

# ACCOUNTABILITY, EVIDENCE-BASED POLICYMAKING, AND 'SILLY STATISTICS'

**Ann Scott<sup>1</sup>**

The Fitzgerald Report drew attention to the special role a police force plays within the criminal justice system:

The institutional culture of a police force is of vital importance to a community. A police force is numerically strong, politically influential, physically powerful, and armed.

It stands at the threshold of the criminal justice system and is in effective control of the enforcement of the criminal law. Each police officer has extensive authority over all other citizens, however powerful, coupled with wide discretions concerning its exercise. Subsequent stages in the criminal justice process, including courts and prisons, are largely dependent on the activities of the Police Force, and will inevitably be affected by its deficiencies, especially any which are cultural and therefore widespread.<sup>2</sup>

The Police Service I joined in 1994 was still in shock after the revelations of the Fitzgerald Inquiry. I found myself working beside officers who had been seconded to assist the Inquiry as well as many others who were profoundly disturbed by the depth of the systemic corruption that had been exposed.

It was a hard task, in the wake of Fitzgerald, to demonstrate to the Queensland community that it now had an impartial, trustworthy police service and it was the relationship between the police and the government of the day which was at the heart of the corruption scandals exposed in the late 1980s.

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<sup>1</sup> My Queensland memory goes back to the early 1980s when I wrote my doctoral thesis on education policymaking in Queensland. It was a study of a parliamentary committee chaired by Michael Ahern MLA, then a National Party backbencher. After I completed it I moved into the Queensland public service - spending three years in the Department of Education. In 1987 my husband and I moved to Canberra, so we were away during the Fitzgerald Inquiry.

Our current Attorney-General, Jarrod Bleijie, was seven years old in 1989 when Mr Justice Fitzgerald presented his report to Michael Ahern, who by that time had become Premier of Queensland. It was National Party Premier Ahern who announced that the Fitzgerald recommendations would be implemented 'lock, stock, and barrel'.

I moved back to Brisbane in 1990 after the Goss Government was elected, to a public service undergoing sweeping post-Fitzgerald reforms. After two years in the Office of Cabinet I shifted to the Public Sector Management Commission's Review Division which was systematically reviewing every government department. There I worked on reviews of emergency services, corrective services, and the Queensland Police Service.

One of the public service reforms introduced mobility across departments. The Fitzgerald Report had recommended the civilianisation of many administrative positions in the police service. In 1994 I responded to an invitation to apply for a policy position in the Office of the Police Commissioner. I remained there until I retired as Director of the Office of the Commissioner in 2005.

<sup>2</sup> Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, *Report Of A Commission Of Inquiry Pursuant To Orders In Council*, ('The Fitzgerald Report') 29 June 1989, p.200.

It is for this reason that it has been disturbing that since passing its controversial Vicious Lawless Association Disestablishment (VLAD laws), the government appears to have been using police for political ends. We have seen many images on the evening news of police raids on bikie establishments - images kept at the forefront of our minds while lawyers and civil libertarians debated the ethics of the legislation.

No-one would argue that the police should not be trying to control organised crime, as they have been doing over many years. However, Outlaw Motor Cycle Gangs are only one component of crime in Queensland, albeit highly visible, but it is simplistic to imply that they are our only, or even our greatest, crime threat.

### **Silly Crime Statistics**

On 14 June the Attorney-General claimed the VLAD laws to have been successful: "We have seen a reduction in crime, in most areas in Queensland, between 20 and 50 per cent ... the sharpest decline in crime reduction across the state in recorded history".<sup>3</sup> Despite its inadvertent double-negative, this seemed a heroic claim, so I tried to check it.

In the late 1990s, after the information technology systems were able to provide the data, the Queensland Police Service started to publish an Annual Statistical Review which provided both recent crime figures and historical crime trends. When attempted to verify the Attorney-General's claim, I discovered that the Statistical Review ceased with its 2011-12 issue.

In George Orwell's *Nineteen Eight-Four* Winston Smith's job was to 'rectify' articles in old newspapers that did not accord with the latest government propaganda.<sup>4</sup> These rewrites were 'delicate pieces of forgery in which you had nothing to guide you except your ... estimate of what the Party wanted you to say'.<sup>5</sup>

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<sup>3</sup> See Terry Goldsworthy on what recent crime statistics demonstrate about the 'bikie' crackdown at <https://theconversation.com/crime-stats-provide-reality-check-in-queenslands-bikie-crackdown-30908>

<sup>4</sup> Under a Newspeak instruction 'doubleplusungood refs unpersons rewrite fullwise upsub antefiling'. Orwell, G. *Nineteen Eight-Four*, Penguin Books, 1949.

<sup>5</sup> Orwell, G. *Nineteen Eight-Four*, Penguin Books, 1949.

Is history being 'rectified' now?

The Fitzgerald Report demonstrated that in the 1980s the fight against crime had been a losing battle and that for more than ten years the crime statistics published by the Police Department had tended to hide the state of crime in Queensland.<sup>6</sup> The report provided graphs of the true situation (see Appendix).

At the 2014 Budget Estimates hearings, the Attorney-General claimed that the LNP had saved the Queensland community from the ALP's 'havoc and chaos'. The Police Minister has referred to 'silly statistics' when defending the government's claimed 11 percent drop in crime over the past year, compared to the official police figure of 2 percent.

The final Statistical Review from 2011-12 covers the crime trends between 1982-2011 (see Appendix). These demonstrate that over the previous decade, with the inevitable peaks and troughs, crime had been falling in most categories.

It is dishonest to suggest otherwise, and unfair to the police. Fitzgerald recommended an intelligence-led approach to policing with the emphasis on crime prevention rather than reactive policing. Implementing this was greatly aided by new information systems and other technologies such as CCTV. After his appointment in 2000, Commissioner Bob Atkinson introduced regular Operational Performance Reviews that focussed on systematic analysis of the computerised crime statistics from each police District to focus on attacking the causes of crime.

Ceasing to publish the long-term trends in the Statistical Review has enabled the government to make exaggerated claims about its 'crack-down'. Almost all the trends peak at about the turn of the century and then begin to fall, some quite rapidly. Drug offences defy the trend because they do not reflect reactive policing (reported crime), but reflect proactive policing against drugs. Furthermore crime has been trending down across Australia.

In my current role, managing the TJRyan Foundation website, I identify articles in the open source media, or on other public policy websites, which are relevant to Queensland policy-

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<sup>6</sup> Fitzgerald Report, p.161.

making and politics. Over the past year it has been striking how many have focussed on accountability, the criminal justice system, or civil liberties. Since the LNP Government took office in Queensland in 2012 there appears to have been a systematic effort to reduce government transparency, and to silence critics. We have seen the legislative attempts to silence the unions; the 'no public criticism or advocacy' clauses for any community groups receiving government funding; the sacking and restructuring of the Parliamentary Criminal Justice Committee and the old Crime and Misconduct Commission. The Attorney-General now has the power to veto the Crime and Corruption Commission's research agenda.

One worrying trend to emerge both at the national and State level has been the cutbacks to the organisations that collect and analyse the data that provides the evidence that should inform policymaking, as well as providing the kind of transparency we have come to expect in a democracy. This neo-liberal 'anti-evidence' (and increasingly unaccountable) culture has led to severe cuts to the Australian Bureau of Statistics and the CSIRO. In Queensland, research units were also severely pruned or abolished, leading to the loss of analytical capability. For example, the monthly Economic Report was reduced to quarterly in June 2012 and ceased publication in January 2013. We can add to this, the loss of the Statistical Review. Alone, each would be a cause for concern; together, they cause deep unease.

The Queensland government has also created an atmosphere of fear that is leading to self-censorship. This has been noticeable to us in the TJRyan Foundation. Many people have said that they support our progressive objectives, but don't want their names publicly associated with us for fear it might affect future research grants, career prospects or access to official data.

The Fitzgerald Report commented on a similar political ethos the late 1980s:

In the past, when church and other community leaders, including academics, have expressed independent concerns with respect to public issues in Queensland, their comments frequently have been rebuffed by a barrage of propaganda and personal abuse.<sup>7</sup>

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<sup>7</sup> Fitzgerald Report, p.142.

## ***Freedom of speech cartoon***

Mr Justice Fitzgerald himself has recently been at the receiving end of barrages of personal abuse. Last month Terry Sweetman wrote in the *Courier-Mail* of:

... a selective deafness that afflicts our government, allowing it to tune out its critics and amplify its supporters. Among those it doesn't much like to hear is corruption buster Tony Fitzgerald, who is widely lambasted as a 'Labor stooge'. ... The list of those who have been verbally assaulted, accused of comforting criminals, protecting pedophiles and being driven by base political or personal motives seems endless.<sup>8</sup>

In 2013, Mick Keelty's review of the Queensland Police and Community Safety criticised the Service for hiding behind the Fitzgerald recommendations to justify lack of cooperation with other agencies. The Keelty report stated:

Former Justice Tony Fitzgerald AC QC reported nearly 25 years ago. It is time for the Queensland Police Service to draw a line in the sand and take the opportunity to get on with its work while at the same time engaging an appropriate level of oversight, accountability and transparency having learned from the past.<sup>9</sup>

Many of the cohort of police who were at the forefront of implementing the Fitzgerald reforms have retired: some left the service recently through the public sector cutbacks and restructure that took place early in 2013, when 110 of the senior commissioned officers and 212 civilians were offered redundancies. This means loss of the institutional memory of the post-Fitzgerald reforms, and of the work that went into building new ethical standards into the police service.

There should be no line drawn in the sand because it is 25 years since the Fitzgerald Inquiry. Let us hope that the lessons of 25 years ago have not been forgotten, and that the

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<sup>8</sup> Terry Sweetman, 'Opinion: Selective deafness afflicts the Newman Government allowing it to tune out critics and amplify supporters', *Courier-Mail*, 1.8.2014.

<sup>9</sup> *Sustaining the Unsustainable: Police and Community Safety Report*, Queensland Government, August 2013, p.20.

impartial role of the police service, fundamental to the separation of powers, is not compromised by becoming part of a political media circus.

The Fitzgerald Report pointed out the risks when government is not open to scrutiny or constructive criticism:

Good government is more likely to result if opposition, criticism and rational debate are allowed to take place, appropriate checks and balances are placed on the use of power and the administration is open to new ideas, opposing points of view and public scrutiny.

This is even more important in areas which affect the whole of society. Law enforcement and the administration of criminal justice are two such areas, since crime threatens the whole of the community. These issues should therefore transcend party political loyalties.<sup>10</sup>

So my two messages for today are:

- (a) We should not 'draw a line in the sand' because 25 years have passed since the Fitzgerald report but be more, rather than less, vigilant about the potential for corruption; and
- (b) We should also recognise that over the past two decades published data on government performance has made a vital contribution to good policymaking, and in helping to demonstrate what works and what doesn't. Loss of this data is a loss to good public policy-making and to the government accountability we have a right to expect.

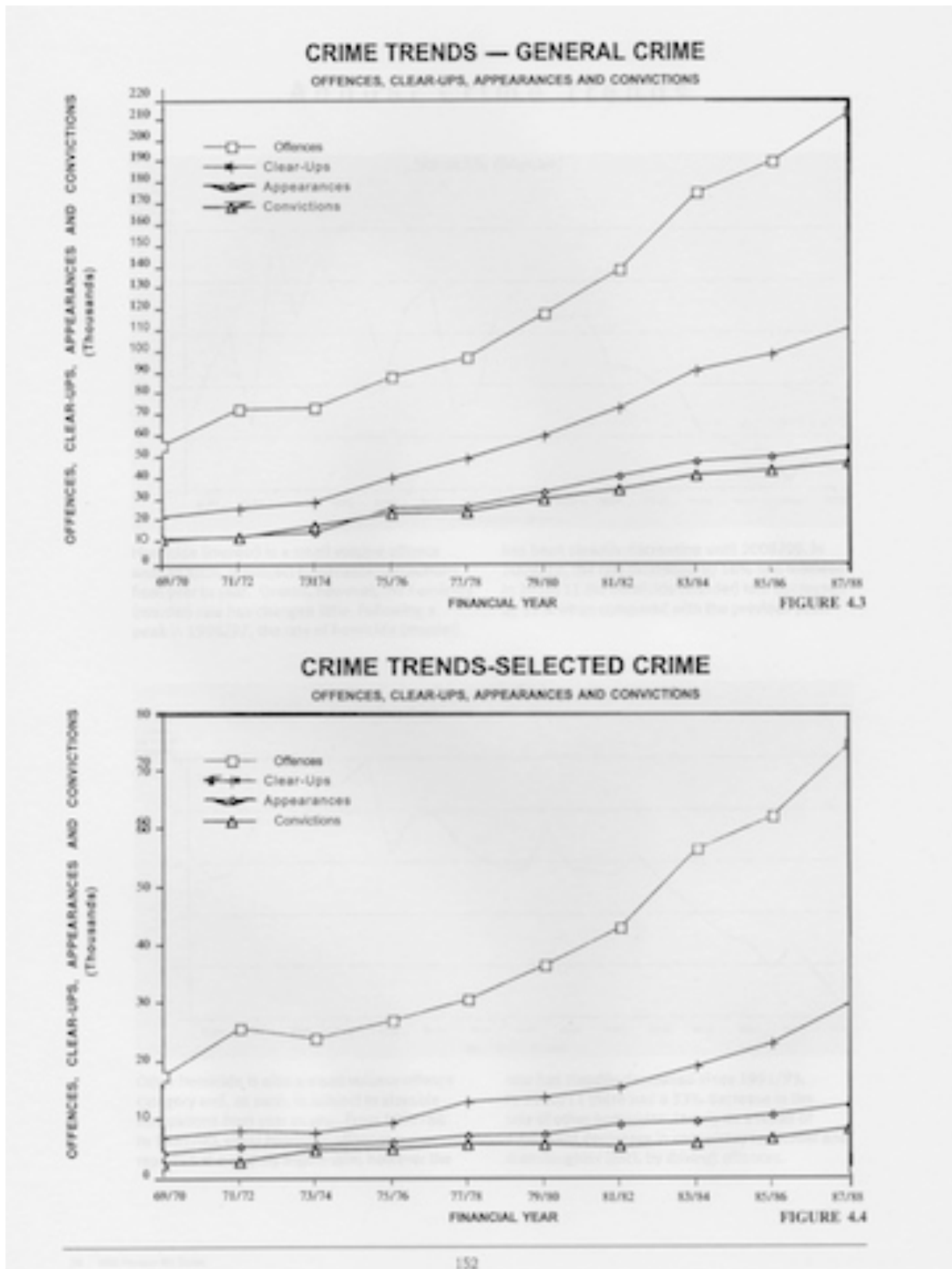
Even though we are out of step with the evidence-free ideology of the 'neo-liberals', at the TJRyan Foundation we remain firmly committed to evidence-based policymaking.

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<sup>10</sup> Fitzgerald Report, p.358.

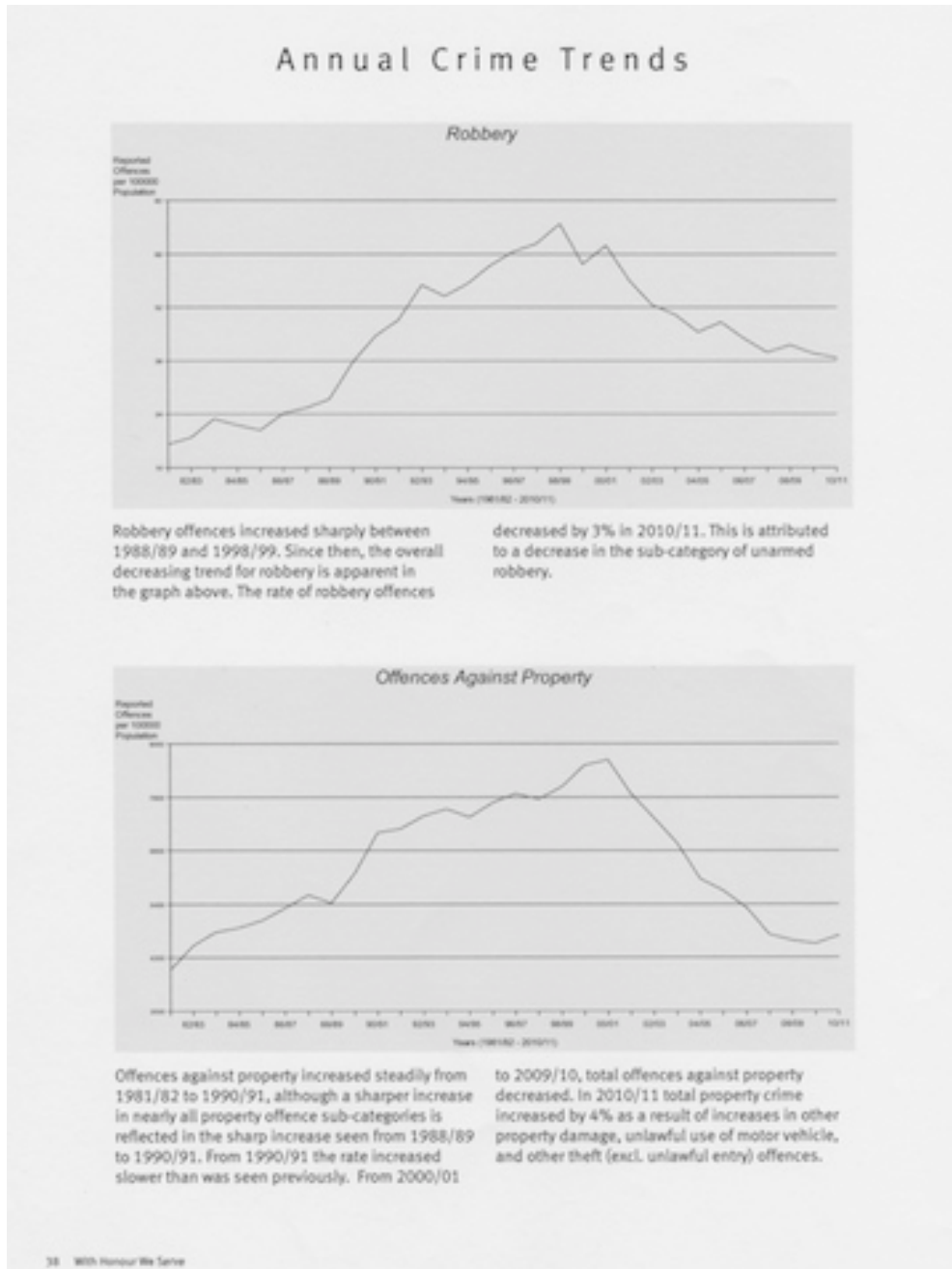
**APPENDIX**

**Crime statistics graph from the Fitzgerald Report<sup>11</sup>**



<sup>11</sup> [https://www.google.com.au/?gws\\_rd=ssl#q=fitzgerald+report](https://www.google.com.au/?gws_rd=ssl#q=fitzgerald+report)

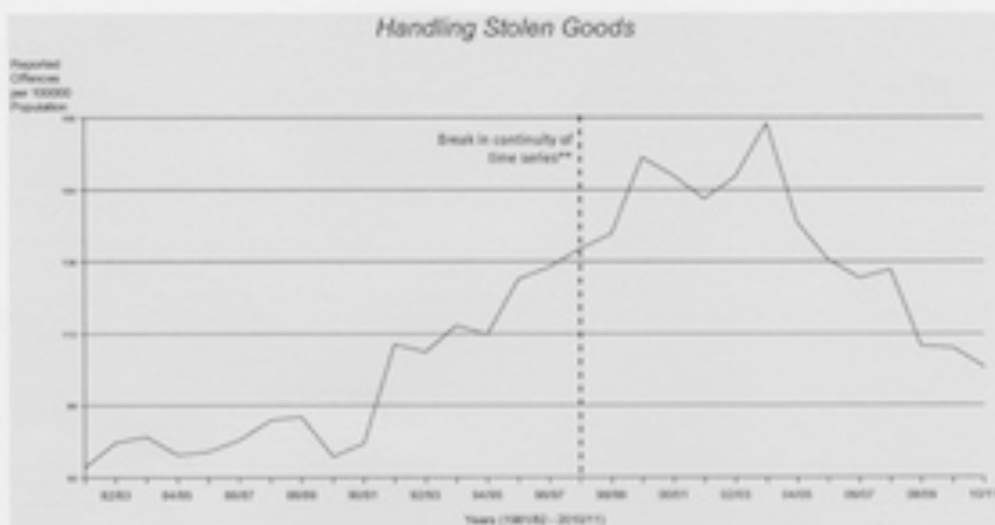
## Selected crime trends from the Queensland Police Service Statistical Review 2011-12<sup>12</sup>



<sup>12</sup> The full set of statistics, with clearer images, can be found at <http://www.police.qld.gov.au/services/reportsPublications/statisticalReview/1112/>

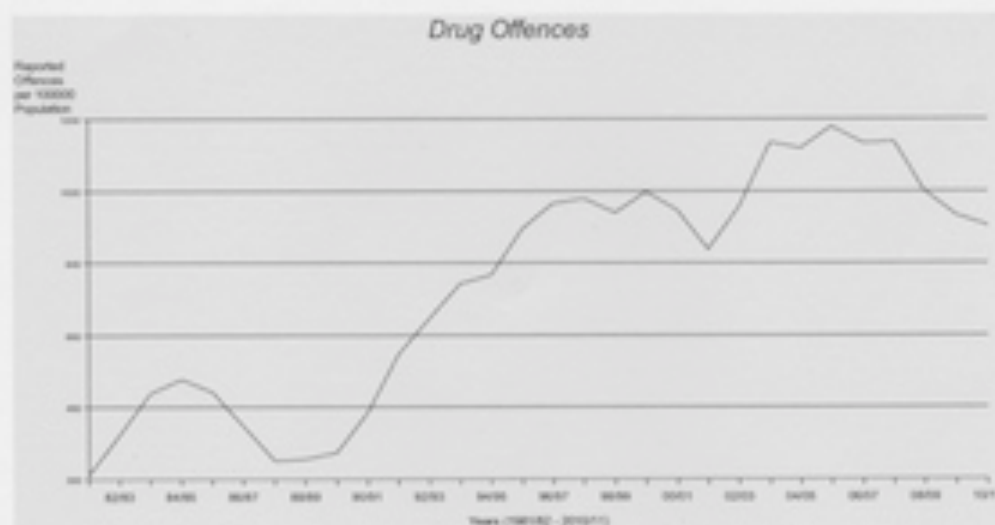


## Annual Crime Trends



Handling stolen goods was expanded in 1997/98 to include the sub-categories possess, receive, etc. tainted property and other handling stolen goods\*\*. possess, receive, etc. tainted property is now the largest in volume of the offence sub-

categories resulting in the necessity for caution when making comparisons prior to and following this change. In the year under review, the rate of offences decreased by 6%.



Apart from a period in the mid to late 1980s, possibly due to the reallocation of police resources resulting from the Fitzgerald Inquiry, drug offences steadily increased up to 1999/00. Following a sharp increase from 2001/02 to

2003/04 the trend has remained relatively steady until 2007/08 where a decreasing trend can be seen in the graph. The current period under review has recorded a decrease of 2% in the rate of drug offences.