

CENTRE FOR CRIME  
AND JUSTICE STUDIES

# Ten years of criminal justice under Labour

## An independent audit

Enver Solomon  
Chris Eades  
Richard Garside  
Max Rutherford

 THE SUNDAY TIMES

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## About the Authors

Enver Solomon is deputy director at the Centre for Crime and Justice Studies (CCJS). Chris Eades is policy and information officer at CCJS and Richard Garside is CCJS's director. Max Rutherford is a freelance researcher.

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Centre for Crime and Justice Studies  
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Tel: 020 7848 1688  
Fax: 020 7848 1689  
[www.kcl.ac.uk/ccjs](http://www.kcl.ac.uk/ccjs)

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# Summary

Labour entered government in 1997 with the intention to be 'tough on crime, tough on the causes of crime'. Since then, spending on the criminal justice system has substantially increased, and a comprehensive reform programme has been pursued, affecting all criminal justice agencies.

But has it worked? This report makes an independent assessment of the government's progress. Success, it argues, has been far more elusive than the government and its supporters often claim.

## Criminal justice spending

After initially abiding by the spending plans of the previous Conservative administration, Labour dramatically increased criminal justice expenditure from 2000 onwards. Spending on law and order rose by the equivalent of half a percentage point of Gross Domestic Product (GDP) between 1999 and 2006 to 2.5 per cent. The United Kingdom now spends proportionately more on law and order than any other country in the OECD, including the United States and major European Union members such as France, Germany and Spain.

In 2007–2008 the criminal justice system will receive £22.7 billion. The largest proportion, nearly two-thirds, is allocated to the police, which benefited from a 21 per cent real terms increase in funding between 1997 and 2005. This has led to an increase in overall police numbers.

Of all the criminal justice agencies, the Probation Service has had the largest real terms increase in spending. In cash terms, spending on probation tripled between 1998–1999 and 2004–2005, the equivalent of a real terms increase of 160 per cent. The extra funding paid for an expansion in the probation workforce and organisational restructuring.

Overall, it is difficult to determine whether or not the increase in criminal justice spending is money well spent, not least because the effects the criminal justice agencies have on fluctuating levels and patterns of crime are very hard to determine. Furthermore, there is no official published measure of criminal justice productivity in England and Wales.

Verdict: There has been major investment, with all the main criminal justice agencies benefiting from significant extra money. However, questions remain over the value for money that the public is getting from this additional spending.

## Labour's record on crime reduction

On the face of it, Labour's record on crime is very good. The official crime rate has fallen by 35 per cent since 1997. Although the downward trend has slowed more recently, the government is more or less on course to hit its target of a 15 per cent reduction in British Crime Survey-measured crime in the five years to 2007–2008.

The government has also met targets to reduce vehicle crime, domestic burglary and crime in the Crime and Disorder Reduction Partnership areas deemed to have particularly high levels. It has, however, failed to meet its target to reduce robbery in particular areas.

On closer inspection, the various successes in reducing crime are not as impressive as they at first appear. In reality, they were relatively straightforward to achieve, having been set on the basis of existing trends continuing regardless of government action.

The target on an overall reduction in BCS crime in fact committed the government to being less successful than it had been in its first term. Given the record criminal justice expenditure under Labour, it is reasonable to ask what exactly Labour has achieved. The crime target also ignores many serious crimes, which undermines the significance of the target being met. The rise in homicides since 1997, for example, raises serious questions about Labour's claims to have improved public safety.

**Verdict:** On paper, nearly all the targets have been met. In reality, Labour's record on its various overall crime reduction targets is at best mixed; at worst, its crime reduction claims are misleading.

### Three priorities: the justice gap, re-offending and anti-social behaviour

#### The justice gap

Labour has sought to ensure that more offences are dealt with by a formal sanction ('narrowing the justice gap') by increasing the number of suspected offences that result in an individual being cautioned, convicted or otherwise sanctioned – known as 'offences brought to justice'.

The government has met its targets in advance of their deadlines. However, the targets have not been met as a result of increases in successful convictions, but through increased cautions, Penalty Notices for Disorder and formal warnings for cannabis possession. As a proportion of the total number of offences brought to justice, successful convictions have actually fallen, from 69 per cent in 2003 to 53 per cent in 2006. Overall despite the drive to narrow the justice gap, there are only three convictions for every 100 estimated crimes.

#### Re-offending

The government has set several targets on re-offending since 1997 that have all have been modified, missed or dropped. This is one of Labour's most conspicuous criminal justice failures. It has also chosen to use reconvictions as a proxy measure of re-offending, resulting in confusion and a lack of clarity over definitions and targets.

#### Anti-social behaviour

Tackling anti-social behaviour (ASB) has become one of the government's top priorities. Currently the target on ASB perception is being met, though this masks significant variation both regionally and demographically. Given the arbitrary and shifting definitions of ASB, it is impossible to offer any firm conclusions of the success of the government in this area.

The use of the Anti-Social Behaviour Order has increased rapidly in recent years but the government has failed to fulfil an early ambition of 5,000 being issued every year. While there has been enthusiasm in some areas, there has been indifference in many parts of the country.

**Verdict:** Labour has in general met its targets on bringing more offences to justice and perceptions of anti-social behaviour. It has not met its targets on reducing re-offending. However, conceptual problems have bedevilled all the targets in the three areas, resulting in confusion and lack of clarity in outcomes and success.

## Three big issues: policing, youth justice and drugs

### Policing

Labour has successfully hit its targets on police numbers as a result of record expenditure. However, this raises questions about the long-term sustainability of current police numbers.

Labour has been less successful in hitting its other targets. Recruitment targets for Police Community Support Officers have been scaled back. The target for the time spent by Police Officers on frontline duties is unlikely to be met, despite significant increases in the numbers of civilian support staff. Progress on increasing black and minority ethnic representation among Police Officers has also been slow, with targets likely to be missed. Performance against targets to disrupt criminal enterprises has been mixed, and with the creation of the Serious Organised Crime Agency these targets have been dropped. There has been success in meeting targets on assets recovery but this amounts to a very small proportion of the amount of money that organised crime is estimated to cost the United Kingdom.

### Youth justice

Court processes have been significantly speeded up, though this is against the background of the creation of a framework that significantly enhanced the chances of hitting the target. Targets on the time taken from arrest to sentence for persistent young offenders have also been met. However, there has been a high level of regional variation. Furthermore, the time from arrest to sentence appears to be rising once again.

Little or no progress has been made against targets to reduce the number of children in custody. In fact, numbers have risen since 2003. Further, the introduction of the Intensive Supervision and Surveillance Programme has not led to the intended reduction in custody numbers, but has had a net-widening impact.

### Drugs

Labour's targets on illegal drugs have been in a confused state of flux, making critical review difficult.

The government is broadly on course to meet its most recent targets for drugs and young people. However, they are easier targets than those set in the 2000 Spending Review, which have been missed.

There has been significant success in increasing the number of people participating in drug treatment programmes, with the most recent target being met two years in advance. But this should be qualified by the fact that the figures only measure those entering treatment, rather than degrees of participation or successful completion. These targets are therefore relatively crude, giving no indication of success in outcomes. A new target relating to successful completions has also been met.

The government's targets on drugs and communities have been most subject to change. Recent targets have concentrated on increasing the number of offenders entering treatment through the criminal justice system. Latest figures show that the numbers are rising, but further substantial increases are required if the target of 1,000 per week by March 2008 is to be met.

The government also aims to reduce the harm caused by illegal drugs, as measured by the Drug Harm Index, by achieving a reduction in the index in the five years to 2007–2008. The most recent figures show that this is being achieved.

**Verdict:** There have been notable successes in increasing the number of Police Officers and in meeting many of the drugs targets, particularly the number of people entering drug

treatment. Targets on speeding up the court process for young offenders were also met. Much of this apparent success is, however, more ambiguous than it first appears. The number of young people in custody has increased, and other policing targets relating to time spent on frontline duties and BME representation have either been missed or have significant question marks hanging over them. There are also questions to be raised about the degree of disconnect between Labour's policies and drugs targets in terms of real levels of drug use, availability and associated harms.

## Conclusion

Overall the results of this audit are mixed. The ambition to overhaul the criminal justice system has certainly been very high. There has been substantial extra investment and major changes are evident. But there has not been a significant step change in outcomes. Claims of success have been overstated and at times have been misleading. Despite a decade of reform, crime and victimisation levels remain high and the proportion of crimes dealt with is extremely low.

Questions remain about whether the government is placing too much emphasis on finding criminal justice solutions to complex social and economic problems. Should the government continue to place such heavy expectations on the criminal justice system or should it be clearer about its limitations? The time is right for the government to take stock and reflect on what the criminal justice agencies can realistically achieve in reducing crime and increasing public safety and on what the appropriate level of resourcing should be.

# Introduction

Law and order is often considered to have been one of Labour's success stories. Significant falls in the official rate of crime and record numbers of police – to highlight two of the government's more obvious legacies – have pleased many of its supporters while discomfiting its opponents.

This report makes an independent assessment of the government's record. It assesses the progress of the criminal justice system in England and Wales since 1997 and considers the extent to which Labour has delivered on the ambitious agenda it set itself.

Making this assessment is not easy. Robust information can be hard to come by; data and statistics can often be contradictory. Many of the more important measures – such as trends in underlying crime levels – tend to be measured over the long term, rather than the course of a four- or five-year parliament. This makes it difficult to be clear about the impact of any one government on crime and public safety.

Most importantly, it is far from clear what impact the criminal justice system has on levels of crime and safety. A recently released report from the Prime Minister's Strategy Unit concluded that 80 per cent of the reduction in the official crime rate since 1997 was the result of economic, not criminal justice, factors.<sup>1</sup> This assessment is in keeping with the assessment of many criminologists, who argue that economic trends, employment levels and relative income inequality, alongside technological developments and broader cultural and social changes, are the main influencers of crime trends. It is therefore far from straightforward to assess the real impact of Labour's criminal justice reforms.

Despite these caveats, the criminal justice system is a key area of public policy that the government controls. It is subject to a range of targets and objectives. We have tried to assess performance against the main targets in order to consider the government's record. To consider progress against every target would be a huge task, so we have identified the most important ones in key areas that are set out in the Public Service Agreements (PSAs) agreed by the Home Office with the Treasury in each spending review. We have also looked at the Labour Party manifestos for 1997, 2001 and 2005, and a range of other official documents and statistics.

The report starts by outlining the main themes behind Labour's criminal justice programme, before going on, in Chapter 2, to look at Labour's criminal justice expenditure. Chapter 3 assesses Labour's overall record on crime levels. Chapter 4 looks at three criminal justice priorities for Labour – bringing more offences to justice, reducing re-offending and tackling anti-social behaviour – and tries to judge what has been achieved in these areas by examining the headline targets and considering what they do and do not tell us. Finally, Chapter 5 considers three big issues – policing, youth justice and drugs – examining the government's record in each of these areas against the main targets.

Inevitably, a report such as this cannot examine every aspect of Labour's enormous range of activity in this area. It does not, for instance, examine the sentencing reforms introduced by Labour, nor the work it has done in relation to witnesses and victims of crime. We have had to be selective, focusing on those aspects that in our judgment have been particularly significant. Notably, we have not examined the relentless rise in the adult prison population under Labour, largely because it has not set explicit targets on this.



Imprisonment has also been the focus of much independent scrutiny.

It is important to note that the main focus of the report is on England and Wales, although some sections of the chapter on spending refer to the United Kingdom as a whole, owing to the way the data is compiled. Scotland and Northern Ireland have separate, distinct criminal justice systems, with their own courts, agencies and legislation. There are some interesting comparisons to be made between the differing approaches but this report has, in general, not sought to make them.

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1. Prime Minister's Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office, p.13.

# Labour's Vision for the Criminal Justice System

In the run-up to the 1997 general election, law and order was a key electoral battleground. Labour had repositioned itself as the party that was 'tough on crime, tough on the causes of crime'.<sup>1</sup> This classic piece of political triangulation – putting distance between both the 'soft on crime' label accusation levelled at 'old' Labour and the 'prison works' formula of the Conservatives – was an important factor in New Labour's rise to power. In power, it has introduced a huge array of crime-related pieces of legislation. According to one recent estimate, between 1997 and 2004, nearly 50 Acts of Parliament were passed relating to crime, disorder, policing, criminal justice and punishment.<sup>2</sup>

Continuities and discontinuities with the previous Conservative administration have marked Labour's period in office. When it gained power in 1997, Labour initially adhered to the Conservative government's spending plans, which limited its ability to shift the direction of criminal justice policy. Meanwhile, tough and punitive policies continued. Within a year Labour had reduced the age of criminal responsibility to ten, one of the lowest in Western Europe. On the politically sensitive issue of prison numbers, Labour presided over a huge increase, attracting accusations that it was engaged in the kind of 'punitive populism' said to have characterised Michael Howard's tenure as Conservative Home Secretary.

Towards the end of its first term in office, however, a more radical vision began to emerge. In February 2001, the Home Office published a ten-year plan for criminal justice, which mapped out what it described as a 'comprehensive overhaul of the criminal justice system to lever up performance in catching, trying, convicting, punishing and rehabilitating offenders'.<sup>3</sup> A 'justice gap' had opened up during the 1980s and 1990s, the document claimed. The criminal justice system had not kept up with rises in crime. Too few of what were dubbed 'persistent offenders' were being caught and convicted. Labour embarked on a series of major reforms, supported by substantial additional investment to create an effective criminal justice system that could 'drive down crime'.<sup>4</sup> In its 2001 general election manifesto, Labour stated: 'We plan the most comprehensive reform of the criminal justice system since the war – to catch, convict, punish and rehabilitate more of the 100,000 persistent offenders.'<sup>5</sup>

Since 2001 a number of further plans have been published. 2004 saw the concurrent publication of two overlapping five year strategies: one for the Home Office and one for the criminal justice system.<sup>6</sup> Following the appointment of John Reid as Home Secretary, a third plan was published in July 2006, with the expressed intention of building a criminal justice system that put the 'law abiding majority at its heart'.<sup>7</sup>

These various overlapping plans and strategies differ in important respects. Those published in 2004 and 2006, for instance, demonstrate a far greater preoccupation with anti-social behaviour than that of 2001.<sup>8</sup> As a result, a degree of confusion at the level of implementation has been inevitable. However, a number of core assumptions about the criminal justice system and its role are apparent.

The first assumption is that crime levels and trends are significantly influenced through the operation of the criminal justice system. In essence, an appropriately resourced and effectively organised criminal justice system will lead to lower levels of crime. This commonsensical assumption has been a key driver behind the government's numerous criminal justice reforms and the record levels of investment. As has been mentioned in the introduction, there are reasons for questioning the belief that the criminal justice system plays a significant role in regulating crime levels. At various points in this report we examine the putative link and assess what the government has achieved in relation to its investment.

The second assumption is that the traditional scope of criminal justice activities needs to widen to address the new forms of crime and crime-like behaviours that are the result of the changed society we live in. The anti-social behaviour and 'Respect' agendas are the obvious result of this concern with crime-like behaviours. Innovations, such as the introduction of Penalty Notices for Disorder and other forms of so-called 'summary justice', are also relevant here as is the creation of the Serious Organised Crime Agency (SOCA). We examine these policies in Chapters 4 and 5.

The third, and final, assumption is that the effective management of crime requires the various criminal justice agencies to expand into areas of policy not traditionally considered part of their remit. Thus the criminal justice process increasingly operates as an assertive outreach programme for problem drug-users. The development of the youth offending teams has drawn youth work into much closer alignment with mainstream criminal justice interventions. These and related themes are examined at various points in this report.

Underlying all of this has been a strong commitment by Labour to use the criminal justice system to instil a new sense of order in society. The Conservatives, the 1997 Labour Party manifesto claimed, have forgotten 'the order part of law and order'<sup>9</sup>. Labour came into power determined to put this right. As this report demonstrates, success in this area has been far more elusive and inconclusive than the government and its supporters often claim.

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1. Labour Party (1997), *Labour Party Election Manifesto: New Labour Because Britain Deserves Better*, London: Labour Party.

2. Loader, I. (2006), 'Fall of the platonic guardians: liberalism, criminology and political responses to crime in England and Wales', *British Journal of Criminology* 46/4, pp.561–586.

3. Home Office (2001), *Criminal Justice: The Way Ahead*, London: Home Office, p.7.

4. *Ibid*, p.20.

5. Labour Party (2001), *Labour Party Manifesto: Ambitions for Britain*, London: Labour Party.

6. Home Office (2004), *Confident Communities in a Secure Britain: The Home Office Strategic Plan 2004–08*. London: Home Office; Office for Criminal Justice Reform (2004), *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004–08*, London: Stationery Office.

7. Home Office (2006), *Rebalancing the Criminal Justice System in Favour of the Law-abiding Majority: Cutting Crime, Reducing Re-offending and Protecting the Public*, London: Home Office, p.2.

8. 'Anti-social behaviour' is mentioned 36 times in the 2006 plan, 21 times in the 2004 Criminal Justice System plan and 129 times in the 2004 Home Office plan. The 2001 plan makes only five, largely incidental, references to it.

9. Labour Party (1997), *Labour Party Election Manifesto: New Labour Because Britain Deserves Better*, London: Labour Party.

# Criminal Justice Spending

Government expenditure on the criminal justice system is substantial and has grown significantly in recent decades.<sup>1</sup> Real terms UK spending on criminal justice increased on average by 4.1 per cent per annum between 1979 and 1997. Indeed, criminal justice was the fastest growing area of public expenditure under the combined Thatcher and Major administrations.<sup>2</sup> Labour has continued the expenditure trend set by the Conservatives and exceeded it, although other areas – in particular, health – have also seen significant expenditure increases. In 2007–2008 the criminal justice system will receive £22.7 billion – over a third more than it received ten years ago.<sup>3</sup> Overall, since 1997 each year’s total spending on criminal justice in the UK adds up to around £187 billion.

## Recent expenditure trends

**Figure 1:** Percentage change in real terms expenditure on ‘public order and safety’ in UK, 1979–2005, plus projection Source: Emmerson, C. and Frayne, C. (2005), *Public Spending, Election Briefing 2005*, London: IFS, Table 1, p.7.

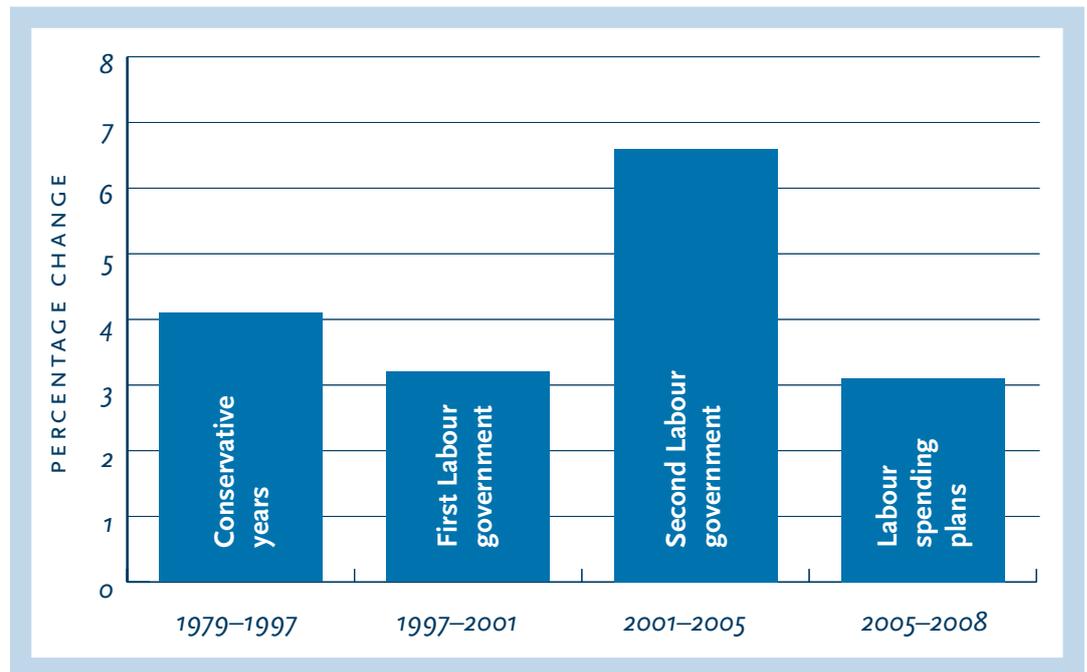


Figure 1 shows that spending on law and order in the first Labour parliament between 1997 and 2001 was lower than in the previous Conservative administrations. This reflects the fact that government expenditure was lower during Labour’s first term because of its commitment to abide by the spending plans of the previous Conservative administration. There were also significant underspends by government departments in 1999–2000. Nevertheless it is worth noting that, during Labour’s first term, the average annual real terms UK-wide increase in spending on law and order – some 3.2 per cent – was far higher than every other area of government spending apart from health.<sup>4</sup>

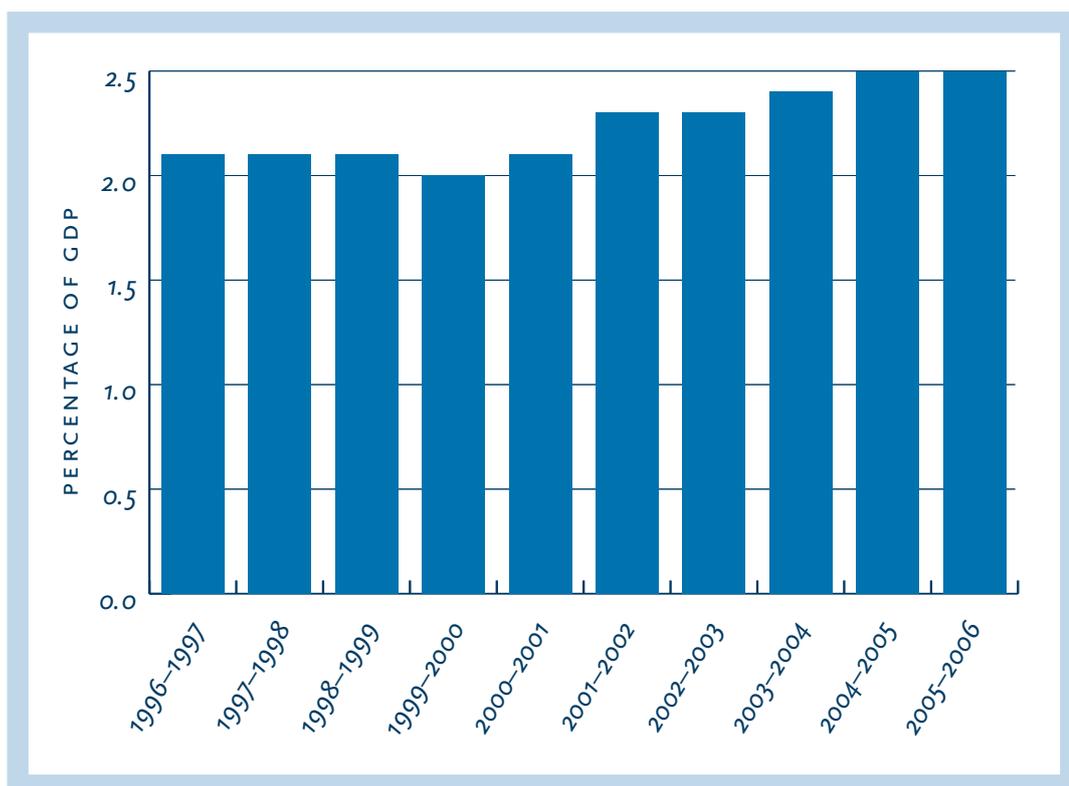
Labour began to significantly increase expenditure on criminal justice from 2000. That year's spending review provided what was claimed to be 'the biggest injection of new resources for the criminal justice system in 20 years, an extra £1.4 billion in 2001–2002 rising to £2.7 billion in 2003–2004'.<sup>5</sup> The large part of this extra money was for the 43 police forces in England and Wales, which received an average annual real terms increase in spending of just under 4 per cent (making an extra £1.6 billion available in cash for 2000–2001 and in subsequent years to 2003–2004).<sup>6</sup> Extra resources were also provided for the Probation Service, which received a 31 per cent increase in funding for extra staff and for the creation of the new National Probation Service. Additional funds were also given to the Prison Service for more prison places and to the Crown Prosecution Service for extra staff and for the Crown Courts.<sup>7</sup>

This commitment to increase spending across the criminal justice system was extended in 2002 when the Treasury announced that further increases would be made over three years until 2005–2006, amounting to an average annual real growth of 5 per cent.<sup>8</sup> Most recently, the 2004 Spending Review promised an additional £3.5 billion by 2007–2008 to the criminal justice system, continuing the increase in spending since 2000.<sup>9</sup>

Overall, between 1997 and 2005, there was a 5 per cent average annual real terms increase in spending on law and order.<sup>10</sup> Only health and transport had higher increases. However, as Figure 1 shows, by far the highest increase in real terms expenditure was during Labour's second term in office. Since 2005 spending has been more modest falling back to the same levels as in the period of the first Labour government.

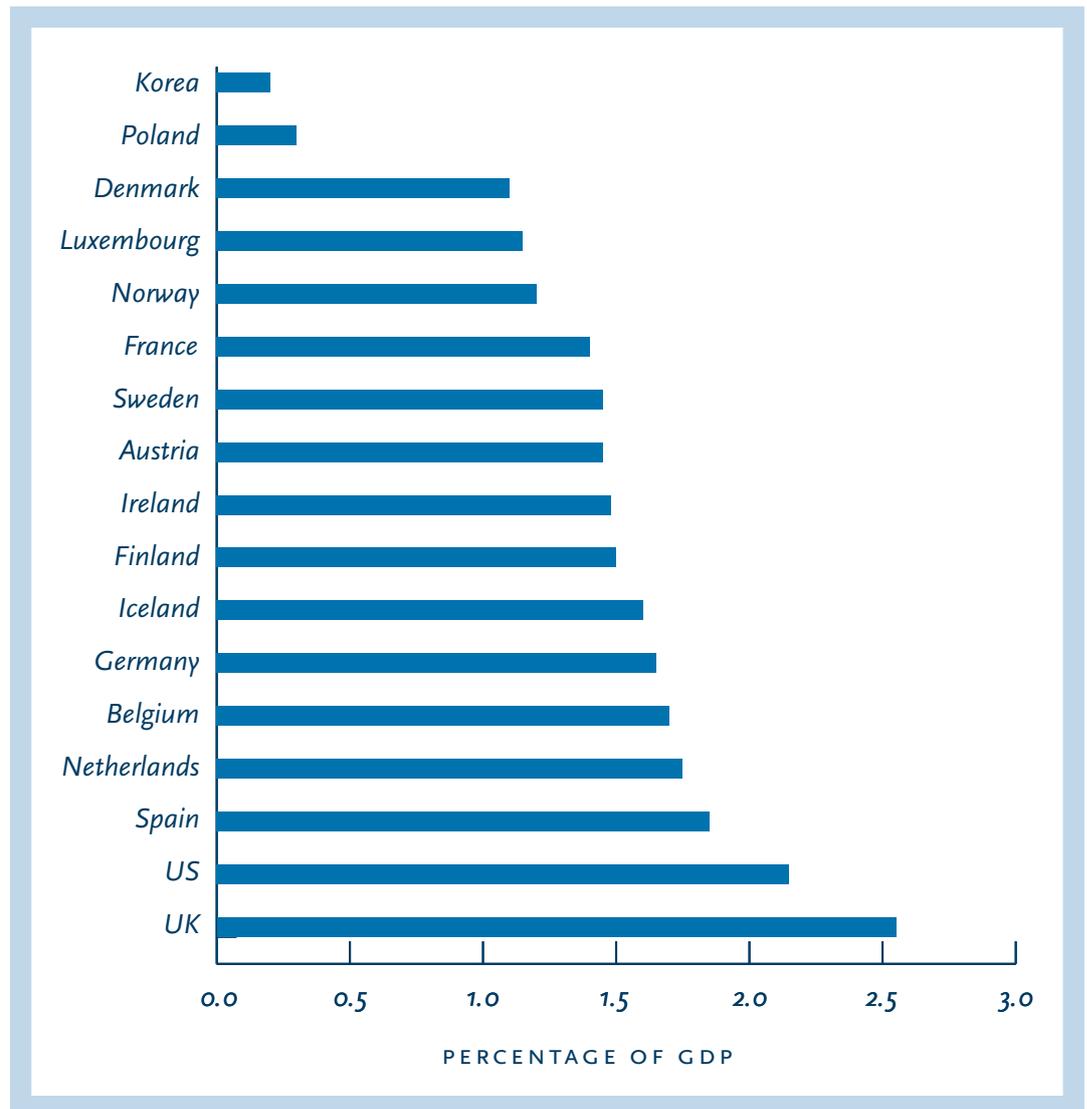
It is important to note that expenditure on law and order rose by the equivalent of half a percentage point of Gross Domestic Product (GDP – a measure of the nation's total wealth) between 1999 and 2006 to 2.5 per cent.<sup>11</sup> Prior to this period it had remained stable at around 2.1 per cent (Figure 2).

**Figure 2:** Total spending on 'public order and safety' in UK as percentage of GDP, 1996–1997 to 2005–2006 Source: HM Treasury (2006), *Public Expenditure Statistical Analyses 2006*, London: HM Treasury.



Under Labour, criminal justice expenditure has grown significantly, even compared to the previous Conservative administrations. The United Kingdom now spends proportionately more on law and order than any other country in the OECD – including the United States and major European Union members such as France, Germany and Spain (Figure 3).<sup>12</sup>

**Figure 3:** Spending on ‘public order and safety’ as a percentage of GDP in OECD countries, 2004 *Source: Prime Minister’s Strategy Unit (2006), Strategic Priorities for the UK: The Policy Review, p.22.*



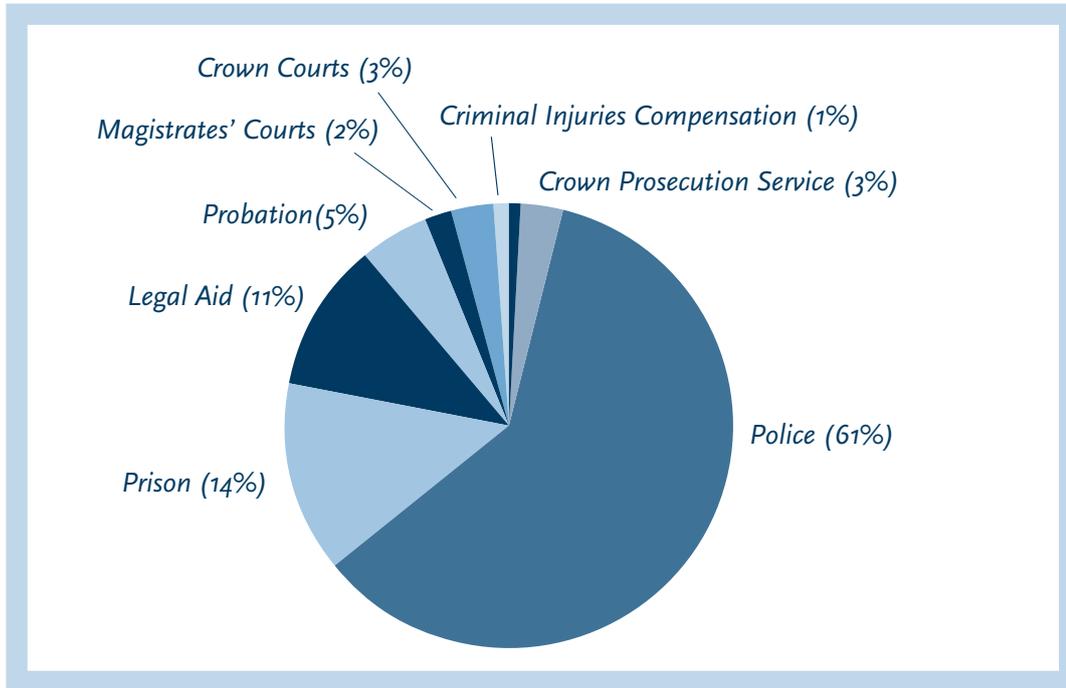
### Where has the money gone?

By far the largest proportion of spending on the criminal justice system, nearly two-thirds, is allocated to the police. The next highest proportion goes to prisons, followed by legal aid and then probation (Figure 4).

Although the police receives by far the largest proportion of criminal justice spending, it has not received the biggest increase. Table 1 shows the real terms expenditure increases in the major elements of the criminal justice system in England and Wales between 1998–1999 and 2004–2005. The Probation Service, the Crown Courts and the Crown Prosecution Service have all received far greater proportionate increases in spending, although their share of overall criminal justice expenditure is tiny compared with the police.

**Figure 4:** Breakdown of criminal justice expenditure, 2004–2005, England and Wales

Source: Department for Constitutional Affairs (DCA) (2005), *A Fairer Deal for Legal Aid*, London: DCA; Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office; DCA (2006), *Departmental Report 2005/2006*, London: DCA; Home Office (2004), *The National Policing Plan 2005–08: Safer, Stronger Communities*, London: Home Office.



One area of criminal justice expenditure that has not benefited from the government's largesse is criminal injuries compensation, which accounted for just 1 per cent of criminal justice expenditure in 2004–2005. Given regular ministerial expressions of support for victims of crime, this is notable.

**Table 1:** Real terms changes in criminal justice expenditure in England and Wales, 1998–1999 to 2004–2005 (billion £s)

	1998–1999	2004–2005	real terms increase/decrease
Police	8.0	10.1	21%
Prison	1.8	2.4	15%
Legal Aid	1.5	2.0	15%
Probation	0.3	0.9	160%
Magistrates' Courts	0.3	0.3	-13%
Crown Courts	0.2	0.5	116%
Criminal Injuries Compensation	0.2	0.2	-13%
Crown Prosecution Service	0.3	0.5	44%

Source: Department for Constitutional Affairs (DCA) (2005), *A Fairer Deal for Legal Aid*, London: DCA; Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office; DCA (2006) *Departmental Report 2005/2006*, London: DCA; Home Office (2004), *The National Policing Plan 2005–2008: Safer, Stronger Communities*, London: Home Office; HM Treasury (1998), *Modern Public Services for Britain: Investing in Reform, Comprehensive Spending Review: New Public Spending Plans 1999–2002*, London: HM Treasury, Chart 10.1.

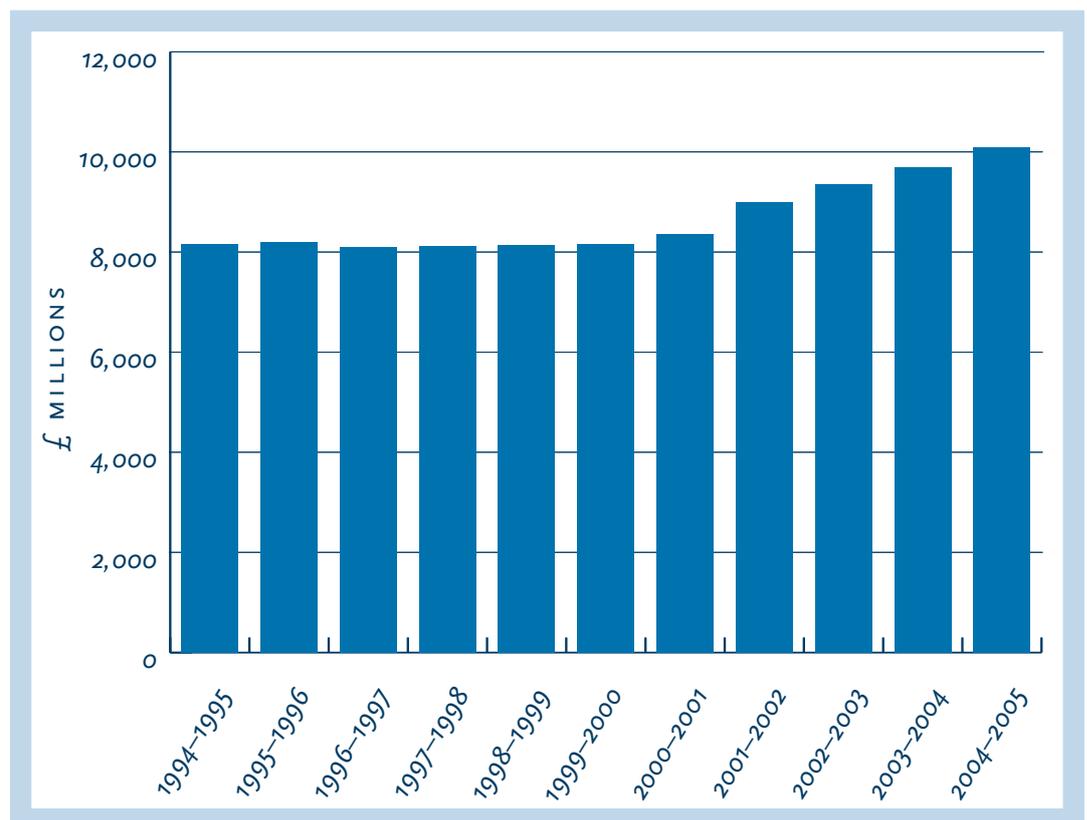
It is perhaps surprising that of all the criminal justice agencies the Probation Service has had the largest increase in spending. In cash terms, spending on probation tripled between 1998–1999 and 2004–2005, the equivalent of a real terms increase of 160 per cent. The bulk of the extra money was provided between 2000–2001 and 2002–2003, when probation spending rose from £0.4 billion to £0.9 billion.<sup>13</sup> It was during this period that the National Probation Service for England and Wales was established, comprising 42 local probation boards and the National Probation Directorate. These reforms and restructuring inevitably absorbed a considerable amount of the extra funding.

The increased expenditure has also paid for an expansion in the probation workforce. At the end of 2005 there were more than 20,100 probation staff, due to rise to 21,000 by the end of 2006.<sup>14</sup> This represents an increase of 50 per cent since 1997, when the workforce was just under 14,000. However, most of the extra staff have been Probation Support Officers, whose numbers have increased more than qualified Probation Officers.

It is interesting to note that since 2001 the combined budget for prison and probation has grown annually at 8 per cent, a faster real terms increase in spending than that on the NHS over the same period.<sup>15</sup>

Despite the fact that the Prison and Probation Services, the Crown Courts and the Crown Prosecution Service have had proportionately significant increases in real terms spending, changes to total criminal justice expenditure are affected much more by what happens to the police budget. Police forces have benefited from a substantial injection of extra funds. Spending increased significantly from 2000 onwards. According to the National Policing Plan for 2005–2008, there was a real terms increase in funding for the police of 21 per cent between 1997 and 2005 (Figure 5).<sup>16</sup> However, since 2001, the annual real terms rise has been less dramatic at 5.5 per cent.<sup>17</sup>

**Figure 5:** Real terms increase in government supported spending on the police, 1995–2005  
 Source: Home Office (2004), *The National Policing Plan 2005–2008: Safer, Stronger Communities*, London: Home Office. (Note prices are shown at 2003–2004 prices.)



By far the largest proportion of spending on the police is absorbed by staff costs. In 2004–2005, staffing, including salaries, pensions and other employee costs, accounted for 81 per cent of the total police budget.<sup>18</sup> Much of the extra spending has paid for the additional civilian staff, Police Community Support Officers (PCSOs) and Police Constables, (see Chapter 5) although increased pay and pension costs and revised terms and conditions for existing staff have also incurred additional expenditure. Between 2003–2004 and 2004–2005, for instance, pension costs increased by 64 per cent from £1.1 billion to £1.8 billion.<sup>19</sup>

## Has the money been well spent?

An internal analysis carried out by the Prime Minister’s Strategy Unit recently concluded that the increases in spending on the police ‘appear unrelated to changes in productivity’. It noted that ‘there is still little chance that a crime will be detected and result in a caution or conviction’.<sup>20</sup> This raises important questions about the targeting of resources and whether or not Labour’s expenditure on criminal justice is money well spent.

Drawing broad conclusions is not easy. The contribution of the criminal justice agencies to the fluctuating levels and patterns of crime is very difficult to pin down. Crime levels and crime patterns are affected by a range of factors – employment, economic growth, relative levels of income inequality, demographic trends and technological developments, for example – making it difficult to account for the particular contribution made by the various criminal justice agencies. Indeed, many criminologists argue that the impact of the criminal justice system on overall crime levels is small, even negligible or insignificant.

Home Office analysis conducted as part of its 2004 five year strategy attempted to model the impact of criminal justice interventions on crime levels. Taking into account a number of non-criminal justice variables, it concluded that the criminal justice interventions the government proposed to carry out would result in 15 per cent fewer offences than would otherwise be committed.<sup>21</sup> However, as noted in the introduction, the recent analysis by the Prime Minister’s Strategy Unit concluded that 80 per cent of the reduction in the official crime rate since 1997 was the result of economic, not criminal justice, factors.<sup>22</sup>

There remains a lack of any clear and agreed explanation for why crime rises or falls, as well as a lack of clarity about the role played by criminal justice interventions, making modelling exercises suggestive at best. As Home Office research published in 2003 points out, ‘the modelling of the causes and the patterns of crime is not yet developed enough to be a key driver of criminal justice policy’.<sup>23</sup>

There is also no official published measure of criminal justice productivity in England and Wales. The Home Office, working with the Crown Prosecution Service and the Department for Constitutional Affairs, has developed a consultation framework for measuring the output and productivity of the criminal justice system, but this has yet to result in an agreed framework that will be implemented to measure productivity. As the consultation concludes, ‘measuring the output and productivity of the CJS [criminal justice system]...remains a considerable challenge. No other country currently uses an explicit output-based approach’.<sup>24</sup>

Governments make expenditure decisions based on a range of considerations, of which ‘value for money’ is only one. Yet, given the major sums of public money that have poured into criminal justice in recent years, the lack of any clear measure of impact deserves more scrutiny and discussion. Would government investment in other policy areas that have an impact on the social and economic factors that contribute to a safer society be more effective, for instance?

That said, it is reasonable to assume that the government embarked on a major expansion of criminal justice expenditure at least in part on the assumption that it would deliver

benefits in terms of lower crime, greater public safety, more offences being processed, success in priority areas, and so on. During its time in office, Labour has set numerous targets for the various criminal justice agencies against which success would be measured. The following chapters in this report offer a critical analysis of progress against these targets and consider their validity and value.

## Verdict

Since coming to power Labour continued the trend in increased expenditure on criminal justice started by the previous Conservative administrations. From 2000 on, it significantly increased criminal justice expenditure. The UK now spends proportionately more of its GDP on criminal justice than any other OECD country. All the main agencies of the criminal justice system have as a result benefited from significant additional expenditure, although the police continue to account for the lion's share of criminal justice expenditure.

Government analysis has found that the extra spending on policing has not had an impact on the number of crimes that are detected and result in a caution or conviction. Overall, there is currently no agreed means for measuring the value for money represented by total criminal justice expenditure. This should arguably be a matter of concern given the significant sums involved.

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1. This chapter only examines government spending on criminal justice. It does not include spending by the private criminal justice sector, for example, in the provision of neighbourhood security or private security guards for businesses.

2. Figures are based on official Treasury statistics analysed by the Institute for Fiscal Studies in Emmerson, C. and Frayne, C. (2005), *Public Spending, Election Briefing 2005*, London: Institute for Fiscal Studies, Table 1, p.7. They cover UK-wide expenditure under the category of 'public order and safety', as set out in HM Treasury (2006), *Public Expenditure Statistical Analyses 2006*, London: HM Treasury. This category also includes spending on fire services and immigration, although combined they account for only 15 per cent of the total expenditure under this category.

3. HM Treasury (2004), *2004 Spending Review: Stability, Security and Opportunity for All: Investing for Britain's Long-term Future*, London: HM Treasury, p.119. This relates to spending for the UK.

4. Emmerson, C. and Frayne, C. (2005), *Public Spending, Election Briefing 2005*, London: Institute for Fiscal Studies, Table 1, p.7. This relates to expenditure under the category of 'public order and safety', as set out in HM Treasury (2006), *Public Expenditure Statistical Analyses 2006*, London: HM Treasury. This category also includes spending on fire services and immigration, although combined they account for only 15 per cent of the total expenditure under this category.

5. Home Office (2001), *Criminal Justice: The Way Ahead*, London: Home Office, p.10.

6. HM Treasury (2000), *Spending Review 2000: Prudent for a Purpose: Building Opportunity and Security for All*, available at: [http://www.hm-treasury.gov.uk/Spending\\_Review/Spending\\_Review\\_2000/Spending\\_Review\\_Report/spend\\_sroo\\_repindex.cfm](http://www.hm-treasury.gov.uk/Spending_Review/Spending_Review_2000/Spending_Review_Report/spend_sroo_repindex.cfm).

7. Home Office (2001), *Criminal Justice: The Way Ahead*, London: Home Office, p.10.

8. HM Treasury (2002), *2002 Spending Review: Opportunity and Security for All: Investing in an Enterprising, Fairer Britain*, London: HM Treasury, p.83.

9. HM Treasury (2004), *2004 Spending Review: Stability, Security and Opportunity for All: Investing for Britain's Long-term Future*, London: HM Treasury, p.119.

10. Emmerson, C. and Frayne, C. (2005), *Public Spending, Election Briefing 2005*, London: Institute for Fiscal Studies, Table 1, p.7. 4.9 per cent has been rounded up to 5 per cent. It is important to note that these figures cover UK-wide expenditure and are calculated on the basis of spending characterised by the Treasury as 'public order and safety', as set out in HM Treasury (2006), *Public Expenditure Statistical Analyses 2006*, London: HM Treasury. This category also includes spending on fire services and immigration, although combined they account for only 15 per cent of the total expenditure under this category.

11. HM Treasury (2006), *Public Expenditure Statistical Analyses 2006*, London: HM Treasury, Table 3.4, p.45.

12. Prime Minister's Strategy Unit (2006), *Strategic Priorities for the UK: The Policy Review*, London: Cabinet Office, p.22. These figures are also calculated on the basis of spending characterised by the Treasury in its 'public expenditure statistical analyses' as 'public order and safety'.
13. Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, p.111.
14. *Hansard*, 18 April 2006, House of Commons written answer, Column 354W.
15. Prime Minister's Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office, p.5.
16. Home Office (2005), *National Policing Plan 2005–2008*, London: Home Office, p.25.
17. Prime Minister's Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office, p.10.
18. CIPFA (2006), *Police Statistics 2004–05 Actuals*, London: CIPFA, p.4.
19. *Ibid.*
20. Prime Minister's Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office, p.16.
21. Home Office (2004), *Modelling Crime Reduction for the Home Office's Strategic Plan*, Home Office Online Report 38/04, London: Home Office, p.1. The British Crime Survey, rather than police recorded incident data, was used for calculating prospective crime levels.
22. Prime Minister's Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office, p.13.
23. Home Office (2003), *Modelling Crime and Offending: Recent Developments in England and Wales*, Occasional Paper No. 80, London: Home Office, p.2.
24. Home Office (2005), *Measurement of Output and Productivity for the Criminal Justice System and Wider Public Order and Safety: A Conceptual Framework for the National Accounts*, London: Home Office, p.v.

# Labour's Record on Crime Reduction

Labour has made numerous claims about the success of its law and order policies. None has been as politically important as its claim to have cut crime during its time in office. 'Today,' Labour's 2005 election manifesto proudly boasted, 'there is less chance of being a victim of crime than for more than 20 years'.<sup>1</sup> A recent Home Office press release stated that there were 8.4 million fewer crimes committed in 2006 compared with 1995.<sup>2</sup>

This chapter examines Labour's overall targets on crime reduction and assesses whether its claims that crime has fallen under its watch stack up.

## Clarifying terms: measuring crime levels

There are two main ways of measuring crime in England and Wales: the police recorded crime data and, since the early 1980s, the British Crime Survey (BCS). Labour has made claims in relation to both sets of data, so it is important to clarify the differences between them at the outset.<sup>3</sup>

### Police recorded crime

Police recorded crime data refers to those suspected offences that the police document during the course of their activities. Much of this data comes about as a result of members of the public reporting incidents to the police. In addition, the police themselves uncover a certain amount of crime.

The recorded crime data set is composed of a list of categories specified by the Home Office and 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' category that includes a diverse range of offences such as riot, aiding suicide and libel.

Police recorded crime data offers many valuable insights. But it does not offer a reliable measure of all the crime committed in any one year. For one thing, police crime data is only a record of suspected offences. Moreover, the police only record a small proportion of all offences for the simple reason that most are neither reported to the police by the public nor detected by them.

Trends in police data are also susceptible to changes in the way the police go about their activities, in Home Office requirements and in the way suspected crimes are recorded. In April 1998 many new offences were added to the list of notifiable offences, meaning that offences that previously would not have been included in official police crime data were now recorded. In April 2002 the introduction of the National Crime Recording Standard (NCRS) had an impact on the likelihood of a suspected offence being recorded.<sup>4</sup> The implementation of the NCRS is estimated to have increased the recorded crime figure by 10 per cent, simply through resulting changes in recording practices.

## British Crime Survey (BCS)

The BCS was developed in part because it was recognised that police recorded crime data provides only a very partial and unreliable picture of crime levels and trends. It was first conducted in 1981 and has been produced annually by the Home Office since 2001–2002. It is currently based on a sample of almost 50,000 people living in private households in England and Wales. These individuals are asked about their experience of being a victim of certain types of 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.

The BCS provides a more reliable estimate of the offences it covers than that given by police recorded data. But the range of offences covered by the BCS is narrower than the police data. It also underestimates some of the offences it covers (domestic violence, for example).

In short, neither police recorded crime data nor the BCS provide an adequate basis for making claims about overall rises or falls in crime levels. Government claims, based on the BCS, that crime as a whole has fallen during its time in office and opposition claims, based on the police data, that it has risen are therefore highly misleading.

## Labour’s targets

Many targets relating to crime have been set by successive Labour governments (Table 2). The current target set out in the 2004 Spending Review relates to reducing BCS-measured crime levels. An earlier target in the 2002 Spending Review not only focused on the aggregate BCS measure, but also on three specific offence categories: vehicle crime, domestic burglary and robbery.

**Table 2:** Government targets on crime levels

Target	Date
Reduce BCS-measured crime by 15% (against a baseline of 2002–2003) and further in high crime areas (against a baseline of 2003–2004) (Spending Review 2004)	2007–2008
Reduce BCS-measured crime (against a baseline of 2001–2002) and fear of crime	No date set
Improve overall performance, including by reducing the gap between the highest Crime and Disorder Reduction Partnership areas and the best comparable areas	
Reduce:	
• vehicle crime by 30% from 1998–1999 to 2004	2004
• domestic burglary by 25% from 1998–1999 to 2005 and	2005
• robbery in the ten Street Crime Initiatives areas by 14% from 1999–2000 to 2005	2005
and maintain at that level.	
(Spending Review 2002)	

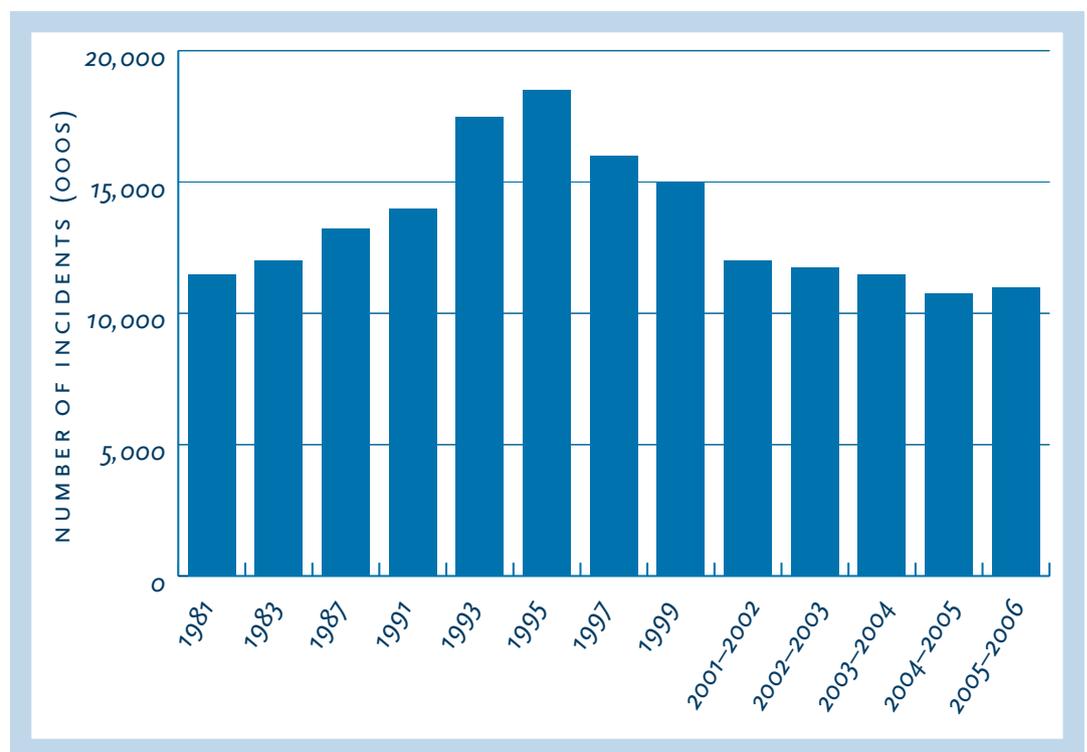
The government has also set out to reduce crime in the Crime and Disorder Reduction Partnership (CDRP)<sup>5</sup> areas deemed to have particularly high crime levels. This target is based on police recorded crime figures.

## What has Labour delivered?

### Aggregate crime levels

On the face of it, Labour's record on crime has been impressive. Aggregate BCS-measured crime has been falling since the mid-1990s. The most recent annual BCS figure, published in July 2006, estimated total crime against private households in the categories it measured at 10.9 million offences annually.<sup>6</sup> This compares with an estimated 16.7 million offences annually in 1997, a fall of 35 per cent (Figure 6).

**Figure 6:** Trends in all BCS crime, 1981 to 2005–2006 Source: Adapted from Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/6*, London: Home Office, Figure 2.5.



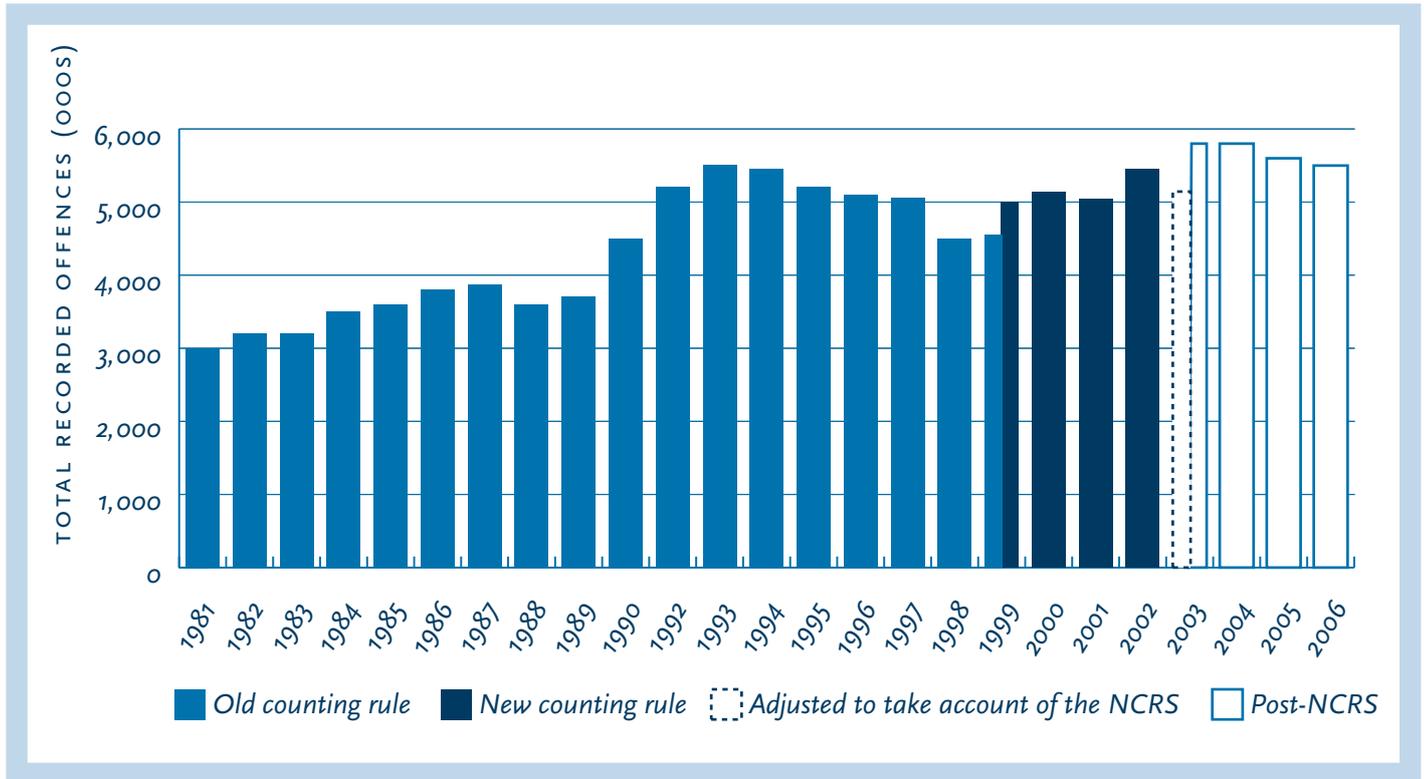
Trends in police recorded crime data tell a different story. They rose during Labour's first term but have been falling in more recent years (Figure 7).

Given that the BCS and police data are compiled in different ways, this divergence is less surprising than it might at first appear.

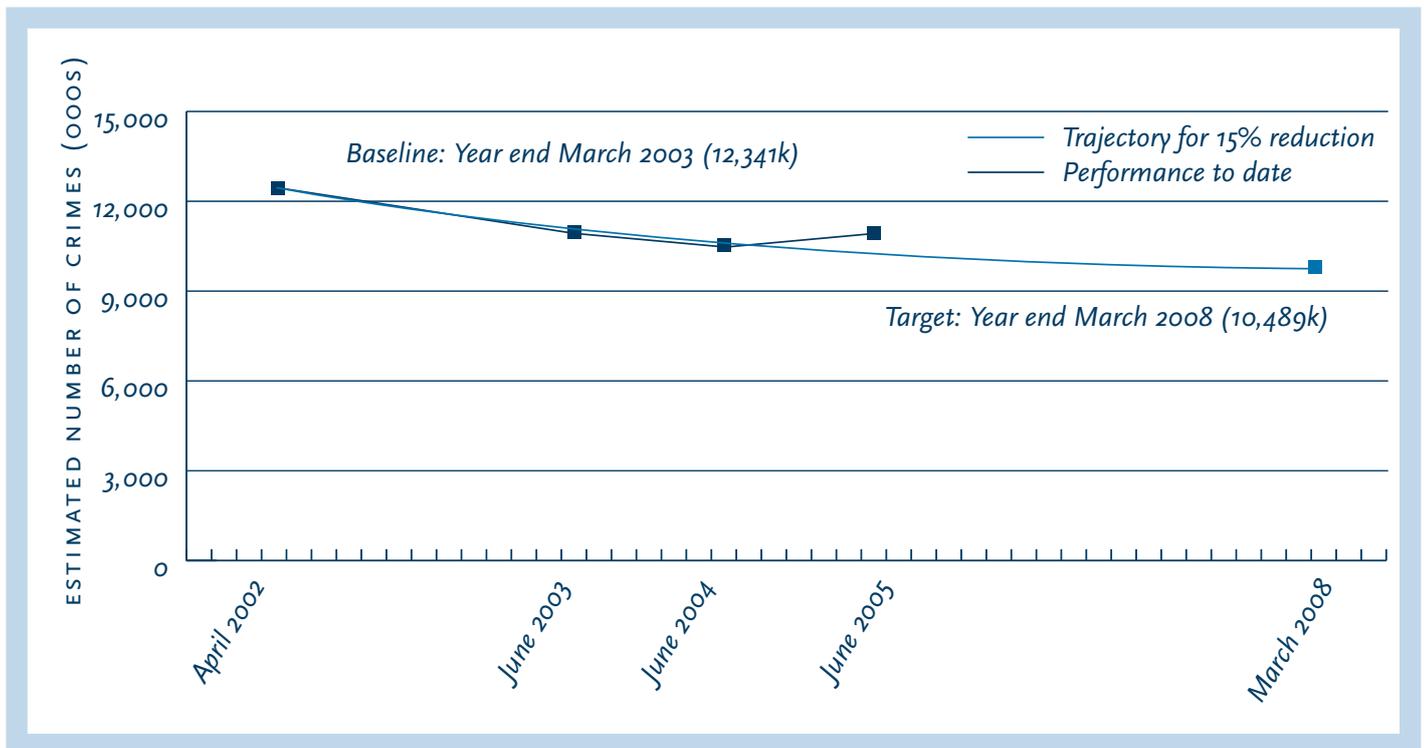
Labour is currently more or less on course to hit its target of a 15 per cent reduction in BCS-measured crime by 2007–2008. The most recent annual BCS figures (2005–2006) estimated a total of 10.9 million offences, compared with 12.3 million in 2002–2003. This represents a fall of 12 per cent.

The downward trend for overall BCS-measured offences has slowed in recent years. In its 2006 *Autumn Performance Report*, the Home Office admitted that there had been 'slippage' against its target (Figure 8).<sup>7</sup> But the government should still feel relatively confident that it will hit its target, or come very close to doing so.

**Figure 7:** Trends in recorded crime, 1981 to 2005–2006 Source: Adapted from Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/6*, London: Home Office, Figure 2.6.



**Figure 8:** BCS overall crime trends, performance against target Source: Adapted from Home Office (2006), *Home Office Targets, Autumn Performance Report*, London: Home Office, p.5.



How much credit would Labour deserve should this particular target be hit and for the overall fall in BCS crime levels since 1997? To answer these questions, we should start by looking at the BCS trends over a slightly longer time period.

In 1981, the first year that the BCS was carried out, the survey measured a total of just over 11 million offences. This figure rose through the 1980s and 1990s, to 15 million in 1991 and nearly 20 million in 1995. Since then it has been on a long-term decline. When Labour came to power in 1997, it stood at 16.7 million, falling to 12.6 million in 2001–2002 at the end of Labour’s first term and the beginning of its second. Labour, in other words, inherited an already declining BCS trend when it won the 1997 election.

In the five years between 1997 and 2001–2002, the period roughly corresponding to Labour’s first term, the overall BCS crime rate fell by 22 per cent.<sup>8</sup> One way of understanding Labour’s target for a 15 per cent reduction in BCS-measured crime for the five years following 2002–2003 is that it is a target that asks it to be less successful than it was during its first term in office. It is a tribute to Labour’s political skills that it has been largely successful in presenting a rather unambitious target as a bold gesture.

It is also notable that Labour’s unambitious target was set at a time when its major criminal justice reforms and expenditure were getting underway. Just as Labour was gearing up for a major programme of criminal justice investment and reform – which it claimed would deliver major dividends in terms of falling crime – it set a target to do worse overall than it had done during its first term, when finances were much tighter. In this light, Labour’s increased criminal justice expenditure and major structural reforms appear rather less prudent, and more questionable, than is often thought.

A further question relates to what exactly it means to use the BCS to set an overall crime reduction target. Though more reliable than the police recorded data in many ways, the BCS nonetheless fails to measure far more crime than it accounts for.<sup>9</sup> It does not include offences against children, for example, including serious crime victimisations such as childhood sexual or physical abuse. It does not measure rape and sexual assaults against women, and it underestimates instances of domestic violence. The BCS also does not measure the level of crime experienced by the retail and manufacturing sector, nor does it measure white collar, corporate or environmental crimes, all of which can have devastating impacts on thousands of people at the same time.

The BCS also does not measure homicide, which has increased significantly under Labour. In 1997–1998, 608 deaths were recorded by the police as homicides. But in 2004–2005 this had increased by over 200 to 820.<sup>10</sup> Homicide trends are considered by some to be a reasonable guide to underlying trends of violence in society.<sup>11</sup> This might suggest that underlying levels of violence under Labour have not only been underestimated by the BCS but have also been on the rise.

Aware of the limitations of the BCS, the government has attempted to quantify some of the many crimes it misses. A Home Office study published in 2000 estimated that more than 60 million offences were committed in the year 1999–2000.<sup>12</sup> This was five to six times more offences than estimated by the BCS in a comparable period. Even this figure is likely to be an underestimate as the study excluded a substantial range of offences. A report by the Prime Minister’s former ‘blue skies’ thinker, Lord Birt, estimated that at least 130 million serious offences may have been committed in the same year.<sup>13</sup>

In short, Labour’s target to reduce BCS-measured crime by 15 per cent by 2007–2008 is an unambitious, but probably achievable, target. If Labour was confident that its criminal justice expenditure and reform programme was going to have such an impact, surely a more stretching target would have been in order? It is also a target that simply misses

most of the crimes and victimisations that millions of people experience. As a government review on police reform conducted in 2004 noted, 'Britain is still a high-crime and violent country'.<sup>14</sup>

### Vehicle crime, burglary, robbery

The 2002 Public Service Agreement (PSA) set out specific targets for so-called 'volume crimes': burglary, vehicle crime and street crime. Two common themes emerge from all three of these targets.

First, Labour has been astute at setting targets that appear impressive but are relatively straightforward to achieve. Second, Labour has been assiduous in claiming that reductions in particular types of offences are the result of its criminal justice-related policies. As is clear from the analysis below, this is generally not the case.

#### Vehicle crime

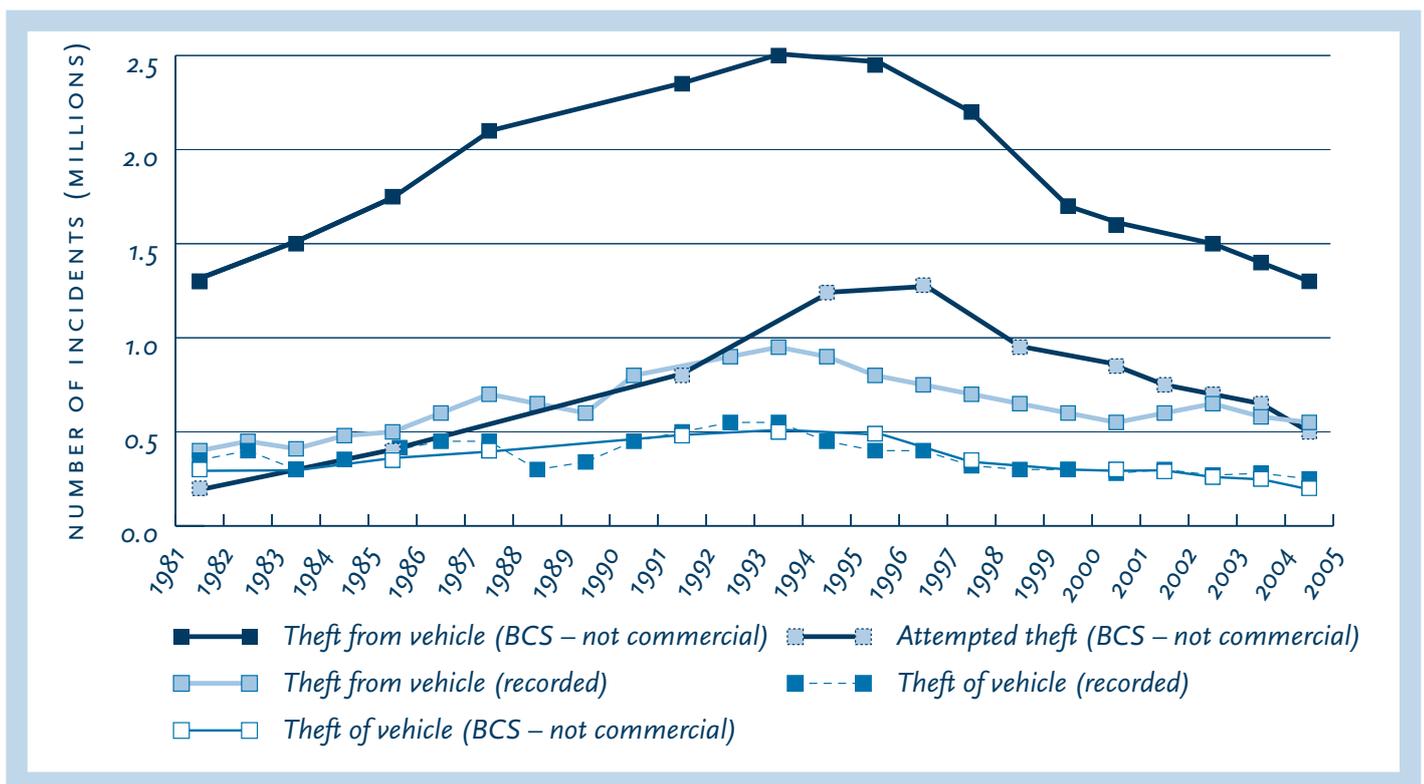
The target set in the 2002 Spending Review was to reduce vehicle crime by 30 per cent from 1998–1999 to 2004 according to BCS data. The BCS measures vehicle-related thefts, including thefts or attempted thefts of or from vehicles.

The 2000 BCS estimated that there were 2,956,000 vehicle crimes in 1999.<sup>15</sup> By 2004 this had fallen to 1,886,000,<sup>16</sup> a decline of 36 per cent. The 30 per cent target was therefore met. The 2002 Spending Review target also set the goal of maintaining vehicle crime at the level achieved in 2004. This is currently being achieved: the number of vehicle-related thefts measured by the BCS fell by 8 per cent between 2004–2005 and 2005–2006 to 1,731,000 offences.<sup>17</sup>

These reductions reflect the underlying trends in BCS-measured vehicle crime over a number of years (Figure 9). Between 1995 and 1999, for instance, BCS-measured vehicle crime fell by 32 per cent, from 4,318,000 to 2,956,000.

**Figure 9:** Trends in BCS and police recorded vehicle-related theft, 1981 to 2004–2005

Source: Adapted from Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/6*, London: Home Office, Figure 4.4.



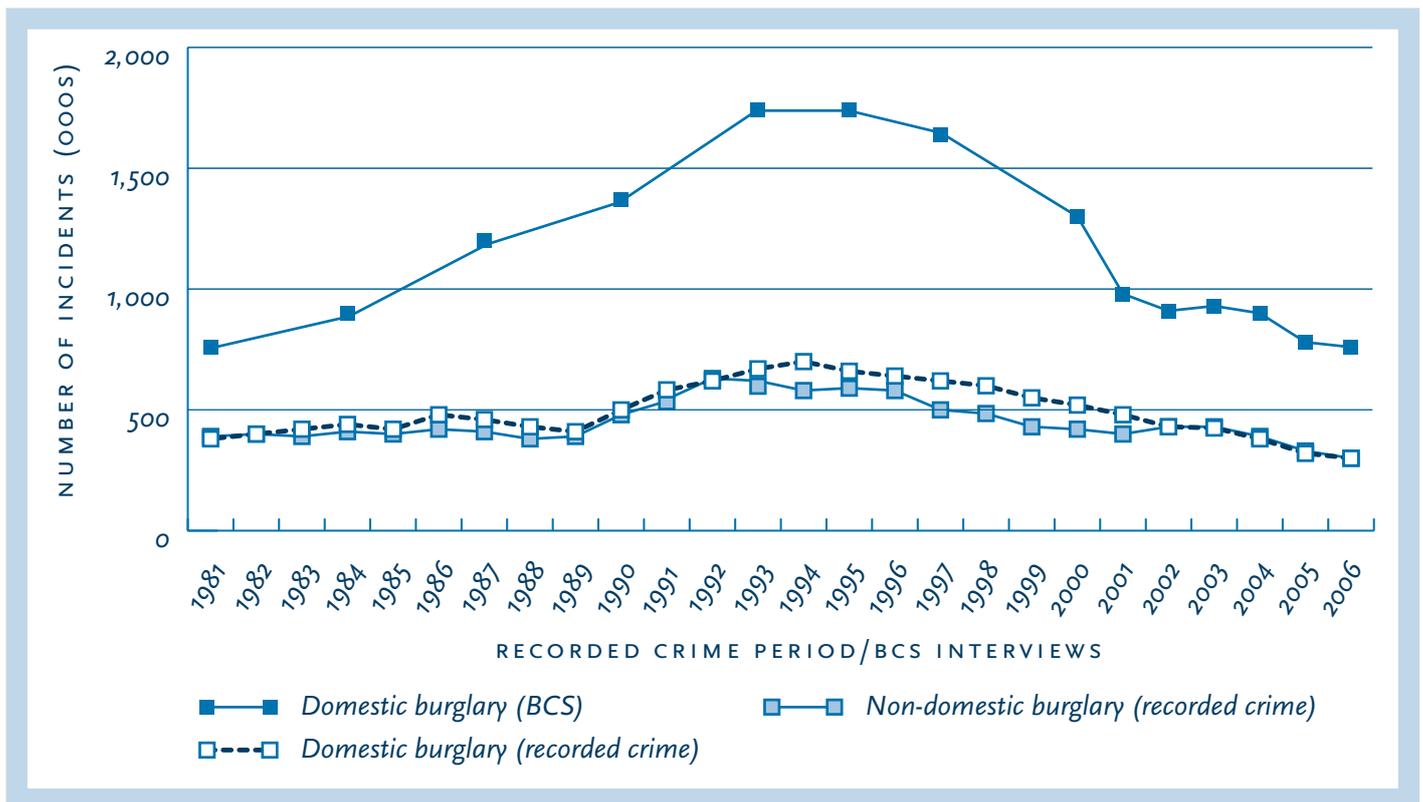
Given ongoing improvements in car security among other things during this period, it was reasonable to assume that this trend would continue. Labour could therefore have felt fairly confident that this target would be hit, even if it had done absolutely nothing to make it happen.

### Burglary

The target set in the 2002 Spending Review was to reduce domestic burglary by 25 per cent from 1998–1999 to 2005 according to BCS data, and to maintain that level.<sup>18</sup>

The 2000 BCS estimates that there was a total of 1,284,000 burglaries against domestic premises in 1999.<sup>19</sup> By 2005–2006 this figure had fallen to 733,000, a decline of 43 per cent, well ahead of the 2002 Spending Review target.<sup>20</sup> As with the vehicle crime figure, this decline is in line with longer-term trends. BCS-measured burglary peaked at 1,775,000 in 1993. The 1999 figure of 1,284,000 therefore represents a decline of some 28 per cent (Figure 10). As with vehicle crime, Labour could have been relatively confident that its target would be hit, regardless of any action it might have taken.

**Figure 10:** Trends in BCS and police recorded burglary, 1981 to 2005–2006 *Source: Adapted from Walker, A. Kershaw, C. Nicholas, S. (2006), Crime in England and Wales 2005/6, London: Home Office, Figure 6.2.*



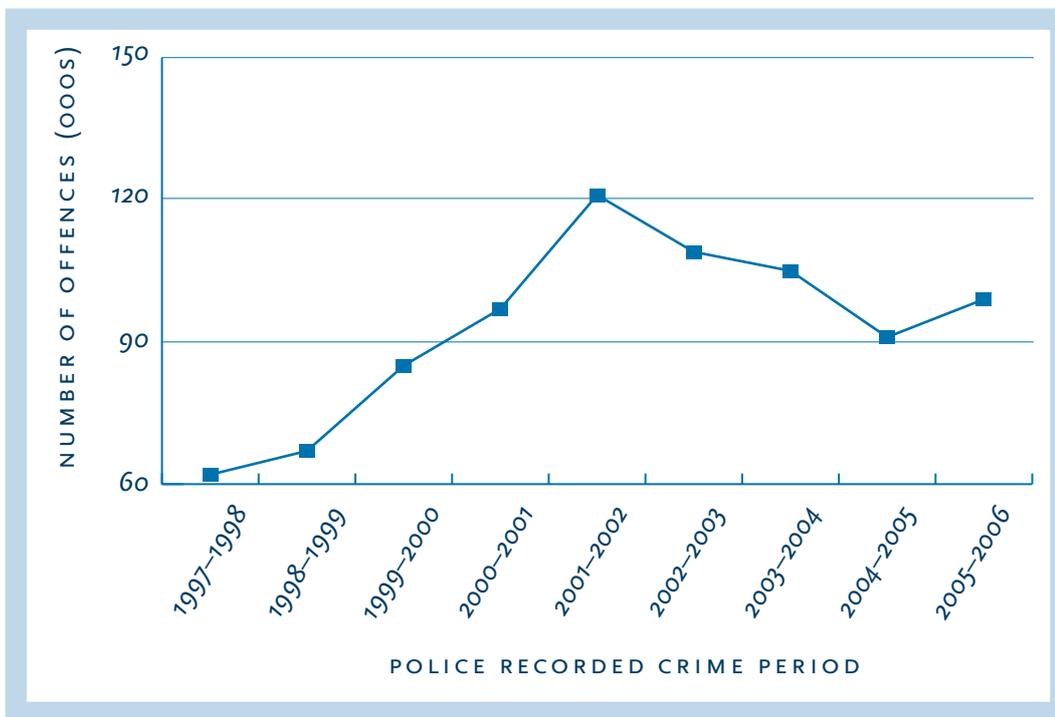
In the case of both vehicle crime and burglary, improvements in security – far more than any government action – have probably been a significant contributor to overall falls. As the Home Office’s most recent annual report *Crime in England and Wales* puts it, ‘households with no security measures were almost ten times more likely to have been victims of burglary than households where there were simple security measures such as deadlocks on doors and window locks’. Furthermore, ‘[for] both burglary and vehicle-related crime, having security measures in place was strongly associated with lower levels of victimisation’.<sup>21</sup>

## Robbery

Between 2000–2001 and 2001–2002 the government launched the Street Crime Initiative (SCI) covering the ten police force areas in England that accounted for the majority (83 per cent) of police recorded robberies.<sup>22</sup>

The 2002 Spending Review set a target to reduce robbery in the ten SCI areas by 14 per cent from 1999–2000 to 2004–2005 and to maintain that level, measured using police recorded crime data. The target has not been met. According to the Home Office, there were 68,782 police recorded robbery offences in the ten Street Crime Initiative areas in 1999–2000. This was virtually unchanged in 2004–2005 at 68,283, although there have been significant fluctuations in the intervening years. Police recorded robberies across England and Wales reached a peak of 121,359 in 2001–2002 for example (Figure 11).<sup>23</sup>

**Figure 11:** Trends in police recorded robbery 1997–1998 to 2005–2006 *Source: Walker, A. Kershaw, C. Nicholas, S. (2006), Crime in England and Wales 2005/6, London: Home Office.*



It is a moot point whether it made sense for the government to set a target to reduce police recorded robbery in the first place, given that increases might well reflect enhanced police action in this area. Ironically, the government's target on street crime has risked creating a perverse incentive for police forces to avoid identifying and recording robbery offences.

## High crime areas

A further target concerns crime levels in Crime and Disorder Reduction Partnership (CDRP) areas (known as Community Safety Partnerships in Wales). CDRPs were set up under the 1998 Crime and Disorder Act as partnerships between the police, local authorities, the Probation Service, health authorities, the voluntary sector, and local residents and businesses. There are currently 375 in England and Wales.

The 2004 Spending Review sets out a goal to achieve a greater reduction in BCS-measured crime levels in 'high crime' areas compared to other areas. The Home Office states, 'This is assessed by comparing the average crime reduction in the 40 high crime

areas compared with the average reduction in the remaining ...CDRP areas.<sup>24</sup> The baseline for the target is 2003–2004 and it is assessed using police recorded crime figures for vehicle crime, robbery and burglary per 1,000 of the population in each CDRP area.<sup>25</sup>

A target for so-called high crime areas was first set in the 2002 Spending Review, which pledged to reduce ‘the gap between the highest crime Crime and Disorder Reduction Partnership areas and the best comparable areas’. However, this first target was slightly different as it focused on addressing the difference in crime levels between the high crime areas and comparator areas selected by the Home Office.

The Home Office’s most recent annual report states that the 2004 Spending Review target is on course to be met. It notes that in 2005–2006 there was a 13 per cent reduction in police recorded crime levels in the ‘high crime’ areas compared with a reduction of 7 per cent in the remaining CDRP areas.

As with other crime reduction targets discussed in this chapter, Labour has reason to be relatively confident that its target will be hit, regardless of any initiatives it might pursue in so-called ‘high crime’ areas. The well-known statistical phenomenon of ‘regression toward the mean’ would dictate that it is reasonable to expect that, on average, areas with higher rates of burglary, vehicle crime and robbery will experience larger falls than areas with average levels during a period of overall decline in these offences. This would be the case regardless of any government action.<sup>26</sup> This does not mean that it is inevitable that burglary, vehicle crime and robbery will fall at a faster rate in so-called ‘high crime’ areas. But the odds are in the government’s favour.

## Verdict

Labour’s record on its various overall crime reduction targets is at best mixed. At worst, its crime reduction claims are misleading.

Its target for overall crime reduction, based on the British Crime Survey, appeared bold and daring when it was announced in 2004. No other government had set an explicit target such as this. In reality, it was an unambitious target, which committed the government to being less successful in tackling crime than it had been during its first term. Given that this target also coincided with a massive criminal justice investment boost, Labour’s target, and the actual results, are far from impressive.

Labour’s overall crime reduction target also ignores many serious crimes, which places in question the significance of the target being successfully hit. The fact that some serious offences – notably homicide – have risen since 1997 at the very least qualifies Labour’s claims to have made society safer.

The specific targets related to particular offences – burglary, vehicle crime, robbery – or particular areas – so-called ‘high crime’ neighbourhoods – are also less impressive than they appear at first sight. In general, they were set on the basis of existing trends continuing, regardless of any government action.<sup>2</sup> There was good reason for concluding that this would happen.

Labour’s claims about its record on crime reduction consequently deserve far greater critical scrutiny than they generally receive. In this light, the major expansion of criminal justice expenditure Labour has embarked on since 2000 appears far less prudent, and rather more questionable, than is often assumed.

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1. Labour Party (2005), *Britain Forward Not Back: The Labour Party Manifesto 2005*, London: Labour Party, p.43.

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3. For further discussion see Garside, R. (2004), *Crime, Persistent Offenders and the Justice Gap*, London: Crime and Society Foundation.
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5. Crime and Disorder Reduction Partnerships, CDRPs, (known as Community Safety Partnerships, CSPs, in Wales) were set up under the 1998 Crime and Disorder Act as partnerships between the police, local authorities, the Probation Service, health authorities, the voluntary sector, and local residents and businesses. There are currently 375 in England and Wales. The responsible authorities are under a statutory duty to ensure that the key agencies come together to work in partnership in a CDRP/CSP, and carry out an audit of local crime, disorder and misuse of drugs every three years. Using the information arising from this audit and based on consultation with local communities, they then formulate a strategy for combating crime, disorder and the misuse of drugs including substance misuse (in Wales) in the local area. For more information, see <http://www.crimereduction.gov.uk/regions/regions00.htm>.
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21. Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/6*, London: Home Office, p.85.
22. The ten police force areas are: the Metropolitan Police Service; West Midlands; Greater Manchester; West Yorkshire; Avon and Somerset; Merseyside; Nottinghamshire; Thames Valley; South Yorkshire and Lancashire.
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# Three Priorities: The Justice Gap, Re-offending and Anti-Social Behaviour

The government has pursued a welter of initiatives in its attempts to reform the operation and delivery of criminal justice. It has implemented significant structural reform of the police, probation and prison services. It has attempted to speed up court processes or, through the proliferation of penalty notices, bypass the court process altogether.<sup>1</sup> It has encouraged the various criminal justice agencies to target particular types of offenders – so-called ‘persistent’ and ‘prolific’ offenders, for example<sup>2</sup> – and particular types of offences, such as street crime and knife-related offending.<sup>3</sup>

Driving much of this activity has been a concern in government that the criminal justice system is simply failing to deliver.<sup>4</sup> This chapter looks at three key priorities for Labour, which in their different ways illustrate how it has attempted to improve criminal justice performance.

First, we look at how Labour has sought to ensure that more offences are dealt with by a formal sanction: ‘narrowing the justice gap’, as it is called. Second, we look at attempts to reduce re-offending. Finally, we look at the high profile campaign to tackle anti-social behaviour. This chapter considers how the government has performed in each of these areas and scrutinises the targets that it has set for itself.

## The justice gap

The 1997 Labour Party election manifesto declared: ‘The number of people convicted has fallen by a third, with only one crime in 50 leading to a conviction. This is the worst record of any government since the Second World War – and for England and Wales the worst record of any major industrialised country.’<sup>5</sup> The disparity between crime and conviction became known as ‘the justice gap’. Narrowing the justice gap by increasing the number of suspected offences that result in an individual being cautioned, convicted or otherwise sanctioned – known as ‘offences brought to justice’ – has been a key priority for the New Labour government throughout its time in office.<sup>6</sup>

## Labour’s targets

‘An offence is considered to have been brought to justice,’ according to the latest edition of *Criminal Statistics*, ‘when an offender has been cautioned, convicted or had the offence taken into consideration by the court.’ Penalty notices for three notifiable disorder offences and formal warnings for the possession of cannabis are also categorised as offences brought to justice following their introduction nationally during 2004.<sup>7</sup>

This broad range of categories contributes to an overall offences brought to justice target in operation since 2002. Performance against the target has been treated as the headline figure in the government’s ‘justice gap’ agenda, and presented as evidence that it has been successful.

In its 2000 Spending Review, Labour set its first formal justice gap target. A key Public Service Agreement (PSA) target for the Home Office committed Labour to increasing the number and proportion of individuals formally sanctioned in relation to the total number of recorded crimes.<sup>8</sup> In the 2002 PSA for the Home Office, a specific numerical target was set for it to bring 1.2 million offences to justice by 2005–2006.<sup>9</sup> Two years later, in the 2004 Spending Review, the target was adjusted to 1.25 million, to be achieved by 2007–2008.<sup>10</sup> In the same year, the Home Office pledged that by 2008 it would bring 150,000 more offenders to justice every year, compared with the numbers in 2003 (Table 3).<sup>11</sup>

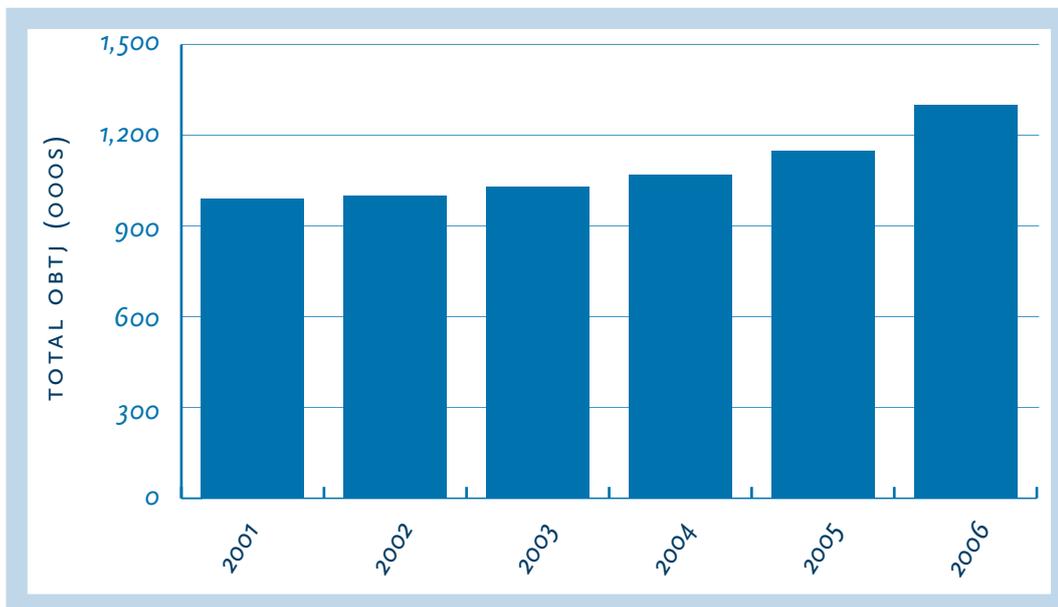
**Table 3:** Targets for offences brought to justice

Target	Deadline set
'Increase the number and proportion of recorded crimes for which an offender is brought to justice' (Spending Review 2000)	None given
'Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million' (Spending Review 2002)	2005–2006
'Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million' (Spending Review 2004)	
'Bringing 150,000 more offenders to justice a year by 2008, compared to 2003' (Home Office Strategic Plan 2004–2008)	2007–2008

**What has Labour delivered?**

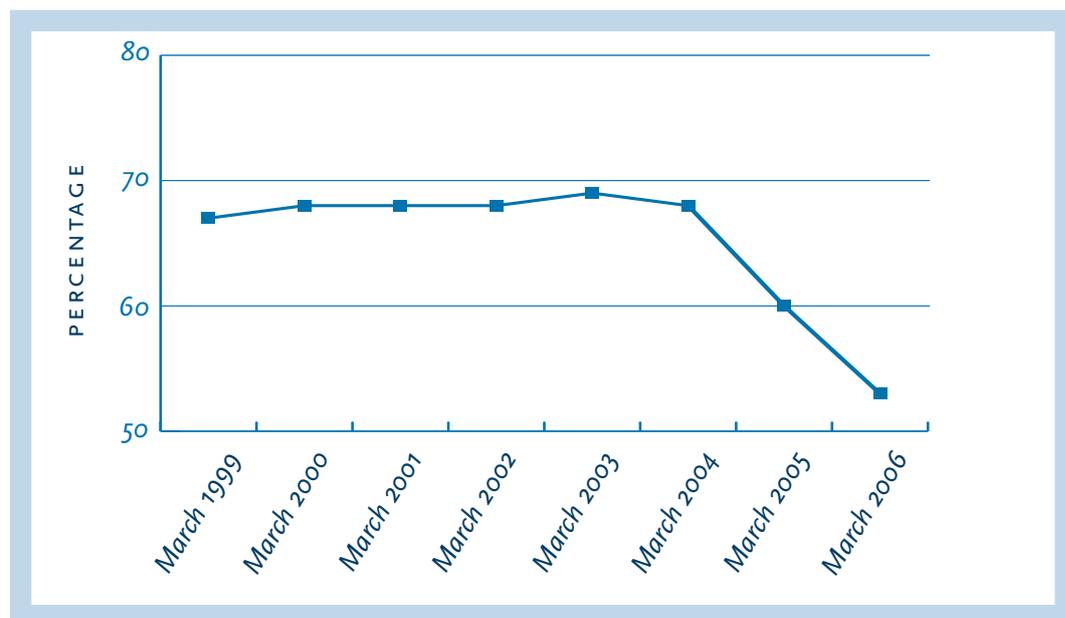
As Figure 12 demonstrates, the government met its 2002 Spending Review target of 1.2 million offences brought to justice by 2005–2006, and has already met its 2004 target of 1.25 million for 2007–2008.

**Figure 12:** Total offences brought to justice, 2001–2006 *Source: Home Office (2006), Criminal Statistics England and Wales 2005, London: Home Office.*



The target has not been met as a result of increases in successful convictions. Indeed, the number of successful convictions contributing towards the government's target declined, from some 737,000 in the 12 months to March 1999 to 707,000 for the comparable period in 2006.<sup>12</sup> As a proportion of the total number of offences brought to justice, successful convictions have fallen. Having remained stable at just under 70 per cent of all offences brought justice until March 2004, this declined to 60 per cent by 2005, and 53 per cent by 2006 (Figure 13).

**Figure 13:** Proportion of convictions as a percentage of offences brought to justice, March 1999 to March 2006 *Source: Home Office (2006), Criminal Statistics 2005, England and Wales, London: Home Office.*



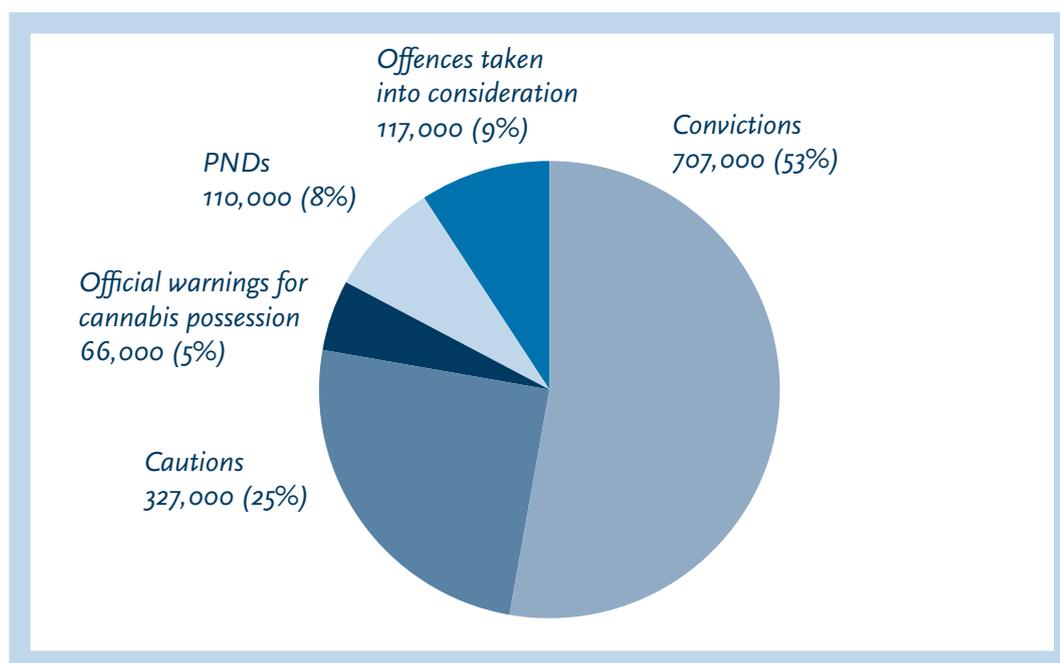
Yet, overall, nearly 300,000 more offences were brought to justice in 2006 compared with 2003: 1,327,000 for the 12 months to March 2006 compared with 1,038,000 for the 12 months to March 2003.<sup>13</sup>

It is the 'non-conviction' contributors to the offences brought to justice total that have allowed Labour to meet its targets. For instance, nearly half (47 per cent) of the 1.327 million offences brought to justice in the 12 months to March 2006 were 'non-convictions', with cautions alone making up a quarter of the total (Figure 14).

The fastest growing contributor to the total has been the Penalty Notice for Disorder (PND). The PND was incorporated into the offences brought to justice count after its introduction in October 2004. Between April 2004 and March 2005, 49,000 PNDs were issued, more than making up for the 41,000 drop in convictions during the same period.<sup>14</sup> The Home Office has actively encouraged the police to use PNDs as a means of maximising 'the opportunities for increasing the numbers of offences brought to justice'.<sup>15</sup> More recently, this has been done by removing PNDs for violent offences from the performance assessment of police forces. Thus, Police Officers can now give out PNDs without worrying that any resulting spikes in violent crime data 'will lead to an apparent or misleading increase in violent crime'.<sup>16</sup>

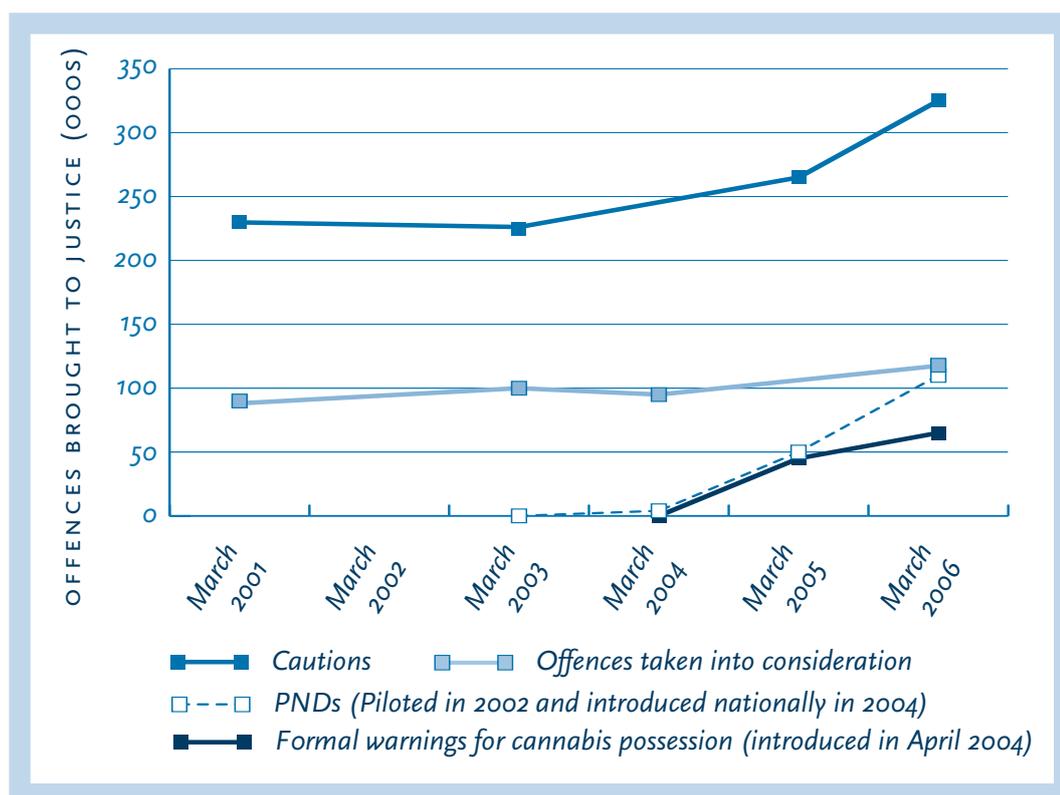
There has also been a dramatic rise in the number of formal warnings for cannabis possession, which were incorporated into the offences brought to justice count in 2004. In the 12 months to March 2006, there was a 69 per cent rise in the number of formal warnings, increasing from 39,000 to 66,000. This has happened despite the introduction of a lower classification for cannabis, intended to reduce the level of police activity in this area.

**Figure 14:** Offences brought to justice breakdown, England and Wales, 12 months to March 2006 Source: Home Office (2006), *Criminal Statistics 2005, England and Wales*, London: Home Office.



Other ‘non-conviction’ contributors have risen too. Of the 1.327 million offences brought to justice in the 12 months to March 2006, 117,000 were offences taken into consideration by the court (compared to 106,000 in March 2005). There were also 327,000 cautions (compared to 268,000 a year earlier), a 22 per cent rise.<sup>17</sup> This compares with an 8 per cent rise between March 2004 and March 2005 (Figure 15).<sup>18</sup>

**Figure 15:** Offences brought to justice (‘non-conviction’ contributors), 2001–2006 Source: Home Office (2006), *Criminal Statistics 2005, England and Wales*, London: Home Office.



As a consequence of the government's justice gap targets there is concern that increasing numbers of children are being drawn into the criminal justice system unnecessarily. This trend is particularly apparent in recent police arrest data, with children identified as easy targets for achieving the 1.25 million offences brought to justice. Rod Morgan, chair of the Youth Justice Board (YJB), has remarked that because the majority of crimes committed by children are of a public nature, often in the streets or open spaces, arresting children for the police is like 'picking low-hanging fruit'.<sup>19</sup> The YJB is so concerned that it is looking at the rules relating to offences brought to justice, saying that 'it is vitally important that those rules get amended' in order to avoid the disproportionate punishment of young people and children.<sup>20</sup>

In summary, the government has comfortably hit its target on offences brought to justice. Whether this represents a significant achievement, except in political terms, is a different matter. The number of convictions for notifiable offences has declined. Taking a longer view, the numbers of convictions for the more serious indictable offences has also declined, from 320,000 in 1997 to 308,000 in 2005.<sup>21</sup>

Despite all this activity and investment, little has changed in the ten years since Labour's accusation that the Conservatives had 'the worst record... since the Second World War' in relation to convictions. The gap between crime measured by the British Crime Survey and convictions for indictable offences remains vast. In 1997 there were two convictions for every 100 estimated crimes. In 2005 there were three for every 100 estimated crimes.<sup>22</sup>

## Re-offending

The government has set several targets on re-offending over a number of years (Table 4). All have been modified, missed, or dropped. The lack of clarity about what 're-offending' means, along with slippage over definitions and targets, has bedevilled this area of criminal justice policy.

### Clarifying terms: understanding 're-offending'

To understand better Labour's record on re-offending, it is important to distinguish between two different categories that the government tends to use interchangeably: 're-offending' and 'reconviction'.

#### *Re-offending*

'Re-offending' refers to the activity of an individual committing and recommitting crime. In some circumstances the individual will be prosecuted and convicted of those crimes. In many cases, his or her offending activity will go undetected. An individual can be a multiple re-offender without ever being convicted. Measuring re-offending is therefore fraught with difficulties, although research based on asking individuals, in confidence, about offences they may have committed (so-called 'self-report surveys') has thrown up some interesting results.

#### *Reconviction*

'Reconviction' refers to the process whereby an individual is found guilty of one or more criminal offences, having previously been found guilty of one or more other criminal offences. Measuring reconvictions is relatively straightforward, involving the court conviction records of individuals or whole populations. Historically, the government has tended to use a two-year time window to measure reconvictions. In the case of community sentences, fines or other non-custodial discharges, an individual is said to have been reconvicted if he or she has been convicted of a fresh offence within two years of a previous conviction. In the case of a former prisoner, he or she is deemed to have been reconvicted if he or she is convicted of a fresh offence within two years of release from prison. More recently, the government has adopted a more complex method for measuring success in reconvictions that compares predicted with actual reconviction rates.

Regardless of how they are measured, it should be clear that re-offending and reconvictions are very different categories. Unfortunately the government tends to elide the two, generally using ‘re-offending’ to refer to what should more properly be described as ‘reconviction’. This has resulted in a significant confusion, to which we will return. In the following section inaccurate references to ‘re-offending’ when what is meant is ‘reconviction’ will be signalled by *sic*.

## Labour’s targets

**Table 4:** Targets on reconviction rates, 1998–2006

Target	Deadline set
‘Effective execution of the sentences of the courts so as to reduce re-offending’ (Spending Review 1998)	None given
‘Reduce the rate of reconviction of young and adult offenders punished by imprisonment or by community supervision by 5%, compared to the predicted rate’ (Spending Review 2000)	2004
‘To reduce re-offending by 5% – for young offenders [and] for both adults sentenced to imprisonment and adults sentenced to community sentences’ (Spending Review 2002)	2006
‘Protect the public by ensuring there is no deterioration in the levels of re-offending for young offenders, for adults sentenced to imprisonment and adults sentenced to community sentences’ (Spending Review 2004)	None given
‘Custodial and community sentences will be more effective and re-offending rates will have fallen by 5%, working towards 10% by the end of the decade’ (Home Office, Strategic Plan 2004–08)	2008 and 2010 respectively
‘Our long term aim [is] a 10% reduction in re-offending and a safer society’ (Home Office, <i>A Five Year Strategy for Protecting the Public and Reducing Re-offending</i> , February 2006)	‘Long term’

The 1998 Spending Review outlined the general aim of reducing levels of reconvictions through ‘effective execution of the sentences of the courts so as to reduce re-offending’.<sup>23</sup> By the time of the 2000 Spending Review this had become an explicit target to ‘reduce re-offending’ (*sic*) by 5 per cent. Along with ‘increasing the effectiveness of punishment with prison and probation programmes based on “what works” principles to cut re-offending’ (*sic*), a pledge was made to ‘reduce the rate of reconviction: of offenders punished by imprisonment or by community supervision by 5 per cent by 2004, compared to the predicted rate; and of all young offenders by 5 per cent by 2004, compared to the predicted rate’.<sup>24</sup>

This pledge was modified again by the 2002 PSA for the Home Office. It set a new target to 'reduce re-offending (*sic*) by 5 per cent – for young offenders [and] for both adults sentenced to imprisonment and adults sentenced to community sentences' by 2006.<sup>25</sup>

The 2004 PSA further adjusted the 2000 Spending Review promise, shifting 'reducing re-offending' (*sic*) from a 'headline target' to a 'standard'. With the original 2004 deadline now passed, the 2004 PSA set out no specific percentage target. The aim was simply to 'protect the public by ensuring there is no deterioration in the levels of re-offending (*sic*) for young offenders, for adults sentenced to imprisonment and adults sentenced to community sentences'.<sup>26</sup> No mention is made of the 2000 PSA target or its 2004 deadline.

The change in status was criticised by the Home Affairs Committee, which stated that 'the use of a standard (rather than a PSA target) in relation to re-offending (*sic*) [was] inappropriate'. The Home Office responded that it had decided 'not to continue the re-offending (*sic*) target as a separate PSA target'. It added: 'We will maintain a continuing focus on reducing re-offending (*sic*) through the new re-offending (*sic*) Standard.'<sup>27</sup> The Home Office also pointed to the target set out in its 2004–2008 Strategic Plan, which stated: 'Custodial and community sentences will be more effective and re-offending (*sic*) rates will have fallen by 5 per cent, working towards 10 per cent by the end of the decade'.<sup>28</sup> No mention is made of the original 2004 target deadline. But the Home Office in effect had declared a four-year extension.

A further change was signalled by the Home Office's *Five Year Strategy for Protecting the Public and Reducing Re-offending*, published in February 2006. Here, no mention is made of the 5 per cent target, nor is the aim for a 10 per cent reduction by 2010 restated. Instead, the document sets out a 'long-term aim' of 'a 10 per cent reduction in re-offending (*sic*) and a safer society', without specifying what 'long-term' means.<sup>29</sup>

### What has Labour delivered?

The chopping and changing of the Home Office reconviction targets, along with the complexity of the calculations involved, would make a point-by-point scrutiny of their record in hitting them a tedious and largely futile exercise. A brief summary will therefore suffice.

On the original 2000 Spending Review target, the Home Office admits in its 2006 *Departmental Report* that it has failed to meet its target in relation to young offenders and has experienced 'slippage' on its target in relation to adult offenders.<sup>30</sup> The same report also admits 'slippage' on the 2002 and the 2004 targets.<sup>31</sup> Complex calculations aside, it is clear that the underlying reconviction rate remains stubbornly high (Figures 16 and 17).

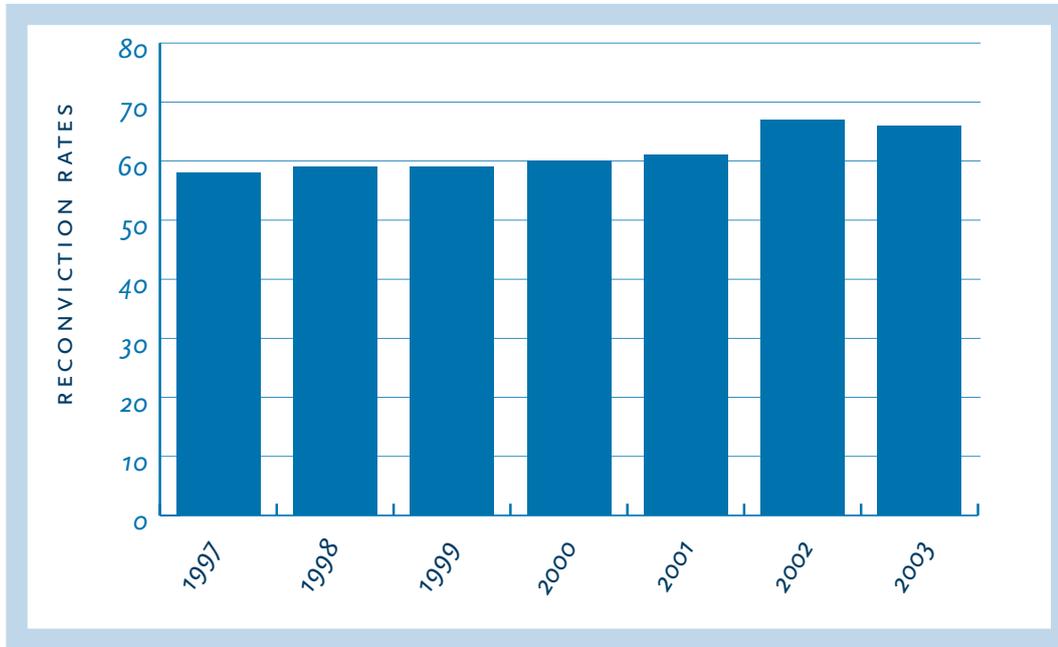
Indeed, the complexity of the calculations has on occasion created difficulties for the government. In 2001 and again in 2004 it had to publish corrections to earlier reports claiming success in hitting targets after it became clear that it had significantly overstated its progress. Initially the government claimed it had achieved a dramatic 22.5 per cent reduction in reconviction rates for young offenders against a target of 5 per cent. This was initially corrected to 7.7 per cent and then corrected once again to the final figure of 2.4 per cent.<sup>32</sup>

This is clearly an embarrassment for Labour. But the problems Labour has encountered in setting, revising and failing to hit its reconviction targets are as much a result of its own lack of clarity about what it is trying to achieve. In particular its use of reconvictions as a proxy measure of re-offending has arguably been the cause of acute conceptual confusion.

While the aspiration to reduce re-offending is a largely uncontroversial one, the same cannot be said for the reduction in reconvictions. Indeed, it is arguable that a government concerned with narrowing the justice gap would wish to increase the rate of conviction. If, as the government claims, a large proportion of crime is committed by individuals already known to the criminal justice agencies, then driving up the rate of reconviction would logically be a desirable policy outcome.

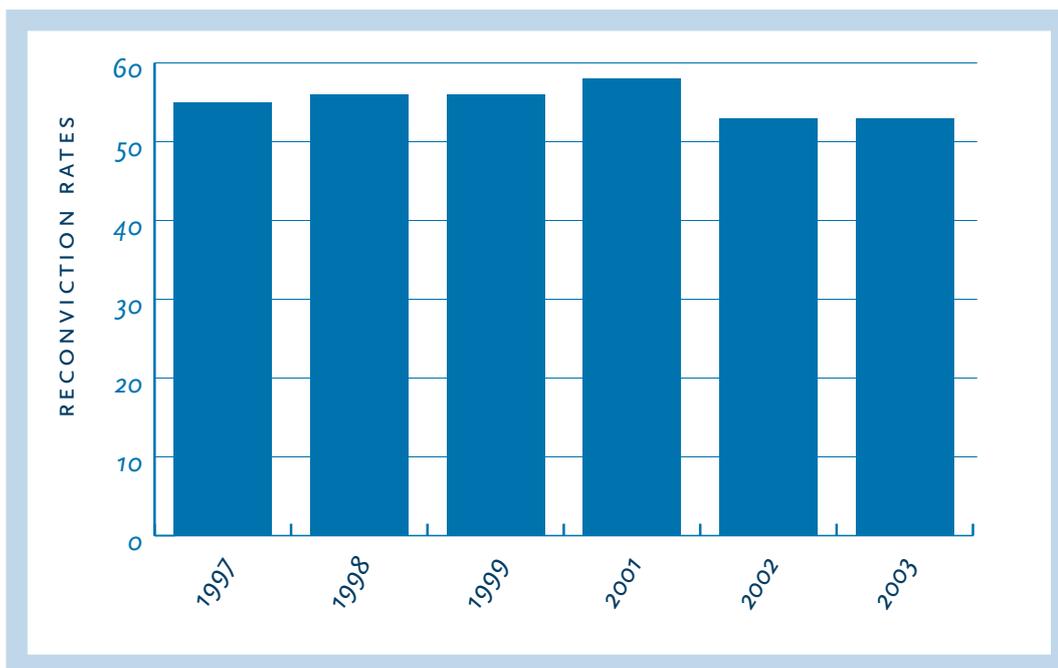
**Figure 16:** Actual two-year reconviction rates for adult offenders post-custody, 1997–2003

Sources: Home Office (2003), Prison Statistics England and Wales 2002, London: Home Office; Home Office (2005), NOMS Caseload Statistics 2004, London: Home Office; Home Office (2005), Re-offending of Adults: Results from the 2002 Cohort, London: Home Office; Home Office (2006), Re-offending of Adults: Results from the 2003 Cohort, London: Home Office.



**Figure 17:** Actual two-year reconviction rates for adult offenders on community sentences, 1997–2003

Sources: Home Office (2003), Probation Statistics England and Wales 2002, London: Home Office; Home Office (2005), NOMS Caseload Statistics 2004, London: Home Office; Home Office (2005), Re-offending of Adults: Results from the 2002 Cohort, London: Home Office; Home Office (2006), Re-offending of Adults: Results from the 2003 Cohort, London: Home Office.



In reality, the argument that most crime is committed by individuals already known to the criminal justice agencies is spurious.<sup>33</sup> Most crime and most offending does not come to the attention of the criminal justice agencies. Many re-offend; few are reconvicted. As a result, Labour's shifting targets on reconvictions remain one of the most confused, unclear and meaningless of all its criminal justice-related targets.

## Anti-social behaviour

Tony Blair first wrote of anti-social behaviour (ASB) in a newspaper article in 1988. 'None of us should escape responsibility,' he wrote. 'For we, collectively, determine the values of our society. When a sense of community is strong, that adds its own special pressure against anti-social behaviour.'<sup>34</sup> Ten years later the Labour government passed the Crime and Disorder Act, introducing a number of measures to tackle anti-social behaviour, including the Anti-Social Behaviour Order (ASBO). This was reinforced by measures in the 2002 Police Reform Act and the 2003 Anti-Social Behaviour Act. In addition, the launches of the 'Together Campaign' (in October 2003) and the 'Respect Action Plan' (in January 2006) have reaffirmed Labour's commitment to tackling ASB.

### Clarifying terms: what is anti-social behaviour?

ASB is defined in the Crime and Disorder Act 1998 as behaving 'in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself'.<sup>35</sup> In practice it is a broad and subjective umbrella term covering a wide range of behaviours and activities,<sup>36</sup> which has made it difficult, if not impossible, to develop a reliable and robust data set on its prevalence and trends. A 'one day count' of anti-social behaviour, conducted in September 2003, came up with a total of 66,107 'reports of ASB' in one day, equating to 16.5 million incidents per year.<sup>37</sup> The Home Office itself appeared ambivalent about the status of the results, warning that 'reports are not the same as incidents of anti-social behaviour'.

More recently, the government has tried to discourage attempts to quantify the scale and trends in anti-social behaviour. Hazel Blears, then a Home Office Minister, explained to parliament in late 2005: 'There is currently no data on the number of incidents of anti-social behaviour due to the subjective nature of ASB itself.'<sup>38</sup> As a result, official measures of anti-social behaviour are perceptual in nature. This has created significant confusion and inconsistencies in the government's approach to ASB.

### Labour's targets

An explicit PSA target on ASB first appeared in the 2004 Spending Review. It is a perception measure drawn from the British Crime Survey (BCS) and reads as follows:

The percentage of people who feel anti-social behaviour to be a very or fairly big problem is lower than in the baseline year (baseline = 2002–2003).

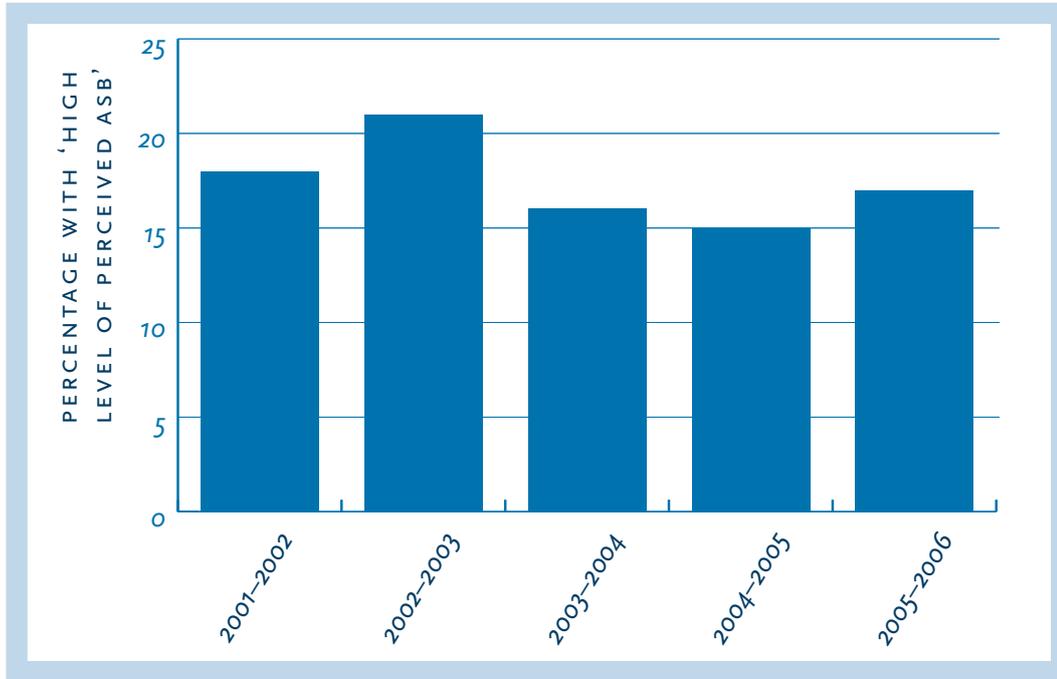
The deadline for this target is 2007–2008. The baseline measure from 2002–2003 is 21 per cent.

In addition, the Home Office has set various related targets, many of them associated with the 'Together' and 'Respect' campaigns. Attempting to account for these manifold mini-targets would be an involved and complicated process. Instead, we will examine the government's progress in encouraging the use of the ASBO. In a written parliamentary question in 1998, the then Home Secretary Jack Straw said there was a target for '5,000 [ASBOs to be issued] annually' after their introduction on 1 April 1999.<sup>39</sup> Although this target has not been repeated in official government reports, it clearly indicates how many ASBOs the government hoped would be issued.

## What has Labour delivered?

Currently the government is on course to meet its target on the perception of ASB, with an annual outturn of 17 per cent according to the latest BCS data from 2006 (Figure 18).<sup>40</sup>

**Figure 18:** Public perception of high-level ASB, 2001–2002 to 2005–2006 *Source: Walker, A., C. Kershaw and S. Nicholas (2006), Crime in England and Wales 2005/06, London: Home Office.*



It is notable that since the BCS began measuring public perception of ASB in 2001–2002, the aggregate high-level perception has never been above 21 per cent.<sup>41</sup> As with the crime-related targets set by Labour, this might be an example of another target being set with little risk of it being missed. And while perception of ASB has started to increase again, it is still comfortably below the baseline target.

There is significant variation both regionally and demographically in this aggregate figure, as a recent report by the National Audit Office (NAO) notes.<sup>42</sup> The percentage of people who think that ASB is a big or fairly big problem in their area ranges from 29 per cent in London to 7 per cent in Lincolnshire and Essex. Local authority collated statistics examined by the NAO show an even greater variation in high-level ASB perception, ranging from 6 per cent in Wiltshire to 49 per cent in Corby.

According to the most recent BCS there were also 'marked differences between various socio-demographic groups in their levels of perception of anti-social behaviour'.<sup>43</sup> For example, 28 per cent of women aged 16–24 thought that ASB was a big or fairly big problem, as did 30 per cent of people living in social housing. While 26 per cent of black and minority ethnic groups expressed similar concern, the overall perception among white people was much lower at 16 per cent.

### *The usefulness of the ASB target*

In addition to the significant perception variations, there are also a number of questions concerning the usefulness and validity of the ASB perception target.

The BCS bases its ASB perception measure on seven different types of so-called anti-social behaviour. These are: 'abandoned or burnt-out cars'; 'noisy neighbours or loud parties'; 'people being drunk or rowdy in public places'; 'people using or dealing drugs';

'teenagers hanging around on the streets'; 'rubbish or litter lying around'; and 'vandalism, graffiti and other deliberate damage to property'.

The government has not offered a satisfactory explanation for the choice of these seven categories of ASB, or why it has alighted on seven categories in particular. It is notable, for instance, that 'speeding traffic', reported in a Home Office study of ASB as 'the most widely perceived individual problem',<sup>44</sup> is not included in the government's preferred measure of ASB perception. Indeed, of the top four types of perceived anti-social behaviour identified by this study, only 'rubbish or litter lying around' is included in the official ASB measure. Suspiciously, 'speeding traffic' along with another common complaint – 'illegally/inconveniently parked cars' – were both dropped from the equivalent report of the following year.<sup>45</sup>

Of equal significance, the aggregate BCS measure of ASB has changed since the 2002–2003 baseline was established, meaning that no clear comparison is possible. Racial harassment has been dropped as a measure, while noisy neighbours/loud parties, abandoned cars and rubbish and litter have been added.<sup>46</sup> Another of the more obvious problems with the government's ASB measure is that it does not cover children's perceptions of ASB (the BCS only questions individuals over the age of 15).

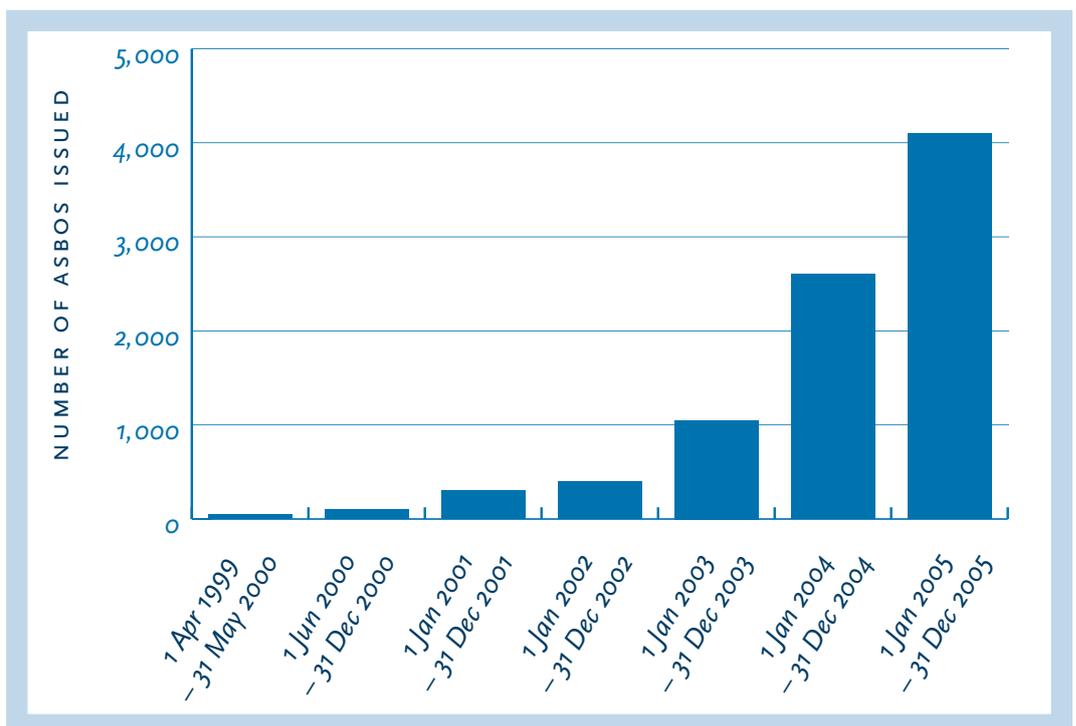
Given the above, it is hardly surprising that anti-social behaviour means whatever the government says it means. This has undoubtedly given ministers enormous scope to target whatever problem they consider to be of interest at any given point in time. Whether such a subjective and amorphous category provides the basis for robust, informed and evidence-based policy is a very different question.

#### *Anti-Social Behaviour Orders (ASBOs)*

As mentioned above, the government appeared to have ambitious plans for ASBOs, with the aim of some 5,000 being issued every year. While the use of ASBOs has increased rapidly in recent years, the numbers fall far short of the original target, with a total of 9,853 having been issued between 1 April 1999 and 31 December 2005 (Figure 19).

**Figure 19:** ASBOs issued (1 April 1999 to 31 December 2005, England and Wales)

Source: Home Office statistics, available at [http://www.crimereduction.gov.uk/asbos/asbos2\(la\)deco5.xls](http://www.crimereduction.gov.uk/asbos/asbos2(la)deco5.xls).



In response to a lack of interest in using ASBOs, the government launched a major campaign, called 'Together'. Speaking at a special ASB event in September 2003, just before the campaign was launched, Tony Blair told delegates: 'To the police, housing officers, local authorities – we've listened, we've given you the powers, and it's time to use them. You've got new powers to deal with nuisance neighbours – use them. You've got new powers to deal with abandoned cars – use them. You've got new powers to give fixed penalty fines for anti-social behaviour, without going through a long court process – use them.'<sup>47</sup>

In such circumstances, perhaps it was to be expected that take-up of the ASBO would vary across the country, with islands of enthusiasm surrounded by pools of indifference. This is exactly what has happened, as Table 5 illustrates.

**Table 5:** ASBOs issued by region of England and Wales, for those regions issuing 150 ASBOs or more between 1 April 1999 and 31 December 2005 *Source: Home Office statistics, available at <http://www.crimereduction.gov.uk/asbos/asbos2.htm>.*

Region	ASBOs Issued
Greater Manchester	1,237
Greater London	1,172
West Midlands	787
West Yorkshire	696
Wales	422
Lancashire	362
Northumbria	309
Merseyside	308
Hampshire	273
Nottinghamshire	256
South Yorkshire	248
Sussex	248
Humberside	236
West Mercia	236
Avon & Somerset	222
Cheshire	208
Devon & Cornwall	178
Staffordshire	170
Suffolk	168
Thames Valley	163
Kent	159
All Other Regions	1,795
<b>Total for England and Wales</b>	<b>9,853</b>

High breach rates have also characterised the implementation of the ASBO. Figures obtained under the Freedom of Information Act revealed that more than six in ten ASBOs in areas where the Home Office pioneered ASB policy have been breached.<sup>48</sup> In addition, a

study published in November 2006 showed that 49 per cent of young offenders subject to an ASBO were reported to have breached their order at least once. Two-thirds of those who had breached their order had done it more than once, with 10 per cent of those who had breached their order doing so six times or more.<sup>49</sup> Further, a report by the National Audit Office in December 2006 confirmed that more than half of all ASBOs are breached. The report found that 55 per cent of those issued with an ASBO engaged in further acts of ASB during their order.<sup>50</sup>

## Verdict

This chapter has examined three priority areas for Labour's criminal justice policy: the justice gap, re-offending and anti-social behaviour.

In each case, there are significant reasons for questioning the government's claims to success. While it has hit easily, and far ahead of schedule, its target for narrowing the justice gap, it has done so only by significantly increasing the number of sanctions that do not formally go to court. Indeed, the number of formal court convictions has been in decline. Whether this state of affairs corresponds with what most members of the public would consider justice seems at best a moot point.

The government's targets to reduce 're-offending' have all been missed. On the face of it this is one of Labour's most conspicuous criminal justice failures. But it is also apparent that Labour has made elementary errors in understanding the nature of the task, confusing itself and others over the difference between re-offending and reconviction, and, in the process, creating targets that are at best incoherent and at worse largely meaningless.

Conceptual problems also bedevil Labour's targets on anti-social behaviour. Anti-social behaviour was a 'problem' largely invented by Labour. There is little doubt that underlying some of the rhetoric are real problems affecting people in communities across the country. But Labour has become lost in the arbitrariness of its measures of anti-social behaviour. Furthermore, its flagship ASBO policy faced huge implementation problems at the start, and is looking increasingly discredited as a mainstream response.

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1. See Roberts, R. and Garside, R. (2005), *Punishment Before Justice? Understanding Penalty Notices for Disorder*, London: Crime and Society Foundation.
  2. For a critique of the persistent offender strategy see Garside, R. (2004), *Crime, Persistent Offenders and the Justice Gap*, London: Crime and Society Foundation.
  3. For a review of knife-crime related issues, see Eades, C. (2006), *Knife Crime: Ineffective Solutions to a Distracting Problem?*, London: Centre for Crime and Justice Studies.
  4. For a discussion of this, see the essays collected in Garside, R. and McMahon, W. (eds) (2006), *Does Criminal Justice Work? The 'Right for the Wrong Reasons' Debate*, London: Crime and Society Foundation.
  5. Labour Party (1997), *Labour Party Election Manifesto: New Labour Because Britain Deserves Better*, London: Labour Party, available at: <http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>.
  6. For a detailed discussion, see Garside, R. (2004), *Crime, Persistent Offenders and the Justice Gap*, London: Crime and Society Foundation.
  7. Home Office (2006), *Criminal Statistics 2005: England and Wales*, London: Home Office, p.84; Penalty Notices for Disorder were piloted in four areas during 2002 and 2003 and were introduced nationally from April 2004. The three notifiable offences for which these notices can be given are: causing harassment, alarm or distress; destroying or damaging property (value of damage under £500); and retail theft (under £200 in value).
  8. HM Treasury (2000), *Spending Review 2000: Prudent for a Purpose: Building Opportunity and Security for All*, available at: [http://www.hm-treasury.gov.uk/spending\\_review/spending\\_review\\_2000/spending\\_review\\_report/spend\\_sroo\\_repchap10.cfm](http://www.hm-treasury.gov.uk/spending_review/spending_review_2000/spending_review_report/spend_sroo_repchap10.cfm).
  9. HM Treasury (2002), *Spending Review 2002: Public Service Agreements*, London: HM Treasury, p.13.
  10. HM Treasury (2004), *Spending Review 2004: Public Service Agreements*, London: HM Treasury, p.120.

11. Home Office (2004), *Home Office Strategic Plan 2004–08*, London: Home Office, p.10.
12. Home Office (2006), *Criminal statistics 2005, England and Wales*, London: Home Office, p.88.
13. Home Office (2006), *Criminal statistics 2005, England and Wales*, London: Home Office, p.88. See also Home Office (2006), *Home Office Targets Autumn Performance Report 2006*, London: Home Office.
14. *Ibid.*
15. Office for Criminal Justice Reform (2006), *Penalty Notices for Disorder: Review of Practice Across Police Forces*, London: Home Office, p.2.
16. See Home Office (2006), *Strengthening Powers to Tackle Anti-Social Behaviour*, London: Home Office, p.19.
17. Cautions figures include reprimands and final warnings for juveniles.
18. Home Office (2006), *Criminal statistics 2005, England and Wales*, London: Home Office, p.88.
19. Cited in O’Keefe, A. (2006), ‘The war on youth’, *New Statesman*, 16 October 2006.
20. Cited in Lloyd, T. (2006) ‘Government defends justice target despite service criticism’, *Young People Now*, 8 November 2006.
21. Home Office (1998), *Criminal statistics 1997, England and Wales*, Cm 4162. Table 1.1, London: Home Office; Home Office (2006), *Criminal statistics 2005, England and Wales*, London: Home Office.
22. Home Office (1998), *Criminal statistics England and Wales 1997*. Cm 4162. Table 1.1, London: Home Office; Home Office (2006), *Criminal statistics England and Wales 2005*, London: Home Office; Walker A., C. Kershaw and S. Nicholas (2006), *Crime in England and Wales 2005/06*. Table 2.01, London: Home Office
23. HM Treasury (1998), *Comprehensive Spending Review: Aims and Objectives*, London: HM Treasury, p.19.
24. HM Treasury (2000), *Spending Review 2000: Prudent for a Purpose: Building Opportunity and Security for All*, London: HM Treasury, available at: [http://www.hm-treasury.gov.uk/Spending\\_Review/Spending\\_Review\\_2000/Spending\\_Review\\_Report/spend\\_sroo\\_repindex.cfm](http://www.hm-treasury.gov.uk/Spending_Review/Spending_Review_2000/Spending_Review_Report/spend_sroo_repindex.cfm).
25. HM Treasury (2002), *Spending Review 2002: Public Service Agreements*, London: HM Treasury, p.13.
26. HM Treasury (2004), *Spending Review 2004: Public Service Agreements*, London: HM Treasury, p.20.
27. Home Office (2005), *The Government Reply to the Third Report from the Home Affairs Committee Session 2004–05 HC 320, Home Office Target-Setting 2004*, London: Home Office.
28. Home Office (2004), *Confident Communities in a Secure Britain: The Home Office Strategic Plan 2004–08*, London: Home Office, p.77.
29. Home Office (2006), *A Five Year Strategy for Protecting the Public and Reducing Re-offending*, London: Home Office, p.35.
30. Home Office (2006), *Departmental Report 2006*, London: Home Office, p.104.
31. Home Office (2006), *Departmental Report 2006*, London: Home Office, p.96 and 77–78 respectively.
32. Home Office (2001), *One Year Juvenile Reconviction Rates: First Quarter of 2001 Cohort*, Second Edition, London: Home Office; Home Office (2004), *Juvenile Reconviction: Results from the 2001 and 2002 Cohort*, Home Office Online Report, London: Home Office.
33. Garside, R. (2004), *Crime, Persistent Offenders and the Justice Gap*, London: Crime and Society Foundation.
34. Blair, T., *The Times*, 12 April 1988.
35. Crime and Disorder Act 1998, Chapter 1, Section 1.
36. Within these categories ASB can include any of the following (as well as many more): drug and substance misuse; street drinking; prostitution; rowdy behaviour; littering; begging; vandalism; vehicle-related nuisance; harassment and intimidation; uncontrolled animals (including animal litter); hoax calls; loitering; kerb crawling; excessive noise (such as from cars or music); indecent exposure. For further examples, see Home Office (2004), *Defining and Measuring Anti-Social Behaviour*, London: Home Office.
37. One of the more surreal aspects of the government’s one-day count is the way in which it calculated the annual figure. Rather than multiplying the 66,107 supposed incidents by 365 (giving a figure of around 24.5 million), the Home Office researchers deducted weekends and statutory holidays, resulting in the lower figure of 16.5 million. ASB, apparently, only exists if there is a public official one can report it to.
38. *Hansard*, 7 November 2005, Column 61W.
39. *Hansard*, 27 January 1998, Column 138.
40. Home Office (2006), *Departmental Report 2006*, London: Home Office, p.71.
41. Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/06*, London: Home Office, p.39.

42. National Audit Office (2006), *Tackling Anti-Social Behaviour*, London: The Stationary Office, pp.16–17.
43. Home Office (2006), *British Crime Survey 2005/6*, London: Home Office, p.39.
44. Wood, M. (2004), *Perceptions and Experience of Anti-Social Behaviour: Findings from the 2003/2004 British Crime Survey*, Home Office Online Report 49/04, London: Home Office, p.11.
45. Wood, M. (2004), *Perceptions and Experience of Anti-Social Behaviour: Findings from the 2003/04 British Crime Survey*, Home Office Online Report 49/04, London: Home Office, p.11. Compare to Wood, M. (2006), *Perceptions and Experience of Anti-Social Behaviour: Findings from the 2004/05 British Crime Survey*, Home Office Online Report 21/06, London: Home Office.
46. Walker, A., Kershaw, C. and Nicholas, S. (2006), *Crime in England and Wales 2005/06*, London: Home Office, p.38–39.
47. Tony Blair, speech on anti-social behaviour at the QEII Centre, 14 September 2003 (see <http://www.number-10.gov.uk/output/Page4644.asp>).
48. See *Renewal and Regeneration Magazine*, 29 September 2006.
49. Youth Justice Board (2006), *Anti-Social Behaviour Orders*, London: Youth Justice Board, p.110.
50. National Audit Office (2006), *Tackling Anti-Social Behaviour*, London: The Stationary Office, p.19.

# Three Big Issues: Policing, Youth Justice and Drugs

The previous chapter critically examined three cross-cutting areas of criminal justice policy. This chapter does the same with three significant issues that Labour has wrestled with during its time in office: policing, youth justice and drugs. As in Chapter 4, we will examine how Labour has performed and will critically scrutinise the targets it has set for itself.

## Policing

Nearly ten years of Labour rule has precipitated some significant changes in policing for England and Wales. For much of its first term Labour was committed to the previous Conservative government’s spending limits. With the huge post-2000 increases in expenditure, highlighted in Chapter 2, the landscape changed significantly in Labour’s second and third terms in office.

### Labour’s targets

Labour’s policing-related targets have chopped and changed over the years, making a succinct summary and discussion virtually impossible. In this section we examine four core areas: the politically sensitive issue of police numbers; targets for black and minority ethnic recruitment; the drive to get officers spending more time on ‘frontline duties’; and attempts to tackle serious and organised crime. The main targets in these areas are set out in Table 6.

**Table 6:** Labour’s targets on policing

Key targets	Deadline set
<i>Police numbers</i>	
• Increase Police Officer numbers to 132,500 <sup>i</sup>	2004–2005
• Maintain record police numbers <sup>ii</sup>	Ongoing
• 16,000 Police Community Support Officers (PCSOs) in post <sup>iii</sup>	March 2007
• 24,000 PCSOs in post <sup>iv</sup>	March 2008
<i>Frontline duties</i>	
• Time spent on frontline duties to reach 72.5% <sup>v</sup>	March 2008
<i>Black and minority ethnic representation</i>	
• A representative police service – 7% black and minority ethnic representation for Police Officers, civilian staff, Special Constables and PCSOs <sup>vi</sup>	March 2009
<i>Serious and organised crime</i>	
• 10% increase in the disruption of organised criminal enterprises against 1999–2000 baseline <sup>vii</sup>	2004

• Disruption of more organised criminal enterprises <sup>viii</sup>	2005–2006
• A doubling of criminal assets seized to £60 million against 1999–2000 baseline <sup>ix</sup>	2004–2005
• Further increases in assets seized <sup>ix</sup>	Ongoing

- i Home Office (2002), *The National Policing Plan 2003–06*, London: Home Office, pp.3–4; 49–50.
- ii Home Office (2004), *Confident Communities in a Secure Britain: The Home Office Strategic Plan 2004–08*, London: Home Office, p.59.
- iii Home Office (2004), *The National Policing Plan 2005–08: Safer, Stronger Communities*, London: Home Office, p.15.
- iv Home Office (2006), *Neighbourhood Policing Progress Report May 2006*, London: Home Office, p.5, available at: [http://police.homeoffice.gov.uk/news-and-publications/publication/police-reform/2006\\_05\\_18\\_NP-booklet.pdf?view=Binary](http://police.homeoffice.gov.uk/news-and-publications/publication/police-reform/2006_05_18_NP-booklet.pdf?view=Binary); Labour Party (2005), *Labour Party Manifesto – Britain Forward Not Back*, London: Labour Party, p.44.
- v Home Office (2004), *The National Policing Plan 2005–2008: Safer, Stronger Communities*, London: Home Office, p. 16.
- vi Home Office (1999), *Race Equality – The Home Secretary’s Employment Targets*, London: Home Office, p.11.
- vii Home Office (2002), *Home Office Annual Report 2002–03*, London: Home Office, p.160; HM Treasury (2000), *Spending Review 2000: Public Service Agreements*, available at: [http://www.hm-treasury.gov.uk/Documents/Public\\_Spending\\_and\\_Services/Public\\_Service\\_Agreements\\_2001\\_2004/pss\\_psa\\_homeoff.cfm](http://www.hm-treasury.gov.uk/Documents/Public_Spending_and_Services/Public_Service_Agreements_2001_2004/pss_psa_homeoff.cfm).
- viii Home Office (2002), *The National Policing Plan 2003–2006*, London: Home Office, p.37.
- ix Home Office (2002), *The National Policing Plan 2003–2006*, London: Home Office, p.36; Home Office (2004), *Home Office Departmental Report 2004*, London: Home Office, p. 48; Home Office (2005), *Home Office Departmental Report 2004–05*, London: Home Office, p.95

### Police numbers

By the time of the 1997 general election, police numbers in England and Wales had been in decline for four years, from 128,290 Police Officers in 1993 to 127,158 in March 1997.<sup>1</sup> This trend continued during Labour’s first term, as the newly-elected government placed getting more officers on the beat over increasing police numbers. This was reflected in the 1998 Spending Review target to cut crime ‘by focusing more police resources on the frontline fight against crime’.<sup>2</sup> Numbers had fallen to 125,519, by March 2001, although that figure represented an increase of over 1,000 officers on the previous year.<sup>3</sup>

By the time of the 2001 general election, police numbers had become a significant political issue, and in its manifesto Labour pledged to increase them ‘to their highest ever level’.<sup>4</sup>

A distinct pledge for the new (less qualified and less well paid) Police Community Support Officers (PCSOs) was also introduced. The initial target was to have 1,000 PCSOs in post by 2003–2004 and 4,000 in post by 2004–2005.<sup>5</sup> The longer-term target was an additional 20,000 PCSOs by March 2008, meaning a total of an additional 24,000, as promised in Labour’s 2005 election manifesto. In the meantime an interim target was set of 16,000 in post by March 2007. Special Constables – part-time volunteers with full police powers – were also identified as a priority. Their numbers had also been in decline, from 18,256 in the first year after Labour came to power<sup>6</sup> to 10,988 in 2004.<sup>7</sup>

### *Frontline duties and civilian support staff*

The first of the National Policing Plans (2003–2006) set about creating a ‘frontline policing measure’ to measure time spent by officers on frontline duties.<sup>8</sup> It was not until the third plan that the target was set out in more detail. That plan, covering 2005–2008, said that 63.6 per cent of police time was spent on frontline duties, with a range from 53.8 per cent to 70.2 per cent between forces. The government’s ‘expectation’ was that this would rise to 72.5 per cent by 2007–2008, which the plan said would be ‘a gain equivalent to putting an extra 12,000 Police Officers on the frontline’.<sup>9</sup> This objective was also set out in the 2004 Spending Review as part of planned police efficiency savings.<sup>10</sup>

Increasing the number of civilian support staff (as well as Special Constables and PCSOs) to perform administrative and other tasks was seen by the Home Office as key to achieving this goal.<sup>11</sup> A year after Labour came to power, civilian police staff numbered 52,975.<sup>12</sup> By the time the third plan was published in November 2005, the number had risen to 69,357.<sup>13</sup>

### *Black and minority ethnic (BME) representation*

Soon after the publication of the Stephen Lawrence inquiry report in 1999 the Home Office published *Race Equality – The Home Secretary’s Employment Targets*, which set the target for minority ethnic representation for Police Officers, civilian support staff and Special Constables at 7 per cent by 2009. Intermediate ‘milestone’ targets were set the following year.<sup>14</sup> For Police Officers this meant goals of 3 per cent representation in 2002, 4 per cent in 2004 on the way to the 7 per cent 2009 target. For Special Constables, the 2002 and 2004 milestones were set at 4 and 5 per cent respectively, and for civilian support staff they were 5 and 6 per cent.

### *Serious and organised crime and asset recovery*

Targets relating to police performance in combating serious and organised crime have fluctuated over Labour’s time in power.

The 1998 Spending Review sought, by 31 March 2002, ‘to increase the number of organised criminal enterprises disrupted’.<sup>15</sup> A more specific target was planned for implementation from 1 April 2001, and the 2000 Spending Review set the target as the disruption of ‘10 per cent more organised criminal enterprises by 2004’ against a baseline of 476 groups disrupted.<sup>16</sup>

An adjusted target was set for an additional 3 per cent more enterprises to be disrupted by March 2003 but was subsequently softened in the first national policing plan. It was now directional: ‘the disruption of more organised criminal enterprises by 2005–2006 compared with 2003–2004’.<sup>17</sup> By the time of the Home Office’s departmental report for 2005 the target was changed yet again to combating serious and organised crime by preparing for the formation of the Serious Organised Crime Agency (SOCA) in April 2006.<sup>18</sup>

On criminal assets, a target was set to double seizures by 2004–2005, with further increases to be achieved thereafter.

## What has Labour delivered?

### *Police numbers*

Helped by the large increases in expenditure discussed in Chapter 2, there has been a remarkable increase in police numbers since 2000 (Figure 20). The government has comfortably met its targets, although the number of officers leaving the police has increased, from 5,849 in 2000 to 8,773 in 2006.

**Figure 20:** Police Officer strength, England and Wales, 1990–2006<sup>i</sup> Source: Home Office Police Service Strength reports, 1998–2006.

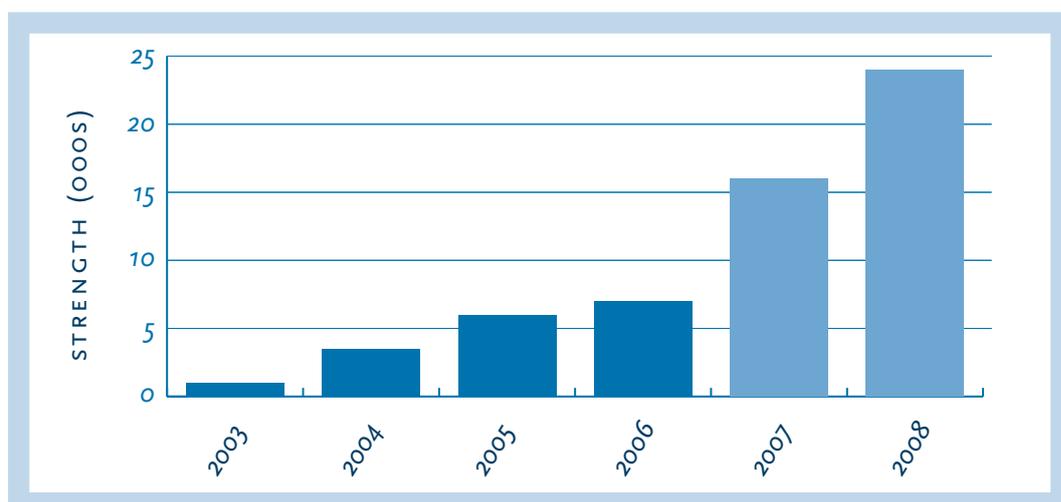


*i* In January 2001 a Police Numbers Task Force was established and recommended changes to the way FTE officers were counted. These measures were applied for 2003. However, in order to provide a proper comparison, the old method of calculation is used throughout.

Numbers of Special Constables have also risen, to 13,179 by March 2006.<sup>19</sup> Progress against the target for PCSOs has been rather more disappointing for the government. Its initial targets of 1,000 and 4,000 were comfortably surpassed. Since then recruitment has slowed, despite a national poster campaign and the allocation of an additional £100m to accelerate recruitment.<sup>20</sup> Between March 2005 and March 2006 only a further 555 PCSOs were recruited, taking the overall number to 6,769.<sup>21</sup>

The government has since announced the scrapping of the target to have 24,000 PCSOs in post by March 2008. Citing the need for greater ‘flexibility’, the Home Office Minister, Tony McNulty, told the House of Commons that the government is now only aiming to have 16,000 PCSOs in place by 2007–2008,<sup>22</sup> originally the interim target for 2006–2007 (Figure 21).

**Figure 21:** Police Community Support Officer recruitment, 2003–2006, with original targets for 2007 and 2008 Source: Home Office Police Service Strength reports, 2003–2006; Home Office (2004), *The National Policing Plan 2005–08: Safer, Stronger Communities*, London: Home Office; Labour Party (2005), *Labour Party Manifesto – Britain Forward Not Back*, London: Labour Party.



In view of the increase in police budgets under Labour it is hardly surprising that the government has had little difficulty hitting its targets on police numbers. Around £2 billion more was allocated to the police in 2004–2005 compared with 1998–1999 (Chapter 2, Table 1) and in total since 1997 approximately £70 billion has been spent on the police. With such a financial stimulus, the government would have found it difficult to fail in recruiting more Police Officers.

That Labour has achieved its target in part though a significant increase in the policing budget is obvious. Whether the cumulative year on year increases in police-related expenditure since 1998–1999 represent real value for money is a very different question. As noted in Chapter 2, a recent government analysis concluded that increases in police spending ‘appear unrelated to changes in productivity’.<sup>23</sup> Furthermore, despite the commonsense view that more police equals less crime, there is surprisingly little robust evidence supporting the proposition that increased police numbers have an impact on crime levels.

Maintaining these historically high numbers of police over the long term – if indeed that is the intention – also carries with it significant budgetary implications. The government’s continued political commitment to high police numbers, with the expenditure commitments this implies, arguably deserves greater scrutiny than has been apparent to date.

The relative ease with which Labour has hit its police numbers targets also places its failure in relation to PCSOs in sharp relief. Despite all its additional expenditure, it still has a long way to go to achieve the numbers specified by even its revised target. Labour’s decision to reset a target it was unlikely to meet is also consistent with its approach to some of the other criminal justice targets we have studied. It is reasonable to question the point of such targets if they are simply going to be adjusted or dropped if there is a risk of their not being hit.

*Frontline duties and civilian support staff*

The Home Office states that a ‘large performance shift’ will be needed to meet its target on frontline policing.<sup>24</sup> The most recent figures show that in 2005–2006, 66.1 per cent of police time was spent on frontline duties.<sup>25</sup> This is an increase of 2.5 per cent from the 2003–2004 starting level of 63.6 per cent. It is therefore unlikely that the target of 72.5 per cent of time spent on frontline duties by 2007–2008 will be met. This is despite the fact that the numbers of civilian support staff have increased by over 20,000 since Labour came to power, rising from just under 53,000 in 1998 to just under 73,800 in 2006 (Table 7).

**Table 7:** Police civilian support staff numbers *Source: Home Office Police Service Strength reports, 1998–2006*

Year	Numbers
1998	52,975
1999	52,465
2000	53,227
2001	54,588
2002	58,909
2003	63,105
2004	69,357
2005	71,208
2006	73,786

It is worth noting in passing that 'frontline duties' does not equate simply with Police Officers being on visible patrol. It includes, for instance, activities such as the preparation of case files for prosecution – a task perhaps not readily associated with being on the frontline. Police Officers, on average, spend only around 15 per cent of their time on visible patrol,<sup>26</sup> a proportion that is unlikely to change significantly even if the government's target were to be hit.

*Black and minority ethnic (BME) representation*

The government has struggled to raise BME representation among Police Officers but has fared much better with Special Constables, PCSOs and civilian support staff (Table 8).

**Table 8:** Black and minority ethnic representation among non-officer police staff, 1998–2006

Date	PCSO		Special		Civilian	
	Number	Proportion	Number	Proportion	Number	Proportion
1998	—	—	626	3%	2,682	5%
1999	—	—	531	3%	2,545	5%
2000	—	—	461	3%	2,518	5%
2001	—	—	448	4%	2,638	5%
2002	—	—	417	4%	3,145	5%
2003	190	16%	490	4%	3,320	5%
2004	591	17%	542	5%	3,828	6%
2005	891	14%	660	6%	4,181	6%
2006	1,029	15%	876	7%	4,566	6%

Source: Home Office Police Service Strength reports, 1998–2006.

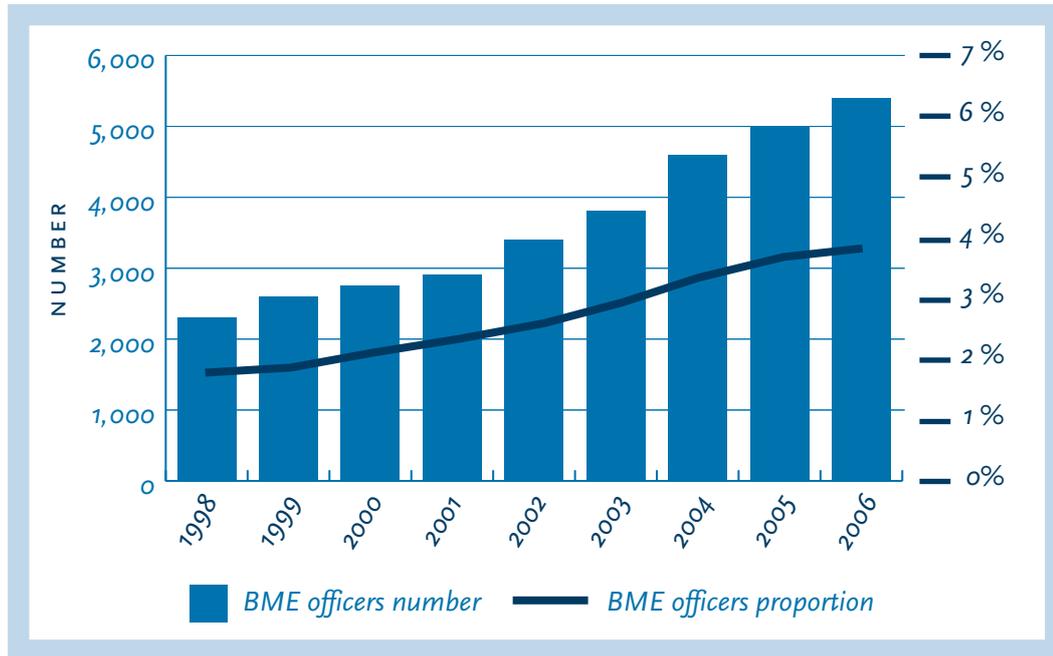
Having missed earlier milestones, the latest figures for BME officers do not look particularly promising. In March 2006 there were 5,297 BME officers, making up less than 4 per cent of all Police Officers. The ultimate target of 7 per cent black and minority ethnic officers by 2009 looks set to be missed (Figure 22). It is also worth noting that the 7 per cent target only represents parity with the BME proportion of the available working population, calculated over 12 quarters from 1996 to 1998.<sup>27</sup> If a 'representative police service' were to be equivalent to the whole BME population, the target would be close to 8.7 per cent.<sup>28</sup> Arguably, therefore, the target should be revised.

The police service is also struggling to hold on to those BME officers it does recruit. In 2003–2004 and 2004–2005 the percentage of BME officers resigning or being dismissed was higher than for white officers in every category of length of service.<sup>29</sup> In 2003–2004, for instance, 17.8 per cent of BME officers with less than six months in the service were dismissed or resigned compared to 7.7 per cent of white officers.<sup>30</sup>

As Table 8 shows, BME representation among the civilian and PCSO jobs is higher, as is the case with the Special Constables. This has been interpreted positively by many. But it is worth considering that this might reflect a broader structural problem within the police service, in which BME people might find it comparatively more difficult to attain the higher status Police Officer jobs, while finding it comparatively easier to take up the often lower status and lower paid auxiliary and support roles.

**Figure 22: Black and minority ethnic representation among Police Officers, 1998–2006**

Source: Home Office Police Service Strength reports, 1998–2006.



*Serious and organised crime and asset recovery*

Labour aimed to have disrupted 10 per cent more criminal enterprises by 2004 against a baseline of 476. By 2001–2002 the target had already been met, with 649 groups disrupted.<sup>31</sup> An adjusted target was then set to ensure that 3 per cent more groups were disrupted by March 2003. That was met 12 months early and the target was then changed again to make it directional and less specific – the aim was simply to disrupt ‘more organised criminal enterprises’. However, by March 2004, only 637 had been disrupted,<sup>32</sup> less than in 2001–2002. The target was then discontinued as the Serious Organised Crime Agency (SOCA) was created.

With the advent of SOCA, there might have been prudent reasons for jettisoning the target on disrupting organised criminal enterprises. Given the difficulties with defining the nature of a ‘criminal enterprise’ and what it means to disrupt it, there are questions to be raised about the validity of such a target. However, the lack of clear democratic oversight for SOCA will in the future make it difficult to make independent assessments of the impact of action on organised crime.<sup>33</sup>

The targets on assets recovery were also hit. The 2004–2005 target of £60 million recovered was exceeded, with £84 million recovered.<sup>34</sup> The following year, 2005–2006, the target of ‘an increase’ was also met as £97 million of criminal assets were seized.<sup>35</sup>

Considering the amount of money that organised crime is estimated to cost the United Kingdom this amounts to little more than small change. Research conducted by the Home Office into the economic cost of organised crime estimated that the price could be as high as £40 billion a year. The abuse of Class A drugs is estimated at £13 billion a year (‘a highly conservative estimate’); indirect tax fraud is estimated at £7 billion; intellectual property theft is estimated at £9 billion; and organised immigration crime is estimated at £3 billion ‘at least’.<sup>36</sup> Fraud against big business was estimated as being ‘extremely large’.

<sup>37</sup> These enterprises produce huge profits. Targeting such a small proportion of them is easily achievable but is likely to make little significant difference.

## Youth justice

In its 1997 election manifesto, Labour tried to make its mark as the new ‘law and order’ party. This transformation was sought by focusing in particular on youth justice. The manifesto made a specific promise to ‘ensure that petty criminality among young offenders is seriously addressed’.<sup>38</sup>

Labour claimed that young offenders were responsible for 7 million crimes a year,<sup>39</sup> and believed that a focus on youth crime and plans to reduce low level disorder would serve as the basis for cementing public confidence in the government.

### Labour’s targets

The 1997 election manifesto argued that ‘far too often young criminals offend again and again while waiting months for a court hearing’.<sup>40</sup> Once in government, Labour’s *No More Excuses* White Paper went further, stating that delays in the youth justice system were a growing concern: ‘They impede justice, frustrate victims and bring the law into disrepute. And delays do no favours to young offenders themselves: they increase the risk of offending on bail and they postpone intervention to address offending behaviour.’<sup>41</sup> Another key pledge was to reduce the number of children in prison. A target was set to reduce numbers by 10 per cent (Table 9).

**Table 9:** Youth justice targets

Target	Deadline
Deal with 80% of youth court cases within their time targets (Spending Review 2000)	March 2004
Halve from 142 to 71 days the time taken from arrest to sentence for persistent young offenders and maintain that level thereafter (Spending Review 2000)	March 2002
Reduce the number of young people in custody by 10% (Youth Justice Board, Annual Report 2005–06)	March 2008

Other prominent goals to reduce re-offending by young people, and to reduce harm and offending relating to drug use, are covered in other sections and chapters.

### *Persistent young offenders*

Labour’s most important youth justice pledge was to halve the time from arrest to sentence for persistent young offenders – described by Tony Blair as the ‘one-boy crime waves – who cause mayhem on estates, [who] have to be dealt with, and can be dealt with, and should be dealt with far more quickly’.<sup>42</sup> This was one of the five pledges the government made before the 1997 election, on which they asked to be judged at the end of their first term.

Busier youth courts (after the age limit was raised to 18 in 1992,<sup>43</sup> the most common conviction age for young men<sup>44</sup>) had by 1996 resulted in an average time from arrest to sentence for persistent young offenders of 142 days.<sup>45</sup> This figure was therefore taken as the baseline for a persistent young offenders target. The 1998 Spending Review set the specific objective of reducing the time to 71 days. However, it was not until two years later in the next spending review that a deadline of 2002 was set for achieving this target.

The 71-day target was intended to be maintained indefinitely; in 2003 it was also set as a target to be met in every criminal justice area by 2003–2004.<sup>46</sup> In 2005, the Home Office set it as one of the five key Local Criminal Justice Board performance targets.<sup>47</sup>

#### *Time targets for youth courts*

The 2000 Spending Review set an aim to deal with 80 per cent of youth court cases within specific time targets, and set a March 2004 deadline (Table 10).<sup>48</sup>

**Table 10:** Youth court time targets and results at March 2002 from arrest to sentence (or other disposal) for youth court cases

Disposal	Target	Result
Guilty pleas	70 days	49 days
Not guilty pleas	150 days	124 days
Committals	125 days	85 days

Sources: Home Office (2001), *Business Plan 2001–2002*, London: Home Office, p.11; Home Office (2003), *Home Office Departmental Report 2003*, London: Home Office, p.18.

It was intended that agencies such as the police and the Crown Prosecution Service should begin working together to share information and reduce delays in youth courts, the longest of which were in London boroughs.<sup>49</sup>

#### *Reducing the number of children in custody*

Since the Youth Justice Board was first established in 1998 it has set targets for the reduction in the number of children in custody. The aim has always been to reduce numbers by 10 per cent, but the deadline for achieving this has changed and so has the number against which the reduction is to be achieved.

A fall in the numbers of children in custody between 2002 and 2003 led the Youth Justice Board to revise its target to achieve a 10 per cent reduction in the 3,175 children in custody in October 2002 by March 2005.<sup>50</sup> The following year the target was modified again. The aim was still to reduce numbers by 10 per cent but against a baseline of October 2003, and with a new deadline of March 2006.<sup>51</sup> More recently, in 2004, the target was further changed with the aim of reducing numbers by 10 per cent between March 2005 and March 2008.<sup>52</sup>

This target was expected to be achieved largely through extending the use of the Intensive Supervision and Surveillance Programme (ISSP), rolled out in July 2001 as a ‘robust alternative to custody’ for young people.<sup>53</sup> Widening the use of the ISSP became a specific YJB target, with the pledge to ensure that at least 4,000 young offenders each year were intensively supervised in the community by March 2005.<sup>54</sup>

### What has Labour delivered?

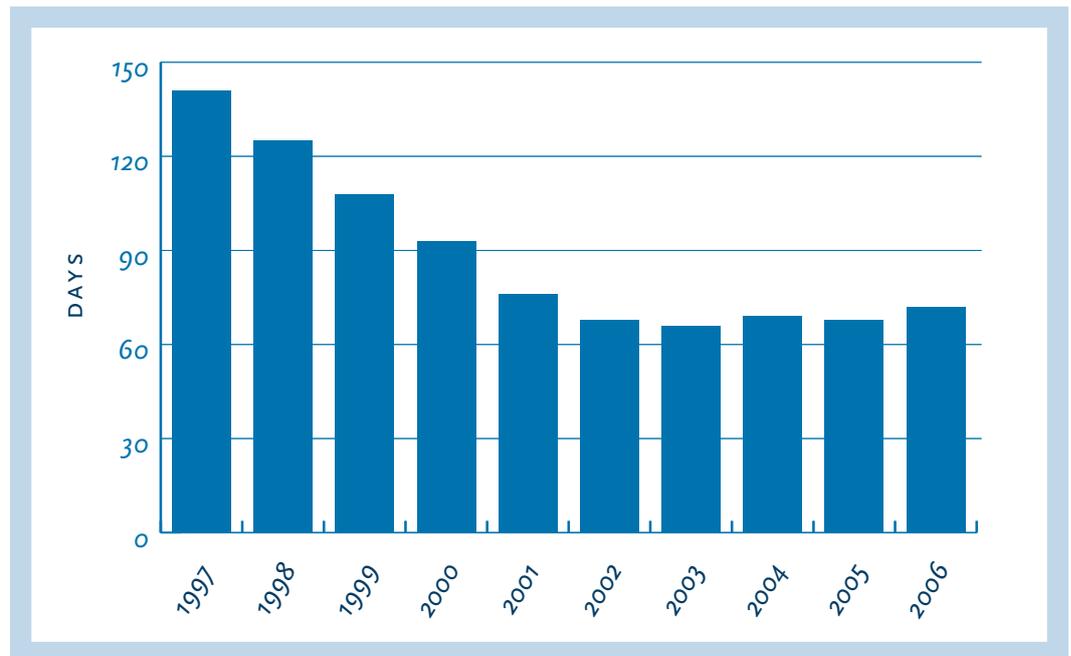
#### *Persistent young offenders*

Attempts to meet the 71-day target initially saw good progress. The 2000 Spending Review noted that the average time taken to deal with persistent young offenders had fallen from 142 days to 96 days, and the Treasury claimed that there had been ‘more effective inter-agency working in the CJS’.<sup>55</sup>

By September 2001, it had been further reduced to 63 days, well ahead of the 71-day target.<sup>56</sup> The original deadline had been March 2002, so the government had delivered on its pledge six months ahead of schedule.

However, since then, progress has been more mixed. Figure 23 shows that most recently, in 2006, the average until August was 72 days, just above the original target. This suggests that the time from arrest to sentence for persistent young offenders could be rising once again as government priorities are focused on other criminal justice targets.

**Figure 23:** Average time from arrest to sentence for persistent young offenders in England and Wales, 1997–2006 Source: Department for Constitutional Affairs, *Statistical Bulletin: Statistics on Persistent Young Offenders*, 11/2006



It is important to note that success at the national level masks significant variations in regional performance across the 42 criminal justice areas in England and Wales between 2001 and 2006. Some areas have consistently performed well but others have struggled to meet the target.<sup>57</sup>

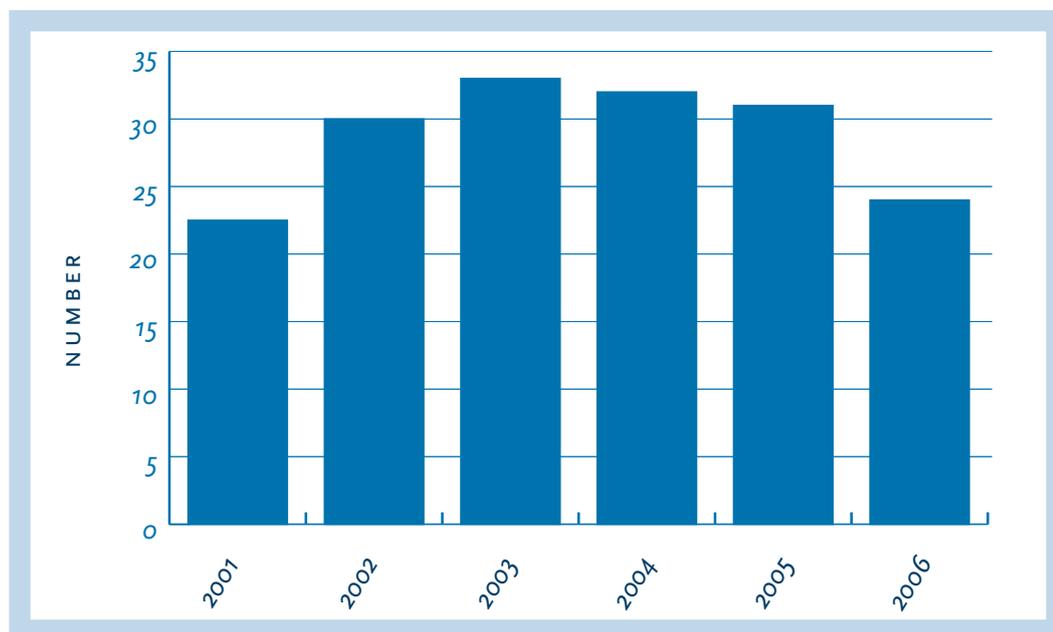
Figure 24 shows that in most areas there was an initial improvement in performance. By 2003, 33 areas were achieving the 71-day target. However, more recently, a number of areas have not been meeting the target. On average, between January and August 2006, only 24 of the 42 criminal justice areas in England and Wales met the 71-day target, with 18 missing the target.

References to persistent young *offenders* notwithstanding, it is worth remembering that what is being referred to here is young people who are regularly convicted of offences. The government is guilty of a similar confusion in relation to persistent young offenders [*sic*] to that which it perpetrates in relation to *re-offending* [*sic*] (see Chapter 3).

#### *Time targets for youth courts*

The Home Office met its time targets by March 2002, well before the 2004 deadline (Table 10). Following this success, Home Office ministers decided that statutory time limits for youth courts were not necessary. Other safeguards against delay were, they claimed, adequately in place.<sup>58</sup> The more general goal, focusing on ‘ensuring effective delivery of justice and avoiding unnecessary delay’, remained, but the specific time-targets were not maintained as Public Service Agreements (PSAs) after the 2000 Spending Review.

**Figure 24:** Number of 42 criminal justice areas achieving the 71-day target for persistent young offenders *Source: Department for Constitutional Affairs, Statistical Bulletin: Statistics on Persistent Young Offenders, Issues 03/2002; 03/2003; 03/2004; 03/2005; 03/2006, 11/2006 (The 2006 figure is the average of the eight months to August 2006.)*



The Department for Constitutional Affairs continues to monitor timeliness in magistrates' courts, and publishes quarterly national, as well as local, performance figures. National standards have been set for timeliness with all youth defendants since 2004 (Table 11).

**Table 11:** National standards for youth court time targets from arrest to sentence for youth court cases

Disposal	Standard
Guilty pleas	59 days
Not guilty pleas	176 days
Committals	101 days

*Source: Department for Constitutional Affairs (2006), Time Intervals for Criminal Proceedings in Magistrates' Courts, London: Department for Constitutional Affairs.*

Leaving to one side the desirability of swifter court processes, Labour set itself a relatively straightforward target in relation to court cases involving young people. In the 12 months to March 2002, which coincided with Labour comfortably hitting its targets, there were 147,000 court proceedings involving young people out of a total that year of over 2 million. The number of cases involving young people coming before the courts also decreased during this period, from 150,000 in 2001 to 141,000 in 2003.<sup>59</sup> Moreover, legislative changes that came into effect in April 2000 gave youth courts enhanced sentencing powers, which speeded up the whole court process.<sup>60</sup> The establishment of a whole new system for dealing with young suspects and offenders – the Youth Justice Board and the Youth Offending Teams – also meant that there was far more targeted capacity to deal with young people than was the case in the past.

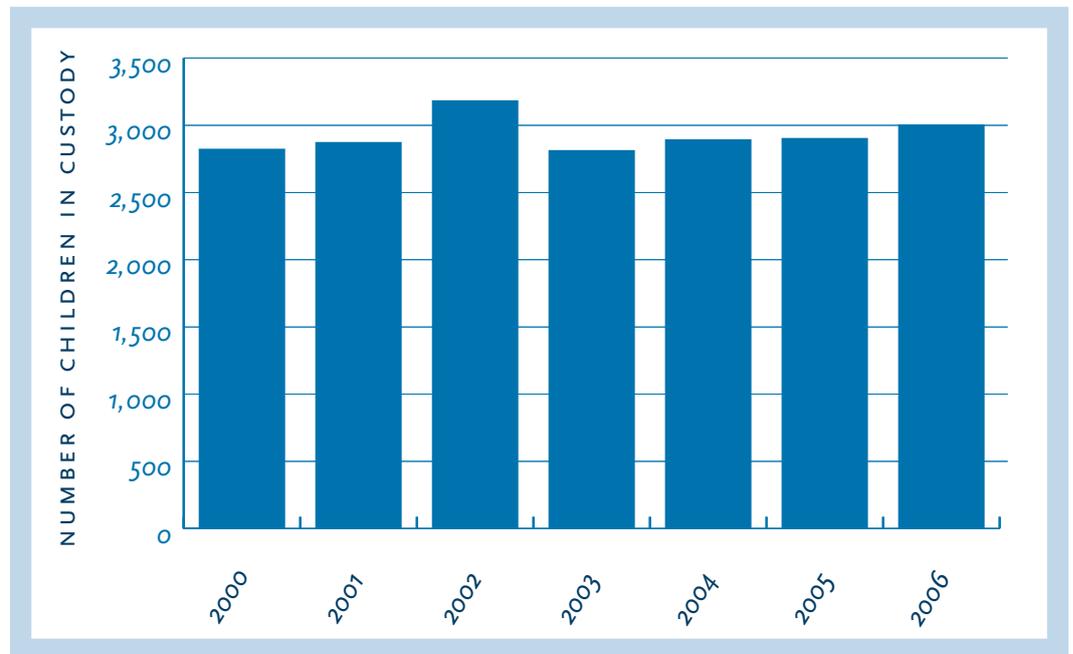
Labour, in other words, created a framework that significantly enhanced its chances of hitting the target. This is not to belittle its efforts. But it is important to recognise that the transformation was a consequence of carefully targeting resources. This becomes clearer when we consider the national targets for youth court cases (Table 11).

Compared with the 2002 outturns, time targets for guilty pleas and committals have been made more demanding by reducing the number of days from arrest to sentence. Significantly, the standard for not guilty pleas – which disproportionately take up most court time – have been less demanding through increasing the number of days from arrest to sentence even beyond the original 2000 target. Not surprisingly perhaps, the most recent figures from September 2006 show that the targets are being met in 88 per cent of cases.<sup>61</sup> This figure has remained stable since the standards were introduced in 2004.

*Reducing the number of children in custody*

The government has not hit any of its targets in relation to reducing the number of children in custody (Figure 25). The government saw a dramatic fall in the number of children in custody between 2002 and 2003, and it was hopeful of meeting its 2002 target of a 10 per cent fall in numbers by 2005. However, this decline was due in part to the end of a peak in custodial numbers in 2002 caused by the Street Crime Initiative (SCI) (see Chapter 3), during which time many more young people had been targeted than was the norm.

**Figure 25:** Children in custody, October 2000 to October 2006 *Source: Youth Justice Board, Child Custody Figures (Available at: <http://www.yjb.gov.uk/en-gb/yjs/Custody/CustodyFigures/>).*



The revised targets discussed earlier have likewise not been hit. This is despite the Youth Justice Board meeting its target of at least 4,000 young people on ISSPs each year. During 2004–2005, for instance, 4,960 young people started the ISSP – 24 per cent above the target.<sup>62</sup>

Although the increase in ISSP use did occur, research found that the resultant reduction in the use of custody was lower than expected. Some commentators argued that this was entirely to be expected: custody would continue to be used and the ISSP would replace other, less demanding, community sentences. The Youth Justice Board’s own research has suggested that this indeed is what has tended to happen.<sup>63</sup> Follow-up research has pointed out that stricter enforcement procedures for breaches of ISSPs have also been a factor in the rise in the number of children in prison.<sup>64</sup>

## Drugs

The putative link between drugs and crime has been a central preoccupation of Labour in government. Labour's 1997 manifesto claimed that a 'vicious circle of drugs and crime wrecks lives and threatens communities'.<sup>65</sup>

Soon after the election victory, former Chief Constable Keith Hellawell was appointed the first UK Anti-Drugs Co-ordinator, and the following year the government published a ten-year strategy for tackling drugs misuse, *Tackling Drugs to Build a Better Britain*.<sup>66</sup> Together with the *Updated Drug Strategy 2002*,<sup>67</sup> this has guided government policy and action on drugs ever since.

The ten-year strategy set out the areas of focus upon which the government's PSAs were to be founded. These were: reducing drug misuse among young people, protecting communities 'from drug-related anti-social and criminal behaviour', treatment for those with drug problems and 'stifling the availability of illegal drugs on our streets'.<sup>68</sup>

Labour's 1998 comprehensive spending review developed these general objectives further in a 'cross-departmental review of illegal drugs' involving the Department of Health, the Department for Education and Skills, Customs and Excise and the Home Office.<sup>69</sup> The cross-departmental review's PSAs set the targets for each as:

- (i) A reduction in the proportion of people under 25 misusing illegal drugs
- (ii) A reduction in the level of re-offending by drug-misusing offenders, including the piloting of Drug Treatment and Testing Orders (DTTOs) and with the Home Office supporting sub-targets to reduce the rate of positive results from random drug tests from 20 per cent in 1998–1999 to 16 per cent in 2001–2002 and to provide access to voluntary drug testing for all prisoners by April 2001
- (iii) An increase in participation of 'problem drug misusers', including prisoners, in drug treatment programmes and
- (iv) A reduction in the access to drugs for young people under 25.<sup>70</sup>

Since then, the targets for illegal drugs have been in a confused state of constant flux.

### Labour's targets

Change and review has been a consistent feature of all of Labour's targets related to illegal drugs. There are two broad reasons for this. First, the specific targets set in the 2000 Spending Review were quickly seen as over-optimistic and unattainable. A 2002 review by the House of Commons Home Affairs Committee argued that 'it is unwise, not to say self-defeating, to set targets which have no earthly chance of success' and recommended that 'the government distinguishes explicitly between aspirational and measurable targets'.<sup>71</sup> Second, targets set for illegal drugs have followed a general pattern we have already identified in some of the other crime-related targets examined in this report: namely, general and directional goals, which are also in general easier to satisfy, have tended to replace more specific targets.

### *Drugs and young people*

The targets in relation to this area are set out in Table 12.

The initial specific targets in the 2000 Spending Review were significantly softened in the 2002 and 2004 reviews. Specific percentages gave way to rather more vague talk of reduction. Young people were defined as those aged from 11 to 24 years. The self-report British Crime Survey (BCS) was to measure use by those aged 16 to 24, and 11 to 15 year olds were to be measured by the Schools Survey – both against a 1998 starting point.<sup>72</sup>

**Table 12: Drugs and young people targets**

Target	Date
Reduce the proportion of people under the age of 25 reporting the use of Class A drugs by 25%	March 2005
Reduce the proportion of people under the age of 25 reporting the use of Class A drugs by 50% (Spending Review 2000)	March 2008
Reduce the use of Class A drugs and the frequent use of any illicit drug among all young people under the age of 25, especially by the most vulnerable young people (Spending Review 2002 and 2004)	March 2008

*Drug treatment*

The targets for drug treatment, for which the Department of Health has primary responsibility, have focused on participation rates among users and since 2002 on the proportion retained in, or completing, treatment programmes. It is important to note that the target only applies to all those in drug treatment in England, excluding prisoners (Table 13).

**Table 13: Drug treatment targets**

Target	Date
Increase the participation of problem drug abusers in treatment by 55%	March 2004
Increase the participation of problem drug abusers in treatment by 100% (Spending Review 2000)	March 2008
Increase the participation of problem drug abusers in treatment by 55%	March 2004
Increase the participation of problem drug abusers in treatment by 100%	March 2008
Increase the proportion of users successfully sustaining or completing treatment programmes (Spending Review 2002)	Annual
Increase the participation of problem drug abusers in treatment by 100%	March 2008
Increase the proportion of users successfully sustaining or completing treatment programmes (Spending Review 2004)	Annual

*Drugs and communities*

Targets have also been set in relation to the putative link between illegal drug use and offending. The initial focus on repeat offending was supplemented by a focus on arrestees

testing positive for illegal drugs on arrest. The 2004 Spending Review changed the target again. Four targets became three and the two Home Office targets for communities and availability were superseded and rolled into one single target related to reducing the harm caused by illegal drugs (Table 14).

**Table 14:** Drugs and communities targets

Target	Date
Reduce the levels of repeat offending amongst drug-abusing offenders by 25%	March 2005
Reduce the levels of repeat offending amongst drug-abusing offenders by 50% (Spending Review 2000)	March 2008
Reduce drug-related crime including as measured by the proportion of offenders testing positive at arrest (Spending Review 2002)	March 2008
Reduce the harm caused by illegal drugs (as measured by the Drug Harm Index, encompassing measures of the availability of Class A drugs and drug-related crime), including substantially increasing the number of drug-misusing offenders entering treatment through the criminal justice system (Spending Review 2004)	March 2008

*Drug availability*

The targets on drug availability have probably changed the most over the years (Table 15). Originally set out in terms of specific percentages, they were revised to proportion-based targets in the 2002 Spending Review. By the time of the 2004 Spending Review they had been rolled into the omnibus harm target set out in Table 14.

**Table 15:** Drug availability targets

Target	Date
Reduce the availability of Class A drugs by 25%	March 2005
Reduce the availability of Class A drugs by 50% (Spending Review 2000)	March 2008
Reduce the availability of illegal drugs by increasing: <ul style="list-style-type: none"> <li>• the proportion of heroin and cocaine targeted on the UK which is taken out</li> <li>• the disruption/dismantling of those criminal groups responsible for supplying substantial quantities of Class A drugs to the UK market and</li> <li>• the recovery of drug-related criminal assets</li> </ul> (Spending Review 2002)	Annual

## What has Labour delivered?

The shifting nature of Labour's drugs targets makes critical review difficult. This section attempts to evaluate the government's performance against the targets currently in place for each of the mentioned key areas, highlighting performance against previous targets where relevant and appropriate.

### *Drugs and young people*

The measures for those aged 11 to 15 do not appear to have been in place at the time of the setting of the targets, so only drug use by those aged 16 to 24 can be evaluated. On this basis, the government has got nowhere near its target. By 2005 the declared Class A drug usage among 16–24 year-olds was unchanged from the 1998 baseline (Table 16).

**Table 16:** Progress against 2000 Spending Review drug misuse target for young people

Baseline (2000)	Intermediate target (2005)	Long-term target (2008)	Intermediate outturn (2005)
8.28%	6.21%	4.14%	8.1%

Sources: Ramsay, R., Baker, P., Goulden, C., Sharp, C. and Sondhi, A. (2001), *Drug Misuse Declared in 2000: Results from the British Crime Survey, HORS 224*, London: Home Office, p.58; Roe, S. (2005), *Drug Misuse Declared: Findings from the 2004/05 British Crime Survey*, London: Home Office, p.16.

Progress against the rather less stringent 2002 and 2004 Spending Review targets is set out in Table 17. The government is broadly on course to meet these targets, although they are clearly much easier targets to meet. If the 2000 Spending Review target had been framed in a similar manner, for instance, the government would have been able to claim that its target was on course in 2005, instead of having to acknowledge that it had missed it by some distance.

**Table 17:** Progress against 2002 and 2004 Spending Reviews drug misuse targets for young people

Target	Baseline	Target (2008)	Latest outturn
Class A drug use among young people	8.6% (adjusted 1998 BCS figure) <sup>i</sup>	8.5% or below	8.4% (2005–06)
Frequent drug use by young people	11.6% (adjusted 2002–03 BCS) <sup>ii</sup>	11.5% or below	9.5% (2005–06)
Frequent drug use by vulnerable young people <sup>iii</sup>	22.1% 32.3%	Below 22.1 and 32.3%	16.6% 34.7% (2004)
Class A drug use by vulnerable young people	13.3% 23.2%	Below 13.3 and 23.2%	13.6% 26.6% (2004)

Sources: Roe, S. and Man, L. (2006), *Drug Misuse Declared: Findings from the 2005/06 British Crime Survey, HOSB 15/06*, London: Home Office, p.16; Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, pp.97–98.

<sup>i</sup> See Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, p.98. The authors are not aware of the reason for this 'adjustment' from the original 1998 baseline of 8.28 per cent.

<sup>ii</sup> The original 2002–2003 baseline of 11.3 per cent has recently been revised upwards to 11.6 per cent, to reflect changes in the BCS sampling size, according to the Home Office. See Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, p.98

iii The Home Office uses two measures – the Schools Survey and the Offending, Crime and Justice Survey (OCJS) – for this target. The first figure relates to the Schools Survey, the second to the OCJS. See Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, p.97–98.

### Drug treatment

Figures for participation in drug treatment programmes are given in Table 18. The government more or less hit its 2004 target of a 55 per cent increase in participation and had hit its 2008 target during 2005–2006.

**Table 18:** Number of drug users in treatment, 1998–1999 to 2004–2005

Year	Increase from previous year (%)	Increase from 1998–1999 (%)	Old counting method	New counting method <sup>i</sup>
1998–1999	—	—	100,000	85,000
1999–2000	9	9	109,000	*
2000–2001	9	19	118,500	*
2001–2002	8	28	128,200	*
2002–2003	10	41	140,900	*
2003–2004	9	54	154,000	125,545
2004–2005	27	89	*	160,450
2005–2006	13	113	*	181,390

i The method for counting those in treatment changed between 2002–2003 and 2003–2004 because of methodological inaccuracies that led to some double counting. See NDEC (2004), *Bridging Exercise Comparing Drug Misuse Treatment Data 2002–2003 and 2003–2004*, Manchester: University of Manchester, pp.5–8.

As these figures only measure those entering treatment, rather than successful completion or degrees of participation, they are clearly relatively crude, giving no indication of success in outcomes. Among other things, this also means that counts of those entering treatment include those who re-enter treatment, which has artificially boosted drug treatment figures. In 2005–2006, for example, the National Treatment Association estimates, ‘new clients’ accounted for approximately 81,200 of a total over double that, meaning many have already entered treatment before’.<sup>73</sup> Ironically, the failure of a treatment programme in helping a drug misuser to go clean becomes a ‘success’ if that relapsing drug misuser re-enters treatment.

The apparent success in hitting treatment targets is also somewhat qualified by the use of arguably less successful and cheaper treatments in order to meet the targets.<sup>74</sup> ‘Treatment’, for instance, includes prescribing methadone to addicted heroin users. Such ‘maintenance’ programmes might make sense in terms of crime reduction – the addict might commit less crime to feed a habit if he or she gets regular access to a heroin substitute – but they are much less conducive to long-term improved health outcomes.

In contrast, it has been reported that up to 1,200 beds in residential treatment are unoccupied.<sup>75</sup> It was alleged that local Drug Action Teams (DATs) were using methadone treatments and day centres ‘to meet... targets’.<sup>76</sup> Research on arrestees also suggests that demand for treatment continues to outstrip supply.<sup>77</sup>

The more recent target relating to the proportion of drug users successfully completing or being retained in drug treatment programmes has also been met. However, as Table 19 shows, the increases since 2003–2004 have been very small compared to the 15 per cent rise achieved after the target was first introduced in 2002–2003.

**Table 19:** Proportion of drug users sustaining or completing treatment programmes

Year	Sustaining or completing treatment (%)
2002–03	57
2003–04	72
2004–05	75
2005–06	77

On the basis that it is preferable that individuals complete a course of treatment, rather than merely starting it, the increased proportion of successful completers is a positive development. That said, completing a treatment programme is not the same thing as ending one’s addiction to drugs. Given the complex social and economic problems in the lives of the majority of drug misusers, treatment *per se* is likely to have only limited effects on certain people. In other words, the government’s tendency to focus on drug misuse as an individual pathology requiring individualised treatment programmes will limit the impact of resultant policies. What is needed is a clearer recognition of the complex social and economic context of problem drug misuse (related to, for example, problems of poverty and exclusion, prostitution and other forms of exploitation), rather than an overly simplistic focus on medical and quasi-medical interventions.

#### *Drugs and communities*

The government’s targets on drugs and communities have been most subject to change. The Home Office got as far as publishing an ‘interim baseline’ of a 15 per cent reduction in repeat offending in its 2002–2003 annual report before deciding that its targets needed review.<sup>78</sup>

The 2002 Spending Review’s target of reducing drug-related crime and the proportion of offenders testing positive at arrest was initially provided with ‘interim figures from the reconstructed offenders’ index’.<sup>79</sup> The Home Office subsequently decided to use ‘numbers entering treatment via the Drug Interventions Programme as a proxy measure of success in engaging drug-misusing offenders’.<sup>80</sup> As with other Home Office ‘proxy measures’ (eg reconviction data as a ‘proxy measure’ of re-offending), this is in effect a completely different target. That point made, Table 20 sets out progress against this revised target.

**Table 20:** Progress against target on drug-misusing offenders entering treatment

Baseline <sup>i</sup>	Target	Latest outturn
438 per week <sup>ii</sup> (March 2004)	1,000 per week (March 2008)	579 per week <sup>iii</sup> (March 2006)

Source: Home Office (2006), *Home Office Departmental Report 2006*. London: Home Office.

<sup>i</sup> Home Office (2005), *SR 2004 PSA Targets Technical Notes*, London: Home Office, p.8, available at: <http://www.homeoffice.gov.uk/documents/psa-technical-note-SR04-jul-05?view=Binary>.

<sup>ii</sup> The baseline target was originally published as 384 per week. The Home Office has recently stated that this was a ‘typographical error’, and that the real figure was 438 per week. See Home Office (2006), *Home Office Targets Autumn Performance Report 2006*, London: Home Office, p.9.

<sup>iii</sup> Calculated from the published figure of 2,507 per month. See Home Office (2006), *Home Office Departmental Report 2006*, London: Home Office, p.80.

The government is more or less justified in claiming that it is on course to meet its target. Regardless of whether its achievement would be a positive development or not, the fact remains that it has little to do with the original target of which it is now the supposed 'proxy'.

#### *Drug availability and the Drug Harm Index (DHI)*

The spending reviews of 1998, 2000 and 2002 all contained distinct targets for reducing the availability of Class A drugs. The most specific of these, the 2000 target to reduce the availability of Class A drugs by 25 per cent by 2005 and 50 per cent by 2008, proved, according to the Home Office in 2002, 'difficult to measure', although it was noted that the first three-quarters of 2001–2002 showed significant increases in the quantities of heroin and cocaine seized.<sup>81</sup>

The 2002 target therefore used drugs seizures as one of the proxy measures of drug availability, along with increasing the proportion of assets recovered and trafficking groups dismantled. The Home Office annual report for 2003–2004 noted that progress was on track except for heroin<sup>82</sup> and then, in the 2004 Spending Review, the target was rolled into the target for drugs and communities using the Drug Harm Index (DHI) as the measure.<sup>83</sup>

In effect, the government has been using an artefact of certain criminal justice processes – in this case policing and customs activities relating to drugs seizures and drugs smugglers – as a means of assessing drug availability. Expressed in such terms it is obvious that these are very different things. Indeed, an increase in drug seizures and disruption of drug gangs is perfectly consistent with far more drugs being available.

A better test of drug availability is the purity of the product and, critically, the street price. On this basis, there are strong reasons for concluding that drug availability has increased. UK drug prices have been falling in recent years. For example, the street price of cannabis resin fell from an estimated £100 per ounce in 1999 to £61 in 2004. Cocaine fell from £63 per gram to £51 and heroin from £65 to £55.<sup>84</sup>

The prices for some Class A drugs are at historically low levels and the United Kingdom has one of the highest prevalence rates of cannabis, ecstasy and cocaine use among young adults (aged 15–34 years) in Europe.<sup>85</sup> According to the latest *Arrestee Survey*, for those arrestees who had ever bought heroin, crack and powder cocaine, 'the drugs were always available to a significant majority when they had enough money to buy them'. Among those who had bought heroin in the last year, 79 per cent said that it was available all the time and 18 per cent reported it was available most of the time. Crack and powder cocaine followed a similar pattern of general availability to heroin.<sup>86</sup>

By the time of the 2004 Spending Review a single aim for illegal drugs existed: to reduce the harm caused by them. The DHI is intended to capture the harms generated by the problematic use of any illegal drug 'by combining robust national indicators into a single-figure time-series index'.<sup>87</sup> The harms include drug-related crime, community perceptions of drug problems, drug nuisance, and the various health consequences that arise from drug abuse (eg HIV, overdoses, deaths etc). The relative importance of each of the harm indicators in the DHI is captured by the economic and social costs that they generate.

For success to be achieved, the DHI must be lower in 2007–2008 than the baseline set in 2002 of 113.2.<sup>88</sup> The most recent figures are for 2004 and they show that the index registered 87.9 which means that, to date, the government has been successful in achieving its target. Figures are not yet available for 2005 and 2006.<sup>89</sup>

## Verdict

This chapter has considered three big issues: policing, youth justice and drugs. There is no doubt that there have been some significant outcomes – record police numbers and record numbers of drug users entering treatment as well as a dramatic reduction in the time from arrest to sentence for young offenders. However, closer scrutiny has found that these are not necessarily as impressive as they might seem.

Increases in the police budget have unsurprisingly enabled Labour to expand police numbers rapidly. Whether this represents a prudent investment of public funds in the interests of crime reduction is a rather different matter.

Attempts to expand and diversify policing in other ways, for example, through the recruitment of Police Community Support Officers (PCSOs) and more BME people, have been far less successful. Further, the increase in the number of PCSOs has slowed and the original 2005 election pledge for there to be 24,000 in place by March 2008 has been scrapped. More BME people are joining the police, but often in lower status and lower paid jobs.

Despite a significant increase in civilian staff, there is little evidence that Police Officers are spending more time on the frontline and less time on paperwork. Labour has encouraged much activity in the area of serious and organised crime, not least with the setting up of the Serious Organised Crime Agency. But as SOCA swings into action, its shadowy and secretive approach risks making it difficult for genuinely independent scrutiny of this significant departure to be undertaken.

Labour has hit some of its youth justice targets, notably in relation to court processes. But we have also seen that the achievement of these targets is less dramatic than it at first appears. More recently some of the progress that was made in Labour's first two terms appears to be being eroded. Labour's record on young people in custody is even more problematic. Emerging evidence that Labour's youth justice reforms might have been responsible for the stubbornly high custody rates indicates the need for a wide-ranging rethink of its youth justice policies.

Drugs have been one of the touchstone issues for Labour over many years. But despite apparent progress against a number of targets, it is clear that there is a degree of disconnect between Labour's policies and targets and what might be happening in terms of real levels of drug use, availability and associated harms.

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# Conclusions

As Labour approaches its tenth anniversary in power and Tony Blair enters his final year as Prime Minister, this report has taken an independent look at his government's criminal justice record.

Since 1997, there has been considerable investment across the criminal justice system, in the police, prisons, probation, courts and the Crown Prosecution Service. The UK now spends a larger proportion of its GDP on law and order than ever before and stands out at the top of the OECD in this respect. The investment has been combined with extensive reforms, introduced at a relentless pace. No criminal justice agency has been left untouched.

On the face of it, Labour's record has been impressive. It has hit most of the criminal justice-related targets we have considered in this report, or is on course to do so. The government can point to a number of palpable changes under its stewardship. Police numbers are at record levels, the time between arrest and sentence for young offenders has been cut dramatically, and the numbers of drug users entering treatment have increased, to name but three. For Labour and its supporters, these and many other developments since 1997 are clear and important achievements.

It has not been the purpose of this report to pass judgment on the desirability of the many criminal justice reforms introduced by Labour, nor to make a political intervention into this important debate. Rather, we have examined whether Labour has hit the targets it set for itself and attempted an independent assessment of whether all the extra money and activity has achieved a significant change in outcomes. In doing this, we hope to have offered a basis on which a more informed political debate on crime and criminal justice might be possible.

There is certainly a need for a more thorough examination of how the extra resources have been spent. While researching this report, we were struck by the lack of independent work looking at where all the extra money had gone and analysing whether it had made a difference.

Our scrutiny of the evidence has led us to argue that success relating to crime and criminal justice has been far less clear-cut than Labour has tended to claim. In reality, the government's record is mixed. Despite the record investment, there has not been a significant step change in outcomes. Three themes in particular stand out.

First of all, Labour has been adept at setting targets that are rather less significant than they at first appear. This has been particularly true of the crime reduction targets examined in Chapter 3. Recorded burglary and car crime, for instance, had been falling for a number of years before 1997. As we have seen, it was reasonable to assume that these downward trends would continue under Labour, more or less regardless of any criminal justice innovations it introduced. It is highly likely that there are fewer burglaries and vehicle-related offences than in 1997. This is clearly a good thing. But it is far from clear that this decline has had much to do with the criminal justice policies pursued by Labour.

The official crime rate – measured by the British Crime Survey – had likewise been in decline prior to Labour taking office, following a record high in 1995. The continuing

decline in certain property and violence offences under Labour is again to be welcomed. What is less clear is whether Labour's record expenditure and criminal justice reforms have had much to do with this decline. It is also notable that Labour's explicit target of a 15 per cent reduction in BCS crime was unambitious in relation to the trends of previous years. Given that this target coincided with a dramatic increase in criminal justice expenditure, it is reasonable to ask what exactly Labour achieved for this major financial outlay.

Second, a number of Labour's targets have been confused and/or have not been a helpful basis for clear, evidence-based policy. This has been particularly true of Labour's targets on re-offending and on the perception of anti-social behaviour, reviewed in Chapter 4. Labour's use of reconvictions as a proxy measure of re-offending has resulted in confusion. As a result, the Home Office has set targets that are incoherent and lack meaning. Not surprisingly, excessive claims of success in reducing child re-offending have been made, only to be retracted. The shifting and subjective nature of Labour's concept of anti-social behaviour has bedevilled its attempts to achieve hard measures of success. This in turn has made a robust and evidence-based assessment of Labour's success in this area virtually impossible.

We have also seen that questions remain relating to Labour's target on overall crime reduction. The rising levels of homicide under Labour call into question any simple assertion that violence has fallen since 1997. Moreover, it is impossible to say with any certainty whether crime as a whole has risen or fallen under Labour, given the many serious offences that are currently not measured by data sets used by the government.

Finally, we have seen that a number of Labour's successfully hit targets are largely the result of bureaucratic changes or extra resources being made available. The rise in police numbers is a reflection of the massive injection of resources into the police service. Labour has hit its justice gap targets by introducing new powers and adjusting the basis on which offences successfully being brought to justice are measured. A number of Labour's youth justice targets have been hit owing to the infrastructure Labour has created to manage young people who get into trouble. Most targets can be hit if the right one is set initially and the appropriate energy and resources are devoted to hitting it. Whether such targets are meaningful and whether the resultant energy and resources have been wisely spent are separate questions.

Labour's and Tony Blair's ambition to overhaul the criminal justice system have certainly been very high. There has been significant extra investment. Major changes are evident. But claims of success have been overstated and at times have been misleading. Despite a decade of reform, crime and victimisation levels remain high and the proportion of crimes dealt with is extremely low.

Questions remain about whether the government is placing too much emphasis on finding criminal justice solutions to complex social and economic problems. Should the government continue to place such heavy expectations on the criminal justice system or should it be clearer about its limitations?

With major changes in the government imminent, the time is right for ministers and their advisers to take stock and to reflect on what the criminal justice agencies can realistically achieve in reducing crime and increasing public safety and on what the appropriate level of resourcing should be.

# CENTRE FOR CRIME AND JUSTICE STUDIES

This report makes an independent assessment of the government's record on law and order. It looks at the progress of the criminal justice system in England and Wales since 1997 and considers to what extent Labour has delivered on the ambitious agenda it set itself in this key area of public policy.

The Centre for Crime and Justice Studies at King's College London is an independent charity that informs and educates about all aspects of crime and criminal justice. We provide information, produce research and carry out policy analysis to encourage and facilitate an understanding of the complex nature of issues concerning crime.

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