AN
INTRODUCTION TO
CRIMINAL JUSTICE

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2ND EDITION

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ACKNOWLEDGEMENTS

This is the second edition of *An Introduction to Criminal Justice*. The first edition, published in 2017 by Sage Publishing, was co-edited and co-written by Pam, with Professor George Mair and Dr Jamie Harding. The book was a huge success in terms of sales, student usage and reader reviews. We are immensely grateful to George and Jamie for their collaboration on the first edition, helping shape its form, content, focus and narrative. We also remain grateful for their support, in kind, for this, the second edition of *An Introduction to Criminal Justice*.

This edition has been curated, written and edited by the two of us. This is not the first time that we have worked together. We have collaborated for over 30 years, on textbooks, edited collections, research and evaluation reports, and teaching at Northumbria University, although our different career trajectories over recent years have meant that it has taken longer than expected to collaborate again. Yet, despite the passing of time, this book has been a hugely enjoyable if elongated process. Whilst we have differing approaches to our craft, our respect for each other's contribution is enduring, and we value the time we spend together writing. And what better writing project to collaborate on, than one focusing on criminal justice in England and Wales, a subject that seems to be today ever more complex, contested, challenging and impactful than ever before. We sit here, for example, writing this acknowledgement a few months after a newly elected Labour government faced considerable challenges to criminal justice, the rule of law, sentencing and imprisonment from far-right groups engaged in disorder across towns and cities in England and Wales. How best to respond, the ability to respond and the capacity to respond have all posed challenges not just for the Labour government, but also for the agencies, institutions and organisations of criminal justice, and they are challenges that will, we are sure, continue into the future.

It has been a privilege to work together on the second edition of *An Introduction to Criminal Justice*. The book builds upon the strengths of the first edition, updating its range of content with both new and revised chapters, expanded Parts, as well as by introducing new areas for study, including, for example, AI, predictive data analytics and 'new' technologies in criminal justice. As editors we have been keen to bring alive the operation and practice of criminal justice for you, our readers, by locating front and centre cutting edge knowledge and evidence from the social sciences and humanities, within a framework that is evaluative, contextual, challenging and curious, in order to critically appreciate not just what criminal justice does, but how it does it, why, for whom and with what meaning and impact. This is incredibly important at a time when all too often the social sciences and humanities are dismissed in some parts of government,

politics and the media. We remain committed to the belief that the challenge they bring, the insight they offer, the evaluation they provide and the solutions they proffer are crucial to democratic, inclusive and diverse communities and societies. The social sciences and humanities matter by giving voice to all, speaking truth to power, enabling a critical appreciation, empowering communities, devising values-based solutions, and this book is one small way of demonstrating their continuing value and relevance today.

As editors, our role has been to collate, edit, narrate and piece together the overall structure and narrative of the book, to ensure *An Introduction to Criminal Justice (Second Edition)* is more than just a collection of chapters. We have been keen to shed light in each Part on particular substantive areas for investigation, to provide appropriate signposting and linkages across the eighteen chapters and to bring a coherence and quality of aesthetic, form, focus and content to the book. This means that we have left much of the core writing of specific chapters to our 24 contributors, and rightly so. Afterall, they, as expert educators and researchers of criminal justice, are uniquely positioned to bring alive the relevant areas and topics for review, discussion and debate. Rarely will you find the presence of such a team of scholars within a single book and we are so excited to have been able to secure their involvement. We are indebted to each of them for their support and engagement, and immensely grateful to them for producing chapters in a timely manner, and with such verve, quality and insight into the world of criminal justice. To each and every one of you, we hope that we have done justice to your contributions.

This is not the first time we have worked with Sage Publishing, nor we hope, will it be the last. Sage are a publisher without equal, and we are once again proud to work with them. Sage promotes psychology, sociology, history, politics, criminology, criminal justice and victimology in a manner that recognises their importance to developing a critical appreciation of the world within which we live, work, rest and play. We would like to take this opportunity to thank all of our friends at Sage for their guidance and encouragement over the course of the last two years. Our sincere thanks go to Pippa Wills, Sarah Moorhouse, Rhoda Ola-Said, and last, but certainly not least to Natalie Aguilera. Your support in the contracting and production of this book has been unfailing, and your prodding and encouragement have kept us in line, and nearly on time (we know, we extended the deadline just a little bit).

Pamela Davies and Peter Francis
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LIST OF ABBREVIATIONS

ACPS	Advisory Council on the Penal System
ACTO	Advisory Council on the Treatment of Offenders
ADR	UK Administrative Data Research UK
AG	Attorney General
ARI	Areas of Research Interest
ASBOs	Anti-Social Behaviour Orders
BME	Black and Minority Ethnic
CACD	Court of Appeal (Criminal Division)
CCRC	Criminal Cases Review Commission
CCTV	Closed Circuit Television
CDA	Crime and Disorder Act
CICB	Criminal Injuries Compensation Board
CICS	Criminal Injuries Compensation Scheme
CIPFA	Chartered Institute of Public Finance and Accountancy
CJA	Criminal Justice Act
CJS	Criminal Justice System
CNA	Certified Normal Accommodation
CO	Community Order
COP	Community Orientated Policing
CPS	Crown Prosecution Service
CPTED	Crime Prevention Through Environmental Design
CRC	Community Rehabilitation Company
CRP	Crime Reduction Programme
CSP	Community Safety Partnership
CSR	Comprehensive Spending Review
CYPA	Children and Young Persons Act
DEA	Digital Economy Act
DfE	Department of Education
DLUCH	Department of Levelling Up, Communities and Housing
DoH	Department of Health
DPP	Director of Public Prosecutions
DWP	Department of Work and Pensions
DTO	Detention and Training Order
EU	European Union
FDR	Fast Delivery Report

FMI	Financial Management Initiative
FTEs	First-time Entrants
HMCTS	HM Courts and Tribunal Service
HMIC	Her Majesty's Inspectorate of Constabulary
HMICFRS	His Majesties Inspectorate of Constabularies and Fire and Rescue Services
HMIP	Her Majesty's Inspectorate of Prisons
HMP	Her Majesty's Prison
HMPPS	HM Prison and Probation Service
HOCR	Home Office Crime Recording
IDS	Integrated Data Service
IEP	Incentives and Earned Privileges Scheme
IMD	Index of Multiple Deprivation
IPCC	Independent Police Complaints Commission
IPP	Imprisonment for Public Protection
ISVA	Independent Sexual Violence Advisor
KPIs	Key Performance Indicators
LACS	League Against Cruel Sports
MAPPA	Multi-agency Public Protection Arrangements
MCA	Member Case Assessment
MHRA	Medicines and Healthcare Products Regulatory Agency
MoJ	Ministry of Justice
MOPAC	Mayor's Office for Policing and Crime
NCJL	National Crime and Justice Lab
NCRS	National Crime Recording Standards
NDPB	Non-departmental Public Body
NGO	Non-governmental Organisation
NPS	National Probation Service
NOMS	National Offender Management Service
NRC	National Research Committee
NUM	National Ugly Mugs
NWCU	National Wildlife Crime Unit
OASys	Offender Assessment System
ONS	Office for National Statistics
OS	Ordnance Survey
OVSS	Online Victim Satisfaction Survey
PACE	Police and Criminal Evidence Act (1984)
PAW UK	Partnership for Action Against Wildlife Crime in the UK
PAS	Public Attitude Survey
PbR	Payment by Results
PCA	Police Complaints Authority
PCB	Police Complaints Board
PCCs	Police and Crime Commissioners

PCSO	Police Community Support Officer
PFI	Private Finance Initiative (PFI)
POP	Problem Orientated Policing
PPO	Prisons and Probation Ombudsman
PRC	Police Recorded Crime
PRT	Prison Reform Trust
PSD	Professional Standards Department
PSR	Pre-sentence Report
RSPB	Royal Society for the Protection of Birds
SCH	Secure Children's Home
SDGP	Senior Data Governance Panel
SOCA	Serious Organised Crime Agency
SNOP	Statement of National Objectives and Priorities
SRS	Secure Research Service
SSO	Suspended Sentence Order
STC	Secure Training Centre
TIP	Trafficking in Persons
TR	Transforming Rehabilitation
UK	United Kingdom
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UPRN	Unique Property Residential Number
USS	User Satisfaction Survey
VAC	Voluntary Aftercare
VCSE	Voluntary, Community and Social Enterprise
VPS	Victim Personal Statement
YJB	Youth Justice Board
YJCEA	Youth Justice and Criminal Evidence Act (1999)
YOI	Young Offender Institution
YOP	Youth Offender Panel
YOT	Youth Offending Team
YRO	Youth Rehabilitation Order

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DEFINING AND COUNTING CRIME

JORDAN CASHMORE AND IAN MAHONEY

INTRODUCTION

This chapter introduces some of the key debates you will encounter about the way in which 'crimes' are defined and counted. What we consider a 'crime' varies by context – it can change over time; is subject to shifting political, social, economic and popular discourse; and differs between nations and cultures. Some harmful acts that many believe should be crimes are often not, whereas other acts considered more trivial (or not even **deviant**) are. Your own experiences and values can influence your understanding and interpretation of certain behaviours, which may as a result be out of kilter with the letter of the law.

The immediate context of an act can also play a part in whether we consider it to be criminal. While you'd be hard pressed to find a society that doesn't consider murder to be a criminal act, there are several circumstances in which the action of taking someone's life can be legal or even legitimate. Think, for example, of the death penalty administered in countries like the United States, China, Iran, Iraq or Japan, killing during war, mercy killings or euthanasia. What of accidentally killing in self-defence? Whilst debates still arise around these issues, they are often not considered by the state to be crimes, demonstrating the importance of context in determining the criminality of an act. So, if acts aren't inherently criminal, how should we define the concept of 'crime'? When *is* an act 'illegal' or 'criminal'? Are these distinct questions? Can an act be 'illegal' without necessarily being considered 'criminal'? As will hopefully become apparent during this chapter, formulating a 'definition of crime which embraces all of its different perspectives and which satisfies every generalisation and nuance is probably impossible' (Elmsley 2018: 1).

Throughout this chapter, we shall see that attitudes towards certain acts change over time and that definitions are updated in light of new information and shifting attitudes. Changes in how we construct and define crimes also affect the way we record and count them. We will therefore explore how we try to capture the landscape of crime using (a) police-recorded statistics, (b) victim surveys and (c) offender surveys, discussing what each can and can't tell us, their respective benefits and shortcomings, and highlighting the difficulties in drawing conclusive inferences from any of these alone.

DEFINING CRIME

In its most basic form, the definition of crime accepted across most police forces and victim support agencies in England and Wales states that 'a crime is a deliberate act that causes physical or psychological harm, damage to or loss of property, and *is against the law*' (see, for example, police.uk, 2024 [emphasis added]).

Crime and the Law

We will start here by considering the role of law in the defining of criminal acts.

i. Legislative Statutes

Ordinarily, laws surrounding crime and deviance are formulated via legislative statute – laws made by legislative bodies, such as parliament, following debate and consideration. In England and Wales, statutes are presented first as Green Papers, then White Papers and eventually as parliamentary Bills (draft legislation). They are considered by both houses of parliament and, if passed, are signed into law by Royal Assent (approved by the Crown), at which point they become law (although it may be some months before they are implemented). Statutes can include prohibitive (the Theft Act 1968, for example, *prohibits* a person from committing burglary) and/or regulatory (the Licensing Act 2003 requires a premises to *obtain and comply with* a licence to sell alcohol) functions.

While many Acts name behaviours they intend to criminalise universally (e.g. robbery, which is criminalised under the Theft Act 1968), others can delegate the authority to other (usually local) agencies to prohibit specific behaviours in specific contexts. The Antisocial Behaviour, Crime and Policing Act 2014, for example, empowers local authorities to apply (via the court) Criminal Behaviour Orders (CBOs) to individuals convicted of an offence. These impose tailored conditions to target causes and risk factors of the individual's offending in order to prevent future offending, including prohibitions (e.g. not to attend a specific address or associate with a named person) and requirements (e.g. engage with treatment for substance abuse). Breaching a CBO is an offence, meaning that some acts are only criminal for specific individuals. Similarly, the same 2014 Act introduced Public Spaces Protection Orders, which enables local authorities to create new rules in specific problematic places (non-compliance with which constituting an offence), so some acts may only be crimes in those places.

ii. Common Law

Legislators can't predict every conceivable situation when writing statutes so some room for interpretation in the wording of statutes can be desirable to ensure perpetrators of acts against the *spirit* of the law can be brought to justice. Common law (or case law) is formulated from the outcomes of court cases or **trials** and is often intended to clarify definitions, interpretations and uses of the legislation in specific contexts and for specific acts. Judgements can either be binding (i.e. must be adhered to) or can be used to inform and guide a judge's decisions in subsequent cases with similar circumstances.

iii. Legal Culpability

The degree to which you can be held responsible in court for committing a crime can be affected by several variables. To revisit homicide, the taking of life isn't automatically considered murder. In England and Wales, per the Crown Prosecution Service (2024), the crime of murder requires that someone:

- Is 'of sound mind and discretion (sane)
- unlawfully kills (not self-defence or other justified killing)
- any reasonable creature (a human being)
- in being (born alive and breathing through its own lungs)
- under the King's Peace (not in wartime)
- with intent to kill or cause grievous bodily harm' (GBH).

'Voluntary manslaughter' and 'involuntary manslaughter' (The Crown Prosecution Service 2024) are distinguished from murder by whether or not the perpetrator's intention to kill or cause GBH – and/or their unsoundness of mind – can be proven. The definition and treatment of murder has also been subject to change over time. Prior to 1965, a person could be tried for manslaughter, non-capital murder or capital murder, the last of which could lead to a death sentence. After the abolition of the death penalty in Great Britain in 1965 (and Northern Ireland in 1971), non-capital and capital murder were amalgamated under the single banner of 'murder', carrying a penalty of life imprisonment.

To complicate things further, in England and Wales, the divisive legislation of 'joint enterprise' has seen people convicted of murder or manslaughter despite not having physically harmed the victim themselves. Under joint enterprise, someone can be found guilty of a criminal act (e.g. murder or burglary) when they have actively worked to support the offence being committed or if they could have foreseen the offence and its consequences but did not act to prevent it. This has been particularly controversial because it is disproportionately used to criminalise young black men from deprived, working-class communities, including in burglary and murder trials (Mills, Ford and Grimshaw 2022).

The killing of a non-human animal, on the other hand, is treated very differently under current legislation and these victims are instead considered 'property'. Harms, including killing, done to an animal are considered as property-related harm or injury to the owner (see Nurse and Wyatt 2021). So, whilst homicide may seem straightforward to define, we can see the fluidity of its connotations and the challenges it presents for policymakers and criminologists alike.

CRIMINALISATION

New legislation routinely creates new crimes. Halsbury's Statutes of England and Wales, which documents the creation of legislation in England and Wales via both primary (debated in parliament) and secondary (through the use of statutory instruments and other methods) legislation, chronicled more new offences being created in the 19 years from 1989 to 2008 than in the preceding 637 years! Some estimates put numbers of new offences created during New Labour's Governments between 1997 and 2010 at 3,000 (The Law Commission 2010; though disputed by Morgan 2011), 1,750 between 2009 and 2015 (Ministry of Justice 2014) and

hundreds more – many of which packaged as 'lockdown laws' – introduced and amended during the COVID-19 pandemic (Barber, Brown and Ferguson 2022).

While defining 'crime' using criminal law appeals to common sense, challenges can be levelled at the process through which these laws are created. Our definitions and explanations of crime are informed by the prevailing senses of morality, norms and values that we share, form and reform collectively through time. Historically, religion played an important role in informing and shaping a society's morality and attitudes towards key social issues. While these attitudes endure for many, secularisation and religious pluralism make such definitions problematic in most contemporary Western societies.

Many argue that those with power in society are able to shape understandings of crime, deviance and punishment through their role, status and influence in society (see, for example, Matthews et al., 2014). These arguments highlight the disproportionate focus in crime and justice policy and practice on the behaviours of the poorest and most vulnerable in society, whilst the more 'respectable' – such as the middle and managerial – classes are faced with relatively minor sanctions for their own socially injurious acts. Correspondingly, Edwin Sutherland (1940) contended that our attention as criminologists should go beyond just the crimes of the poorest in society to consider white-collar crimes and the problematic enterprise of the middle and managerial classes. The argument retains relevance today and there are numerous forms of social and civil wrongs, including environmental harms, that still go relatively unchallenged.

Questions/Activities

Consider the issue of environmental change.

- What are some of the causes?
- Why we might be interested in it as criminologists?

Causes: human industry, pollution and consumption – particularly across leading economies in the Global North, and the BRIC countries of Brazil, Russia, India and China.

What are some of the impacts we might be interested in as criminologists?

- Rising sea levels impacting upon coastal communities and island nations;
- Rising global inequality and displacement of human populations leading to refugee crises;
- Pollution, corporate crime and 'greenwashing' of corporate environmental responsibilities including the creation of high volumes of plastic waste and other manmade environmental toxins;
- Loss of biodiversity and increased human–animal conflict;
- Rising levels of war and conflict in response to resource shortages and water scarcity.

Human health implications – a coroner found that air pollution exposure was an important cause of death in the case of nine-year-old Ella Adoo Kissi-Debrah in London, 2020 (Courts and Tribunals Judiciary 2021).

Sutherland's (1940) emphasis on crimes as social injury with legal penalties are also fallible, however. Several socially injurious acts (even some we may consider immoral) don't receive the punishment we may feel they deserve. Western nations, for example, send harmful waste materials too costly to reuse or recycle to countries that don't have the infrastructure to process them, like those in the Gulf of Guinea. The materials therefore end up in landfill sites with significant environmental and health implications (Okafor-Yarwood and Adewumi 2020). In the United Kingdom, meanwhile, there has been growing awareness of environmental damage and health implications from raw sewage discharges and overflows which pollute rivers and seas. Sanctions are few and far between and cases are frequently not resolved for years after the initial event has occurred. While there are calls for greater investment and regulation, current plans will take decades to be fully realised, meaning significant ongoing harms for people, non-human animals and the environment alike.

To transcend the contested and changeable nature of 'crime', Nicola Lacey and Lucia Zedner (2023) examine *criminalisation*, about which they distinguish between formal (new criminal laws making certain acts illegal) and substantive (the way these new laws are pursued and enforced in practice) outcomes. They recognise that the criminalisation process is itself subject to continual change and renewal based on broader social dynamics, including politics (which problems political leaders want to be prioritised) and economics (heightened enforcement against new criminal acts requires either additional resources or for existing resources to be redeployed from other priorities). Not only will this mean that some criminal acts are taken more seriously – or receive more focus – by the justice system than others, but it can also affect how important the general population considers them to be.

Questions/Activities

Would you describe yourself as a criminal?

- Yes?
- No?

Let us think about this question another way.

- Have you ever done any of the following:
  - Purchased or consumed illegal substances?
  - Bought a drink underage/for someone underage?
  - Driven faster than the legal speed limit?
  - Thrown litter out of a car window?
  - Taken a carrier bag from a supermarket without paying for it (since 2021)?
- If you have done any of the above things – or one of the many other crimes we might consider minor or even victimless – would you now describe yourself as a criminal?

Did your answer change between the first time we asked and the second? Why (not)?

You may have realised, then, that we tend to distinguish – rightly or wrongly – between committing crimes (i.e. doing illegal things) and being labelled a criminal. After all, some illegal acts can also be socially acceptable and even normalised, such as speeding. Social acceptance isn't universal, though, as driving at 80mph on a clear motorway wouldn't receive the same reaction as driving the same speed past a school. In fact, driving 10mph under the speed limit – a perfectly legal action – on the motorway would likely attract more ire from fellow road users than 10mph over, whereas the opposite is often true on a 30mph-limit residential street!

Some acts, such as voluntarily purchasing (possessing) illicit drugs, are widely thought of as 'victimless crimes', lacking a direct social injury. Such attitudes, however, miss the many forms of victimisation in the drug supply chain. In impoverished communities – particularly in the Global South – powerful and violent cartels govern the forced production (regularly involving industrial-scale, environmentally unfriendly practices) and trafficking of drugs, illustrating just some of the broader social and health impacts that are sustained by consumer demand in destination markets.

In distinguishing between what is legally a crime and what society labels to be 'criminal', it might instead make sense to consider a crime's perceived level of harm. This, though, is still neither objective nor independent of social and cultural context. Even specific variables of the offence itself, such as the offender's motivation, intention and method, as well as the victim's sensitivity, can affect the relative harm experienced during (and after) a crime, which may influence decisions about the nature and urgency of an appropriate policing response.

Questions/Activities

A comprehensive assessment of severity has been attempted by police forces in the *Threat*, *Harm*, *Risk*, *Investigation*, *Vulnerability* and *Engagement* model (College of Policing 2021).

THRIVE prioritises responses based not only on the likelihood of the offence occurring or the harm (psychological or physical) it would cause but also of the vulnerability of individuals involved (particularly the victim).

How might you use THRIVE principles to prioritise the following:

- A report of anti-social behaviour by an 80-year-old lady living on her own;
- A report of drunk and disorderly behaviour by a group of students on a Saturday evening in the city centre;
- A case of suspected domestic abuse reported by neighbours who have heard shouting;
- Reports of a child being attacked by a dog in a public park.

SOCIAL CONTEXT

Scott and Staines (2021) use the example of Pitcairn Island in the Pacific to highlight the significance of international cultural variation in whether or not acts are perceived to be harmful and/or criminal. Attitudes towards sex, sexual abuse and sex with minors were historically very different there, where the community had grown up in relative isolation from the rest of the world. Despite being a British overseas territory, and technically subject to British laws, sex with what in the United Kingdom would be considered children (12- to 15-year-olds) was normalised, with first pregnancies among the female populace being common in this age group. Subsequent investigations led in 2004 to a third of the male population of Pitcairn being found guilty of sexual offences against minors, which British laws define as rape. Such cases draw attention to the way in which, even between places with the same laws, social and cultural norms can vary wildly on a global scale and significantly impact what is considered by a society to be accepted (even normal), deviant or criminal.

Social attitudes towards different acts can also change over time. Moralistic definitions of crime generally carry religious undertones (as noted earlier), enabling us to trace the historical roots of perceptions of crime and punishment. Consider the case of homosexuality, for example, which was illegal in England and Wales until the mid-twentieth century and was stigmatised as 'sodomy'. Pressure groups and liberalisation in the post-WWII West led to the legalisation of homosexuality in 1967 for consenting men over the age of 21 *in private* (so as not to offend moral sensibilities among the wider population). The age of consent was later lowered to 18 in 1994 and 16 (in line with the age of consent for heterosexual intercourse) in 2001.

Another example of changing attitudes can be seen in relation to psychoactive drugs. Several drugs we consider dangerous today, including cocaine and opiates like heroin, were only first legally controlled in England and Wales in 1920 and most are now controlled under the Misuse of Drugs Act 1971. This law mirrored political and popular support for drug prohibition across most Western nations at that time, whereas the twenty-first century has increasingly seen the spread of a more lenient and even permissive approach to some psychoactive drugs, particularly cannabis. Uruguay, for instance, legalised recreational cannabis as far back as 2013 and allowed pharmacies to sell it from 2017, with Canada introducing a government-controlled legal cannabis market the following year. In Europe, the Netherlands has long exercised tolerance in its famed 'coffee shops', while the 2020s have seen nations like Malta, Luxembourg and Germany pass laws that allow residents to grow limited quantities of cannabis at home for personal consumption. The United Kingdom, meanwhile, has been inconsistent in its treatment of cannabis, changing its legal classification in 2004, again in 2009, and allowing medical prescriptions since 2018. Whereas successive British governments have thus far (at the time of writing) maintained prohibition, some political parties have expressed support for a legal, regulated cannabis market (see, for example, the Liberal Democrats 2024) while others have advocated broader drug decriminalisation for personal use (see the Green Party, 2024; SNP, 2024). Political shifts towards greater leniency are widely considered to be driven, at least in part, by (a) changing

popular attitudes towards drugs and the people who use them and (b) the violent and public health consequences of sustaining prohibition.

Questions/Activities

- What other activities can you think of which have been (a) criminalised and (b) decriminalised or legalised over time?
- What do you think led to these changes?

The concept of 'crime', then, is both ambiguous and continually evolving. Changes to the law are influenced by shifting social morality, tolerance, attitudes and perceptions of harm (not to mention politics) and can in turn affect the way we think not only about people who commit acts that have been deemed criminal, but also those who have been punished for acts that are later decriminalised. Furthermore, emergent issues in the realms of health and security, as well as advances in technology and the way we use it (which we unfortunately don't have space to explore here) can also motivate legislative responses. Such changes all have implications for the way that we record and count crime.

RECORDING AND COUNTING CRIME

The measurement of crime is largely underpinned by codified legal definitions. Crime data can be helpful to understand what crimes occur, where, when and who was involved (both victims and perpetrators) but, like crime itself, contain some room for interpretation and nuance. As crime data are so politically salient – with news media and politicians regularly commenting on changing trends – recognising the nuance behind rises and declines is important both to inform (and reassure) the public and to understand policing strategies. Focus on sharp, short-term changes that deviate from the expected trends – as well as sensational incidents in recent memory – nonetheless feeds the public misconception that crime has been continually rising for decades, despite all evidence to the contrary. We should thus examine not only how crime is defined but also how it is recorded, counted and presented.

Historical Trends

While the Home Office was collecting data from court proceedings and convictions as far back as 1805, 1857 saw the beginning of more meaningful crime recording by the police. Although counting rules were still vague and inconsistent, they helped develop the picture of crime in communities (Elmsley, 2018). Throughout the twentieth century, public reporting of crime, as well as those crimes recorded by the police, increased and after WWII there was an exponential rise in recorded crime until the mid-1990s (see Figure 3.1).
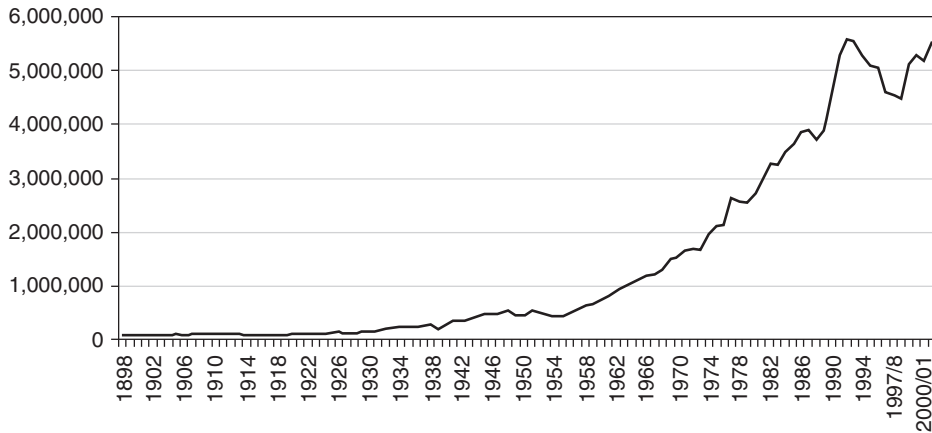
Figure 3.1 Total Police-Recorded Crime by Year 1898–2001

Source: HM Government (2016). Crown Copyright.

n.b. New recording practices were introduced in 2001/2 which meant that outcomes were no longer comparable.

In response to sudden, sharp increases in recorded crime – especially violence – we routinely see not only **moral panics** but also attempts to explain the changes from officials, academics and journalists alike. Explanations for the increases in crime from the 1950s to the mid-1990s have included:

- The liberation of women from the home, providing them with an increase in offending opportunities (Adler, 1975; Simon 1975) and leaving more homes empty during the day, providing more opportunities for would-be burglars (Field, 1990);
- Higher levels of lead in the atmosphere which resulted in neural underdevelopment among children and a higher propensity for violence (Nevin, 2000);
- A breakdown in traditional nuclear families and the lack of a stable father figure to provide a positive role model for children (Murray, 1990);
- High levels of unemployment leading to a rise in violent and property crime (Carmichael and Ward, 2001);
- Violence in comic books, television and films (and later video games) desensitising people towards and inspiring them to commit violent behaviour (Bushman and Anderson, 2001).

Much of this earnest hypothesising has since been challenged and proven untrue. For example, men remain disproportionately more likely to commit an offence, and for that offence to be more serious and harmful. Copious evidence has also refuted the idea that 'broken homes' lead people to a life of crime and video games and films have even been posited as a diversion away from violent crime as much as a cause!

Scholars similarly scramble eagerly for explanations when the inverse trends arise. Starting in 1995, and mirroring nigh-simultaneous crime drops elsewhere in the Western world, the then British Crime Survey (now the Crime Survey for England and Wales (CSEW)) reported

a sustained fall in crime levels. Farrell et al. (2014) assembled a summary (and at times rebuttal) of several explanations offered, including:

- changes in national legislation (e.g. abortion legalisation);
- policies and policing practices (e.g. increase in intelligence-led policing);
- social attitudes (e.g. civilising process);
- technology (e.g. ubiquity of mobile phones enhancing personal guardianship);
- markets (e.g. declining interest in crack cocaine);
- the environment (e.g. removal of lead from petrol and paint).

Farrell et al. highlight some that better withstand scrutiny (e.g. securitisation thesis) alongside criticisms that others are overly localised (changes to legislation and policing approach were not universally applied in all the affected countries), crime specific (violence and theft declined together so explaining only one of these is incomplete) or even contra-dictory (concealed firearm carry laws in the United States cited as one explanation while tight restrictions in other countries cited as another).

While some – even many – of these hypotheses and the behavioural changes they describe (both criminal and not) may have partially contributed to the crime drop, simplistic cause-and-effect ideas seldom work when examining crime rates and crime trends. Whilst correlations may appear compelling, Farrall et al.'s challenges illustrate that the actual reasons for the crime drop are likely more varied and complex that any single hypothesis can offer.

Sometimes, we can even see certain high-impact events – such as the global COVID-19 pandemic – have a significant and almost instantaneous impact on crime levels. While a reduction in overall crime was seen when lockdowns were imposed and throughout the pandemic, followed by sharp rises as we returned to something resembling normality, not all crime types were affected in the same way. Whereas domestic burglary declined during lockdowns, domestic violence increased, both of which were likely attributable to a higher proportion of homes being occupied for more hours of the day, simultaneously providing both greater levels of guardianship against burglary and greater proximity between victims and perpetrators of domestic abuse.

To begin our overview of the different approaches we take to measuring crime – all of which tell us different things, can be affected by different (or overlapping) variables and can be used for different purposes – we will consider the earliest (semi)reliable standard we still use: police-recorded statistics.

POLICE-RECORDED CRIME

Before the advent of victim surveys in the 1980s (more on these later), we relied primarily on police-recorded crime data to measure the volume of crime. These statistics reflect the types and numbers of crime that come to the attention of police both via calls from members of the public and via officers proactively finding and dealing with crimes. Police-recorded statistics indicate overall and offence-specific crime trends; detail crimes against people,

business and society; help measure detection rates and justice outcomes; and – alongside community concerns – inform justice priorities and resource allocation (House of Commons Public Administration Select Committee, 2014).

These data can also help analysts, policing agencies and researchers in trying to understand the landscape of crime in particular locations. Geolocation data allow crime to be mapped to individual police forces, local wards and even individual streets, which can be valuable to policing agencies for effective and efficient resource deployment. A simplified version of the spatial distribution data can also be accessed (e.g. via the police.uk mapping tool) and used by, for example, the general public (to inform decisions about where someone may or may not feel safe visiting or living) and insurance companies to assess risk levels.

In England and Wales, police recording of crimes and **incidents** are governed by the Home Office Crime Recording Rules and National Standard for Incident Reporting (Home Office, 2024). Though these rules mean that recording practices should be largely standardised across England and Wales' 43 territorial police forces, there is still space for interpretation and, sometimes, inconsistency. These processes and some of the potential issues that can arise are summarised in Figure 3.2.

Challenges With Police-Recorded Statistics

There are several variables in this process that can impact upon and introduce errors into recorded crime data. Most importantly, because the process (usually) relies on an incident being reported, there will always be a proportion of crimes that have occurred but were not reported to (or recorded by) the police, known as the **dark figure of crime**. Some crimes, however, are more reliably reported than others. The rate of reporting for theft – particularly theft of a motor vehicle or a burglary in which property has been stolen – is higher than for most other crimes because insurance companies ask for a crime number when reporting associated theft or damages. The reporting rate for victimisation, including theft, is also spatially patterned (Buil-Gil et al., 2022), with some potentially being less likely to report if they don't have insurance.

There are various reasons someone may not report their victimisation, which can differ between crime types. They can range from the victim wanting to deal with the matter themselves without formal justice intervention to encountering legal barriers, fear of reprisals, shame and stigma, and/or feeling it was too trivial for the police to be interested or be able to do anything about. Victims of domestic abuse, particularly **coercive control** and stalking, for example, frequently find themselves in such a position, with police still struggling to make connections between emotional and psychological and financial abuse in the same way as they do physical (Myhill et al., 2023). Reporting of domestic and sexual abuse to the police in England and Wales is unlikely to have been helped or encouraged following revelations of sexual predation and misogyny in the police following the death of Sarah Everard at the hands of a serving police officer in 2022.

Incident reporting and recording

- Reliant upon detection and *reporting* by public, police or other bodies.
- Some may not realise a crime has occurred.
- Some may not report a crime due to:
  - Believing the offence to be too trivial;
  - fear of repercussions;
  - concerns around not being believed;
  - lack of trust in the police;

Police investigate the incident to decide whether a crime has occurred.

If no crime has occurred (e.g. an argument rather than a case of domestic abuse), the incident will be closed without being recorded as crime.

Subsequent evidence indicates a crime hadn't occurred (e.g. missing property found after being mislaid).

Recording a crime

- Occurs once it is confirmed that the police believe that a crime has occurred. For crimes against people, this decision is made on the balance of probabilities.
- The way incidents are recorded varies depending on the incident.
  - If a group of young people is walking down the street acting antisocially and affecting numerous houses, this is counted as one incident.
  - If there is a burglary and a car is stolen, while 2 offences are committed, only one crime is recorded.
  - If a shared house contains 5 self-contained bedsits that are each burgled, 5 burglaries are recorded.
  - If someone is a victim of domestic abuse and reports each incident when it occurs, each is recorded individually.
  - If someone is a victim of domestic abuse and reports several incidents at once, only one is recorded.
- Local priorities have in the past led to figures being 'massaged' so that some actions treated or coded in particular ways to present a particular picture.

Perpetrator is cautioned, charged, summonsed to appear at court.

Crime record is closed as completed

Figure 3.2 Crime Recording Process (HM ICFRS, 2023) and Some Issues Arising

Just some of the consequences of underreporting are:

a. that the police don't receive information that could be valuable for their intelligence picture;
b. the dark figure of crime can increase leading to distrust for police statistics (and, consequently, police activity);
c. issues that the police would not have considered trivial go unreported so cannot be acted upon.

Whilst most recorded crime links to offences reported by victims and witnesses, there are some recorded offence types that constitute positive measures. 'Victimless crimes', such as an illicit drug transaction – even when witnessed – are usually not reported to the police and, even when they are, often won't be directly witnessed by an officer so will ordinarily be recorded as an incident rather than a crime. Many of the approximately 180,000 recorded 'drug offences' in the year ending March 2024 (ONS, 2024a) will be crimes that police have proactively detected through stops-and-searches, premises warrants or even right-place-at-the-right-time patrolling. These statistics, then, provide commentary on police *activity* rather than the actual prevalence of these crimes. Reflections of policing priorities and activity might not be the only reason we want to see some crime statistics increase. Returning to our previous example, instances of domestic and sexual abuse have historically experienced a higher dark figure than most other personal crimes and so an increase in police recording of these issues might signal that victims feel more confident to report their abuse.

Another concern in using police statistics is the manipulation of data, which can erode the quality of and trust in their records. These issues contributed to the removal of National Statistics (now **Accredited Official Statistics**) status in 2014, which, despite notable improvement in practice and oversight, has not yet (at the time of writing) been reinstated (OSR, 2024). Data manipulation is often done to meet **key performance indicators** (Patrick, 2009) and can include – among others – cuffing (downgrading offences to non-crime incidents or lower-level offences), skewing (focusing resources on crimes that are performance measured and easier to detect) and stitching (manipulating evidence to better support police actions or classifications). Such discrepancies and (mis)recording practices limit the value of analysing long-term trends in the data; however, police-recorded statistics remain the most useful resource we have for understanding and responding to a *local* crime picture and still retain significant influence in the allocation of policing resources.

VICTIM SURVEYS

To address the deficiencies of police-recorded crime statistics and quantify the dark figure of crime, a source of crime data with less reliance on engagement with authorities was sought (see Hough et al., 2007). Modern victim surveys trace their roots back to those commissioned by the US President's Commission in 1967 and subsequently the United States' first National Crime Victimization Survey in 1973, which provided the foundations for the British Crime Survey (now the CSEW). First conducted in 1982 and published in 1983 (Hough and Mayhew, 1983), the questions have remained broadly consistent so the results can be better compared across time. Whilst it gathers data from respondents on their experiences of crime and its impacts, it also asks questions about perceptions and fear of crime, views on the quality of public services and the likelihood that respondents will report a crime (and why they might not).

The survey is currently conducted annually. In 2024/25, approximately 75,000 households were selected from across England and Wales from the postcode address finder to provide a representative sample, with approximately 75% of households normally agreeing to participate (Verian, 2024/25). Supplementary to the long-standing survey of adults over 16, the survey has captured the experiences of 10- to 15-year-olds since 2009. This included their

experience and perceptions of crime, substance (mis)use, bullying and, since 2019, online activity and safety in light of the ubiquity of the internet and, in particular, social media. This module helps guide strategies by government bodies like the Children's Commissioner and the Home Office (Kantar Public, 2022).

In 2014/15, fraud and cybercrime were included in the survey for the first time. The results of this indicated that there were in excess of seven million instances of victimisation which had not previously been recorded via traditional methodologies (ONS, 2024b), indicating changes – or additions – to offending behaviour. Recording of these data provides a clearer picture of victimisation in an increasingly digitised world, including being a victim of confidence fraud, unauthorised access to bank/credit accounts and personal information or computer viruses. These crimes are recorded separately to the other crimes captured in the survey; amalgamating them would have almost doubled the number of crimes from one year to the next and would have sacrificed the long-term comparability that is one of the CSEW's greatest strengths.

During the COVID-19 pandemic, to maintain this important data source while conforming to social distancing regulations, the survey was adapted to a Telephone-operated Crime Survey for England and Wales (TCSEW) between May 2020 and March 2022 (ONS, 2024b). The survey had a reduced sample size and contained fewer questions, notably omitting those relating to domestic abuse, sexual assault and stalking since the interviewers couldn't account for the respond's immediate environment, such as who else might be in the room during the survey (McKeown, 2022). Most of the results from the questions asked in the TCSEW weren't found to significantly diverge from the face-to-face survey (other than vehicle crime and computer misuse); however, in July 2022, the survey's historically held status as accredited official statistics was temporarily suspended due to the TCSEW's reduced sample size and pool of questions (Humpherson, 2024) (Figure 3.3).
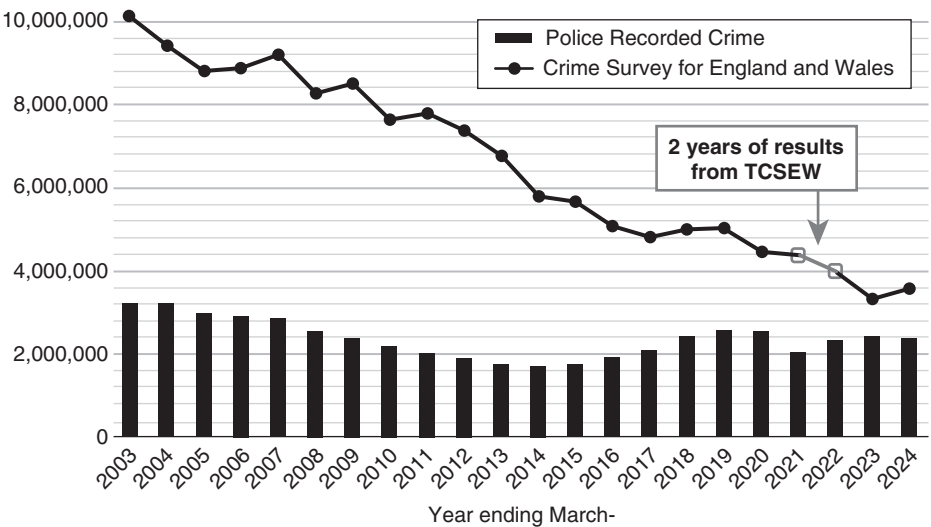

Figure 3.3   Volume of Comparable Crimes Estimated by British Crime Survey/Crime Survey for England and Wales and April 2002–March 2024

Source: ONS (2024a). Crown Copyright.

While changes in police-recording practices make direct comparisons with the CSEW difficult, efforts have been made to define a subset of crimes that can be compared between these two sources (see ONS 2024c). Even within this subset, we consistently see differences in the amount of crime they have measured. In the year ending 31 March 2024, the police recorded approximately 4.6 million victim-based crimes, some 2.4 million of which were crime types comparable to what is asked by the CSEW. Conversely, the CSEW estimated nearly 3.6 million crimes that were comparable to what is recorded by the police. Atop these figures, the CSEW estimated 4.2 million fraud, computer misuse and cybercrime cases, whereas only 350,000 fraud cases were recorded by Action Fraud, who assumed responsibility for recording these offences in 2013. Action Fraud, however, records crimes against businesses as well as individual victims, again highlighting the challenges of finding truly representative and comparable crime figures.

The disparity between the two measures of crime indicates (a) an inability (or unwillingness) of the police to record or detect all forms of crime and/or (b) victim and witness reluctance to report offences to the police in the first instance. Nevertheless, the gap between victim survey estimates and police-recorded victimisation has narrowed substantially, reasons for which could include (but are not limited to) a combination of:

- improvements in the accuracy of police data recording practices;
- greater willingness – and perhaps confidence – of victims to report their experience; and/or
- genuine reductions in the incidence of the crime types captured by the CSEW.

Challenges With Victim Surveys

Victim surveys like the CSEW are not without their limitations. This includes, for example, a variety of data missed by the focus and the methods employed. Because the survey contacts households to consider individuals' experiences of victimisation, it does not include the so-called 'victimless crimes' or those committed against businesses like shoplifting, fraud or corporate espionage. Details of such offences can sometimes be gathered from alternative sources, such as the annual Commercial Victimisation Survey, which captures data on crimes against businesses. Exclusively targeting households also means that it can't capture the experiences of many of the most vulnerable in society, such as those without stable housing, despite homeless peoples' risk of victimisation being greater than average (Newburn and Rock, 2006). Additionally, and in line with a longstanding critique of the CSEW, while 75% of people sampled may agree to participate, this isn't guaranteed to be spread evenly across the population, with some demographics being less likely to participate, potentially leading to skewed findings (Leitgöb-Guzy, 2022).

Another limitation is the lack of localisation. Because the survey's sample is designed to be nationally representative, data aren't localised so cannot be easily used to prioritise or

direct policing efforts in a specific area. Some local surveys – like the Liverpool Crime Survey 1984 and Islington Crime Survey 1986 – have attempted to address this shortcoming, while others like the Respect for Nottingham Survey (2011 onwards) have supplemented crime-specific data with additional information about, for example, antisocial behaviour and social cohesion. Because the burden of financing and commissioning these valuable yet costly enquiries falls to local community safety providers, many are unable or unwilling to fund them, meaning a localised picture of victimisation will not be available for all areas.

As has become evident, although victim surveys provide us with an arguably more representative indication of personal victimisation (and of individual characteristics associated with higher or lower risk) as a whole than police-recorded statistics, they similarly offer an incomplete picture.

SELF-REPORT OFFENDER SURVEYS

Asking people directly about their offending behaviour can provide insights into criminal motivations and decision-making. This can shed further light on criminal behaviour, such as the frequency of their offending, their methods and selection of targets (helping to identify vulnerabilities in potential victims) and why such a high proportion of crime is committed by such a low proportion of criminals (see Bermasco, 2010 for a detailed discussion of this form of crime data).

There are some obvious limitations, not least the fact that offenders can be hard to find, unable to share their stories and/or unwilling to do so truthfully (Bermasco, 2010). Samples are often limited to those already caught up in the criminal justice system (in prison or on **probation**, for example), which skews data on the propensity to commit crime and the likelihood of continued offending.

Some self-reporting surveys are open for anyone to participate. The Global Drugs Survey, for example, is the world's largest drug survey and is undertaken annually with over 500,000 participants around the world (Global Drugs Survey, 2023). While the voluntary sampling approach and disparity responses from different countries mean the findings aren't representative or generalisable to national populations (and aren't intended to be; see Barratt et al., 2017), this helpful example of comparative criminology enables not only criminologists but also professionals and activists interested in harm reduction and public health outcomes see patterns in substance use behaviours internationally.

SUMMARY

In this chapter, we have examined the complex and often conflicting approaches to defining crime. To echo Elmsley (2018), it is unlikely that there will ever be a perfect definition of crime and its constituent elements and, consequently, we are equally unlikely to ever know the 'true' level of crime. The definitions we do have allow us to delineate acts that are and are not considered legal and acceptable in society, gauge public and political attitudes towards

certain acts and how these have changed over time and offer scope to question and – where appropriate – challenge the processes through which decisions are made.

The constructed nature of 'crime' in turn has a pronounced effect on the construction of crime trends derived from police-recorded statistics, which are influenced by reporting, recording and response practices. While victimisation surveys can help shine a light on the dark figure of crime and self-reporting surveys can offer a better understanding of offending behaviour and frequency, both have their own shortcomings, meaning it is improbable that we will ever board a comprehensive and accurate measure of crime. The information we do have, however, provides a window to the impact of crime upon individuals, communities and wider perceptions of criminality, the effectiveness of political and policing interventions and strategies and potentially the influence of wider changes in society, whether that be consumerism's impact on acquisitive crimes or the biosocial fallout from atmospheric lead. Moreover, our recognition of existing data's limitations means we can better target our efforts to improve them. Despite shortcomings, we can glean a great deal of information from our existing measurements of crime, whilst remaining careful to avoid claiming conclusive cause-and-effect explanations from data correlations.

Chapter Review Questions

Having read the chapter, you may wish to explore the following review questions, which will, we hope, help you reflect critically on the content of the chapter.

1 What factors affect the construction of crime?
2 What is meant by criminalisation?
3 What do you think are the most appropriate ways to measure crime?
4 How can police practices impact on what we know about the 'true' level of crime and victimisation? Can we ever know the true crime rate?
5 Do other methods of measuring crime offer better accuracy regarding rates and trends of crime?

SELECTED FURTHER READING

Bermasco, W. (2010) *Offenders on Offending: Learning about crime from criminals*, Collumpton: Willan

Recognising the need for, and challenges of, learning about the realities of crimes from those who commit them, Bermasco has brought together a collection of works by criminologists who have sought to work with people who have committed offences. The collection explores a variety of approaches to working with this group, highlighting the potential benefits, challenges and pitfalls of working with such a group. It is a useful resource for students seeking to develop their understanding of criminological research and methodologies.

Elmsley, C. (2018) *A history of crime in England and Wales 1750–1900* (5th Ed). Routledge
Clive Elmsley has, over a number of years, charted important changes in the nature of society and associated changes in crime and justice throughout the industrial ages. The book explores the nature and evolution of policing, penology and the prison system in response to crimes and social harms throughout the period which saw a substantial and rapid growth in urban communities and the working classes in particular. The text considers the impact of crime and justice on a variety of groups based on a number of characteristics including gender, ethnicity and social class.

Farrell, G., Tilley, N. and Tseloni, A. (2014) Why the crime drop? Why crime rates fall and why they don't. *Crime and Justice: A Review of Research*, 43, pp. 421–490
In the wake of the crime drop experienced by many Western industrialised nations during the 1990s–2000s, Farrell et al.'s paper focuses on a cross section of these nations from different continents to assess the nature and scale of the crime drop. They also compile – and challenge – a range of hypotheses trying to explain the drop, testing whether they had considered its cross-national nature, the increases in crime up to the time of the drop, the increases in cybercrime and phone theft concurrent with the decline in most other crimes and why different places first experienced the drop at different times.

Patrick, R. (2009). *Performance Management, Gaming and Police Practice.* PhD Thesis, University of Birmingham. https://etheses.bham.ac.uk/id/eprint/534/1/Patrick09PhD.pdf [Accessed 14th December 2023]
During an era of performance measurement and public managerialism cascaded from central government, the police – and other public sector services – felt pressure to meet certain 'key performance indicators' to be considered successful. Patrick's thesis compiles some of the perverse behaviours that emerged as a response to these targets in an effort to 'game' the new framework. These methods, in turn, impacted both on the activity of the police themselves and on the crimes they recorded.

Sutherland, E. (1940) 'White Collar Criminality' *American Sociological Association* 5(1) pp. 1–12
In his now classic text, Edwin Sutherland outlined the need to move the criminological gaze beyond that of the poor, marginalised and blue-collar working classes, to consider the crimes of the middle classes and elite – particularly those commissioned during and through time spent in the workplace. Sutherland's work was very broad brush and didn't differentiate between the different types of white-collar crimes that people can potentially commit but paved the way for subsequent work which now explores white-collar crime, corporate crime and some forms of fraud and cybercrime to name but a few.

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