

Does Criminology Matter? Crime, Politics and the Policy Process

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This paper is concerned with the role which criminological research, broadly defined, plays — and ought to play — in shaping policy and practice in the Australian criminal justice system. In the first section of the paper, I briefly assess the impact of criminological research on the development and implementation of crime and justice policy by Australian governments. The general theme of this section is that, despite a marked increase in the quantity and quality of criminological research available to governments in Australia, key areas of crime and justice policy continue to be developed with little apparent regard to that research. In the second section, I identify several obstacles to the more effective utilisation of research in the criminal justice system. The focus here is on both the mechanics of the policy process and on the types of knowledge generated by criminological researchers. In the final section of the paper I consider whether there is scope for criminological research to play a greater role in the development and application of crime and justice policy.

Criminological research and the policy process

Australia has a large and active criminological research community, as indicated by the very healthy attendances at recent Australian and New Zealand Society of Criminology conferences and the increasing volume of material being published in both academic and non-academic forums. Criminology is now widely taught in universities and has proved to be a very popular area of study with students. Some criminological researchers have become prominent participants in public debates over crime and justice issues, and it has become commonplace for researchers to be invited to sit on government inquiries, committees, boards, and the like. Most Australian jurisdictions have now established and/or funded bodies specifically to collect and analyse data about crime and the criminal justice system, and to undertake policy relevant research.¹ Many criminal justice agencies, particularly police services, have also set up their own research units to evaluate programs and contribute to policy development within these agencies. In addition, substantial funding has been made

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1 These bodies have included the Australian Institute of Criminology, the National Crime Statistics Unit and National Criminal Courts Statistics Unit within the Australian Bureau of Statistics (ABS), the New South Wales Bureau of Crime Statistics and Research, the South Australian Office of Crime Statistics, the University of Western Australia Crime Research Centre (funded by a special grant from the West Australian Government), the Research and Co-Ordination Division of the Queensland Criminal Justice Commission, the Crime Statistics Unit of the Queensland Government Statistician's Office, and the National Police Research Unit. Some law reform bodies, most notably the now defunct Law Reform Commission of Victoria, have also been involved in substantial criminologically-orientated research.

available to support criminological research on matters of particular interest to governments. For example, at a conservative estimate, in 1995 State governments invested a combined total of around \$500 000 in crime victims surveys, and the Commonwealth Government is currently committed to funding a national survey by the Australian Bureau of Statistics of violence against women, at an estimated cost of at least \$1.8 million. Similarly, various one-off inquiries, of which the Royal Commission into Aboriginal Deaths in Custody is probably the most notable, have initiated extensive and well resourced research programs.

This growth in research activity has contributed significantly to the stock of criminological knowledge, helped to inform public debate and discussion, and generated valuable information, arguments and ideas for use by protagonists in the policy process (Chan 1995). However, despite the increase in the quantity and quality of research available to governments, key areas of crime and justice policy continue to be developed with little apparent reference to this research. Some findings and ideas from the criminological literature undoubtedly do find their way into the 'mainstream' policy process (see below) but this does not occur on a systematic or routine basis. Politicians from both major political parties still claim (particularly around election time) that they can reduce crime by toughening up penalties and increasing the number of police, despite overwhelming evidence that such responses do not work. Governments and politicians persist in justifying actions by reference to law and order crises, even though there is no evidence of the existence of such crises. Police services keep policing in much the same ways as before, notwithstanding that the traditional reactive patrol model has been shown not to be effective. Policy makers also continue to conceive of policy responses to crime in very narrow terms, rather than taking account of the impact of other factors such as urban design, and economic and welfare policies.

Queensland provides an instructive case study in this context. Seven years ago, Commissioner Tony Fitzgerald handed down his report on corruption and misconduct in the Queensland Police Service and public sector. Amongst other things, this report was extremely critical of the way in which criminal justice policy was formulated in Queensland. According to Fitzgerald:

Problems, when they emerge, tend to be presented as isolated dilemmas with simple solutions, and Governments are often tempted to solve them by passing laws forbidding certain behaviour. This is often done without any real research and without any regard to the ability of the law enforcement system, including the Police, the courts and the prisons, to cope with the burden of extra enforcement. Passage of such a law usually, however, gives the Minister responsible a sense of accomplishment, leaves the bureaucracy in control, and gives the impression that a Government is alert and active. The media rarely examines the issues in any depth, often endorsing the view that problems have simple solutions which can be applied by quick legislation (Queensland Commission of Inquiry 1989:140).

The solution proposed by Fitzgerald was to create an independent agency in the form of the Criminal Justice Commission which, through its Research Division, would take responsibility for co-ordinating the development and implementation of criminal justice policy across the different parts of the criminal justice system, and would conduct research which would provide the basis for rational and informed policy decisions. Amongst other things, it was envisaged that the Commission would advise the Queensland Police Service on the most effective methods to use in the fight against crime, and the Government on the appropriate level and distribution of resources within the criminal justice system. Fitzgerald optimistically anticipated that these bodies would generally act on the Commission's advice.

Although the Fitzgerald Inquiry recommendations were adopted 'lock, stock and barrel' in 1989 by the then National Party Government, in practice Queensland has fallen far

short of achieving the rationalist, apolitical utopia envisaged by Fitzgerald. During the six years of the Goss Labor Government there were some worthwhile, if limited, institutional and legal reforms introduced and the Government for the most part resisted the more excessive demands of the law and order lobby. However, there was little effective coordination of policy and many decisions were still made on the run in response to specific problems, rather than being shaped by some broader view about where the criminal justice system should be heading. Conversely, comprehensively researched reports pertaining to sensitive political issues such as prostitution and cannabis law reform were not acted on.

The poor quality of policy making in Queensland is partly attributable to local factors, such as: the absence of a research tradition within the Queensland public sector; a non-ideological, highly pragmatic and, at times, cynical approach to politics by both major political groups; and a traditional lack of openness in political institutions and policy processes. However, the differences between how criminal justice policy is made in Queensland, as opposed to other jurisdictions, are matters of degree only: every jurisdiction falls far short of the model approach envisaged by Fitzgerald. For the reasons which I discuss below, rational, orderly and informed policy-making exercises continue to be very much the exception rather than the norm.

Obstacles to the greater utilisation of criminological research in the policy process

Process issues

The influence of research on policy outcomes will be maximised where the decision-making process approximates what has been described as the rational actor (Allison 1971) or analytical (Steinbrunner 1974) paradigm of decision-making. In this model: (1) organisations and systems are constantly seeking to improve their performance; (2) there is broad agreement amongst decision-makers about what problems they are addressing and what objectives they are trying to achieve; (3) within the time constraints imposed by the decision-making process, decision-makers collect and analyse as much relevant information as possible; (4) choices are made on the basis of a dispassionate assessment of what will work best according to the information available; and (5) there is careful monitoring of policy implementation, with adjustments being made as necessary if the policy is found to not be working as intended.

In practice, decision-making processes in the criminal justice system — and, indeed, in government in general — usually bear little resemblance to this ideal.

First, most of what happens on a day-to-day basis in agencies such as the police and corrective services is determined by routines, practices and scripts, and by external and internal imperatives. Far from seeking to continually improve their performance, agencies tend to avoid innovative action unless there is some significant disturbance in their field of responsibility (for instance, a blow out in prison numbers; a rash of police shootings; uncontrollable allegations of corruption) or they have demands imposed on them by central agencies and/or Ministers, or the external political environment.

Second, the criminal justice system — like any complex system — is characterised by ongoing conflicts of values and interests, rather than by value integration. The system — to the extent that one can put a boundary around it — is composed of a variety of agencies with distinct, and sometimes conflicting, functional responsibilities, conceptual frameworks and political constituencies. Formal and informal mechanisms have been established in an endeavour to co-ordinate the activities of these different players, but much of the time there

is little genuine integration. Furthermore, the system and its processes are suffused with politics: 'little' politics within agencies and parts of agencies; bureaucratic politics between agencies; and 'big' politics in relation to issues which find their way into the public domain. Research findings tend to be assessed for their political and symbolic value, rather than their inherent intellectual worth. Consequently, whether a research study is embraced, ignored, misrepresented, or attacked is likely to be contingent on how various players in the policy process see that research as fitting into their own political agendas (see Brereton 1994).

Third, policy makers often give the impression of trying to get by with as little information as possible, rather than endeavouring to become fully informed about all options and possible consequences. Policy choices are usually forced by internally and externally imposed deadlines, rather than being 'information driven', and chance interventions and events may sometimes make a significant difference to policy outcomes.

Fourth, the rational actor paradigm assumes that the primary objective of decision makers is to identify and implement policies which work. However, this instrumentalist perspective on the policy process ignores the fact that many criminal justice issues, especially those which attract media attention, have a high symbolic content (sentencing policy being perhaps the most obvious example). For these types of issues, it is particularly difficult to get people to focus on such mundane issues as whether there is, in fact, a problem and whether the proposed alternatives would do anything to address it; instead, the overarching consideration is to find a policy response with the right symbolic resonance.

Fifth, criminal justice agencies typically pay only limited attention to implementation issues. It is still relatively rare for new policy initiatives to be systematically monitored and evaluated and for policy makers to modify policies on the basis of such research. Once a policy is in place, the issue is usually deemed to have been resolved and the attention of policy makers then shifts to other concerns. Where evaluations and impact studies are undertaken, resistance will frequently be encountered from 'stakeholders' associated with the policy initiative concerned. Hence, even where strong evidence is produced that something is not working as intended, there is no guarantee that decision makers will act on that information.

Utility of research

The discussion so far has focused largely on the mechanics of the policy process to explain why criminological research has not had a more direct and sustained influence over criminal justice policy and practice. An added factor is that the type of information produced by criminological researchers may not always be of great utility to policy makers because of the latter group's different knowledge requirements.

Policy makers, by virtue of their positions, are primarily interested in manipulable variables: they want to know what 'levers' they can pull to get results. By contrast, much criminological research, quite properly, focuses on causal factors (socio-economic structures, gender, and so on) which governments do not have the will and/or capacity to control. Relatedly, policy makers are most concerned to know what they should do. By and large, criminologists have been better at critiquing existing policies, and documenting what does not work, than at coming up with policy initiatives which can be implemented within the existing institutional and socio-economic framework.

Policy makers also want quick and definite answers, whereas researchers are naturally inclined to be cautious and to place qualifications and caveats on their findings. As researchers, we know that it is not possible to say after only a few months whether a particular policy initiative has been successful in reducing recidivism: this issue can only be

properly investigated by setting up a careful research design and testing for possible effects over an extended time frame. However, policy makers, under intense organisational and political pressure to produce 'deliverables', understandably find it very difficult to wait that long.

A further, and very important, consideration, is that many of the key issues which policy makers are required to deal with involve important value conflicts. Such issues cannot be resolved simply by collecting more and better information. For example, there is no empirically 'correct' answer to the question of whether the offence of rape should be re-defined to encompass a wider range of behaviour: this issue can only be dealt with effectively through a process of argument, negotiation, compromise and persuasion. Researchers may be able to inform this process in various ways, such as by providing information about the likely impact of a definitional change on the number of rape prosecutions and the incidence of offending, but the key issues — as in other areas of crime and justice policy — are philosophical and political, rather than empirical.

In summary, the mechanics of the policy process create substantial — and probably insurmountable — barriers to the orderly, systematic and detached consideration of research findings. Furthermore, the type of knowledge produced by criminological researchers often does not match with what policy makers need, or think that they need.

In making these observations I am not suggesting that what researchers do is thereby irrelevant to the policy process. As Janet Chan has observed, social scientific theories, concepts and orientations [for example, 'net widening', 'crime rate', 'police culture'] are often taken over by lay actors in such a way that these concepts eventually shape how policy makers perceive social issues (1995:26; see also Weiss 1986). As noted, various players in the policy process will often selectively draw on the research literature to support their own positions, or to find ammunition with which to attack opponents. In addition, on occasions, particular research studies have proved to be very influential in shaping policy choices: for example, the Minneapolis Domestic Violence Experiment (Sherman and Cohn 1989) and, in the Australian context, the research done for the Royal Commission into Aboriginal Deaths in Custody. More generally, researchers can help to temper the tone of policy debate by discouraging hyperbole and keeping the participants honest (Brereton 1994:83–85). However, for the most part, the linkages between research and policy have proved to be indirect and, at times, quite tenuous. For the reasons stated above, interest in and utilisation of research findings by policy makers has been sporadic rather than routine, and often coloured by the politics of the issues and agencies involved. There has also been considerable unpredictability as to which particular ideas and research findings have been incorporated into the decision-making process.

Implications for the future

In recent times various attempts have been made to improve the quality of decision-making in the criminal justice system, and in government generally. In some jurisdictions special agencies have been set up to formulate, co-ordinate and implement government-wide responses to crime and justice issues (for example, the South Australia Office of Crime Prevention; the Commonwealth Law Enforcement Board). There has been a substantial improvement in the quantity and quality of information available to decision-makers, as a result of the establishment of various State and federal crime statistics and research units (see above). Also, as part of wider moves within government, efforts have been made to compel criminal justice agencies to think more about what they do and to act more purposively, by

requiring these agencies to adopt corporate plans and performance indicators, and to undertake periodic program evaluations.

Hopefully, over time these various initiatives may make policy makers more attuned to the findings of criminological research, but it will never be possible to take the politics out of crime and justice policy, or to impose a model of formal rationality on the policy process. There will always be tension, conflict and inconsistency within the criminal justice system, because of the contradictory nature of the functions which are carried out by, and within, different parts of that system. Furthermore, the sheer complexity of large-scale systems (of any kind) and the unpredictability of the wider environment will continue to constrain the capacity of decision-makers to process relevant information and to formulate and adhere to consistent and logical policies.

Although criminological researchers themselves cannot do much to alter basic mechanisms of the policy process, there is nonetheless some scope for researchers to increase the 'take up rate' of information and ideas. This can be done by undertaking more research with an applied focus and by thinking more about how the findings of that research are communicated.

Applied research, broadly defined, is research which is conducted in response to particular issues and problems, and aims to formulate, implement, assess and document practical responses to those problems. For reasons which I have documented at length in this paper, there is no guarantee that such research will be picked up in the policy process, but the probability of it being utilised will obviously be greater than where the research has no direct application to the types of problems which confront policy makers.

Some critics see applied research as inconsistent with the 'true calling' of criminologists, which is to engage in critical theorising about crime and the criminal justice system. For instance, in a recent paper McConville and Sanders charged that 'the administrative criminological mind-set ... views theoretical discussion as a threat to the policy repair kits that administrators from time to time apply to the criminal justice process' (1995:201). However, the best applied research (for example, the Surfers Paradise Safety Project developed by Ross Homel and others, and the work being done in the general area of situational crime prevention) is theoretically informed, even if the theoretical frameworks which are drawn upon are not to everyone's liking. The results of well designed applied research projects can also have significant theoretical implications, as is likely to be the case in relation to work currently being undertaken on family group conferencing. This is not to argue that applied research should not become the pre-eminent activity of the criminological research community, but some re-focusing of energies seems appropriate: making a difference, even if it is only a localised scale, is surely a worthwhile activity.

Criminological researchers could also give some more consideration to how and to whom they disseminate their research. Talking to and with each other at academic conferences and through academic journals are enjoyable and worthwhile activities, but more can be done to communicate research findings to wider audiences. This need not involve dealing with the mainstream media, although this may be necessary where there is public debate going on around certain types of issues: other strategies can include attending meetings of professionals and practitioners, making submissions to reviews (such as the current New South Wales Royal Commission), preparing reader friendly summaries of research for dissemination; setting up and running demonstration projects; and even the use of audio-visual media to communicate information. As Janet Chan has observed, criminological research 'is never going to keep pace with the six o'clock news' (1995:28), but this should not absolve criminological researchers from doing what they can to ensure that key research findings are brought to the attention of decision-makers who are in a position to act on those findings.

Conclusion

The short answer to the question posed by the title of this paper is that criminological research influences policy and practice in the criminal justice system in *some ways some of the time*. However, the connections between research inputs and policy outcomes are often indirect and there is an element of arbitrariness in terms of which information and what ideas are taken up and how they are utilised.

I would like to be able to conclude the paper by predicting that the research function will come to play a more central role in the development and application of policy, but as yet there is little evidence of such a trend. As I have argued, decision-making processes in the criminal justice system, as in all complex systems, present substantial and probably insurmountable obstacles to the development of a 'research driven' style of policy making. These considerations aside, criminological research has only a limited capacity to satisfy the knowledge requirements of those responsible for formulating and applying crime and justice policy. There is certainly scope for criminological researchers to have a greater impact on the policy process than is the case currently, by doing more in the way of applied research and by making a greater effort to communicate the results of that research to relevant players within the criminal justice system. However, the ideas and information generated by researchers will continue to be only one of many factors feeding into the policy process. The best we can hope is to make the system somewhat more informed and reflective than it is at present, and to reduce the probability of governments adopting seriously harmful and/or counter-productive policies in the area of crime and justice. In the current climate, to make even some modest gains in this regard would be a considerable achievement.

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