

# Challenging Assumptions

## 10 common criminal justice myths

Criminal  
Justice  
Alliance

### 1 Crime is getting worse - especially violent crime

Recorded levels of crime, and violent crime specifically, are at their lowest levels for 30 years and both have dropped dramatically since their peak in 1995 when they were twice as high as at present. However, the rates of both overall crime and violent crime have remained broadly flat over the past few years<sup>1</sup>.

Most people (60%) think crime is rising nationally, although only a minority (28%) think it is rising in their local area. The media is commonly identified as giving the impression crime is increasing nationally while personal experience explains more accurate perceptions of local crime<sup>2</sup>. 45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime<sup>3</sup>.

Fear of crime appears to be uncommonly high in the UK where 43% of the population deem crime and violence to be one of the most worrying issues in their lives compared with only 27% in the US and 21% in Germany.<sup>4</sup>

### 2 Youth crime is getting worse

As with crime in general, youth crime has fallen substantially over the last few years, and is now down 47% since 2001<sup>5</sup>. The number of young people getting involved in crime for the first time also seems to be falling. Last year 37,000 young people entered the Youth Justice System for the first time - a fall of 59% from 2001. In the last year there has been a notable reduction in offences committed by young people, in particular; criminal damage (down 28%), public order (down 27%), theft and handling (down 23%) and violence against the person offences (down 22%). The number of knife offences committed by children and young people fell by a quarter in 2012<sup>6</sup>.

### 3 Sentences are getting softer

The reality is that more people are going to prison and they are going there for longer. Since 1991, the prison population has grown by over 85%<sup>7</sup> and since 2002 the average sentence has increased from 12.5 to 14.9 months<sup>8</sup>. In addition, the number of people receiving an indeterminate sentence (a sentence with no set release date) increased by over 10%.<sup>9</sup>

However, it is notable that in the past 12 months the prison population has fallen for the first time since 1999.<sup>10</sup>

### 4 Prison would be more effective with longer sentences

Just because sentences are getting longer, it does not mean they are getting more effective. Longer sentences could, in principle, reduce crime through incapacitation, rehabilitation and deterrence. But research shows no conclusive proof that longer sentences increase deterrence.<sup>11</sup>

Longer sentences do of course incapacitate offenders for more time, thereby protecting society from crimes they may otherwise have committed. But the degree to which this actually impacts crime rates is not clear, although research does show that longer sentences for some types of repeat offenders (e.g. fraudsters and burglars), but not all, may reduce crime.<sup>12</sup>

## **5 Prison would be more effective with tougher regimes**

Although a popular idea amongst the general public and politicians, there is no evidence that harsher prison conditions reduce the likelihood of reoffending. In the 1980s and 1990s, the UK trialled prison boot camps for young offenders which provided an intensive regime with an emphasis on self-discipline, strict rules and hard work. In 1979 they were billed by then Home Secretary, William Whitelaw, as providing a 'short, sharp shock' and would be 'no holiday camps'<sup>13</sup>. These trials, as well as numerous others conducted in the US, found no impact on subsequent reoffending rates<sup>14</sup>. In fact, US research found that harsher prison conditions lead to significantly higher rates of reoffending<sup>15</sup>.

## **6 Victims (and the public) want a tougher justice system**

94% of victims of non-violent crimes said it was most important that the offender did not commit the crime again, and 81% would prefer offenders receive an effective sentence rather than a harsh one<sup>16</sup>.

Victim Support have found that victims - regardless of whether they would favour punishment, protection, or reform and rehabilitation - held a common view that the desired outcome was that the offender did not commit the crime again<sup>17</sup>.

The public would like to see specific issues, such as women's offending, dealt with through treatment and healthcare, rather than through harsher sentencing<sup>18</sup>.

## **7 Prison is the only way to deal with persistent offenders**

Persistent offenders present arguably the greatest problem for the criminal justice system, highlighting its poor rehabilitation record. Prison may offer temporary relief to communities for the duration of a persistent offender's sentence but what happens after their release? For people who have served more than 11 previous custodial sentences, 69% are reconvicted with one year.<sup>19</sup>

Although community sentences are more effective than prison sentences (with similar offenders), there are almost 8,000 prisoners who have received 11 or more community sentences<sup>20</sup>. The reality is that neither community nor prison sentences are adequately getting to the root of the persistent offender problem, making more research into interventions crucial. This suggests many effective measures may lie outside the formal criminal justice system, for example crime committed by drug-dependent offenders falls by half when they successfully complete a drug treatment programme.<sup>21</sup>

## **8 Community orders don't work**

Offenders who receive a prison sentence of less than 12 months are more likely to reoffend, more often and more seriously than those who receive a community order<sup>22</sup>. Furthermore, over recent years the gap in effectiveness between the two types of sentence is widening – in 2005 community orders were 6.4% more effective for similar offenders, and this has steadily increased to 8.3% in 2008<sup>23</sup>. The key disadvantage of the community order is that offenders may fail to complete their sentence. However completion rates have risen from 52% in 2006 to 66% in 2012<sup>24</sup>.

## 9 The crime drop demonstrates the success of more punitive sentencing and increased incarceration

Although the enormous rise in the UK's prison population played some part in reduced levels of crime, the bulk of the drop was due to other factors. Furthermore, there is clear evidence that it is possible to reduce crime while also reducing the number of people in prison and the cost to the taxpayer.

Research suggests that prison can account for a 2-4% decrease in crime per 10% increase in prison population<sup>25</sup> but there is a law of diminishing returns as the number of low-risk offenders in prisons grows<sup>26</sup>. UK research found that, at most, only 5% of the 30% drop in crime between 1997 and 2003 was due to increased prison numbers<sup>27</sup>. To put this in perspective, the same research also estimated that the fall in the number of young people in the population also caused 5% of the drop.

In the US, where prison growth has been most dramatic, research found 75% of the crime drop is due to factors other than prison<sup>28</sup> including unemployment and wage levels<sup>29</sup>, policing numbers and strategy<sup>30</sup>, drug trends and treatment, interventions with troubled families, population changes and education improvement programmes<sup>31</sup>.

In any case, it is possible to cut both crime and the prison population, as has been the case in countries such as Germany and the Netherlands in recent years<sup>32</sup>. Perhaps, the most striking example is New York which reduced its prison population by 20% and cut crime by 29% in the first decade of the new millennium; over the same period Indiana increased its prison population by 47% and reduced crime by only 8%<sup>33</sup>.

## 10 Tough justice serves the law abiding majority

Crime is not a minority activity - many people break the law every day. A poll of 5,000 people found that, for example, 46% of people admitted to speeding, 40% use mobile phones while driving and 35% get their music by downloading it from illegal websites<sup>34</sup>. The Association of British Insurers claims that 4% of household insurance claims made in 2000 were fraudulent.<sup>35</sup>

Many of the offences listed above are never detected, and are often referred to as the 'crimes of everyday life'<sup>36</sup>, but even so more than a quarter of men in England and Wales have been convicted of a criminal offence before the age of 30.<sup>37</sup>

### Endnotes

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<sup>1</sup> These figures are on the more conservative end of the scale, Roger Tarling, a former Home Office criminologist, estimated that a 25% rise in the prison population is needed to cut the overall crime rate by only 1%. In 2010 the MoJ confirmed to *The Guardian* that these findings do still hold.

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## About the Criminal Justice Alliance

The Criminal Justice Alliance is a coalition of 70 organisations – including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions – involved in policy and practice across the criminal justice system.

For more information contact: [info@criminaljusticealliance.org](mailto:info@criminaljusticealliance.org)

Park Place, 10-12 Lawn Lane, London SW8 1UD

Telephone: 020 7091 1298

[www.criminaljusticealliance.org](http://www.criminaljusticealliance.org)

Registered charity no.1143038

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