



**INTERNATIONAL POLICE EXECUTIVE SYMPOSIUM
GENEVA CENTRE FOR THE DEMOCRATIC CONTROL
OF ARMED FORCES
COGINTA - FOR POLICE REFORMS
AND COMMUNITY SAFETY**

WORKING PAPER No 46

**Denying the Obvious:
Comments on Moulton's Myth and Reality**

Rémi Boivin

APRIL 2013

**WWW.IPES.INFO
WWW.DCAF.CH
WWW.COGINTA.ORG**

The joint IPES, Coginta and DCAF Working Paper Series is an open forum for the global community of police experts, researchers, and practitioners provided by the International Police Executive Symposium (IPES) and the Geneva Center for the Democratic Control of the Armed Forces (DCAF) and Coginta, a Swiss-based NGO dedicated in the governance of policing and police reforms. It intends to contribute to worldwide dialogue and information exchange in policing issues by providing an access to publication and the global public sphere to the members of the interested community. In essence, the Working Paper Series is pluralist in outlook. It publishes contributions in all fields of policing and manuscripts are considered irrespective of their theoretical or methodological approach. The Series welcomes in particular contributions from countries of the South and those countries of the universe which have limited access to Western public sphere.

Members of the editorial board are Dominique Wisler (editor-in-chief, www.coginta.org, Geneva, Switzerland), Philipp Fluri (Deputy Director of the Geneva Center for the Democratic Control of the Armed Forces, Geneva), Rick Sarre (professor of Law and Criminal Justice at the University of South Australia, Adelaide), Kam C. Wong (associate professor and chair of the Department of Criminal Justice of Xavier University, Ohio), and Ihekwoaba D. Onwudiwe (professor of Administration of Justice at Texas Southern University).

Manuscripts can be sent electronically to the editorial board (wisler@coginta.org).

© 2013 by Remi Boivin. All rights reserved. Short sections of this text, not to exceed two paragraphs, might be quoted without explicit permission provided full credit is given to the source.

The views and opinions expressed are those of the author(s) and do not necessarily reflect those of the International Police Executive Symposium, Coginta or the Geneva Center for the Democratic Control of the Armed Forces.

Denying the Obvious: Comments on Moulton's Myth and Reality

Remi Boivin

Working Paper No 46, April 2013

www.IPES.info

www.dcaf.ch

www.coginta.org

Summary

In a recent paper published in *Police Practice and Research*, Moulton offers an original explanation for the crime drop observed in Canada between 1999 and 2009 (Moulton, 2012). The Funnel theory argues that variations in official crime statistics are mainly indicative of the evolution of the legal process of infractions rather than of the evolution of criminal behaviour. This commentary reviews Moulton's demonstration and argues that he fails to provide convincing empirical support to the Funnel theory.

School of criminology, University of Montreal
International Centre for Comparative Criminology
C.P. 6128, succursale Centre-ville
Montréal QC Canada
H3C 3J7
Telephone: (514) 343-2473
Email: remi.boivin@umontreal.ca

Denying the Obvious: Comments on Moulton's Myth and Reality

Rémi Boivin

In a recent paper published in *Police Practice and Research*, Moulton offers an original explanation for the crime drop observed in Canada between 1999 and 2009 (Moulton, 2012). Moulton calls his proposition the 'Funnel theory' in reference to the selective process of infractions and offenders within the legal system. This commentary argues that Moulton's attempt to provide empirical evidence of the Funnel theory is based on fallacious observations and that it does not do justice to the richness of his theoretical propositions.

The Funnel theory

Traditionally, it is expected that observed variations of judicial statistics, whether crimes, prosecutions, convictions or corrections, are indicative of changes in previous steps of the legal process of infractions. For example, a crime drop is usually interpreted as showing that the number of infractions reported to the police has decreased. In that case, it could further be expected that the number of prosecutions will also decrease and, eventually, that fewer individuals will be convicted for any given infraction. A decrease in the input (number of infractions reported to the police) is expected to be followed by more or less equivalent decreases in both throughputs and outputs (prosecutions, convictions). While attrition and selection are expected at every step of the legal process, the output should represent a fairly constant proportion of the input. There should be a linear relationship between what enters the legal system and what comes out of it.

Moulton's argument is the opposite: the legal process itself is the main source of variation of official statistics. The Funnel theory predicts variations in official statistics if there is any change in the legal processing of infractions. Suppose that the 'real' number of infractions is constant; according to the Funnel theory, official crime statistics could still decrease if there was (1) a decrease in the number of police resources dedicated to the recording of reported infractions, (2) an increase in the resources necessary to record an infraction, and/or (3) a decrease in the capacities of subsequent judicial actors (prosecutors, courts,

corrections) to deal with actual levels of crime. Moulton's explanation is fairly simple: justice takes time. Police officers need to have enough time to intervene and subsequently write their reports; prosecutors, to prepare and plead their cases; and judges, to hear the causes and return a verdict. The Funnel theory suggests that there is a 'finite limit to the number of cases that [the criminal legal system] can process' (Moulton, 2012, 4). In other words, the Funnel theory hypothesizes that variations in official crime statistics are mainly indicative of the evolution of the legal process of infractions rather than of the evolution of criminal behavior. Moulton even maintains that 'the 20% reduction in crime [between 1999 and 2009] in Canada shown in police-reported crime statistics is a chimera' (Moulton, 2012, 8).

Empirical support for the Funnel Theory

Moulton's theoretical propositions are consistent with a variety of studies in the field of criminal justice. His paper is, however, one rare attempt to apply a social constructivist (Kukla, 2000) approach to the study of crime trends. In this view, official crime statistics are, at least in part, determined by systemic contingencies unrelated to criminal behavior. For example, Wilson's (1969) varieties of police behavior are expected to influence the recording practices of departments. Legalistic departments record a larger proportion of reported infractions than service or watchman departments, meaning that the global orientation of a police service can influence its crime statistics independently of the criminal phenomenon (Chappell, Macdonald & Manz, 2006; Smith, 1984). Specific policy changes have also been found to influence the number of infractions recorded by the police. A tougher attitude towards juvenile offenders led to an increase of less serious offences in a Midwestern city (McCluskey, Varano, Huener and Bynum, 2004). To the contrary, the implementation of the Youth Criminal Justice Act in Canada caused a substantial decrease in the number of charged youths, despite no evidence of a reduction of juvenile delinquency (Carrington & Schulenberg, 2008). Lastly, Boivin & Cordeau (2011) found significant increases of recorded assaults and mischief during a period of collective bargaining between police officers and city officials, and no evidence of a corresponding increase of calls for service.

In all these examples, empirical evidence was found of variations of judicial statistics despite no variation of the criminal phenomenon. Those results are consistent with the theoretical propositions of the Funnel theory in that observed variations of crime were the result of changes in the criminal legal process. However, the next section shows that Moulton's empirical demonstration is based on a biased and selective use of available information. While there is empirical evidence in the literature supporting the Funnel theory, it is argued that Moulton's demonstration is inaccurate, or at least questionable. Differently stated, it is our opinion that Moulton fails to provide empirical evidence supporting his hypotheses.

Moulton's empirical demonstration: shortcuts and inaccuracies

While he sometimes refers to other levels of the criminal justice system, Moulton's empirical demonstration –and this commentary- is centered on police-recorded crime statistics. Logically, two elements need to be demonstrated to support the Funnel theory, in particular the proposition that the crime drop between 1999 and 2009 might be explained by changes in the criminal legal process. The first element is that there is a dissonance (discrepancy) between crime statistics and the 'reality'. The second element is that there is a corresponding variation of resources dedicated to call response and crime reports.

A discrepancy between reported crime statistics and the actual occurrence of crime?

The attempted demonstration of the first element can be found in the section titled 'Is there a real dissonance?' (p.2), with additional arguments included in the introduction (p.1) and the sub-section 'The police as statistical gatekeepers' (p.5). Moulton's first argument is to report that practitioners in the criminal justice experience a cognitive dissonance every time the drop is reported, i.e. that those who deal with crime daily do not feel that it has decreased. It could be argued that police officers are not able to see the 'big picture' because they are spending 'their entire time going from call to call and never reach[ing] the end of the 911 call queue' (Moulton, 2012, p.6), but it would only be part of the explanation. Based on a report by Statistics Canada (Statistics Canada, 2010), Moulton reports a 20% cumulative drop of crime over a ten-year period (1999-2009), which corresponds to less than a 2% average annual decrease. In practical terms, is it

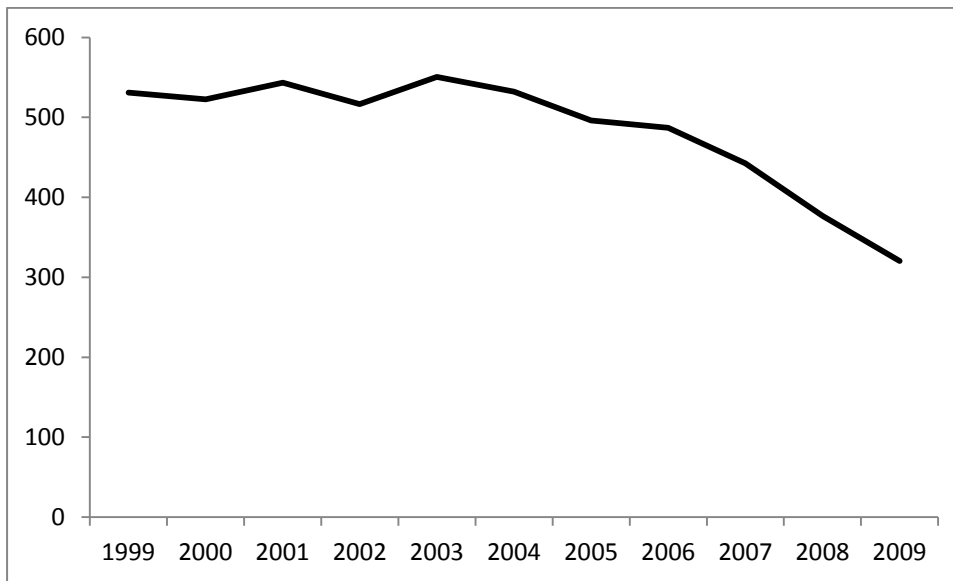
reasonable to expect police officers who deal with tens or hundreds of crime every year to notice such a modest reduction? Overall, the 20% crime drop is impressive; in the daily activities of the criminal justice practitioners, it could easily go undetected.

On top of these remarks, Moulton provides a quantitative assessment of the discrepancy based on a comparison between official statistics and victimization surveys. It is interesting to note that Moulton is not the first researcher to use this analytical strategy to verify the impact of changes in the legal process on police-recorded statistics but that he is the first to argue that it could explain a crime reduction. Several researchers have found that legal changes contributed significantly to the increase of specific categories of crime. For example, O'Brien (1996) found an upward trend in the UCR figures because of law enforcement agencies deal differently with violent crime since the 1980s –a larger proportion of allegations are recorded in official statistics. Wittebrood & Junger (2002) found the same situation in the Netherlands. In both studies, the trend is observed over a long period (1973-1992 for O'Brien, 1980-1999 for Wittebrood & Junger) and annual or biannual data are used. Moulton's demonstration is based on three surveys over a ten-year period. The Canadian data is simply too scarce for strong statements. Furthermore, using data from the Canadian General Social Survey, Ouimet & Tessier-Jasmin (2009) indicate that reporting rates significantly changed between 1999 and 2004: violent infractions were more likely to be reported to the police while property crimes had declining reporting rates. These results suggest that the property crime drop might be explained by the fact that fewer victims reported their victimization to the police. An accurate test of the Funnel theory should compare crime statistics with victimizations *reported to the police*.

It is however possible to cancel out the effect of varying reporting rates by using crime categories that are virtually unaffected by behavioural or legal changes. Motor vehicle theft is one of these categories: these infractions are among the most reported to the police because an official declaration of theft is needed for insurance claim (Perreault & Brennan, 2009). It is expected that the trend in motor vehicle thefts gives one of the most realistic picture of the evolution of the criminal phenomenon. And what happened between 1999 and 2009 is an

historical drop (-39.7%) of motor vehicle theft recorded by the police in Canada (Figure 1). The drop is even more pronounced for another type of infraction that is virtually unaffected by legal changes: break and enter (-41.6%). The reported 20% crime drop between 1999 and 2009 may well be an underestimation of the true trend.

Figure 1. Rate of motor vehicle theft, Canada, 1999-2009



An additional concern is whether victimization surveys can be compared to police-recorded statistics. It is especially relevant when general categories of infractions/victimizations are compared, as it is the case in Moulton's demonstration. For example, 'violent victimizations' (Figure 2, p.3 in Moulton, 2012) includes a variety of incidents, the most frequent being another large categorization, 'assaults'. The latter includes any kind of attacks, from being hit, slapped, pushed or grabbed, to being shot or beaten. Of course, the less severe forms of assaults are also the most prevalent; they are also the least likely to be reported to the police (Perreault & Brennan, 2009). Any comparison of victimization surveys with police data is potentially inaccurate because relatively frequent and benign incidents (the majority of reported violent victimizations) may end up being compared to rare, criminalized behaviours. That is one of the reasons why victimization survey data should always be interpreted with caution and why Statistics Canada is reluctant to compare it to police-recorded statistics.

In short, Moulton's assertion of a discrepancy between reported crime statistics and the actual occurrence of crime is at least debatable.

A reduction in available resources?

The Funnel theory predicts that 'changes in the criminal legal process are determinative of the changes in criminal statistics' (p.4). Moulton considers two dimensions: the time needed to deal with a case and the actual number of resources (e.g. number of police officers). He quotes the results of an ambitious research (International Centre for Urban Research Studies, 2005) demonstrating that police officers spend today more time on 'paperwork-related tasks' than in previous decades. They also show that writing a report is now more time-consuming than ever. Moulton then reports that it took on average 22.7% more time in 2009 than in 2000 for criminal courts to dispose of a case. Moulton's argument is indisputable: the criminal legal process requires more time for its completion than it used to.

However, Moulton maintains that the 'police functions with a relatively stable pool of resources' (p.5). Combined with increasing time requirements, this would demonstrate a *de facto* reduction in available resources for the police. There is no evidence of such a stable pool of resources; in fact, the total number of police officers in Canada has increased by 21.9% between 1999 and 2009 (Statistics Canada, 2009). Whether or not additional resources are able to counterbalance the effect of increased time requirements is unknown, but Moulton's argument that 'the criminal legal system has lost the capacity to deal with the actual level of law breaking behaviour' (p.8) is questionable.

Conclusion

Moulton's Myth and reality provides an interesting theoretical explanation of the 20% crime drop observed in Canada between 1999 and 2009. However, it fails to provide convincing empirical support to the Funnel theory.

Acknowledgements

The author would like to thank Yanick Charette, Laurence Gendron, Olivier Pelletier-Giguère and Kenny Yu for their helpful comments.

References

- Boivin, R. & Cordeau, G. (2011). Measuring the impact of police discretion on official crime statistics: A research note. *Police Quarterly*, 14, 186-203.
- Carrington, P.J., & Schulenberg, J.L. (2008). Structuring police discretion: The effect on referrals to youth court. *Criminal Justice Policy Review*, 19, 349-367.
- Chappell, A.T., Macdonald, J.M., & Manz, P.W. (2006). The organizational determinants of police arrest decisions . *Crime and delinquency*, 52, 287-306.
- Kukla, A. (2000). *Social constructivism and the philosophy of science*. London: Routledge.
- International Centre for Urban Research Studies (2005). *A 30 year analysis of police service delivery and costing*.
- Retrieved from
<http://www.majorcitieschiefs.org/pdf/news/policeservicedeliverycosting.pdf>.
- McCluskey, J.D., Varano, S.P., Huebner, B.M., & Bynum, T.S. (2004). Who do you refer? The effects of a policy change on juvenile referrals. *Criminal Justice Policy Review*, 15, 437-461.
- Moulton, E. (2012). Myth and reality: interpreting the dynamics of crime trends: lies, damn lies and (criminal) statistics. *Police Practice and Research*, doi: 10.1080/15614263.2012.674300.
- O'Brien, R.M. (1996). Police productivity and crime rates: 1973-1992. *Criminology*, 34, 183-207.
- Ouimet, M., & Tessier-Jasmin, J.-M. (2009). Policer la violence: analyse du taux de déclaration et du taux d'enregistrement des victimisations criminelles

- au Canada en 1999 et 2004 [Policing violence: An analysis of reporting rates and recording rates of criminal victimization in Canada in 1999 and 2004]. *Canadian Journal of Criminology and Criminal Justice/La revue canadienne de criminologie et de justice pénale*, 51, 227-253.
- Perreault, S. & Brennan, S. (2010). *Criminal victimization in Canada, 2009*. (Catalogue no. 85-002X; Juristat, Vol. 30, No. 2). Ottawa, Ontario.
- Smith, D.A. (1984). The organizational context of legal control. *Criminology*, 22, 19-38.
- Statistics Canada (2009). *Police resources in Canada, 2009*. Ottawa: Statistics Canada.
- Statistics Canada. (2010). *Police-reported crime statistics in Canada, 2009* (Catalogue no. 85-002X; Juristat, Vol. 30, No. 2). Ottawa, Ontario.
- Wilson, J.Q. (1969). *Varieties of police behaviour: The management of law and order in eight communities*. Cambridge, MA: Harvard University Press.
- Wittebrood, K., & Junger, M. (2002). Trends in violent crime: A comparison between police statistics and victimization surveys. *Social Indicators Research*, 59, 153-173.



The International Police Executive Symposium (IPES) brings police researchers and practitioners together to facilitate cross-cultural, international and interdisciplinary exchanges for the enrichment of the policing profession. It encourages discussions and writing on challenging topics of contemporary importance through an array of initiatives including conferences and publications.

Founded in 1994 by Dilip K. Das, Ph.D., the IPES is a registered Not-For-Profit educational corporation. It is funded by the benefaction of institutional supporters and sponsors that host IPES events around the world.

Detailed information on IPES can be found at: www.IPES.info



The International Police Executive Symposium's major annual initiative is a four-day meeting on specific issues relevant to the policing profession. Past meeting themes have covered a broad range of topics from police education to corruption. Meetings are organized by the IPES in conjunction with sponsoring organizations in a host country. To date, meetings have been held in North America, Europe, and Asia.



Coginta is a Swiss-based registered NGO dedicated to democratic police reforms worldwide. Coginta collaborates with Governments, the United Nations and bilateral cooperation and development agencies. Information on current Coginta projects can be retrieved from its website: www.coginta.org.