

Assessing the 2017 General Election Manifestos

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Introduction

This *UK Justice Policy Review Focus* assesses the 2017 General Election manifesto proposals on crime and justice by the three main UK-wide parties: the Conservatives, Labour and the Liberal Democrats. Responsibility for crime and justice is a devolved matter in the case of Scotland and Northern Ireland. The manifesto commitments assessed here therefore relate only to the combined jurisdiction of England and Wales.

What is in the manifestos?

The three manifestos propose more than 100 individual crime and justice-related policies between them, covering institutions (including the police, prisons, courts, and probation), processes (such as sentencing, youth justice, public inquiries) and thematic areas (for example, violence against women, mental health, drugs and alcohol).

In some areas there is a broad consensus. All three manifestos, for instance, variously propose to ‘transform prisons into places of rehabilitation, recovery, learning and work’ (Liberal Democrats), make prisons ‘places of reform and rehabilitation’ (Conservatives), and ‘insist on personal rehabilitation plans for all prisoners’ (Labour). Given the years of failure, by different governments, to make prisons places of reform, such proposals are little short of pieties.

Numerous policies to tackle violence against women and girls, and to support victims of crime, are also proposed by all three manifestos.

On other matters, there are notable differences. Labour is committed to a review of the privatised probation service. Neither the Conservatives nor the Liberal Democrats – who pushed through probation privatisation while in coalition government – make a single reference to probation. The Liberal Democrats are alone in proposing a ‘legal, regulated market for cannabis’ and an end to imprisonment for the possession of illegal drugs for personal use. The Conservatives propose specific community punishments for women. The Liberal Democrats, a ‘Women’s Justice Board... to meet the special needs of women offenders’. The Labour manifesto makes no mention of criminalised women. The Conservatives and Labour plan to retain Police and Crime Commissioners. The Liberal Democrats propose replacing them with police boards made up of local councillors.

Assessing the manifestos

Some helpful comparisons of the full array of contrasting and complementary manifesto proposals are already available.¹ This *Focus* report takes a different approach. It uses three criteria to assess some of the main manifesto pledges. The three criteria are:

¹ See, for instance the useful summary by Crest: <http://crestadvisory.com/crest-election-manifesto-round-up/>

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- 1. Purpose.** Does the proposed policy have a clear goal in mind?
- 2. Evidence.** Is there evidence to support the proposed policy?
- 3. Desirability.** Are there grounds for believing that

the proposed policy will be beneficial?

The manifesto pledges assessed in this *Focus* have been chosen for their status as representative examples of four important crime and justice policy challenges. These policy challenges, and the representative manifesto pledges, are as follows:

Policy challenge	Manifesto pledge
The role of the police in preventing crime	<ul style="list-style-type: none"> • 10,000 more police officers (Labour) • £300 million a year to increase community policing (Liberal Democrat)
Community punishments in place of imprisonment	<ul style="list-style-type: none"> • Presumption against short prison sentences (Liberal Democrat) • National community sentencing framework (Conservative)
Tackling the crisis in prisons	<ul style="list-style-type: none"> • Ending prison overcrowding (Labour) • Building 10,000 prison places (Conservative)
Criminal justice or health-based approaches	<ul style="list-style-type: none"> • Police and Crime Commissioners on health and wellbeing boards (Conservatives) • Health-based approach to drugs (Liberal Democrats)

To understand the context of these policy challenges and manifesto pledges, this *Focus* starts with a summary of recent trends in criminal justice.

The recent past

The chart on the opposite page provides an at-a-glance view of recent criminal justice trends across three points in time: the 2011/12, 2014/15 and 2015/16 financial years.

To make it as easy as possible to understand the mass of data, we have used a form of pie chart. It represents the magnitude of different data, relative to each other. The chart contains 57 'slices' of data and is divided into four domains:

- **Spending.** The amount spent across the different agencies and fields of operation (e.g. police, legal aid, prosecution).
- **Staffing.** The numbers of people who worked in

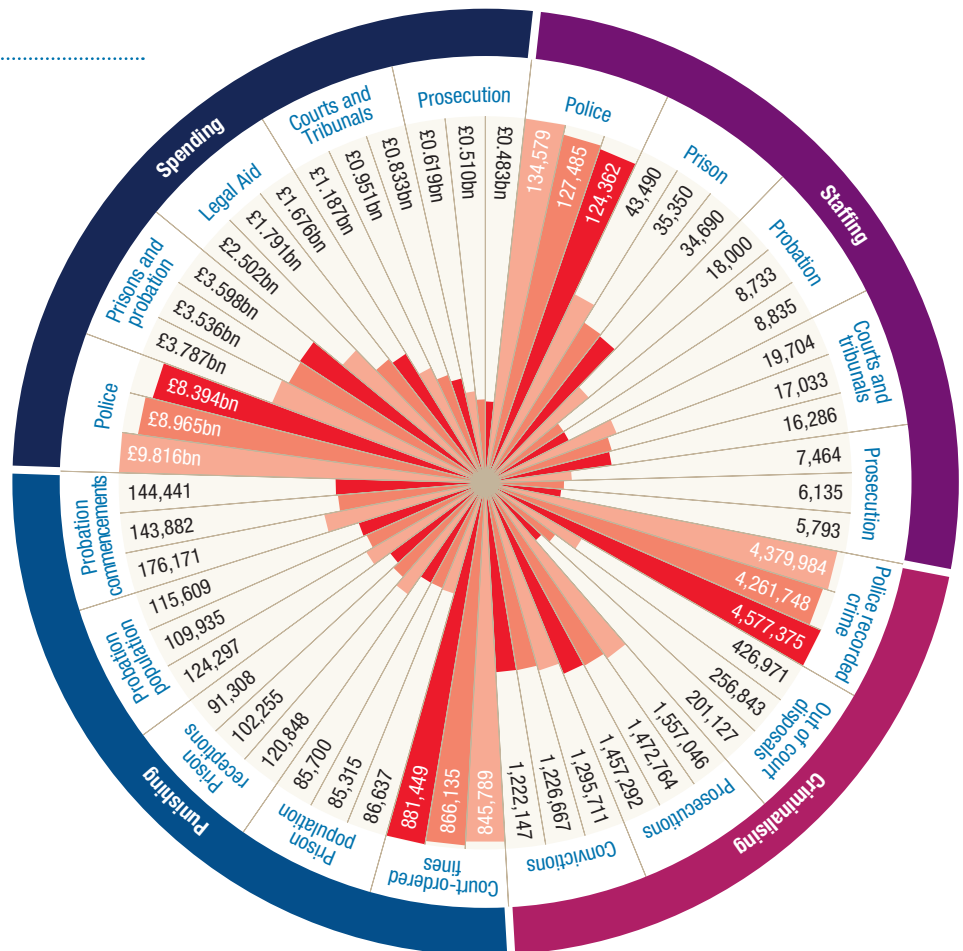
the different agencies and fields of operation.

- **Criminalising.** The criminal justice caseload, from the point of an offence being recorded to the point of conviction.
- **Punishing.** The main outcomes from convictions: fines, community supervision and imprisonment.

Each slice is represented proportional to the other slices in its domain. For instance, the slice representing court ordered fines in 2015/16 (881,449) is around ten times the size of the prison population slice (85,700). The slices are not represented proportionally *across* domains. The slice showing the 4.5 million crime incidents recorded by the police in 2015/16, for example, is correct, relative to the other values in the 'criminalising' domain. But it is not comparable to the 881,449 of court-ordered fines in the 'punishing' domain, despite both being, visually, of a similar size.

England and Wales

- 2011/12
- 2014/15
- 2015/16



Understanding the magnitudes

The spending and staffing domains are dominated by the police share. The £8.394 billion of police spending in the most recent year (2015/16) is more than half the total spending across all the agencies featured. The 124,392 police officers in the most recent year make up some two-thirds of the staff accounted for in the chart.

The criminalising domain highlights the significant gap between the number of offences recorded by the police in the most recent year (nearly 4.6 million) and the much smaller number of prosecutions (under 1.5 million) and convictions (around 1.2 million). This gap has remained stable over the past generation, despite attempts by successive governments to close it. In 1995 the police recorded 4.9 million incidents. There were

1.4 million convictions in the same year. One implication of this is to place in doubt the validity of approaches that seek to drive up conviction rates as a response to given crime problems.

While prison tends to be the court-ordered punishment that rightly attracts most attention, the 91,308 new entries into prison in the most recent year (prison receptions) were dwarfed by the 881,449 fines imposed. There were more probation commencing than new entries to prison, but they too were far fewer than fines imposed.

In summary, the chart shows a system dominated by the police and police activity, where the number of offences recorded by the police are far higher than the number of prosecutions and convictions. Financial penalties, rather than imprisonment or community supervision, are by far the most common punishment.

Understanding the trends

Across the four years the chart covers, the underlying trend was downwards. Spending and staffing levels fell across all the agencies featured in the chart between 2011/12 and 2015/16. Police recorded crime rose slightly, but prosecutions and convictions fell. Court-ordered fines increased marginally across the four years. The number of prison receptions and probation commencements fell, while the numbers in prison (prison population) or on probation (probation population) at any given point of time remained stable.

The police have, in recent years, proven highly effective in lobbying against spending and staffing cuts. While the chart does show police spending and police officer numbers have fallen, it also shows that, proportionately, they have fallen less than most other criminal justice agencies. Thus, while police spending made up 55 per cent of all the spending listed in the chart in 2011/12, in 2015/16 it made up 56 per cent. Moreover, while police spending and officer numbers fell in the four years between 2011/12 and 2015/16, this was against the background of long-term rises. In the decade leading up to the 2010 General Election, police officer numbers grew from some 120,000 to over 140,000, while police budgets grew, in real terms, by 50 per cent. Even with recent falls, England and Wales still has more police officers than it did a generation ago.

The role of the police in preventing crime

All three manifestos stress the importance of the police in preventing crime and victimisation. The Conservative manifesto pledges to 'help Britain's world-leading police forces... to fight crime, protect the public and provide security for businesses'. It also proposes to 'widen the role of police and crime commissioners to help them cut crime'. Labour and the Liberal Democrats link the recent falls in police officer numbers to rises in recorded crime. Labour claims that recent cuts

in officer numbers 'endanger communities and endanger police officers'. It commits to working with the police 'to ensure our communities are safer', and with Police and Crime Commissioners 'on strategies to prevent crime'. The Liberal Democrats pledge to 'increase community policing... to reverse the increase in violent crime'.

This reasoning is behind the following proposals by Labour and the Liberal Democrats to increase police numbers:

- Labour: 'Labour will recruit 10,000 more police officers to work on community beats, equivalent to at least one more for every neighbourhood in the country'.
- Liberal Democrats: 'Increase community policing in England and Wales by giving an additional £300 million a year to local police forces to reverse the increase in violent crime, boost community confidence and increase the flow of community intelligence'.

Purpose

Both parties link the recent falls in police officer numbers to rising crime levels and propose that increasing police officer numbers will result in a fall in crime. Claims over rises or falls in crime are notoriously complex and it is not necessary to unpack them here. Given that Labour and the Liberal Democrats intend to recruit more police officers in order to cut crime, it is enough to take this proposition at face value.

Evidence

A Home Office report published in 1984 – *Crime and Police Effectiveness*, by Ron Clarke and Mike Hough – found 'little evidence that increasing the number or frequency of foot patrols actually reduces crime'. Crime levels might increase, the authors argued, 'when patrols are completely removed... but provided that there is *some* police presence, the *amount* of patrolling makes little difference to crime'. They went on to offer the following formulation:

...given present burglary rates and evenly distributed patrol coverage, a patrolling policeman (sic) in London could expect to pass within 100 yards of a burglary in progress roughly once every eight years – but not necessarily catch the burglar or even realise that the crime was taking place.

This formulation has remained influential. In *The Times* in November 2009, the then President of the Association of Chief Police Officers, Sir Hugh Orde, wrote that it was ‘quite scary if people who are claiming to represent communities see the solution simply as more cops on the street while all the evidence shows that if you’re a patrolling officer the chance of coming within half a mile of a burglary is about once every 150 years’.

A 2011 evidence review, written by Ben Bradford for the Inspectorate of Constabulary – *Police Numbers and Crime Rates* – found some evidence of an association between police officer numbers and property offences. He estimated that ‘a 10 per cent increase in officers will lead to a reduction in crime of around 3 per cent’.

Labour estimates that the annual cost of its additional 10,000 police officers will be £300 million, equal to the Liberal Democrat proposal. The *Crime Survey for England and Wales* estimated that there were 664,000 domestic burglaries in the 12 months to December 2016. Putting these figures together, we might say that an additional 10,000 police, costing £300 million a year, would equate to 20,000 fewer burglaries annually, or £15,000 for each burglary prevented.

Bradford found no significant evidence of a link between police officer numbers and violent crime. It is violent crime reduction that is a key Liberal Democrat argument in favour of more police.

In summary, the evidence in favour of recruiting more police to reduce or prevent crime is weak. The possible benefit of reduced burglary comes at a very high price. Devoting the same resources to policies known to be effective in burglary reduction – improvements to home security for instance – would likely have a bigger effect.

Could the recruitment of more police officers have other benefits beyond crime reduction? In their 1984 research, Clarke and Hough argued that increasing foot patrols ‘may achieve other important objectives in terms of public satisfaction and feelings of security’. The Liberal Democrat also list improving community confidence (so called ‘reassurance policing’) and intelligence gathering among their reasons for more police.

A 2013 Police Foundation report by Jacqui Karn – *Policing and Crime Reduction* – found some evidence that reassurance policing might improve public confidence. But Karn highlighted the ‘implementation difficulties’ in delivering it in a consistent manner. Community engagement and intelligence gathering, she also noted, was highly resource-intensive.

Desirability

Given the lack of strong evidence that more police cut crime, a policy to increase police numbers is not desirable. The case is strengthened when police workloads are assessed. A January 2015 report by the College of Policing – *Estimating demand on the police service* – found that 84 per cent of calls to the police were related to non-crime incidents: notably concerns over an individual’s welfare. This suggests that a key policy challenge is not recruiting more police officers, but using the time of existing officers more effectively. As Theresa May told the Police Federation conference in May 2015, when she was still Home Secretary, police officers were ‘not social workers... mental health nurses, or paramedics’.

This points to a broader challenge, as Will McMahon argues in a comment piece on the Centre for Crime and Justice Studies website in May 2017:

The resourcing of mental health workers and social workers to manage demand presently met by police officers should be a high priority. This would necessarily mean an overall shift in government budgets away from policing and towards the training and employment of social work and mental health professionals. This

approach could lead to a radically downsized and less publicly visible police force, shorn of its social work responsibilities and instead, focusing on the estimated 16 per cent of incoming calls to command and control centres that are actually about law-breaking.

Community punishments in place of imprisonment

The Liberal Democrat and Conservative manifestos both offer pledges that might be interpreted as seeking to control the prison population through a greater use of community sentences. The Liberal Democrat manifesto is explicit on its goal of reducing the prison population: 'There are too many people in prison', it states. Labour states that 'prison should always be a last resort', but makes no reference to community sentences. The Conservative manifesto claims that 'community punishments do not do enough to prevent crime and break the cycle of persistent offending'.

This is the context for two proposals by the Conservatives and the Liberal Democrats:

- Conservatives: 'we will create a national community sentencing framework that punishes offenders and focuses on measures that have a better chance of turning people around and preventing crime, such as curfews and orders that tackle drug and alcohol abuse'.
- Liberal Democrats: 'Introduce a presumption against short prison sentences and increase the use of tough, non-custodial punishments including weekend and evening custody, curfews, community service and GPS tagging'.

Purpose

These proposals have two, seemingly different, purposes. The purpose of the Liberal Democrat presumption against short prison sentences is to tackle the high prison population. By placing those who would otherwise get short prison sentences on 'tough' community punishments,

the argument goes, it might be possible to reduce the prison population. This is in keeping with the comments of the then Lord Chief Justice, Lord Thomas, who told the House of Commons Justice Committee in November 2016 that the prison population was 'very, very high at the moment', and that there was a strong case for 'really tough, and I do mean tough, community penalties'. The Conservative proposal comes at the problem from the other end. A national framework is needed to ensure community sentences work properly, the position appears to be. Success in this, the argument goes, would have the happy consequence of lower rates of recidivism and fewer recidivists going on to prison.

Evidence

A 2015 Centre for Crime and Justice Studies report by Catherine Heard – *Community Sentences since 2000* – summarised some of the recent evidence on the link between community and prison sentences. The Ministry of Justice, she notes, 'identified two main drivers' behind the 66 per cent growth in the England and Wales prison population between 1995 and 2009: 'more people sentenced to immediate custody (as a result of tougher sentencing laws) and more people recalled to prison for breaking release conditions.' She goes on to observe:

An additional but less significant factor identified was the rise in numbers of people imprisoned for breaching noncustodial sentences. The analysis found that since 2000 the average time spent in prison had increased by 14%. There had also been a rapid increase in the number of breach cases resulting in prison, reflecting legislation introduced in 2003 to toughen enforcement of community sanctions and licences.

A 2011 report for the Centre by Helen Mills – *Community Sentences: A solution to penal excess?* – also assessed trends from 1994 to 2009. She argued that 'the growth in the use of community-based sentences' at best 'had a marginal displacement effect on custody'.

The implication is that promoting community

sentences as alternatives to imprisonment is unlikely to have a significant impact on the prison population. This is likely to be the case, even in the context of a national framework intended to bring consistency. The proposal of a national framework is, incidentally, as close as the Conservative manifesto gets to conceding that the probation privatisation it pushed through during the period of coalition government might have been less than successful.

The Liberal Democrat proposal of a presumption against short prison sentences is similar to the presumption against prison sentences of three months or less that has been in operation in Scotland since 2011. If most short prison sentences were instead replaced with a community sentence, the thinking went, it would help to address Scotland's high prison population. The impact was, however, disappointing. Broader changes to sentencing policy, rather than merely adjusting it at the lower end, has been identified as important in containing prison growth.

Desirability

Without wider changes to sentencing policy – for instance by bearing down on the length of longer prison sentences – a presumption against short prison sentences is unlikely to have much impact. Seeking to toughen further community sentences is even less desirable. Experience suggests it will likely feed further prison growth.

Tackling the prison crisis

What is the nature of the current prisons crisis? The Liberal Democrat manifesto offers the clearest articulation. 'There are too many people in prison', it claims. 'Our reoffending rates are terrible and our prisons, many old and squalid, are in crisis – overcrowded and woefully understaffed, with drug abuse, violence, suicide and self-harm endemic'. According to the Labour manifesto, 'prison should always be a last resort – the state's most severe sanction for serious offences'. Furthermore, 'Our

prisons are overcrowded. Staffing levels are too low. The situation is dangerous and violence against prison officers is rising. Riots and disturbances in our prisons are increasing.' The Conservative manifesto asks the reader to 'remember that incarceration is punishment for people who commit serious crimes'.

This concern about the dangerous state of the current prison system, and the inappropriate use of imprisonment, is the context for two policies considered here.

- Labour: 'A Labour government will publish annual reports on prisoner-staff ratios, with a view to maintaining safety and ending overcrowding'.
- Conservatives: 'We will invest over £1 billion to modernise the prison estate, replacing the most dilapidated prisons and creating 10,000 modern prison places'.

Purpose

The purpose of both these policies is clear. The implications differ. The prison population would not fall under the Conservative new-for-old approach, and might in fact rise. Labour's focus on overcrowding, in the absence of any clear plans to build new capacity, or replace existing prisons, has the potential to reduce the prison population.

Evidence

What would it mean for an incoming Labour government to end prison overcrowding? According to the Ministry of Justice April 2017 monthly prison population bulletin, the useable uncrowded prison capacity – 'the good, decent standard of accommodation that the Service aspires to provide all prisoners' – was 75,051. The total prison population was 84,353. An incoming Labour government would meet its pledge if it were to remove 9,302 people from prison, and maintain it at a comparative level going forward.

Working against the achievement of this seemingly modest target would be the systemic inertia of the prison system. Apart from a brief period between 2012 and 2013, when the prison population fell

by some 2,500, the underlying dynamic has been year-on-year growth and systemic overcrowding. A National Audit Office report from 2013 – *Managing the Prison Estate* – found that the prison system had been overcrowded every year since the mid-1990s. This is in good part because governments do not like to commit to additional capacity that might not be used. As the former Prison Service Finance Director, Julian Le Vay, notes in his recent book, *Competition for Prisons*, during the last Labour government, ‘the Treasury disliked the open-ended nature of demand for prison places and was wary of building too much headroom into the system, on the grounds that Home Secretaries would then merely find ways of using it up’. Building new prisons capacity, Le Vay added, felt like ‘laying track just in front of the train’. Little has changed in the intervening years.

Desirability

The average annual prison population rose from 46,233 in 1985 to 50,962 by 1995. In 2005, it stood at 75,979. In 2015, it reached 85,626. During the same period, the number of self-inflicted deaths rose inexorably, from 29 in 1985 to 59, 78 and 90 in 1995, 2005 and 2015 respectively. There are a number of reasons why a reduction in prison overcrowding and the prison population would be desirable. The seeming inability of the state to keep those it imprisons safe is but one, very good one.

Conservative plans for a new-for-old prison building programme, in contrast, are problematic. The prospect of ‘modern’, new facilities to replace dilapidated old buildings has a superficial appeal for some. But it is likely to come at a heavy price of continued high rates of imprisonment and overcrowded conditions.

Criminal justice or health-based approaches?

The manifestos offer contrasting approaches to tackling drug-related harms. For the Liberal Democrats, the ‘war on drugs has been a

catastrophic failure’, in which ‘we needlessly prosecute and imprison thousands of people, blighting their employment and life chances and doing nothing to address the impact of drugs on their health’. The Labour manifesto states that prison ‘should never be a substitute for failing mental health services, or the withdrawal of funding from drug treatment centres’. The Conservatives argue that prisons should provide ‘the help prisoners require to come off drugs’. From these contrasting perspectives come some very different policy proposals:

- Conservatives: ‘We will widen the role of police and crime commissioners... We will ensure that commissioners sit on local health and wellbeing boards, enabling better co-ordination of crime prevention with local drug and alcohol and mental health services’.
- Liberal Democrats: ‘End imprisonment for possession of illegal drugs for personal use, diverting those arrested for possession... into treatment and education... or imposing civil penalties... Move the departmental lead on drugs policy to the Department of Health’.

Purpose

These contrasting policies hold very different implications. The Conservative proposal continues with the *status quo*, seeing drug possession and use as a crime problem. The policy challenge is to ensure a stronger influence for the law and order representatives – the police and crime commissioners – on the drugs, alcohol and mental health services. The Liberal Democrat proposal sees drug usage primarily as a public health, rather than crime, problem, requiring a health-led approach.

Evidence

The Liberal Democrat proposals are similar to the approach to drugs in operation in Portugal since 2001. A recent report by the Royal Society for Public Health, called *Taking a New Line on Drugs*, offers this summary of the Portuguese approach:

'In the years since decriminalisation and reorientation of resources to health promotion and harm reduction:

- New cases of HIV among those who inject drugs have declined dramatically, from 1,016 in 2001 to 56 in 2012.
- Problem drug use has declined in 15-24 year olds.
- Deaths due to drug use have fallen significantly, from 80 in 2001 to 16 in 2012.
- Cases of hepatitis C and B have both fallen in the drug using population.
- Overall levels of drug use are now below the European average.
- Social costs, including both indirect health costs and direct costs associated with the legal system, have fallen by 18%.'

In contrast, an Office of National Statistics bulletin, *Deaths related to drug poisoning in England and Wales*, published in September 2016, revealed that drug poisoning deaths in England and Wales were at their highest recorded level. 'Of these, 2,479 (or 67%) were drug misuse deaths involving illegal drugs only. Rates of HIV transmission and

other drug harms also remain high.

The Royal Society of Public Health report also highlighted the 'strain on the criminal justice system' from having to police and prosecute drug use. And it notes:

Some police forces have already gone so far as to cease actively pursuing cannabis users and small-scale growers. This is recognised by the Office for National Statistics as a reason for the reduction in recorded crime, and by association, cost.

In contrast to this strong evidence base, there is no evidential basis for concluding that increasing the influence of policing interests on health and wellbeing boards will bring benefits.

Desirability

Good policymaking should reduce harm and enhance, rather than undermine, human wellbeing. It is difficult to see how increased police involvement in addressing harmful drug use will be beneficial. There is, on the other hand, significant evidence to indicate that health-led approaches can reduce drug harms and reduce unnecessary demands on criminal justice agencies.

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