

The International Crime Surveys: Some Methodological Concerns

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National crime victimisation surveys have been administered in the United States since the 1960s¹ and in Australia since the 1970s.² As the advantages of these surveys have been realised, their application has flourished internationally. Sparks, Genn and Dodd commented in 1977:

Within a very few years ... there has been a substantial expenditure on victim survey research, and an abundance of data on victimisation has been collected ... Seldom, in the history of social science research, can so much have been done about a single problem by so many in so short a time.³

Five commonly stated objectives of traditional victim surveys are that they attempt to: measure the incidence of crime over time using a wider source than "crimes known to the police"; provide more detailed information about crime than that available from official criminal justice statistics; identify high risk victim sections of the population; understand better "reporting to police" behaviour; and provide information for the development of criminal justice programs.⁴

Growing interest in *state-level* crime victim surveys in Australia is evident from the recent administration of a number of state-wide surveys.⁵

In the past decade, radical criminologists in Britain and Australia also have become interested in *local* victimisation surveys. These community-based surveys have been used to construct, empirically, the process of criminalisation and to develop crime prevention programs that are responsive to stated local needs.⁶

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1 Sparks, R R, Genn, H G and Dodd, D J, *Surveying Victims: A Study of the Measurement of Criminal Victimization, Perceptions of Crime, and Attitudes to Criminal Justice* (1977).

2 Australian Bureau of Statistics, *Crime and Safety Australia, April 1993* (1994); Grabosky, P, *Victims of Violence* (1989).

3 See above n1 at 3.

4 Wong, B, "Issues in the Design of Crime Victim Surveys"(1992) at 1.

5 Australian Bureau of Statistics, *Crime and Safety Survey, NSW* (1990); Australian Bureau of Statistics, *Crime and Safety Survey, NSW* (1992); Australian Bureau of Statistics, *Crime and Safety, South Australia* (1991); Australian Bureau of Statistics, *Crime Victims, Western Australia* (1991); Government Statistician's Office, *Crime Victims Survey: Queensland 1991* (1992).

It was not until 1989, however, that the first standardised *cross-national* victimisation survey was administered. In their report *Criminal Victimization in the Industrialized World: Key Findings in the 1989 and 1992 International Crime Surveys*, van Dijk and Mayhew outline the approach of the 1989 International Crime Survey (ICS) which was replicated, with minor changes, in a second sweep in 1992:

In the majority of countries taking part in the 1989 survey ... respondents were interviewed by telephone. They were asked about eleven main forms of victimisation. Respondents who mentioned that they had experienced one or more of the offences covered were asked short questions about where it had occurred; its material consequences; whether the police were involved (and if not why not); satisfaction with the police response; and any victim assistance given. In addition, some basic socio-demographic data were collected, and some information on people's social life. Other questions were asked about: fear of crime; satisfaction with local policing; crime prevention behaviour; and the preferred sentence for a 21-year old recidivist burglar.⁷

Australian media reportage of the ICS results rather predictably focussed on Australia's top of the table ranking in "sexual incidents", ignoring both the warnings in the published reports of the ICS findings to interpret these with "great care"⁸ and the small numbers involved in the "sexual incidents" sample. Such subtleties did not stand in the way of journalistic readings of the survey as showing Australia as "the most sexually violent country on Earth"⁹ and authorising headlines such as "War on Women" and "Epidemic of Violence", interestingly in the "quality" rather than tabloid press.¹⁰

The promotion and constant recycling of the "sexual incidents" data without the qualifications was evident particularly in the lead-up to and aftermath of David Goldie's ABC TV documentary *Without Consent*, shown in September 1992. This influential and much discussed documentary was followed up with a conference *Without Consent: Confronting Adult Sexual Violence*¹¹ organised by the Australian Institute of Criminology. The unqualified ICS findings were inserted by journalists, certain criminologists, documentary makers and others into a growing public and media debate over sexual violence in terms which sought to highlight the undoubted importance and seriousness of the issues involved by promoting the validity of the findings. An article from page one of *The Guide* in *The Sydney Morning Herald* advertising the documentary nicely illustrates the processes of authentication and cycles of repetition involved and is worth quoting at some length:

David Goldie was pottering away on an ABC documentary about violence last year when a Sydney academic showed him some figures tucked inside a 1989 international crime survey.

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- 6 Jones, T, MacLean, B and Young, J, *The Islington Crime Survey: Crime, Victimization and Policing in Inner-City London* (1986); Brown, D and Hogg, R, "Law and Order Politics — Left Realism and Radical Criminology: A View From Down Under" in Matthews, R and Young, J (eds), *Issues in Realist Criminology* (1992).
 - 7 van Dijk, J and Mayhew, P, *Criminal Victimization in the Industrialized World: Key Findings from the 1989 and 1992 International Crime Surveys* (1992).
 - 8 Walker, J, "Trends in Crime and Criminal Justice" in Chappell, D and Wilson, P (eds), *The Australian Criminal Justice System: The Mid 1990s* (1994) at 11.
 - 9 ABC TV, see *ibid* at 10.
 - 10 *The Age*, 3 June 1993.
 - 11 Eastaale, P W (ed), *Without Consent: Confronting Adult Sexual Violence* (1993); see also Eastaale, P W, *Voices of the Survivors* (1994) at 9.

It was as though someone had turned on the light.

"Of the 14 countries surveyed ... when it came to rape, we were just behind America and Canada," Goldie says. "But when it came to offensive sexual behaviour, we were way ahead of every other country. It was embarrassingly high.

"I had always thought that we were ... no more violent than other countries, particularly in the Western world. Not only is it not the case, but what it revealed to me was ... an attitude that Australian men have that is obviously different to the other countries surveyed." When Goldie saw those figures, he realised his documentary *had* to focus on sexual violence. The results were from just one survey, but he was convinced that the methodology was sound.¹²

Not everyone was quite as convinced as Mr Goldie. In September 1992, the New South Wales Standing Committee on Social Issues received terms of reference to examine and report on research and issues related to sexual violence and:

the European Community 1989 Crime Survey [ICS]¹³ which claimed that, of 14 developed countries surveyed, Australia reported the highest level of sexual incidents (sexual incidents included sexual assaults and offensive sexual behaviour).¹⁴

The Standing Committee handed down its report the following year and found:

Given the shortcomings in the ICS, specifically the sexual offences component of the surveys, it is the Committee's conclusion that the sexual offences results are unfounded and invalid.¹⁵

In short:

The Committee therefore concludes that the media attention placed on the finding that Australia had the highest incidence of sexual offences in the world was unfounded.¹⁶

Concurrent with the Standing Committee's inquiry, there has been a growing literature analysing, in general, Australian data from the two sweeps of the ICS.¹⁷

With the exception of the report by the Standing Committee on Social Issues, Australian discussion often has neglected a basic lesson from the historical development of social surveys as well as from the more recent methodological literature on victimisation surveys: that the validity of findings from any survey depends on the methods of investigation used.¹⁸ With the exception of the Standing Committee's report,¹⁹ enthusiasm for

12 O'Neill, H, "The Menace of Mateship", *The Guide, The Sydney Morning Herald*, 14 September 1992 at 1.

13 Our insertion.

14 Standing Committee on Social Issues, *Sexual Violence: The Hidden Crime* (1993) at Terms of Reference.

15 Ibid at 66.

16 Ibid at xiv; The Standing Committee's report, unlike the original claims, did not receive any coverage in *The Sydney Morning Herald*, as far as we are aware.

17 Above n8; Chappell, D, "How Violent is Australian Society? Some Reflections on Johannesburg, Perth, Tembisa, Tokasa, Singapore and other Places" (1993), address given at the Second National Conference on Violence at the Australian Institute of Criminology, Canberra; Walker, J and Dagger, D, *Crime in Australia: As Measured by the Australian Component of the International Crime Victim Survey 1992* (1993); Walker, J, Dagger, D and Collins, M, *Crime in Australia: As Measured by the Australian Component of the International Crime Victim Survey 1989* (1991); Walker, J, Wilson, P R, Chappell, D and Weatherburn, D, "A Comparison of Crime in Australia and Other Countries" (1992) in Wilson, P R (ed), *Issues in Crime, Morality and Justice*; Walker J, Wilson, P R, Chappell, D and Weatherburn, D, "A Comparison of Crime in Australia and Other Countries" (1990) *23 Trends and Issues* Australian Institute of Criminology.

18 Hennock, E P, "Concepts of Poverty in the British Social Surveys from Charles Booth to Arthur Bowley" (1991) in Bulger, M, Bales, K and Sklar, K K (eds), *The Social Survey in Historical Perspective 1880-1940*.

the general analysis of ICS victim survey data in Australia has not been accompanied by a rigorous appraisal of the methodology used in the collection of these data. The vast literature on victimisation surveys which has developed since the 1960s largely has been forsaken for a focus on data findings.

In an attempt to place discussion of all data from the Australian component of the ICSs in the context of the many methodological issues related to the International Crime Surveys, eight methodological aspects of the ICSs will be examined in brief: sample size; response rate; respondent memory recall; "telescoping" victimisation incidents; the positioning of questions in the ICS; terminology used in the interviews; handling multiple victimisation; and the use of CATI (computer assisted telephone interviewing) for victimisation surveys. The sexual assault questions will be considered in detail.

Sample size

Sample size in the 1989 ICS has been recognised by both authors and others to be small, in particular for some countries surveyed: Switzerland (1000 completed interviews); France (1502); Norway (1009) and Finland (1025). Sample size did improve in the second sweep of the ICS, and ranged from 1485 (Belgium) to 5274 completed interviews (Germany).²⁰

In a separate article, Killias has commented: "In light of Europe's relatively low crime rates, samples of less than 5,000 interviewed persons do not yield sufficient data for reliable analyses."²¹

Skogan similarly points to sample size as one limit to "what can be said from the data":

As a result, only gross categories of crime could be considered in any demographic detail, and differences in rates between nations had to be quite large to be statistically significant. This problem was compounded when the authors examined detailed characteristics of incidents, such as where they took place, weapon use, the relationship between victims and offenders, and whether crimes were reported to the police. I have no confidence that national differences or patterns in these factors were statistically reliable.²²

Response rate

As authors of the ICS state, "Refusal to be interviewed is generally held to be the biggest problem as regards bias ..."²³ They admit that their response rates varied, and were "... in some cases rather low."²⁴

Examination of the figures by nation, as reported, show alarmingly low response rates for some countries, particularly in the 1989 results. In Spain, for example, this rate was

19 Above n14.

20 Above n7 at Annex A.

21 Killias, M, "New Methodological Perspectives for Victimization Surveys: The Potentials of Computer-Assisted Telephone Surveys and Some Related Innovations" (1990) 1 *Int'l R Victimol* at 154.

22 Skogan, W G, "Book Review: *Experiences of Crime Across the World: Key Findings of the 1989 International Crime Survey*, JJM van Dijk, P Mayhew and M Killias, Kluwer; Deventer and Boston" (1991) 1 *Int'l R Victimol* at 365.

23 van Dijk, J, Mayhew, P and Killias, M, *Experiences of Crime Across the World: Key Findings of the 1989 International Crime Survey* (1990) at 142.

24 Above n23 at 8.

reported as 33 per cent; in the United States and Belgium 37 per cent; and in West Germany 30 per cent. In only four countries was this rate more than 60 per cent. In total, an "average" response rate of 41 per cent was calculated for all nations surveyed in 1989, of 61 per cent in the 1992 ICS. Even in the second sweep, however, the response rate reported remained low for several nations: 38 per cent for England/Wales; 30 per cent for Germany; and 44 per cent for Belgium.²⁵

Additionally, the formula used for calculating these response rates as reported *did not include nonreachable respondents* in its calculations. For example, the 1989 response rate of 37 per cent for the United States was calculated by using the total number of persons contacted (5,429) and the number of completed interviews (1,996).²⁶ Had this response rate been calculated using *gross sample size* and the number of completed interviews, however, as should be done to quantify fully the potential error, reported response rates would have been lower still. To return to the example of the United States, using the gross sample size of 10,663 distinct American telephone numbers dialled in the survey's first sweep which resulted in 1,996 completed interviews, according to this second method of response calculation, a response rate of 19 per cent for the United States is obtained. In short, as gross sample size was excluded from the calculation of response rates reported for the ICS, these alarmingly low response rates reported for each country would have been *lower still* had alternate formulas for rates been used. This second method of calculation would have given the Australian ICS samples response rates of 32 per cent (first sweep) and 50 per cent (second sweep), rather than 46 per cent (first sweep) and 57 per cent (second sweep), as reported.

We are left to wonder how nonrespondents as well as persons not contacted differ from the sample of respondents in victimisation circumstances. Such a poor rate overall, and in particular for some countries, does limit the confidence with which we can rely on findings.

Respondent memory decay

Respondent memory decay has been shown to be one major source of error which affects the reliability of all victimisation data.²⁷ Simply, when faced with an interviewer who asks about crime events in the recent past, respondents may have difficulty recalling victim experiences.

The literature suggests that memory decay does vary by the type of victimisation incident being reported.²⁸ In general, however, the reference period used in the questionnaire serves as a major influence in respondent failure or success of recall. The longer the reference period used in surveys, the increased likelihood of memory decay, of respondents forgetting victimisation incidents.²⁹

25 Above n23; above n7.

26 Above n7 at Annex A.

27 Lynch, J P, "Secondary Analysis of International Crime Survey Data" (1992), paper presented at International Conference on Understanding Crime: Experiences of Crime and Crime-control in Rome.

28 Skogan, W G, "Methodological Issues in the Study of Victimization" (1986) in Fattah, E (ed), *From Crime Policy to Victim Policy: Reorienting the Justice System*.

29 Above n1; above n27.

The screening questions on victimisation in the International Surveys asked about crimes experienced in the past *five years*. Compared to other national surveys, this five year time frame is unusually long and would result in substantial problems of recall.³⁰

The proposed solution incorporated into the 1989 ICS was to have interviewers say, "It is sometimes difficult to remember such incidents so I will read these questions slowly..."³¹ Such an approach is of questionable value as it is unlikely to overcome the basic problem of respondent memory decay.

Fortunately, presentation of data from the first ICS has included a breakdown of victimisation experiences into a one year period as well as a less reliable five year period. This does allow the reader to examine data from the 1988-89 one year period in isolation.

Some Australian criminologists (John Walker,³² Don Weatherburn³³ and Duncan Chappell³⁴) also have suggested that the season during which the ICS was conducted would have affected respondent memory recall. The Standing Committee on Social Issues heard that: "Conducting the survey during the Australian summer could ... have resulted in higher reporting rates of sexual incidents by Australian respondents."³⁵

While there is some empirical evidence from overseas suggesting that the administration of victim surveys around the time of major holidays can assist respondent memory recall:³⁶ "[T]he impact of seasonality variations in the administration of the survey is yet to be determined. Its effects on international comparability remain unknown."³⁷

"Telescoping" victimisation incidents

The methodological literature on victimisation surveys suggests that respondents not only under-report victim experience due to memory decay, but also there can be a tendency for some respondents to over-report crime incidents through "telescoping".³⁸ This occurs when crime incidents which occurred outside the reference period are described as having occurred during the survey's reference period. "Telescoping" leads to over-estimates of victimisation.

The literature suggests that empirically tested methods can alleviate "telescoping". A "bounding procedure", for example, has proven somewhat successful.³⁹ Accordingly, interviewers spend time with respondents prior to the asking of victimisation incidents to help respondents recall the reference period which they will subsequently be asked about.

The Working Group administering the ICS state that the five-year reference period was intended to reduce telescoping: "[The] reference period of five years is meant to reduce the forward time telescoping that can occur when respondents are asked about the last year."⁴⁰

30 Above n27

31 Above n23 at 155.

32 Above n8.

33 Hearing evidence to the Standing Committee on Social Issues, 25 March 1993.

34 Chappell, above n17.

35 Above n14 at 65.

36 Above n1.

37 Above n14 at 65.

38 Above n1; above n4; above n28.

39 Above n27.

The outcome of this unusual solution to the “telescoping” issue is unknown. Whether response bias of “unbounded” surveys was constant cross-nationally is unknown. The effect of “telescoping” on data collection in the ICS requires further urgent attention.

The Positioning of Questions in the Survey: Analysing “Fear of Crime” Data

In any survey, the positioning of questions is a factor which requires scrutiny. Topics raised in the beginning of the survey can influence answers later on.

The 1989 International Survey placed the “fear of crime” questions which traditionally are part of victimisation surveys overseas *directly after* gathering details of crime incidents experienced over the past five years. It asked:

Please try to remember the last time you went out after dark in your area for whatever reason. Did you stay away from certain streets or areas to avoid crime?⁴¹

Positioning the fear of crime question immediately *after* the victimisation questions risks attributing a heightened concern to crime which might not be accurate. One could suggest that this placement of the question maximises the likelihood of fear of crime being an issue for the respondent.

Additionally, there is concern with the very use of the 1992 ICS question which replaced the 1989 one and assesses “fear of crime” by asking about feelings of safety on the street: “How safe do you feel walking alone in your area after dark?”⁴² Traditional “fear of crime” questions, such as this ICS one, have been criticised by realist criminologists firstly for assessing fear by asking about respondents’ feelings about safety *on the street* rather than in a multitude of places, including the home. Although a question is asked in the 1992 ICS about the chances of a burglary, respondents’ feelings about safety in the home are not probed. Secondly, fear is not necessarily dependent on risk of criminal victimisation.⁴³ It is possible that elderly or infirm respondents in particular would not feel safe walking in public alone in the dark due to the increased likelihood of physical problems that may be totally unrelated to the risk of criminal victimisation.

Terminology Used in the Interviews

A simple, but important, comment must be made about choice of wording or terminology used throughout victimisation surveys.

Studies have shown that individuals define crime and specific offences in a range of different ways. This was experienced by criminologists from the University of Lausanne, Switzerland, who have commented:

As found in our surveys, even among the generally well educated Swiss population, many respondents did not fully realize the difference between burglary, robbery and common

40 Above n7 at 3.

41 Above n23 at 166.

42 Above n17, Walker and Dagger (1993) at 12.

43 Crawford, A, Jones, T, Woodhouse, T and Young, J, *Second Islington Crime Survey* [nd]; Sparks, R, “Reason and Unreason in ‘Left Realism’: Some Problems in the Construction of Fear of Crime” (1992) in Matthews, R and Young, J (eds), *Issues in Realist Criminology*.

theft, or between an accomplished offense and an attempt. In fact, it turned out that up to 24 per cent of the incidents would have been inappropriately classified within the frame of the screening questions if no follow-up questions had helped in identifying some misunderstanding of the offense definition ...⁴⁴

Similarly, in an observational study examining multiple victimisation issues, Genn has observed:

There is a huge variation in the experience of crime among people living in different social situations, and this affects their perceptions and definitions of crime in ways that have not yet been adequately explored.⁴⁵

Even the literature on sexual violence against women, for example, indicates further that there is a discrepancy between legal definitions of crime and victims' perceptions of crime. Hanmer and Saunders, authors of *Well Founded Fear*,⁴⁶ found that their British female sample defined a situation as violent using several criteria, including whether or not others were present as well as the time and place of the incident.

Some victimisation surveys have attempted to overcome problems related to subjective understandings of crime through the use of neutral language; explanations of "what is meant" which preface specific questions; and the incorporation of open-ended questions so responses can be analysed and reinterpreted, if required.

Examination of terminology in the ICS suggests little appreciation of potential subjective interpretations of crime. And, as the ICS is a totally structured questionnaire, there is no opportunity during analysis to re-interpret potential misunderstandings. The choice of terminology becomes more difficult, yet more important, in an international survey as inconsistencies of perception in any region are compounded cross-culturally.

Choice of phrases in two questions in the 1989 ICS can be used to illustrate this issue. The introduction to Question 11 reads: "I would now like to ask you some questions about crimes of violence of which you personally may have been the victim."⁴⁷ This introduction, even before the substance of the question has been posed, involves the problem of using terminology which has a range of subjective meanings both within Australia and, no doubt, internationally. "Crimes of violence" and "victim" would create analytical problems. Research concerning domestic violence indicates firstly that many women do not label this as a crime, in that they have accepted the social construction of crime as something that happens outside the home, in the public realm; and secondly, that many women who experience domestic violence do not see themselves as victims. Not only is the victim label pejorative, but women's lives and identities are more complex and multiple than a single designation like victim suggests.⁴⁸

Do women in Australia perceive themselves as "victims" if they have been grabbed by an acquaintance? How do women in North America define "crimes of violence"? How would their understanding of violence differ from that of Spanish women, for example?

44 Above n21 at 157.

45 Genn, H, "Multiple Victimization" (1988) in Maguire, M and Pointing, J (eds), *Victims of Crime: A New Deal?* at 99.

46 Hanmer, J and Saunders, S, *Well-Founded Fear: A Community Study of Violence to Women* (1984).

47 Above n23 at 156.

48 Mahoney, M, "Legal Images of Battered Women: Redefining the Issue of Separation" (1991) 90 *Mich LRI*.

How do experiences of multiple victimisation influence subjective interpretations of “victim”?

Question 12 reads:

Apart from the incidents just covered, have you over the past five years been personally attacked or threatened by someone in a way that really frightened you...⁴⁹

Use of “frightened” here again requires the respondent to make a subjective appraisal of what s/he found frightening, but the terminology assumes an objective meaning in later analysis of data. The use of the word “really” to describe frightened would be important also since it suggests some fears are trivial or “not real”. The judgment of the real or serious as opposed to the unreal or trivial is likely to be highly subjective.

Multiple Victimisation

There is growing awareness in the methodological literature on crime surveys that the issues of multiple victimisation are difficult to accommodate in survey questions. Skogan commented at a conference on Measurement and Research Design in Criminal Justice at Griffith University that:

The methodological (and conceptual) problems involved in counting and sorting out those repeat incidents are many and complex.

A relatively small number of multiple or repeat victims account for a disproportionate share of the overall victim count.⁵⁰

The International Surveys reflect minimal awareness of the range of methodological issues related to multiple victims. The 1989 survey, for example, simply had response categories for the number of crime incidents experienced by victims as twice, three times, four times or five times or more. This is a simplistic approach to a difficult issue.

It is assumed that multiple victims can conceptualise their experiences in this way and offer a specific number for their victimisation experiences over a one-year period. In fact, they may be unable to offer a “frequency count” or a detailed description of the last incident.⁵¹ Subjectively they may perceive their experiences as “an episode of crime victimisation” rather than as distinct incidents which have finite beginnings and endings.

The use of CATI for victimisation surveys

CATI (Computer Assisted Telephone Interviewing) offers the fastest method available for survey data retrieval. Usually, CATI systems are installed in central locations which have the appearance of telephone survey centres, except that interviewer stations are equipped not only with a telephone, but also a CRT display and a computer support system.

Under a CATI system, all interviewing is done at a CRT terminal where, instead of penciling responses onto pages, the interviewer keys them into a CRT. The interview is actually controlled by preprogrammed machine processes. Thus, in effect, the respondent talks to the computer through the interviewer. CATI directs the flow of each interview and instan-

49 Above n23 at 156.

50 Skogan, W G, “Innovations in the Analysis of Crime Surveys” (1992), paper presented at a conference on Measurement and Research Design in Criminal Justice at Griffith University, Queensland at 8.

51 Above n45.

taneously provides the interviewer with exactly the right question — one question at a time. Preprogrammed editing instructions work to ensure that the responses are valid and consistent with answers to previous questions. If an interviewer keys in an inappropriate response ... an error message automatically appears on the screen and corrective messages can be implemented immediately. When the correct response is entered, the computer determines which question should be asked next ... At the end of the interview, all respondent replies are automatically and instantaneously entered into the computer memory.⁵²

The advantages of CATI as a method of gathering survey data and market research information have been considered in the literature by its many advocates. Benefits include, for example, that it optimises the control of the interview by the research designer and minimises interviewer decision-making; it corrects errors during the interview; it allows for design complexity in question sequence; and data availability is immediate.⁵³

When considering the use of CATI specifically in the administration of the ICS, however, two focal issues need to be examined. One major problem results from CATI's reliance on telephone ownership. Although 93 per cent of Australian households were estimated to have a telephone during the 1989 survey period, in Belgium, which also participated in the ICS, only 72-75 per cent of the population had telephones in their homes at that time.⁵⁴

Skogan remarks on the unknown bias of differing rates of telephone ownership as one methodological problem for the ICS:

the nations involved in this survey differed substantially in the proportion of households with telephones. Worse, patterns of ownership probably varied substantially from nation to nation, as does the mix of private-market and government-owned PTT's represented. The authors consider the coverage bias that results, but cannot estimate its (probably differing) magnitude or direction in different places.⁵⁵

While advocates of CATI refer to the benefits of its use in relation to survey administration and design issues, data quality obtainable from telephone interviews needs further consideration, in particular in relation to "sensitive areas" in victimisation surveys.

The literature offers conflicting findings on the effect of CATI on the actual reporting of victimisation experiences. It has been suggested in the United States that the use of CATI in the National Crime Victim Survey increases the reporting of victimisation, possibly due to the increased control over interviewers.⁵⁶ The Swiss experience with CATI for the Swiss Crime Survey suggests that, in that instance, authors felt confident that CATI could accurately identify victims and non-victims, although a follow-up personal interview with 95 victims of the most serious crime reported and 95 matched non-victims several months later did reveal some inaccuracies in the number and kinds of victimisations.⁵⁷

Wong suggests that fewer respondents are likely to agree to be interviewed by telephone, in particular with a lengthy questionnaire on sensitive topics.⁵⁸ Others also favour

52 Frey, J H, *Survey Research by Telephone* (1989).

53 Ibid.

54 Above n23.

55 Above n22 at 365.

56 Above n27.

57 Above n21.

58 Above n4.

face-to-face interviews over telephone surveys for the ability to clarify questions; the use of visual aids; the use of open-ended questions; and the ability to ask sensitive questions.⁵⁹

In general, the impact of CATI on the quality of victimisation survey data cross-nationally is unknown.

The Sexual Offences Questions

The impact of methodological and conceptual problems are epitomised in the sexual offences questions. In the 1989 survey eight questions were asked which related to sexual offences. The two key questions asked of women respondents only were:

I would now like to ask you some questions about crimes of violence of which you personally may have been the victim.

Firstly, a rather personal question. People sometimes grab or touch others for sexual reasons in a really offensive way. This can happen either inside one's house or elsewhere, for instance in a pub, the street, at school or at one's workplace. Over the past five years has anyone done this to you? Please take your time to think about it.

Would you describe the [last] incident as a rape, an attempted rape, an indecent assault or as just behaviour which you found offensive?

The remaining six questions were concerned with when the incident occurred; the number of incidents in the last 12 months; and in relation to the last incident, the relationship with the offender; whether the incident had been reported to the police; and the reasons for not reporting.

In the 1992 questionnaire the verb "assault" was added to the sexual incident question and further location examples were provided.

People sometimes grab, touch or assault others for sexual reasons in a really offensive way. This can happen either inside one's house or elsewhere, for instance in a pub, the street, at school, on public transport, in cinema's (sic), on the beach, or at one's workplace. Over the past five years has anyone done this to you?

Respondents were not asked to describe the conduct, but merely to classify it according to the categories provided. Thus it is not possible to determine what kinds of conduct were classified into the four categories (rape, attempted rape, indecent assault, offensive behaviour) by different women in the same country, let alone across the 14 participating countries. The terms employed are quasi-legal categories derived from the common law. The likelihood that the terms were consistently and correctly defined and applied by respondents across cultures and countries is very low.

The first difficulty relates to a potential mismatch between the legal meaning of the categories and the respondent's understanding of the categories in any particular country. In a given common law jurisdiction the terms have a precise legal meaning which does not necessarily translate into the popular usage of the term.

For example, in most jurisdictions in Australia an unwelcome and uninvited kiss is legally an indecent assault. For some women respondents the kiss may be classified as such, for others it may be classified as offensive behaviour. Yet others may not regard it as an incident to be reported to the interviewer as a "grab or touch for sexual reasons in a really

59 Above n52.

offensive way". The different definitions employed by respondents in Australia are subjective, unsystematic, and unidentified, yet they are treated by the ICS as objective legal or quasi-legal categories.

The second difficulty relates to the differences in both legal and popular usage between countries. For example, a comparison between the legal definition of rape in England and Australia reveals important differences even between common law countries. In England the sexual act involved in the crime of rape is penis-vagina penetration. In most States and Territories in Australia the sexual acts capable of being classified as rape include anal intercourse, oral intercourse and vaginal and anal penetration with an object. This broad definition of rape in Australia means that indecent assault is a less serious and more narrowly defined offence than in England. In England, anal intercourse, oral intercourse and vaginal and anal penetration with an object are classified as indecent assaults. On the assumption that there is at least some correspondence between the legal usage and the popular usage (and this may not be warranted) respondents in England may have classified various forms of serious sexual conduct in quite different ways to those in Australia. The differences may be even more marked between other countries which do not share a common legal and cultural heritage as do Australia and England. The extent to which the legal and popular definitions of sexual offences in civil law jurisdictions overlap with the definitions in common law jurisdictions is not addressed in the ICS. The categories of indecent assault and offensive behaviour may not translate into meaningful popular and/or legal categories in Spain, Belgium, or Finland.

One of the primary justifications for conducting the ICS was to overcome the deficiencies in international comparisons of police statistics. The first ICS report noted that "comparisons of police statistics are severely undermined by differences in culture and law, and by technical factors to do with how offences are classified, defined and counted."⁶⁰ The victim survey represented an attempt to overcome these difficulties and yet no attention was paid in the methodology to the "differences in culture and law" as they applied to victims.

The known differences between the quasi-legal categories employed by police in different countries were replaced in the ICS by the unknown differences in the lay categories employed by respondents.

Even the various authors of the reports of the ICS do not appear to have reached complete agreement on the categories of sexual assault. In the 1989 survey report van Dijk, Mayhew and Killias classified rape, attempted rape and indecent assault as serious sexual assault.⁶¹ In the report of the Australian component of the same survey, Walker stated that only three respondents reported incidents which were sexual assaults in 1988.⁶² The data presented in Table 17⁶³ indicate that the definition of sexual assault employed by Walker in this description was rape and attempted rape and excluded indecent assault. Thus the definitions of sexual assault differed even between the ICS authors in different countries.

In contrast to the claims of the authors of the ICS, the conduct of the victim survey does not overcome the "differences in culture and law" and "the technical factors to do

60 Above n23 at 2.

61 Above n23 at 34.

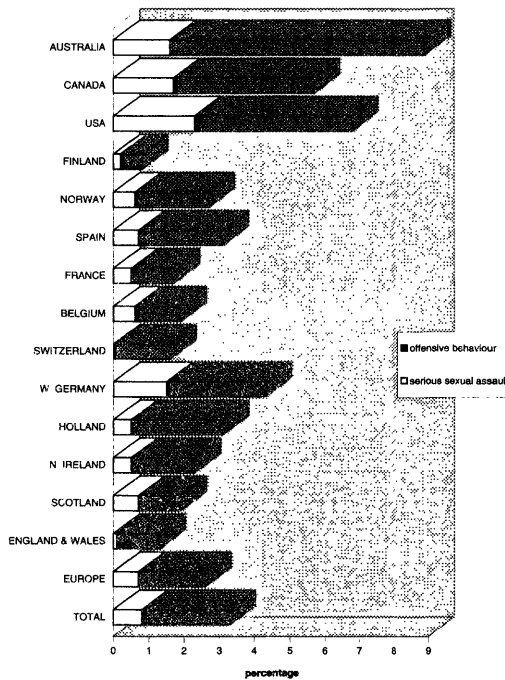
62 Walker, Dagger and Collins, above n17 at 15.

63 Ibid at 55.

with how offences are classified and defined". It raises a whole range of new and more complex questions as to how people in different communities, cultures, and countries classify and talk about crimes.

Notwithstanding these terminological difficulties, it is of interest to examine the results obtained in the sexual offences questions. The major focus of the first survey was offences committed in 1988. Several questions were directed at the offences committed in this period and the data on victimisation rates for sexual assault (rape, attempted rape and indecent assault) and offensive behaviour were presented in a graph.

*Victimization rates for women for sexual assaults and offensive behaviour. Percentage victimized in 1988**



This figure presents a dramatic picture of sexual offending in Australia as compared to other parts of the industrialised world. As mentioned, it received extensive coverage in the Australian media and was incorporated into the terms of reference for the Inquiry into the Incidence of Sexual Offences by the NSW Standing Committee on Social Issues. A detailed analysis of the responses in each category was not possible from the ICS report where only weighted percentage victimisation rates and weighted incidence victimisation rates were reported. The Australian report provided a little more information and limited raw data, but these were insufficient for a detailed analysis. John Walker kindly made available raw data to the present authors. It was revealed that 75 of the 1100 women respondents in Australia reported experiencing some kind of sexual incident in 1988. The classification of these incidents is reported in Table 1.

Table 1: Sexual Offences in Australia in 1988

	N*	%
Rape	0	0
Attempted rape	3	4.0
Indecent assault	7	9.3
Offensive behaviour	64	85.3
Unable to classify	1	1.3
Total	75	100

* N = Number of respondents

The analysis employed in the ICS combined together the categories of rape, attempted rape and indecent assault. Adjustments were made to add in the incidents reported by victims who had been multiple victims in 1988 and an estimate was made of the proportion of these incidents that were sexual assaults (since this could not be ascertained from the questions asked). After these weighting and proportioning procedures were completed, the sexual assault victimisation rate for Australia was estimated to be 1.6 per cent, the third highest of the countries surveyed. There are at least two unarticulated assumptions underlying these processes. Firstly it is assumed that women who experienced multiple sexual incidents (52 per cent of victims) experienced the *average* pattern of incident types and secondly it is assumed that the offences of rape, attempted rape and indecent assault represent similar and *equally serious* sexual acts. From a methodological point of view these offences were equated, combined and no further distinctions drawn.

The impact of these assumptions was that the reported incidents were inflated by approximately 50 per cent and these additional incidents were distributed into the now dichotomised categories of sexual assault/offensive behaviour according to the average pattern. Another five (approximately) incidents were thus allocated to the sexual assault category and no distinction was drawn as to whether these incidents were rapes or indecent assaults. In such a small sample as this, adding five incidents to the existing ten created a very high rate of sexual assault, notwithstanding the fact that no offences had been originally classified as rape and that 70 per cent of the offences in the sexual assault category (N=7) were originally classified as indecent assault by the victims.

It is extraordinary that in a survey which found no cases of rape in the 12 month time frame studied, Australia could be described as the country with the third highest rate of sexual assault. The assumptions underlying the proportioning and weighting procedures employed by the ICS methodology must be questioned. At the very least some consideration must be given to the validity of a methodology which equates serious sexual assault (rape) with indecent assault and which groups, proportions and weights accordingly. As

noted previously, in Australia "rape" now incorporates most serious forms of sexual assault including oral and anal intercourse and vaginal and anal penetration with an object. Indecent assault is legally a relatively minor offence involving bodily touching. It is misleading to equate an act such as anal or oral intercourse or vaginal penetration with an object such as a bottle with an unauthorised and unwelcome touching of the body. The methodology fails to identify and distinguish the serious forms of sexual violence in Australian society; it does not accurately reflect societal condemnation of the different types of conduct; it does not describe the differences in the legal response; and it fails to respect the differences in the impact on and the harm suffered by the victim.

A final issue to be addressed is whether the results from the ICS are capable of reflecting anything about the prevalence of sexual crimes in Australia. Given the extensive problems noted in this paper the answer is almost certainly no. However, for the sake of speculation, let us ignore the methodological and sampling problems, ignore the small cell sizes, ignore the known reluctance of respondents to disclose such crimes and accept at face value the 1988 results as a survey of 1100 women who were willing and able to meaningfully and accurately classify their experiences into the appropriate quasi-legal categories. Such assumptions cannot be made but if they are, the pattern of sexual victimisation suggested by the 1988 raw data is of a less serious kind. No incidents of rape were reported and the overwhelming majority of incidents were classified as offensive behaviour. The results are suggestive of a population of women who are sensitive to the many forms of sexual harassment, who do not accept them as part of life that women have to tolerate and who are willing to talk about them. Over the last 15 years policy formulation, legislative reforms and community education relating to violence against women (including sexual violence), sexual harassment, sexual discrimination, and equal employment opportunity have been directed towards achieving this goal.

It is not possible, however, to draw any conclusions from the findings of the ICS about serious sexual violence. The reluctance of victims to disclose such crimes is well documented. Notwithstanding the implementation of policies to encourage reporting it is unlikely that an anonymous telephone request is capable of eliciting full disclosure of such highly personal and traumatic experiences. The prevalence of serious sexual violence in Australia remains unknown.

Conclusion

In Australia, enthusiasm for data analysis of the International Crime Survey findings, in general, has not been accompanied by a similar level of interest or critical evaluation of the surveys' methodology. Can we begin to build theory or hope to explain crime cross-nationally before we have examined seriously the foundations of our information? Consideration of eight methodological issues pertaining to the ICS (sample size; response rate; respondent memory recall; "telescoping" victimisation incidents; the positioning of questions in the ICS; terminology used in the interviews; handling multiple victimisation; and the use of CATI for victimisation surveys) suggest that we cannot.

We know little about methodological aspects of victim surveys in Australia. Many of the assumptions that must be made in conducting these surveys are reliant on methodological work done in Europe or in the United States. For how much longer can we afford to assume that CATI is an effective method for victimisation studies in rural Australia based on testing in Switzerland? Until we start thinking more critically of methodological issues as well as data findings in relation to victimisation surveys in the Australian setting, our progress in this area will be impeded.

Methodological reservations, such as those we have expressed above, have not inhibited plans for the future development of the ICS. It is currently intended that the ICS be carried out on a regular basis and that its coverage be extended to countries on all continents under the coordination of the United Nations Interregional Crime and Justice Research Institute. Its future role has been summed up by one of the principal researchers involved in the 1989 and 1992 surveys in the following terms:

The results will not only help put crime prevention and control on the political agenda of developing countries, but also increase our understanding of the relationships between modernisation and crime.⁶⁵

The expectations and confidence this vision invests in surveys of the type carried out in 1989 and 1992 seem grossly exaggerated and misplaced. The ICS was directed at overcoming what were seen to be the two serious limitations of relying on national police statistics in international, comparative studies of crime: firstly, the differences in the propensity to report crime to police in different countries; and secondly, differences in the legal definition of crime and the technical means of classification and measurement of incidents from one country to the next. As shown in the examination of the sexual offences questions, victim surveys do not, however, overcome the definitional problems in police statistics. Rather, they raise further and more complex questions as to the way people in different cultures and countries classify and talk about crime.

Similarly, victim surveys do not overcome completely the problems of under-reporting. Most significantly, they have their own "dark figures" of unreported crime which are likely to vary according to a range of cultural and technical factors.⁶⁶ There is little basis for assuming that the many factors which lead most victims to refrain from reporting crime to the police are completely removed from the setting in which victim surveys are carried out. The degree to which they are, however, is also likely to vary between cultures. It would be surprising if general political and cultural attitudes to the public authorities failed to influence response rates in different countries or if the greater weight of religious and familial authority in the governance of personal conduct in some countries, for example, did not influence perceptions and responses to questions dealing with sexual and other forms of personal violence. Could this mean that high reporting rates with respect to such crimes in some countries might be taken as a healthy sign, an indication perhaps of less violence or at least less tolerance for predatory sexual and other behaviour? At a more prosaic methodological level, response rates to victim surveys (like police statistics) are likely to be influenced by a range of technical factors which are variable between countries, such as, for example, the level of telephone ownership.

These issues hint at a more fundamental consideration, for they are not merely technical obstacles to the more reliable measurement of crime. National variations in reporting behaviour and in the definitions and modes of classification and counting of crime frequently reflect cultural and social differences of real consequence for understanding the meaning, scale and significance of crime problems and issues in different countries. They can be written out of empirical research only at the expense of producing comparative studies of crime which are shallow and misleading in their results.

65 van Dijk, J, "On the Uses of Local, National and International Crime Surveys" (1992) in Strang, H and Vernon, J (eds), *International Trends in Crime: East Meets West*.

66 Young, J, "Risk of Crime and Fear of Crime: a Realist Critique of Survey-Based Assumptions" (1988) in Maguire, M and Pointing, J (eds), *Victims of Crime: A New Deal?*