

STATISTICS, CRIME AND POLITICS

After decades of advocacy, the Victorian Government announced in its May Budget funding for the establishment of a 'crime statistics agency'. Emeritus Professor Arie Freiberg explains why such a body is so important to a system of justice, and what it should do.

It is probably not widely known that 2013 is the International Year of Statistics. This year is intended to be a worldwide celebration of the contribution that statistics make to society, from predicting elections to understanding cricket matches to providing information about every aspect of public and private life.

Statistics about the operation of the criminal justice system are crucial to an understanding of what is happening around us. Depending upon our sources of information we might be fearful or comfortable about the amount of crime in the community, about how many people are detected committing crimes, who they are, what they might do in the future, what happens to them if they are caught, and what happens to them after they are prosecuted, convicted and sentenced.

Too often the information people obtain about the criminal justice system is partial, incomplete or inaccurate but, regularly, decisions are made on the basis of such information. When decisions are made by policy makers and governments on the basis of invalid or unreliable data, it is likely that they will be ineffective or even counter-productive.

'Lies, damn lies and statistics'

Earlier this year the former Victorian Premier Ted Baillieu, in launching a campaign to recruit more Protective Service Officers (PSOs), said that they had been well received and 'reduced the crime rate around those stations'.¹ When pressed as to whether there were any statistics to back up his claim, he said that there was anecdotal evidence to that effect and that he was sure that the statistics were there. They were not produced.

Prior to the 2010 state election there was considerable controversy about the accuracy of police crime statistics. Criticisms of the statistics released by the police, and their timing, contributed to the subsequent resignation of then Police Chief Commissioner Simon Overland.

In March 2009, the Ombudsman published a critical report on *Crime Statistics and Police Numbers*. The report was in response to the then Opposition Leader, Mr Baillieu, who had complained that crime statistics and/or police numbers may have been subject to manipulation. Although the Ombudsman did not find evidence that crime statistics had been falsified, he identified a number of problems regarding their accuracy.

In May 2011 the Office of Police Integrity tabled a critical report on its investigation into Victoria Police crime records and statistical reporting (*Report of Investigation into Victoria Police Crime Records and Statistical Reporting*) and in June 2011 another report by the Ombudsman was critical of police statistics and recommended, again, the establishment of an independent agency to manage, collate and disseminate crime statistics (*Investigation into an Allegation about Victoria Police Crime Statistics*).

These were just the latest in a long line of reports and investigations, dating back to the 1990s, which have all come to the same conclusion: Victoria needs an independent bureau of crime statistics and research, similar to those that exist in other jurisdictions. The most successful of such bodies is the New South Wales Bureau of Crime Statistics and Research. Although it is not an independent statutory body, as is the Australian Bureau of Statistics, but operates as a statistical and research agency within the Department of Attorney-General and Justice, it has been functionally independent due to the professional and astute leadership of its long-time director, Dr Don Weatherburn.

1. Transcript from the media conference accessed on 22 February 2013 at <http://www.premier.vic.gov.au/media-centre/transcripts/5966-full-transcript-of-media-conference-by-premier-ted-baillieu-and-victoria-police-assistant-commissioner-chris-oneil-20-january-2013.html>

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Costs no barrier to truth

Why have we waited so long in Victoria for the prospect of an independent bureau of crime statistics? Certainly, cost cannot be an issue, particularly compared, say, to the \$212 million budgeted for the PSOs, whose efficacy in reducing crime is open to doubt and whose role is probably intended to address the fear of crime as much as crime itself. The New South Wales Bureau is estimated to cost around \$3 million per year. The Victoria Sentencing Advisory Council, an independent statutory agency which provides information about sentencing trends, patterns and practices, costs less than \$2 million per year. More likely the reluctance of governments of either political persuasion to establish a bureau in the past has stemmed from the general reluctance of governments to lose control of sources of information that might be embarrassing, discomfiting or politically inopportune. But when Victoria Police, for long the keeper of crime statistics, agrees that an independent bureau is a good idea, then clearly the time was ripe to change the institutional² arrangements that exist in Victoria.

The 2013-14 State Budget allocated \$8.4 million over four years (\$2.1 million per year) to establish the new agency. No details were provided of the scope of the agency's activities, its staffing profile, accountability structure or its commencement date.

The role and value of evidence

Why are statistics important? Why should the world celebrate them?

First, as the Australian Bureau of Statistics, the premier statistical body in Australia, states on its website: statistics 'form the basis of our democracy and provide us with the necessary knowledge to assess the health and progress of our society'. They are fundamental to the task of holding governments to account. Statistics must be public, accessible, valid and reliable and governments owe it to their citizens to provide this information to enable them to understand and evaluate government policies.

Secondly, statistics can provide the basis for developing evidence-based policies which can inform and underpin decision-making. Too often, policy decisions are made either without evidence, or the evidence is distorted so that it becomes policy-based evidence instead.

Crime and justice are sensitive, emotive and controversial issues and decisions made about the criminal justice system affect the rights and liberties of offenders and victims. Poor decisions can have serious and adverse consequences for both the individuals affected and society at large.

Thirdly, because there is so much misinformation available about the criminal justice system, some of it intentionally so and propagated by various media outlets, myths and misconceptions about the operation of the justice system abound. Decisions are too often made on the basis of incorrect information and anecdotes: the plural of anecdotes is not 'research'.

In the recent publication by the NSW Bureau of Crime Statistics and Research on the *Uses and Abuses of Crime Statistics* (Crime and Justice Bulletin, No. 153, 2011), its Director Dr Weatherburn wrote:

We have to make judgments about the prevalence of crime, about trends in crime, about the distribution of crime and about the impact of Government efforts to prevent and control crime. We cannot base these judgments on personal experience and anecdote. They have to be based on statistical information...

Criminal justice information in Victoria comes from a variety of sources: crime statistics from the Victoria Police; prosecution statistics from the annual reports of the Director of Public Prosecutions; court statistics from the individual annual reports of the Children's Court, the Magistrates' Court, the County Court and the Supreme Court; sentencing statistics from these courts and from the Sentencing Advisory Council; limited correctional statistics from the Department of Justice; and parole statistics from the Annual Report

2. Victoria Police Statement, Herald Sun, 26 July 2012 available at <http://www.heraldsun.com.au/news/victoria/full-statement-from-victoria-police-on-triple-0-reports-and-police-statistics/story-e6fr17kx-1226435145300>

of the Parole Board. Various versions of these data are collected and published regularly by the Australian Bureau of Statistics, which provides a national perspective on the criminal justice system. Each year the Productivity Commission publishes a report on government services which examines and compares the operation of police, court, prosecution and correctional services.

The national reports are useful but are constrained by problems of achieving uniformity across jurisdictions and consistency between data bases. They tend to be descriptive rather than analytical.

The role for statistics and research

What then might we expect or need from a new 'crime statistics agency'?

At the very least, it should provide regular, accurate and independently verified data about crime and criminal justice generally in Victoria, not just statistics about the number of crimes committed or reported. These statistics should be published at predictable times and not subject to the vagaries of the political process.

Secondly, it should provide statistics that are easily accessible to the public.

Thirdly, it should provide analyses of the statistics so that the community can know not only what has happened, but why.

Fourthly, a bureau should conduct research on crime and criminal justice issues to evaluate projects, programs and policies as well as various hypotheses and assumptions about crime and justice.

Finally, a bureau should provide a resource for other government departments or agencies to assist them with their data collection and with their policy and evaluative research.

Public confidence is central to good government and public confidence can only be maintained if information is free, open and comprehensive. Although provision of such information by an independent bureau of crime statistics and research will not guarantee that it will not be abused, distorted, selectively reported or misrepresented by the media, police, politicians and others, its publication will at least ensure that the public can have access to reports and will be able to make up its own mind about their meaning.

Conclusion

The announcement of a new crime statistics agency is to be welcomed. It has been much anticipated and is well overdue. What is awaited now are the details of how it will work, who will run it and, most importantly, how independent it will be.

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