14) – might in principle reduce the rate of their being convicted in the future. It might also have an impact on their rates of offending. In practice such individualised interventions have not had a particularly impressive track record in tackling rates of reconviction.

But in the context of crime rates that are measured in the tens of millions, it stretches credibility to breaking point to claim that it is possible to achieve meaningful reductions in crime by targeting a few thousand of the usual suspects.

Narrowing the justice gap

The government's commitment to 'narrowing the justice gap' (NTJG) is closely related to its work on persistent and prolific offenders. Indeed, targeting persistent and prolific offenders performs a pivotal role in the NTJG strategy, complementing work on targeting particular types of crime such as street crime, and 'tackling weakness in the criminal justice process' to ensure that more cases get to court and result in a guilty verdict (Home Office 2002a, 11).

Like the persistent and prolific offender initiatives, NTJG is a peculiarly confused strategy. This has created political problems for the government; the Conservative opposition exploiting some of NTJG's more obvious weaknesses.² Our interest here lies in unpicking the strategy and examining how it relates to some of the wider confusion surrounding the current role of the criminal justice system.

The analysis which forms the basis for NTJG initiatives is at heart very simple, forming a variant of the criminal justice attrition problem with which we started. Annex A of *Criminal Justice: The Way Ahead*, which examined 'attrition in the Criminal Justice System', provides the starting point (Home Office 2001).

Annex A bases its calculation of attrition on police recorded crime rather than the *BCS*; a significant move as it turns out and one to which we will return. On this analysis 14% of recorded crime in 1999-2000 ended with an individual being cautioned and convicted. Conviction alone was achieved in 9% of cases. Annex A compares this rate of attrition unfavourably with that of 1980, when the figures were 22% and 18% respectively. The authors conclude:

It is clear that the ability of the criminal justice system to detect and sanction offenders has not kept pace with the marked increase in recorded crime. The number of offenders convicted as a proportion of the number of recorded crimes has

halved between 1980... and 1999-[20]00 (Home Office 2001, 114)

Two points are worth making at this stage. First, the analysis presents the question of attrition fundamentally as one of criminal justice performance. Compared with the past, so the argument goes, the system is simply not as good at convicting criminals as it used to be. Second, the question of criminal justice performance becomes here the central issue precisely *because* the authors start with recorded crime rather than the *BCS*. If the authors had instead compared attrition rates using the *BCS* for 1981 and 1999 they would have found an unchanged situation. For both years, the attrition rate for cautions and convictions, and for convictions alone, were around 5% and 3% respectively.

This highlights the fundamentally ideological nature of the exercise contained in Annex A of *Criminal Justice: The Way Ahead*. It presents a version of history, in which the late 1990s criminal justice system represents a decline from the more effective 1980s system. Deciding that the attrition question relates exclusively to criminal justice processes the authors assume the very question they should be asking. For if the criminal justice system formally resolves so little of known *BCS* crime, surely the drive to close the gap between cautions, convictions and police recorded crime is rather beside the point? Indeed should not serious reflection on the attrition rate raise fundamental questions about the role and limitations of criminal justice as a response to crime, and not just process questions of criminal justice performance?

But the ideology underpinning *Criminal Justice: The Way Ahead* is clear from assertions earlier in the text. In response to the rhetorical question, '[w]hy the urgency and the scale of reform?' the authors reply:

Despite our successes to date, crime is still far

² See for example the sharp parliamentary exchanges between the Prime Minister and Michael Howard (*Hansard* September 15, 2004 Cols 1259-60).

higher now than it was 20 or 30 years ago. There are many reasons for this... But one important underlying factor is that the CJS has not been effective enough in dealing with crime or offenders' (*Home Office 2001, 18*).

Criminal Justice: The Way Ahead therefore crystallises the two central preoccupations of the government's recent commitment to narrow the justice gap: improving criminal justice performance and delivering lower crime.

These two preoccupations pop-up again in the *Narrowing the Justice Gap Framework* document launched in October 2002 (Home Office 2002a). Success in narrowing the gap is 'the key measure of the effectiveness of the criminal justice system, and a crucial indicator of success in reducing crime' (*ibid, 3*, emphasis added). NTJG is also important precisely because it reduces crime. 'Bringing more offences to justice is not the only vital task,' the *Framework* argues. 'But narrowing the justice gap is at the heart of much of what the criminal justice system does' (*ibid*). These preoccupations combine into a propagandising concern to demonstrate effectiveness to both victim and offender:

Bringing offenders to justice is the best way of demonstrating to criminals that their crimes will not go unpunished, and to victims that the criminal justice system is acting effectively on their behalf (*ibid, 2*).

Yet most crimes *do* go unpunished by the criminal justice system. Most victims do not achieve redress through the courts. In such circumstances one might ask in whose interest such demonstration and reassurance operates.

The *Framework* goes on to set out the specific nature of the problem and how the government aims to solve it. In 80% of crimes recorded by the police, we read, the offender goes unpunished, a situation the *Framework* describes as 'unacceptable' (*ibid, 7*). Narrowing this gap is 'important'. But attempts to do so also pose a problem:

Narrowing the justice gap means increasing the proportion of crimes which result in an offender being brought to justice. But the way crime is recorded is changing... This is why we are focusing on increasing the number of offences which are brought to justice (*ibid, 8*).

The change referred to is the introduction of the National Crime Recording Standard. Intended to improve consistency in recording practice, its impact has been to increase by some 10% police recorded crime figures. No significant conclusions about 'real' crime rates can be drawn from this purely statistical rise. But it does highlight the difficulty of constructing any meaningful policy intervention to reduce overall crime on the back of police recorded crime figures, which bear only an indirect relationship to true crime rates.

Acknowledging this problem, the *Framework* eschews the proportionality argument it has just proposed in favour of setting a simple numerical target: to 'bring 1.2 million offences to justice in 2005-06' compared with the 1.025 million offences 'brought to justice' in 2001-02. More recently a new target of 1.25 million has been set, to be achieved by 2007-08 (Office of Criminal Justice Reform 2004, 32). And that is about it. Over the course of seven years from 2001-02 to 2007-08 the government intends that an extra 225,000 offences – an average of 32,000 per year – will be successfully 'brought to justice'.

Assuming this target is hit, what might its achievement signify? If police recorded figures were unaffected by recording practices and faithfully mirrored wider crime trends, a strategy based on closing the gap between convictions and recorded crime rates might make sense as a measure of the internal efficiencies of the criminal justice system. The *Framework* itself acknowledges the unrealistic nature of such an assumption. So even if the proportion of offenders successfully 'brought to justice' did increase – for example because police recorded crime

figures fell – this would not in itself signify anything.

What of the simple numerical target? A Home Office analysis published in July 2004 identified the following as being the key drivers affecting success or failure in this area: annual productivity gains by the police and by the criminal justice system as a whole, measured in terms of offenders being identified and successfully prosecuted; the increased use of technology; and fixed penalty notices.

Fixed penalty notices could have a key role to play in hitting the NTJG target. As the authors note:

Fixed penalty notices are shown to increase the absolute number of OBTJs (offenders brought to justice) for two reasons. Firstly, they take less resource to administer than normal charging and hence can be distributed for less resource investment. Secondly, acceptance of the penalty and reductions in trials at magistrates' courts leads to a higher clear up rate for each offence (Home Office 2004d, 9).

Coincidentally the Home Office published in September 2004 an analysis of a 12-month scheme piloting penalty notices for disorder (PNDs) in four police areas. The findings offer some interesting insights (Halligan-Davis and Spicer 2004).

Over the course of the year 6,043 penalty notices were issued. More than 90% of these were for just two offences: 'causing harassment, alarm or distress' and 'disorderly behaviour while drunk.' This fits closely with two of the government's preoccupations: anti-social behaviour and 'drunken yobs'.

This volume of penalty notices was achieved in only four police areas, and on a pilot basis. Rolled out nationally, and expanded to cover a wider range of offences, the routine imposition of fixed penalty notices could become a regular feature of modern policing.

An aggressive penalty notice drive might

therefore enable the government to move forward with some comfort towards its target of an extra 225,000 offences being 'brought to justice'. And aggressive it could be. As one police officer said:

I think we need to go out each night and hit these people with PNDs over and over. Eventually they will have mounting debts and court orders hanging over them and maybe then they might treat these offences more seriously and realise that they could go to prison in the end if they don't stop their offending behaviour. (Halligan-Davis and Spicer 2004)

Far from 'bringing to justice' more efficiently those offenders already 'in the system', a penalty notice drive risks drawing into the criminal justice system those who previously would not have been targeted. As the authors observe:

The larger number of PNDs indicates a net widening to recipients who would not otherwise have been dealt with by caution or prosecution. The figures for the two areas suggest that between a half and three-quarters of PNDs issued for disorderly behaviour while drunk and causing harassment, alarm or distress were 'new business.'

Ominously, they conclude their analysis by pointing out that '[t]he scheme was rolled out nationally with effect from 1 April 2004 and already some forces have issued large numbers in the first months.'

But if the government's target is potentially achievable, will it deliver measurable crime reductions? The Home Office estimates that successfully achieving the NTJG target will deliver a 5% reduction in *BCS* crime between 2002-03 and 2007-08 (Home Office 2004d, 2). This equates to just under 616,000 offences and represents one third of the 1.8 million or so offences the government would like cut by 2007-08 to hit its pledge to reduce *BCS* crime by 15%.

In the five years from 1997 to 2002/03 *BCS* crime fell by some 5 million (Dodd *et al* 2004). A further 1.8 million fall in the

next six years would represent a significant slow down on recent trends. This does not mean it will be achieved. The Home Office also anticipates upward pressures on *BCS* crime rates as a result of an anticipated economic slowdown later in the decade (Home Office 2004d, 7). But the government has arguably set its sights quite low. The 2003/04 *BCS* registered a 5% fall compared with 2002/03, meaning the government is currently ahead of trend on their overall crime target (Dodd *et al* 2004).

Ascribing such a fall to one or other policy initiative raises a different set of complications. Crime is such a complex collection of behaviours, with such a variety of

possible causes, that to invest any one policy initiative with such implied efficacy is arguably naïve. The causes of the drop in *BCS* crime since 1995 continue to provoke much debate. Anticipating in advance the impact of one rather limited intervention might strike some as rather obtuse.

Finally, as the preceding discussion has attempted to show, the criminal justice system in all its complexity represents but one, relatively insignificant, factor influencing overall levels of crime in society. The *BCS*, though a useful measure of some crimes, only covers a small part of total crime.

Conclusion and implications

This paper has scrutinised three organising propositions of current crime policy, along with some of the key policy interventions that they inform. First it examined the proposition that crime levels have been in decline since the mid-1990s. While a plausible claim in relation to some types of crime, the paper highlighted how the standard measures omitted far more crime than they included. As a result, the use of such figures as a basis for claims about crime as a whole stretched credibility.

The paper next argued that the second proposition – that a significant amount of crime was committed by a disproportionate number of persistent and/or prolific offenders – derives from an ideological slippage. Administrative data relating to criminal convictions are presented as meaningful information about offending in general. The paper argued that this dubious process risked justifying heavy-handed treatment of the ‘usual suspects’ and distracting attention from offences causing the most harm and damage.

Finally, the paper examined the present government’s ‘narrowing the justice gap’ initiative in order to critique the proposition that the criminal justice system has a crucial role to play in tackling crime. It suggested that the initiative was based on a misunderstanding of the nature of criminal justice ‘attrition’, leading to the erroneous conclusion that tackling attrition was a feasible and desirable policy objective.

The final section of this paper considers some of the questions resulting from these conclusions.

UNDERSTANDING CRIME

Politicians and policy makers regularly refer to crime as if it were a clear and measurable category of behaviours and actions. The paper has identified reasons for believing this not to be case. A number of questions follow.

- By asking members of the public about their personal experience of victimisation by certain crimes, the *BCS* represented a significant and important advance on police recorded crime figures. The *BCS* remains a valuable resource for understanding some forms of crime affecting some groups in society. But it is open to question whether it offers a solid foundation for politicians’ statements about crime as a whole. The analysis above identifies some of the major gaps in our knowledge about total crime, as well as possible sources for filling these gaps. More than 20 years on from the first *BCS*, is it now time to develop a more comprehensive picture of crime in all its variety in order to inform policy and debate?

- Focusing on crime in aggregate terms, however, can obscure as much as it elucidates. Domestic violence and sexual offences, for instance, appear to be systematically underreported by most conventional measures. Many types of crime are also significant by their difference from each other, rather than their similarity. The systematic misselling of pensions is a very different category of offending than repeat burglary, for instance. As well as developing more complete and sophisticated measures for crime as a whole, is it now time to develop a clearer picture of different types of crime, their causes and contexts? Is it time to start debating *crimes*, and not just *crime*?

- Getting a better sense of the total amount of crime of itself tells us little about the variable impact of different types of crime. A prolific car thief might blight the lives of tens or hundreds of people. The misselling of endowment policies has blighted the lives of many thousands. A child’s graffiti might cause an unsightly mess. A factory knowingly polluting the environment might damage the health of tens of thousands of people. Is it time to develop ways to quantify the variable harm caused by various forms of criminality, rather than content ourselves with simply knowing the raw numbers?

UNDERSTANDING OFFENDING

The current focus on the actions of a small number of seemingly visible offenders is not wholly unjustified. The activities of a prolific burglar will have a more immediate impact on a neighbourhood than a driver who regularly breaks the speed limit in a suburban street. But the latter might more likely cause a child's death than the former. An individual who assaults a stranger in the street is more likely to pick up a conviction than one who routinely beats his wife in the comfort of the family living room.

- Much of our information about individuals who offend is gathered indirectly from conviction records. Analysis of this data tells us much about who picks up convictions for offences that are prioritised by the criminal justice system. It tells us very little about who commits crime in a broader sense. References to persistent or prolific offenders obscures far more than it elucidates. Is it time to start talking about persistent or prolific convictees rather than offenders? This would go some way to clarifying the source of such analysis, and the status of the claims made.

- If crime is far more widespread and differentiated than official measures such as the *BCS* identify, this implies that offending too is likely to be far more widespread than the reassuring myths of

persistent offenders would suggest. If much offending currently goes unidentified or unaddressed, can we be confident that the current focus on a certain subgroup of offenders is correct? Should politicians and other opinion formers rethink their understanding of offenders and offending?

BEYOND CRIMINAL JUSTICE

Criminal justice attrition raises important questions about the role and limitations of the criminal justice system. It also challenges the current preoccupation with narrowing the justice gap.

- If the criminal justice system formally resolves so little crime, in what sense can it be said to reduce crime? Are there reasons why it prioritises some forms of criminality over others? If so, what are they? What do they tell us about the role of the criminal justice system in contemporary society?

- Politicians and criminal justice practitioners have invested much time and energy in improving public confidence in the criminal justice system. But if it has only a bit part to play in reducing crime, what kind of confidence is being promoted? Is public confidence and democratic debate best served by promoting dubious claims about criminal justice, or rather by engendering a debate about its role and limitations?

REFERENCES

- Barclay, G C., and Tavares, C. (1999) *Digest 4: Information on the Criminal Justice System in England and Wales*. London: Home Office.
- Blair, T. (2004a) Speech on crime reduction. March 30.
- Blair, T. (2004b) Speech on the launch of the five-year strategy for crime. July 19.
- Blunkett, D. (2001) 'We must tackle the paedophile issue... it is a priority.' *News of the World*, June 10.
- Bolling, K., Clemens, S., Grant, C., and Smith, P. (2003) *2002-03 British Crime Survey (England and Wales): Technical Report Volume 1*. London: Home Office.
- Brand, S., and Price, R. (2000) 'The economic and social costs of crime.' *Home Office Research Study 217*. London: Home Office.
- Dodd, T., Nicholas, S., Povey, D., and Walker, A. (2004) 'Crime in England and Wales 2003/04.' *Home Office Statistical Bulletin 10/04*. London: Home Office.
- Green, D G. (2004) *Do the official crime figures tell the full story? 2003/04: Crimes omitted from the British Crime Survey*. Background Briefing. Civitas. www.civitas.org.uk/data/crimeFigures2003-04.php. Downloaded September 18, 2004.
- Grice, A. (2004) 'Blair plans six safety and security bills.' *The Independent*, July 29.
- Halligan-Davies, G., and Spicer, K. (2004) Piloting "on the spot penalties" for disorder: final results from a one-year pilot. *Home Office Findings 257*. London: Home Office.
- Home Office (2001) *Criminal Justice: The Way Ahead*. Cm 5074. London: Home Office.
- Home Office (2002a) *Narrowing the Justice Gap: Framework*. London: Home Office.
- Home Office (2002b) 'Clamping down on persistent offenders.' Home Office Press Release CJS 005/02. October 17.
- Home Office (2003a) *Criminal Statistics England and Wales 2002*. Cm 6054. London: Home Office.
- Home Office (2003b) *Criminal Statistics England and Wales 2002. Supplementary Tables Volume 1: Proceedings in Magistrates' Courts*. Internet only. www.homeoffice.gov.uk/rds/crimstats02.html#vol1. Downloaded September 19, 2004.
- Home Office (2003c) *Criminal Statistics England and Wales 2002. Supplementary Tables Volume 2: Proceedings in the Crown Court*. Internet only. www.homeoffice.gov.uk/rds/crimstats02.html#vol2. Downloaded September 19, 2004.
- Home Office (2004a) 'Government to target 5,000 offenders causing most harm to local communities.' Home Office Press Release 141/2004. March 30.
- Home Office (2004b) *Home Office Counting Rules for Recorded Crime: General Rules*. April. www.homeoffice.gov.uk/rds/pdfs2/countgeneral04.pdf. Downloaded September 23, 2004.
- Home Office (2004c) *Confident Communities in a Secure Britain: The Home Office Strategic Plan 2004-08*. Cm 6287. London: Home Office.
- Home Office (2004d) *Modelling Crime Reduction for the Home Office's Strategic Plan*. Home Office Online Report 38/04. London: Home Office.
- Home Office (2004e) 'Cutting crime and making communities safer.' Home Office Press Release 282/2004. September 7.
- Howard, M. (2004) 'Restoring respect – cutting crime.' Speech in Middlesbrough, August 10.
- Johnston, P. (2004) 'Labour's criminal record exposed.' *The Daily Telegraph*, July 20.
- Mooney, J. (2000) *Gender, Violence and the Social Order*. Basingstoke; MacMillan Press.
- Office for Criminal Justice Reform (2004) *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004-08*. Cm 6288. London: OGCJ.
- Prime, J., White, S., Liriano, S., and Patel, K. (2001) 'Criminal careers of those born between 1953 and 1978.' *Home Office Statistical Bulletin 4/01*. London: Home Office.
- Soothill, K., Ackerley, E., Frances, B. (2003) 'The persistent offenders debate: a focus on temporal changes.' *Criminal Justice Vol 3(4)* 389-412.
- Straw, J. (2001) 'Next steps in criminal justice reform' Speech to the Social Market Foundation. 31 January 2001.
- Walby, S., and Allen, J. (2004) 'Domestic violence, sexual assault and stalking: findings from the British Crime Survey.' *Home Office Research Study 276*. London: Home Office.
- Wiener, M.J. (1990) *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*. Cambridge, Cambridge University Press.

‘the most authoritative and far reaching analysis ever of
official crime figures’ *The Observer*

Crime and Society Foundation
26-29 Drury Lane
London WC2B 5RL

Tel 020 7848 1685
Fax 020 7848 1686
info@crimeandsociety.org.uk
www.crimeandsociety.org.uk

£10.00