

Expert Group on Crime Statistics – Minority Report

The undersigned do not believe that the Expert Group has fully discharged its terms of reference. For this reason they feel that they have no option but to dissent from the majority report, which was finalised on 10 March 2004.

The key reasons for this opinion are as follows:

1. The Group was asked to examine “the collation of information relating to crimes reported to and recorded by An Garda Síochána.” This is perhaps the most important term of reference as it goes to the heart of the issue regarding the adequacy, or otherwise, of current arrangements.
2. While the Group gained some valuable insights into the policies that have been drawn up to govern how crime data should be entered onto the PULSE computer system, it did not evaluate how these policies work in practice. Nor did it come to any understanding of the extent to which reported crimes are not recorded, although this was a matter raised during the public consultation process. This means that *the Group can come to no conclusions about the quality, reliability and accuracy of Garda data.*
3. The introduction of PULSE in 2000 coincided with a fall of 11 per cent in the number of recorded indictable/headline crimes. This was followed by increases of 18 per cent in 2001 and 23 per cent in 2002. (The provisional figures for 2003 indicate a fall of 2 per cent). It is improbable that these fluctuations reflected changes in the underlying level of criminal activity. But if – as seems more likely – they were a consequence of changes in recording this raises questions about the completeness of record keeping in previous years.
4. In the Garda annual report for 2002 it was planned to present, for the first time, the number of non-headline crimes recorded by An Garda Síochána. Previously only those cases where proceedings had been commenced were

shown. Surprisingly, this information was not published and no adequate explanation was given. This may suggest that there are problems with the way non-headline offences are processed.

5. The Group was asked to examine “the Principal Offence rule which is used by the Garda Síochána ... and other counting rules.” These rules are of critical importance to the interpretation of Garda statistics, but were not deliberated upon by the Group. Specific questions that require consideration include, for example:
 - a) Why is it necessary to apply counting rules when data on all offences are recorded on the PULSE system? Why not simply report on the total number of crimes?
 - b) What would be the effect on the crime statistics if the rules were victim (or offender) focused rather than incident focused?
 - c) What administrative protocols are adopted in other countries with national police forces?
 - d) How are the rules relating to the counting of crimes and detections applied in practice?
 - e) To what extent does there exist a shared understanding of, and a uniform approach to, the application of these rules?
 - f) Why has the detection rate remained so stable in recent years despite major fluctuations in the level of recorded crime?

6. The Group was asked to examine “the distinctions currently made between offences classified as indictable and non-indictable.” Prior to 2000, indictable offences were presented in four groups. Beginning in 2000, a new classification based on 10 ‘headline’ crime categories was introduced. This rendered retrospective analyses extremely difficult.

7. The Group was told that this change was necessitated by a need to “better reflect the modern situation” but it was not possible to establish a clear rationale for it. Furthermore the Group did not explore in any detail alternative schemes, such as the abolition of the headline / non-headline distinction and

the grouping of offences according to a set of clear principles. To give but two examples:

- a. Assaults fall into both headline and non-headline groups. It would give a better indication of the level of interpersonal violence experienced by Irish society if data on all assaults were presented together, perhaps with some grading according to seriousness.
 - b. When a car is stolen it is seldom possible to prove the existence of the *mens rea* necessary to define the offence as theft, a headline offence. For this reason most such cases are included as non-headline crimes of ‘unauthorised taking’. This creates an artificial division among offences that are behaviourally identical and have the same impact on victims.
8. Possession of knives, public order offences and dangerous driving are all defined as non-headline; while larceny of a pedal cycle and shoplifting are seen as ‘headline’. Indeed, in some respects it is the non-headline offences – particularly those involving assault, drunkenness and disorderly conduct – that are the cause of public concern.
9. The Group was asked to “make recommendations on the necessary structures and resources to be provided to allow statistics compiled within the criminal justice system to be analysed.” However, the Group focused almost exclusively on the data collected by An Garda Síochána and the important question of how to create meaningful linkages between the different data sources was not probed.
10. The Group was asked to consider the “appropriateness of the Commissioner’s Report.” It was not possible to come to any final conclusions in this regard, in part because a detailed position paper presented to An Garda Síochána on 12 December 2003 had not resulted in a response when the majority report was agreed 12 weeks later on 10 March 2004. This position paper was drawn up by a sub-group that had been established in May 2003 in an effort to expedite

discussions with An Garda Síochána. Two of the three members of the subgroup (NH and IOD) are signatories to this minority report.

11. A number of the recommendations in the majority group's report (1.1 to 1.12) are uncontroversial and received unanimous assent. Indeed many of them could have been made at the outset of the Group's work.

12. The majority of the Group recommend the establishment of a Central Crime Statistics Unit. It is our belief that the case for such a unit has not been made. *It is premature to advise on new – and potentially expensive – institutional arrangements for the collation and publication of data relating to the agencies of the criminal justice system (Garda, courts, prisons and probation) when the critical question of data quality remains to be addressed.*

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