

INFLUENCING BUREAUCRACIES FOR BETTER CRIME PREVENTION PLANNING

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Prepared for delivery at the Tenth National Conference of The Australian Crime Prevention Council, Hobart, Tasmania, 13th-17th August, 1979. Views expressed herein are not necessarily those of the South Australian Government.

INFLUENCING BUREAUCRACIES

I. INTRODUCTION

The past three decades have seen dramatic examples of growth and differentiation in criminal justice agencies throughout Australia. State police forces have doubled or trebled in active strength during the period; departments of correctional services, (once Prisons Departments) now offer a wide range of non-custodial treatment alternatives. Entire new courts have been created, some with specialised jurisdictions, others with jurisdictions which overlap those of pre-existing courts. Judicial and administrative manpower levels have risen accordingly. The current total annual cost of criminal justice bureaucracies in Australia has reached 600 million dollars.¹ Yet there is not one jurisdiction which can boast of a coherent criminal policy.

How many individuals charged with armed robbery during the past five years were granted bail and of those, how many absconded or committed subsequent offences whilst on bail? I would be willing to wager that such a question is at present unanswerable for any state, absent a time consuming and laborious manual search of police records. Perhaps I could hedge my bet and exclude Tasmania, by virtue of its small size and relative tranquility. But the point is an important one. For the question posed illustrates the inter-relationship of various agencies in the criminal process. Difficulties in answering it illustrate the lack of co-ordination between components of what is often called a criminal justice system.

How nice it would be to produce a profile of, say, burglars charged during 1975: to be able to state how many were convicted, what percentage were actually sentenced to imprisonment, how long they eventually served in prison, and how many were later charged with subsequent crimes. There is absolutely no mystery or magic involved in answering these questions; indeed, all of these data exist, and could be produced instantaneously if 20th Century information storage and retrieval systems were in use. Moreover, information such as this is absolutely essential for the development of an informed citizenry, and for the implementation of a rational criminal policy. As it happens, a criminologist or concerned citizen who requests such information from a police department is likely to be referred to a smilingly uninformative public relations officer; a senior public servant or Minister of the Crown is likely to receive, after some delay, an apologetic letter from the Commissioner of Police suggesting that manpower resources are insufficient to provide the requested information.

It should be emphasised that such information is not merely of academic interest. It is necessary for the sound formulation and implementation of public policy. Is the bail system functioning properly? Are probationers and parolees committing further crimes whilst at liberty? How many rapists were

known to their victims? Are Aborigines imprisoned for offences which, if committed by a white person, would result in a non-custodial sentence? These questions should be readily answerable, for their answers not only have a direct bearing on the safety of the public; they involve what is perhaps the most awesome power which a government commands — the power to deprive a citizen of his (or her) liberty. The fact that these questions are **not** readily answerable is a telling indictment of our criminal justice systems.

Coming from the U.S. I can hardly claim any laurels for that country as a bastion of administrative efficiency. There are in the U.S. some 40,000 separate and distinct local police departments, plus 50 state police forces and one Federal Bureau of Investigation. These police forces range in size from 1 to 30,000. Across the 50 states, one may find municipal courts, county courts, district courts, and state courts. Prosecutors tend to be independently elected at the county level. There exists, in addition, an entirely separate Federal Court System as well. Federal judges and prosecutors are appointed by the President. In many states, responsibility for remandees and short-sentenced prisoners is a municipal or county function, whilst those convicted of more serious offences are detained in state prisons. Once again, there exists a Federal Prisons System quite separate and distinct from state systems. Given these multiple overlapping jurisdictions, it is not surprising that information necessary for efficient planning is not always available, despite the Federal Government's allocation of thousands of millions of dollars to state and local agencies.

Certainly one would expect the Australian situation to be less problematic. After all, the law enforcement function here is predominantly the responsibility of state government. Moreover, the Westminster system of government should ensure centralisation of decision making and co-ordination of planning. Yet this is not the case.

I made a rough count recently of the number of different data processing systems currently in use by the various departments and agencies of the criminal justice system in a state which shall remain anonymous. The total I arrived at was seven. Even more chilling is the fact that no two of these were compatible — i.e. it is impossible to merge or exchange information across departments other than by hand. Lest one infer from this that the state in question is a particularly retrograde place, it should be noted that elsewhere, people are still fumbling with intractable filing systems and have (or so it seems) only recently given up the use of quill pens.

Such a state of affairs can not be justified, but it is subject to explanation.

Why is it that agencies which, in fact, are functionally interdependent, often conduct their affairs as if they were

operating in a vacuum? Is the explanation fiscal, political, or otherwise? Crime control planning, as I see it, is foundering on the shoals of bureaucratic inertia.

II. ON BUREAUCRACIES

The behaviour of large scale organisations is eminently predictable. Those who manage them wish them to grow, and to remain autonomous — independent of external control or interference insofar as possible. Bureaucrats are not terribly concerned with outside organisations, unless and until these "outsiders" begin to threaten one's own resource base, or encroach upon one's autonomy.

The above principles of bureaucratic behaviour characterise not only every criminal justice department or agency in Australia, but organisations in general throughout the world. These tendencies have profound implications for public policy, particularly in those policy areas where a number of different large scale organisations are active. When the organisations are functionally interdependent, as they are in a criminal justice system, the implications become crucial.

Much as they might wish to, criminal justice agencies do not operate in a vacuum. The size, and composition of a prison population, for example, are dependent upon decisions of Parliament, the policeman on the street, the prosecution, and the Courts. Changes which occur in any of these organisations reverberate throughout the others, and bear profoundly on the formulation and implementation of public policy.

How might the effects of bureaucratic behaviour be overcome? The likelihood of Canberra's offering monetary incentives for more co-ordinated planning are nil. Departments themselves may not be expected to abandon their postures of parochialism and begin to co-operate spontaneously. Where departments are situated in different Ministries, such co-operation is even less likely. Most members of the public are so woefully ignorant of the functioning of the criminal justice system that little encouragement may be expected from the grass roots.

At best, public disquiet about issues of crime and punishment will encourage some governments to provide some basic information to serve as the basis for a more reasoned public discussion.

Governments will then discover that hundreds of hours of clerical effort will be required in order to produce responses to the most elementary of these questions. A Cabinet must realise that only through an integrated approach may real planning take place, and such fundamental questions be efficiently answered. It must further recognise that present, **ad hoc**, fragmentary information systems not only impede planning, but are wasteful and redundant. Until these facts are faced, criminal justice professionals will continue simply to muddle through.

III. POSTSCRIPT: ON AN INDEPENDENT JUDICIARY

None of the above remarks should be construed as criticising the principle of an independent judiciary — a keystone of Australian justice. Whilst judges and magistrates are, quite appropriately, independent of political control, they do not operate in a vacuum.

As court systems increase in size and are faced by growing caseload pressures, problems of allocating manpower and capital resources intensify. Accordingly, judges and magistrates are becoming increasingly appreciative of the advantages which they stand to gain from improved information. Managerial questions aside, simple descriptive summaries of general sentencing patterns, such as those presently available in Victoria, would be welcome. Perhaps even more useful would be information on recidivism which could provide a judge or magistrate with systematic feedback on the non-custodial sentences which he or she has awarded. Enhancing the quality of information available to the judiciary in no way detracts from its independence.

IV. CONCLUSION

The problem and its solution can be summarised with merciful brevity. Information is the key to efficient crime prevention planning, and integration is the key to the efficient distribution of information. Hobbesian approaches to the administration of justice have no place in the last quarter of the twentieth century.

NOTES:

1. P.F. Johnson "The Cost of Crime to the Community" *The A.C.P.C. Forum* Vol. 2 No. 2 (1979) p. 15.

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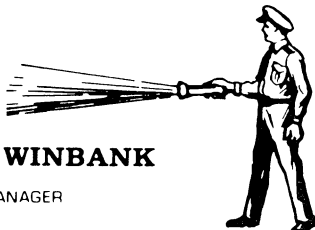
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