

## **Recent developments**

### ***Crime Rates and Fear of Crime***

The latest figures from the British Crime Survey for 2006/07 show that since peaking in 1995, crime has fallen by 42%, and violent crime by 41%, domestic burglary and thefts fell by over one half (59 and 61% respectively). Recorded crime figures showed a similar trend. Comparing 2005/06 with 2006/07 the BCS found an increase of 10% in vandalism, but violent crime was stable, while recorded crime figures showed a 1% fall in violence, a 7% fall in sexual offences and a 3% increase in robbery. The BCS for 2006/2007 found that a relatively high proportion of people believe that crime has risen both nationally and in their local area. See Nicholas, S., Kershaw, C. and Walker, A. (July 2007) *Crime in England and Wales 2006/07*, London, Home Office Statistical Bulletin, 11/07.

### ***The Economic Cost of Imprisonment***

In 2006-07 the average cost per prison place was £28,734 and the average cost per prisoner was £26,737 .

HM Prison Service (2007) *Annual Report and Accounts April 2006 – March 2007*, London HMSO

### ***Policy developments***

The **Criminal Justice and Immigration (CJI) Bill** was introduced in June and re-introduced in the House of Commons in November 2007. The Government's summary of the Bill states that it: 'sets out new powers to deal with anti-social and violent behaviour, make sentencing decisions clearer and introduces a new community sentence for young offenders' and that the Bill is the response to the commitments set out in 'Rebalancing the criminal justice system in favour of the law-abiding majority', published in July 2006.

The background to some sections of the Bill was the high public profile given, in the summer of 2006, to a paedophile case and the early release of several convicted murderers. Since then policy attention has focused on the issues of early release of prisoners on indeterminate custodial sentences and the 'discount' given for a plea of guilty as well as other matters.

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John Reid, Home Secretary in July 2006 issued what the Home Office web page described as a 'raft' of new measures for re-jigging both the Home Office and the criminal justice system it oversees. Those proposals also emanated from his review, *Rebalancing the Criminal Justice System in favour of the law abiding majority* (see 'Further reading').

The Queen's speech in November 2006 indicated that there would be another Criminal Justice Bill: "A Bill will be brought forward for the next stage of reform of the criminal justice system, giving the police and probation services new powers to protect the public from violent offenders and anti-social behaviour" (Hansard HL 15 Nov Col 1) and the Parliament web site gave the following information about its 'Key Benefits':

'The Criminal Justice Bill will have, at its [sic] core, provisions to rebalance the criminal justice system in favour of the victim and the law abiding majority. The provisions in the Bill will: Toughen up trial processes for when an offender fails to appear without good reason. Create new powers to tackle anti-social and violent behaviour. Make sentencing processes clearer and address imbalances in the process for overturning convictions and releasing offenders.'

The CJI Bill now incorporates some of these provisions.

In November 2006 the Offender Management Bill was introduced and received the Royal Assent in July 2007. This includes provisions for reorganising the provision of probation services (see 'Recent Developments' for Chapter 10).

The Home Secretary, Lord Chancellor and Attorney General requested a consultation on sentencing in the paper entitled *Making Sentencing Clearer* (Home Office 2006). This Paper outlined the possible future options being considered and invited responses to these possible options (Home Office, 2006). However, proposals to reduce early release (or, indeed, to abolish it, as would have occurred if the relevant provisions in the Crime Sentences Act 1997 had been implemented) would lead to an increased time spent in prison. As the, then, Home Secretary admitted in July 2006, 'Some of the policy changes ... will require more prison places which is why we will build 8000 new prison places on top of the 900 already due to come on stream'.

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The Law Commission published its proposals regarding reform of the law of murder in November 2006 which, if accepted, would have implications for the use of mandatory and discretionary life sentences. See Law Commission Report (No.304) *Murder, Manslaughter and Infanticide*, HC 30 at [www.lawcom.gov.uk](http://www.lawcom.gov.uk).

In December 2007 the Government published Lord Carter's Review of Prison: Securing the future: Proposals for the efficient and sustainable use of custody in England and Wales. [See 'Recent developments for Chapter 11.]

### ***Increased penalties***

The Criminal Justice Act 2003 has amended various penalties for criminal offences in sections 280-286 and specifically for firearms offences in sections 287-293. For example, section 280 refers to the list of offences in Schedule 25 (which are no longer punishable by imprisonment) and 26 (where the maximum period of custody is increased to 51 weeks) but this section is not yet in force. Some are enabling sections giving the Secretary of State powers to amend penalties for summary offences, for example section 281 which is also not yet in force. At the beginning of 2005 the following provisions relevant to discussions in Chapter 1 were already in force. See:

[www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050120/text/50120w15.htm#50120w15.html\\_spnew0](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050120/text/50120w15.htm#50120w15.html_spnew0)

<b>Criminal Justice Act 2003</b>	<b>Date</b>
Minimum sentence for firearms offences	22 January 2004
Increase in penalty for fraudulently obtaining a driving licence	29 January 2004
Increase in penalties for drug offences	29 January 2004
Sentencing Guidelines Council	27 February 2004
Disqualification from working with children	1 May 2004
Release of foreign national prisoners	14 June 2004
Increase in penalties for driving offences	27 February 2004

### ***Public attitudes to sentencing and punishment***

The findings of a study on public knowledge on attitudes commissioned by the Scottish Parliament indicates that the public's attitude to sentencing and punishment is more nuanced and complex than previously suggested. Further, the methodologies used in such research may themselves contribute to the construction, rather than measurement, of apparently 'tough' attitudes. For a review of this research and other similar research, see:

**Hutton, N.** (2005) 'Beyond popular punitiveness? *Punishment and Society* Vol 7(3) 243-258.

### ***Prison Building programme***

The Home Secretary announced on 21<sup>st</sup> July 2006 that eight thousand new prison places were planned as part of a package of measures "to protect the public and further rebalance the criminal justice system in favour of the law-abiding majority" (Press release: <http://press.homeoffice.gov.uk/press-releases/8,000-new-prison-places> ).

### ***Rising prison population***

See the website for Chapter 11.

### ***Sexual Offences***

In the year ending March 2005, the total number of sexual offences recorded by police in England and Wales was 60,900 – a 17% rise over the previous year (from *Crime in England and Wales* 2004-2005: see <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/sexual-offences/> ).

### ***Ministry of Justice***

A Ministry of Justice was established on 9<sup>th</sup> May 2007. The Prison Service has now been transferred to the Ministry, along with the Probation Service, the National Offender Management Service (NOMS), the Office for Criminal Justice Reform (OCJR) and the

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Department for Constitutional Affairs. These areas are now the responsibility of the Secretary of State for Justice.