A new era of falling prison numbers? Don't you believe it

Government is likely to miss opportunities to scale back criminal justice, argues **Richard Garside.**

First came a speech to the Centre for Crime and Justice Studies in late June 2010. During which Ken Clarke, the new Lord Chancellor, told his audience that he was 'amazed' that the prison population was nearly double what it had been when he was Home Secretary in the early 1990s. 'This is quite an astonishing number,' he observed, 'which I would have dismissed as an impossible and ridiculous prediction if it had been put to me as a forecast in 1992.'

Then a couple of weeks later another speech; this time to judges. Mr Clarke said that there was no 'direct correlation' between prison numbers and crime rates. The fall in the official crime rate in the 1990s - as measured by the British Crime Survey (BCS) - was, he argued, down to his policies as chancellor.

A similar tone was set by the prisons minister, Crispin Blunt, in a speech to Nacro in July. The prison population, he said, was a 'national disgrace'; a mark of policy failure. The government, he argued, was committed to an evidence-based approach when it came to prisons policy.

This is the kind of language that was rarely heard during Labour's long period of office. It has given reformists cause for optimism that far reaching reform under the Conservative Liberal coalition is possible. Given the major budget challenges the coalition faces many believe that it faces little other option than to scale back the criminal justice state built up by Labour.

The challenge is partly ideological. One of the central claims by the Labour government, particularly in the latter stages of their long period in office, was that the high prison population had delivered a dramatically reduced crime rate. This corresponded to the common sense belief that prison is a place full of bad people who would otherwise be committing crime.

The evidence also gives some credence for such a view. Between 1993 and 2010 the prison population in England and Wales nearly doubled, from some 44,500 to around 85,000. Crime measured by the BCS fell from 18.5m offences in 1993 to 10.7m by 2008-2009. Put another way, BCS crime fell by just under a half in England and Wales at the same time as the prison population grew by nearly a half. The United States showed similar trends of falling official crime rates and burgeoning prison populations.

Yet statistics are never clear cut. Prison numbers in England and Wales doubled between 1951 and 1971, for instance, while police-recorded crime trebled. Recorded crime trebled again between 1971 and 1991, while prison numbers remained largely unchanged.

In the US, too, the picture is mixed. The New York jail population plummeted during the 1990s at the same time as homicide rates were falling. Idaho dramatically increased its prison population during the 1990s and saw its crime rates rise. The prison population in Massachusetts changed hardly at all, yet its crime rate fell by a third.

A coalition agenda aimed at decarceration, rather than ongoing prison growth, could in addition point to a confidential Strategy Unit report, leaked to the Sunday Times in 2006. It argued that "80% of [the] recent decrease in crime [is] due to economic factors".

The other, in some ways far more pressing, matter is a financial one. Criminal justice expenditure soared under Labour. In 2007-2008, according to Treasury figures, the UK spent £31.4bn on public order and safety. The biggest spending departments were the Home Office and the Ministry of Justice (£15.5 and £9bn respectively), followed by the Department for Communities and Local Government (£2.5 bn); the Scottish Office (£2.2bn) and the Northern Ireland Office (£1bn). Other departments spending smaller amounts were Children, Schools and Families, Transport, the Law Officers' Department, the Welsh Office and the Northern Ireland Executive.

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This is big money by any standards and a big increase on earlier times. Adjusted for inflation spending on public order and safety has doubled over the past twenty years. Margaret Thatcher's government was 'only' spending an inflation adjusted £15.6bn on public order and safety in 1987-1988, a figure that rose to £21.1bn in 1996-1997, the eve of Labour's long period in office.

It is not difficult to see where a lot of this money has gone. Take the police for instance. In 1998 there were just shy of 125,000 police officers in England and Wales.

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Police numbers dropped during Labour's first term as budgets were squeezed. But from 2001 the financial spigot was opened and the money gushed out. As a recent report from the Centre for Crime and Justice Studies points out, in the ten years between 1999 and 2009 police budgets rose, in real terms, by nearly 50 percent. By 2009 the overall police budget was £14.5bn. Police numbers correspondingly increased to close to 142,000 police officers in that year.

The story is similar for the prison and probation services. Both have witnessed large budget rises under Labour, with a corresponding rise in staffing, prisoners and individuals under probation supervision. At a time of supposedly falling crime rates prison numbers are at a record high. The probation service caseload has grown even faster. This bloated criminal justice bureaucracy is a key part of the legacy the Tory-Lib Dem coalition has inherited from Labour.

That is not to say that criminal justice staff are kicking their heels in happy indolence, the lucky beneficiaries of government largesse. The demands on front-line staff time, if anything, are greater now than they were back in the late 1990s. Some of the extra spending has been squandered on wasteful reorganisation after reorganisation, ill-thought-out and expensive IT projects and other 'innovations'. Managerial grades have also grown in some areas, often with little obvious rationale. And now David Cameron's coalition needs to find big savings on public spending.

On the face of it criminal justice should be one of the easier targets for public spending cuts. Politically the public will feel cuts in schools or hospitals, social security or public transport much more than they will cuts to criminal justice budgets.

Today's sizeable criminal justice system is also something of an historical anomaly. At more than 85,000 inmates, the prison population in England and Wales is close to double what it was twenty years earlier. The previous Conservative governments managed to get by locking up far fewer people than New Labour felt it necessary to do. There are around 20,000 more police officers now than when the previous Conservative government left office in 1997. But to what effect? Labour claimed in office that record police numbers and prison numbers were behind the falling crime rates. But in truth there is no clear link between levels of crime and particular criminal justice processes and metrics. Indeed it is quite conceivable that the official crime rate would have fallen during Labour's period in office regardless of their various criminal justice reforms.

Yet you only have to state the case for big cuts in police numbers or a halving of the prison population to realise how remote such a prospect currently is. For one thing individuals' livelihoods are at stake. The Westminster policy wonks who blithely call for 'efficiency savings' here and spending cuts there tend to forget that they are calling for people to be put out of work. And while this is inherent in any discussion over cuts, one should reflect carefully before advocating big cuts too enthusiastically.

The nature and size of penal regimes is also closely related to the political economic arrangements of any given society. The United Kingdom has developed a large criminal justice system, in other words, because it is so bad at addressing social distress and dysfunction in other, more inclusive, ways.

But more importantly, public order and safety expenditure is not, fundamentally, about tackling 'crime', at least not in the abstract sense of that proposition. If, as Max Weber argued, the state claims a monopoly on the legitimate use of violence in the enforcement of order, the criminal justice process is the embodiment of that claim. Particularly at a time of economic distress, the maintenance of social order becomes a dominant concern for government. The nature and size of penal regimes is also closely related to the political economic arrangements of any given society. The United Kingdom has developed a large criminal justice system, in other words, because it is so bad at addressing social distress and dysfunction in other, more inclusive, ways.

In short, the current economic crisis does offer a great opportunity for radical reductions in public order and safety expenditure. But it is likely to be one that the new government will miss. ■

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CCJS: Criminal Justice Spending Briefs 1999-2009

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