

Written evidence from Professor Tim Hope (submitted in a personal capacity)¹

THE EFFECT OF 'THIRD PARTY' PRESSURE ON POLICE CRIME RECORDING PRACTICE

Synopsis

- Recorded crime is best seen nowadays as an output measure of the delivery of public police services.
- This note concerns the effect of 'third-parties' on the recording as crime of incidents brought to the attention of the police.
- Third-party pressures are those that emanate from sources other than the complainant who reports an incident and the police officers who deal with that report.
- There are a variety of such third-party pressures that have a systematic influence on the aggregate patterns and trends observed in the recorded crime statistics, including moral pressure, insurers' requirements, performance targets, and recording standards themselves.
- The gap between the public's propensity to report crime to the police and the police decision to record it creates a 'grey figure'.
- The grey figure also reflects systematic performance adjustment on the part of the police who seek to reconcile third party pressures with the capacities and resources at their disposal. Three strategies of adjustment can be identified: not-crimeing, no-crimeing, and down-crimeing. Evidence is presented whereby these possible effects can be inferred.
- Combinations of third-party pressure and systematic performance adjustment have complex and variable effects on the recorded crime statistics.
- While it might be possible in principle to change these third-party pressures so as to 'nudge' crime recording in more accurate and reliable directions, in practice this might

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be a substantial undertaking since they reflect the complex social and political arrangements of the delivery and accountability of public police services.

Background considerations

1. The vast majority of crimes recorded as Notifiable Offences by the police are the result of complaints made to them by members of the public (individual and corporate), usually because they believe themselves to have been the victims of crime. The belief that the statistics of Recorded Crime are a true measure of the extent of crime that occurs is no longer credible since it is no longer plausible to believe that the police are the only means in society for dealing with crime, that they are capable of surveillance and investigation sufficient to detect all wrongdoing, or that the public report all the crime that they encounter. Nevertheless, the media, opinion-leaders and the police service itself often seek to foster this anachronistic view of the police for a variety of reasons. The pursuit of such a fiction leads to public scepticism and mistrust not only of police crime recording but also of the police service as a whole.

2. Nowadays, recorded crime is best seen as an output measure of the public police services. The fundamental difficulty with Recorded Crime statistics is that they are at once both a measure of the demand for public police service and a measure of the supply of those services in response to that demand. Several issues compound the difficulty:

- The fact that the police provide not only the public good of criminal law enforcement services (for which the public police service has a near-monopoly of supply) but are also called-upon to provide a wide range of other policing, regulatory and security services which could be supplied, in principle, by other bodies including the private sector. In its outward looking face, the public police service tends to obscure this distinction and to resist encroachment onto its traditional terrain.
- The fact that the public's propensity to invoke the authority of the police to deal with incidents that concern them is not necessarily wholly commensurate with the police's decision to respond to those incidents by treating them as breaches of criminal law. A wide range of incidents and issues that concern the public are not necessarily criminal nor are members of the public sufficiently knowledgeable of the law (or Home Office Counting Rules) to know whether their calls qualify as worthy of being recorded as a Notifiable Offences. And the police take a range of considerations into account in deciding to record a crime as having occurred, not only having to do with the circumstances of the complaint but also wider third-party issues (see below). The public's propensity to call the police and the police's propensity to 'criminalize' those incidents both contain a wide degree of discretionary judgement exercised by each party.
- Once the police have been informed of the possibility that an offence has been committed, the 'transaction' between the public and the police concerning the events that might result in a recorded crime is, in principle, no longer a private matter. Both the public and the police have various pressures and obligations placed upon them to report and record crime. From the police point of view, such pressures not only have

meaningful consequences for the police service's accountability but also are contradictory, sometimes placing the police service in what it feels to be an invidious position, torn between having to demonstrate efficiency and accountability at the same time. The police service may then be tempted to 'adjust' its notifiable crime records so as to achieve a resolution of the public bind in which it feels it has been placed.

Types of third-party pressure on crime recording

2. There are various kinds of third-party pressure on police recording, having different bearings upon complainants and police services respectively. The main types are:

- *Moral pressure*: i.e. pressures to record crime so as to recognize or take seriously or deter all or specific types of crime (e.g. sexual violence, hate crime), or crimes committed against different communities (e.g. residents' associations or, in contrast, 'high crime areas') or sectors of society (e.g. women, BME groups).
- *Loss adjustment*: i.e. insurers usually require policyholders to report losses from criminal theft or damage of insured property to the police. There seems to be a twofold process of loss-adjustment on the part of the insurer in insisting on this condition: first, the belief that claimants will be deterred from submitting fraudulent claims because they are deterred by the threat of criminal prosecution from making false complaints to the police; and second, the belief that the police will investigate such complaints, thus subsidising the insurers' loss-adjustment investigations. Either circumstance constitutes a hidden subsidy to insurance underwriting that the police are obliged to contribute.
- *Moral hazard*: Insurers seek to reduce moral hazard by requiring policyholders to install additional security measures, including remote-reporting intruder alarms. The cost to the policyholder is mitigated by the support services offered by private security contractors, who will pass-on alarm activations to the police, who are then obliged to investigate and record these incidents. In this respect, the police are again obliged to provide insurers with a hidden subsidy to their under-writing. The hidden cost to the police (and their own moral hazard) lies in the false alarms that are generated, and the difficulty of knowing whether a crime has actually taken place, notwithstanding that a 'complaint' has been made to them by the alarm-company (which otherwise has responsibility for false alarm activations). The designation of such incidents as 'attempted' crimes may provide a way of adjusting recording to cope with these ambiguities.
- *Crime reduction performance*: in the contemporary era, the level of recorded crime has been regarded also as a measure of the effectiveness of the police, and governments have imposed performance-related targets for the reduction of rates of recorded crime; e.g. between 1999 and 2004 the Home Office obliged the police to achieve specified reductions in domestic burglary, theft of vehicles, and robbery.
- *Recording standards*: governments periodically change the counting rules that govern the recording of *Notifiable Offences*. In its review of crime statistics, the Home Office

(2000) thought that discretionary crime recording resulted from inconsistencies in recording practice between police forces. The introduction of the *National Crime Recording Standard* (NCRS) in 2002 and changes to the *Home Office Counting Rules* (HOOCR) in 1998 sought to limit discretionary recording practices, widen the range of Notifiable Offences and encourage the adoption of a more *prima facie* approach to recording the complaint.

These various pressures upon the police can have countervailing effects upon the volume and the type of crime that they record, which may vary from place to place and time to time. Some types of crime, some types of community, and different governance regimes, may all be likely to affect police discretionary recording and therefore the volume of crimes recorded.

Systematic recording adjustment

3. It is also likely that police operate systematic recording discretion as a kind of *management adjustment* to the pressures of workload and the constraints of the resources at their disposal. Different circumstances may lead, respectively, to different and separate pressures on police resources and accountability. Reconciling these may lead to systematic adjustments to recording practice. For instance, when crime is going up, public and political pressure to reduce crime may increase at the same time as police workload is also increasing due to the volume of complaints with which they are obliged to deal. Hypothetically, the police may then seek to deflate the volume of recorded crime by systematic under-recording in order to reconcile these conflicting pressures. By the same token, when crime is dropping, the police may be able to afford to do (or be seen to do) more, thus relaxing the incentive to under-record. Nevertheless, if their resources are also declining (or they are incapable of making commensurate efficiency gains) they may then also seek to deflate the recorded crime rate by under-recording.

The Dark, Light, and Grey Figures of crime

4. Since the exercise of police discretion in crime recording lies beneath the radar of public accountability, its true nature can only be investigated by means of forensic 'case tracking' audit methods, such as those employed by HM Inspectorate of Constabulary. Even so, while these methods look in detail at the circumstantial evidence surrounding individual recording decisions (for example, distinguishing between *evidential* and *prima facie* approaches to recording complaints), they lose something of the 'bigger picture' of variation in the *volume* of crime recording, particularly in not being able to pick-up systematic recording effects. To do so requires comparison of trends and patterns in recorded crime against the yardstick of the public's propensity to report complaints to the police. Disparity between the propensity of the public to report crime and the propensity of the police to record crime can be inferred as the effect of systematic police recording discretion. This can result in three crime rates:

- *Dark Figure* of non-reported crime
- *Light Figure* of reported-and-recorded crime
- *Grey Figure* of reported-but-not-recorded crime.

Evidence for the 'grey figure' (1): Not-crimeing and No-crimeing?

5. The police services log the calls that come in to their command and control centres from the public, a record of which is modified as a result of the report of the investigating officers, producing an outcome log of incidents attended. In broad terms, this log can be considered a proxy measure of the demand for police service. Research was undertaken to compare rates of logged incidents resulting from calls from the public with rates of recorded crimes for a large and varied English police service area.² Overall, there are many more calls to the police than there are crimes recorded from them; less than a fifth (18%) of incidents attended by the police are recorded as Notifiable Offences, giving odds of 5 to 1 against a call being recorded as a crime. It cannot be ascertained from the data whether this under-recording is due to:

- *Not-crimeing* – a decision from the investigating officers not to treat the incident as a crime
- *Down-crimeing* – treating the incident as a summary or regulatory offence
- *No-crimeing* – a subsequent decision to de-classify the incident.

6. *Table 1* suggests that the most numerous category of incidents to which the public summon the police are incidents of anti-social, disorderly or violent behaviour, although the police seem likely to record only about one-in-five of them as crime. In contrast, although much less numerous, acquisitive incidents comprise the predominant type of incident that the police decide to record as crime. Clearly, there are a variety of reasons for this disparity: while anti-social behaviour may trouble the public most, many incidents may not support or warrant a criminal prosecution; in contrast, since relatively few incidents of property crime result in prosecution, it might be surmised that their higher rate of crime recording has more to do with third-party pressures.

² Data were kindly made available by the Chief Constable and included all calls and all recorded crimes for the year 2000, excluding road traffic incidents. Data were collected before the introduction of the NCRS, so they might not be similar to the situation now. Only a broad equivalence between incident and recorded crime codes could be established as sufficiently similar categorically. The research was funded by the Home Office, and is also presented in a slightly different form in Hope (2013; Table 3.1). The odds are calculated from the data using Bayes' Rule, with the prior probability set as the overall recording probability (i.e. 0.18).

Table 1: Disparity between rates of incidents reported by the public to the police and rates of crimes recorded

Type of incident/crime	Proportion of reported incidents (Percentage)	Proportion of recorded crimes (Percentage)	Odds that a call to an incident will result in a recorded crime
Anti-social Behaviour	27	30	1 in 5
Violence	10	9	1 in 6
Burglary and theft	16	58	1 in 1.5
Other	46	3	1 in 100
Total	100	100	1 in 5

7. Our research also found that the disparity varied between different communities: socially deprived communities not only reported more incidents in total but also had a relatively greater proportion recorded as crimes than better-off communities. It is possible that:

- Only the more serious incidents occur in socially deprived, high-crime areas
- Residents of high-crime areas only call the police for the more serious incidents when crime has occurred or when they are personally victimized
- The police are more likely to treat the calls they get from socially-deprived areas as criminal incidents
- There is a greater confidence in the police in lower-crime, more affluent neighbourhoods
- There is a greater readiness of residents to call the police to deal with a wider range of 'less serious' problems in more affluent areas, including wider community issues as well as those in which they are victims
- The police are more likely to deal with anti-social behaviour in low crime areas without recourse to criminal law
- There is a greater assiduousness on the part of the police to attend to the needs of better-off areas.

Whatever the reasons, these findings suggest that the statistics of recorded crime may form an imperfect and misleading measure not only of the problems faced by members of the public but also their actual need for and use of police services.

Evidence for the 'grey figure' (2): systematic 'no(t)-crimeing'?

8. It may be possible to infer that systematic recording adjustment might be taking place by looking at trends in the disparity between what victims say they report to the police - e.g. to the England and Wales Crime Survey (EWCS) - and what the police record as crime (see ONS, 2013). A comparison can be made between an index of the *Volume of Reported Crime* and an index of the *Grey Figure* (i.e. the proportion of crimes reported to the police that appear to have been recorded) for two time-periods:

- 1981-1991, a period over which crime was rising consistently, accompanied by a growth of public concern about crime (moral pressure) and a growth in the consumption of household insurance and security products (loss adjustment, moral hazard).
- 1991-2003/04, which includes the period when crime began to drop, accompanied by changes to the Home Office Counting Rules (HOCR) (1998) and the introduction of Home Office Crime Reduction Performance Targets, culminating in the introduction of the National Crime Recording Standard (NCRS) (2002) ³.

8. The BCS (now EWCS) records separately Burglary-with-Loss, and Nil-Loss Burglaries (including attempted burglaries). Although both offences were subject to the same crime reduction performance pressure, Burglary-with-Loss also entails (insurance-required) recording obligations, while attempted and Nil-Loss Burglaries do not (which can be seen in the much lower recording rate for the latter). *Figure 1* suggests that when the volume of Burglaries-with-Loss went up, the recording rate went down, presumably reflecting a workload adjustment. Happily, when the volume of reported with-loss burglaries declined in the second period and the concomitant workload pressure subsided, the police could afford to let the recording rate rise again (almost to the maximum), thus presumably satisfying their recording obligation to the insurers without prejudicing their performance requirement with the Government. Conversely, neither insurance obligation nor crime reduction requirement apply to Nil-Loss Burglaries, so that the recording rate remained low and constant across both periods, irrespective of a similar boom-and-bust trend in the volume of this crime, as shown in *Figure 2*. Furthermore, since the volume of Nil-Loss Burglaries reported had declined less than the volume of With-Loss Burglaries, the former now become a proportionately bigger part of the recorded crime figure, contributing to the view that the trend in recorded burglaries might have reflected the effectiveness of household security measures rather than, perhaps, police efforts to manage their workloads.

³ Data are taken from the Home Office Statistical Bulletin *Crime in England and Wales, 2003/04*. Two indices were constructed: (1) a *Volume of Reported Crime Index* (defined as the product of the Victimization Rate (Table 2.02) and the proportion of incidents reported to the police (Table 3.02), with 1981 = 100); and (2) a *Grey Figure Rate* – the proportion of crimes reported to the police that appear to have been recorded (defined as the ratio of offences recorded by police (Table 3.04) to comparable crimes reported to police (Table 3.02)). Unfortunately, these figures have not been made routinely available in *Crime in England and Wales* since the 2004/05 publication, although they have now been reported in ONS (2013).

Figure 1: Comparison of Trends in the Volume of Reported Crime and the Percentage of Crime Recorded: 1981-1991 vs. 1991 – 2003/04, Burglary-with-Loss

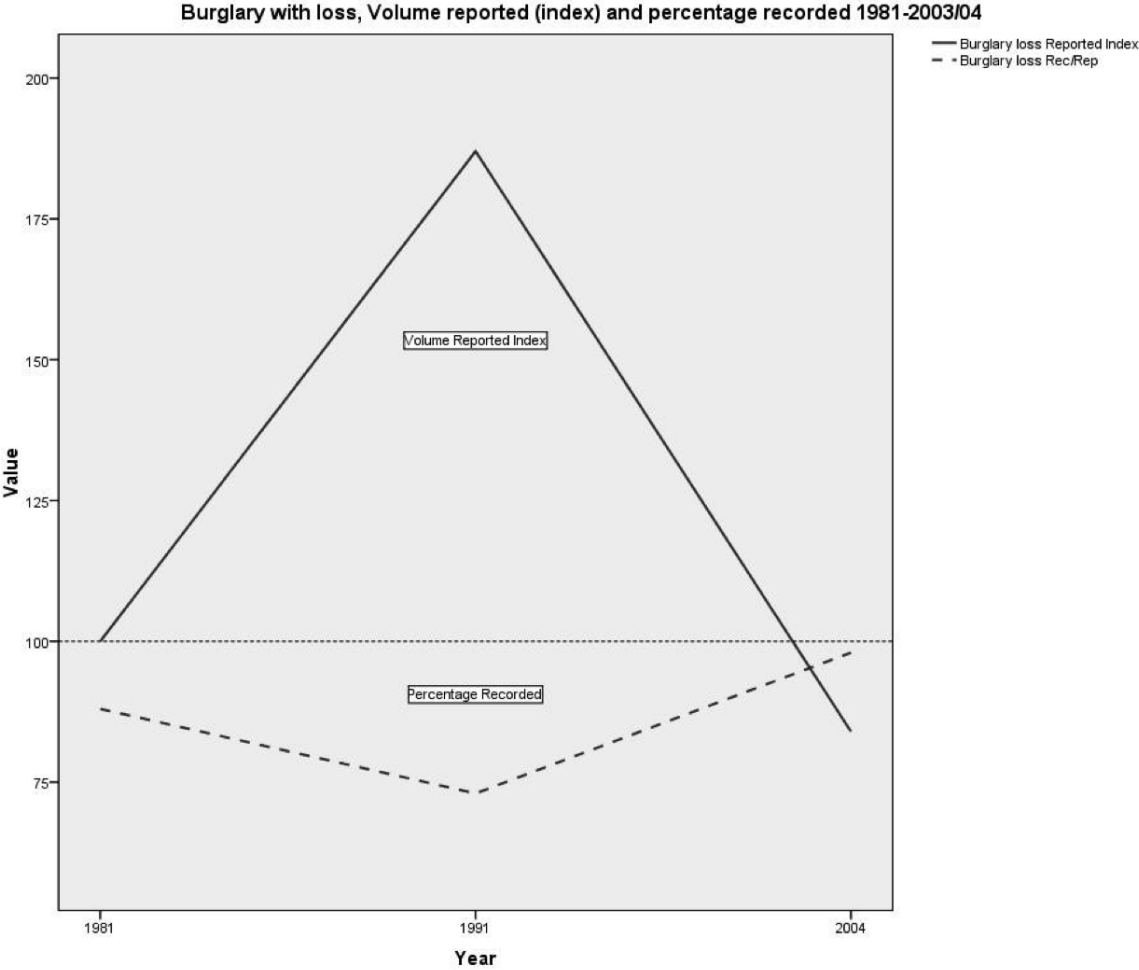
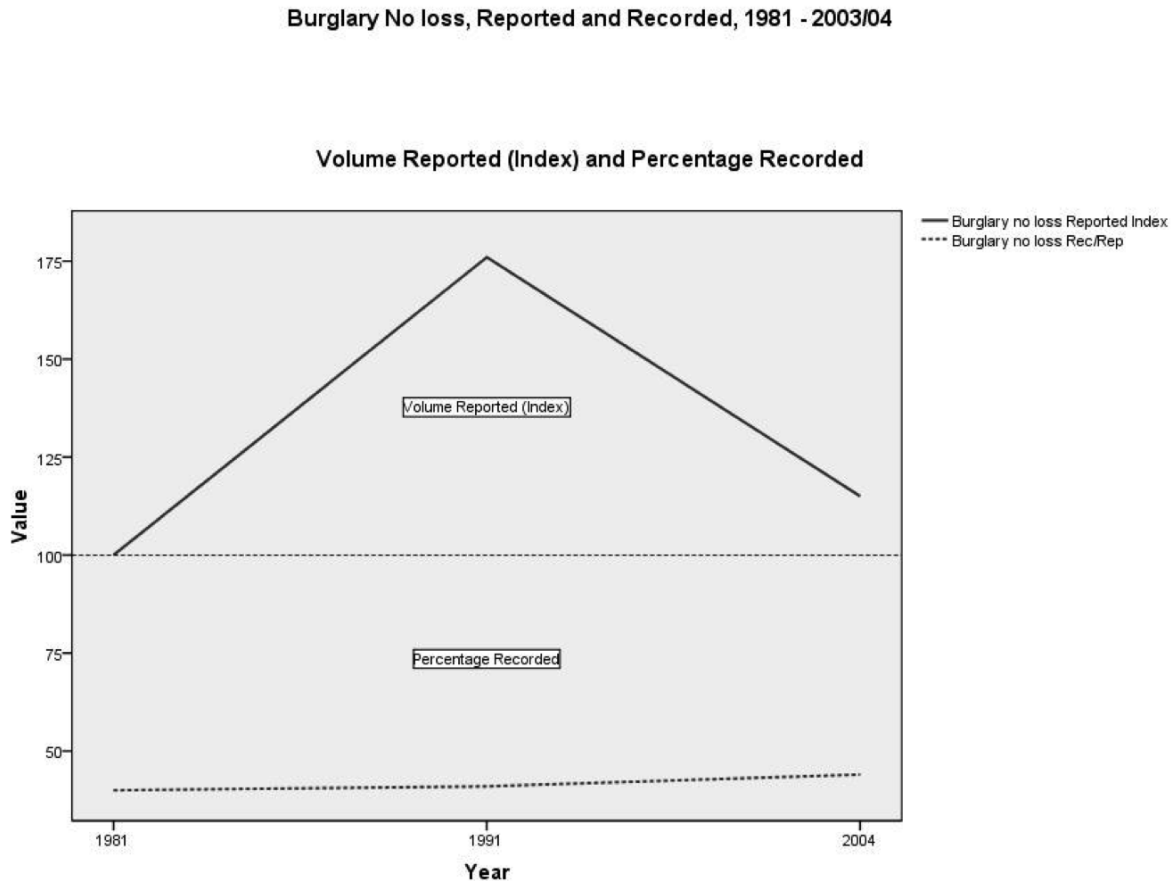


Figure 2: Comparison of Trends in the Volume of Reported Crime and the Percentage of Crime Recorded: 1981-1991 vs. 1991 – 2003/04, Nil-Loss Burglary



Evidence for the ‘grey figure’ (3): systematic ‘down-crimeing’?

9. The practice of ‘down-crimeing’ refers to a situation where a crime is recorded as less serious or more trivial than it might be otherwise. Down-crimeing may be applied systematically to offences so as to take them out of a framework of performance indicators in order to make the performance appear to look better than it is. The inference that this may have taken place is suggested in *Figure 3*, which again compares trends in the ‘grey figure’ between the periods 1981-1991 and 1991-2003/04.⁴ Perhaps reflecting public concern (moral pressure) about the rise in ‘mugging’ during the earlier period, the rate of recording of *Robbery* had been increasing, although by 1991 this was still less than a half of the robberies that victims said they had reported to the police. However, during the latter period, the reduction of *Robbery* was designated as one of the Government’s crime reduction targets, which seems to have

⁴ The data were collected and arranged in the same way as those in Figures 1 and 2 (see para. 7 and fn. 3 above).

dampened the enthusiasm of the police to record the offence. That this might be a systematic down-crimeing adjustment is suggested by the increasing rate of recording of crimes that include some of the elements of the offence of Robbery but were not designated as crime reduction performance targets:

- The rate of recording of offences of *Wounding* continued to rise between 1991 and 2003/04 presumably reflecting continuing public concern about rising violence, including 'knife crime'
- The rate of recording of offences of *Theft from the Person* (i.e. bag-snatching, pick-pocketing) that at the outset had been recorded at the same rate as Robbery and had remained relatively low and static during the earlier period rose considerably during the latter period to over-take the rate of recording of Robbery. While these offences against the person retain the element of theft, they are thought of as non-violent. It is possible that robberies were down-crimeed to theft-from-the-person by down playing the degree of violence involved in the incident.

These trends suggest that through systematic down-crimeing the police may have been able to continue to respond to moral pressure about violent crime while also evading the performance targets that were also supposed to reflect public concern.

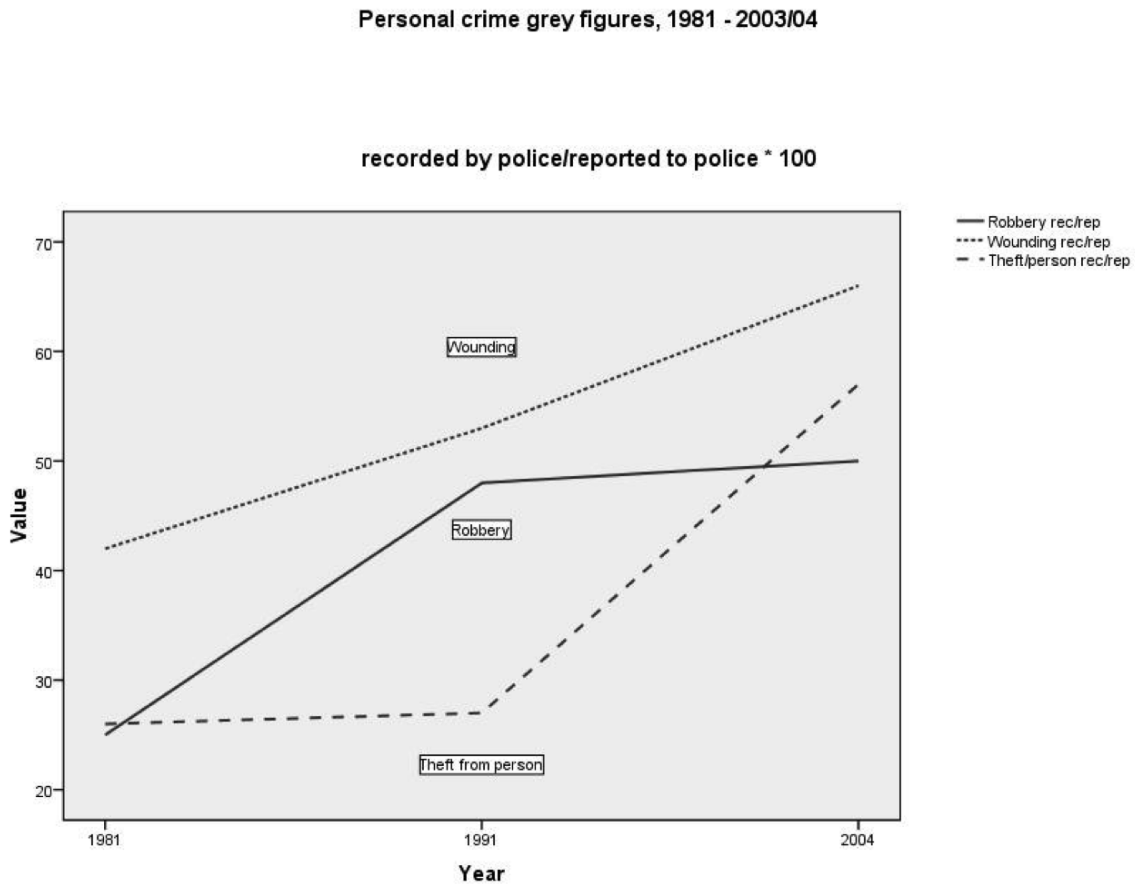
Summary

10. The analyses presented above demonstrate three decision-processes at work in the construction of recorded crime rates:

- The public's decision to invoke the police to deal with incidents that trouble them
- The police decision to respond to those incidents by recording them as crime
- The effect of 'third-party' pressures of various kinds bearing upon both the above.

The basic decision process is that between the public and the police. Yet the influence of third-party pressure seems to have systemic effects on the police services discretionary practice of crime recording. Since Third Parties intervene in that decision, by careful adjustment of their policies it might be possible to 'nudge' the public and police towards more accurate or reliable crime recording. While such alterations of the 'choice architecture' of crime recording might seem attractive in principle, this might not be so feasible in practice, since the kinds of third party pressures influencing crime recording also reflect the wide social and political context in which public police services are delivered currently. In the meantime, even the most careful (and costly) auditing of crime recording practice may only serve to keep the worst examples of discretionary recording in check.

Figure 3: Comparison of Trends in the Ratio of Crimes Recorded by the Police to Crimes Reported by the Police, 1981-1991 vs. 1991-2003/04: Robbery, Wounding and Theft from the Person.



Further reading

Hope, T. (2013). 'What do crime statistics tell us?'. In C. Hale, K. Hayward, A. Wahidin and E. Wincup (Eds.) *Criminology: 3rd Edition*. Oxford: Oxford University Press.

ONS (2013) 'Analysis of variation in crime trends: a study of trends in "comparable crime" categories between the Crime Survey for England and Wales and the police recorded crime series between 1981 and 2011/12. *Methodological Note, 24 January 2013*. Office of National Statistics.

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