

## ***National Statistician's Review of Crime Statistics***

### **Comments: Centre for Crime and Justice Studies, London, prepared by Prof. Tim Hope.**

The Home Secretary has invited the National Statistician to conduct an independent review of crime statistics with the aim of increasing public confidence in these statistics. The Home Secretary has decided that the publication of crime statistics should be moved out of the Home Office to promote greater public trust and demonstrate their independence. The review is due to report at the end of April 2011. It is then intended to run a public consultation on the recommendations from the review.

To feed in your views, please respond using the questionnaire below by the closing date of 10th March 2011. Responses can be sent via email or post to:

Email: [ns.crimereview@statistics.gsi.gov.uk](mailto:ns.crimereview@statistics.gsi.gov.uk)

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### **Background**

There are two main statistical sources on crime, the crime figures recorded by the police and the results of the British Crime Survey. Both sets of statistics have known strengths and weaknesses, and differences in coverage. Both illuminate the incidence and experience of crime and collectively present a fuller picture than either data source in isolation.

Currently, Home Office is responsible for:

- maintaining the Home Office Counting Rules, in collaboration with the police service, that determine how the police record crimes on the 'notifiable list';
- managing a contract with an independent survey contractor to conduct the fieldwork for the British Crime Survey; and
- collating, analysing and publishing the crime statistics based on both sources.

## Questionnaire

Q1: Responsibility for the publication of crime statistics is to be moved out of the Home Office. Who should now assume this responsibility to increase public trust in the crime statistics?

A fundamental principle for a democracy that uses evidence to inform its deliberations and decisions (i.e. an open society) is that no one body should have privileged ownership, control or use of the crime statistics, especially government ministers. Responsibility means not only safeguarding the reliability of the crime statistics that are produced but also facilitating the greatest public understanding, and widest usage, of the statistics by the widest range of users, each of whom is entitled to have access to, and be able to use the crime statistics for their particular purposes. The sum of such activities would properly serve the public interest as whole, and not just the interests of the government-of-the-day. Adherence to this principle would be the best way of increasing public trust in the crime statistics.

To restore public trust, the crime statistics must be seen to be governed in trust on behalf of the public interest as a whole. The overall authority for the crime statistics is The **UK Statistics Authority (UKSA)** whose objective is to promote and safeguard 'the production and publication of official statistics that serve the public good'. In view of persistent problems of production and publication associated with Home Office custody of the crime statistics (recognised in the Home Secretary's invitation) the crime statistics should now become genuine *National Statistics*, fully shedding their present ambiguous and contentious status as departmental statistics.

It follows that primary responsibility for the crime statistics should now reside with the **National Statistician**, including oversight of their production, output and publication. The National Statistician will be best placed to assure the public of the probity of the production and publication of the crime statistics, free from the perception of political interference. The governance arrangements for the National Statistician, under the *Statistics and Registration Services Act, 2007*, should provide the basic framework upon which public trust can be built. **All operational aspects of the production and publication of the crime statistics should now be handled by the Office for National Statistics (ONS)** functioning under the Statistics Authority as a 'non-ministerial department accountable to Parliament'. The accountability of the UKSA to Parliament for the crime statistics also adds further public scrutiny through the appropriate Select Committee and National Audit Office channels.

The National Statistician should appoint an independent **Advisory Board for Crime and Justice Statistics**, composed not only of representatives of those bodies and authorities that have a specific role or interest in their production and output but also of both lay and expert members, who are representative of the diversity of interests in crime statistics and who are capable of specifying the form and content of statistical publications that reflect the primary purpose of serving the overall public interest. While interim arrangements can be put in place through current legislation, consideration should be given to placing the board on a statutory footing through amendment of the *Statistics Act, 2007*.

The role of **independent experts** within the Advisory Board is crucial, comprising a peer-review analytic college that would ensure that the presentation, analysis and interpretation of statistical publications is free from bias, that the bases and assumptions on which inferences are made are transparent, and that alternative

interpretations are acknowledged and tested against evidence. Public trust will be restored if it is clear that statistical publications are produced to the highest standards of scientific rigour.

The Advisory Board's responsibility is to ensure that **statistical publications are both scientifically reliable and accessible to the general public**. This does not mean that the former should be compromised by the latter as is occasionally the case with the current headline publication *Crime in England and Wales*. Rather, it may be appropriate to produce a range of publications for various technical and communications purposes. The Advisory Board should assist and guide the National Statistician so that, taken together, the system of publications of crime statistics preserves both principles.

Q2: Is there also a case for transferring responsibility for the management and/or compilation of data collected from the British Crime Survey and the police ? If so, where?

As noted above, the National Statistician (advised by an independent Advisory Board) should have overall responsibility for the management and compilation of both types of data. This may require the National Statistician to set up an **Office of Crime and Justice Statistics** within **ONS** to facilitate all aspects of the procurement and management of crime data (and, in the longer run, other official statistics of criminal justice). These would be similar arrangements to those of, *inter alia* the US Bureau of Justice Statistics or Statistics Canada.

It should be noted that, whereas the regulatory and governance arrangements for the collection of data on crime recorded by the police are relatively clear and on a statutory footing (see Q3), few such procedures are applied to the **British Crime Survey**, despite its increasing public importance and its endorsement as a National Statistic. Like all social surveys, the reliability of the BCS depends crucially upon its methodology. Under present arrangements, all aspects of BCS methodology are governed by 'commercial-contractual' arrangements between the client (the Home Office, a department of state) and commercial survey agencies. There is a potential conflict of interest regarding the procurement of the BCS that may be having unknown or opaque consequences for the reliability of its methodology; that is, while government procurement arrangements are rightly governed by value-for-money principles, commercial contractors' (including so-called not for profit private contractors) are also rightly governed by commercial principles. The danger is that the broader public interest in the crime statistics gets lost.

There is thus a case for removing the BCS from the Home Office and placing it within the ONS framework for the procurement and management of all other continuous national government surveys. Alongside safeguarding the probity of BCS methodology, such an arrangement is also likely to lead to economies of scale and efficiencies of production, alongside a proper scrutiny of the costs and procurement practices of what is a relatively costly item of public expenditure.

Q3: Currently, the Home Secretary determines what is recorded by the police as a crime and approves the Home Office Counting Rules for crime and statutory data requirements from the police. Should this continue or would public trust in the statistics be enhanced if this responsibility moved elsewhere? If so, where and why?

It is a social scientific truism that *what* is recorded as a social statistic cannot be separated from *how* it is recorded, *who* is responsible for recording it, and *who* for overseeing and auditing it. While it would be inconsistent, if not illogical, for the recording of data for statistical purposes to stand outside the framework of National Statistics, the recording of crime data is also an integral part of the functions of the agencies that collect them and thus falls also within their respective regulatory frameworks.

The police are not simply an agency for the collection of data on a social problem (crime) but are also tasked by society with acting upon that problem. It is inconceivable that any other agency than the police themselves could collect data on the crime that they encounter (contrary to Home Office policy, we believe the BCS ought not to be regarded as *necessarily* a better alternative measure of 'crime' that can stand against police recorded crime). Their dual purpose – as a measure of crime and as a measure of police performance – creates **endemic conflicts of interest in the recording of crime statistics** that have always acted to undermine their probity. The habit of recent governments to assume significant responsibility for the reduction of crime has also meant that crime data has become a measure of government performance too; a situation that has led to the current lack of public trust.

Although these two purposes cannot be separated, the arrangements for the collection of crime data from the police need to be handled transparently and with suitable 'checks and balances' in order to avoid as far as is practicable such conflicts of interest continuing to undermine the probity of police recorded crime data. While the Home Secretary should retain responsibility for ensuring that the definitions contained within the Counting Rules are consistent with legislation (i.e. the *legislative* function), it ought not to be the case that oversight of the *executive* function of collecting and recording crime statistics should be left in the hands of the agencies (including the Home Office) that have a vested interest in them. Aside from separating crime statistics from the Home Office, this will require a strong and **independent audit function to be applied to crime recording by the police**.

As illustration, the success of implementing the National Crime Recording Standard (NCRS) was due largely to vigorous and continuous auditing by the Audit Commission (AC) and **HM Inspectorate of Constabulary** (HMIC). *Prima facie*, it seems likely that standards will slip (and conflicts of interest reassert themselves) if and when the auditing function is relaxed. Similarly, HMIC are performing important work in auditing the recording of violent offences (which also serves as a necessary corrective to Home Office attempts to find alternative measures of dubious reliability, e.g. on 'knife crime').

With the demise of the AC, the auditing function must fall to HMIC (who in turn are independently accountable to Parliament, overseen by the National Audit Office). Properly resourced, this regulatory framework ought to be sufficient. Giving HMIC the central regulatory role in crime recording is also consistent with its statutory role regarding the police service generally.

Q4: The Terms of Reference for the review asks for consideration of the current definitions of crime. Do you have any comments?

Specifically, we would endorse the views and recommendations of the UKSA (Monitoring Report 5, May, 2010).

More generally, we would be opposed to perceptual and attitudinal data (on e.g. anti-social behaviour, fear of crime or 'satisfaction') attaining the status of crime statistics, since these are influenced by many intangible factors that may bear little relation to conditions pertaining in real situations. While it may be impossible to reach a consensus on what can or ought to be defined as a 'crime', we think it safer and more appropriate for crime statistics to seek to reflect that which is legislatively defined as a crime, sanctionable under criminal law.

We would, though, like to see a clarification and standardisation of the role and meaning of **incidents reported to the police (calls for service) and/or that the police attend**. This data source would be of considerable value in developing performance measures for police service that have some independence from crime recording as well as measuring both public usage of police services, and lower-level incidents that may not warrant recording for criminal proceedings.

Q5: It has been said that the crime statistics provide a partial picture. What, if any, are the main gaps in Home Office crime statistics that you feel should be addressed as a priority?

Our concern is less that there are 'gaps' in attaining a general picture of the totality of 'crime' (if that is what is begged by the question) because we believe that such is a conceptual impossibility. In any event, the thrust of our comments are on widening the public use of crime statistics. 'Gaps' are more in need of bridging in terms of **public ability to interpret and analyse crime statistics in a meaningful way**. This is not to be remedied simply by measures ostensibly to improve access, such as web-based crime maps, since these provide very little useful information in which to set the crime statistics in any meaningful context, an absence that may be counter-productive to improving public trust not only in the crime statistics but also in what they represent. For instance, it is by no means clear how the public perceive statistical information and trends of crime; and presenting relatively raw data does not assist the general public in reaching informed views and decisions on the extent and trends in crime in their local communities or nationally. There is an important role to be played not just in producing an 'official' picture but in facilitating the widest range of uses and possible interpretations to be had; the merits of any one particular view can only stand or fall in the course of deliberation with other interpretations that might be made.

Bringing crime statistics fully within the ambit of National Statistics also increases their potential to be linked to other local socio-demographic data. Experience in other fields of policy, such as health, or commerce (including market analysis) show that such data facilitation can reap huge benefits for policy and added-value generally. Such an arrangement might offer the possibility of developing public policy with regard to the wider range of social harms experienced by the public and the efficacy

of different regulatory approaches towards them. Again, ONS is best placed as the national broker/licensor for these enhanced applications.

Q6: What are the most important considerations for trustworthy crime statistics?

We wish to see the crime statistics constituted as a **public service**. A thorough commitment to the public interest in crime statistics would be the most important way of earning the public's trust. We will repeat our general principle: no one body should have privileged ownership or use of the crime statistics. The Statistics Authority's duty is not only to safeguard the reliability of the crime statistics that are produced but also to ensure and facilitate the greatest public understanding, and widest usage, of the statistics by the widest range of users, each of whom is entitled to have access to, and to use, crime statistics.

We believe that trustworthiness in the crime statistics needs to be demonstrated. This can be achieved only by a clear separation of legislative, auditing and executive interests in the production, supply and publication of the crime statistics, which is necessary in order to **avoid conflicts of interest**, the perception of which has undermined public trust.

Q7: What do you consider to be the main strengths of crime statistics?

The fact that reliable crime statistics often do not exist (that is, as a true measure of a difficult to define or encapsulate concept such as crime), means that it has become necessary to 'invent' them in practice; and the perception of their fabrication undermines the reliability that can be placed upon them. In other words, the moral, political and cultural 'strength' of crime statistics is also their fundamental weakness. There is no way round this dilemma and thus any effort to promote or publicise their 'strengths' is inevitably futile if not counter-productive. The best that can be done is to ensure transparency and public accountability in all aspects of the production, publication and use of crime statistics, including an honest acknowledgement of their fundamental limitations, particularly the impossibility of ever attaining a true and comprehensive measure of the totality of crime in society.

Thus, **the true strength of crime statistics lies in what they tell us about the administration of justice rather than in the supposed moral health of the nation.**

Q8: Do you have any other views you wish to feed into this review?

We believe that the view that crime statistics aim to measure the 'true' level of crime in society should be replaced with the view that they could and should be used in a democratic society as a means to hold public authorities to account for the performance of their services to the public.

**Confidentiality and data protection**

Information provided in response to this invitation to comment, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you would like the information, including personal data, that you submit to be treated as confidential, please be aware that, under FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. Before disclosing any information that is personal to you, we will inform you of this in advance of any disclosure. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

Please ensure that your response is clearly marked if you wish your response and name to be kept confidential. Confidential responses will be included in any summary of numbers of comments received and views expressed.

**Invitation to Comment Timetable**

This Invitation to Comment will run from 10 February to 10 March 2011.

It is intended to publish a summary of these comments.

## **ANNEX**

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