

New Labour and Crime Prevention in England and Wales: What Worked?

Enver Solomon

*Deputy Director of the Centre for Crime and Justice Studies
King's College London, UK*

RÉSUMÉ

Depuis son arrivée au pouvoir en 1997, le gouvernement travailliste a entrepris une réforme de la justice pénale sans précédent dans l'histoire britannique moderne. Tous les organismes de justice pénale ont fait l'objet d'une évaluation et d'une réforme dans une tentative « d'être efficace contre le crime et les causes du crime ». Il y a également eu des investissements importants pour étendre la portée du système de justice pénale. Le bilan du Parti du travail, cependant, a été mitigé. Un examen des progrès accomplis sur la réduction de la criminalité, la lutte contre les comportements antisociaux et l'augmentation du nombre d'infractions traitées par le système pénal révèle que fournir un modèle efficace de contrôle et de prévention de la criminalité s'est avéré extrêmement difficile. Un certain nombre d'enseignements importants sont identifiés pour les praticiens et les décideurs politiques au Canada. Les dangers d'un contrôle centralisé et de cibles trop précises, les conséquences de la création de silos à l'intérieur de silos, la nécessité d'un équilibre entre la prévention et la répression, le besoin de se prémunir contre l'expansionnisme et de reconnaître les limites des activités de la justice pénale, et l'importance d'incorporer une véritable approche basée sur les éléments de preuve sont tous mis en évidence. La principale leçon à tirer est que des stratégies situationnelles efficaces de contrôle et de prévention peuvent faire une différence. Mais, adresser la victimisation des jeunes exige une plus grande compréhension des causes de la criminalité et du désordre social, et il est préférable d'aborder la question par des interventions sociales plutôt que pénales.

ABSTRACT

Since coming to power in 1997, the UK Labour government has embarked on a “root and branch reform” of criminal justice unprecedented in modern British history. All criminal justice agencies have been subject to wide ranging review and reform in an attempt “to be tough on crime and the causes of crime”. There has also been substantial investment to expand the reach of the criminal justice system. Labour’s record, however, has been mixed. An examination of progress on crime reduction, tackling anti-social behaviour and increasing the number of offences dealt with by the criminal justice system reveals that delivering a more effective model in crime control and prevention has proved extremely challenging. A number of important lessons are identified for practitioners and policy makers in Canada. The dangers of over centralized control, the perils of targets, the creation of silos within silos, the need to balance prevention and enforcement, and guarding against expansionism, recognizing the limits of criminal justice activity and embedding a genuine evidence based approach are all highlighted. The primary lesson from the English and Welsh experience is that effective situational crime control and prevention strategies can make a difference, but tackling levels of youth victimization requires greater understanding of the causes of crime and disorder, and is best addressed by resorting to social rather than criminal justice interventions.

Introduction

Law and order is often considered to have been one of the Labour government’s success stories. Significant falls in the official rate of crime in England and Wales and record police numbers – two of the legacies the government often highlights – have pleased many of its supporters while discomfiting its opponents.¹ On the international stage, the government is also feted for creating local crime prevention partnerships, implementing strategies to tackle persistent and prolific offenders, and creating multi-agency teams to prevent youth offending. It is not uncommon for delegations from other English speaking countries to visit on fact finding missions. Canada has particular interest in the UK experience – for instance in April and May 2008 there were separate visits from the British Columbia and Ontario governments.

¹ It is important to note that this article focuses on England and Wales, although the information on expenditure refers to the United Kingdom as a whole, owing to the way the data is compiled. Scotland and Northern Ireland have separate and distinct criminal justice systems, with their own courts, agencies, legislation and executives.

Criminal justice reform has certainly been at the heart of New Labour’s public policy agenda. During its first time in office between 1997 and 2001, the focus was very much on a “root and branch reform” of youth justice to prevent offending and tackle what Labour described as the emergence of “an excuse culture” (Home Office, 1997). Having been elected for a second term, the focus switched to more ambitious wide ranging change to deliver “the most comprehensive reform of the criminal justice system since the war” (Labour Party, 2001, Renewing Public Services section). Since then, the pace of change has been relentless. In the seven years between 2001 and 2008, there have been four overarching criminal justice plans – a ten year plan in 2001 (Home Office, 2001), a five year plan in 2004 (Home Office, 2004a), a series of wide ranging policy reforms in 2006 (Home Office, 2006a) and another five year plan in 2008 (Home Office, 2008a). There have also been various strategies on anti-social behaviour, policing, community safety, prisons and probation and violent crime. At the same time, there has been the introduction of 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 (Loader, 2006). Hyperactive law making and endless policy strategising have been a central feature of the last 10 years.

So what should be made of Labour’s criminal justice reform agenda? Has it delivered a new, more effective model in crime control and prevention? What have been the successes and failures? Put bluntly, has it all worked? This article attempts to answer those questions. It draws on policy analysis conducted for two reports – *Ten Years of Criminal Justice Under Labour: An Independent Audit* (Solomon, Eades, Garside, & Rutherford, 2007) and *Ten Years of Labour’s Youth Justice Reforms: An Independent Audit* (Solomon & Garside, 2008) – that made independent assessments based on official data analyzing the key targets and priorities that Labour set for itself. In considering what the successes and failures have been, the article draws out the learning from the bold, ambitious attempt to overhaul the criminal justice system that was initially led by Tony Blair and more recently has been taken up by his successor Gordon Brown. It examines progress in three key areas: crime reduction, the so-called “justice gap” and “anti-social behaviour”. A number of key learning points are identified for policy makers and practitioners to consider and draw on in their own work. The article also looks at the extent to which the learning has been recognized in the latest criminal justice policy strategies developed in recent months by the Brown government.

Labour's Vision

In the run up to the 1997 general election, law and order was a key electoral battleground. Labour successfully repositioned itself as the party that was “tough on crime, tough on the causes of crime”. Its election manifesto stated:

On crime, we believe in personal responsibility and in punishing crime, but also tackling its underlying causes – so, tough on crime, tough on the causes of crime, different from the Labour approach of the past and the Tory policy of today. (Labour Party, 1997, We Will be Tough on Crime and Tough on the Causes of Crime section)

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. Indeed, it signified that Labour had repositioned itself as the new law and order party of British politics.

Once in power, Labour initially adhered to the strict spending plans of the former Conservative government which limited its ability to dramatically shift the direction of criminal justice policy. However, this did not prevent ministers from embarking on a flurry of activity to reform youth justice. Within less than two months, six consultation documents on youth crime were published (Newburn, 2002). The major proposals were brought together in the government’s flagship legislation, the Crime and Disorder Act 1998, which set out the key elements of what has been described as the “new youth justice” (Goldson, 2000): the establishment of the Youth Justice Board (YJB); the creation of locally accountable multi-agency youth offending teams (YOTs); the replacement of cautions with a new reprimand and final warning scheme; and the restructuring of non-custodial penalties available to the youth court.

For the first time, the reforms contained an overarching mission for the whole youth justice system. Section 37 of the Crime and Disorder Act stated, “It shall be the principal aim of the youth justice system to prevent offending by children and young persons”. Controversially, the 1998 Act also reduced the age of criminal responsibility to ten, one of the lowest in Western Europe, by abolishing the principle of *doli incapax*, the presumption that a child aged between 10 and 13 is incapable of committing a criminal offence.

During Labour’s first term in office, youth justice was a major priority. Between 1998 and 2001, there were four separate acts of parliament that introduced new legislation concerning the youth justice system: the Crime and Disorder Act 1998; the Youth Justice and Criminal Evidence Act 1999, which created youth offender panels; the Criminal Justice and Court Services Act 2000, which introduced restorative cautioning; and the Criminal Justice and Police Act 2001, which extended child curfew schemes to children under the age of 16.

After the 2001 election, attention moved to other areas in an attempt to deliver a more radical set of reforms which had been mapped out in a ten year plan for criminal justice. That plan set the ambitious aim of a “comprehensive overhaul of the criminal justice system to lever up performance in catching, trying, convicting, punishing and rehabilitating offenders” (Home Office, 2001, p. 7). 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” (Home Office, 2001).

The year 2004 saw the concurrent publication of two overlapping five year strategies: one for the criminal justice system (Home Office, 2004a) and one for the Home Office (2004b). 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” (Home Office, 2006a, p. 2). 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 2001.² 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 from the numerous plans for law and order reform. The assumptions are that:

1. Crime levels and trends are significantly influenced through the operation of the criminal justice system, and an appropriately resourced and effectively organized criminal justice system will lead to lower levels of crime. This has been a key driver behind the government’s numerous reforms and the record levels of investment in both areas.

² Anti-social behaviour is mentioned 36 times in the 2006 plan, 21 times in the 2004 criminal justice plan, and 129 times in the 2004 Home Office plan. The 2001 plan makes only five, largely incidental, references to it.

2. 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.
3. The effective management of crime requires the various criminal justice agencies to expand into areas of policy not traditionally considered part of their remit. This is best illustrated by the focus on early and rapid intervention, and the development of programs such as summer “Splash” schemes for youth in high crime areas and Youth Inclusion and Support Programmes (YISPs) to identify children who are “at risk” of offending.
4. A welfare approach to dealing with children and young people who offend should be replaced by one which relies far more on punishment – what has been described as the development of a “punitive turn” or a “new punitiveness” in youth justice (Goldson, 2000; Pratt, Brown, Brown, Hallsworth, & Morrison, 2005). This was made clear in the White Paper *No More Excuses* (Home Office, 1997), which stated “... punishment is important to signal society’s disapproval of criminal acts and deter offending. It is the appropriate response to children and young people who wilfully break the law” (para. 5.1).
5. A commitment to systemic managerialism and central control. This is reflected in the Public Service Agreements and national targets that have driven the reform agenda. Performance against these targets has been key to delivering change. This new approach seeks efficiency savings due to downward pressure on budgets, the setting of clear priorities and targets across public services, and the introduction of competitive tension into the public sector (McLaughlin, Muncie, & Hughes, 2001).

These assumptions are touched on at different points in this article.

The Money and the Infrastructure

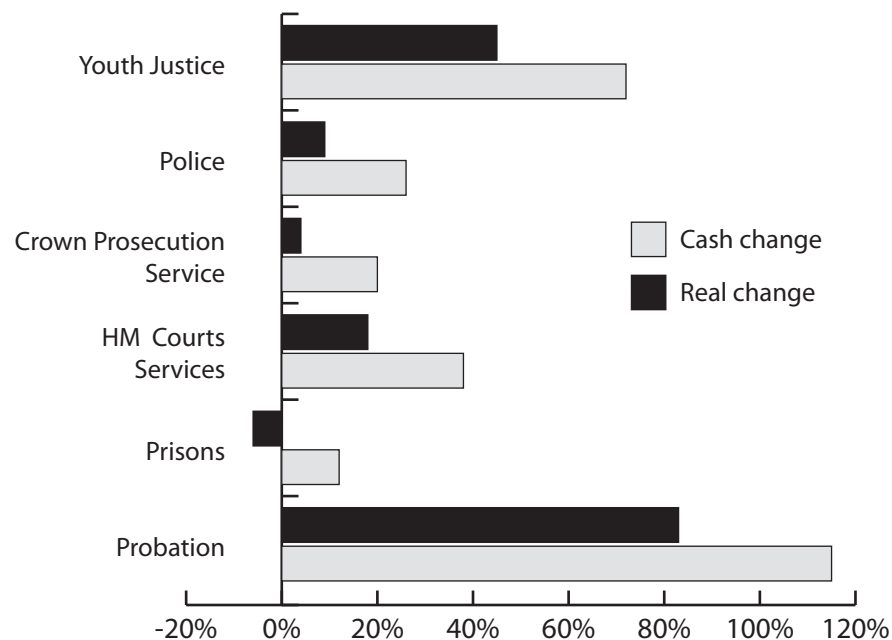
Initially, Labour chose to take a prudent approach to public sector spending abiding by the spending plans of the previous Conservative administration. This meant that criminal justice agencies did not receive a significant injection of extra funds until 2001. However, when the spending did get underway, it was extremely generous. Between 2001 and 2005, there was a 6.5% annual growth in spending on law and order (Emmerson & Frayne, 2005). Labour claimed it was the biggest injection of new resources for 20 years. By 2007-08, the criminal justice system in England and Wales received just under

£23 billion, nearly 50 billion Canadian dollars, a third more than it received ten years previously (Solomon et al., 2007).

Where did it go? A large part of the additional funding, nearly two thirds, was for the 43 police forces in England and Wales, which received an annual real terms increase in spending of just under 4 per cent between 2001 and 2006. This largely went toward the recruitment of police officers. Since 2000, when numbers had been in decline, there has been a remarkable increase from just under 125,000 officers to more than 141,000 in 2007. However, and perhaps surprisingly, probation has had the largest real terms growth in funding followed by youth justice (see Figure 1). The extra funds for probation were largely for increases in support staff and the creation of a centralized probation directorate.

Given that youth justice was a key focus of reform, it is not surprising that there have been substantial increases in expenditure. Total spending on youth justice increased by £267.2 million (around 540 million Canadian dollars) between 2000 and 2007, a real terms increase of 45 per cent. This was initially

Figure 1: Percentage changes in cash and real (GDP deflated) spending on the main criminal justice agencies, 2000-2001 to 2006-2007



Sources: DCA, 2007; Home Affairs Committee, 2007; Home Office, 2006b; Home Office, 2007.

to fund the creation of the new Youth Offending Teams and a national Youth Justice Board (YJB) to oversee the youth justice system and purchase custodial accommodation for children. The YJB has accounted for just over two-thirds of spending on youth justice, the majority of which has been to pay for secure accommodation for the increasing number of children in custody (the number of children in prison has been no less than 2,600 since 2000). Overall, the prison population has grown massively under Labour – at the end of June 2008 it was at 83,200, just over 150 per 100,000 of the population. Since Labour came to power in 1997, when the prison population stood at just over 60,000, it has increased by more than a third.

By 2004, the government was spending 2.5 per cent of its national income on law and order – a larger proportion than ever before. Moreover, according to an analysis by the Labour government's Strategy Unit, it was spending proportionately more on law and order than any other country in the industrialised nations of the OECD, including the United States and major European countries such as France, Germany and Spain (Prime Minister's Strategy Unit, 2006).

The substantial increase in spending contributed to the creation of important new partnership structures designed to deliver a different approach to crime control and prevention. The most important have been the local Crime and Disorder Reduction Partnerships (CDRPs) and the Youth Offending Teams (YOTs). Both were established by the Crime and Disorder Act 1998 which represented what many have considered to be a momentous shift in the way crime is governed because it appeared to represent a move towards a holistic prevention paradigm. Garland (2000), for example, described it as a "preventive turn" reflecting an "epistemological break" with the past.

CDRPs, also known as Community Safety Partnerships, are 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 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 prevention in the local area.

The other key crime prevention partnerships are the 156 Youth Offending Teams (YOTS) designed to work with children who are given a youth justice sanction and also to prevent "at risk" children from entering the youth justice

system. They are locally owned, accountable multi-agency partnerships between the police, probation, health, education and children's services and in some cases housing. YOTs are supported with central guidance and funding from the Youth Justice Board, which is co-sponsored by the Ministry of Justice and the Department for Children, Schools and Families.

It was widely hoped that the creation of both YOTs and CDRPs would provide an exemplary model of how to do crime prevention as opposed to endless law enforcement. As Crawford (1998) stated, "They offer a fertile soil in which a more progressive criminal justice policy, one which turns away from the punitive populism of recent years, could begin to establish itself and flourish" (p. 4).

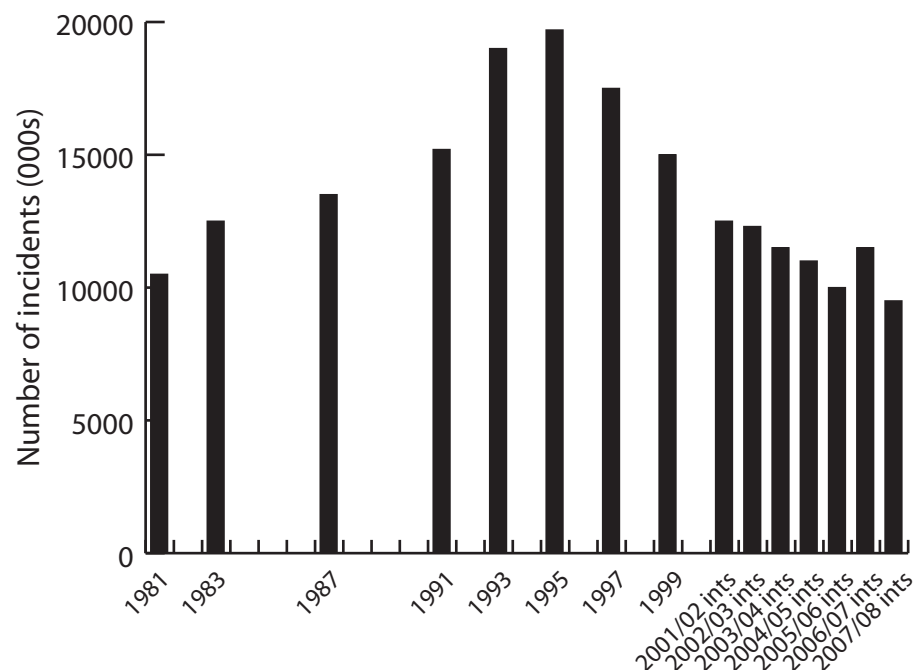
Crime Reduction

The primary purpose of the increased investment, multiple criminal justice plans and structural reforms was to ensure a sustained reduction in the official crime rate, as measured by the annual British Crime Survey (BCS).³ A target was set by the Home Office in agreement with the Treasury to deliver a 15 per cent reduction in BCS measured crime in the five years to 2007-2008. Targets were also set to reduce the so-called "volume crimes" of burglary by 25 per cent and vehicle crime by 30 per cent over a five year period. Crime and Disorder Reduction Partnerships were expected to focus their activity on cutting these volume crimes. In addition, there was also a Youth Justice Board target to reduce self-report youth offending.

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 2008, estimated total crime against private households in the categories it measured at 10.1 million offences annually (Kershaw, Nicholas, & Walker, 2008). This compares with an estimated 16.7 million offences annually in 1997, a fall of 39 per cent (Figure 2). The government has met its targets of a fifteen percent reduction in BCS measured crime in the five years to 2007-2008. Since 2002-2003, BCS measured crime has fallen by 18 per cent. However, it is important to look at BCS trends over a longer time period.

³ The BCS 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).

Figure 2: Trends in all BCS crime, 1981 to 2007–2008



Source: Adapted from Kershaw, Nicholas, & Walker (2008).

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 (Simmons, 2002). 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 more 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 program 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. It also raises questions about the impact of these reforms on crime levels.

When the government's Strategy Unit reviewed crime levels based on modeling, it concluded that 80 per cent of the reduction in the official crime rate since 1997 was the result of economic, not criminal justice, factors (PM Strategy Unit, 2006). 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 (Reiner, 2007). On the other hand, the prevention partnerships could be credited with achieving 20 per cent of the reduction, although much of this does seem to be linked to situational crime prevention that promoted greater home and vehicle security. According to the BCS, between 1999 and 2006 domestic burglaries fell by 43 per cent and vehicle crime by 36 per cent, far exceeding government targets (Solomon et al., 2007). In both cases improvements in security – perhaps more so than any partnership action – have been a major contributor to the overall falls (see Home Office, 2006c; Walker, Kershaw, & Nicholas, 2006). As the Home Office's (2006c) annual report on crime noted, households with simple security measures like deadlocks and window locks were ten times less likely to be the victims of burglary.

The record on youth crime is much less impressive. The Home Office has conducted a number of self-report youth surveys since the early 1990s which provide an indication of trends in self-reported offending by children and young people aged between 10 and 25 years old. They show that it has been stable at between 19 and 22 per cent in the 13 years between 1992 and 2005 (Graham & Bowling, 1995; Flood-Page, Campbell, Harrington, & Miller, 2000; Budd, Sharp, & Mayhew, 2005; Wilson, Sharp, & Patterson, 2006).

It is striking to note that there is no indication that the creation of the YJB, YOTs and the greater focus on youth offending, particularly in Labour's first term between 1997 and 2001, had any impact on reducing self-reported youth offending. At best, all that can be said is that the wide-ranging reforms have contributed to a continuing stabilization of self-reported youth offending at the level the government inherited when it came to power in 1997. It might

equally be argued that all the expenditure and activity in this area has had no measurable impact. Given the long-term trends in self-reported youth offending, many may draw this conclusion. This inevitably raises the question of the purpose of, and prudence involved in, the various youth justice reforms and the increased expenditure that accompanied them.

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 industrialized country. (We Will be Tough on Crime and Tough on the Causes of Crime section)

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 and a driving force behind the activities of the crime reduction partnerships, particularly the police. Forces across the country were given specific sanction detection targets to ensure the justice gap was narrowed.

An offence is considered to have been brought to justice “when an offender has been cautioned, convicted or had the offence taken into consideration by the court” (Home Office, 2006c, p. 84). Penalty notices for three notifiable disorder offences – causing harassment, alarm or distress; destroying or damaging property (damage under £500); and retail theft (under £200 in value) – and formal warnings for the possession of cannabis were also categorized as “offences brought to justice” following their introduction nationally in 2004. This broad range of categories contributed to an increased target of 1.25 million offences brought to justice by 2007-2008.

The target was met a year ahead of the deadline – by the end of 2006, 1.4 million offences had been so-called “brought to justice”. However, the target was not being met as a result of increases in successful convictions, but through increased cautions, Penalty Notices for Disorder (PNDs), and formal warnings for cannabis possession; these made up half of the offences brought to justice. 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, the number of cautions, PNDs and formal warnings for cannabis possession have increased steadily since 2003.

There are widespread concerns that the “justice gap” target has had negative unintended consequences. Firstly, there is evidence 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. The former head of the Youth Justice Board (YJB), Professor Rod Morgan, 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” (Solomon et al., 2007, p. 40). Offences which would previously have been dealt with informally and go unrecorded were attracting a formal response, reflected in the recorded figures for the number of young people entering the youth justice system. Between 2002-2003 and 2006-2007, there was a 28% increase in the number of children and young people given a youth justice sanction (Solomon et al., 2007).

For the police, the impact of the target has been to wholly undermine the professional judgement and discretion previously exercised by individual officers. In order to meet the sanction detection targets, officers’ hands have been tied, resulting in some quite ridiculous cases. In one incident, a man was cautioned for being found “in possession of an egg with intent to throw”. In another, a child was arrested for throwing a slice of cucumber from a tuna sandwich at another youngster. Such cases prompted the Chief Inspector of Constabulary, Sir Ronnie Flanagan, to urge a rethink. In his recent review of policing, he stated “The consequence of poor professional judgement, combined with existing performance management arrangements, are that officers are encouraged to criminalise people for behaviour which may have caused offence, but the underlying behaviour would be better dealt with in a different way” (Flanagan, 2008, p. 57).

Therefore, the fact that more than 1.25 million offences have been “brought to justice” has not happened without unintended consequences. Primarily, it has resulted in significant net widening, whereby behaviours and actions which previously would not have been dealt with by criminal justice agencies have been subject to formal legal sanctions. It is also questionable whether anything of great value has been achieved. There are still only three convictions for every 100 estimated crimes in England and Wales (Solomon et al., 2007). Whether this corresponds to what most members of the public would consider justice seems at best a moot point.

Anti-Social Behaviour

Tony Blair first wrote about 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” (The Times, April 12, 1988). Ten years later, the Crime and Disorder Act introduced 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” (October 2003) and the “Respect Action Plan” (January 2006) have reaffirmed Labour’s commitment to tackling ASB. For Tony Blair, tackling ASB became something of a personal crusade, touring the country to urge practitioners to use the powers provided by the legislation (Blair, 2003). Consequently, tackling ASB became a central pre-occupation for Crime and Disorder Reduction Partnerships.

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” (HM Government, 1998, chapter 1.1). In practice, it is a broad and subjective umbrella term covering a wide range of behaviours and activities. This 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. 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” (Solomon et al., 2007, p. 44).

The main tool for dealing with these behaviours has been the Anti-Social Behaviour Order (ASBO) which is a civil order available to the courts; it can also be used by the criminal courts following a criminal conviction. The government did not set an explicit target for the number of ASBOs issued. Instead, it set a national target to reduce the percentage of people who perceive ASB to be “a very or fairly big problem” to below 21 per cent, based on data collected as part of the annual British Crime Survey (Solomon et al., 2007). This target has been met, but there are a myriad of problems with defining and measuring ASB. The official data on ASB perception reflects seven different types of so-called anti-social behaviour: “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, nor why it has alighted on seven categories in particular. It is notable, for instance, that “speeding traffic”, reported in a government study of ASB as “the most widely perceived individual problem”, 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 the government study, only “rubbish or litter lying around” is included in the official measure (others were “cars parked inconveniently or abandoned” and “dog fouling”) (Wood, 2004).

There are clearly questions about the usefulness of the target and whether a subjective amorphous category provides the basis for robust, informed and evidence based policy making. In addition, it is debatable whether the government action and activity has actually made a difference to any of the anti-social behaviour issues that most concern people. Well over 10,000 Anti-Social Behaviour Orders have been issued – nearly half of them to children, but there have been high levels of breach; research has found that for many young people, they are regarded as a “badge of honour” (Youth Justice Board, 2006). Clearly, the brash attempt led by Tony Blair to use criminal justice agencies to regulate behaviour by imposing civility through coercion has had a limited negative effect.

Lessons from England and Wales

The ambition to overhaul criminal justice in England and Wales has been very high; there has been significant extra investment, and major changes are evident. But claims of success have at times been overstated by the Labour government. In reality, its record is mixed. Despite record investment, there has not been a steep change in outcomes. Crime and victimization levels, particularly amongst young people, remain high and the proportion of crimes dealt with is still extremely low. At the same time, there has been notable success in dealing with the volume crimes of burglary and vehicle crime. Overall, the official crime rate as measured by the British Crime Survey has declined. However, there are a number of important lessons to be learned from the New Labour reform program.

1. The Perils of Targets

It has become abundantly clear that centrally directed targets are counter productive. They distort priorities and resource allocation, result in unintended consequences and do not necessarily make for more effective delivery. Critically, they impose a suffocating straitjacket on the work of criminal justice practitioners, undermining their professional judgement, knowledge and good practice. Performance indicators also impose a great burden on crime reduction partnerships, reducing their capacity to respond to local needs. In practice, partnerships have had to focus on complying with national performance indicators in order to serve national political ends rather than on meeting local needs.

Local partnerships need to be given space and authority, and encouraged to focus on local priorities. New Labour, in its drive to ensure effective delivery, has adopted a much too heavy handed centralised approach. Impatience at the pace of change has resulted in an over-bureaucratized delivery framework characterised by regular performance review cycles and stringent reporting frameworks. A much lighter touch from the centre is far preferable.

2. The Creation of Silos Within Silos

The challenge of achieving effective partnerships is not to be underestimated. It is not just a case of passing legislation or creating the necessary structural framework. There needs to be a cultural shift too. Far too often, CDRPs have been characterised by lack of organizational trust, desire to protect budgets, unwillingness to share information and conflicting interests (Crawford, 2007). Rather than breaking down silos, they have created silos within silos. This has particularly been the case with services geared towards children and young people.

Several different agencies have responsibility for different aspects of youth crime prevention. Despite the creation of multi-agency youth offending teams, information on families and children who are deemed to be at risk of offending, or who are known to the criminal justice agencies but not subject to a criminal justice sanction, is not always shared. This leads to a fragmented picture of individual needs. Furthermore, the variety of agencies involved means it is difficult to establish who has responsibility for outcomes of individuals who have yet to be subject to a criminal justice disposal, or have completed a disposal and have left the youth justice system. Conversely, children who are in the youth justice system can be treated differently from

other children, with mainstream agencies preferring to leave them to be dealt with by YOTs.'

3. Balancing Enforcement and Prevention – Why Who Leads Matters

There is clearly a need to ensure that the prevention logic does not become captured by an enforcement approach. Labour set out to embed more effective crime prevention strategies. However an ideological commitment to being tough on crime, not just its causes, quickly resulted in enforcement trumpeting prevention. This is evident from the increasing number of children and young people who have been drawn into the criminal justice system (Solomon & Garside, 2008) and the longer custodial sentences imposed for minor offences committed by adults (Hedderman, 2008). The attempt to tackle anti-social behaviour has also been characterised by a harsh enforcement-led approach to increase the number of Anti-Social Behaviour Orders rather than emphasizing the need to put in place multi-agency packages of support to address the causes behind the behaviour.

If prevention is to be the central focus, there needs to be a political will and commitment to hold off from pulling the enforcement lever, especially when a major crime panic hits the media headlines. Putting lead responsibility in the hands of a department that does not oversee criminal justice management, or at least having joint sponsorship is one way to avoid the domination of an enforcement agenda. Labour has always given the Home Office lead responsibility for crime prevention. Arguably, it should at least be shared with the Department for Communities and Local Government. Youth justice was also in the Home Office. However, in 2007 responsibility was moved to the Ministry of Justice and a new Department of Children, Schools and Families. This has ensured that the latest youth crime action plan has a far greater prevention focus (HM Government, 2008).

4. Guard Against Expansionism

Widening the traditional scope of criminal justice activities to encompass new forms of crime-like behaviours should be given very careful consideration. The lesson from the UK is that it does not result in tangible benefits in public behaviour and order but simply extends the criminal justice net, resulting in greater numbers being criminalized, particularly children and young people (Solomon & Garside, 2008).

Defining what constitutes “anti-social behaviour” is also fraught with difficulties. For New Labour, it has become whatever the government says it means. This has allowed enormous scope for the authorities to target whatever problem they consider to be of interest at any given point in time. Such a subjective and amorphous category has resulted in a politically driven quest to use coercive measures to impose civility.

5. A Genuine Evidence-Based Approach

Despite declaring a commitment to evidence based policy making soon after entering government, New Labour has not followed this through. The independent evaluation of its early Crime Reduction Programme quickly became embroiled in the politics of government with the Home Office reluctant to publish negative evaluation findings. A desire to secure the best political outcomes was clearly incompatible with a commitment to following the evidence base. Many criminologists were left feeling let down and disheartened (Hope & Walters, 2008).

Developing effective crime prevention policies, however, requires a genuine commitment to learning from the evidence. It means using knowledge more effectively even if the findings from research are politically uncomfortable. Ultimately, it requires politicians to resist allowing political imperatives to interfere with research findings, however unpalatable they may be.

6. Invest to Deliver

A commitment to crime prevention requires a commitment to invest long term in effective programs. Much of New Labour’s investment has been in the creation of partnership structures and mechanisms for interagency working. A great deal has also been spent on increasing the number of police officers and the wider policing family. Ironically, there has been less investment in prevention programs. This is best illustrated by the fact that just 5 per cent of the Youth Justice Board’s budget is for prevention work.

Labour chose not to create dedicated budgets at either the local or national level for crime prevention programs. It did, however, invest in neighbourhood renewal initiatives and early years support for families and children. Arguably, crime prevention that brings together work across government departments and local agencies requires a distinct budget that is backed up by a long term funding commitment. Instead, the Office for Criminal Justice Reform was set up to take forward the work on the justice gap and anti-social behaviour. It

did not have any funding to direct to crime prevention programs. Had Labour set up an Office for Crime Prevention, the priorities and outcomes could have been rather different.

7. Understand the Limitations of Criminal Justice and Set Realistic Expectations

Tooling up the criminal justice system to bear down on crime has been central to New Labour’s approach. It has sought to extend the system’s reach to address a wider range of behaviours. The assumption has been that criminal justice reform can deliver significant crime reduction dividends. However, there are limitations to what the police and other criminal justice agencies can achieve. It is therefore necessary to set clear expectations about the role and purpose of the criminal justice system in preventing crime rather than relying on it to solve complex social and economic problems.

Rethinking Policy

It is to Labour’s credit that in the 12 months since Gordon Brown took over from Tony Blair, there has been a reassessment of the approach taken to tackling crime and public disorder. Whilst not all the lessons identified above have been learned, some of them have at least been recognized and policy has been accordingly reconfigured.

The Home Office has accepted some of the criticism of the “offences brought to justice” target. Although it has not publicly acknowledged that it has resulted in more people being unnecessarily drawn into the criminal justice system, it recognizes that the target has imposed too much central control on the work of individual police officers. The government concedes that greater discretion should be given to Crime and Disorder Partnerships to determine priorities, stating that:

Successful delivery of the Government’s vision cannot be imposed simply through top-down performance management, and the strategy is therefore to develop a criminal justice operating framework that provides local services with greater flexibility to determine how this vision is to be delivered effectively and efficiently. (HM Treasury, 2007, p. 3)

Generally, the government now acknowledges that the target-setting culture has been too heavy handed. The new “offences brought to justice” target for 2008-11 subdivides data into three sub-categories – serious violent and sexual

offences, serious acquisitive crime, and other crime – so that it can readily be seen precisely which parts of the justice gap are being narrowed. Local areas are allowed to determine which “other crimes” to focus on in order to ensure greater responsiveness to community concerns. To guard against children being criminalized, an additional target has been set to consider, among other things, how many children and young people are entering the criminal justice system for the first time. A recent police reform paper also proposes freeing up officers and supporting them to use greater discretion (Home Office, 2008b).

The government is also seeking to rebalance its approach to youth crime by taking “a ‘triple track’ approach of enforcement and punishment where behaviour is unacceptable, non-negotiable support where it is most needed, and better and earlier prevention” (HM Government, 2008, p. 1). The new Youth Action Plan sets out detailed proposals to extend early intervention programs with children and families to prevent crime. It ambitiously intends to “set in motion a step-change in the delivery of early targeted support for young people and families, encouraging the delivery of services which focus on early intervention for families with children at greatest risk of becoming the high-rate offenders of the future” (HM Government, 2008, p. 31).

The Brown government has subtly shifted away from tackling anti-social and disorderly behaviour by children and young people through coercive measures to significantly expanding the early intervention agenda. The focus is now firmly on prevention by providing targeted support through mainstream, locally governed social services. Although enforcement is still part of the equation, prevention is seen as the most effective means of tackling youth crime. Indeed, the Brown government has set an explicit target to provide additional funding and expert support to at least 40 families in each local authority where children are known to have behavioural problems and to be in need of assistance.

Conclusions

Labour’s goal to reform criminal justice to be “tough on crime, tough on the causes of crime” has been hugely ambitious. The scale of the investment, the rapidity of the reforms and the political energy and attention given to them has been unprecedented in modern British history. On paper, it appears to have had a significant impact. Overall crime rates have fallen dramatically. Yet the same decline has taken place in most other western nations. Arguably, crime would have declined had Labour published only one criminal justice plan and

made just a few basic reforms. So, in conclusion, what should be the messages that others take away from the New Labour reforms?

Firstly, it is important to recognize that effective crime prevention is more often than not linked to what happens with the economy. In explaining the recent decline in crime, the head of research in the Home Office, Professor Paul Wiles, highlighted a decade of growth and prosperity as a key factor (Travis, 2008). Regardless of what policies are adopted, if the economy is buoyant crime will fall. This, however, does not mean that the scope and scale of crime prevention strategies are not important.

Situational crime prevention has certainly had an impact in the UK in contributing to substantial falls in vehicle crime and burglary. Initiatives to improve home security and to encourage car manufacturers to “design out crime” have played a part in reducing what a decade ago were major concerns in all areas of the country. The work of partnerships which have prioritized these volume crimes has also been instrumental in focusing resources and co-ordinating effective action.

Yet, despite these successes, youth disorder and offending continues to be a problem. In many inner city areas, the age of perpetrators and victims of violent street crime involving weapons has declined from the mid-twenties to late teens to the late teens to mid/early teens (Squires, Silvestri, Grimshaw, & Solomon, 2008). Recently, Labour has come to realize that taking a simple enforcement approach to the problem fails to address the needs of the families and communities most at risk. It has also come to understand that extending the remit of the criminal justice system to capture anti-social behaviours, which in the past would have been dealt with informally, is counterproductive. Yet, there is still a belief that more effective use of police resources or tough punishment can make a difference. Prevention has yet to be firmly placed outside the criminal justice arena and in the hands of welfare agencies.

Labour initially balanced the scales far more towards being tough on crime. Gordon Brown is now attempting to rebalance them more towards tackling the causes of youth crime through a concerted focus on early intervention. He has yet to signal a desire to do the same for adult offending. The primary lesson for those looking in on the English and Welsh experience is that effective situational crime control and prevention strategies can make a difference, but tackling levels of youth offending and victimization requires greater understanding of the causes of crime and disorder, and is best addressed by resorting to social rather than criminal justice interventions.

References

- Blair, T. (1988, April 12). The climate of violence. *The Times*. Retrieved from <http://www.number10.gov.uk/Page9738>
- Blair, T. (2003). *Speech on anti-social behaviour at the QEII Centre*. Retrieved September 14, 2003, from <http://www.number-10.gov.uk/output/Page4644.asp>
- Budd, T., Sharp, C., & Mayhew, P. (2005). *Offending in England and Wales: First results from the 2003 Crime and Justice Survey, Home Office Research Study 275*. London: Home Office.
- Crawford, A. (1998). Community Safety Partnerships: Managerialist tensions and threats. *Criminal Justice Matters*, 33, 4-5.
- Crawford, A. (2007). Missed opportunities for preventing crime. *Criminal Justice Matters*, 69, 16-17.
- Department of Constitutional Affairs (DCA). (2007). *DCA departmental report 2006/07*. London: DCA.
- Emmerson, C., & Frayne, C. (2005). *Public spending, election briefing 2005*. London: IFS.
- Flood-Page, C., Campbell, S., Harrington, V., & Miller, J. (2000). *Youth crime: Findings from the 1998/99 Youth Lifestyle Survey, Home Office Research Study 209*. London: Home Office.
- Flanagan, R. (2008). *The review of policing, final report*. London: Home Office.
- Garland, D. (2000). Ideas, institutions and situational crime prevention. In A. Von Hirsch, D. Garland & A. Wakefield (Eds.), *Ethical and social perspectives on situational crime prevention*. Oxford: Hart Publishing.
- Goldson, B. (Ed.) (2000). *The new youth justice*. Lyme Regis: Russell House.
- Graham, J., & Bowling, B. (1995). *Young people and crime, Home Office Research Study 14*. London: HMSO.

- Hedderman, C. (2008). *Building on sand: Why expending the prison estate is not the way to 'secure the future'*. London: Centre for Crime and Justice Studies.
- Her Majesty's Treasury. (2007). *PSA delivery agreement 24: Deliver a more effective, transparent and responsive criminal justice system for victims and the public*. London: HMSO.
- Her Majesty's Government. (2008). *Youth crime action plan 2008*. London: HMSO.
- Her Majesty's Government. (1998). *Crime and Disorder Act 1998*. London: HMSO. Retrieved from http://www.opsi.gov.uk/acts/acts1998/ukpga_19980037_en_1
- Home Affairs Committee. (2007). *Police funding, fourth report of session 2006/07*. London: HMSO.
- Home Office. (1997). *No more excuses: A new approach to tackling youth crime in England and Wales*. London: Home Office.
- Home Office. (2001). *Criminal justice: The way ahead*. London: Home Office.
- Home Office. (2004a). *Cutting crime, delivering justice: A strategic plan for criminal justice 2004-08*. London: HMSO.
- Home Office. (2004b). *Confident communities in a secure Britain: The Home Office strategic plan 2004-08*. London: Home Office.
- Home Office. (2006a). *Rebalancing the criminal justice system in favour of the law abiding majority: Cutting crime, reducing re-offending and protecting the public*. London: Home Office.
- Home Office. (2006b). *Home Office departmental report 2006*. London: Home Office.
- Home Office. (2006c). *Criminal statistics 2005: England and Wales*. London: Home Office.

- Home Office. (2007). *Home Office departmental report 2007*. London: Home Office.
- Home Office. (2008a). *Cutting crime – A new partnership 2008-2011*. London: Home Office.
- Home Office. (2008b). *From the neighbourhood to the national: Policing our communities together*. London: Stationery Office.
- Hope, T., & Walters, R. (2008). *Critical thinking about uses of research*. London: Centre for Crime and Justice Studies, King's College London.
- Kershaw, C., Nicholas, S., & Walker, A. (Eds.) (2008). *Crime in England and Wales 2007/08*. London: Home Office.
- Labour Party. (1997). *Labour Party election manifesto: New Labour because Britain deserves better*. London: Labour Party.
- Labour Party. (2001). *2001 Labour Party general election manifesto*. London: Labour Party.
- 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), 561–586.
- McLaughlin, E., Muncie, J., & Hughes, G. (2001). The permanent revolution: New Labour, new public management and modernization of criminal justice. *Criminal Justice*, 1(3), 301-17.
- Newburn, T. (2002). Young people, crime and youth justice. In M. Maguire, R. Morgan & R. Reiner, (Eds.), *The Oxford handbook of criminology*, (3rd Ed.). Oxford: Oxford University Press.
- Pratt, J., Brown, D., Brown, M., Hallsworth, S., & Morrison, W. (2005). *The new punitiveness: Trends, theories, perspectives*. Cullumpton: Willan.
- Prime Minister's Strategy Unit. (2006). *Strategic priorities for the UK: The policy review*. Unpublished government document.

- Reiner, R. (2007). *Law and order: An honest politician's guide to crime and order*. Cambridge: Polity.
- Simmons, J. (2002). *Crime in England and Wales 2001/02*. London: Home Office.
- Solomon, E., Eades, C., Garside, R., & Rutherford, M. (2007). *Ten years of criminal justice under Labour: An independent audit*. London: Centre for Crime and Justice Studies.
- Solomon, E., & Garside, R. (2008). *Ten years of Labour's youth justice reforms: An independent audit*. London: Centre for Crime and Justice Studies.
- Squires, P., Silvestri, A., Grimshaw, R., & Solomon, E. (2008). *Street weapons commission: Gun, knives and street violence in five UK cities*. London: Channel 4.
- Travis, A. (2008, July 18). Crime rates expected to soar as economic difficulties deepen. *The Guardian*. Retrieved from <http://www.guardian.co.uk/uk/2008/jul/18/ukcrime.police>
- Walker, A., Kershaw, C., & Nicholas, S. (2006). *Crime in England and Wales 2005/6*. London: Home Office.
- Wilson, D., Sharp, C., & Patterson, A. (2006). *Young people and crime: Findings from the 2005 Offending Crime and Justice Survey*. London: Home Office.
- 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.
- Youth Justice Board. (2006). *Anti-Social Behaviour Orders*. London: Youth Justice Board.