

Paniperis, Jan

From: Jewell, Renae
Sent: Thursday, 6 May 2010 5:18 PM
To: Paniperis, Jan; Wong, Denise
Subject: FW: Inquiry into the Criminal Investigation Amendment Bill 2009 - Further material

Attachments: Delsol_Stop and Search.pdf; Questions for Criminologists.doc



Delsol_Stop Questions for
Search.pdf (iminologists.d

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-----Original Message-----

From: Frank Morgan [mailto:fmorgan@biz.uwa.edu.au]
Sent: Thursday, 6 May 2010 5:16 PM
To: Jewell, Renae; Paniperis, Jan
Subject: Inquiry into the Criminal Investigation Amendment Bill 2009 - Further material

Dear Renae

In the hearing on Wednesday I promised to send a reference that may help the committee. It was a paper called "Regulating Stop and Search ..." and I attach an e-copy.

I had also made some notes on some of the "Questions for Criminologists", but didn't get a chance to mention these in the available time. I attach a MS Word copy of these brief comments. These comments apply as much to evaluating the operation of the legislation currently in force as they do to evaluating the proposed amendments to the Bill.

I also provide some contact points at universities that have police research as a specialty.

These are:

The ARC Centre for Excellence in Policing Research at Griffith University. The contact details are at <http://www.ceps.edu.au/?q=General-Enquiries> and I think Dr Simon Bronitt is the most appropriate contact.

The Sellinger Centre at Edith Cowan University: I think Dr Pamela Henry is the appropriate contact with details at <http://www.law.ecu.edu.au/research/sellengerCentre.htm>

Charles Sturt University at Bathurst: The contact details are at <http://www.australian-universities.com/info/17/csu/> and I think Associate Professor Rosemary Woolston is the most appropriate contact.
<staff/rosemary_woolston.html>

I do not know if researchers at these places have conducted research on stop and search or related areas, but they may be able to inform the Committee about research that has taken place there or elsewhere.

An excellent USA source is Dr John Eck at the University of Cincinnati, who I know has conducted research on stops of cars by police. I don't know if he has conducted research on stops as envisaged in the WA legislation. He is one of the most respected

police researchers in the world and his contact details are available at
<http://criminaljustice.cech.uc.edu/employees/eckj>

Best wishes
Frank Morgan

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**List of Proposed Questions for Criminologists:
Comments by Associate Professor Frank Morgan, Crime Research Centre, Law School, University
of Western Australia**

Preamble: I have appended comments below each question I am able to comment on. The comments apply equally to the existing stop and search legislation (with reasonable suspicion or without reasonable suspicion) as they do to the proposed amendments to that legislation and I believe that it would be appropriate for the usage and effectiveness of the current powers to be assessed systematically before any new legislation is implemented.

Please comment on the efficacy and/or importance of the following information as a means of measuring/assessing the success of the stop and search powers in the United Kingdom.

1. The United Kingdom has collected a lot of data on the police stop and search powers used there. Generally, these involve:

- collecting the number of stops and searches conducted (sometimes broken down by ethnicity).

Comment: These should be part of any evaluation. They should be broken down by ethnicity (as seems possible by examining the forms used to record stops. They should also be broken down by area to determine the distribution of activity. These data have drawn attention to the over-representation of ethnic minorities in stops in the UK and as such are part of the accountability concerning the use of such powers.

- collecting the number of all arrests resulting from the stops and searches and then calculating the total arrest rates (sometimes broken down by ethnicity)

Comment: These data should also be used – see further comments below on interpreting these rates. They have been used in the UK as part of the accountability process.

- collecting the number of arrests for the intended objective of the search resulting from the stops and searches and then calculating the arrest rates for the intended objective of the stop and search.

Comment: These figures should be used and related to the objectives of the search.

- collecting the number of people who are found to be carrying offensive weapons and dangerous instruments and then calculating the rate of detection of offensive weapons and dangerous instruments.

Comment: These figures should be used to gain a perspective on what proportion of detections of dangerous weapons are made via stops. These data would be even more valuable if they were used to examine current legislation and discover the most common ways in which dangerous weapons are discovered.

- surveying community perceptions of the police (sometimes broken down by ethnicity)

Comment: These are important sources of information and are mentioned in the paper I forwarded to the Committee along with these comments (Delsol and Shiner - see p259 on the use of multiple indicators, including qualitative indicators).

2. With regard to arrest rates and detection rates, what percentage is considered to be significant in a statistical sense? e.g. is anything below 5% considered to be insignificant?

Comment: In the UK the Figure seemed to about 13% - see the paper mentioned above. However, Parliament needs to specify the purpose of the legislation, as mentioned by Dr Indermaur and myself in yesterday's hearing. If the legislation aims to *deter* criminal activity rather than simply solve crimes as they are committed, it must be said that arrests are not a good indicator of deterrence. In fact arrests (in the long-term) are an indicator of the failure of deterrence. One would hope that after a brief surge in arrests related to stop and search then the arrest rate would decrease.

3. In your view, have the stop and search powers in the United Kingdom been effective?

Comment: I cannot comment on this in the same way I could comment on other matters that have been part of my own research activities.

4. Do you think that the United Kingdom experience so far can be instructive as an indication of what could happen in Western Australia if the proposed powers are introduced? Why/why not?

Comment: One would expect the UK experience to have something to say for Australia, but the social mix in Australia (and WA) is unique. However, by far the best information for WA would be gained by a systematic analysis of the operation of the current stop and search legislation in WA over the past 2-3 years. I am unaware of such analysis but, if conducted (and it would not take a long time to conduct a 'good enough' analysis to inform Parliament) it would provide invaluable information to assess the value of current legislation on stops and whether changes were needed. I imagine that Parliament would benefit enormously in its deliberations from research that could be probably be undertaken within a three-month period.

5. Which other jurisdictions (both within Australia and world-wide) do you consider are comparable to Western Australia? For those jurisdictions, please indicate which have police stop and search powers which are similar to those being proposed, and how effective they are.

Comment: I cannot comment on this in the same way I could comment on other matters that have been part of my own research activities

6. How would you measure/assess the success of the proposed police stop and search powers, given that the Western Australia Police has argued that the proposed powers will help the police to detect and deter more crimes involving weapons?

Comment: This question requires a very detailed and extensive answer, which is beyond the scope of my current comments. However, the measurement of success should incorporate a broad range of information including -
Public perception of police using surveys, with particular attention given to the demographic of those targeted by the legislation.
An assessment of intelligence provided to police by the demographic of those targeted by the

legislation.

Trends in offences (ideally determined by survey as well as police data) of the kind targeted by the legislation – this requires careful specification by Parliament of those activities that are expected to be targeted.

7. If the Bill is passed and enacted, how should its operation and effectiveness be reviewed?

Comment: See the comments above, but also the legislation should be *systematically* monitored by police in the short-term (e.g. at least annually) rather than an evaluation being postponed 5 years.

