



Opinion

Fine state of affairs when only top end put on spot



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Do you know what is wrong with the law-and-order auction in NSW? Simple. Crime and justice has become so dumbed down that there is little if anything coming out of Macquarie Street or the popular press that would satisfy even the most casual of judges in a primary school debating contest.

Case in point: criminal infringement notices.

The reality of the plan to introduce on-the-spot fines for minor crimes is that most hard-bitten police, overworked prosecutors and magistrates have long known that there is little in the way of crime control achieved by processing petty thieves through court. Arresting offenders, producing witness statements, preparing a brief and appearing in court consumes volumes of police time. Most convictions see small fines imposed anyway.

The problem is too many precious police resources and too much overstretched court time is taken up sanctioning minor crimes with minor fines. Victims don't benefit from the fine, citizens are no more or less safe and police attention is diverted from serious threats to the public such as domestic violence where crime rates are always on the rise.

The solution? Cut out the middle man with on-the-spot fines. As with traffic offences – the most recurrent and often the most disruptive crimes – it gives police the power to punish offenders.

There has been much nonsense in the debate about these fines. The Opposition police spokesman, Mike Gallacher, says the plan is “an absolute disgrace” and that “under this legis-

lation you become a virgin every day”. The Premier, Morris Iemma, says that he “absolutely” supports zero tolerance. The tabloids say that the Government has “reduced serious crimes to the same status as littering”. The outrage is equated with not treating pregnant women in our ailing hospitals, and failing to protect Dean Shillingsworth. Such reactions confirm crime and justice as an area of public policy where cost/benefit analyses and evidence-based reform have no place in popular debate. More's the pity.

Against this fluff, how is the ordinary person meant to make sense of a pragmatic attempt to rationalise police resources?

Criminal infringement notices will not push crime rates in NSW up or down. They are not like traffic fines, which are price sensitive. If you increased a parking fine from \$200 to \$1000, the streets of Sydney would be clear. With criminal infringement notices the situation will be different. Many shoplifters, car thieves and small-time fraudsters are the sort of offenders whom a fine hits hardest and they find it hard to repay. Even when small fines are imposed, many go straight from court across to the court clerk's office because they need to arrange for time to pay. They are likely to breach big fines, end up in jail and cost the taxpayer hundreds of dollars a day.

Criminal infringement notices are not some new and radical tax on crime. Besides traffic infringement notices, there are already a variety of minor crimes, such as personal drug use, where an infringement notice is a common punishment.

Why shouldn't this be so? At the top

end of town, we seem happy enough with taxing crime rather than imprisoning offenders. We fine the barrister who has defrauded the state by failing to pay tax for years while we send to prison the single mum who cheats on Centrelink to the tune of what that barrister would spend on a long lunch. Must we continue to be tough on crime at the bottom end, filling our prisons and detention centres with short-term offenders and stuffing the courts with the poor, the unemployed and the mentally ill?

Whatever the practical outcome of on-the-spot fines for the offender and their behaviour, the positive impact will be on the reallocation of policing resources. Increasing demands are placed on the police to intervene in violence and conflict. They manage the mentally ill on the streets. They intervene in our explosion of domestic violence. They have more responsibility for intelligence gathering and national security. We demand they do more to keep our kids safe.

In a law and order environment that has produced high levels of imprisonment thought unimaginable in decades gone by, a bit of balance in the debate might be a step in the right direction. The challenge is in ensuring the revenue from these fines is directed back into an ailing court system so that the vulnerable centre of the criminal justice process doesn't collapse from neglect and strain. When the courts and the lawyers are called on to deal with the serious stuff, let's give them the resources to make sound and sensible decisions, to keep us safe when it counts.

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