LgOV⁄nsw

moving communities forward

Our ref: R90/0125-11: Out-5655
Further contact: Noel Baum

1 August 2002

Ms Catherine Cornish
Committee Secretary
House of Representatives Standing Committee
on Legal and Constitutional Affairs
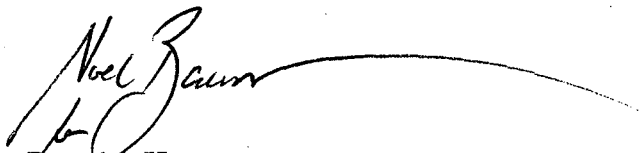Parliament House
CANBERRA ACT 2600

Dear Ms Cornish

I write regarding your invitation to make a submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Crime in the community: victims, offenders and fear of crime.

In response Lgov NSW, representing the Local Government Association of NSW and the Shires Association of NSW, and formerly the Local Government and Shires Associations (LGSA) of NSW, has prepared a submission. The submission is attached.

Please note that the submission remains draft until the Executives endorse it at their forthcoming round of meetings. We will contact you if there are any changes resulting from the Executives consideration of the draft submission.

Lgov NSW appreciates the opportunity to provide the Standing Committee with Local Government input on this important and challenging area.

Yours sincerely

Brendan Hartnett
Director Strategic Services

LgOV nsw

moving communities forward

Submission to:

House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Crime in the community: victims, offenders and fear of crime

August 2002

House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Crime in the community: victims, offenders and fear of crime

INTRODUCTION

Lgov NSW, representing the Local Government Association of NSW and the Shires Association of NSW, and formerly the Local Government and Shires Associations (LGSA) of NSW, is pleased to respond to the Committee's invitation. Lgov NSW understands that the Committee shall inquire into the extent and impact of crime and fear of crime within the Australian community and effective measures for the Commonwealth in countering and preventing crime.

Lgov NSW understands the Committee's inquiry shall consider but not be limited to:

(a) the types of crimes committed against Australians
(b) perpetrators of crimes and motives
(c) fear of crime in the community
(d) the impact of being a victim of crime and fear of crime
(e) strategies to support victims and reduce crime
(f) apprehension rates
(g) effectiveness of sentencing
(h) community safety and policing

Lgov NSW understands that the Commonwealth does not have a general power to legislate with respect to crime in Australia, as this is primarily the responsibility of the States and Territories. Lgov NSW understands the Committee's focus will be on the role for the Commonwealth and appropriate Commonwealth measures for addressing crime and the fear of crime in the community.

In this submission Lgov NSW concentrates on those issues in which NSW Local Government has expressed a major interest or has a direct role. These are as follows: community safety and policing, strategies to reduce crime, the types of crimes committed against Australians, perpetrators of crimes and motives, fear of crime in the community and effectiveness of sentencing. For ease of analysis, we shall follow the order of the issues in the Terms of Reference.

Lgov NSW represents the 172 local councils, 20 county councils and 13 Regional Aboriginal Land Councils in New South Wales. The mission of Lgov NSW is to be a credible, professional organisation representing Local Government, providing services to councils and facilitating the development of an efficient, effective, responsive, community-based system of Local Government in NSW.

NSW Local Government's charter involves providing directly or on behalf of other governments adequate, equitable, appropriate, efficient and effective services and facilities. It has a significant and historical involvement in planning, developing, providing and/or supporting a wide variety of infrastructure, facilities and services.

Local Government is a stakeholder in responding to their community's concerns, needs and aspirations on law and order, community safety and crime prevention because:

- Local Government is the sphere of government with the responsibility to act as a focus for articulating their communities' concerns, to represent local communities to other spheres of government on those concerns and to seek responses to them
- Local Government is a planner and regulator of the local environment, which in turn affects government, commercial and not-for-profit infrastructure and services for communities
- Local Government is a provider of general facilities and services to communities that have a role in community safety
- Local Government is a significant funder or co-funder, planner, supporter and provider of community services that directly assist with crime prevention

In terms of representing community concerns on crime, individual councils and Lgov NSW have been increasingly vocal over recent years. This submission reflects the concerns of our members and the policy positions that have been adopted as a result.

NSW Local Government believes that to combat, reduce or prevent crime and manage fear of crime all spheres of government and the community need strategies that integrate Opportunity reduction approaches, Developmental/ early intervention approaches, Community/ social crime prevention approaches, and Criminal justice system approaches (including traditional Policing). As critically important as policing is we stress the need to also use the other three broad strategies.

THE TYPES OF CRIMES COMMITTED AGAINST AUSTRALIANS

Lgov NSW notes that the Committee loosely groups crime into the following two categories: i) crimes against the person, and ii) crimes against property. We acknowledge that crimes against the person include crimes such as homicide, assault, sexual assault and theft from the person and that crimes against property usually refer to acts such as break and enter (burglary), motor vehicle theft, property damage, and graffiti and vandalism.

On the whole, NSW Local Government cannot claim to have unique data on the types of crime committed against Australians. But a growing number of councils have detailed local analyses of crime statistics, victim patterns and fear of crime information in Crime Prevention Plans, Community Safety Compacts and Social or Community Plans. Nonetheless, the greater majority of NSW councils are aware of the official crime statistics and the levels of unreported crime. Both official crime statistics and the levels of unreported crime are of considerable concern to Local Government.

NSW Local Government is aware that the amount of recorded criminal incidents varies quite significantly between the various categories of crime, and that the amount recorded criminal incidents within categories varies over time. This is clear from the material set out in Table1: Selected NSW Recorded Criminal Incidents for 1999, 2000 and 2001 by Number and Rate per 100,000 Population. This material is drawn from NSW Bureau of Crime Statistics and Research report entitled *NSW Recorded Crime Statistics 2001*, pp18-29.

Table1: Selected NSW Recorded Criminal Incidents for 1999, 2000 and 2001 by Number and Rate per 100,000 Population.

Type of Offence	1999 Number	1999 Rate per 100,000	2000 Number	2000 Rate per 100,000	2001 Number	2001 Rate per 100,000
Murder	123	1.9	103	1.6	103	1.6
Attempted Murder	113	1.8	123	1.9	162	2.5
Manslaughter – not driving	9	0.1	13	0.2	8	0.1
Manslaughter – driving	92	1.4	129	2.0	94	1.4
Assault	58646	916.8	62797	971.7	67599	1034.8
Sexual Assault	3201	50.0	3615	55.9	3674	56.2
Indecent assault	3353	52.4	3833	59.3	3547	54.3
Other sexual offences	1521	23.8	1575	24.4	1535	23.5
Abduction	401	6.3	370	5.7	458	7.0
Robbery without a weapon	6462	101.4	7060	109.2	7990	122.3
Robbery with a firearm	697	10.9	656	10.2	880	13.5
Robbery with other weapon	3528	55.2	3687	57.1	4290	65.7
Other Offences against person	3583	56.0	3880	60.0	4953	75.8
Break and enter – dwelling	77852	1217.1	82427	1275.5	79799	1221.6
Break and enter – non dwelling	45995	719.0	50470	781.0	52060	796.9
Receiving	2266	35.4	2126	32.9	1855	28.4
Goods in custody	9568	149.6	9829	152.1	9437	144.5
Motor vehicle theft	48401	756.7	52626	816.3	53727	822.5
Steal from motor vehicle	77948	1218.6	91313	1413.0	90468	1384.9
Steal from retail store	21081	329.6	21283	329.3	20648	316.1
Steal from dwelling	30421	475.6	32,279	499.5	31451	481.5
Steal from person	11592	181.2	12972	200.7	16576	253.7
Stock theft	790	12.4	757	11.7	925	14.2
Fraud	27011	422.3	27607	427.2	32098	491.4
Other theft	65063	1017.1	73861	1142.9	69681	1066.7
Arson	4954	77.4	6157	95.3	7310	111.9
Malicious damage to property	92264	1442.4	94564	1463.3	96145	1471.8
Possession, use cocaine	200	3.1	208	3.2	460	7.0
Possession, use narcotics	3013	47.1	2483	38.4	1094	16.7
Possession, use cannabis	11494	179.7	11069	171.3	14328	219.3
Possession, use other drugs	2300	36.0	2587	40.0	3054	46.8
Dealing, trafficking cocaine	205	3.2	100	1.5	246	3.8
Dealing, trafficking narcotics	864	13.5	860	13.3	465	7.1
Dealing, trafficking cannabis	989	15.5	881	13.6	987	15.1
Dealing, trafficking other	571	8.9	766	11.9	1046	16.0
Cultivating cannabis	1939	30.3	1662	25.7	1557	23.8
Importing drugs	32	0.5	27	0.4	23	0.4
Other drug offences	3046	47.6	2788	43.1	3118	47.7
Offensive conduct	3867	60.5	3806	58.9	4226	64.7
Offensive language	6892	107.7	5469	84.6	5950	91.1
Prostitution offences	399	6.2	424	6.6	876	13.4
Weapons offences	9370	146.5	9308	144.0	10467	160.2
Escapee – Corrective	103	1.6	95	1.5	98	1.5
Escapee – Police	257	4.0	221	3.4	247	3.8
Breach AVO	9639	150.7	11073	171.3	11695	179.0
Breach Bail Conditions	4503	70.4	4947	76.5	7017	107.4
Culpable driving	199	3.1	220	3.4	159	2.4
PCA	23028	360.0	23557	364.5	23572	360.8
Drive while disqualified	16245	253.0	17380	268.9	18680	286.0
Drive manner/ speed dangerous	2693	42.1	2992	46.3	2989	45.8
Other offences	37743	590	45669	706.6	53322	816.3

In an effort to keep the information in Table 1 manageable certain crimes have been excluded, not because they are regarded as trivial but simply because they have low rates and/or are seldom raised with Local Government. These include Murder accessory/ conspiracy, Possess implements, Demand money with menaces, Extortion/ blackmail, Betting & gaming offences, Escapee – Juvenile, Escapee - other custody, Breach of recognizance, Fail to appear, and Other offences against justice procedures. 'Other driving offences' has been excluded because the offences covered changed with police including traffic infringement notices within this category since December 2000, making the data difficult to interpret.

In summarising trends (covered in the previous table), when comparing the two consecutive twelve-month periods of 2000 and 2001 the NSW Bureau of Crime Statistics and Research (BOCSAR) noted as follows:

- The statistically significant downward trend for recorded criminal incidents for indecent assault, act of indecency, other sexual offences (down by 6.0%)
- The statistically significant downward trend for recorded criminal incidents for break and enter dwelling (down by 3.2%)
- The statistically significant upward trend for recorded criminal incidents for assault (up 7.6%)
- The statistically significant upward trend for recorded criminal incidents for robbery with a firearm (up 34.1%)
- The statistically significant upward trend for recorded criminal incidents for steal from person (up 27.8%)
- The statistically significant upward trend for recorded criminal incidents for fraud (up 16.3%) (2002, p4)

NSW Local Government shares the view of their communities that levels of recorded criminal incidents for most categories are unacceptable. Whilst this is can only be a qualitative assessment based on conferences and representations, it appears that the matters most commonly brought to councils attention are as follows:

- Assault (1034.8 incidents per 100,000 in 2001),
- Sexual Assault (56.2 incidents per 100,000 in 2001), Indecent assault (54.3 incidents per 100,000 in 2001),
- Robbery without a weapon (122.3 incidents per 100,000 in 2001), Robbery with a firearm (13.5 incidents per 100,000 in 2001), Robbery with other weapon (65.7 incidents per 100,000 in 2001)
- Break and enter – dwelling (1221.6 incidents per 100,000 in 2001) Break and enter – non dwelling (796.9 incidents per 100,000 in 2001),
- Motor vehicle theft (822.5 incidents per 100,000 in 2001), Steal from motor vehicle (1384.9 incidents per 100,000 in 2001) Steal from retail store (316.1 incidents per 100,000 in 2001) Steal from dwelling (481.5 incidents per 100,000 in 2001), Steal from person (253.7 incidents per 100,000 in 2001), Fraud (491.4 incidents per 100,000 in 2001)
- Arson (111.9 incidents per 100,000 in 2001)
- Malicious damage to property (1471.8 incidents per 100,000 in 2001),
- Offensive conduct (64.7 incidents per 100,000 in 2001), Offensive language (91.1 incidents per 100,000 in 2001),
- Weapons offences (160.2 incidents per 100,000 in 2001),
- Breach AVO (179.0 incidents per 100,000 in 2001)

- PCA (360.8 incidents per 100,000 in 2001), Drive manner/ speed dangerous(45.8 incidents per 100,000 in 2001)

Certainly murder, and importing and/ or trafficking in drugs in general gain prominence after particular heinous acts or in particular areas. Stock theft gains currency in rural areas.

The other obvious point that needs to be recognised is that the recorded criminal incidents for different categories vary considerably from region to region and Local Government area to Local Government area. For example, for total assaults whereas the NSW annual rate for 2001 was 1,034.8 per 100,000 population, the highest rate was the Far West Statistical Division with 2,888.3 per 100,000 population and the lowest rate was the Central Northern Sydney Statistical Sub Division with 293.1 per 100,000 population (BOCSAR, 2002 p6). However, for Robbery without a weapon, whereas the NSW annual rate for 2001 was 122.3 per 100,000 population, the highest rate was the Inner Sydney Statistical Sub Division with 778.4 3 per 100,000 population and the lowest rate was the South Eastern Statistical Division with 16.8 per 100,000 population (BOCSAR, 2002 p8). Then again, for motor vehicle theft whereas the NSW annual rate for 2001 was 822.5 per 100,000 population, the highest rate was the Inner Sydney Statistical Sub Division with 1749.1 per 100,000 population and the lowest rate was the Northern Statistical Division with 235.1 per 100,000 population (BOCSAR, 2002 p10). For malicious damage to property, whereas the NSW annual rate for 2001 was 1471.8 per 100,000 population, the highest rate was the North Western Statistical Division with 2,681.2 per 100,000 population and the lowest rate was the Cental Northern Sydney Statistical Sub Division with 827.4 per 100,000 population (BOCSAR, 2002 p13).

These variations may mean that:

- different policing strategies and resources are needed in different commands to deal with the nature of the most prevalent crime
- different support strategies are needed for victims of crimes in different areas to deal with the nature of the most prevalent victimisation
- subtly different strategies are needed to deal with peoples' fears of crime in different areas

Before leaving recorded crime instances it is worth noting that Australia wide some crime categories appear to be relatively stable in terms of the rate over the long run where others have increased quite significantly. For example, homicide was 2.16 per 100,000 people in 1973-74, 2.13 per 100,000 people in 1983-84 and 2.03 per 100,000 people in 1991-92 (Walker, 1994). However, Burglary (dwelling) was 445.61 per 100,000 people in 1973-74, 1060.13 per 100,000 people in 1983-84 and 1119.33 per 100,000 people in 1991-92 (Walker, 1994). Further, Motor Vehicle theft was 374.60 per 100,000 people in 1973-74, 636.39 per 100,000 people in 1983-84 and 863.86 per 100,000 people in 1991-92 (Walker, 1994). Given these changes, when dealing with community concerns about crime we need to bear in mind the background experiences of the succeeding generations in the community.

Lgov NSW recognises that the recorded incident data presented by BOCSAR is derived from the NSW Police Service Computerised Operational Policing System and therefore only includes those incidents reported to or detected by police (see BOCSAR, 2002, p3). Therefore this data reflects movements in underlying factors that influence the detection, reporting and recording of crime, as well as changes in the true level of crime in the community.

We recognise BOCSAR's point that there is an alternative measure of the level of crime in NSW: the annual Australian Bureau of Statistics (ABS) *Crime and Safety Survey*. We note that personal crimes, such as assault and robbery are less likely to be reported than crimes that involve households. For example *Crime and Safety NSW, 2001* shows in the 12-month period to April 2001, whilst 95% of motor vehicle thefts and 73% of break and enter offences (crimes against households) were reported to police, only 30% of alleged assaults were reported during that period. Given that some offences have low reporting rates, it is possible that changes in recorded crimes over time for these offences largely reflect changes in reporting rates (BOCSAR, 2002, p3).

If we pull these threads together it is clear that the picture of crimes committed against Australians in NSW is a complex one and one where we need to recognise the following:

- From recorded criminal incidents the most prevalent crimes per 100000 population are Malicious damage to property, Steal from motor vehicle, Break and enter – dwelling, Assault, Motor vehicle theft, and Break and enter non-dwelling.
- From victims surveys crimes against people like alleged assaults, sexual assault and robbery are underreported
- The patterns of prevalence for different types of crime vary from region to region and local government area to local government area.

Conclusion:

The Commonwealth should play a lead role through the National Crime Prevention Programme (Commonwealth Attorney-General's Department) or another suitable mechanism in setting up a Commonwealth, State and Territory consortium seeking to research and resolve how to ensure improved reporting of all types of crime so eventually there is a greater convergence between recorded criminal incidents (official statistics) and Crime Victim surveys

The Commonwealth should also play a lead role through the National Crime Prevention Programme or another suitable mechanism in setting up a Commonwealth, State and Territory consortium seeking to explore how information on the levels of unreported crime (and fear of crime) can be fed into State/Territory Police Force models of response planning at State-wide and Local Area Command levels, to ensure communities have greater confidence in State-wide and Local Area Command planning strategies and officer deployment.

PERPETRATORS OF CRIMES AND MOTIVES

Lgov NSW notes that the Committee is aware of the following recognised facts about crime: i) that males overwhelmingly commit more crimes than females, ii) that the majority of crime is committed by the minority of offenders and iii) that most crime is committed by young people. Lgov NSW notes that the Committee is aware of the literature on the factors that place someone at a higher risk of *engaging in* crime as distinct from factors that could be said to *cause* crime.

However, it is worth repeating Weatherburn's conclusions (2001, p8) on the causes of crime. Otherwise we may we spend too much time seeking 'motives' of the perpetrators, which may have some utility in criminal proceedings but does not help a great deal in combating or reducing crime or managing fear of crime.

As Weatherburn noted 'we know a good deal more about patterns and causes of individual involvement in crime than about the factors which create crime-prone places and we know a good deal more about factors that create crime-prone places than about the factors that influence trends in crime over time'. Weatherburn also noted that there is no single factor or set of factors that cause a person to become involved in crime. Most people at some stage in their lives will commit crime of some sort even if it is nothing more serious than driving above the speed limit. A proportion of teenagers will commit relatively serious offences such as break and enter yet most will desist from further crime without formal intervention.

Weatherburn concluded that the risk and depth of involvement in crime is strongly influenced by the quality of parenting that children experience. The risk of involvement in crime is increased by the following factors:

- Poor parental attachment
- Poor parental supervision
- Inconsistent erratic discipline
- Parents who model deviant attitudes and values

Further whilst still significant, family break-up and family conflict appears less important than those just listed.

Weatherburn also noted for young people themselves, the risk of involvement in crime is increased by the following factors:

- Poor school performance
- Association with delinquent peers
- Alcohol consumption

Further, illicit drug consumption appears to significantly increase the amount of crime committed by those who become criminally active.

Weatherburn also noted neighbourhoods can be rendered crime-prone by the following characteristics:

- Poverty
- Unemployment
- Income inequality
- And as a result, breakdown of normal informal social control by local residents

Crime also tends to become concentrated at particular locations where there are increased opportunities or incentives and this can sometimes give rise to gangs or other criminal organisations.

Crime rises or falls over time in response to a wide number of factors. These can be summarised as:

- Economic factors such as unemployment appearing to shape trends in property crime
- Alcohol consumption and unemployment appearing to influence levels of violent crime

- Availability of firearms, rates of family breakdown, the percentage of sole parent families living in poverty, levels of geographic mobility and the percentage of females in the labour force may have influence on overall crime levels

Based NSW Local Government's emerging experience in local crime prevention we have to strongly endorse Weatherburn's final points – because crime is not the result of any single factor or combination of factors, it makes no sense to seek to control crime by any single strategy or set of strategies. A mix of strategies will always be appropriate. The emphasis must vary according to the nature of the crime problem at hand, the options available for influencing the problem and the urgency. Governments anxious to maximise their control over crime are better off trying to influence as many factors as possible, rather than concentrating on one or two factors.

The Lgov NSW experience in partnering the State Government in the Graffiti Solutions Program is a good example of governments trying to influence as many factors as possible, rather than concentrating on one or two factors. As our representative (Cr Beverly Giegerl, Chair of the Associations' Community Planning and Services Committee and Local Government Association member) stressed at the *'Graffiti at Large – Local issues – local solutions'* conference in November 2001:

> "Local Government strongly supports sensible and concerted efforts to tackle the scourge of graffiti vandalism. We have lobbied extensively on the need for integrated campaigns and programs. We are very pleased to support the work of the NSW Government's *Graffiti Solutions* program since its launch by the Premier in 1997.
>
> As we all know there is no simple solution to illegal graffiti, but we are impressed with, and endorse the efforts of the State Government to develop a coordinated and multifaceted approach to this issue.
>
> There is a range of stakeholders involved in different aspects of the *Graffiti Solutions* program and we see Local Government as the key stakeholder that can assist with any initiatives developed. The Local Government and Shires Associations actively encourage its membership to enter into partnerships with State Government agencies to tackle the graffiti problem.
>
> The *Graffiti Solutions* program is based on four key elements consisting of:
>
> - Improved coordination between Local Government, State Government and the community
> - Enforcement and monitoring of legislation
> - Partnership with industry
> - Partnership with Local Government
>
> Our sector has a direct interest in these four key elements. The aim of the program is to develop and implement a range of initiatives and best practice approaches to deal with graffiti issues. From Local Government's perspective there are six components which make up the *Graffiti Solutions* program. These are:

- The Beat Graffiti Scheme
- Enhanced procedures for Clean-up
- Community Service Orders
- The Graffiti Blasters initiatives
- The *Graffiti Solutions* Handbook
- Crime Prevention through Environmental Design (CPTED)"

Further information on the *Graffiti Solutions* program is on the Web (see www.graffiti.nsw.gov.au).

Conclusion:

The Commonwealth should play a lead role through the National Crime Prevention Programme (Commonwealth Attorney-General's Department) or Australian and New Zealand Crime Prevention Ministerial Forum (comprising the Ministers responsible for crime prevention in each of the Australian jurisdictions and in New Zealand), in promoting a wide appreciation of the present evidenced-based conclusion that crime is not the result of any single factor or combination of factors and therefore in attempting to control crime Governments and communities are best served by using strategies aimed at influencing as many factors as possible.

FEAR OF CRIME IN THE COMMUNITY

Lgov NSW notes the Committee is aware of the following : i) that despite males experiencing higher levels of victimisation than females, females continue to fear crime more than males, ii) that while it is widely suggested older Australians fear crime more than younger people, older Australians are the least victimised group in society and iii) that fear of crime is a complex issue because statements about fear of crime do not distinguish between perceptions of general risk, fear of being personally victimised, concern about crime as a public policy issue and anxiety about life in general.

Lgov NSW notes Cook, David and Grant (1999) point that fear of crime is generally much higher than the measured level of crime and despite the statistics on victimisation occurring in the home with offenders known to the victim many people are most afraid of the unpredictable strangers in uncontrollable environment (p x).

Lgov NSW further notes the extensive two volume work on the fear of crime by the Centre for Cultural Risk Research under the National Campaign Against Violence and Crime, published in 1998. There is a wealth of material in those volumes that clearly demonstrates that fear of crime is a multi-dimensional rich phenomena that defies oversimplification. That work could benefit with being effectively summarised and rendered into plainer language for use by non-specialists.

Lgov NSW would not presume to add to the work of the Centre for Cultural Risk Research at this point. However, Lgov NSW is aware that councils are increasingly encountering and exploring fear of crime in Crime Prevention Plans, and Social or Community Plans under the regulation.

Lgov NSW suggests that we need to get away from the concern about the disparity between recorded criminal incidents (the statistics) and the fear of crime (the perceptions) and deal

more squarely with fear of crime as a social phenomena in its own right. Whilst it is not a total explanation, it is hardly surprising that the fear of crime tends to relate to those types of crime that we know tend to be underreported. These underreporting rates are quite significant. Therefore, people may develop their fears not by reading crime statistics or indeed by media reporting (or over-reporting crime statistics or individual incidents), but through their knowledge of local people who are choosing not to report crimes against the person such as assault, sexual assault and robbery.

Furthermore, as we shall cover later in the submission there is a significant perception of crime as a serious concern particularly in country communities. This is reinforced by concerns about police numbers, the physical presence of police, problems with staffing in police stations and closing of police stations (see section on Community Safety and Policing). There is also concern about apparent lenient sentencing of those charged with offences (see section on Effectiveness of sentencing).

Conclusion:

The Commonwealth should play a lead role through the National Crime Prevention Programme in:

- Summarising, rendering into plain language and promoting a wider understanding of the fear of crime based on the 1999 work of the Centre for Cultural Risk Research (under the National Campaign Against Violence and Crime) that clearly demonstrates that fear of crime is a multi-dimensional phenomena
- Commissioning the development of and popularising the understanding of a composite measure (or qualitative material) incorporating recorded criminal incidents, Crime Victim surveys and fear of crime analyses to assist all spheres of government in dealing with community concerns on crime at the local level

THE IMPACT OF BEING A VICTIM OF CRIME AND FEAR OF CRIME

Lgov NSW notes that the Committee is aware that people vary in their reactions to being a victim of crime and that for some the effects will be long lasting. Lgov NSW also notes that the Committee is aware that the consequences may include – financial loss, property damage, physical injury, death, psychological and emotional effects, behavioural changes and personal relationship changes. Further the Committee is aware that people close to the direct victims may suffer or react in a similar way.

Lgov NSW accepts the general points on victims' needs and victims' rights made by Cook, David and Grant (1999 p ix- xi). Cook, David and Grant made the following points that are well worth repeating:

- It is not known exactly how many people in Australia have been victims (p ix, 3)
- Nonetheless from recorded crime statistics over one million Australians are victimised annually – meaning in 1998 one in every 100 people was a victim of crime against the person and six in every 100 persons was a victims of crimes against property (p ix, 3)
- This figure does not include either unreported crimes – a matter also highlighted elsewhere in this submission - or witnesses, friends, families and neighbours of the victim and the wider community (p ix, 3-6)

- Males are more commonly victimised than females with the exception of sexual assault and abduction/kidnapping (p ix, 7-8)
- Young people particularly those aged between 15 and 19 years, have the highest victimisation rates for offences against the person (p ix)
- Most victimisation occurs in the home - e.g. In Australia in 1998 almost 40% of all personal and property offences recorded by police occurred in a residential location and for crimes against the person most commonly occurred in community (39%) and residential (37%) locations (p ix,10-11)
- Much victimisation in crimes against the person involves victims and offenders who know each other – although it varies from crime to crime, e.g. In murders and attempted murders the offender was known to the victim (64% and 61% respectively; for assault females were more likely to be assaulted by someone known to them whereas males were more likely to be assaulted by someone unknown to them; in sexual assault over half the victims, male and female, were assaulted by offenders known to them; and for driving causing death offences the offender most likely to be unknown to the victim (64%) for both males and females. (p ix, 8 -10)
- More is known about the impact of victimisation by violent crime than the neglected area of the impact of crimes against property (p x)
- Given research on the impact of crime, victims' needs and recovery patterns has been dominated by studies of rape, sexual assault and child sexual abuse, it is only when more common forms of victimisation such as burglary and assault are studied in detail that a broader and more reliable picture will be available on crime impact and whether specific services are necessary (p x)

From the Lgov NSW perspective it appears that while NSW Local Government is aware of developments relating to the impact of crime on victims, the majority of councils are not formally involved in a planning or service sense. Lgov NSW cannot offer any detailed comment on this matter.

In contrast it is worth repeating more councils are beginning to attempt to deal with the fear of crime. This is because it is increasingly raised through Social planning under the regulation, Crime prevention planning and in social impact assessments relating to development approvals in a variety of contexts from housing for ageing people and people with a disability, through hotels and clubs to brothels (see previous section).

Conclusion:

The Commonwealth should continue to play a lead role through the National Crime Prevention Programme (Commonwealth Attorney-General's Department) in promoting an understanding of the impact of the different crimes on different victims and other members of the community.

STRATEGIES TO SUPPORT VICTIMS AND REDUCE CRIME

Lgov NSW notes that the Committee is aware of the following points i) that supporting victims will go a long way to minimise many of the problems associated with the experience of crime and ii) that reducing crime will not only reduce the number of victims but also increase feelings of safety and security for all.

Lgov NSW also notes that the Committee wishes to explore strategies to support victims such as:

- Legislative or social reform
- Restorative justice approaches
- Compensation for victims and
- Counselling and other support services for victims

Further Lgov NSW also notes that the Committee wishes to explore crime prevention strategies such as:

- Opportunity reduction approaches
- Developmental/ early intervention approaches
- Community/ social crime prevention, and
- Criminal justice system approaches

Comments on strategies to support victims

Lgov NSW has long been formally supportive of the *Young Offenders Act*, as have many councils. The NSW *Young Offenders Act* involves elements of restorative justice and elements of diversion of young offenders. The Act has aims that include:

- making young offenders responsible for their actions and encouraging their families and communities to share this responsibility
- strengthening the rights of the victim and repairing some of the damage caused by crime
- involving the victims and their families in the conference decision-making process
- making juvenile justice more responsive to individual circumstances, and
- reducing the human costs of too many young people in detention

The *Young Offenders Act* provides alternatives to criminal proceedings for young people responsible for a broad range of offences. These options include warnings, cautions and youth conferencing. The youth conferencing option involves an element of restorative justice in that there is the opportunity for the victim to be present, to hear the offender's explanation and to be part of the decision making. Give this it was appropriate recently for the Lgov NSW to provide supportive input to and support the Juvenile Crime Prevention Advisory Committee Submission in the recent review of that Act.

General comment on crime prevention

Whilst some councils have been involved in aspects of community service provision for very long periods and some councils have been engaged with police activities for long periods, crime prevention is a relatively new to the majority. The crime prevention initiatives that the Associations are aware of mainly arose in the 1990s.

For example, one of the earliest published accounts of Local Government crime prevention work was in the Local Government Community Services Association of Australia 1994 document covering good community development practice. This profiled Waverley Council's Crime Prevention Strategies. Following initial research, the council piloted a number of local crime prevention strategies, including a survey of older people, an older women's self-

protection group, a funded Responsible Serving of Alcohol Pilot Project, and council funding to a family support service for a domestic violence support group. Waverley Council was also the first council in NSW to adopt a development control plan (DCP) relating to Crime Prevention through Environmental Design (see below for general information on CPTED).

It is worth commenting on the most recent data we have available on crime prevention by councils. Data from the *Resourcing communities: the 1999 Community Planning and Services Audit* showed a reasonable activity level around a number of law and order, community safety or crime prevention activities. In this Audit Councils were asked to indicate a simple 'yes' or 'no' on a wide range of what were described as social planning and community development activities. Councils were asked to confine themselves to activities that were in place by 31 December 1998. One hundred and twenty four (124) councils responded to this Audit.

The results of interest in the present context were as follows:

- 97 councils (79%) indicated that council participated in Local Police Community Safety projects/committees,
- 58 councils (47%) indicated that council had a Community Safety/Crime Prevention Advisory Committee,
- 48 councils (39%) indicated that council facilitated local campaigns/strategies to deal with Graffiti,
- 24 councils (20%) indicated that council had a Crime Prevention Plan.

The first point from this data was that the most common Local Government engagement with crime prevention was through Police Service initiatives. Overall, this means the engagement was through Policing strategies that focus on law enforcement, rather than say crime prevention through environmental design or social support. This showed the council lending Local Government support or resources to traditional policing. The second point that was clear was that there was a fair amount of thinking going into identifying the local crime issues and where councils should direct responses to such crime (with nearly half of the respondent councils having advisory committees).

Thirdly, councils continued to play a role in Graffiti reduction where Graffiti is an issue, but after twenty years of concern Graffiti reduction has not become a universal function of Local Government. (Despite Lgov NSW's strong support for the Graffiti Solutions program, this makes perfect sense in terms of the point we made earlier about understanding and responding to the prevalent crimes in the area rather than assuming there is a homogenous statewide profile of crimes).

The final point was that there was a reasonable level of interest in crime prevention planning, given how recently formal crime prevention has moved onto the Local Government agenda. We are aware that this area of crime prevention planning has continued to grow largely with and through the support of the NSW Attorney General's Department Crime Prevention Division.

Another view of Local Government crime prevention can be gained from an overview of those working with or funded through the Crime Prevention Division.

The Crime Prevention Division is the Government's key agency for providing advice on crime prevention policy and programs in NSW. The Division facilitates and co-ordinate the

13

development, promotion and implementation of strategies designed to prevent crime. The Division is also responsible for establishing a co-ordinated approach to crime prevention between government, community and private sectors.

The Crime Prevention Division administers the Safer Communities Development Fund. The Safer Communities Development Fund has provided financial support for a range of activities aimed at preventing crime. There have been a number of types of grants available under the Fund, including i) Innovative Project Grants; ii) Specific Project Grants; iii) Safer Community Compact Grants; and iv) Operational Area Grants. Councils have received funding under each of the four categories since 1997.

Innovative Project Grants were available for the development of programs, resources or interventions that have not been previously trialed in NSW. One example was the 1997 Ashfield Municipal Council and IMROC *Deterring Youth Crime through Policy Development.* The project aimed to determine how Local Government could effectively target crime prevention strategies towards youth through policy development. This involved the development of a manual to assist NSW councils to achieve best practice in development and implementation of youth policies.

Specific Project Grants were made available for specific activities or projects nominated by the Division. Examples of councils funded under the Specific Projects Grants include: Bega Valley Shire Council *Rural Local Government Youth Anti-Violence Project,* approved in 1997, Orange City Council: *Prevention of Alcohol & Other Drug Related Youth Crime Project* approved in 1997 and Kempsey Shire Council *Aboriginal Night Patrols,* approved in 1998.

Safer Towns and Cities Project Grants operate under the *Children's (Protection and Parental Responsibility) Act 1997,* which provides for the endorsement of local government crime prevention plans, by the NSW Attorney General. Local Crime Prevention Plans that meet guidelines issued by the Attorney General can be endorsed as Safer Community Compacts. Work has occurred with Hastings Council, Hawkesbury City Council, Ballina Shire Council, Moree Plains Shire Council, Kempsey Shire Council, Byron Shire Council, Orange City Council, Liverpool City Council, Bega Valley Shire Council, Coonamble Shire Council and more. The Division made funding available to councils to help build towards preparing local crime prevention plans to be endorsed as Safer Community Compacts. Councils funded under this category include: Moree Plains Shire Council Safer *Towns and Cities Project,* Wagga Wagga City Council *Safer Towns & Cities Project,* and others.

Operational Area grants are available to local councils that have had an operational area established in the local government area under Part 3 of the *Children (Protection and Parental Responsibility) Act* 1997. Applications for funding can only be made by local councils where an operational area has been established. Local councils can apply for such funding on behalf of agencies whose activities support the effective implementation of the operational area. An example was Ballina District Community Services Association: *Streetbeat Project* involving the appointment of an after-hours Street Youth Worker.

In terms of the latest information, the NSW Attorney General's Department Crime Prevention Division Web site (see www.lawlink.nsw.gov.au/cpd) presently lists the following Plans:

- Byron Shire Council Crime Prevention Plan

- Cessnock Crime Prevention Plan
- Coffs Harbour Community Crime Prevention Plan
- Hastings Crime Prevention Plan
- Hawkesbury Crime Prevention Plan
- Lismore Crime Prevention Plan
- Maitland Crime Prevention Plan
- Manly Crime Prevention Plan
- Newcastle CBD Crime Prevention Plan
- Orange Crime Prevention Plan
- Shellharbour City Crime Prevention Plan
- Sutherland Crime Prevention Plan
- Taree Crime Prevention Plan
- Wollongong Crime Prevention Plan

(There is a considerable amount of supplementary information on detailed work by or with individual councils on the Australian Institute of Criminology Crime Prevention and Community Safety for Local Government in Australia – see www.aic.gov.au/research/localgovt/)

The major point that emerges from the background information about Local Government Crime Prevention work, is that councils have shown an increasing interest in tackling local crime prevention through a systematic approach. It is also very clear that most councils are interested in using multi-faceted approaches, which embrace a mixture of strategies rather than single model approaches. However, councils remain interested in funding for specific programs especially where funding is not available from council general revenue or from mainstream funding sources.

Councils are quite properly interested in exploring models, which mix Opportunity reduction, Developmental/early intervention, Community/ social crime prevention and Criminal justice system (including traditional Policing). Whilst it is hard to judge objectively, there is a feeling that many councils have moved away from a strict 'criminal justice/police' view on tackling local manifestations of crime to an appreciation of the role that local crime prevention planning can play. Interaction with the Division has made a significant difference over the past seven years - the education and development role it has played and the funding resources it has provided, have been very important from the Local Government perspective.

Comments on Opportunity reduction approaches

Child Protection
It is worth recording that Local Government has had an increasing role in child protection under NSW Legislation. This is a very specific type of strategy to reduce or eliminate crime, which is often overlooked when crime is discussed outside the child welfare industry. As a result of the Wood Royal Commission inquiry into paedophilia, a number of legislative changes in the area of child protection were assented to in December 1998. The Acts involved are Child *and Young Persons (Care and Protection) Act 1998, Commission for Children and Young People Act 1998, Child Protection (Prohibited Employment) Act 1998* and *Ombudsman Amendment (Child Protection and Community Services) Act 1998.* These legislative changes have had significant implications for Local Government, along with many other service providers.

15

The basic details can be summarised as follows:

- *the Child and Young Persons (Care and Protection) Act 1998,* places a duty of mandatory reporting on a number of groups of council employees when they have reasonable grounds to suspect that a child or young person is at risk of harm. These may include those employed in the following activities: i) preschools, kindergartens and child care centres, ii) after school and vacation care iii) immunisation services, iv) libraries v) swimming pools and beaches e.g. lifeguard services, learn to swim instruction, water safety instruction, vi) youth centres and services, vii) cultural facilities and services and viii) facility maintenance services.
- *the Commission for Children and Young People Act 1998,* requires employment screening of the preferred applicant before employing that person in child-related employment.
- *the Child Protection (Prohibited Employment) Act 1998,* makes it an offence to employ, or keep in employment, a person who has been convicted of a serious sex offence where that person's employment primarily involves direct contact with children and young people under the age of 18 years, and where that contact is not directly supervised. This Act may apply to people employed in all of those council activities identified as relevant to mandatory reporting under the Child and Young Persons (Care and Protection) Act 1998. The Act not only applies to employees engaged under a contract of employment, but any person who may be required to be in a relationship with the council irrespective of their status, including contractors, self-employed persons, and volunteers.
- *the Ombudsman Amendment (Child Protection and Community Services) Act 1998,* This Act gives the NSW Ombudsman jurisdiction to oversee and monitor systems for i) preventing child abuse by employees of designated agencies, including local councils and ii) handling and responding to child abuse allegations or child abuse convictions involving employees of designated agencies. Under the Act, a council General Manager must notify the Ombudsman of any child abuse allegation, or child abuse conviction, against an employee of which the General Manager becomes aware.

Crime Prevention Through Environmental Design (CPTED)

Lgov NSW supports CPTED in general and the NSW Government initiative in particular. As the NSW Police Service states CPTED is an important inter-agency crime prevention program that reduces crime opportunity through effective town planning, urban design and place management. The NSW Police Service program, *Safer by Design* is based upon the principles of CPTED. Legislative guidelines issued by the then Department of Urban Affairs and Planning (DUAP) in April 2001, outline Council's obligations to identify and minimise crime risk through the development application (DA) assessment process.

To assist councils to identify, assess and minimise crime risk, the NSW Police Service provides approved *Safer By Design* training to town planners, crime prevention officers, designers and staff from other agencies.

Safer by Design topics include: criminology, crime prevention and town planning; historical and contemporary applications of CPTED; the identification of crime risk in architectural plans and drawings; lighting, fear and crime; crime risk management and CPTED applications; councils, design safety and the law. (for more information see www.police.nsw.gov.au/sbd/index.cfm)

Canterbury City Council offers a Local Government perspective on CPTED, noting it is a crime prevention philosophy based on the theory that 'the proper design and effective use of the environment can lead to a reduction in the fear and incidence of crime, as well as an improvement in the quality of life.' The best time to apply this philosophy is in the design stage, before a building or neighbourhood is built. You can also successfully apply it later, but retrofitting an existing environment can sometimes be costly.

The use of CPTED can reduce crime by, reducing criminal opportunity and fostering positive social interaction among legitimate users (a legitimate user means one who is using a space for its intended purpose).

There are three basic and overlapping principles in CPTED:

- Surveillance
- Access Control
- Territorial Reinforcement

Surveillance
There is the need to create environments where there is opportunity for people engaged in their normal behaviour to observe the space around them. By designing the placement of physical features, activities and people in such a way as to maximise visibility, natural surveillance occurs.

Access Control
Most criminal intruders will try to find a way into an area where they will not be easily observed. Limiting access and increasing natural surveillance keeps them out altogether or marks them as an intruder. By selectively placing entrances and exits, fencing, lighting & landscape to control the flow of or limit access, access control occurs.

Territorial Reinforcement
An environment designed to clearly delineate private space does two things. First it creates a sense of ownership. Owners have vested interest and are more likely to challenge intruders or report them to police. Second, the sense of owned space creates an environment where 'strangers' or 'intruders' stand out and are more easily identified. By using buildings, fences, pavement, signs, lighting and landscape to express ownership and define public, semi-public and private space, territorial reinforcement occurs.

- Public spaces are areas used by the public.
- Semi-public spaces are areas that may be used by the public on some occasions, e.g. The front yard area of your home.
- Private spaces are the areas inside a building or home, which cannot be seen.

By including CPTED principles in new construction, from the design stage, we can make the built environment safer from the start, rather than waiting for crime problems to develop and depending on police to handle them after the fact.
By reviewing existing problems areas and applying CPTED principles, those problems can be turned around.

Comments on Community/Social Crime Prevention

It is worth noting NSW Local Government plans, supports or provides a wide range of what could be called social support. Data from the *Resourcing communities: the 1999 Community Planning and Services Audit* (mentioned previously) showed the activity level on a wide range of social planning and community development activities, direct provision of infrastructure, facilities and services, and support of non-government facilities and services.

Apart from parks and recreation grounds and libraries where there is almost universal involvement, the council-provided community services involving the greatest number of councils are as follows:

- *swimming pools*, (267 Outdoor Pools and 29 Indoor Pools).
- *general communal buildings*, (694 Public Halls, 210 Community Centres, and 42 Neighbourhood Centres).
- *specific library and information services*, (169 Information technology/multi-media centres, 67 local studies/family history centres and 443 literary events per year).
- *ageing and disability services*, (96 Seniors Centres, 88 Aged and/or Disability Development Staff, 51 Aged Care Facilities, 47 HACC Centres, 45 Food and Meal on Wheels Services, 45 Respite Care Services, 39 Transport Services for Ageing people and people with disabilities, 28 Other HACC Services, 20 Other non-HACC Services, 12 Community Options Services, and 11 Home Modification and Maintenance Services).
- *general community planning, development or support services*, (160 General Community Development Staff and 40 Social Planning staff).
- *general cultural services* (638 Performing arts events/concerts/ competitions/ eisteddfods per year, 107 Community Arts Programs, 86 Sister City programs, 60 Cultural Exchanges, 53 Museums 52 Integrated Public Arts/Main streets programs, 47 Cultural Development staff, 36 Art Galleries, 29 Theatres/ Music/Performing Arts Centres and 21 Community Arts Centres).
- *youth services*, (76 Youth Development Staff and 51 Youth Centres).
- *immunisation services*, (88 immunisation locations and 31 Vaccine Centres/Approved Distribution points and over 1200 immunisation clinics per year).
- *children's care and education services*, (123 Long Day Care Centres, 72 Out of School Care Services, 43 Occasional Care Services, and 31 Family Day Care Schemes) and educational services (57 Preschool Centres).

In terms of thinking about community/social crime prevention, it is worth noting that in terms of most community service provision the primary aim would not necessarily be seen as crime prevention. Whilst this network of infrastructure, facilities and services undoubtedly plays a role in crime prevention, this role is unlikely to have been recognised or articulated in many instances. For example, Local Government sportsgrounds and other facilities, swimming pools, public libraries and children's services contribute to community wellbeing and often offer diversions from anti-social or criminal behaviour, without being explicitly about crime prevention. Further, services that may recognise a potential crime prevention role in what they do, may have quite legitimately seen their services as enhancing life chances or development, rather than in having prevented crime or anti-social behaviour. This remains a widespread view in children's, youth and neighbourhood services.

It is important to note that this Local Government network is only a portion of the local infrastructure and service network. It cannot be seen in isolation from the nongovernment and commercial sectors.

It is critically important to recognise that this network of supportive infrastructure and services cannot be taken for granted. In many areas, this network has been having difficulty coping with known and increasing demand for a number of years. In those areas where there is the most need to expand the support system to play a role in crime prevention, there is the least capacity. For example, it is often assumed that there is a youth service system to plug children and young people into to divert them from nuisance, anti-social and pre-delinquent activities. Often the assumption is illusory. This certainly has been shown to be the case where Councils have sought to have Operational Areas declared under the Children (Protection and Parental Responsibility) Act, or in other crime prevention planning.

Despite advances in Local Government crime prevention over recent years, Lgov NSW stresses that central governments be careful about roles Local Government (and indeed local nongovernment organisations) can play in community/social crime prevention. An obvious question is - what types of crimes are most amenable to interventions from NSW Local Government as it is presently mandated, configured and resourced? To use a simple set of contrasts: Local Government is better placed to deal with the planning, building, maintenance and social support issues relating to crime in public spaces than it is to deal with say domestic assault or fraud. This analysis could be carried out for all types of crime. It is clear that Local Government cannot be expected to work on some crimes. Central governments need to be very careful in this analysis and not build up unreal or unfair expectations of the roles that it wishes Local Government to perform.

For example, in considering Local Government's role in crime prevention, it is useful to briefly revisit Sherman, Gottfredson, MacKenzie, Eck, Reuter and Bushway's *Preventing Crime: What Works, What Doesn't, What's Promising* (as presented to the NSW Legislative Council Standing Committee on Law and Justice in 1999). The Sherman et al work was a congressionally mandated evaluation of State and local crime prevention programs funded by the US Department of Justice. The essential issue addressed was what works to prevent crime, especially youth violence. Sherman et al used a rigorous scientific process to test which of the hundreds of strategies used in a variety of settings succeeded and to what extent. Based on a review of 500 prevention program evaluations to 1996, Sherman et al concluded there was adequate evidence to establish a provisional list of what works, what doesn't and what's promising. What was interesting from a Local Government perspective was to look at what works and what's promising and ask whether they were strategies that NSW Local Government could use. We did this in Table 2 and 3. What was clear was that Local Government was in a poor position in terms of mandate and responsibilities, to pursue most of the 'working' and 'promising' strategies. They were quite simply the responsibility of other authorities, usually state agencies. The best Local Government could do on most strategies was promote or facilitate these strategies in the course of either crime prevention planning or general community development processes.

In considering Local Government's role in crime prevention, it is also worth revisiting the Developmental Crime Prevention Consortium's *Pathways to Prevention: Development and Early Intervention Approaches to Crime in Australia* (as presented to the NSW Legislative Council Standing Committee on Law and Justice in 1999). That study had the following aims: i) review the literature on early intervention or developmental approaches to crime prevention with a view to clarifying the nature of the approach and its applicability to Australia, ii) carry out an audit of early intervention in Australia iii) formulate a policy framework for the improvement and evaluation of existing services and iv) develop a framework for a pilot

intervention that builds on existing programs. The Consortium's model centred on intervention in early and developmental pathways that lead to crime and substance abuse, emphasising the need to invest in child friendly institutions. The Consortium recommended that society invest in families, particularly focusing on multiple 'risk' and 'protective' factors and 'transition' points to break the pathways to criminal behaviour. The risk and protective factors are set out in Tables 4 and 5. The 'transitions' include birth, preschool to school, primary school to high school, high school to tertiary education or employment and later transitions.

When we examined the risk and protective factors, it was clear that Local Government roles and responsibilities have some impact on some of the Community and Cultural factors - both risk and protective. It was also clear that where Local Government had significant early childhood health and child care services and youth services they may have some impact on child protective factors. Therefore, there was scope for Local Government to be better engaged in thinking about how their policies, infrastructure and services can address particular risk and protective factors. However, it is important that we do not jump to any hasty conclusions, given the complex nature of the interactions involved. For example, given the commodification of child care services largely driven by Commonwealth policy initiatives over the past 7 years, it is no easy task to modify them to better accommodate vulnerable families from at high-risk families - on either a general or an individual basis.

Concluding comments:

Firstly, it is necessary to recognise that in many areas the 'mainstream' social support system is poorly resourced. The social support system that underpins community wellbeing and offers diversions from crime or antisocial behaviour needs enhancement. This is not a direct responsibility of crime prevention agencies and programs. It is the responsibility of line agencies. For example, the youth development sector has been largely ignored or given barely maintenance funding by central governments for the past twenty years and yet it is this sector that all governments look to provide diversionary activities and services for pre-delinquent and anti-social young people! It is time central governments, especially the Commonwealth took a serious look at these matters again.

Lgov NSW recognises the National Crime Prevention Programme was launched in 1997 by the Prime Minister, the Hon John Howard MP, and aims to identify and promote innovative ways of reducing and preventing crime and the fear of crime. In the 1999-2000 Budget, the Government committed a further $21 million over four years to the programme (see www.ncavac.gov.au/ncp/overview.asp).

The National Crime Prevention Programme's includes both research and practical initiatives including, national pilot projects, local prevention activities, communication and training initiatives. At the moment priority issues include: property crime; domestic and family violence; sexual violence, and violence in Indigenous communities.

Lgov NSW also recognises that a significant proportion of National Crime Prevention Programme funding is for early intervention initiatives with young people and their families under the Youth Crime and Families Strategy. Lgov NSW recognises that other related major Commonwealth Government initiatives include pertinent here include Partnerships Against Domestic Violence, and the Stronger Families and Communities Strategy. The Commonwealth Government recognises the importance of adopting an 'early intervention'

approach to crime prevention through 'Early Intervention, Youth Crime & Families. There are Related Programmes/Projects such as work on Bullying, Communities, Conferencing - Diversion, Indigenous Mentoring, Prisoners and their Families and Truancy

Each of these strategies is regarded by NSW Local Government as useful in so far as they go. However, there is need for more resources directed through both National Crime Prevention Programme in the short term and more importantly the Stronger Families and Communities Strategy over the long term.

Conclusion:

The Commonwealth should continue to play a lead role through the National Crime Prevention Programme in research and practical initiatives including, national pilot projects, local prevention activities, communication and training initiatives.

The Commonwealth should provide budget enhancement to the National Crime Prevention Programme to boost research and practical initiatives including, national pilot projects, communication and training initiatives.

The Commonwealth should provide significant budget enhancements to the Stronger Families and Communities Strategy and the Partnerships Against Domestic Violence, to enable mainstream Local Government and nongovernment community services to play a more active role in local community/social crime prevention.

APPREHENSION RATES

Lgov NSW notes that the Committee defines apprehension rates to refer to offenders being detected and arrested by authorities. Lgov NSW notes that the Committee is aware of the following i) that offenders are not always caught in the act by police, ii) that more often than not offenders may be seen committing the crime by a member of the public, or members may learn about the particulars of the crime as a victim, as someone close to the victim or as someone who knows the perpetrator, and iv) that authorities are more likely to learn about crime when it is reported to police.

Lgov NSW also notes that the Committee is aware that surveys conducted in Australia and overseas suggest that victims only report about 40 per cent of crimes to authorities, and that there a number of reasons why victims may choose not to report.

Lgov NSW cannot offer comment on this issue, apart from those offered on under-reporting in the previous sections.

EFFECTIVENESS OF SENTENCING

Lgov NSW notes that the Committee is aware that almost 60% of prisoners incarcerated across Australia had a known previous period of adult incarceration. The Committee will examine the range of sentencing options available to judges and magistrates and their effectiveness in deterring offenders from crime.

On the whole NSW Local Government cannot claim to have unique expertise or data on the sentencing options available to judges and magistrates and their effectiveness in deterring

offenders from crime. Nonetheless, NSW Local Government can reflect some of the disquiet amongst the communities they represent on these issues.

The 2002 Shires Association Annual Conference held in June and attracting over 400 participants, provided evidence of the types of disquiet abroad in the community.

Delegates heard from councils concerned about the need for minimum sentences. Delegates heard that minimum sentences would serve the community more appropriately than maximum terms, which are rarely imposed or served. Conference resolved to request there be realistic minimum sentences introduced for violent crime and dealing in illicit drugs.

Delegates heard from councils concerned about how to protect victims of violent crimes, especially rape from the perpetrators of the crime. Conference resolved to request that legislation be introduced to provide that, apart from a prison term, options to add exclusion provisions from specified locations/towns be available.

Conference delegates heard about what councils believe are problems with sentencing. For example, they were told that there have been regular cases in Bourke and Brewarrina where different Magistrates have applied greatly varying penalties for the same severity of crime. Other councils report similar views in other towns in the rural and remote areas. It is not uncommon for a perceived serious crime receiving a "proven but dismissed' conviction from one Magistrate whereas another Magistrate may order a heavy fine or other more appropriate penalty. Conference resolved to request Magistrates and Judges to be consistent in applying appropriate penalties and sentences by utilising more effectively the powers already available to them within the laws of NSW. Conference also resolved that community views be addressed by the judiciary when sentencing serious and repeat offenders. Conference also dealt with the concern that the judiciary seems out of touch and did not seem to appropriately reflect the will of the people.

Conference also dealt with offensive behaviour and vandalism by juveniles. Delegates were concerned about repeat offenders and children under 10 years of age. Councils feel the present system of responding to juvenile offences, particularly in public places, is limited to a process of warnings culminating in conferencing which appear to be ineffective. Delegates heard this frustration has also been experienced in the school environment, by police, by other public authorities, and by the general public. Conference resolved to call on the State Government to convene a summit to discuss public concern over the present system and process, for dealing with juvenile offensive behaviour and vandalism.

Conclusion:

The Commonwealth should refer the matter of community disquiet over the sentencing options available to judges and magistrates and their effectiveness in deterring offenders from crime to the Standing Committee of Attorneys General or Australian and New Zealand Crime Prevention Ministerial Forum for thorough examination.

COMMUNITY SAFETY AND POLICING

Lgov NSW notes that the Committee believes that it is reasonable to expect that a community will feel safer when there is a visible police presence and when offenders are detected and apprehended by police.

Lgov NSW strongly concurs with this as an accurate assessment of community sentiment.

In terms of representing community concerns individual councils, the Shires Association and the Local Government Association have been increasingly vocal about a visible police presence over recent years. In the case of the two Associations there have been repeated representations and delegations on a variety of police resource issues, to successive NSW Ministers for and Commissioners of Police.

The matters that have been of pressing concern to councils and the communities they serve are as follows:

- the lack of adequate police numbers in country towns
- the need for effective police numbers in small stations
- the length of time taken to fill vacancies
- the need to ensure adequately trained police are available at all times
- the need for temporary replacement officers to cover those on leave and other commitments

The Ministers and Commissioners have attempted to reassure the Associations that staffing is adequate. For example we are told that according to Police Service Workforce Planning, the actual strength of police in NSW increased from 12,678 in November 1994 under the Coalition Government to 13,759 in December 2001. This represents an increase of 1,081 sworn police officers.

However, rural and remote councils are yet to be completely convinced their concerns are fully appreciated. For example the 2001 Local Government Association Annual Conference called on the NSW Government to review policing numbers to take into account the isolation and tyranny of distance experienced by rural communities and other matters. The NSW Parliamentary Secretary to the Minister for Police responded saying that where the officers available for deployment throughout the State are deployed depends on the identified needs of individual Commands. He continued stressing that comprehensive statistics are kept on the frequency and nature of reported crime and intelligence-based rostering is widely practiced in the NSW Police Service. This information combines to allow objective assessment of staffing needs of all Local Area Commands. Basically the message is that the Crime Management Unit of the Command constantly monitors crime trends and police resources are directly tasked to address those trends. Rural and remote councils do not feel they see the evidence of this despite enjoying good relations with their respective Commands.

Further it is worth repeating the point we have made in other contexts. The concern that operational policing needs addressing in any multi-pronged inquiry into crime and fear of crime, is certainly borne out by the Associations reexamination of the Sherman et al *Preventing Crime: What Works, What Doesn't, What's Promising* (covered the section above on Strategies to Support Victims and Reduce Crime). Many of the successful and promising crime prevention strategies set out there relate to policing.

It also needs to be recognised that there are or have been a number of councils that are directly involved in measures that may be characterised as traditional policing. For example, in 1999 it was estimated that 11 councils were spending $3 million on traditional policing roles (see Sun Herald, 12/9/99, p17). The major initiatives are either i) the employment of law enforcement officers or security guards to patrol the streets to combat vandalism graffiti or public nuisance matters, or ii) paying for the installation and monitoring of security cameras in CBD areas. The councils reported to be involved in this area in 1999 were as follows: Blacktown City Council, Fairfield City Council, Forbes Shire Council, Hurstville City Council, Lismore City Council, Rockdale City Council, Sutherland Shire Council, Wollongong City Council, Wyong Shire Council and Sydney City Council.

It needs to be acknowledged that these examples contribute to the gathering concern in Local Government generally, that some councils are being 'pushed' slowly into policing roles that ought properly remain the responsibility of the State Government through the Police Force. Councils appear to be being pushed in this direction by both community demands that councils do something about crime in the public domain and by the resource allocations of the Police Force where it is perceived that those resources are insufficient to meet public demand. This raises the need to identify carefully which sphere of government is allocated which roles in traditional policing. Whilst it may be legitimate for a small number of councils to enter into policing or partnerships with the NSW Police Service to enhance local policing, this cannot be generalised to all NSW Local Government. The greater majority do not have the mandate, community support and/or resources to enact policing roles.

That said better communication based on a clear understanding of each other's mandates in and closer cooperation on law and order and community safety can bring mutual benefits to the Police Force, Local Government and the communities they serve. Lgov NSW has sought funds from the NSW Government for a policy officer position, to support councils in their work in the area of Local Government/Police relations in community safety and crime prevention, in an effort to support councils in this increasingly important area of their activities.

Concluding comment:

The Commonwealth could play a national role in fostering research into the adequacy of operational police resources. It would seem useful Lgov NSW for the Commonwealth, States and Territories to develop national benchmarks for the resources needed to respond appropriately to different crime categories, and to different geographic areas (noting the need to deal with the qualitative and quantitative factors to be dealt with in rural and remote areas.)

Further the Commonwealth could seek to urgently resolve the issues surrounding the need for a national crime body. Lgov NSW understands that the Commonwealth and State and Territory Government seem to have reached an impasse over any future National Crimes Authority. Nonetheless NSW Local Government believes that there must be an effective National Crimes Authority especially to deal with organised crime and international importation of illegal drugs and illegal hand guns. In the simplest terms Australia needs a system for managing and combating organised crime and drug and gun imports, so communities can have some faith that central governments are serious about combating crime and alleviating the fear of crime. It is unhelpful for Commonwealth and State and Territory Governments to continue seeking to blame each other. All stakeholders need to take a

balanced view of the total system and their roles and responsibilities, and subject all the issues to a non-partisan scrutiny. The Commonwealth and States and Territories need to enter into constructive negotiation on a revised set of inter-government relations dealing with the international and national crimes, that serves the national community in a more sophisticated and contemporary manner. Lgov NSW recommends that the Commonwealth convene a national summit involving heads of government, Attorney's General and Ministers for Police to examine the problems around national crime issues.

Finally Lgov NSW must comment on the recent media coverage on the proposal billed as "Pay residents to fight crime – Radical plan will help police" (The Sunday Telegraph 28 July 2002 page 23). Whilst we do not have access to the details of proposal, it appears the essence of the idea is that 'communities could be funded to carry out their own crime-fighting projects under a national plan to cut crime rates'. It appears that the Commonwealth Justice Minister Hon Chris Ellison is considering the radical plan proposed by the Police Federation of Australia. It appears the Federation has attacked the Commonwealth Government for not acting sooner on crime rates, suggested that the Commonwealth Government should take responsibility for many causes of crime and to adopt the community crime-fighting measure, which is based on a successful US program. It appears that community crime-fighting involves communities applying for funding according to an agreed formula, with the money spent on a range of initiatives such as employing civilians to help local police, installing security systems at trouble spots or funding police to address specific crime issues in the community.

The Chief executive of the Police Federation of Australia is reported to have said 'We have huge problems with property crime from heroin importation, people getting shot with illegal hand guns and there are problems with illegal immigration'. Mr Burgess noted these are 'all of these are Federal Government issues which impact on policing, yet the Federal Government steps back and says It's a State issue'. Mr Burgess further noted 'the Federal Government needs to take their responsibility for policing just as State and Local Governments have been doing for some time'. It was noted that the Commonwealth Government's contribution of eight per cent to police operational budgets is not enough.

As pointed out earlier in this section, Lgov NSW is concerned that Commonwealth needs to do more importation of drugs, importation of illegal hand guns and aspects of illegal immigration. Lgov NSW is also concerned about the stalled efforts to develop an Australian Crime Commission to replace the National Crime Authority. Lgov NSW believes that there is a strong case for the Commonwealth to increase its contribution to police operational budgets. Each of these need the Commonwealth and States and Territories to enter into constructive negotiation on a revised set of inter-government relations dealing with the international and national crimes, that serves the national community in a more sophisticated and contemporary manner.

However, Lgov NSW is wary of the answer lying with a community grants scheme that funds operational policing in a round-about way. We strongly suggest that if operational policing needs enhancement that should be done in an open, direct and transparent way with direct Commonwealth funding to State and Territory police for agreed areas of enhancement. If the Commonwealth is attracted to the proposed community crime-fighting program, it would be better to target that money at community-sponsored measures that cover Opportunity reduction approaches, Developmental/early intervention approaches, Community/ social crime prevention. On the whole we believe that Criminal justice system approaches

(including operational policing) should be quarantined for action by Commonwealth and State and Territory agencies.

Conclusion:

The Commonwealth should foster research into the adequacy of operational police resources, and in conjunction with the States and Territories develop national benchmarks for the resources needed to respond appropriately to different crime categories, and to different geographic areas (noting the need to deal with the qualitative and quantitative factors to be dealt with in rural and remote areas.)

The Commonwealth should seek to urgently resolve the issues surrounding the need for a national crime body and convene a national summit involving heads of government, Attorney's General and Ministers for Police to examine the problems around national crime issues.

The Commonwealth should work with the States and Territories to ensure that criminal justice system approaches (including operational policing) should be quarantined for action by Commonwealth and State and Territory agencies.

REFERENCES

Allen J, Chilvers M, Doak P, Goh D, Painting T and Ramsay M	*NSW Recorded Crime Statistics 2001*, NSW Bureau of Crime Statistics and Research Attorney General's Department, Sydney 2002.
Baum, N., Murphy A., Smith S., and Hall M	*Resourcing communities: the 1999 Community Planning and Services Audit* Local Government & Shires Associations of NSW, Sydney 2000
Cook B, David F and Grant A	*Victims' Needs, Victims' Rights – Policies and Programs for Victims of Crime In Australia*, Australian Institute of Criminology Research and Public Policy Series No. 19, Canberra 1999
Centre for Cultural Risk Research	*Fear of Crime* Volumes 1 & 2 National Campaign Against Violence and Crime, Commonwealth of Australia, Canberra 1998
Developmental Crime Prevention Consortium	*Pathways to Prevention: Development and Early Intervention Approaches to Crime in Australia* as presented to the NSW Legislative Council Standing Committee on Law and Justice in 1999.
Giegerl, Cr Beverly	Speech to *Graffiti at Large – Local issues – local solutions Conference*, November 2001
Kearney, S	'Pay residents to fight crime – Radical plan will help police *The Sunday Telegraph* 28 July 2002 page 23
Sherman, Gottfredson, MacKenzie, Eck, Reuter and Bushway	*Preventing Crime: What Works, What Doesn't, What's Promising* as presented to the NSW Legislative Council Standing Committee on Law and Justice in 1999.
Walker, J	*Trends in Crime and Criminal Justice*, in *The Australian Criminal Justice System - The Mid-1990s*, Eds. Chappell, D, and Wilson, P., 1994
Weatherburn, D	What Causes Crime? *Crime and Justice Bulletin Contemporary Issues in Crime and Justice Number 54, February 2001*, NSW Bureau of Crime Statistics and Research Attorney General's Department,

TABLE 2: SHERMAN'S "WHAT WORKS ' AND NSW LOCAL GOVERNMENT

STRATEGIES	COMMENTS ON USE BY NSW LOCAL GOVERNMENT
For infants: Frequent home visits by nurses and other professionals.	Not possible: whilst councils provide the buildings for Early Childhood Health Services, the Nursing staff are employed by Area Health Services; it would mean moving into an area seen as NSW Health and DoCS responsibility
For preschoolers: Classes with weekly home visits by preschool teachers.	May be possible: council preschools & child care centres could theoretically do this, with significant changes to practice, active cooperation of DoCS and significant changes to Commonwealth policies (eg role of centres/Child Care Assistance)
For delinquent and at-risk preadolescents: Family therapy and parent training.	Limited possibility: for the limited number of council neighbourhood centres and family support services offering therapeutic services; requires active cooperation of DoCS in practice matters and enhanced funding
For schools: - Organisational development for innovation - Communication and reinforcement of clear, consistent norms. - Teaching of social competency skills. - Coaching of high-risk youth in thinking skills.	Not possible: Local Government is not responsible for schools. Not possible: Local Government is not responsible for schools.) Limited possibility: for the limited number of council youth services to work in cooperation with) schools; requires active cooperation of School authorities and enhanced recurrent funding
For older male ex-offenders: Vocational training	Not possible: Local Government is not responsible for vocational training.
For rental housing with drug dealing: Nuisance abatement action on landlord.	Unclear of whether model is applicable or workable in Australian/NSW legal system
For high-crime hot spots: Extra police patrols.	Not possible: Local Government is not responsible for Police Service.
For high-risk repeat offenders: Monitoring by specialised police unit incarceration.	Not possible: Local Government is not responsible for Police Service. Not possible: Local Government is not responsible for Corrective Services.
For domestic abusers who are employed: On-scene arrests.	Not possible: Local Government is not responsible for Police Service.
For convicted offenders: Rehabilitation programs with risk-focused treatments.	Not possible: Local Government is not responsible for Corrective Services.
For drug-using offenders in prison: Therapeutic community treatment programs.	Not possible: Local Government is not responsible for Corrective Services.

TABLE 3: SHERMAN'S "WHAT'S PROMISING' AND NSW LOCAL GOVERNMENT

STRATEGIES	COMMENTS ON USE BY NSW LOCAL GOVERNMENT
Proactive drunk driving arrests with breath testing (may reduce accident deaths).	Not possible: Local Government is not responsible for Police Service
Community policing with meetings to set priorities (may reduce perceptions of crime).	Not possible: Local Government is not responsible for Police Service; clearly councils may assist in facilitating such meetings, but effect on outcomes unknown
Police showing greater respect to arrested offenders (may reduce repeat offending)	Not possible: Local Government is not responsible for Police Service
Polite field interrogations of suspicious persons (may reduce street crime).	Not possible: Local Government is not responsible for Police Service
Mailing arrest warrants to domestic violence suspects who leave the scene before police arrive.	Not possible: Local Government is not responsible for Police Service
Higher numbers of police officers in cities (may reduce crime generally)	Not possible: Local Government is not responsible for Police Service
Gang monitoring by community workers and probation and police officers.	Limited possibility: for the limited number of council youth services to work in cooperation with Department of Juvenile Justice; requires active cooperation of State authorities and enhanced recurrent funding.
Community-based mentoring by Big Brothers/Big Sisters of America (may prevent drug abuse).	Not possible: Local Government is not seen as 'community-based' in the sense that is required for this type of strategy
Community-based afterschool recreation programs (may reduce local juvenile crime)	Limited possibility: for the limited number of council children's, youth and neighbourhood services to deliver such programs; requires active cooperation of Commonwealth/State authorities and enhanced recurrent funding.
Battered women's shelters (may help some women reduce repeat domestic violence).	Not possible: Local Government is not responsible for Women's Refuges under the Commonwealth/State Supported Accommodation Program
"Schools within schools" that group students into smaller units (may prevent crime).	Not possible: Local Government is not responsible for Schools
Training or coaching in "thinking" skills for high-risk youth (may prevent crime).	Not possible: Local Government is not responsible for Schools
Building school capacity through organisational development (may prevent substance abuse).	Not possible: Local Government is not responsible for Schools
Improved classroom management and instructional techniques (may reduce alcohol use).	Not possible: Local Government is not responsible for Schools
Job Corps residential training programs for at-risk youth (may reduce felonies).	Not possible: Local Government is not responsible for Labour Market programs
Prison-based vocational educational programs for adult inmates	Not possible: Local Government is not responsible for Corrective Services

TABLE 3: SHERMAN'S "WHAT'S PROMISING' AND NSW LOCAL GOVERNMENT

STRATEGIES	COMMENTS ON USE BY NSW LOCAL GOVERNMENT
(in Federal prisons).	
Moving urban public housing residents to suburban homes (may reduce risk factors for crime).	Not possible: Local Government is not responsible for Public Housing
Enterprise zones (may reduce area unemployment, a risk factor for crime).	Possible: Local Government has shown a long interest in programs and strategies to strengthen local economies and create employment opportunities and usually pursues this in partnership with other spheres of government and local industry
Two clerks in already-robbed convenience stores (may reduce robbery).	Not possible: Local Government is not responsible for private enterprise
Redesigned layouts of retail stores (may reduce shoplifting).	Not possible: Local Government is not responsible for private enterprise
Improved training and management of bar and tavern staff (may reduce violence, DU)	Not possible: Local Government is not responsible for Schools
Metal detectors (may reduce skyjacking. weapon carrying in schools).	Possible: Local Government could use metal detectors at its airports and other facilities if risks are judged unacceptable
Street closures, barricades, and rerouting (may reduce violence burglary).	Possible; uses traditional local government planning and traffic management functions, in a new way
"Target hardening" (may reduce vandalism of parking meters and crime involving phones).	Possible: for Local Government's own public infrastructure
"Problem-solving" analysis unique to the crime situation at each location.	Possible: Local Government has shown an increasing interest locality based crime analysis and crime prevention planning, on its own initiative as an extension of its existing social and environmental planning or under the State legislation such as the Children (Protection and Parental Responsibility) Act.
Proactive arrests for carrying concealed weapons (may reduce gun crime).	Not possible: Local Government is not responsible for Police Service
Drug courts (may reduce repeat offending).	Not possible: Local Government is not responsible for Criminal Justice
Drug treatment in jails followed by urine testing in the community.	Not possible: Local Government is not responsible for Police Service
Intensive supervision and aftercare of juvenile offenders (both minor and serious).	Not possible: Local Government is not responsible for Juvenile Justice
Fines for criminal acts.	Not possible: Local Government is not responsible for Criminal Justice

Table 4: Development Crime Prevention Consortium's - Risk factors associated with anti-social and criminal behaviour

Child risk factors

- prematurity impulsivity
- low birth weight
- disability
- prenatal brain damage
- birth injury
- low intelligence
- difficult temperament
- chronic illness
- insecure attachment

- poor problem solving
- beliefs about aggression
- attributions
- poor social skills
- low self esteem
- lack of empathy
- alienation
- hyperactivity/disruptive behaviour

Family risk factors

Parental characteristics:
- teenage mothers
- single parents
- psychiaric disorder, especially depression

- substance abuse
- criminality
- antisocial models

Family environment:
- conflict and disharmony
- marital discord
- disorganised
- negative interaction social isolation

- large family size
- father absence
- long -term parental employment

Parenting style:
- poor supervision and monitoring of child
- discipline style (harsh or inconsistent)
- rejection of child

- abuse
- lack of warmth and affection
- low involvement of child's activities
- neglect

Risk factor in the school context

- school failure
- normative beliefs about aggression
- deviant peer group
- bullying

- peer rejection
- poor attachment to school
- inadequate behaviour management

Stressful life events and transitions

- divorce and family break-up
- war or natural disasters

- death of a family member

Community and cultural factors

- socio-economic disadvantage
- population density and housing conditions
- urban area
- neighbourhood violence and crime

- media portrayal of violence
- cultural norms re violence as acceptable response to frustration
- lack of support services
- social or cultural discrimination

Table 5: Development Crime Prevention Consortium's - Protective factors associated with anti-social and criminal behaviour

Child factors

- social competence
- social skills
- above-average intelligence
- attachment to family
- empathy
- problem solving
- optimism

- school achievement
- easy temperament
- internal locus of control
- moral beliefs
- values
- self-related cognitions
- good coping style

Family factors

- supportive caring parents
- family harmony
- more than two years between siblings
- responsibility for chores or required helpfulness
- secure and stable family

- supportive relationship with other adult
- small family size
- strong family norms and morality

School factors

- positive school climate
- pro-social peer group
- responsibility and required helpfulness
- sense of belonging/bonding

- opportunity for some success at school and recognition of achievement
- school norms re violence

Life events

- meeting significant persons
- moving to new area

- opportunities at critical turning points or major life transitions

Community and cultural factors

- access to support services
- community networking
- attachment to the community

- participation in church or other community group
- community/cultural norms against violence
- strong cultural identity and ethnic pride