Speech presented by Adam Graycar, Director, Australian Institute of Criminology:

"Law and order, who needs it?"

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Law and Order, who needs it?

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When we raise the topic of crime and justice, people think of a wide range of things - murder and murderers, guns and knives, drug traffickers and addicts; Hoddle St, Queen St Strathfield and Port Arthur; car theft, burglary, rape and robbery; corrupt cops, soft judges, harsh prison officers, palatial prisons; juvenile delinquents, violence in videos and on the screen, deaths in custody, alcohol and crime; white collar crime, tax evasion, money laundering, organised crime; domestic violence, environmental crime; superannuation fraud, child abuse, - the list goes on and on.

Law and order are fundamental to our society. We need it. Without Law and Order our society would be very much diminished. We must be careful in unpacking these concepts. We can have law, and a lot of disorder; we can have a great deal of order, but considerable lawlessness; and of course we all know that law does not necessarily equate with justice. The criminal justice system is not the major player in ensuring that we have a safe society in which justice is maximised, and disorder minimised. The criminal justice system (and its component parts) is one player, but there are many other players, and what I want to stress is that inter-sectoral work is the key to understanding crime and justice and preventing criminality.

Australia is one of the safest countries in the world. Australians can go about their daily lives with little chance of their becoming the target of a criminal attack. But it does happen - and the prospect that it might happen worries a lot of people. And although most of Australia is comparatively safe, the incidence of crime is much greater than it was 20 years ago. Criminal activity hurts and outrages people, and costs the community billions of dollars.

• What’s the problem?
• What do we know about the problem (s)
• What can we do about it

Ideologically polar positions produce their own explanations for increases in crime. Those on the right blame permissiveness, bankrupt moral values, contempt for authority, inadequate penalties, while those on the left blame poor social conditions, unemployment, lack of life chances, poverty traps, deprivation, limited educational opportunities etc.

Viewed from a different perspective, there are probably many many more opportunities than ever before for criminal behaviour, and as Marcus Felson
(1994) argues, much crime may be the price we pay for living in a world which offers high material benefits and a very mobile lifestyle. Put that against a context of tremendous social and technological change, and we have a complex set of ingredients that don’t seem to fit any of the standard recipes - and its messy.

To prevent and reduce crime there are at least three approaches we can follow - they are not mutually exclusive - they need to be taken together.

A criminal justice approach focuses on

* retribution
* incapacitation
* rehabilitation
* deterrence (both in respect of the individual and society)

A developmental approach works from the basis that law enforcement comes into play more to deal with offending, and less to prevent offending. The aim is to work cross-sectorally to turn potential future offenders into good citizens. If they grow up to be offenders behind bars they cost the community in the order of $50,000 p.a., not to mention the emotional and financial costs to the community in the course of getting them into prison; nor the likely social security payments after their release. Investing in appropriate developmental activities - primary health care, early childhood supports, education and training, is more likely to turn them into productive taxpayers.

A third approach is to focus on policy research and to learn from inter-sectoral and cross-disciplinary research and demonstration projects. The task is to determine the causes and consequences of rule making, rule breaking, and rule enforcing. The task of policy analysis is then to integrate scientific evidence and difficult value judgments to recommend the best course of action, no matter how limited the available evidence.

Debates on what the criminal justice system should do revolve around

* prevention/reduction of crime
* reduction of fear
* punishment of offenders
* rehabilitation /re-integration of offenders
* compensation for, and assistance and support to victims
* humane treatment of suspects/offenders
* generating perceptions of fairness
* containment of costs
The challenge facing us is to harness our activities to ensure, at the end of the day, good policy for the promotion of justice and the prevention of crime, and a safer Australia.

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What do we know

We know that we are faced with terminological confusion about what crime is, about how it is measured, how crimes are ranked and about who suffers most, and who commits it. Most generalisations on crime as a whole are inaccurate because the term ‘crime’ denotes too wide a variety of events to be described by a single label.

We know that anticipating crime of the future and dealing with it is no easy feat. It wasn’t very long ago that we could not have imagined crimes like credit card fraud, Medicare fraud, telecommunications crime, superannuation fraud, computer hacking etc. Globalisation, the continuing movement of products, finance, people, plants and animals, and information will test us severely. What we know is that however we anticipate the future, it is not going to be a continuation of the past.

We know that the interpretation of crime statistics is much more difficult than the interpretation of most other statistics. Trends are not always easy to discern, even though they may seem obvious. People experience crime and report it in different ways; authorities may choose to follow up or not; counting rules vary across time and place; legislation changes, and so too do definitions; law enforcement priorities and resources change thus affecting activities and outcomes.

We know that public opinion polls show violence and crime to be one of the major concerns of Australians. Examination of the data will show that Australia is a considerably less violent society today than it was 100 years ago, but more violent than it was 20 years ago. Violent crime accounts for about 3% of all major crime in Australia.

We know that the National Committee on Violence examined the issues very carefully, and concluded:

- Australia is a less violent place than it was during the period from its establishment as a penal colony until Federation. However, it is more violent than it was before the Second World War.
- The rate of homicide in Australia is relatively low by international standards, and has shown no significant change over the past twenty years.
• The rates of various types of non-fatal violence, that is assault, sexual assault, and robbery, have increased sharply since the early 1970s.
• The rate of non-fatal assault appears high by the standards of western industrial societies.
• Rates of violent crime are not evenly distributed across Australia. For example, they tend to be higher in large cities than in country areas. They are also uneven across jurisdictions: the level of violence in the Northern Territory is substantially higher than elsewhere, while the rate of violent offending appears to be actually declining in Tasmania.
• Violent offenders in Australia are overwhelmingly male, primarily between the ages of 18 and 30, and predominantly from blue-collar backgrounds.
• Despite perceptions to the contrary, violent offending by juveniles is relatively uncommon. Gang violence is not a major problem in most jurisdictions.
• Most homicides and assaults are committed by persons known to the victim. Random attacks by strangers, although deeply disturbing when they do occur, are relatively rare.
• Infants up to one year old are the age group at greatest risk of homicide. The overwhelming majority of child victims are killed by their parents or other relatives.
• Victims of violence most commonly tend to fall into two broad categories: men who become engaged in altercations with other men; and women and children who suffer at the hands of men with whom they have been living.
• Men, especially those who are young, single and unemployed, are at far greater risk of becoming victims of all forms of violence than are women, except for the categories of sexual assault and domestic violence.

We know that the prevention of violence cannot to be achieved by law enforcement alone, but rather through inter-sectoral collaboration, and in particular through a range of health promotion, education, and community service activities.

*Rates*

While Australia is a much safer place than many comparable countries, three crimes of great concern to all have skyrocketed over the last 20 years. Burglary rates have increased by 111% since 1975; robbery rates by 255%; and motor vehicle theft rates by 103%. While the rates are much worse than 20 years ago, burglary rates and motor vehicle theft rates are well down on what they were five years ago. Burglary seems to be dropping in most states, though m/v theft is erratic.

We know that crime patterns vary from metropolitan to non-metropolitan. In NSW, inner Sydney had considerably higher rates than the rest of Sydney, or the
rest of NSW of homicide, assault, sexual assault, robbery, m/v theft, break and enter, stealing from a retail store. Regional NSW had considerably lower rates of robbery, break and enter (dwelling), motor vehicle theft, theft from a retail store, fraud, but considerably higher rates of sexual assault, cannabis use, offensive conduct, breach of an apprehended violence order, and driving with a prescribed alcohol content.

We know that many crimes are not reported, very few lead to an identification of the offender and a negligible proportion of crimes ever end with a conviction.

**Victims**

We know that crime is not an equal opportunity predator. The chance of becoming a victim depends on where you live, how you live, who you are and who you know.

We know that victims of violent crime often know their attacker. This is most likely the case in homicide, where two thirds of victims are killed by a family member or an acquaintance; most assault victims know their attacker, around one half of robbery victims, and less than half of sexual assault victims know their attacker. (Most sexual assaults are not reported to police)

We know that many people are victimised in their homes, and that one’s home is not the safe haven that we would wish it to be. While the overwhelming majority of robberies occur outside the home, the majority of sexual assaults occur inside the home, as do the majority of homicides. So too, do a variety of violent crimes that are loosely described as child abuse, elder abuse, and domestic violence.

We know that males are twice as likely to become victims of assault as are females. This applies both to younger (under 20) and older (over 50) people. The risk of assault for a male under 20 was 81 per 1000; compared to 9 per 1000 for a male over 50; and 4 per 1000 for a female over 50. Older females have the greatest fear, and the lowest risk. Unemployed people are twice as likely to be victims of assault as employed people.

We know that the younger the person the more likely they are to be a victim of robbery. Young males (under 20) are 50% more likely to victims than younger females; yet for the over 50s, the rates for males and females are the same. 5 per 1000 compared to 32 per 1000 for young males and 23 per 1000 for young females). Unemployed people are twice as likely as employed people to be victims of robbery.

We know that households comprising couple families with or without children had the lowest risk of burglary; one-parent households had the highest risk of burglary. Owner/purchasers had a burglary risk of 59 per 1000, compared to a rate of 93 per 1000 for renters.
We know that more crime is committed **against business** than against individuals or households. Burglary affects one quarter of all businesses, as does theft by customers, followed by fraud, vandalism and assault on staff.

We know that **victims invariably feel isolated** from and disparaged by the criminal justice system. Several states have legislation on victims’ rights and compensation, but victim support agencies cannot meet the demand on their resources.

We **know** that conflict and crime are related. Conflict in our society is inevitable and the management of conflict and the capacity of social organisations to reduce its escalation structures the incidence of crime. Public policy has a significant role in containing and de-escalating conflict.

**Offenders**

There are no definitive answers as to why individuals commit crimes. We do know that participation in crime declines with age. Property crime arrests peak at age 16, and drop to lower than half that by age 20. Violent crime arrests peak at age 18. However, young people who become involved in crime at the earliest ages - before they are 14 - tend to become the most persistent offenders, with longer criminal careers.

Major risk factors for youth crime are:

- low income and poor housing
- living in deteriorated inner city areas
- a high degree of impulsiveness and hyperactivity
- low intelligence and low school attainment
- poor parental supervision and harsh and erratic discipline
- parental conflict and broken families

Young offenders tend to be versatile and rarely specialise in particular types of crime, including violence. The **overwhelming majority** of young people do not commit crime.

We know that juveniles tend to commit crimes in groups, and that they are most likely male. Very few girls are in corrective institutions, and are more likely than boys to be held for non-criminal conduct.

Interviews with young offenders in the UK, meanwhile, suggest that their crimes are most commonly committed for material gain. However, a minority of offences,
especially vandalism and taking vehicles without the owner’s consent, are committed for excitement, enjoyment or to relieve boredom.

We know that the probability of arrest increases with each subsequent arrest, and that a few offenders are responsible for a large number of arrests - about 5 percent of male offenders are chronic offenders, who account for about half of all known offending.

There were approximately 16,000 people in prison in December 1995. 4% were female and 96% were male. Almost one in five prisoners is Indigenous, and Indigenous persons have an imprisonment rate 17.5 times that of non-indigenous people.

Imprisonment rates vary around Australia. The NT, WA and NSW have rates well above the national rate, while Tasmania and Victoria have rates well below the national rate.

What we do know about criminals refers mainly to street criminals and repeat offenders. Sophisticated and white collar crime is a vast playing field and we don’t know very much about who criminals are, apart from the tiny minority who are caught.

**Data**

The interpretation of crime trends and statistics is fraught with difficulties. There are three sources of data.

* Statistical records routinely compiled by police and other official agencies
* Large scale surveys conducted by the ABS (commonly called victim surveys)
* Small scale surveys and studies conducted by academics and other researchers.

The results at face value, may be startlingly different. Victim surveys usually show much higher rates than police statistics. The reason is that not all crimes are reported to police, and not all that are reported are recorded. Different methods are used in different crime surveys, and the results are different - face to face interviews produce a different result to drop-off, mail back surveys. Correcting for methodological variation allows comparability of police and victim surveys.

Counting rules vary: In one victim survey, motor vehicle theft was given as per 100000 persons; in the next as per 100000 households. (Some households have no cars, others one, others 2, etc). However, other data come out as thefts per 100000 registered motor vehicles. Credit card fraud is an interesting one - sometimes the number of times the card is used, or the number of credit cards stolen, or the number of individuals using stolen cards - sometimes they’re multiplied together.
Responses

Crime Prevention

There are two ways to prevent crime. The first is to make crime more difficult to commit, more risky and less rewarding by putting in place measures such as better security, increased surveillance and property marking. This is the most commonly understood type of crime prevention and can be applied to most situations in which crime is likely to occur. This approach targets the crime-prone situation rather than the offender. It is sometimes called situational crime prevention.

The second approach aims to prevent criminal behaviour. It addresses the underlying social causes of offending and seeks to influence the attitudes and behaviour of those most likely to offend so they are less inclined to do so. This is done by reducing the risk factors long known to be associated with offending (such as poor parenting and school failure) and enhancing protective factors (such as good parenting and school success). This approach targets the potential offender rather than the crime. It is sometimes called social crime prevention or criminality prevention.

- Developmental prevention or criminality prevention refers to interventions designed to inhibit the development of criminal potential in individuals. It targets the various risk and protective factors discovered in studies of human development.

- Community prevention refers to interventions designed to change the social conditions and institutions - such as families, peers, social norms and organisations - that influence offending in communities.

- Situational prevention refers to interventions designed to reduce the opportunities for crime and to increase the risk and difficulty of offending.

- Criminal justice prevention refers to traditional deterrence, incapacitation and rehabilitation strategies operated by law enforcement and criminal justice system agencies.

(each of these is a major topic in its own right)

I want to spend a couple of minutes on situational prevention because it deals with the here and now. There are three objectives:
• increasing the effort
• increasing the risks
• reducing the rewards

Some examples: locks; screens; vandal proofing; photo ID; a few very simple examples

* Clothing shop had every second hanger facing the other direction
* Retail stores removed display advertising from the window so that would-be robbers were visible from the street - also moved the cash registers close to the window, but out of the line of vision
* In Germany the enactment of legislation requiring motor bike riders to wear helmets cut the rate of motor cycle theft - very likely to get picked up if not wearing a helmet.
* In Sweden Local Government authorities designed public walls with rough, uneven surfaces very hard for graffiti -- to make things worse, painted them in dark colours - In NY graffiti on the subway has decreased because of a program of cleaning the trains regularly - there’s no pride in watching your train come around.

These are among the thousands of here and now examples.

Our urban environments provide opportunities for criminal behaviour. Criminologists have worked with urban planners and architects to develop a series of initiatives that go under the heading of Crime Prevention Through Environmental Design (CPTED).

* improving lighting in streets and car parks
* reducing opportunities for offenders to conceal themselves
* locating outdoor activities in sight of windows
* increasing designated walkways
* increasing pedestrian activities.

**Criminality prevention involves**

* family-based prevention: strengthening families and improving parenting
* school-based prevention: enhancing the education of those most at risk of school failure, truancy and delinquency
* community-based prevention: providing recreational, social, employment and housing opportunities, especially for young people preventing reoffending: diverting known offenders from a criminal career
Techniques for reducing the risks of young people’s involvement in drug misuse, crime and other antisocial behaviour include:

* frequent home visiting by health professionals during pregnancy and infancy
* education in parenting
* high quality nursery education
* training children to ‘stop and think’ (cognitive and social skills training)
* anti-bullying initiatives in schools
* classroom management training for teachers

**Good Public Policy**

It is obvious that no one sector alone can prevent crime - a partnership is needed, and the Commonwealth needs to be in there developing a national crime prevention framework, the component parts of which can be tested in different parts of Australia, and the lessons learned built into best practice models for use elsewhere.

In understanding the causes and manifestations of violence, we need to develop early childhood initiatives, and regard violence, as has the WHO, as a public health issue.

We need to maintain education, knowledge and awareness of the harmful effects of aggression, violence, drug and alcohol usage etc.

We need to make sure our police are among the best educated people in our community.

We need to:
- tackle the causes of crime
- reduce opportunities for crime to be committed
- tackle specific crime problems
- help victims of crime, and reduce the fear of crime

Good public policy balances initiative and response.

We need to know what the problems are, and what they’re perceived to be.

We need to know what works, and what doesn’t.

We need to have a partnership approach, blending different levels of government with community organisations and business organisations.

We need to focus firmly on the inter-sectoral approach to violence and crime.
We know that the good old days when there was no crime are a figment of fiction. For centuries writers have lamented the prevalence of and danger from villains. We do know that patterns of work, housing, technology, family structure, domestic arrangements, financial dependency and sexual activity have made the way young people live and do things very different to the way they lived and did things 100 years ago, or even 40 years ago. We can’t just bring back the ‘good old days’ when young people supposedly behaved better and showed more respect for their elders. This would involve swimming against the tide. Ideally we swim with the tide, or if we are interested in good public policy, ahead of the tide, and this brings to the fore tensions in the balance between leadership and democracy.