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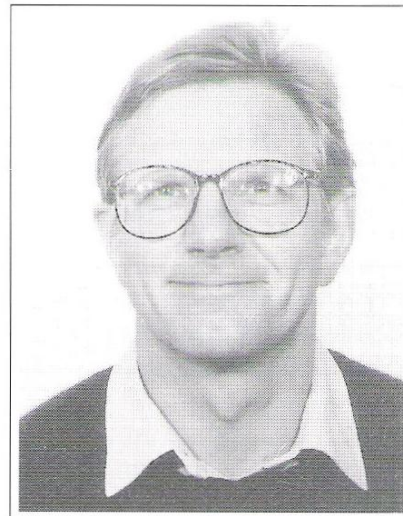
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# Reading Probation Statistics: a critical comment

**Peter Raynor**

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This very short paper started out as a book review: every Autumn the annual volumes of *Probation Statistics* arrive in my post, and when I received the latest (Probation Statistics England and Wales 1996: Home Office, 1997a) I felt that its 76 pages of tables and comment deserved some recognition this time, if only for persistence. However, my reflections on reading it turned out to be more about the probation service than about the publication itself.

I do not know if probation managers have time to look at probation statistics: indeed I am not sure if I would if I were not paid to look at this sort of material. The tables and commentary are reasonably clear (apart from a tendency in places to use phrases like 'around 38% or 39%' when the tables give a precise figure) but I do not think one could describe them as excitingly presented. There is an attempt to sketch in some background about what is happening elsewhere in the criminal justice system (for example, the continuing steep rise in imprisonment and the declining use of fines) but there is hardly any discussion of what the figures on probation service activities tell us, for instance about effectiveness or about the changing face of probation practice. There remains a substantial and

commendable commitment to ethnic monitoring, but for some other crucial information, for example reconvictions, one needs to look to other publications such as *Statistical Bulletin 6/97* (Home Office 1997b). Nevertheless, for the persevering or insomniac reader there is a great deal to be learned from *Probation Statistics* about the current state of the probation service, and the main purpose of this short note is to share some of what I think I learned which I found rather disturbing.

Some of the bad news is, of course, expected and familiar: the largest ever load of community sentences (or at least the 'highest on record' – see paragraph 29) is being supervised by a shrinking staff group. Other changes are perhaps a natural consequence of the 1991 Criminal Justice Act and of an increasing focus on statutory work in a context of diminishing resources: growth in statutory through-care since 1992 has largely squeezed out the voluntary after-care work which the probation and (then) after-care service took over from the discharged prisoners' aid societies in 1965 (see tables 5.1 – 5.5 of the Statistics). Who helps the short-term prisoners now? There are plenty of them. However, I was more surprised by the figures in Table 3.7 ('Persons commencing supervision by previous criminal record'), perhaps because I was not expecting them.

Making sense of this table requires a short trip down memory lane. It shows the proportion of those commencing community sentences who have previously experienced other kinds of sentence, and the proportion who had no previous convictions. It became an important part of probation statistics in the mid-1980s following the publication of the Home Office's *Statement of National Objectives and Priorities* (Home Office 1984). This document, as many readers of this journal will recall, informed us that 'the first priority should be to ensure that, wherever possible, offenders can be dealt with by non-custodial measures and that standards of supervision are set and maintained at the level required for this purpose' (p. 5). Information was collected on the proportion of probation and community service orders made on first offenders and on the proportion which involved people who had already served a custodial sentence. These were seen as indicators of whether probation and community service orders were moving, in *oldspeak*, 'up-tariff' to compete with custody or 'down-tariff' to compete with other non-custodial sentences. The point was that if these orders were increasingly used, as intended, as 'alternatives to custody' (more *oldspeak*) then the proportion of first offenders should fall, and the proportion who had previously experienced custody should rise.

This did in fact happen: by 1993 43% of new probationers in that year had experienced custodial sentences, and in 1991 only 11% of them were first

offenders. Community service orders made in 1989 showed 37% former prisoners and 14% first offenders, and the first full year of combination orders in 1993 saw 49% of them used for people who had experienced imprisonment and 10% used for first offenders. This was also a period of low imprisonment by current standards (particularly low in 1992-3) and substantial use of fines. In *oldspeak* it could be argued that these were significant achievements. By 1996, the position was rather different: only 38% of probation orders were made on people with custodial experience (although there must have been more such people around than in previous years) and 18% were on first offenders. The equivalent figures for community service in 1996 were 24% with custodial experience and a striking 32% first offenders (well over double the 1989 figure), while combination orders in 1996 showed 39% with custodial experience and 17% first offenders. Combination orders were also increasing in number while community service orders declined.

The changes since the late 1980s and early 1990s are evident, and in a consistent direction. It is no surprise to see that they coincide with unprecedented growth in imprisonment and a marked reduction in the use of fines. The implications are a bit harder to discuss: there are no exact *newspeak* equivalents for the *oldspeak* terms (Orwell fans will remember that the whole purpose of *newspeak* was to make history disappear) but the figures are still collected, and can to some extent speak for themselves. Obviously the sentencing climate and the legislation have changed, but surely it is still true that one strategy to limit the growth of imprisonment is to use community sentences for offenders who would otherwise be at risk of custody? Or has there been a decisive shift from promoting non-custodial sentencing as a preferred option for those at the lower end of the custodial range, to marketing community sentences wherever a market can be found?

The current funding model may provide a perverse incentive for allowing probation orders to do what we used to call 'drifting down-tariff', but have we discarded as inconvenient or outmoded everything we used to think we knew about net-widening? Certainly there is a widespread perception that current caseloads are 'riskier' than they used to be, but I suspect this is more true of the new types of statutory throughcare case than of the community sentence caseload: we are more conscious of 'risk' than in the past, but I do not think we can yet claim to be fully objective or consistent in its measurement. Would it not be rather surprising if offenders currently on community sentences were consistently more 'risky' than their predecessors who had, on average, more serious criminal records? Table 3.4 of the Statistics appears to show an increasing proportion of probation orders being made for summary offences and a decreasing proportion

for more serious indictable offences, while table 4.2 shows that the proportion terminated early for failure to comply with requirements (that is, 'breached' by probation officers rather than through commission of a further offence) has, if probation services are returning these figures accurately, roughly doubled since 1987. One colleague to whom I showed these figures said 'It's a combination of 1970s probation with 1990s breach practice'. Personally I suspect the explanations are rather more complicated, but I also suspect that some selective unlearning may have occurred and that figures like these should provoke some careful thought.

For example, even in *newspeak* we can talk about 'What Works', and I often do. A familiar issue here is the risk principle that programmes of supervision are less likely to be effective when used for low-risk offenders (Andrews et al. 1990). Many of the old arguments about net-widening can be restated in these terms. Also fairly old, but not yet completely superseded as far as I know, is the research reported in the *British Journal of Criminology* (Walker et al. 1981) which showed that male first offenders put on probation were twice as likely to be reconvicted as male first offenders who were fined.

More recently and perhaps more controversially, Feeley and Simon in their work on the advance of technocratic and actuarial approaches in criminal justice have suggested that there is 'a tendency in courts and other social agencies toward decoupling performance evaluation from external social objectives . . . such technocratic rationalization tends to insulate institutions from the messy, hard-to-control demands of the social world. By limiting their exposure to indicators that they can control, managers ensure that their problems will have solutions' (Feeley and Simon 1992). In other words, if you are in a difficult environment it may be attractive to go simply for more community sentences rather than for the more difficult task of persuading sentencers to make the right community sentences, particularly if your funding regime encourages you to behave in this way. It would be difficult, however, to infer from the 1996 *Probation Statistics* exactly what the social mission of the probation service is, or what its distinctive principled contribution to criminal justice is meant to be. I still believe, in an *oldspeak* sort of way, that these things are important, and so I am sure do most probation officers and managers; if so, we should not find the 1996 *Probation Statistics* an entirely reassuring read.

Finally, a message to the compilers of *Probation Statistics*: keep up the good work: you can rely on having at least one reader, and some professional academics would be glad to be certain of this. Perhaps you have a few more. I look forward to the next edition with interest.

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