

RESEARCH REPORT

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**THE CLASSIFICATION
OF CONVICTED OFFENDERS
IN VICTORIA**

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CONTENTS

ACQUISITIONS

1.	Introduction	1
2.	Current Classification Procedures	3
	Prisons	3
	Youth Training Centres	12
	Coordination of the Two Systems	13
3.	Theoretical and Administrative Considerations	15
4.	Results of Interviews and Observations	21
	Prisoners' Views of Classification	21
	Pre-Classification Information Gathering	26
	Social Histories	26
	Aptitude and Educational Testing	29
	The Compilation of Files	30
	The Storage of Files	31
5.	Discussion	32
	The Pentridge Classification Centre	32
	The Transport of Prisoners	34
	Ministerial Guidelines and the Security Rating System	34
	Structure and Authority of the Prisons Classification Committee	37
	Pre-Meeting Information Gathering at Pentridge	39
	Staffing of the Pentridge Classification Centre	39
	Provision of Information for Prisoners and their Relatives	41
	Classification of Short-Term Prisoners	41
	Classification Files and Information Retrieval	42
	Classification of Female Prisoners	43
	Classification in Youth Training Centres	44
6.	Summary of Recommendations	46
	Appendix	50

INTRODUCTION

The Director-General of the Social Welfare Department of Victoria, Mr B.D. Bodna, submitted a formal request to the Director of the Australian Institute of Criminology, Mr W. Clifford, on 22 July 1977 for the writer to 'undertake a review of the classification system of prisoners in Victoria, subject to the approval of the Board of Management of the Institute'. Mr Bodna indicated in his letter that the proposal had the support of his Minister, The Honourable Brian Dixon, M.L.A.

The proposal was approved by the Board of Management of the Australian Institute of Criminology at a meeting held on 27 September 1977, and work started on the project on 24 October 1977.

No specific directions regarding the conduct of the inquiry were given to the writer but it was assumed that the request was motivated by difficulties that had arisen in the operation of the Pentridge classification system following a ministerial direction of 6 September 1976 that no prisoner was to be classified to a prison outside Pentridge unless he had served half of his minimum sentence. It was also assumed that an independent review of classification was considered desirable in its own right.

In a discussion with the Director-General on 25 October 1977, Mr Bodna stated that he wanted the review to include a consideration of classification within the youth training centre system and also to focus on long-term as well as short-term solutions to problems identified. This extension of the project resulted in more time being taken than was originally planned, even though the youth training centre system was not studied in as much detail as that operating within prisons. Furthermore, no claim is made that ultimate long-term solutions have been found.

The methods used to undertake this project comprised :

- (a) perusal of all files dealing with classification in the Head Office of the Social Welfare Department;

- (b) observation of the meetings of the Classification Committees in Pentridge and Turana and meetings of Review and Assessment Panels in Pentridge sub-prisons, Fairlea and some country prisons;
- (c) discussions with senior officers of the Social Welfare Department and with Governors, Superintendents and others within institutions; and
- (d) group interviews, of a semi-structured nature, with prisoners who had been through the classification process in a number of institutions.

Views were sought from the Prison Officers Group of the Public Service Association of Victoria but no response was received from that source. (For the reader interested in more detail of the institutions visited and persons consulted, the field notes taken on the occasion of each visit to Victoria are appended.)

The Director-General gave his approval to the methods of inquiry outlined above and arranged for departmental files to be made available and for travel facilities within Victoria to be provided.

The Director of Correctional Services, Mr John Dawes, cooperated fully with the project and readily approved of visits to prisons, and the Supervisor of Classification and Treatment in the Division of Correctional Services, Mr Darren Room, was especially helpful in making time available for discussions. Appreciation is also recorded to Mr Ian Berry, Assistant Superintendent, Pentridge, who cheerfully undertook the task of driving the writer to a number of country prisons and youth training centres. The assistance of these officers, together with the cooperation of institutional staff and prisoners, greatly facilitated this project and also made it a personally rewarding experience for the writer. The invaluable support of the writer's secretary, Mrs Marjorie Johnson, is also warmly acknowledged.

CHAPTER 2**CURRENT CLASSIFICATION PROCEDURES****PRISONS**

The classification procedures followed in Victorian prisons have been very fully described in a 20-page document dated 14 April 1977 prepared by Mr Darren Room, Supervisor of Classification and Treatment. No attempt will be made to provide a full summary of this document, but the major features of the system are outlined in the following paragraphs.

All convicted prisoners who :

- (a) are sentenced to 12 months or more if 21 years of age or older, or six months or more if under 21 years, or
- (b) are sentenced to a minimum term, or
- (c) are sentenced to Natural Life, or
- (d) are ordered to be detained at the Governor's Pleasure, or
- (e) are transferred to a prison from a youth training centre,

are classified by the Classification Committee of the Correctional Services Division. These criteria ensure that all long-term prisoners are classified, and that young offenders, to some extent, receive special attention, but the majority of prisoners received into the system are sentenced to relatively short periods of imprisonment and are therefore excluded from consideration by the Committee. The last available annual report, that for 1975-76, indicates that only 452 out of a total of 4,964 convicted prisoners received, or 9.1 per cent, were classified by the Committee, although in the two previous years the equivalent figure was more than 16 per cent. The majority of prisoners are classified by an officer of the Classification Centre who is responsible to the Committee.

The Classification Committee is nominally chaired by the Director of Correctional Services, but in practice the chair is taken by the Supervisor of Classification and Treatment. Other members are the Governor of Classification, the Superintendent of Pentridge or his nominee (usually the Deputy Superintendent), a senior parole officer and the Governor of the Southern Prison or his deputy. The secretary

of the Committee is the principal prison officer of the Classification Centre, and a senior prison officer and a prison officer are also present at meetings to assist the Committee. At every meeting a number of other people are also present by invitation. At various times these would include the Director of Medical Services, a welfare officer, visiting Governors and senior staff from country prisons and school teachers, all of whom may be asked to contribute to the discussion. On some occasions, criminology and social work students are also present. The meeting room is therefore always crowded.

The Committee meets every Monday morning and classifies all convicted prisoners received during the previous week who are included in the criteria outlined above. In the week preceding each meeting each prisoner to be classified is interviewed by several members of the Committee and a social history questionnaire is completed for inclusion in the prisoner's file. No psychological testing or interviewing is undertaken. For prisoners who have been classified previously, the relevant files are brought up to date.

At the meetings the members of the Committee are each provided with a file for every prisoner under consideration. Each case is discussed before the prisoner appears before the Committee. At this stage, the prisoner is generally informed of the Committee's decision and asked to comment. (His preferences with regard to institutional placement and work allocation would have been recorded previously.) Some discussion with the prisoner may occur at this time, but in most cases the actual appearance before the Committee is very brief. The average time taken on each case is indicated by the fact that usually from 18 to 28 prisoners are considered and interviewed each Monday morning and a similar number of cases are reclassified without the prisoners being present.

The workload of the Classification Committee since 1960-61 is indicated by the following statistical table which brings together information presented in annual reports.

**The Workload of the Classification
Committee 1960-61 to 1975-76**

	Initial Class'n	Review	Total	Transferred to Country	Convicted Prisoners Received	Percentage Classified
1960-61	985	1118	2103	1178	8887	11.1
1961-62	1012	1118	2130	1410	8737	11.6
1962-63	1042	1175	2217	1277	9016	11.6
1963-64	1106	1050	2156	1406	9105	12.2
1964-65	1133	1100	2233	1541	8029	14.1
1965-66	1009	940	1949	1284	7971	12.7
1966-67	1128	1180	2308		8209	13.7
1967-68	1128	1180	2308	1881	8889	12.7
1968-69	1155	1464	2619	1931	8745	13.2
1969-70	1008	1175	2183	1825	8003	12.6
1970-71	1149	1104	2253	2168	8474	13.6
1971-72	1168	1343	2511		8190	14.3
1972-73	1022	1797	2819		7161	14.3
1973-74	867	1811	2678		5331	16.3
1974-75	857	1943	2800		5087	16.9
1975-76	452	867	1319		4964	9.1

It can be seen from the above table that the numbers of prisoners transferred to country prisons are not recorded for every year, but in the decade up to 1970-71 this number had increased dramatically. Perhaps the most striking facts shown in the table, however, are the decrease in the numbers of convicted prisoners received in recent years, and the wide variation from year to year in the percentage of these who are classified. At first glance it might be assumed that there was currently less pressure on the classification system than some years ago when more than one thousand prisoners were classified each year, but a closer examination of the system shows that this is not the case.

The major problems facing the prison classification system at the present time relate to the totally unsatisfactory physical conditions in the Classification Centre, and the constraints that have been placed

on the work of the Committee. There are also problems associated with the use of prisoners as typists and clerical assistants, and there are difficulties in providing suitable storage space for the thousands of files that have been accumulated. Recommendations in relation to these and other matters will be made later in this report.

The physical inadequacy of the Pentridge Classification Centre cannot be overstressed. Every part of the Centre is overcrowded, and the demoralising influence of this is strongly felt by both staff and prisoners. Possibly the worst aspect is the classification yard which is approximately triangular in shape and provides less than 180 square yards of space in which up to 50 prisoners may be held. The yard includes a small shelter with benches and tables at which some 16 prisoners can sit and there are two open toilets and a shower. It is very doubtful if these conditions would meet the Standard Minimum Rules for the Treatment of Prisoners as laid down by the United Nations in 1957.

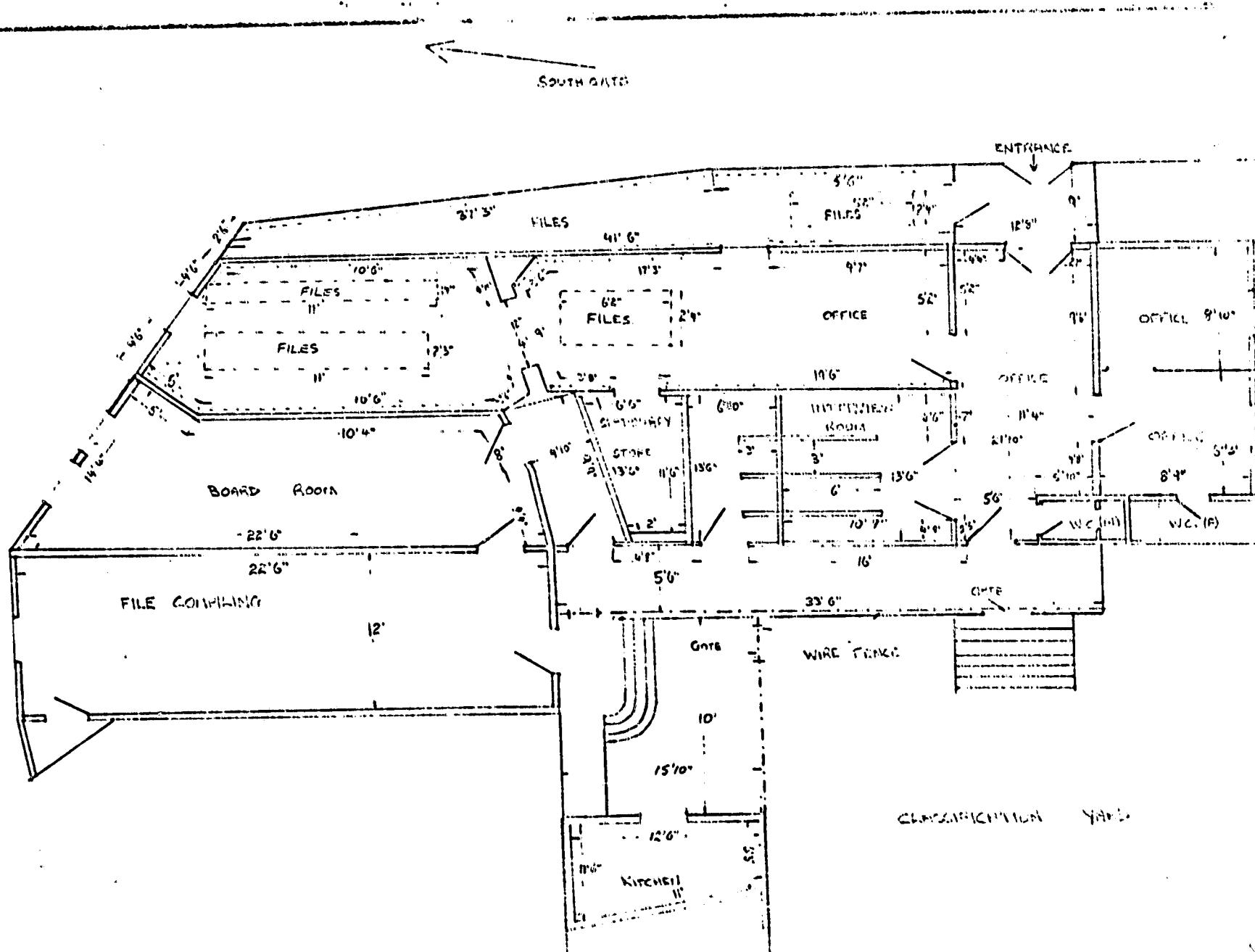
The working or staff section of the Classification Centre is hardly any better, as is shown by the sketch map reproduced over page. From this it can be seen that the Centre consists of a conglomeration of rooms and passages unsuited to its present purposes. The building has been modified many times and would not be improved by further attempts at redesign.

The second major problem facing the Classification Committee is the fact that its discretion in transferring prisoners from Pentridge to country prisons is limited. This limitation was imposed by a ministerial press statement of 6 September 1976, following the escape of two notorious prisoners from Ararat Prison, and was confirmed in a circular from the Acting Director-General on 22 December 1976. This circular ordered :

that no prisoner be classified to a prison outside Pentridge unless that person has served half his minimum sentence. This principle reiterates the statement of the Minister in a press release on the 6th September 1976. However, this prescription could be qualified by the direct approval of the Director of Prisons for prisoners outside this guideline.

CLASSIFICATION CENTRE
PENTRIDGE

Not to scale



In the same document the Acting Director-General ordered that a security rating system be devised. He wrote :

The Security Risk Rating System should be devised on a scale of 0 to 100 so that each prisoner receives a security rating. This security rating should consider the nature of the events, length of sentence, previous escape history, stability in the community before offence, impulsiveness, pattern of recidivism and other relevant factors.

A security rating should also be established for each prisoner which moves beyond the present classification of Minimum, Medium and Maximum alone and this system would enable the appropriate placement of prisoners in accord with their individual security rating.

The security rating would be available to all governors, and where factors entail in a security rating change, then governors would be required to advise the officer in charge of Classification immediately, so that a reappraisal of the prisoner's situation could be undertaken. Governors would also be required to report monthly on the security rating of prisoners.

It would be appropriate to identify a security rating above which the placement of a prisoner would be brought to the attention of the Director-General or the Minister.

As a result of the Director-General's memorandum, the prisons in Victoria were classified as follows, the highest escape risk being 100 and the lowest, in theory, being 0 :

Pentridge

Divisions	-	A	-	80
		B	-	90
		D	-	80
		E	-	80
		F	-	70
		G	-	80
		H	-	100
		J	-	70

Ararat Inside - 60

Ararat Inside - 40

Beechworth Inside - 70

Beechworth Inside - 45

Bendigo - 70

Castlemaine Inside - 60

Castlemaine Inside - 30

Dhurringile - 15

Geelong - 80

Morwell River - 10

Sale - .30

Won Wron - 15

Furthermore prisoners are subject to assessment by the Governor of Classification according to their escape potential and the following system of points rating was devised and is currently in use :

Escapes and attempted escapes from walled prisons in Victoria or elsewhere

- | | |
|--------------------------------|----|
| 1. Within last five years | 40 |
| 2. Earlier than five years ago | 20 |

Escapes and attempted escapes from Youth Training Centres and open camps

- | | |
|--------------------------------|----|
| 1. Within last five years | 20 |
| 2. Earlier than five years ago | 10 |

Present Offence

- | | |
|---|----|
| 1. Violence (all types including violent sexual offences) | 40 |
| 2. Non Violence | 0 |
| 3. Intentional homicide | 40 |

Prior Offences

- | | |
|---|----|
| 1. Violence (including violent sexual offences) | 25 |
| 2. Non Violence | 10 |
| 3. Homicide | 30 |

Other Factors

- | | |
|---|----|
| 1. Mental history or history of gross instability | 35 |
| 2. Poor response to former imprisonment | 10 |
| 3. Drug use | 25 |
| 4. Wanted for extradition | 40 |
| 5. Wanted for deportation | 25 |
| 6. No fixed place of abode or from interstate | 20 |
| 7. Unsettled employment history | 20 |

His total would be a guide to his escape index, but would not be a pure arithmetical addition where various sub categories apply and it would be unusual for a prisoner to exceed 90.

Subject to annual review, a prisoner's escape index could be amended, and 60 points per year be reduced if the prisoner's conduct is satisfactory (5 points per month). Prisoners would not be classified to prison outside their escape rating.

This rating system was devised by the Supervisor of Classification and Treatment, and it is a reflection of his wide experience with prisoners and prisons. The system has not been established or validated by empirical research, but as a rough guide to the Committee it is thought to be of value. It is, of course, a second and different constraint on the work of the Committee and, as such, its purpose and structure needs to be reviewed from time to time.

The initial instruction of the Acting Director-General of 22 December 1976, regarding the proportion of the sentence to be served before a prisoner could be transferred to a country prison, was varied by a further memorandum of 11 January 1977. The later instruction provided that expected remission could be taken into account in calculating the time to be served before eligibility for transfer. Thus the guideline now requires that, for most cases, one-third rather than one-half of the minimum sentence must be served before transfer out of Pentridge.

The Classification Committee, in addition to classifying all newly received prisoners who meet the criteria, is also responsible for the oversight of prisoners in H Division. All movements to and from that division are subject to confirmation by the Committee at its Monday morning meetings. The third major task of the Committee is to review classification decisions made previously when requested to do so by the prisoners concerned or by Governors of country prisons. The Committee also makes recommendations in relation to work release, transfers to youth training centres and attendance centres, but in these cases it does not make the final decisions.

One very difficult and sensitive area of the work of the Classification Committee is that concerning prisoners needing 'protection'. This term is used to denote cases where there is a likelihood of physical harm being caused to a prisoner if he is in contact with his enemies in a particular prison or sub-prison. A confidential register of 'protection' cases containing more than 140 names is maintained in the Classification Centre, and it is of interest to note that some prisoners named in the register are in danger from other prisoners as well as being themselves a danger to others. With nearly 10 per cent of the total prison population listed

as 'protection' cases, the Committee is constantly faced with the problem of finding suitable and separate accommodation for these prisoners.

At the instigation of the Supervisor of Classification and Treatment the classification system in Victorian prisons now comprises two tiers of authority and operation. The first tier is the Classification Committee, described above, and the second tier is a series of Review and Assessment Panels which operate in Pentridge sub-prisons, country prisons or regional groups of country prisons. There is some variation in the functions of the Panels according to their area of responsibility, but their primary purpose is to bring the classification process closer to the prisoners who are the clients of the system. Generally, however, Review and Assessment Panels, comprising Governors and senior staff at the relevant location, consider applications for reclassification or transfer and make recommendations to the central Committee. The Panels may also initiate transfers and comment on applications for work release, temporary leave or transfer to attendance centres. Panels comprising the Governors of a regional group of country prisons may arrange transfers of prisoners between themselves, subject to the confirmation of the central Committee. Panels also review all long-term prisoners annually. At the internal level the Panels are also useful in providing a mechanism for conflict resolution. In all cases the minutes of the meetings of Review and Assessment Panels are forwarded to the central Committee.

There is a special Review and Assessment Panel for H Division which meets once a week. The other Pentridge Panels also meet weekly, but those in country prisons or regions usually meet monthly. In addition there is a Special Classification Committee for the Fairlea Women's Prison, which meets monthly. The meetings of this Committee take the form of case conferences and are attended by the Supervisor of Classification and Treatment, the Matron, Deputy Matron, school teachers and a social worker. The relatively small numbers at Fairlea and the lack of options for transfer elsewhere allows this Committee to discuss individual cases and plan programs in a more intensive manner than is possible in any other part of the system.

YOUTH TRAINING CENTRES

The brief inspection made of classification procedures in the context of youth training centres established many differences between these procedures and those used in the prison system. There are three Divisional Classification Committees dealing separately with Wards, Children's Court YTC cases, and adult court YTC cases. Meetings of the latter two, which are of relevance to this report, are conducted weekly in the secure classification sections of Turana Youth Training Centre. All of the meetings are chaired by the Supervisor of Classification and Treatment of the Youth Welfare Division and the membership comprises chief and senior youth officers in the relevant sections. A psychiatrist also attends. The Children's Court classification meeting is also attended by a senior staff member from the Bayswater Youth Training Centre, and the adult court classification meeting by a senior parole officer.

All meetings are conducted in a much less formal atmosphere than is to be seen in Pentridge, and discussions take on the character of a case conference when dealing with particular offenders. The meetings are assisted by a secretary from the Head Office of the Social Welfare Department who is also responsible for the files. Only one copy of the Head Office files is maintained and at the institutional level a less comprehensive trainee's information file is maintained.

Pre-classification information gathering consists primarily of a report written by the youth officer assigned to the boy, in which observations of his relationships with other boys and his general behaviour are recorded. The quality of these reports varies from a few sentences of general remarks to a detailed analytical case history. A two-page classification report, covering basic background information, is also included in both files. There is no attempt to measure educational achievement, vocational aptitude or intelligence, but psychiatric reports are prepared in selected cases. The time taken from reception to classification is generally about two weeks, but in difficult cases this time may be extended. There are no criteria for inclusion in the classification process, but boys given very short

sentences may be held in the remand or classification sections until their discharge.

The major and obvious problem facing classification in youth training centres is the lack of options for high security risk offenders. Transfers from youth training centres to prisons are difficult to effect and consequently for offenders in the age range 17 to 20 years the only options are Langi Kal Kal or Malmsbury, both of which can only be described as minimum security institutions. More serious offenders are generally sent to Malmsbury but both of these institutions have unacceptably high rates of escape.

Within institutions a second level of classification occurs, with staff committees constantly reviewing the progress, work assignments etc. of boys in custody. These committees, which in most cases use the I-level typology developed by Professor Marguerita Warren, seem to be operating effectively and should continue. Their work, however, cannot fully overcome the misplacements made at Turana due to the lack of available options.

COORDINATION OF THE TWO SYSTEMS

Considerable difficulties have been experienced in establishing an effective method of coordinating the classification systems used for prisoners and young offenders in youth training centres. This matter has been the subject of several memoranda on departmental files, and it has been mentioned to the writer by several senior officials.

Problems can arise in the transfer of documentation when any individual offender is transferred from one system to the other, but most commonly transfers are from youth training centres to prisons following escapes or other serious misbehaviour. In these cases it is common for the offender to appear before the Prisons Classification Committee without any documentary information from the youth training centre authorities being available. At one meeting of the Classification Committee early in 1978, seven out of twenty prisoners being classified that day were escapees from youth training centres and for whom no information was available.

With problems of this sort arising from time to time, it is clear that the two classification systems are not coordinated to a satisfactory extent and the possible steps that should be taken to improve the situation are discussed later in this report.

CHAPTER 3

THEORETICAL AND ADMINISTRATIVE CONSIDERATIONS

The criminological literature, especially in Australia, contains very little material on the classification of offenders in correctional institutions. This deficiency is illustrated by the fact that a search request submitted to CINCH, the computerised bibliographical service provided by the Australian Institute of Criminology, yielded only three references to classification and only one of these had appeared in an Australian journal. As might be expected, more material is available from the United States and the Committee on Classification and Treatment of the American Correctional Association has published two books on the subject.¹ Neither of these is particularly relevant to this assignment, however, as one is a mixed collection of individual essays and the other is a statement of principles expressed at a high level of generality.

This book, the Handbook on Classification in Correctional Institutions, defines classification as 'a method that will assure coordination of diagnosis, training and treatment throughout the correctional process'. This handbook lists eleven advantages of classification. These are :

- (1) proper segregation of different types of offenders;
- (2) more adequate custodial supervision and control;
- (3) better discipline;
- (4) increased productivity;
- (5) more effective organisation of all training and treatment facilities;

¹ Hippchen, Leonard J. (Ed.), Correctional Classification and Treatment: A Reader, Compiled by The Committee on Classification and Treatment of The American Correctional Association, Published for The American Correctional Association, Washington, D.C. by The W.H. Anderson Company, Cincinnati, Ohio, 1975

Handbook on Classification in Correctional Institutions, Prepared by The Committee on Classification and Case Work of The American Prison Association, New York, 1947, Revised and Reprinted by The American Foundation Studies in Corrections, Philadelphia, 1965

- (6) greater continuity in training and treatment programs;
- (7) higher staff morale;
- (8) better inmate attitudes;
- (9) reduced failures of men released;
- (10) better guides to building requirements; and
- (11) reports used for parole, etc.

In this writer's view, the Handbook grossly overstates the gains to be obtained from a classification system. Classification is certainly vitally important to institutional management, but it will not of itself replace management nor will it solve all administrative problems that arise.

Another American writer, Frank Loveland,² has described three different types of classification systems. These are :

- (1) a classification clinic or bureau. This is a diagnostic unit within an institution that makes recommendations to the administration;
- (2) an integrated classification system. In such a system professional and academic personnel with the executive head as chairman make decisions which are binding and official. This is the usual type;
- (3) reception centre system. Using this approach, a separate institution studies new offenders and decides upon the institution to which they will be sent and the program that they will follow. A secondary level of classification will be followed in the normal institutions.

Whatever system of classification is used, it is submitted that classification is not simply a matter of segregating different types of offenders. The naivety of this view of classification is illustrated by the fact that if one segregated males from females, convicted from unconvicted, adults from juveniles, violent from non-violent and heterosexual from homosexual, and one followed this segregation strictly, no fewer than 32 separate institutions or divisions would be required. If another dimension were added, for example those in need of psychiatric treatment and those not needing it, 64 divisions would be needed, although many would be empty for much of the time.

² Loveland, F., 'Classification in the Prison System', in Tappan, P.W. (Ed.), Contemporary Correction, McGraw-Hill Book Company, Inc., New York, 1951, pp.91-106

Classification is seen by the writer as a central part of prison management which uses segregation of different types of offenders where necessary but also coordinates the placement of offenders and the treatment they receive. It can also provide invaluable information for the future planning of any correctional system. An adequate classification system would show, for example, changes that take place in the size and structure of prison populations, the balance needed between maximum, medium and minimum security institutions, deficiencies in educational and training programs and medical and psychiatric services and the need for new prison industries. A classification system which is geared not only to day-to-day management but also to future planning would always be more advanced and sophisticated than the system it serves. Thus the classification process is able to identify the particular needs of the correctional system as a whole.

Viewed as a management and planning tool, it is clear that classification is an on-going process, even though the initial allocation of a prisoner to a particular institution is probably the most dramatic and memorable step in the process. Reviews of classification decisions by the central Committee and the constant oversight of the Review and Assessment Panels in the Victorian prison system illustrate the non-static nature of the process.

Decisions taken elsewhere prior to entry into the prison or youth training centre system can, however, be seen as highly relevant to, or even pre-determining, the classification process within institutions. These decisions are primarily made by judges and magistrates but it has also been found in the course of this study that the police may also play a role. This surprising finding came from discussions within the Beechworth Training Prison where it was claimed that the police used their discretion in transporting prisoners sentenced at the Wangaratta court to either Pentridge or Beechworth. If Beechworth were chosen it was highly likely that, after a report had been sent to the central Committee, the prisoner would serve his sentence there, but if he were taken to Pentridge he could be allocated to any part of the system.

This is possibly an idiosyncracy of the sort that can occur in the best-run organisation, but decisions taken by the courts are much

more influential. In the first place, the length of sentence fixed by the court determines whether or not the prisoner is to be formally classified, and, in a well ordered system note would be taken of the remarks made in passing sentence with regard to the need for treatment, training or strict security. Such remarks, which are commonly made by certain judges or magistrates, have no legal authority but they should at least be considered when classification decisions are being taken. Awareness of such remarks has not been observed in the course of this study.

It could also be argued that the court decision to sentence an offender to an institution or to impose a non-custodial penalty is a quasi-classification decision, but this would be stretching the meaning of the word 'classification' too far and this argument is not therefore pursued.

Of crucial relevance, however, is the decision by judges or magistrates to sentence offenders within the age range 17 to 20 years to either a prison or youth training centre. As this decision is primarily concerned with the type of institution and the type of treatment program that will be available to the offender, it may be correctly categorised as a classification decision, albeit of a judicial kind. There is provision for administrative transfer between the two systems but such transfers are rarely made as Social Welfare Department personnel are understandably reluctant to recommend variation to decisions made by the courts.

Judicial discretion within this age range, which emanates from the Social Welfare Act of 1960, has resulted in the creation of a 'two-track' system for dealing with young offenders. The provision of an institutional sentencing option for this group may have been intended to minimise the number of young offenders being sent to prison, but it is doubtful if this aim has been achieved. It may be hypothesised that a significant proportion of the offenders in youth training centres would have received non-custodial penalties if this option had not been available. This comment is necessarily speculative, but the inescapable facts are that a very significant proportion of prisoners in Victoria are under the age of 21 years. Prisoners under 21 years

are to be found in almost every prison in the State and at 12 December 1977 they accounted for 155 of the total muster of 1,480. At 1 December 1977 there was a total of 201 male and female young offenders in youth training centres, thus 43.5 per cent of this institutional population was being held in prisons.

There are many arguments that could be raised for and against the current 'two-track' system being used with young offenders in Victoria, and it is acknowledged that this system was confirmed in the Social Welfare Act of 1970. Furthermore, there seems to be general acceptance of the system within the Social Welfare Department. It is pointed out, however, that no other system known to the writer provides for the courts to make classification decisions of this type and it is doubtful whether the courts should have this responsibility.

As suggested earlier, it is quite appropriate for courts to make recommendations to correctional authorities as to the particular type of treatment that seems to be needed in individual cases, but it would be argued by many authorities that it is wrong in principle for the courts to have the final say in these matters. A possibly more desirable arrangement would be for the availability of youth training centre sentences to be restricted to offenders less than 18 years of age. This would mean that persons sentenced to youth training centres would serve out their sentences in those institutions beyond the age of 18 years, but that for persons over 18 years the youth training centre option would not be available to the courts. For exceptionally serious offenders under 18 years, lower courts would be able, of course, to refer cases to higher courts which would have the authority to impose sentences of imprisonment, as is the case at the present time. Administrative transfer between the two systems should also continue to be available, with the exception of transfers of prisoners aged 18 years or more to youth training centres.

Such an arrangement would bring the Victorian system into line with the systems operating in New South Wales, South Australia, Western Australia and the Australian Capital Territory, and it would have the considerable advantage of placing the classification decision-making process formally within the responsibility of correctional authorities.

It would also be a more logical arrangement, but it would not have a major impact on the actual numbers of 17 to 20-year-olds in prisons and youth training centres.

At 1 December 1977 there were only 50 19-year-old and 27 20-year-old offenders in youth training centres and some of these may be presumed to have been sentenced before their eighteenth birthdays. These numbers would undoubtedly decrease, but, on the prisons side, it may be presumed that the number of 17-year-olds currently sentenced to imprisonment would reduce with a corresponding increase in youth training centre receptions. Thus, the structure of the two populations would change, but the overall numbers in both would probably not be significantly altered. It is not possible to establish the validity of this proposition without more detailed inquiry, and it is recognised that this discussion raises fundamental issues of government and departmental policy. However, as the 'two-track' system is inextricably linked to the classification process, it has been raised in this context and it is recommended that the system be reviewed by an expert committee established for that purpose.

CHAPTER 4**RESULTS OF INTERVIEWS AND OBSERVATIONS**

The most striking impression gained from the visits made in connection with this study is of conscientious and hard-working staff doing their best in the face of extreme difficulties. The prisons classification staff, led by Mr Darren Room, have laboured for many years under increasing difficulties and yet have continued to provide an invaluable service. It is obvious to the outside observer, however, that the time for an overhaul of the classification system is overdue.

As mentioned earlier in the description of the current classification procedures in prisons, the physical conditions at the Pentridge Classification Centre are totally unsatisfactory from the point of view of both prisoners and staff. Furthermore, some of the procedures followed in gathering information from prisoners, compiling files and making decisions could be improved without great expenditure of funds. Many useful suggestions for improvement were obtained from prisoners who had had direct experience with the classification system.

PRISONERS' VIEWS OF CLASSIFICATION

In order to obtain some indication of the views of prisoners themselves, the clients of the system, group interviews with prisoners were conducted in Pentridge, Ararat, Bendigo, Beechworth, Castlemaine, Dhurringile and Geelong. In each case six to 10 prisoners were present, a total of 50, all of whom had been through the classification system. The prisoners participating in the discussions were selected by senior staff but no bias was apparent towards conforming or recalcitrant prisoners. It is possible, however, that those selected for inclusion were better able to express themselves than the average.

The group interviews, which in each of the seven institutions lasted approximately one hour, were taken very seriously by the prisoners and resulted in some valuable suggestions being made. In each case, after the aim of the exercise had been explained, a list of ten questions was used to provide structure to the discussion. At the same time, ample

opportunity was provided for general discussion and many personal anecdotes were heard.

The following is a summary of the responses received to the ten specific questions raised :

Q.1 Are you satisfied or not with the decision you received from the Classification Committee?

Perhaps not surprisingly nearly one-half of the prisoners, 23 out of 50, indicated they had not received the decision from the Classification Committee that they were seeking. Many of these men were serving sentences of considerable length and had requested to be transferred to open prisons such as Won Wron or Morwell River, and even though they were dissatisfied they accepted the reality of the decision made. Sixteen of the prisoners indicated that they were satisfied and a further 11 expressed neither satisfaction nor dissatisfaction.

Q.2 How long did you stay at the Classification Centre?

A review of the procedures followed by the Classification Committee suggests that prisoners should pass through the Classification Centre in a period varying between six and 12 days, but in answer to this question it was found that less than 35 per cent of those interviewed fell within this normal range and more than half indicated that they had spent 14 days or more in the Classification Centre. Ten of these claimed to have been held for more than three weeks in the Centre. These data may not be totally reliable as some of the prisoners had been classified many years earlier and their memories could have become distorted, but they suggest that a significant proportion of the prisoners passing through classification had not done so within the expected period of time.

Q.3 Should this time be longer or shorter?

The overwhelming response from the majority of prisoners was that the time spent in classification should be shorter

but a minority suggested that a longer period of time would be acceptable if the conditions were better and one prisoner said 'the time doesn't matter if you get what you want'. Another prisoner argued that there should be no time spent in the classification yard and that the classification process should proceed while prisoners are working in industries with time being taken out for interviews etc. It was also suggested that for recidivists, or 'retreads', the time could be considerably shorter.

Q.4 Comment on the physical conditions at the Classification Centre

Not unexpectedly the unanimous consensus was extremely critical of the physical conditions. It was claimed by one prisoner that up to 102 people had been in the yards at one time and another claimed that up to 80 had been there during his stay. Some of the printable expressions used by prisoners to describe the classification yard were: degrading, disgraceful, appalling, bad, disgusting, medieval, depressing, diabolical, unpalatable, primitive, archaic, cramped, freezing, inhuman, boring, animalistic, and rat-infested. Others complained of the lack of activities and the inadequate toilet and laundry facilities. Not one of the prisoners spoken to regarded the conditions as satisfactory and this view seems to be shared by prison officers and others who have visited the Classification Centre.

Q.5 How many people were you interviewed by?

Over 75 per cent of the prisoners claimed to have been seen by two or fewer people and yet the formal procedures would require at least three interviews per prisoner during the pre-classification stage. It is possible that some prisoners failed to mention brief interviews conducted in a routine manner and regarded only the lengthy taking of the social history as a proper interview, but

it is also possible that in many cases the full procedures were not followed.

Only a small number of prisoners who had been classified many years ago had been subjected to any form of psychological testing, but a number of them indicated that such testing might be useful, particularly if they were given some idea of the results. One said 'at least it would help pass the time'.

Q.6 Is sufficient or too much information gathered?

The prisoners' responses to this question were not fully quantified but there was strong support for the proposition that some of the questions raised in the social history were unnecessarily personal, e.g. the addresses of all family members. One prisoner said 'they are classifying you, not classifying your family'. Other prisoners argued that some of the information gathered was not relevant to the purposes of classification and others suggested that the information should be collected by a social worker or psychologist rather than a prison officer. It was also suggested that long-term prisoners should routinely be seen by psychiatrists.

Apart from the clear resentment expressed about information being gathered on prisoners' families, there appeared to be general acceptance of the proposition that comprehensive background information provided a necessary basis for classification decision-making.

Q.7 Did you have adequate opportunity to express your views to the Committee?

The consensus of prisoner opinion to this question was negative. Some three or four prisoners said that they were able to express themselves fully but the clear majority disagreed with this. A number of them said that it was an intimidating experience to 'front' such a formidable body and one said 'I felt that I was back in court again'.

There was general support for the proposition that the time of appearance before the Committee was too short and some argued that the actual decision should be made in front of the prisoner rather than him being called into the meeting merely to be informed what the decision was. Others argued for the right of appearance before the Committee when reviews are being considered, particularly in the case of long-term prisoners.

Q.8 What do you see as the main purpose(s) of classification?

Perhaps expectedly most answers to this question were fairly cynical. It was suggested that classification aimed 'to keep the system going', 'to move people along', 'put you in the right place', and 'empty people out of Pentridge'. A minority of prisoners were more positive in their views however and saw classification as being essentially to assist rehabilitation and maintain family ties.

Q.9 Are the review procedures adequate?

This question yielded varied responses, but there was general support for the concept of local assessment and review panels. It was notable, however, that a small number of prisoners were unaware of the existence of these panels.

There was general support for the proposition that in seeking a review of a prisoner's location he would prefer to talk to someone rather than write a formal application, but the point was made that where personal considerations were involved it was better to talk to one person rather than to appear before a committee or panel. It was also suggested that Governors should have most say in all matters of review as they have more detailed knowledge of prisoners than any other person.

Q.10 How could the system be improved?

This question elicited a wide variety of suggestions which are listed here :

- (a) Better feedback on prisoners' progress is needed;
- (b) Escorts to open prisons should not be in a security van;
- (c) Some prisoners may lose remission while being transferred between institutions as there may be doubt as to which institution is responsible;
- (d) There should be provision for contact visits while at classification;
- (e) There is a need for improved medical assessment in classification;
- (f) Prisoners in classification who may be required in court and returned late in the evening may be inadequately provided with an evening meal;
- (g) The security rating system should be modified;
- (h) The Director of Correctional Services should be the chairman of the Classification Committee;
- (i) The Classification Committee should be smaller;
- (j) The views of country Governors should be more influential;
- (k) More information on prisons (particularly those in the country) should be provided at the Classification Centre;
- (l) Full remissions and canteen privileges should be provided to prisoners passing through classification;
- (m) The Classification Committee should comprise qualified people, i.e. a psychologist, social worker, medical officer and the Director.

In addition to the above, many further comments were made about the inadequate physical conditions at the Classification Centre.

PRE-CLASSIFICATION INFORMATION GATHERING**Social Histories**

It is axiomatic that decision-making in the classification process is dependent upon the availability of accurate and comprehensive background information on the prisoners being classified. The same information

is also needed for parole decision-making. This general proposition is accepted by the prisoners themselves, although many object to what they see as prying into the lives of their relatives and some suggest that all social histories should be collected by psychiatrists or social workers rather than by prison officers.

The key information-gathering process currently used is the completion of the social history questionnaire, usually by a senior prison officer. This interview, which takes from 40 to 60 minutes, is generally conducted in the entrance foyer to the Classification Centre or in the main committee room, where other interviews are commonly being conducted at the same time. The interviewing officer completes the six-page questionnaire in pencil and his notes are later typed by a prisoner-writer and photocopies are made for incorporation in the files.

This procedure has many unsatisfactory features. Apart from the inadequacy of the physical setting for the interviews, the final product which appears on the file is difficult to read as the typed responses to questions are not easily identified against the questions themselves, the stencil for which was apparently cut on the same typewriter. A printed questionnaire form, using smaller type would avoid this problem.

More important than the presentation of the information, however, is the structure of the questionnaire itself. In order to assess its value this investigator acted as interviewing officer for two prisoners awaiting classification, one a first-timer and the other a recidivist, or 'retread', who had been classified previously. The interviews were not particularly satisfactory and it was felt that the structure of the questionnaire was not based on sound principles of interviewing, and had the effect of inhibiting the establishment of rapport. The full interview with the first-timer prisoner lasted exactly one hour and it was felt that, even after that time, a picture of him as a person had not clearly emerged. With the recidivist, only those parts of the questionnaire relating to his recent life were completed, but, again, the questions proved not to help in getting to know the man. Informal conversation was much more informative.

The social history questionnaire needs to be rewritten with a view to (a) simplifying many questions, (b) covering non-sensitive areas such as education and employment history before exploring the details of current offences, family ties and personal health, and (c) eliminating questions which are not essential and are regarded as personally offensive by many prisoners, e.g. addresses of all family members apart from the next-of-kin.

In particular, it is recommended that a much simpler format be followed throughout the questionnaire. For example, rather than listing individually a series of health problems, the questionnaire should present as a prompt 'Continuing Health Problems?', 'Operations?', etc., leaving ample space for responses to be recorded. Similarly, the sections on education and employment (which should occur earlier in the questionnaire) could be considerably simplified without loss of accuracy. The details taken of the prisoner's family should also be reduced so that a concise picture of his family situation is presented in one or two sentences and that the full name and address is only recorded for next-of-kin. Adequate space must be provided for this.

When the questionnaire has been redesigned, it should be printed in relatively small quantities initially, so that it may be amended after being used for a trial period of, say, six months. Consideration should also be given to the preparation of a set of instructions for interviewing officers completing the social history questionnaire.

One additional matter concerning the current questionnaire which is a cause of some concern is the question 'Any illicit drug use? Yes/No'. In contrast with many other sections, this is much too simple and carries with it the danger that a one-time or occasional marihuana user may be labelled as 'drug addict' and consequently be denied consideration for placement in an open prison. It is suggested that a more sophisticated view of the significance of different types of drug-taking be adopted and that occasional 'pot smokers' be not restricted with regard to institutional placement.

Another problem with gaining information on prisoners' drug-taking has also been noticed. It might be suspected that prisoners would tend to deny, or at least understate, the details of illicit drug

consumption, but the opposite seems to be frequently the case. The apparent reason for this is that at the pre-trial stage some offenders present themselves as being severely drug dependent with a view to gaining a therapeutic as opposed to custodial sentence from the courts, and, having so labelled themselves, they continue the story in prison. Thus, one may see in the Classification Centre healthy looking young men with good complexions claiming that they have been 'mainlining' heroin for some years! This tendency to exaggerate drug-taking may only apply to a minority of prisoners being classified, but it underlines the need for careful interpretation of all information gained on this subject.

The major remaining unresolved question relating to the taking of social histories is the desirability and practicability of these interviews being conducted by a qualified psychologist or social worker rather than by a prison officer. Several issues are involved here. On the one hand it would undoubtedly be true that better interviews would generally be conducted by professionals and that more information would be gained, but on the other hand it is recognised that an experienced prison officer with appropriate training and guidance can compile adequate social histories, and the ability to do this must be regarded as necessary for all senior staff. Furthermore, if the information required is largely of a factual nature, it might be seen as a misuse of a professional person's time to actually conduct the interviews. For these reasons it is recommended that the taking of social histories should continue to be the task of senior custodial staff.

Aptitude and Educational Testing

For many years in the late 1950s and early 1960s all prisoners being classified in Pentridge were subjected to a battery of aptitude tests. The testing was conducted by one of the education officers from A Division, who, being qualified as a teacher, was acceptable to the Australian Council for Educational Research to administer certain pencil and paper tests. Five tests were used: the Otis Higher (a general intelligence test), the revised Minnesota Paper Form Board,

Tool Knowledge, Mechanical Reasoning, and Speed and Accuracy. These tests are all published by ACER.

The procedure followed was for the education officer to interview briefly all new prisoners on the day before the testing in order to gain a rough estimate of educational achievement and to detect illiterates who would be individually given a non-verbal test such as Raven's Progressive Matrices. These interviews were also used to offset any resistance to testing that may be expressed or implied. The testing itself took place in groups of 12 or 15 prisoners. It would take approximately two hours, and at the conclusion of the session each prisoner was given a generalised report of his results.

In the three-year period that this writer administered these tests no prisoner refused to be tested, and the results were found to be valuable in considering vocational and educational placement during the classification stage and also at later stages of prisoners' sentences. In the mid 1960s the testing program was varied so that only prisoners who chose to complete the tests did so, and later the program was abandoned altogether. As a result of this, less information is contained on classification files currently being compiled than was the case 15 or more years ago.

There is wide and sometimes emotional debate in educational and psychological circles about the value and ethics of testing programs such as that described above. In particular, there are deep divisions of opinion on the use of IQ tests, with some educationists implacably opposed to the use under any circumstances. The debate is not so heated with regard to vocational aptitude tests, possibly because they are less well known. Notwithstanding these divisions of opinion, it is recommended that consideration be given to the re-establishment of a testing program similar to that described above.

THE COMPILATION OF FILES

Prisoners employed as typists, clerical assistants or file clerks, all known as 'writers', have for many years provided the skilled labour force necessary for the Classification Centre to operate efficiently.

The value of the work performed by these men is not questioned, but their use has caused many problems. As prisoners type and store the files on other prisoners, professional staff in the prison services do not accept that the files are confidential and medical and social work reports are not available for inclusion. The classification files are therefore not a complete record of each prisoner's history and other filing systems have been developed for other purposes. As a result of this, the Parole Board, Governors of country prisons and Pentridge sub-prisons, and professional workers within the prison service do not have available to them a complete statement of each prisoner's background and problems. Furthermore, the position of the prisoner-writers in the Classification Centre is undesirable as they must inevitably be subjected to pressure by other prisoners to divulge information of a semi-confidential nature. This can be avoided by keeping the prisoner-writers in isolation from all other prisoners, but this is equally undesirable. These problems will only be overcome by the replacement of prisoner-writers by civilian staff, but this would not be possible in the present Pentridge Classification Centre. Civilians could not be asked to work under such conditions. The solution will therefore depend upon the provision of better accommodation, and the possibilities for improvement are discussed in the next chapter.

THE STORAGE OF FILES

The Pentridge Classification Centre has outgrown itself in its capacity to store the classification files of past and present prisoners. Every possible space has been used, and it is understood that a large number of non-current files are held in an unsystematic way in a dungeon of D Division. Some of these files could be needed for prisoners who return, but their retrieval would be a difficult and time-consuming task. Apart from finding more storage space, consideration must be given to either micro-filming the records or the use of a computer to store essential information. These options will be discussed later.

CHAPTER 5**DISCUSSION**

A number of recommendations for change have been made in earlier chapters, but this chapter aims to bring together all of the remaining issues and make recommendations on them. For ease of reference, all recommendations are summarised in the final chapter.

The major focus of this inquiry has been the classification system within Victorian prisons, with considerably less attention being paid to classification in youth training centres, but consideration has been given to the coordination of the two systems. This focus is justified on the ground that prison classification is more urgently in need of improvement and the limited time available has been concentrated in that area.

THE PENTRIDGE CLASSIFICATION CENTRE

The inadequacy of the physical conditions in the Pentridge Classification Centre has been mentioned many times. The ideal solution to the problem would be for a separate and self-contained centre to be established, and if G Division becomes available it could readily be converted for use as a Classification Centre. That solution is unlikely to present itself for many years, if at all however, as a psychiatric treatment centre would need to be built elsewhere. It has been suggested that psychiatric services could be transferred to Fairlea if a new women's prison were constructed, but this is not a realistic possibility as the reason for a new women's prison is the fact that present buildings at Fairlea are a fire hazard and are therefore no more acceptable for male prisoners needing psychiatric treatment than they are for female prisoners. Also, in the writer's view, a psychiatric division should be directly accessible to the main prison for ease of transfer, the provision of day treatment and to enable specialist services to be readily available throughout the prison.

As a residential psychiatric centre in the prison system, G Division does not offer ideal conditions and if a new centre were constructed

elsewhere within, or attached to, the Pentridge complex, it is recommended that the present G Division be converted for use as the permanent Classification Centre for the prison system. Within such a centre, adequate work and recreational opportunities could be offered to prisoners undergoing classification and the period of classification could be extended to two weeks in order for more detailed inquiries and observations to be made.

This long-term solution would require more detailed planning than is appropriate in this report, and its hypothetical nature offers no relief to the urgent problems facing the classification system. Something must be done in the short-term, and the solution offered is recognised as being not completely satisfactory. It is understood that the former residence of the Pentridge Governor, which is currently used as the Superintendent's Office, is shortly to be vacated with the completion of renovated office space near the Pentridge main gate. It is recommended that this building, or the nearby building used by the Governor of the Southern Prison, be adapted for use as the 'Classification Secretariat' and that all file compilation and storage be located there. It will be further recommended later that the Secretariat be staffed entirely by civilian typists and clerks and a small number of prison officers.

It would still be necessary for the present Classification Centre to be used for interviews, testing and meetings of the central Committee, but the space saved by the removal of files and the replacement of prisoner-writers would allow for better interviewing possibilities and a larger meeting room to be constructed. The room currently used by the prisoner-writers could be re-adapted for aptitude and educational testing. This solution would involve much staff movement, and carrying of files, between the Secretariat and the Centre, but this seems to be unavoidable. The major weakness with this short-term solution, however, lies in the fact that it offers no improvement in the classification yard. A closer examination of the real needs for space in the remand yards could possibly allow for some re-allocation of space which would provide recreational opportunities for prisoners undergoing classification, but the long-term solution depends on the construction of the proposed

Remand Centre in Russell Street. When this is done, ample space will become available for the use of classification prisoners. In the meantime, the only improvement would be making the room used for meals by the prisoner-writers available for television for prisoners undergoing classification.

THE TRANSPORT OF PRISONERS

A further matter of physical conditions relates to transport. It is recognised that secure escort vehicles are needed for the transport of prisoners from Pentridge to country prisons, but there are many transfers involving low security prisoners for which a mini-bus could be used. Also it is necessary for the central Classification Committee to visit country prisons and a mini-bus could be used for this purpose. It is recommended that a mini-bus be purchased for classification purposes. Such a vehicle should be controlled by the Governor of Classification and also used by him to visit Review and Assessment Panels in country areas and to transport low-security prisoners from one institution to another. A comfortable vehicle such as this would remove one of the deterrents against prisoners seeking transfer from maximum to minimum security institutions and thus encourage the 'cascade effect' which is necessary for the classification system to work effectively.

Every effort must be made to encourage prisoners to transfer to low-security prisons towards the end of their sentences and thus create vacancies in medium security prisons which can be filled from Pentridge. If this is not done, the systems become clogged and the smooth transition to lower degrees of security before work release and parole is not provided. It is recommended that the Governor of Classification, or an appropriate senior officer, devote a considerable portion of his time to encouraging and facilitating the progressive movement of prisoners between country prisons.

MINISTERIAL GUIDELINES AND THE SECURITY RATING SYSTEM

As pointed out in Chapter 2, the ministerial guidelines for the transfer of prisoners out of Pentridge and the security rating system represent two separate constraints on the discretion of the Divisional Classification

Committee. Neither is absolutely rigid, as the Director of Correctional Services may approve of transfers outside the guidelines and observation suggests that the security rating system is not rigidly enforced. The latter is seen as a guide rather than an inflexible tool.

It is essential that a considerable degree of flexibility be maintained as any hard and fast rule restricting the operation of classification can be expected to cause administrative problems. Any inflexible rule will interfere with the smooth flow of prisoners between institutions in such a way as to maintain optimum resource utilisation and ability to respond to crises. This is the crux of the problem which has developed in the prison classification system. While the total number of prisoners has been lower than ever, with both annual receptions and daily averages being well below the levels of previous years, Pentridge has become overcrowded (or at least full to near capacity) while many country institutions are operating well under capacity. This situation has resulted partly, although not entirely, from the constraints placed on the Classification Committee.

The other reason for the uneven distribution of prisoners is the natural reluctance of many prisoners to apply for transfers. Some prefer to stay in Pentridge because of its convenience for visitors, and many become settled in Pentridge or in medium security country institutions and do not wish to have to adjust to new institutions, even though they may offer less restriction and greater privileges. This inbuilt conservatism is to some extent encouraged by staff who can readily appreciate the undesirability of causing too many disruptions to the prisoners in their charge. This is not in any way intended as a criticism of prison staff, who are sensitive to the views of prisoners and the need to maintain a degree of stability. No prison system can run effectively if a high level of sensitivity is lacking in the staff.

Bearing in mind this inbuilt tendency which militates against the steady flow of prisoners through the system, the question must be raised of whether any formal constraints on the Classification Committee are needed. The escapes from Ararat in 1976 of long-term prisoners only a small fraction of the way through their sentences indicate that some guidelines or restrictions must be followed in order to ensure that that

situation does not repeat itself. The guidelines necessary, however, should cover extreme or clear-cut cases only, and should not attempt to avoid all risk-taking with run-of-the-mill cases. Of the two types of constraints currently in operation, a security rating system is preferable to a blanket rule which allows no prisoner to be transferred outside Pentridge until half of his sentence has been served.

If a blanket rule is to be retained it would seem desirable for it to be reworded to ensure that it applies only to prisoners serving three years or more as at the present time it could be construed as applying to every prisoner, but, as indicated above, a security rating system should provide all the guidelines that are necessary. The present security rating system has no empirical basis, but is generally regarded as providing a reasonably accurate index of escape risk. It does, however, suffer from a number of weaknesses.

In the first place, the system is vague in the use of the statement that the total 'would not be a pure arithmetical addition ... and it is deficient in that it makes no reference to the length of the sentence imposed'. Because of this it would be possible for a very serious (although non-violent) offender sentenced to a considerable term of imprisonment to obtain a zero score and thus be immediately eligible for transfer to even the most open institution. In contrast, a relatively short sentence prisoner from interstate with an unsettled employment history, who admits smoking marihuana, and is convicted of common assault, would have an escape index of such proportions that H Division would be, technically, the only acceptable accommodation.

These extreme examples illustrate the need for revision of the security rating system, and it is suggested, as an initial step, that an additional factor of 'length of sentence to serve' be added to the present system, providing 10 points for each year. This would ensure that no prisoner with more than a year to serve would be transferred to Morwell River, or with more than three years to Sale. This suggestion is fairly primitive, however, as more important than the actual time to serve is the proportion of the sentence to be served in relation to that imposed, but to reduce this concept to arithmetical form would create considerable difficulties. In the long run the

security rating system should be subjected to rigorous research that would determine the true value of each of the relevant factors, but before this is done it is recommended that the security rating system be reviewed by senior departmental staff and that such reviews be conducted annually. If a revised version of the rating system incorporates provision for length of sentence to be considered, it is recommended that the ministerial guidelines be withdrawn.

STRUCTURE AND AUTHORITY OF THE PRISONS CLASSIFICATION COMMITTEE

The current membership of the Classification Committee of the Correctional Services Division has been described earlier, and it is recommended that there be no change in its size or structure except that the Director of Correctional Services cease to be a member and the chairmanship be formally assigned to the Supervisor of Classification and Treatment. This change would merely legitimatise the existing situation, and the Committee would continue to be accountable to the Director.

It is very tempting to suggest that the Classification Committee should represent every significant point of view and thus to recommend appointing an education officer, welfare officer, psychologist, psychiatrist, chaplain etc. to the Committee. This temptation must be resisted as, even though it is appropriate for the Committee to receive advice from any or all of these sources, the Committee itself is part of the formal authority structure of the Department and is therefore primarily concerned with matters of management and security. This is not to say that there should not be greater professional input into the classification process, but it is a recognition of the fact that such input must necessarily be only advisory.

In discussion it has been suggested that a representative of the Youth Welfare Division should be a member of the Prisons Classification Committee in order to provide information on offenders who have previously been held in youth training centres. For the reasons given above this proposal is not supported, but the need for more information on prisoners who are former Youth Welfare trainees is obvious. To

meet this need it is recommended that a representative of the Youth Welfare Division be appointed as an adviser, but not as a member, to the Prisons Classification Committee.

Another proposal that appears in the files of the Social Welfare Department is for a representative of the Victoria Police to be appointed to the Committee. It is recognised that in many cases the police are in possession of information which would be of considerable value to the Classification Committee. This information should be available, but it is not appropriate to give the police a formal voice in the executive authority of prison administration. Furthermore, the physical presence of a police representative on the Committee could be seen as intimidating by prisoners. It is suggested, however, that greater use could be made of the services offered by the police liaison officer. His comments or advice could be sought on a regular basis by the classification staff sending him each week the names of prisoners to be classified; with problematic cases being marked for special attention. The advice of the police liaison officer could also be sought when potentially controversial cases are being considered for transfer to country prisons later in their sentences. In all cases, however, the responsibility for movements must rest with the Classification Committee or the Director and police advice may be accepted or rejected at their discretion. It is recommended that steps be taken to ensure that the advice of the police liaison officer is regularly and systematically available to the Classification Committee.

As the work of the Divisional Classification Committee is now supplemented by a well conceived and efficient network of Review and Assessment Panels, it is not necessary for the Committee to take decisions relating to work assignments, education and training courses except in rare cases. The primary concern of the Committee must be that the placement of prisoners in institutions and the secondary decisions are more appropriately left to Review and Assessment Panels or to the Governors of individual institutions. This division of responsibilities represents a more rational distribution of decision-making authority as the Divisional Committee cannot keep itself fully informed of work needs and vacancies in education and training classes in all of

the prisons throughout the State. Exceptions would be when highly specific needs occur in country prisons, such as the need for a cook, or when treatment considerations are of particular significance, but in general work and treatment decisions should be taken at the secondary level. It is therefore recommended that a clear distinction be drawn between the decisions to be taken by the Divisional Classification Committee and decisions to be taken at other levels.

PRE-MEETING INFORMATION GATHERING AT PENTRIDGE

It has been recommended elsewhere that the social history questionnaires be revised and that an education officer be assigned the task of conducting aptitude and psychological testing at the Classification Centre. (If an education officer is not available for this task an alternative proposal is made in the following section.) Apart from these recommendations it is suggested that consideration be given to ensure that more members of the Committee interview prisoners before each meeting. This is an organisational problem and no firm recommendation is made to resolve it, but it would seem highly desirable for more first-hand information to be available rather than the majority of members basing their decision solely on the material in the files.

As soon as the main recommendation in the following section is implemented, it is recommended that summaries of medical and psychiatric reports be included in the classification files.

STAFFING OF THE PENTRIDGE CLASSIFICATION CENTRE

The most unsatisfactory aspect of the staffing of the Classification Centre is the use of prisoner-writers for clerical support. These prisoners have undoubtedly given loyal and conscientious service to the classification process over a number of years, but the fact that they unavoidably have access to the files has created serious problems with regard to the maintenance of confidentiality. Medical officers and social workers, for example, have expressed the view that it would be professionally unacceptable for their reports to be included in the files while this situation continues. As a matter of utmost urgency, and in conjunction with the establishment of the proposed Classification

Secretariat, it is recommended that all clerical support necessary in Pentridge be provided by civilian employees. When this has been brought into effect, it should create no difficulties to enforce a firm rule throughout all prisons in the State to the effect that no prisoner should have access to any classification files other than his own. (At the discretion of a responsible officer, situations may occur in which it would be appropriate for an individual prisoner to be informed of the substance of the reports contained in the files concerning him.)

If the education staff in Pentridge are unable, because of pressure of other duties or because none of them see themselves as suitably qualified, to undertake the proposed testing, then it is recommended that a person with psychological qualifications be appointed to the Division of Correctional Services for this task. The actual work involved would normally occupy slightly less than a half of a psychologist's time and therefore if a full-time appointment were made the appointee could be given the responsibility of undertaking research which monitors the needs of the Department, particularly in relation to training and treatment programs. This would go some way towards making use of material gained for classification purposes to assist with the planning and development of institutional programs.

As an adjunct to the recommendation that prisoner-writers be replaced by civilian clerical staff, it is recommended that all meetings of the Divisional Committee be attended by a competent stenographer. This person should be required specifically to note the reasons for decisions taken by the Committee and thus provide evidence that could be sighted if the Ombudsman or any other authority questioned the basis of the Committee's work. It is not suggested that a stenographer should attempt to record everything that is said at every meeting, but it is essential that a simple record of reasons for decisions be maintained.

Two further aspects of the pre-meeting information gathering seem to be unsatisfactory; the availability of photographs and full criminal records. It is apparent that in many cases photographs and criminal records are not available at the time of the classification meetings

and, in some cases, transfers to country institutions have been delayed for this reason. It is recommended that the provision of photographs be expedited and that efforts be made to ensure that full and accurate criminal records are available at the Classification Centre, or Secretariat, at the earliest possible opportunity.

PROVISION OF INFORMATION FOR PRISONERS AND THEIR RELATIVES

Observation suggests that prisoners awaiting classification at the present time are given insufficient reliable information about the options available to them. Three steps need to be taken in order to correct this situation in which hearsay from other prisoners is very likely to influence the preferences expressed by prisoners awaiting classification. In the first place, it is recommended that an attractive booklet be prepared containing basic information, including photographs, of the facilities available at all of the prisons in Victoria. This should be made available to every prisoner. In the second place, it is recommended that all prisoners, whether being classified or not, be given a printed statement of the rules and regulations with which they are required to comply. Copies could also be given to friends and relatives of prisoners as appropriate. In the third place, it is recommended that in the classification yard there be erected a large map of Victoria indicating the location of all prisons and the public transport that is available for visitors to each institution. This would serve to reinforce the idea that the fundamental purpose of the classification process is to decide the institution in which each prisoner is to be placed.

It is recommended that in every case where a prisoner is transferred from Pentridge to a country prison he be invited to nominate a relative who is to be informed of the prisoner's new address, and that a standard letter be sent for this purpose. Prisoners should have the right to refuse this invitation.

CLASSIFICATION OF SHORT-TERM PRISONERS

It is understood that in recent months some steps have been taken to provide for brief files to be compiled on prisoners being transferred

to country prisons who are not eligible for the full classification process. As many short-term prisoners are necessarily and desirably transferred to country institutions on the authority of the Governor of Classification, subject to ratification by the full Committee, it is highly desirable that some basic information be recorded in these cases. It is recommended that no prisoner be transferred to any prison outside Pentridge without a basic or simplified classification file being made available to the Governor of the receiving prison.

CLASSIFICATION FILES AND INFORMATION RETRIEVAL

The search of classification files, as indicated earlier, is creating formidable problems in the inadequate facilities currently available at Pentridge. The proposed establishment of a Classification Secretariat will resolve some of these problems, but it is clear that a policy needs to be established for the retention or distribution of the files of former prisoners. It would obviously be unwise to destroy the files of all prisoners who have completed their sentences, as a considerable proportion may be expected to return to prison within a few years of their release. On the other hand, the retention of eight copies of the files of former prisoners who have been in the community for 10 or 20 years must be seen as unnecessary clutter. It is well known that the majority of recidivists will return to prison within one or two years of discharge, and this fact should govern the retention of files.

It is recommended that classification files be divided into three categories :

1. prisoners in custody;
2. former prisoners on parole or having been discharged or completed parole less than two years previously; and
3. all others.

For the third group, only one copy of the file should be retained, mainly for research or historical purposes. In the rare cases where a person in this category returns to prison, copies could be taken as required. For this group, the 'dead file', the destruction of the unneeded seven copies would save considerable space, and the two

other groups of files should remain relatively stable in size and therefore more manageable than at present.

If the above recommendation is accepted, a competent file clerk would be needed to ensure that files were kept in the appropriate categories, and thus to maintain the system at a reasonable size the key to the system must be a comprehensive index. Index cards are currently used, but these cannot automatically indicate the status of each individual without manual checking of the full files. It is recommended that consideration be given to the establishment of a computerised index system, incorporating non-classification as well as classification cases, which would provide information on :

- (a) the status (in custody, recently discharged, etc.) and the location of any named offender;
- (b) the current security rating of any prisoner in custody; and
- (c) the 'muster' in any institution at any time.

Other functions, such as the network of protection cases, could possibly be added at a later stage. It would be appropriate for such a computerised system to be located in the Classification Secretariat with an input terminal also being placed in the records office. The system could be linked with Visual Display Units at the Social Welfare Department in the offices of the Minister, Director-General, Director of Correctional Services and Supervisor of Classification and Treatment. Such a system would enable the holders of these positions to be informed at any time of the basic details of any prisoner and also to gain a summary picture of the distribution of prisoners throughout the system.

No estimate of the costs of such a system has been obtained, but it is noted that computer equipment has considerably decreased in price in recent years. There can be no doubt that any of the computer companies would be happy to provide estimates.

CLASSIFICATION OF FEMALE PRISONERS

The brief observation made of the classification process in the Fairlea Women's Prison did not reveal any major changes that were needed. The

main problems in this institution relate to the inadequacy of the buildings, and this indirectly influences classification by reducing the options available. These matters are beyond the scope of this report, however, and it is recommended that no changes be made in the classification procedures at Fairlea Women's Prison.

CLASSIFICATION IN YOUTH TRAINING CENTRES

As indicated in the introduction to this report, more attention has been paid to classification in prisons than in youth training centres. For this reason no detailed suggestions for change in the latter system are made, but attention is drawn to the earlier recommendation for a review of the 'two-track' system for 17 to 20-year-old offenders. If the present system is to continue, however, it is essential that either some secure accommodation be provided within senior youth training centres or steps be taken to facilitate transfers from youth training centres to prisons and vice versa. If these transfers could be made more easily there would undoubtedly be many cases where it would be appropriate and salutary for a young offender to spend two or three months in a prison such as Bendigo before being transferred back to Malmsbury or Langi Kal Kal. Such double transfers would be particularly suitable for absconders and others causing disruptions in youth training centres. A unified system would facilitate such movements and minimise the use of available resources, but if the two systems are to be maintained it is recommended that regular meetings be arranged between the Directors of Correctional Services and Youth Welfare and their respective Supervisors of Classification and Treatment in order to ensure that the two services complement each other and that there is greater understanding of each other's policies and objectives. Such meetings could be convened by the Director-General or the Deputy Director-General and, from time to time, it would be desirable to invite the Chairmen of the two Parole Boards.

It was observed during this study that classification files in youth training centres vary widely in quality and comprehensiveness, and it is recommended that senior staff, where necessary, give more guidance to youth officers in the preparation of reports. If the computerised

information system recommended earlier is accepted, it is further recommended that it should include offenders in youth training centres.

CHAPTER 6

SUMMARY OF RECOMMENDATIONS

1. It is recommended that the 'two-track' (prison and youth training centre) system operating for offenders in the age range 17 to 20 years be reviewed by an expert committee, with the particular aim of considering the desirability of establishing a cut-off point of 18 years between the two systems. Page 20
2. It is recommended that the Social History questionnaire currently used in the Pentridge Classification Centre be redesigned in the manner set out in this report. Page 28
3. It is recommended that the taking of social histories should continue to be the task of senior custodial staff. Page 29
4. It is recommended that a psychological testing program be re-established in the Pentridge Classification Centre as described in this report. Page 30
5. It is recommended that, if a new psychiatric centre is constructed elsewhere, the present G Division be converted for use as the permanent Classification Centre for the prison system. Page 33
6. It is recommended that, as a short-term measure, the building currently used as the Superintendent's Office (or the nearby building and used by the Governor of the Southern Prison) be adapted for use as the 'Classification Secretariat' and that all file compilation and storage be located there. Page 33
7. It is recommended that a mini-bus be purchased for classification purposes as described in this report. Page 34

8. It is recommended that the Governor of Classification, or an appropriate senior officer, devote a considerable proportion of his time to encouraging and facilitating the progressive movement of prisoners between country prisons. Page 34
9. It is recommended that the security rating system be reviewed (to reconsider the numerical weightings given to factors and to incorporate an additional factor of 'length of sentence to serve') by senior departmental staff, and that such reviews be conducted annually. Page 37
10. It is recommended that a revised security rating system be the sole constraint on the Classification Committee and that the ministerial guidelines be withdrawn. Page 37
11. It is recommended that there be no change in the size or structure of the Prisons Classification Committee except that the Director of Correctional Services cease to be a member and that the chairmanship be formally assigned to the Supervisor of Classification and Treatment. Page 37
12. It is recommended that a representative of the Youth Welfare Division be appointed as an adviser, but not as a member, to the Prisons Classification Committee. Page 38
13. It is recommended that steps be taken to ensure that the advice of the police liaison officer is regularly and systematically available to the Classification Committee. Page 38
14. It is recommended that a clear distinction be drawn between the decisions to be taken by the Divisional Classification Committee and decisions to be taken by Review and Assessment Panels. Page 39
15. It is recommended that summaries of medical and psychiatric reports be included in the classification files. Page 39

16. It is recommended that all clerical support necessary in the Classification Secretariat be provided by civilian employees. Page 40
17. It is recommended that, if the Pentridge education staff are unable to undertake the proposed testing program, a person with psychological qualifications be appointed for this task. Such an appointee would devote some of his or her time to research which monitored the needs for treatment or training programs. Page 40
18. It is recommended that all meetings of the Prisons Classification Committee be attended by a competent stenographer. Page 40
19. It is recommended that the provision of photographs be expedited and that efforts be made to ensure that full and accurate criminal records be available at the Classification Centre, or Secretariat, at the earliest possible opportunity. Page 41
20. It is recommended that an attractive booklet be prepared containing basic information, including photographs, of the facilities available at all of the prisons in Victoria. This should be made available to every prisoner. Page 41
21. It is recommended that all prisoners, whether being classified or not, be given a printed statement of the rules and regulations with which they are required to comply. Copies could also be given to friends and relatives of prisoners as appropriate. Page 41
22. It is recommended that a large map be erected in the classification yard indicating the location of all prisons and the public transport that is available for visitors to each institution. Page 41

23. It is recommended that in every case where a prisoner is transferred from Pentridge to a country prison he be invited to nominate a relative who is to be informed of the prisoner's new address, and that a standard letter be sent for this purpose. Page 41
24. It is recommended that no prisoner be transferred to any prison outside Pentridge without a basic or simplified classification file being made available to the Governor of the receiving prison. Page 42
25. It is recommended that classification files be divided into three categories as described in this report. Page 42
26. It is recommended that consideration be given to the establishment of a computerised index system, incorporating non-classification as well as classification cases, as described in this report. Page 43
27. It is recommended that no changes be made in the classification procedures at Fairlea Women's Prison. Page 44
28. It is recommended that regular meetings be arranged between the Directors of Correctional Services and Youth Welfare and their respective Supervisors of Classification and Treatment in order to ensure that the two services complement each other and that there is greater understanding of each other's policies and objectives. Page 44
29. It is recommended that senior staff in youth training centres give more guidance to youth officers in the preparation of reports. Page 44
30. It is recommended that, if the computerised information system is established, it should include offenders in youth training centres. Page 45

FIELD NOTES TAKEN DURING EACH VISIT TO VICTORIA

NO. 1

On Monday, 24 October 1977, I attended the meeting of the Central Classification Committee in Pentridge. The meeting was chaired by Mr Darren Room, Supervisor of Classification and Treatment, and committee members present comprised two chief prison officers and the Governor in charge of the Classification Centre. A senior prison officer and prison officer were present to provide administrative support. Also present were two assistant superintendents, a senior parole officer, the Director of Medical Services and an Aboriginal welfare officer. As observers at the meeting, apart from myself, there were three senior prison officers undergoing training and a parole officer. Far too many people were present in a relatively small room to be conducive to comfort or efficiency.

The meeting interviewed 26 prisoners and reviewed a further 29 cases. The time spent on each case was necessarily therefore very brief.

I formed the impression that the information contained in the files was less comprehensive than it had been 15 years ago when I worked within the system. Most of the information was included in a 'social history' which was not easy to read as the answers to questions were typed on a duplicated copy of a typed sheet and did not immediately come to the eye. None of the files contained the results of psychological tests or adequate information regarding education and training potential and very few files included photographs. All files contained a numerical score based on the 'security rating system' but it is apparent that this system is not regarded as having a high degree of validity and was on some occasions ignored. For every case considered, after the placement decision had been made, the Chairman wrote on the file 'employment as directed' and as far as education and training is concerned 'refer to school teacher'. This seemed to me to be an unnecessary meaningless ritual.

The Committee in the latter part of the meeting spent some time ratifying decisions made by the Director with regard to the placement of prisoners outside the guidelines laid down by the Director-General at the request of the Minister. These guidelines must be examined closely. The Committee has the power to recommend to the Director cases which fall outside the guidelines and also to recommend prisoners for work release. No prisoner is eligible for work release unless he has served an actual two years in prison and consequently the numbers being considered are very small. Work release recommendations made by the Committee are examined in detail by social workers who present a comprehensive report to the Director. This seems to me to be an inappropriate procedure if the Classification Committee is to be seen as the executive decision-making body with regard to placement.

In some cases being considered by the Committee it was apparent that insufficient information was available, particularly with regard to offenders who had been transferred from the Youth Welfare Division to the Prisons Division. In some of these cases the Committee did not know the time to be served as the unexpired portion of youth parole that had been violated by the offender and consequently the Committee was left in the dark. Mr Room proposed, as he had done previously, that in order to overcome these problems and in order to provide a more coherent system, that one Central Classification Committee should be responsible for all adult and juvenile offenders. At first glance this seems to be an unrealistic proposition, but consideration must be given at least to devising means whereby communication between the youth and adult Classification Committees is improved. (In discussion with Mr Bodna on the following day, he indicated to me that he wants the project to include a consideration of youth classification.)

Apart from the inadequacy of the room used for the meetings of the Classification Committee, it seems that the facilities for interviewing and for storing records are also inadequate and the yard in which the prisoners are held pending classification is unsatisfactory in terms of space and opportunities for recreation.

The blackboard in the classification meeting room indicated the 'state' of all 11 prisons in Victoria for the day in question, with the total for the system being 1,485 prisoners with an overall capacity of the system being 2,007, yielding an overall occupancy rate of just under 74 per cent. Notwithstanding this apparently favourable situation, it is a widely held view that there is insufficient accommodation available, particularly for maximum security prisoners. A new maximum security unit to hold some 50 plus prisoners is currently under consideration. The accommodation crisis may well be a function of misclassification (i.e. too many prisoners being rated as requiring walled accommodation), or it may be (as is more likely) the result of the guidelines referred to above being unduly restrictive. The statistical basis of the present system needs to be examined very closely.

On the afternoon of 24 October I attended the regular Classification Sub-Committee held in 'H' Division. Again, the Chairman was Mr Darren Room and the persons present were two assistant superintendents, the officer in charge of 'H' Division, and the Governors of Classification of the Northern Prison and the Central Prison. A prison officer from 'H' Division escorted prisoners in and out as required.

This meeting was conducted at a comparatively leisurely pace and over the course of 1½ hours only four prisoners were interviewed. Much of the discussion centred around the timing and identification of alternatives to 'H' Division for prisoners who needed to be protected. In one case a prisoner sentenced to 16 years with a 14-year minimum for armed robbery, and facing extradition to Western Australia for similar offences, discussed the possibility of him being moved to another division. In view of his security rating the only possible change for him would be the new security division which is expected to be completed within 18 months.

This meeting seemed to me to be largely a public relations exercise conducted for the benefit of both prisoners and uniformed staff, but, even at that level, it probably serves a useful purpose. Interviews with the prisoners were conducted with the men standing to attention, not seated, as is the case with the main committee, but in some cases at least a valuable discussion took place.

Later on the same day I was issued with an identity pass by the security squad and also given a conducted tour of 'G' Division.

On Tuesday, 25 October, I briefly examined some files relating to classification in the Prisons Division Head Office and will return at an early date to peruse these files in more detail.

NO. 2

On Monday, 31 October 1977, I devoted the whole day to an examination of the files relating to classification in the Head Office of the Prisons Division of the Social Welfare Department. I had copies taken of all of the memoranda etc. which seemed particularly relevant and these have been brought to Canberra. Overall, I was impressed with the quality and volume of the documentation on this subject, including substantial reports written from time to time. These papers will be invaluable to this project.

On Tuesday, 1 November, I spent some time in discussion with the prisoner-writers at the Classification Centre in Pentridge. With the guidance of these men I checked the details of the classification status board and established that the indicated capacity for the whole of Pentridge of 1,065 is in fact an over-estimate. Many Divisions cannot accommodate the numbers indicated on the board and a more realistic estimate of the total capacity of Pentridge varies from 842 to 918, the difference being due to the uncertain accommodation available in 'D' Division.

I established that the following procedure applies to the reception of new prisoners who are eligible for classification :

1. The records office forwards to the Classification Centre a history card setting out the details of conviction and sentence.
2. The classification staff (i.e. prisoner-writers) type the details onto a form 'Prisoner for Classification'.
3. Initial work on the preparation of the files (either three or nine copies according to whether or not the prisoner is serving a straight sentence or is to be eligible for parole) with the headings being typed on each sheet of the file and the details of the offence being indicated on sheet No. 11.
4. The interviewing officer (either PPO, SPO or PO) has two forms, i.e. 'Prisoner for Classification' and 'Criminal Record' (the latter

probably being incomplete) and he completes the 'Social History' questionnaire. This comprises six pages and takes approximately 40 minutes to complete. It is later typed and photocopied for the files.

5. In the latter part of each week, classification prisoners are also briefly seen by the Governor of Classification and the Governor of the Southern Prison or his representative. These interviews last from five to ten minutes each. Only special cases are seen by the Supervisor of Classification and Treatment or by a psychiatrist.

I established that the time taken from a prisoner being received in the Classification Centre to the decision being taken with regard to his placement varies from six to 12 days, according to the day of the week on which he is received. During this time the prisoners are interviewed as indicated above and are also photographed, but these photographs do not appear on the files until later. There is no psychological or educational assessment during this time and the conditions under which the prisoners are held can only be described as 'appalling'.

During this pre-classification period prisoners are subjected to the following routine :

7.00 a.m.	Wake up
7.30 a.m.	To classification yard
7.45 a.m.	Breakfast in wing
8.15 a.m.	To yard
11.15 a.m.	To lunch
12.00	To yard
3.00 p.m.	To tea
3.30 p.m.	To yard
4.00 p.m.	Evening muster in wing
4.10 p.m.	Lock up
4.20 p.m.	Cell muster

No accurate information on the different prisons within the system is available to classification prisoners, but I understand the preparation of brochures is being considered.

On Tuesday, 1 November, I continued and completed my review of the Head Office classification files and also arranged with the Governor of Security, Mr G. Armstrong, for a sketch map of the Classification Centre to be prepared for me. This will be included in my report. (Mr Armstrong also offered to have some photographs taken of the facilities available for classification. That could also be used in my report.) Mr Armstrong agreed that there was little possibility of improving the physical conditions for prisoners and staff in the Classification Centre due to the restrictions of space, but one

possibility that must be considered is the establishment of a separate 'Classification Secretariat' in the building now being used as the Superintendent's office, thus leaving the existing facilities for interviews, testing, meetings, etc. If this were done, civilian staff could be employed for typing and filing and thus the very vexed question of maintaining confidentiality of the records could be resolved. All records would be held within the 'Classification Secretariat' in which no prisoner-writers would be employed. In the long run, however, a completely self-contained Classification Centre is essential.

NO. 3

On the evening of Monday, 14 November 1977, I attended the Annual General Meeting of the Victorian Association for the Care and Resettlement of Offenders which was addressed by Mr Whitrod. After this meeting I made arrangements with the Deputy Superintendent of Pentridge for my visit the following day.

On the morning of Tuesday, 15 November, I addressed a meeting of social workers and welfare officers in the activity centre of 'D' Division, Pentridge and subsequently (at 11.00 a.m.) conducted a group interview with 10 prisoners in 'A' Division. Full notes were taken from this group interview. After lunch in the Officers Mess I observed the work of the Review and Assessment Panel in the Central Sub-prison followed by the similar Panel in the Northern Sub-prison. At the latter meeting a number of inadequacies with the current classification system were discussed, particularly in relation to the monthly reports of prisoners' conduct and industry. It was suggested that not all of these reports find their way onto the classification files and special reports to the Superintendent are never incorporated in classification files. This must be rectified. Also in some cases it was reported that the blue and green files do not always have full details of the sentence being served and therefore the Sub-prison administration is, to that extent, left in the dark.

On Wednesday, 16 November, accompanied by Assistant Superintendent Ian Berry, I visited the Langi Kal Kal Youth Training Centre and formed a reasonably favourable impression of the education and training activities being undertaken. I noted, however, that vegetable gardening, the poultry section, piggery and dairy had all been closed and that the only farming activities remaining in operation related to sheep and beef cattle. While at Langi Kal Kal I observed a meeting of the Institutional Classification Committee which was chaired by the Deputy Superintendent. Eleven persons were present at the meeting, including the chief youth officer, three senior youth officers, the teacher, farm manager, trade instructor, etc. The meeting discussed in considerable detail possible job changes of trainees and generally operated as a case conference for senior staff. My only criticism of this operation is that, in my view, it should have been chaired by the Superintendent.

After leaving Langi Kal Kal, Mr Berry and I travelled to the Ararat Prison where, after lunch, I had a long discussion with the Governor, Mr D. Kearney. The following is a summary of his comments or criticisms of the prison classification system :

- (a) Some prisoners arrive at Ararat Prison without files. One such prisoner who had recently arrived had an EE date of 1985!
- (b) He suggested that the classification files were difficult to read, but he conceded that they had improved in some ways in recent years, particularly by the inclusion of photocopies of newspaper clippings. He was critical of the fact that there were no psychiatric reports on the files as this created difficulties for him in preparing reports for the Parole Board in relation to Governor's Pleasure cases. He thought that the case histories should contain more detail and that aptitude test results should be included. He further argued that the accuracy of the information contained in the files sometimes needed checking.
- (c) He argued that the Classification Committee was too large and should only be responsible for the placement of prisoners in institutions, leaving the fine decisions of work and education to the Review and Assessment Panels within the institutions themselves.
- (d) Many of the prisoners received in Ararat are adults serving less than 12 months imprisonment and are therefore non-classification cases. Mr Kearney argued that with these cases, a brief file of one or two pages should be prepared either in Pentridge or in the country prison where they are serving the sentence. He suggested that this should apply to all prisoners serving three months or more.
- (e) Recognising the need for confidentiality of full medical and psychiatric reports, Mr Kearney suggested that a summary of special medical or psychiatric conditions should be included in all files where appropriate. He also argued that more detail on employment history, criminal history and prior imprisonment should be included.

In discussion with Mr Kearney and Mr Berry, it was pointed out that the Classification Committee sometimes over-reacts to evidence of drug use in an offender's history. For example, an occasional marihuana user may be regarded as a 'drug addict' and therefore not be eligible for placement in an open camp. This problem is compounded by the fact that some prisoners falsely claim that they were heroin users in order to seek a medical order instead of a prison sentence from the court. It is clear that more detailed and insightful probing of drug use is needed by the classification staff.

Mr Kearney explained to me in some detail the operations of the Ararat Review and Assessment Panel. This Panel meets fortnightly for half a day and comprises the Governor (Chairman), principal prison officer, two chief prison officers, the education officer, the senior overseer and a representative of the prison officers' group. A prison officer acts as the minutes secretary and one other prison officer may be present as an observer. The functions of this Panel are :

- (1) to consider applications for -
 - (a) reclassification to other prisons,
 - (b) change of security rating, e.g. reduce rating by five points per month,
 - (c) change of labour within Ararat,
 - (d) work release, an attendance centre or temporary leave;
- (2) review of long-term prisoners annually;
- (3) provide a mechanism for conflict or dispute resolution;
- (4) initiate transfers to open camps for some prisoners, even though they have not applied for such transfers.

Prisoners being considered by this Panel are invited to sit with the Panel and fully argue their cases.

In the evening of 16 November I conducted a group interview with Ararat prisoners. Ten prisoners were present and they were very forthright in their views of the classification system.

On the morning of Thursday, 17 November, Mr Berry and I drove from Ararat to Geelong where I conducted another group interview with six prisoners and subsequently inspected the prison. Following this a brief visit was made to the Geelong Attendance Centre which runs a very impressive program and has an obviously enthusiastic staff of four people. Later in the afternoon I perused files at the Head Office of the Social Welfare Department relating to work release.

After leaving the Head Office on Thursday afternoon, I had a long discussion with Darren Room about possible changes in the system. I tentatively broached the possibility that had arisen in discussion with Mr Kearney of the Classification Committee for the Division being the sole authority for all transfers between institutions. It would thus become the 'Institutional Placement Committee', and the various Panels would have total responsibility for the allocation of work and decisions regarding education and training. Mr Room pointed out that this would create an undesirable rigidity within the system as the numerous short-term, non-classification cases would all need to be held in the Classification Centre until a meeting of the full Committee, and much of the flexibility exercised by Mr Riley in moving these people to country prisons quickly would be lost. I accept this view. Mr Room did, however, agree that it would be highly desirable for a simple file to be put together for all short-term prisoners who are sent to country institutions. The problem is to suggest a means whereby this could be done in view of the possible workload facing the Classification Centre staff. The more I look into this issue the more obvious it becomes that there are no simple solutions.

On the morning of Friday, 18 November, I visited the Fairlea Women's Prison and after an inspection of the prison observed a meeting of the

local Classification Committee. This Committee is chaired by Mr Room, S.C.T., and also present were the Governor, Deputy Governor, two teachers and a social worker. The meeting initially considered the cases of two prisoners who were in security cells and in both cases recommended that they remain in cells. The Committee also discussed in considerable detail the cases of two recently received prisoners serving sentences of two to four years. For these cases the social worker presented detailed case histories and, together with the teachers, proposed a program centred on their aim for Higher School Certificate. The teachers vigorously rejected my suggestion that it would be wise for some psychological assessment, including IQ and aptitude testing, to be made before a final decision was made. They have apparently been indoctrinated with the evils of IQ testing and refused to contemplate its use. (After the meeting I had lunch with the senior staff in Fairlea and for the afternoon attended an executive meeting of the ANZ Society of Criminology at the University of Melbourne.)

NO. 4

On Tuesday, 29 November 1977, I was the guest speaker at the senior staff conference of the Prisons Division of the Victorian Social Welfare Department held at the Institute of Social Welfare in Watsonia. Governors of all Victorian prisons and all of the senior administrative staff of the Division attended the conference. My address to the conference was primarily devoted to overseas trends in corrections, but I used the opportunity to also elaborate on the investigation I was undertaking into classification procedures. This conference also enabled me to establish contacts with Governors whom I had not met previously and to gain their cooperation with this project.

On Wednesday, 30 November, I travelled to the Morwell River Prison with the members of the Divisional Classification Committee for a meeting of the Committee to be held with the Governors from Sale, Won Wron and Morwell River Prisons. The meeting took place after an inspection of the prison. The main purpose of the meeting, which was chaired by Mr Darren Room, was to assess the work of the Gippsland Review and Assessment Panel, to provide members of the Divisional Committee with first-hand information about the operation of Morwell River, and to deal with applications for a reclassification stemming from any of the Gippsland prisons. Mr Room requested that the Gippsland Panel meet at least once a month to consider transfers of prisoners from Sale to Morwell River or Won Wron and to consider applications for work release, temporary leave, etc. It was agreed that the most convenient meeting place would be Sale as the movements are generally one way from that prison. The Panel is required to send copies of the minutes of its meetings to the Divisional Committee for ratification, but with respect to short-term local receptions, it operates as a largely autonomous classification system. This seems to me to be a most efficient and satisfactory mode of operation as it enables many receptions at Sale to be transferred to open conditions within a period of a few days. It is notable, however, that no files are maintained of these people.

The three local Governors asked the Divisional Classification staff to ensure that they were given adequate notification in advance of all escorts for Pentridge and this was agreed to. After dealing with these organisational and administrative matters, the Committee then considered a series of applications for transfer or work release and functioned just as it does at Pentridge.

The trip to Morwell River was made in a most unsatisfactory vehicle. The vehicle was borrowed from the Prahran Attendance Centre and is generally used for the transportation of detainees. Mr Room has recommended that the Classification Centre should have its own minibus to facilitate visits such as this and also to enable the transfer of low security prisoners between institutions. (In my report, I should support this recommendation.)

NO: 5

On Thursday, 8 December 1977, accompanied by Mr Room and Mr Berry, I travelled by car from Tullamarine to the Castlemaine Prison. At Castlemaine, SPO Mr Adamson, Acting Governor, gave me a conducted tour of the prison, which is extremely old but a relatively happy place, after which I conducted a group interview with eight prisoners selected by Mr Adamson. The prisoners were reasonably articulate and made valuable contributions.

It seems that Castlemaine contains two distinct groups of prisoners: the elderly derelict type and a younger, more vigorous type that has been transferred from Pentridge. Some of the latter are serving comparatively long sentences.

On the way to Castlemaine, Mr Room and I discussed a number of possible improvements to the classification system and he was generally supportive of my suggestion that there be a separate Classification Secretariat (perhaps in the building soon to be vacated by the Superintendent of Pentridge) and he shares my dissatisfaction with the record-keeping that is maintained with regard to non-classification prisoners. I believe that he will be taking steps even before the presentation of my report to institute a simplified record system for prisoners serving three months or more. Mr Room again expressed his view that there should be one Classification Committee or authority for both prisons and senior youth training centres but, at this time, I cannot see how this could be done. We discussed at considerable length the options available with regard to the physical location of the Classification Centre and he strongly favours 'G' Division being used for this purpose, and is generally pessimistic about the prospect of further space becoming available in 'D' Division when the new Remand Centre is built in Russell Street. In his view the Remand Centre will never eventuate due to its cost (estimated in 1975 to be \$14 million, now more likely to be \$25 million) and therefore he favours 'G' Division. This would only be possible if the psychiatric services and prisoners receiving psychiatric care were transferred elsewhere, e.g. Castlemaine or Fairlea.

At Castlemaine I had lunch with Mr Berry and the Castlemaine prison social worker. After lunch I also met two school teachers from the Bendigo Training Prison who spend part of their time in Castlemaine. They seemed to be doing a reasonably effective job with very small numbers of prisoners and using very limited facilities.

After driving to Bendigo, I was greeted by the Governor, Mr Frank McNiece, who had selected six prisoners for me to conduct a group interview. For each of these prisoners he gave them individual instructions to cooperate with me on this project. The group interview itself at Bendigo was useful, with some valuable suggestions coming forward from the prisoners. Later in the afternoon I was given a tour of inspection of the prison by Mr McNiece who was at pains to point out to me the cleanliness of the walls and floors. I was not very impressed with the prison industries, comprising sheetmetal work and some welding, which was conducted in dungeon-like conditions.

On the morning of Friday, 9 December, Ian Berry and I drove to Dhurringile where we were greeted warmly by the Governor, Mr Sonny Curl, who was off duty but was particularly keen to meet me and show me around. Before entering the building I met the principal education officer from the Beechworth Training Prison who was on his way to a meeting of prison educationists in Bendigo. He promised to canvas the views of that group with relation to classification and he also asked me if I would consider being a guest speaker at their annual conference to be held in late February at Hepburn Springs.

Mr Curl gave me some of his views about the operation of the classification system at the present time. He was particularly concerned about the inadequate medical records but conceded that a recently established medical card system was working satisfactorily. He took the view, however, that some prisoners sent to Dhurringile were by no means sufficiently physically fit to cope with the rigorous work demands of the centre. He also pointed out that the last two escapees from Dhurringile were mentally unstable and quite unsuited for open conditions. He complained that many classification files had no photograph and he therefore took photographs himself to rectify this deficiency. (This also applies of course to local receptions.) Mr Curl agreed that a short file on non-classification cases would be very helpful.

After an inspection of the prison, which is very impressive as far as farming is concerned, and lunch in the Officers Mess, I conducted a group interview with six prisoners in the Governor's office. Two of the prisoners are personally known to me and the atmosphere was very friendly but, perhaps surprisingly, very few positive suggestions emerged from the discussion. (Before leaving, I spent a few moments chatting with my old friend Todd Trevaks who had recently been transferred to Dhurringile from Castlemaine.)

At approximately 2.30 p.m., Ian Berry and I drove to Malmsbury where I had a very valuable discussion with the Superintendent, Mr Bruce Anderson, and his assistant, Mr David McKenzie, both of whom

were former criminology students. Malmsbury YTC is now a very large institution, catering for up to 120 trainees and with a staff of approximately 95. Bruce Anderson explained to me in some detail the internal classification process which makes use of the I-level scaling technique and the Jessness inventory. David McKenzie undertook to send me some more information on this approach, but it can be said that it is certainly more theoretical than anything to be found within the prison service. At the divisional level, Bruce Anderson, who has for the past few weeks been acting as Supervisor of Classification and Treatment, explained to me that the allocation of trainees between Turana, Malmsbury and Langi Kal Kal was largely determined by their offence pattern, which contrasts sharply with the approach adopted within the institution. We discussed at considerable length my view of the 'two-track system' and after leaving Malmsbury I discussed with Ian Berry the possibility of a small research project being conducted to specify the differences, if any, between persons sent to prison or YTC by examining the criminal histories of the most recent 100 sent to either stream.

Bruce Anderson gave us a detailed tour of the institution and I was very impressed with the remodelling of the dormitory blocks and also with the general appearance of the institution. The work release centre seemed to be working very effectively and I was given a copy of the contract which forms the basis of the work out program. The vocational training workshops also seemed to be places of considerable industry. Altogether, I formed a much more favourable impression of Malmsbury than I had on previous occasions.

At a convenient time, I think I should convene a meeting between Darren Room and Bruce Anderson in order to discuss further the possibility of joint decision-making, or at least greater cooperation between the two Divisions,

NO. 6

On Wednesday, 14 December 1977, I spent the morning in the Classification Centre at Pentridge and, in addition to engaging in informal discussions with the staff, I completed two 'social histories' for prisoners awaiting classification. This experience gave me an insight into the value and suitability of the form used for these purposes.

The first interviewee was an 18-year-old first-time prisoner who had previously spent some time in a youth training centre. The interview took almost exactly one hour and I found the structure of the questions inhibiting as far as establishing rapport with the interviewee was concerned. Many of the questions were not relevant to the particular situation and with regard to details of his criminal history, he was particularly vague. This may have been an attempt at deliberate evasion, but I suspect that he was fairly confused himself. It was not a very satisfactory interview.

The second interviewee was, in the words of the classification staff, a 'retread', i.e. a recidivist who had been through classification previously. In this case I concentrated on pages 2 and 6 of the social history, as much of the basic information was already on his file. This was a particularly interesting case as he was desperately in need of protection as he felt that his life was in danger from some prisoners in 'B' Division, Pentridge. After the interview I reported this to the classification staff and the full details were entered in the confidential protection book.

The form used for the taking of social histories could be improved by (a) simplification of many of the questions, (b) moving from the general to the particular, i.e. recording basic information on employment and education early in the interview, and (c) eliminating unnecessary material, such as addresses of all members of the prisoner's family.

NO. 7

On Monday, 19 December 1977, I visited the Beechworth Training Prison and conducted a group interview with six prisoners. Mrs Johnson took full notes of this and some useful ideas emerged. Three of the prisoners had spent more than three weeks in classification and all of them regarded the physical conditions as appalling. A number of other practical suggestions were made and are reported on the appropriate form.

One matter of some significance to emerge from this discussion was the fact that the police have a role in classification in some instances in that they will decide whether to take a convicted person from the Wangaratta County Court to Pentridge or Beechworth. This decision, which is presumably based on police convenience, makes a significant difference to the individual prisoner and significantly affects his adjustment to prison life.

At the conclusion of the group interview, Mrs Johnson and I inspected the prison and observed the effects of the fire which had occurred four days earlier. In general, the Beechworth prison seems to be well run and has a fairly relaxed atmosphere.

NO. 8

On Tuesday, 14 February 1978, I spent most of the morning in 'A' Division, Pentridge, with the eight education officers currently employed on the staff. I had expected just to see the Principal, Mr Bruce Walker, but he had convened all of his staff together for the purpose.

After some preliminary discussion, I outlined to the group the details of the project that I was undertaking in relation to classification and sought their views as to the desirable and feasible participation of education staff in the classification process. I outlined in some

detail the procedures followed for aptitude testing that were used until approximately 1965 and sought their reaction as to whether or not such test results on the files would be useful. They unanimously agreed that such information would be useful but took the view that their other duties would prevent them from actually undertaking the task of testing themselves. Bruce Walker said that he would endeavour to obtain the services of an additional staff member on a half-time basis in order to carry out this work.

I pointed out that all qualified teachers were acceptable to ACER to use these tests, but none of those present felt they had sufficient training in psychology to complete the task effectively. I mentioned to them the vigorous debate which surrounded such testing and none of those present expressed any opposition to a testing program. On the contrary, all were fully supportive.

I had lunch with Dr Allen Bartholomew and his two new occupational therapists and many matters of mutual interest were discussed.

In the afternoon I had a meeting with Mr Darren Room, STC Prisons, and Mr Bruce Anderson, Acting STC Youth Welfare, with a view to establishing better communication between the two systems. Mr Room argued for a unified correctional system for the whole Department which would provide for greater flexibility with regard to the placement of offenders. He cited the typical case of a prisoner who may be required to serve the initial part of a sentence in Bendigo Prison but would then benefit from a period at Langi Kal Kal or Malmsbury prior to placement on work release and discharge. Such a scheme would be difficult to administer at the present time as ministerial approval would be required for each transfer from prison to YTC and vice versa. A unified correctional system would also involve substantial changes to the Social Welfare Act but, in my view, a cut-off point of 18 years between YTCs and prisons would be desirable.

Mr Room's second option was for a common classification system which serviced both prisons and YTCs. I find this difficult to conceive and would prefer more efficient administrative cooperation between the two systems. Mr Anderson argued that the administrative arrangements were there to be used and it was up to each of them to use them. Mr Room said that he did not have sufficient clerical support to make the necessary arrangements for YTC files to be obtained and mentioned that on the previous day, out of 20 prisoners being classified in Pentridge, seven were escapees from YTCs for which no information was available. If Mr Room had appropriate support staff he could have obtained files on these cases prior to the meeting. (The need for stenographic support for the Pentridge Classification Committee has been mentioned previously and such a person could also accept responsibility for obtaining, and perhaps summarising, files from the Youth Welfare Division when such situations arose.)

One constructive suggestion that arose from the discussion was that the Prisons Division Classification Committee should include a representative of the Youth Welfare Division who would have first-hand information on ex-YTC prisoners. In view of the fact that the Committee is overly large, this might be best achieved by a Youth

Welfare representative being available as an adviser to the Committee rather than a member. (I will so recommend.)

As this meeting opened up a number of areas of mutual concern, I will recommend that such meetings be held on a fairly regular basis and that on at least some occasions the secretaries of the youth Parole Board and adult Parole Board should also be included. In my view, the initiatives to call such meetings should rest with the Deputy Director-General.

I discussed with Mr Room his assessment of the security rating system currently in use in Pentridge. He said that this had been devised at ministerial direction and he had simply 'dreamed it up'. It is intuitive, has no empirical base and has not been validated by research. Mr Room says that it is not given much heed but he felt that it should be continued as, perhaps surprisingly, it did seem to work. No similar system exists for Youth Training Centres. I think I will recommend its continued use, but that an attempt at empirical validation should be made by a graduate student at an appropriate time. The current system incorporates a facade of scientific objectivity which is not justified by the facts, but it seems not to do much harm. One consequence of its use is that in cases where the points score is too high for transfer to the institution recommended by the Classification Committee, the case must be considered by the Director.

I later asked the Director, Mr John Dawes, whether he objected to this consequence of the security rating system and he was happy for it to continue even though he confirmed the non-scientific basis for its use. He said that only on very rare occasions would he disagree with the recommendation of the Classification Committee and that on some of these occasions he may even refer the matter to the Director-General for decision.

NO. 9

With much of the report completed in draft form, it was necessary to obtain more information on the current classification procedures used in Youth Training Centres and for this purpose I spent the day of 10 April 1978 in Turana. Arrangements for this were made with Mr Bruce Anderson, Acting Supervisor of Classification and Treatment in the Youth Welfare Division.

In the morning I joined the Classification Committee dealing with offenders sentenced to YTC terms by the Children's Court. This meeting was held in the Classification 'B' Section and was attended by the Acting SCT, the secretary of the Committee who came from Head Office, the Senior Youth Officer from Classification 'B' and the Chief Youth Officer in charge of Poplar House and Coolabah. The meeting was joined later by a Chief Youth Officer from Bayswater YTC and briefly by a psychiatrist. The meeting was much less formal than those held in Pentridge, with the Chairman using Head Office files brought by the secretary and the local Senior using the trainee's information file. Each of these contained handwritten reports by Youth Officers assigned

to individual trainees, together with a two-page classification report, as well as copies of admission sheets, etc. Of nine cases considered by the meeting, only two boys were seen by the Committee and had their cases discussed in considerable detail. In these discussions the Chairman took a leading role eliciting the views of the individual boys. In all other cases, decisions were taken without consultation. It was apparent that the quality of the reports prepared by assigned Youth Officers varied greatly, from a few handwritten sentences based on observations of stability and peer group involvement to a very detailed assessment of three pages of typing, which would have been a credit to a qualified social worker.

Later in the morning the meeting transferred to the Remand 'B' Section and dealt with six cases, all of whom were seen, who are being held in strict security following abscondings or other problems. The meeting agreed to send three boys who had absconded from Bayswater a week or two ago back to the same institution.

After lunch in the staff canteen, the Classification 'A' meeting was held in the relevant section. This meeting was also chaired by Bruce Anderson and included the local SYO and CYO and a senior probation and parole officer and a parole officer. The psychiatrist also attended briefly. This meeting was concerned with the allocation of trainees over the age of 17 who had received YTC sentences and it was apparent that in many cases the offenders concerned were extremely lucky not to be in prison. One case concerned an offender who had used a gun to resist arrest by the police and another was sentenced to three years YTC for armed robbery. Some of the seven or eight boys seen had spent some time in prison in Victoria or in other States and had fairly well-established criminal careers. As the Youth Parole Board is apparently reluctant to recommend transferring offenders such as these, under Section 177 of the Social Welfare Act, from YTC to prison, most of them were assigned to Malmsbury or Langi Kal Kal. (It is worth noting that there have been 23 escapes from Malmsbury so far this year and 11 or 12 from Langi Kal Kal.) In one case a young Aboriginal boy who had been charged with murder but was convicted of manslaughter and sentenced to prison for five years, was being transferred to Malmsbury and he would be reviewed by the Youth Parole Board in less than one years time. He must have been administratively transferred from prisons to YTC, and, again, it seems that he was extraordinarily fortunate in not serving a long period of time in prison.

The three meetings observed were all conducted in a case conference style with considerable attention being paid to each case. In all situations where boys appeared before the Committees, the Chairman vigorously questioned the boys about escape risks and left them in no doubt about the consequences of further abscondings. With the 17-years-plus boys he made sure that they understood that imprisonment was the next step. In none of the meetings were any votes taken and it seemed that the Chairman made the necessary decisions, taking into account the advice received from other members. It is apparent that a fundamental problem exists within Youth Training Centres in that there is absolutely no provision for secure accommodation for offenders over the age of 17

and it seemed that quite enormous risks were being taken in sending many of the boys seen to Malmsbury or Langi Kal Kal. Apart from recommending transfer to prison (which, as indicated above, is difficult to effect), the Classification Committees have no choice but to take these risks. This situation will remain while the present policy of not providing secure accommodation in senior YTCs continues and while there is continued reluctance to use Section 177.