Consultation on the presentation of Official Statistics on recorded crime and related topics

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In response to the consultation questions, I have provided a set of responses based on my knowledge and experience of presenting and using crime data over the last 30 years. In doing so, I have reflected on the needs of data users, on the value and meaning of the data, and on how it might be improved to make it fit for purpose in the future. Overall, I am in agreement with the proposals that have been put forward for changing the presentation of the crime statistics, and I believe that they will provide greater clarity in terms of crime trends and patterns for data users.

One specific issue that I have considered carefully is whether it continues to be of value to make the (somewhat) arbitrary distinction between crimes and offences in Scotland. In my view, there is a danger that this distinction is being used to make a normative judgement about what types of offending behaviour are 'serious' or harmful and which are not. I do not feel there is sufficient information based on crime type alone to make these judgements, and that it is not the purpose of statistical reporting to do so. Rather, I believe that the crime groups should share commonalities in terms of nature and manifestation such that it is meaningful to discuss them collectively (i.e. that they help us to understand the attributes of distinct but related types of offending behaviour).

I should note that I believe the Scottish crime statistics are amongst the best in the world, in terms of accessibility and clarity. The Scottish Government has made, and continues to make, widespread improvements to the data it provides – both in terms of topical reports and bulletins, and raw data - which is of significant benefit to data users.

My views on the specific consultation questions are provided below.

Question One - Do you have any views or feedback on the purpose statement and supporting principles developed by the Crime Board for the production of recorded crime statistics? Should any changes be made to these?

Overall, I am supportive of the purpose statement and supporting principles developed by the Crime Board. They take account of user needs and promote the key principles of consistency and comparable time series trends. Further, they take account of the need to promote the understanding of criminal behaviour and how it changes.

My only concern with the purpose statement is the continuing decision to classify 'crimes' and 'offences' separately. It is noted in the consultation document that the recorded crime bulletins have used this binary distinction since the 1920s, so it is a longstanding tradition. But given that the consultation document states that the distinction is made "only for statistical reporting purposes" it is questionable to what extent it continues to be relevant, useful or sensible in modern times. The decision to classify offences and crimes is based primarily on grounds of 'seriousness' (according to sentencing patterns) and 'reporting/recording' (i.e. whether incidents are typically reported to the police or recorded as a result of policing activity). By defining crimes and offence groups according to seriousness, the bulletin does introduce a level of normative judgement which may or may not be justified. For example, drug possession is included as an offence because it is classed as 'victimless'.

This portrays it as having a low level of 'harm' which may not necessarily be true (especially given the current prevalence of drug related deaths in Scotland). In addition, it is clear that some of the decisions about the restructuring of the current groups are based on considerations of public perceptions of seriousness (e.g. whether to retain crimes of prostitution under sexual crimes).

I would argue that the distinction between crimes and offences is, to a large extent, arbitrary and serves little purpose in terms of promoting our understanding of criminal behaviour or meeting user needs. It should be a guiding principle that crimes are grouped together in the most useful way possible to distinguish between types of crime (in terms of how they are perpetrated and what they represent to the public), rather than try to make normative or moral judgements about the level of harm they cause to society (which cannot be identified from the crime/offence group alone, and may well be subject to change over time).

Question Two - Do you have any views on using multiple groups, as outlined above, to present statistics on the general area of non-sexual violence in Scotland? (As an alternative to having one group with multiple subcategories)

I am in favour of creating multiple groups for non-sexual violence as outlined in the consultation document. It makes a great deal of sense to introduce a separate group for common assault, since this ensures that users are easily able to examine trends over time in violence across all types and levels. It also makes sense to consider robbery as a separate category since, although it is a crime of violence, its trends and patterns are more in line with those of other forms of theft. Including a separate category of domestic abuse and other cruelty makes sense given recent changes in the law (and draws attention to the issue of domestic violence more generally).

Question Three - Do you have any views on creating a 'Homicide, attempted murder & serious assault' group to cover the most serious acts of non-sexual violence in Scotland?

I agree with creating a group covering homicide, attempted murder and serious assault as these do group together meaningfully, both in terms of crime manifestation and level of harm. However, I would question whether FGM should be included under non-sexual crimes of violence or under the category of domestic abuse and other cruelty. While FGM is a form of serious physical violence, it would typically differ from incidents of homicide, attempted murder and serious assault in terms of the modus operandi and the motivation for the office. In my view, it would fit more sensibly within the category of domestic abuse and other cruelty from the perspective of 'understanding patterns of crime'. The question of seriousness of the act is not one that can be well addressed simply based on crime group.

Question Four - Would the reclassification of common assault from a recorded offence to a recorded crime add value to these statistics? If so, do you have any views on the proposal to have a 'Common assault and other violence' group'?

I agree with the proposal to create a separate crime group for common assault, as it makes sense to separate this out from other forms of behaviour. I do not agree with the proposition that this would "decrease the statistical visibility of more serious incidents". Rather, I would suggest that it will allow data users to more easily compare trends and patterns in the various different manifestations of violence within Scotland (which is important give that falling levels of violence in Scotland over the last decade reflect greater reductions in non-sexual crimes of violence than common assault).

Question Five - Would you favour splitting Common assault in future years into 'Common assault with injury' and 'Common assault without injury'?

I agree with the proposal to provide separate figure for common assault with and without injury. This would bring it into line with how violence figures are presented for England and Wales, and does provide a meaningful distinction between more and less serious incidents (which is not possible with many other crime groups). I would further argue that the same distinctions should be provided for the Scottish Crime and Justice Survey, which would also make it in line with the Crime Survey for England and Wales.

Question Six - Do you favour the creation of a separate group to present statistics on crimes of robbery?

I agree with the proposal to create a separate group for robbery as its trends and patterns are typically distinct from other forms of violence, and more in line with those of property theft. However, to keep it in line with common assault, it would be very useful to present separate data for robbery involving physical injury and robbery that does not. This would help to determine whether the seriousness, as well as the level, of violent crime is shifting over time.

Question Seven - Do you have any views on the proposal to create a 'Crimes of domestic abuse and other cruelty' group? Is this the right place for the new crimes of domestic abuse and would you favour transferring cases of stalking into this group?

I agree with the proposal to create a distinct 'crimes of domestic and other cruelty' group. This would be the right place for recording any violent crimes that are primarily driven by circumstances relating to domestic settings and relationships or are intended to be cruel as well as physically harmful. It is for this reason that I would favour placing female genital mutilation in this category. I would also agree that stalking should be recorded in this group.

Question Eight - Do you have any views on using multiple groups, as outlined above, to present statistics on Sexual crime in Scotland? (As an alternative to having one group with multiple sub-categories)

I agree with the proposals for using multiple groups to present statistics on sexual crime in Scotland.

Question Nine - Should two groups be used to present sexual crime, do you have any views on the suggested split into 'Sexual crimes with physical contact' and 'Sexual crimes without physical contact'?

It would be meaningful and useful to present statistics on sexual crimes with and without physical contact. This would enable data users to determine how the nature and practice of sexually motivated behaviours are changing over time, especially in line with increasing levels of digitally enabled crime. This would also be in line with, and complement, the proposal to present data on common assault (and, potentially, robbery) with or without physical injury.

Question Ten - Should soliciting or loitering in a public place for the purposes of prostitution continue to be classified as a sexual crime? Do you have any other views on how police recorded crimes associated with prostitution could be presented?

I would argue that soliciting or loitering in a public place for the purposes of prostitution should continue to be classified as a sexual crime. My reason for saying this is based on my belief that a key principle of the crime statistics should be to classify them based on similarities in terms of motivation and/or manifestation, as far as possible (i.e. sex-related crimes/offences should be

grouped together). I do not believe it is sensible to reclassify this as an offence on the basis that it is at a different level of 'seriousness' compared to other sexual crimes, as I do not believe that the presentation of these statistics should be made on the basis of normative or moral judgements.

Question Eleven - Do you have any other views on how sexual crimes could be presented in the recorded crime statistics?

I have no other views on the presentation of statistics on sexual crimes.

Question Twelve - Do you have any views on how Crimes of dishonesty could be presented in the recorded crime statistics?

Crimes of dishonesty makes up a very large proportion of all crimes, and some of the individual categories are quite large. In the spirit of making the data more useful and informative to users, it would be valuable to consider whether some of these categories could be presented with a greater degree of detail. For example, could housebreaking be presented broken down by 'actual' and 'attempted' incidents? Could shoplifting be presented broken down by value of the theft? And could attempts be made to further break down the category of 'other theft' which is one of the largest across all the crime/offence categories.

Question Thirteen - Do you have any views on renaming the 'Fire raising, vandalism etc.' group to 'Crimes of damage and reckless behaviour' and the proposal to add an additional sub-category to show reckless conduct?

I agree with the proposals to rename the fire raising & vandalism group.

Question Fourteen - Do you have any other views on how crimes of Fire-raising, vandalism etc. are presented in the National Statistics on Recorded Crime?

In the spirit of making the data more useful and informative to users, would it be possible to break down the vandalism category any further? For example, in the Scottish Crime and Justice Survey vandalism is broken down by motor vehicle and other household incidents. Would it be possible to present a similar breakdown in the recorded crime (e.g. motor vehicle vandalism, vandalism against households, and vandalism against other property)?

Question Fifteen - Would 'Crimes against society' be a better name for the 'Other crimes' Group?

I have no objection to the proposal to rename 'other crimes' as 'crimes against society'. My only comment on this question would be that (in the spirit of my earlier comments on the distinction between crimes and offences) that we should consider having only one 'other' category that includes any other crimes/offences that genuinely cannot be meaningfully clustered beside others.

Question Sixteen - Do you have any views on how police recorded drug possession for personal use should be presented in the statistics? Should it continue to be presented in the National Statistics as a crime (i.e. included in the national totals for recorded crime) or should it be moved to become an offence, and be included in the national total for recorded offences instead?

I believe that crime statistics should be presented according to meaningful categories that keep similar types of crime together, so I would not be in favour of recording drug possession for personal use separately from other drugs-related offences. I would favour of reporting all the drug crimes/offences together in a group on their own. It is a sufficiently serious public policy issue, and there is a large enough number of these crimes/offences, to justify drug crimes being reported as an independent group. In addition, I would caution against changing the crime statistics based on

normative judgements about crimes on the basis of their type alone. It is not helpful or appropriate to use terms like 'victimless crime' when it comes to discussing drug possession, even if just for personal use, as the harms of serious and sustained drug use are considerable and extend to many people who might be considered 'victims'.

Question Seventeen - Do you have any other views on how other crimes are presented in the National Statistics on recorded crime?

I have no other comments on how the crimes are presented.

Question Eighteen - Should the 'Miscellaneous offences' group be split into two groups - 'Anti-social offences' and 'Miscellaneous offences'? Do you have any other views on how 'Miscellaneous offences' are presented in the National Statistics on recorded crime?

I agree with the proposal to split 'miscellaneous offences' into two groups. However, I would argue that the first should be labelled 'Antisocial behaviour' as this is in keeping with the categories included under this heading. As I have made clear elsewhere in this submission, I am in favour of dispensing with the distinction between crimes and offences, so I would propose that the second group could simply be termed 'Other crimes/offences' (depending on the terminology that is preferred'. Having one overall 'other category' would work well given the very small number of crimes/offences that fit into it. I do not see the value of retaining the term 'miscellaneous' in future statistical bulletins.

In addition to the above, I would argue that the category of 'community and public order offences' would fit better under 'antisocial behaviour' rather than 'miscellaneous offences', as it relates directly to problematic behaviour that impact on communities, which is also the primary manifestation of the other categories included under antisocial behaviour.

Question Nineteen - Do you have any views on renaming the 'Offences relating to motor vehicles' group to 'Road traffic offences'? Do you have any other views on how 'offences relating to motor vehicles' are presented in the National Statistics on recorded crime?

I agree with the proposals to rename the 'offences relating to motor vehicles' group. I have no other views on this group.

Question Twenty - Would a dedicated chapter on cyber-enabled crime within the National Statistics bulletin be useful? Do you have any other views or suggestions as to how crimes or offences involving a cyber-element should be presented within the statistics?

I agree that it would be valuable to have a dedicated chapter on cyber-enabled crime within the national Statistics bulletin. This is of significant public interest and is an important element driving changes in the nature and extent of crime, not just in Scotland but internationally. Therefore, it would be of value and interest to data users to have a commentary in the statistical bulletin about developments in this area. I would suggest that this chapter should also draw on data taken from the Scottish Crime and Justice Survey.

Question Twenty One - Based on the discussion above and the purpose statement and supporting principles proposed in Part one, do you have any additional views regarding how data on police recorded crimes and offences should be categorised and presented in the National Statistics?

I have no further views on the proposed changes to the National Statistics on recorded crimes and offences.