

SCOTTISH ASSOCIATION
FOR THE STUDY OF DELINQUENCY

ANNUAL CONFERENCE

"A STUDY OF VIOLENCE"

12 - 14 NOVEMBER 1976 - PEEBLES HYDRO

A REPORT ON THE CONFERENCE PROCEEDINGS

NCJRS

DEC 3 1979

ACQUISITIONS

03466

F O R E W O R D

BY

SHERIFF GORDON NICHOLSON

CHAIRMAN - SCOTTISH ASSOCIATION

FOR THE STUDY OF DELINQUENCY

It gives me, as Chairman of S.A.S.D., great pleasure to write a few words at the beginning of this Conference Report because, in so doing, I can express both publicly and with some degree of permanence my thanks to a number of people who richly deserve such thanks.

In the first place I should like to thank all those who participated in the Conference either as Speakers or as Group Chairmen. This was the first Conference to require such a degree of active participation by members of S.A.S.D. and they all responded to the challenge with great skill and eloquence.

In the second place my grateful thanks are due to Lord Stewart who, with his customary energy and good humour, assumed the hitherto unchartered role of Conference co-ordinator. Under his guidance the proceedings of all the discussion groups were analysed and summarised and, at the final session of the Conference, presented with coherence and considerable unity.

In the third place I wish to express my thanks to Superintendent James Brodie of the Strathclyde Police who volunteered to prepare this Report, and who has carried out his task with the greatest diligence and skill.

Lastly - but by no means least - my grateful thanks are due to Mrs Evelyn Schaffer who, as Secretary of S.A.S.D., has not only guided the Association through its years of infancy and adolescence but has also, throughout these years and the years of the former I.S.T.D. Scotland, performed vast amounts of work, planning and organising the Annual Conference. It is no exaggeration to say that without her these Conferences would never have taken place; and it is a great satisfaction to me, as it must be to all other members of S.A.S.D., that, although she has now given up her duties as Secretary, she is still to be involved in the running of our Conference.

C O N F E R E N C E G R O U P S

GROUP 1

Chairman - Mr William Chalmers, Crown Agent

Rapporteur - Superintendent James Brodie, Strathclyde Police

Speakers:-

Violence on the Streets and Terracing - Chief Superintendent George Bird,
Lothians and Borders Police

Violence in Institutions - Dr John Gotea-Loweg,
The State Hospital, Carstairs

Violence in the Family - Mr William McGregor,
Reporter, Strathclyde Region;
Mr Albert Adams,
Social Work Services Group

GROUP 2

Chairman - Sheriff John Maguire, Glasgow

Rapporteur - Mr Douglas Davies, Headmaster, Ballikinrain List D School

Speakers:-

Violence on the Streets and Terracing - Chief Superintendent Ivor Dunford,
Strathclyde Police;
Mrs Helen Ross,
Depute Procurator Fiscal, Aberdeen

Violence in Institutions - Mr Roger Dove,
Regional Intermediate Treatment Officer,
Highland Region

Violence in the Family - Chief Inspector Norman Lucas,
Lothians and Borders Police

GROUP 3

Chairman - Mr Robert Sim, Assistant Chief Constable, Lothians and Borders Police

Rapporteur - Miss Alison Cunningham, Assistant Reporter, Lothian Region

Speakers:-

Violence on the Streets and Terracing - Superintendent Brian Phillips,
Devon and Cornwall Police;
Detective Superintendent Derrick McAllister
Strathclyde Police

Violence in Institutions - Dr Richard Rockstro,
State Hospital, Carstairs

Violence in the Family - Mr Douglas Allan,
Procurator Fiscal, Glasgow

AFTER DINNER SPEECH - 12 NOVEMBER 1976MR MALCOLM RIFKIND, M.P.

Mr Rifkind said that the battle against crime in Scotland was in danger of being lost. Between 1945 and 1964, the number of those convicted of murder, attempted murder or culpable homicide had never been more than 29 in any one year and had often been under 20. The last ten years had seen a devastating deterioration - in 1965, 42 convictions; in 1971, 87; and in 1975 there had been 94 convictions which included 37 for murder.

Several explanations may exist for these grim figures, but one could not escape the fact that these same years had seen the abolition of capital punishment, the release of many convicted murderers before the end of their life sentences, a progressive approach to crime and punishment and the removal of young offenders from the control of criminal courts. There was either a cause and effect for these developments or the timing could not have been worse.

Mr Rifkind doubted whether there was a direct relationship between the abolition of hanging and the increase in the murder rate but he believed that humanitarian changes had played a part in altering the climate of opinion towards criminal behaviour. The community believed that the authorities were soft on crime and there was no doubt that the criminal classes shared that view.

As a practising advocate, he was always amazed at the equanimity and apparent lack of concern by youngsters charged with or convicted of murder or serious assault as they awaited the sentence of the Court.

The law, and the criminal courts in particular, had lost much of their awe and majesty and we were now witnessing the consequences. Because of the massive increase in murders and assaults, concentration should be given to dealing with serious crime over the next few years and police forces and prison officers should not be expected to devote most of their time to catching and incarcerating petty offenders and minor transgressors of the multiplicity of statutes which governed us. Until efforts could be directed to dealing with hardened criminals, society would simply be running in order to stand still so far as reducing the level of serious crime was concerned.

In his view, prisons ought to be an early candidate for major reform. Although Scotland had some of the worst crime statistics in Western Europe, it also imprisoned a far higher proportion of its citizens many of whom had been committed there for minor offences and for which imprisonment was totally unsuitable. During 1974, 44% of all men admitted to a Scottish prison were there for non-payment of a fine and this was an absurdly expensive way of dealing with such offenders as the cost of maintaining them in prison would far exceed their unpaid fines. Furthermore, a large number of such offenders would never have been in prison before and petty offenders were therefore being encouraged to mix with hardened criminals. Considering that in 1974 almost 1500 youths under the age of 21 were committed to young offenders/...

offenders institutions for non payment of fines, the effect on future criminal activity was likely to be considerable.

The most damaging consequence of present policy was that it prevented prison officers from concentrating on their proper role of ensuring the security of prisons and the deterrence or rehabilitation of hardened criminals and those convicted of serious offences.

There were three steps that should be taken to reduce the prison population. Firstly, the Courts should make greater use of probation in dealing with less serious offenders. Since 1970, the number of probation orders had declined both absolutely and relatively and a reversal of this trend was required. As was stated by Professor Radzinowicz, the famous criminologist - "If I were asked what was the most significant contribution made by this country to the new penological theory and practice which struck root in the twentieth century, the measure which would endure while so many of the other methods of treatment might well fall into limbo, or be altered beyond recognition, my answer would be probation."

The second step would be to encourage the Courts to use probation by a strengthening and revamping of the probation service whose absorption into the Social Work Department was a serious mistake. Difficult or unwise though it may be to reverse that decision, every effort should be made to give probation a professional and specialised identity within the special work field as the task required experience and training as opposed to being considered an aspect of a social worker's activities.

Finally, the Scottish Office should speed up progress on Community Service Orders where, following successful experiments over the last four years in England and Wales, the concept was encouraged. Community Service Orders were a cheap, effective means of dealing with minor offenders by keeping them out of prison and ensuring that they made amends to society through unpaid, useful supervised work.

In conclusion, Mr Rifkind said that our broad objectives must be twofold. Firstly, serious criminals must be securely confined and the prison authorities in a position to direct efforts towards rehabilitation wherever possible and secondly, minor offenders must be kept out of prison with alternative disposals such as probation and community service provided. Only in that way, could we get our priorities right and slowly emerge from the deteriorating spiral of the last decade.

PERSPECTIVES ON VIOLENCEPROFESSOR NIGEL WALKERINSTITUTE OF CRIMINOLOGY, UNIVERSITY OF CAMBRIDGE

We are rather good at undermining commonsense by intellectual gambits. When the man in the street is understandably getting concerned about murders, stabbings, fights at football matches or in pubs, baby-battering and wife-bashing, the academic points out that fewer people are being killed or injured in these ways than in road accidents in this country, or by war or starvation elsewhere. This is called "putting personal violence in perspective"; but if putting it in perspective is intended to reduce our concern about it or our will to reduce it, then we are being made the victims of an intellectual trick. Why should we be less concerned to reduce some kinds of death or injury simply because others are more frequent?

Again, if the man in the street's concern is sharpened by figures which seem to indicate that all these forms of intentional personal violence are increasing in frequency, he is sometimes told that this is by no means certain, and that the figures may be reflecting no more than an increasing tendency to report violence in circumstances in which it would not have been reported in earlier years. I am sure that this accounts for some part of some increases: but anyone who asserts more than that must surely accept that the onus of proof lies on him.

I want to express even more scepticism however about the profitability of studying the causes of violent crimes - or most other kinds of crime for that matter. My doubts are partly intellectual. It is one thing to produce an explanation of some very specific kind of behaviour, such as sneezing; and quite another thing to explain a group of actions which can have a hundred different reasons, even when superficially similar. Before you can explain you must have at least a rough idea of how to distinguish kinds of violence with different explanations. Until recently social scientists seem to have overlooked the obvious distinction for explanatory purposes. Instead, they drew, for instance, situational distinction: between murders at home and murders in pubs: fights at school and fights at football matches. Or they drew demographic distinctions between violence by males and by females, or - more sophisticated - violent behaviour by teenaged males and middle-aged females; or by teenaged Caucasian males and so on. I don't want to ridicule this sort of thing: I shall suggest in a minute or two that there is some point in situational classification. But it doesn't help much in explanation.

It is a symptom of the extent to which social scientists have been blinded by their science that so many have neglected the obvious distinctions: between motives for violence. Surely if you want to know why somebody hit someone you should at least begin by asking him. Psychiatrists and clinical psychologists, though much disparaged by sociologists, have at least never lost sight of this sensible point: and to do sociologists justice they are once more making the point (sometimes they call it phenomenology, sometimes verstehen). Jealous violence, violence for revenge, violence for political ends/...

ends, violence that expresses ethnic or group antagonisms, violence for pleasure (i.e. sadism) violence for fun (e.g. vandalism and some forms of personal violence on special occasions) competitive violence (e.g. between boxers or rugby forwards) ritual violence (as in some initiation ceremonies)

all these must be important distinctions for would-be explainers.

Of course these labels are not the last word; merely the first. And psychiatrists and psychologists have emphasised ever since Freud that the reasons given by the violent person should never be taken unquestioningly at their face value. This is especially true when a man's legal fate depends on the extent to which he can excuse what he did. Even when this is not so he may be trying to excuse himself in his own eyes or the eyes of his family or his friends or his followers. The questioner must try to find out how consistent his answers are with the facts of the case, with his conduct on other occasions, with the victim's story (if the victim is fortunate enough to be alive).

Sometimes it is instructive to listen to the man talking to his friends or fellow-prisoners about what he did, though this is not at all easy to arrange. (I have almost accidentally heard such discussions at my joint prisoner-student classes, though not often). Hans Toch, in his book Violent Men, describes the results of getting prisoners or ex-prisoners to interview men about their violence.

Of course the questioner will often be faced with the fact that even in the situation as the offender saw it, and with the same motives as the offender, it seems likely that most other men would not have acted violently. The questioner may then be justified in asking himself - it is no good asking the offender - whether the offender's emotions or impulses are stronger than average, or whether his self-control is weaker than average, or - and this is where sociologists have made a very good point - whether violence in those circumstances is regarded as the appropriate or excusable response in the sub-culture to which the offender belongs. How does one find an answer to that sort of question? Well, one can at least try to find out whether what he did is regarded as excusable, or even admired, by his friends or family, or whether he is seen by them as hair-triggered or abnormally jealous or whatever.

But now we come to my fundamental reason for doubting the practical value of explanations. Let us suppose that one has succeeded in arriving at a fairly satisfactory explanation on one of these lines. What use will it be? Oddly enough, it is likely to be of more use in the criminal trial and sentencing process than in any preventive strategy. It may well help courts to decide how culpable the offender is. Remember that to explain is not always to forgive: some explanations increase peoples' censure. Or it may indicate how he needs to be sentenced in order to protect others. But it will seldom tell us how to deter others, still less how to reduce the total number of violent offenders in our society. The roots of most violence go so deep that any social engineering can do little more than attack the stumps. To use a less common analogy: it is very difficult to alter the amount of fresh water which flows through Scottish rivers each year without engineering enormous changes in its landscape.

To come to the point; if we want a sensible strategy for reducing violence in our generation - and any more remote objective would be visionary and almost/...

almost certain to be overtaken by economic, political and cultural changes - we should concentrate not only our money and manpower but also our intellectual ingenuity not on explanatory theories but on two hard-headed objectives.

One is the prevention of situations in which the most frequent kinds of serious violence seem to take place. The other is the reduction of the seriousness of the violence which takes place in spite of our efforts: the reduction, that is, of the seriousness of the injuries.

Let me take the second objective first, since it is easier to deal with briefly. The severity of injury from deliberate violence depends a good deal on the weapons used, although it also depends on luck. It is possible for a human being to inflict serious injury without a weapon, especially if he is professionally trained or his victim is weaker; but the overwhelming majority of serious injuries are inflicted with the aid of some sort of instrument, even if the instrument is only a boot. That is why the Scottish Council on Crime - or more precisely my sub-group - spent a good deal of time exploring ways of reducing the availability of instruments of violence. We didn't spend much time talking about firearm control, because that is the one sort of weapon which is already the subject of a good deal of legislation, and there is no need to stimulate concern about firearms.

We spent more time talking about knives and glass. Control over knives of the kind that can be used for stabbing is very sketchy in this country, in contrast with firearm control. The only kind of knife which it is illegal to sell is a flick-knife. It is not illegal to sell a lock-knife, a sword-stick, a two edged dagger or the sort of knife which is sometimes called a scout-knife (but which scouts, we are told, are no longer encouraged to possess). What is illegal is to carry an offensive weapon in a public place without lawful authority; and no doubt all these are offensive weapons. And of course there are many other things which can be carried as weapons, from bicycle chains to steel combs with sharpened ends. So far as I know metal tipped boots have not yet been the subject of a charge of conviction; but in certain situations I hope they could be.

Although the Scottish Council did not propose this, I personally wonder whether the legislation making it illegal to sell flick-knives should not be extended to lock-knives, other folding knives with blades exceeding 4" in length (as in some parts of the U.S.A.) knives with double-edged blades, knives with cross-bars on the hilt, and sword-sticks and sword umbrellas. But the trouble is that you couldn't outlaw kitchen knives, which can be used fatally in spite of their lack of a cross-bar and a double edge. Is it possible to think of some modification which would make it harder to stab with them?

The other area in which our legislation seems defective is police powers of search. As you all know, in most cities the police cannot search anyone for weapons if he does not want to be searched unless they arrest him. For drugs, yes; for wild birds' eggs, yes; but not for offensive weapons. We recommended that for an experimental period the police should have the power to search people for weapons in public places, fully realising that this recommendation would not be acceptable to all quarters. Like the rest of the Scottish Council's report this is still the subject of a deep and thoughtful silence on the Calton Hill. I suppose it is possible that the Thomson Committee's/...

Committee's recommendation about detention will be accepted as a partial solution. But it could only be a partial solution.

We also explored the possibility of reducing the availability of drinking-glasses in pubs and glass bottles as containers for alcohol, since so much violence takes place where alcohol is drunk, and glasses and bottles make handy and nasty weapons. Here the stumbling-block was not so much the idea of freedom as cost. There are some public houses which substitute paper or plastic containers on special occasions, such as the days of football matches; but if they did it all the time it would cost them more. There also seem to be aesthetic objections to getting drink out of anything but a glass drinking vessel, although the English have tolerated pewter for centuries. This seems to me to be on the same level as wearing a dinner-jacket to listen to music.

The other sensible objective is the reduction of situations in which experience shows that violence is likely. Here is a short and by no means complete list:

- (a) football matches, of course. I welcome the mechanical precautions which are being taken by many clubs to keep rival fans apart, and off the pitch. They don't, however, prevent the violence (or vandalism) which takes place on the way home. It has to be faced that if football were not a part of profitable show business nowadays far fewer matches would be held, or at least far fewer would be open to the public. It is a pity that television, instead of providing a peaceful and safe way of watching football, has merely separated football watchers into those who are content to watch any good match at home and those who insist on being where the action is, either because they see themselves as supporters or because they want more direct action than mere watching can provide.

Schemes for making it difficult for known trouble-makers to get into football grounds seem to be too much trouble, or perhaps are just bad for business. Special football trains are another example of the business motive: if they weren't profitable in spite of the damage they suffer, they wouldn't be provided.

- (b) public-houses - or more precisely some public-houses and some dance-halls and late night eating and drinking establishments - are another focus for violence, and violence between rather older males than those who riot at football matches. It is very difficult to see practicable ways to deal with this. In some - but by no means all - areas the police give the same urgent attention to telephone calls from such places as they do to banks. But if we could find some way of discouraging men who are known to be violent from frequenting such places we would reduce the number of violent clashes which are connected with feuds. Would it be practicable to give courts the power, when convicting someone of assault in such a place, to order that for a certain period he should not enter it, or even should not enter public houses in a specified area? This is not a suggestion for which the Scottish Council on Crime should be held responsible; and I can think of objections that will instantly be raised.

One/...

One is that it would be unenforceable. People will remind me that probation orders with requirements to stay away from public-houses have been found unenforceable. But a requirement in a probation order which has to be enforced by a social worker is a different thing from a court order which, if breached, can lead directly to prosecution. If the police in a certain division know that a few individuals are banned from a few pubs, this should be a lot easier to enforce than, say, a driving disqualification; and nobody argues that driving disqualifications are so unenforceable that they should be abandoned. Of course their enforcement is patchy; but it is not negligible. I suggest that enforcement of the kind of order I am suggesting could be far from negligible.

- (c) but so far I have been talking about places from which a good deal of violence is officially reported. What about schools, where most of the violence is first of all learned and secondly goes unreported and undealt-with? I almost hesitate to raise this subject, because the teaching profession is so sensitive on the subject. All I shall say is that one effect of compulsory education is to place children at the mercy of physical and psychological persecution by other children whom they would not otherwise encounter; that blaming the behaviour of bullies on their families does not absolve the schools of responsibility for the safety and well-being of the bullied children; and that until more ambitious ideas for civilising children have been made to work, constant supervision of children between classes - not only in playgrounds but in lavatories and wherever else they behave nastily to each other - is an absolute minimum.
- (d) I can't of course overlook violence in the home, perhaps the most intractable problem in the violent Scottish culture. Without ignoring the baby-battering mother, I suggest that the violent husband or father is a problem about which we ought to be exercising our brains. Even those who want to seek out and destroy the causes of violence in our culture ought to think a lot about this one, because the father who is so stupid or inept that he can influence his family only by violence is probably handing on a similar outlook to the next generation.

So a question I would like to put to the lawyers is this. Do we have a workable definition of what is excessive physical chastisement by parents?

And a question I would like to put to Police and PPs is this: do you ever discourage a wife (or any woman living with a man for that matter) from proceeding with a complaint of violence against him? If you do, is it because you know that the chances of getting a conviction are small, because she is likely to go back on her evidence? If so, is that a sound reason for not taking proceedings as far as you feel legally justified in doing? (This will no doubt horrify those liberal lawyers - of whom there are more in the south than here - who seem to believe that a prosecution which fails is one that should not have been brought).

A third question, this time for social workers, is "Would it be useful if you were notified of every complaint of violence in the home which is brought to the police, even if it gets no further?" After all, a complaint to the police whatever its foundation, strongly suggests that there is something wrong, and if it is/...

is not a matter for official justice it may well be something which requires the attention of the social or even psychiatric services. Even if all the social worker can do is to advise the wife about the possibility of a separation this may prevent worse from happening.

A fourth question is whether there is a need in Scotland as well as in England for something on the lines of the "personal protection order" or the "exclusion order" proposed by the English Law Commission and embodied in the Domestic Violence Matrimonial Proceedings Act which has just received the Royal Assent. A personal protection order would prohibit a spouse from molesting the other spouse or the children of a marriage; and an exclusion order would prohibit him (or her) from returning to the matrimonial home; and the judge can attach a power of arrest for breaking such an order. In England I gather that until now courts have had such powers - or at any rate use them - only after matrimonial proceedings have begun. I don't know what the position is in Scotland; I may well be told that here the courts already have all the powers they need for the purposes. If so, I would simply ask "Do they use them?"

I hope I have given enough examples to illustrate my main theme: that instead of talking about long-term social strategies that will turn us into a non-violent culture we should be devoting as much ingenuity as possible to quick-acting tactics with two objectives:

- i. the prevention of situations in which violence is likely.
- ii. the reduction of the seriousness of the injuries inflicted by violence.

DANGEROUS VIOLENCE

Now I must turn to another controversial subject, and trail my coat in another puddle: the problem of dangerousness. Here we are faced with two ideological cross-fires. One is the point that physical violence is only one kind of dangerousness, and not the most important. What about blackmail, bad driving, pollution which endangers health or life, the marketing of drugs without adequate investigation of side-effects,? We can grant right away that these deserve as much concern, perhaps more, than physical violence, but without accepting the implication that these problems ought to be solved before or at the same time as, the one with which we are concerned today.

The other kind of ideological wing comes from those who deny that there are dangerous people, or, more credibly, agree that there are people who are going to do nasty things in the future but deny that we can identify them.

It is as well to be clear about the facts, at least as regards personal violence. Statistically, even young Scots males have a fairly low probability of committing criminal violence before they reach the safe haven of middle age. But a young Scots male who already has a conviction for violence is more likely than one who has not to commit a future violent crime. The probability is still, not high: the probability that he won't is greater than the probability that he will. But my first point is that there is nothing illogical in being more apprehensive about being in the company of a man with a conviction for violence: especially on a Friday night in a bar.

What the ideologies really mean - or at least what they might sensibly mean - is that we are justified in being apprehensive, and (if you like) avoiding the company of such a man - but not in labelling him dangerous for sentencing purposes, when this means imposing on him the hardship of prolonged detention, or the indignity of close supervision. They point out that if there is, say only a 1 in 3 probability that young men convicted of personal violence will repeat their violence, then to detain them longer than the offence itself deserves is to detain 2 out of every 3 unnecessarily: and this, it is argued, is morally wrong.

It seems to me that there are two fallacies here. One is the confusion between "wrong" and "regrettable". If your objective is a good one - and in this case it is to protect innocent people from deliberate harm - and you honestly believe that the only way in which you can achieve it is to detain 3 men in order to prevent harm by an unidentifiable one of the 3, then the detention is regrettable but not morally wrong. It is wrong only if you could have, but did not, avail yourself of information that would have enabled you to be more selective.

One piece of rhetoric which is used to make us feel that it is wrong to detain a man in order to prevent him from committing harm is to say, as a Swedish judge once said to me, that you are punishing him for a crime he has not committed. This is quite a subtle distortion. In fact, you are no more punishing a quarantined smallpox contact for a disease he has not transmitted, or an attempted suicide who is being kept in hospital. It is only because/...

because imprisonment is so often used as punishment that this rhetorical trick is so plausible.

Even if one doesn't introduce moral wrongness into the argument, however, there is another fallacy which is becoming commoner. This is the arithmetical fallacy which implies that detaining three men because an unidentifiable one of them will do serious harm if released is making more mistakes than are necessary. It is making two mistakes, whereas to let all three go would be to make only one mistake. I assure you that this argument is seriously used, and by intelligent people. Its fallacy is that it treats all kinds of mistakes as if they counted equally, and ignores the obvious difference between a mistake that keeps two men unnecessarily in custody, but alive and healthy, and the one mistake that results in death, maiming or terror for some member of the public.

I can, however, propose five rules of a non-arithmetical kind which should guide us in deciding whether to detain an offender for the protection of others.

The first is concerned with the sorts of harm to which we should limit such measures. I suggest that when the measures involve serious and lasting hardship for the persons to whom we apply them - as any form of detention does - they should be used only to prevent serious and lasting hardship to other individuals, of a kind which once caused cannot be remedied. Since most loss of or damage to property can be remedied by compensation, whether by the offender, or by insurance, or by the State, this rule excludes all or nearly all property offences (one can have an argument about the theft or damage of unique works of art if one wants). It excludes temporary alarm (such as that caused by an imitation or unloaded pistol) and minor affronts to decency, such as exhibitionism. It includes, however, lasting psychological harm as well as disabling or disfiguring physical injury; so that rape, blackmail, kidnapping, would not be excluded.

Nor does the rule insist that the harm must actually have been done; if the offender intended the harm or must have realised that it was a highly probable result of what he did or attempted, he should come within the rule.

The second rule is that there should be good reason to believe that the actions to which the first rule applies were not an isolated, out-of-character episode so far as the individual offender was concerned. Similar conduct on two or more occasions, separated by substantial periods of time, would be good reason to believe this; so would a declared intention, such as vengeance on the members of a family.

The third rule, however, is that if it can be reasonably argued that the circumstances which provided the offender with his incentive have ceased to exist (for example, through the death of his enemies), or that for some other reason (such as incapacity) he is unlikely to repeat his behaviour, this argument must operate in his favour. This rule will sound fairly uncontroversial, until I argue that it should also apply, though not invariably, to an offender's first experience of compulsory detention. In plain terms, if for the offence which brings him within the scope of Rule 1 the offender has been sentenced to imprisonment or otherwise compulsory detained for the first time in his life, it can reasonably be argued that this/...

this experience will make him less likely to repeat his behaviour. Of course there will be obvious exceptions; for instance the man who after a year or two inside still says "The first thing I'm going to do when I get out is to finish him off properly this time." Again, someone who has already experienced imprisonment (or its equivalent) even if for some quite different behaviour, such as mere theft, would not benefit from this rule. But with such exceptions, the first period of compulsory detention should not be made longer than it would otherwise have been for the sole purpose of protecting others.

Rule four is that if any less drastic measure than detention offers a reasonable prospect of protecting others, it should be used instead. In some cases supervision offers this prospect, especially when coupled with sensible requirements (such as residence at a specified address) or with prohibitions (for example, someone who has acted as an enforcer for a protection racket, and whose face is well known to the local police, could be forbidden to enter certain parts of a city). People could be disqualified from doing certain jobs; for instance, jobs involving responsibility for children. If you are sceptical about disqualification then you must reconsider the extent to which we rely on it to protect people against dangerous drivers.

The fifth, and last, rule is that if you feel justified in detaining someone or prolonging his detention for the safety of others, the conditions of his detention should be made as tolerable as possible. The force of this rule, like that of the others, is a moral one. If the detention is no longer justifiable as retribution, denunciation, deterrence or correction, but solely as a protection for others, its conditions should be no worse, apart from the deprivation of liberty, than those which a law-abiding wage-earner would enjoy outside. There is scope here for a great deal of detailed discussion and ingenuity; all I have time for is the statement of the principle.

GROUP 1

VIOLENCE ON THE STREETS AND TERRACING

CHIEF SUPERINTENDENT GEORGE BIRD

LOTHIANS AND BORDERS POLICE

Mr Bird began by referring to a new kind of violence which was increasingly being encountered and that was violence without any rational motive, which he termed Conflict or Destructive Violence. In his view, that type of violence had the most serious actual or potential consequence not only for the victim but also for law and order.

As a Divisional Commander who, in addition to having two sporting stadia in his area, also had discos, public houses and other places of entertainment which attracted young people, he was concerned about the increase in that type of violence. People, particularly young people, who walked the streets in late evenings, were liable to be attacked by groups of youths for no apparent reason. Groups of football supporters deliberately sought confrontation and went berserk not only at matches but on the way to and from them. They attacked opposing supporters and people or the property of people who had not been involved in any way.

Irrespective of what statisticians said, Mr Bird maintained that that type of violence had increased and the Police alone could not reverse the disturbing trend. One was forced to pose the questions - why had that upsurge of violence occurred in what was relatively a civilised society and who were the people involved in such anti-social conduct?

In his experience, those mainly responsible for violence on the streets and terracing were male youths aged between their early teens and their early twenties, mostly from lower working class backgrounds and of whom a small hard core had a history of delinquency. Most of those responsible for violence in the streets were youths who had previously come to the notice of the Police and were predisposed towards delinquency. The same youths were often involved in violence at football matches and tended to be ringleaders. Many young people who would not normally get into trouble did become caught up in football hooliganism.

The problem of violence by young people could not be separated from that of general delinquency as illustrated by the positive link between violence and vandalism which in itself had such a demoralising effect on the environment of our towns and cities. In recent years, he had detected and feared a decline in the general level of tolerance to violence and vandalism. A few years ago, there would have been shock at the vile, inarticulate and obscene shoutings of the terracing whereas today, spectators, club officials and the governing bodies seemed to accept these scenes at football grounds.

A great deal had been said and written about the causes of delinquency and the views of individuals depended more on their social philosophy and personal attitudes than on an objective assessment of the facts. On the one hand, there existed those who regarded delinquency as an effect of social deficiencies with the delinquent requiring kindness and understanding while others thought the treatment of offenders to be soft and in advocating harsher/...

harsher penalties, saw the delinquent as the result of a soft approach in penal policy.

Each view contained an element of truth and Mr Bird felt that a rational course of action would emerge from a reconciliation of views as opposed to dispute and recriminations. He firmly rejected the philosophy which regarded football hooligans as "individuals alienated by a capitalist society engaged in the only form of protest open to them" or the statement by Dr Martin Luther King that "riots and violence are the language of those to whom no one listens" as these simply encouraged hooligans to excuse their anti-social conduct.

While social deficiencies did play a contributory part, they were not the only reasons for anti-social conduct and although rejecting calls for the return of corporal punishment, he felt that certain crimes, particularly those associated with violence must be viewed as unacceptable and that sanctions should reflect that disapproval. He believed that more severe sanctions would at least deter the greater proportion of potential delinquents. So far as violence on the streets and terracing was concerned, a fair proportion of offenders were more strongly influenced by their peer groups as opposed to any motivation of their own and the influence which the peer group leaders could exercise on others ought not to be underestimated.

The elders of any society had an undivided duty to teach the traditional rules and demonstrate to the young the value of keeping to such rules. In his youth, there existed clearly defined rules, what was acceptable conduct and what was not but nowadays the picture was blurred and no leadership was being given to young people. Too many people had opted out of their responsibilities towards young people and much maligned school teachers could not be expected to discharge this role on their own.

On vandalism, Mr Bird posed the following questions - what part did television play in the upsurge of violence? Should the Police be given additional powers to discourage the carrying of offensive weapons? Why should violence be associated with soccer and not rugby? What part did sectarianism play? Were football clubs doing enough in condemning hooliganism on the terracing? What additional steps could be taken by the clubs and the governing body to improve the situation? Should the law of the land be invoked to controlling conduct on the field as there was a clear interaction between violence on the field and 'on the terracing'? Was the philosophy in the Social Work Act right or should a greater responsibility have been placed on parents to make them responsible for the wrongful acts of their children?

DISCUSSION/...

DISCUSSION

Dr Loweg, Psychiatrist, maintained that parents would require to assume more responsibility for the actions of their children and asked why parents should not pay the penalty? Councillor Mrs Lamb, Grampian, agreed with Dr Loweg and pointed out that the parents of many children appearing before Hearings required education themselves.

Assistant Chief Constable Kennedy, Strathclyde, was of the opinion that some monetary penalty should be imposed on parents. In his view, there had been no proper planning for the Social Work Act as could be seen with the present lack of facilities. Mr McGregor, Strathclyde, pointed out that almost a decade and a half had passed since the Kilbrandon Report and nothing had yet been implemented in regard to social education.

Mr Moxley, Social Work, wondered if our present problem with violence was part of a heightening of tension generally in society and that if some success was made in controlling football violence, the problem would find another outlet. Mr Ratcliffe, ex-Assistant Chief Constable, Glasgow, thought the situation in regard to football violence had worsened in Edinburgh although there had been an improvement at Glasgow where there was a ban on the use of flags and banners and entertainment was provided before and during the game. He also agreed that parents ought to have legal responsibility for the actions of their children.

Councillor Cook, Lothians, maintained that football had deteriorated to such an extent that adults seemed to be abandoning it. In his view, local authorities could be more active in combatting the violence. Citing the success of the Meadowbank Complex, he advocated more facilities for leisure and recreation to keep children out of trouble and that Police Community Involvement ought to be expanded. Mr Gamble, Children's Panel, wondered if the competition factor in football had anything to do with the violence. He also wished that as a Children's Panel member, he could compel parents to deposit caution for the good behaviour of their children. Sheriff Rose pointed out that when it existed, the Juvenile Court had the power to fine parents. In his view, it would be a bit unrealistic fining parents for their children's offences if they (the parents) were unable to pay their own fines.

Inspector Halbert, Devon and Cornwall Police, referred to an experiment which had been done in 1975 to discover more about the action of crowd violence. Part of the experiment centred on police officers' perceptions of crowds using a video sequence and among the findings were that crowd composition was composed of three distinct groups:-

- (1) Leadership, where the people may be disparent from the normal crowd member and where their attitude was likely to include a predictable political philosophy and/or a predictable and stable attitude towards society;
 - (2) The Hard Core Group, where the members will be fairly homogeneous in age and attitude and would include supporters of certain football clubs and hard line activists in political demonstrations;
- and/...

and

- (3) The Peripheral Mass, probably comprising in excess of 80% of a total crowd and who, if they did begin to act in unison in crowd situations, would do so mainly by contagion rather than conversation.

In applying these theories, Inspector Halbert said that efforts by the controlling agencies must be aimed at preventing the contagion of the crowd at large by a small hard core group and such measures would be more cost-effective and socially effective than large heavy handed confrontational and repressive measures after the crowd situation had got out of hand.

Mr Moxley, Social Work, believed that opportunities must not be made at football matches for the hard core group of violent supporters to assert themselves and Chief Superintendent Bird said that the group leaders were arrested first and that generally took the heat out of the situation.

Lord Hunter said that the Scottish Council on Crime had debated the question of police powers of search for offensive weapons and the consensus was to give such powers, just as for drugs, for a five year experimental period leading to possible legislation. However, it was thought that practical and public opinion could have come apart and that it may have led to a worsening of police-public relations. Mrs Morrell, Children's Panel, thought that there should be automatic forfeiture of offensive weapons and that alcohol availability to young people should be curbed.

In conclusion, Chief Superintendent Bird said that clubs could take greater measures. Although the Safety at Sports Grounds Act was helpful, clubs required to take strict control of their players, to adopt an attitude towards their young supporters, to improve conditions such as a father attending a match with his son, and in regard to stewarding.

VIOLENCE IN INSTITUTIONSDR. JOHN GOTEA-LOWEGTHE STATE HOSPITAL, CARSTAIRS

Dr Loweg began by emphasising that the State Institution at Carstairs was a hospital which housed people who were considered to be dangerous at one time and generally, it was a very peaceful place with little or no violence.

Violence, he said, was an expression of extreme anger or disapproval, an expression which was capable of being shown at some time by any person and even nice people could be violent. Being part and parcel of human nature, violence had a quality about it and the energy which it released could be tremendous.

In many cases, the relationship between the violent person and the victim was a very close and intimate one - violence was a language, a feeling - it started in the cradle and every mother knew the different reactions from her baby.

Violence seldom existed without some form of frustration, anger or disapproval and in institutions, such as prisons even the buildings themselves seemed to look aggressive. In an attempt to reduce the violent image of buildings, bars for instance were now fixed to the inside of windows of new buildings at Polmont.

On the other hand at Carstairs State Hospital electronically controlled gates have now been installed after more than 25 years which many more members of staff were now required to operate and some may well consider this to be a retrograde step for a 'hospital'.

In Dr Loweg's view, the patients now felt more than ever that they were in a prison setting rather than a hospital but despite such structural contradictions, efforts were being made to surround the patients with a hospital atmosphere as opposed to one which reflected a prison.

DISCUSSION/...

DISCUSSION

Mr Melville, S.A.S.D. Prisons Division, agreed with Dr Loweg that the level of violence in prisons was small. He also agreed that the architecture of prisons was important. Chief Superintendent Bird wondered if putting bars on the inside of cells would increase the opportunity for suicide attempts. Dr Loweg reiterated that a prison had to be humane and purposeful and that it was important to create the right atmosphere. If the threat or an actual suicide was the price which had to be paid for installing internal cell bars then that was that. He believed that violent prisoners, particularly those in the Special Unit, now expressed their violence in different and socially more acceptable ways, but if frustration set in again, they would probably once more return to their original violence.

In answer to a query from Mr Ratcliffe, Mr Melville said that Perth Prison did not experience any more violence than that in Barlinnie.

Sheriff Rose wondered if prison had an effect on young people, particularly those who were required to be detained for the first time and had never been alone before. Dr Loweg said there was no doubt that many young offenders became depressed with the prison scene and one solution was to place some in the hospital ward. Mr Melville pointed out that the routine in Longriggend Remand Unit was changing. More sessions of recreation and education were being introduced during the day and offenders were only locked up at night. Inmates in Young Offenders Institutions were in single cells and there was evidence to suggest that they preferred the solitude. Professor Walker said that when there was doubling up in some prisons, the suicide rate dropped. Dr Loweg agreed that solitary confinement was for some youngsters a frightening punishment. Mr Melville said it was the Prisons Division policy to aim for individual cells.

In answer to a question from Mr Greer, Education Psychologist, regarding the function of a prison, Dr Loweg said that his own approach would be rehabilitation and not punishment. It was important that the fabric of the prison building be conducive to the creation of a haven of peace where the inmates could improve and equip themselves for a better and more orderly life outside. Society was itself cruel for when offenders left prison they had to face the disapproval of that society making it difficult for instance to get a job. Assistant Chief Constable Kennedy reminded us that in the short term, the protection of the public was uppermost while rehabilitation was in the long term.

Mr McGregor, Reporter to Children's Panel, was of the opinion that while life in List D Schools would never be enjoyed by the inmates, the standard of living in them was too luxurious. Mr Dale, Headmaster, Balgowan List D School, took exception to all List D Schools being labelled permissive.

In conclusion, Dr Loweg said he was not subscribing to the soft approach - he believed in punishment but even punishment could be inflicted with dignity.

VIOLENCE IN THE FAMILYMR. ALBERT ADAMSSENIOR SOCIAL WORK ADVISERSOCIAL WORK SERVICES GROUP

Mr Adams began by referring to the Parliamentary Select Committee on Violence in Marriage in 1975 and which could be seen as an attempt to provide a conceptual framework in which violence in the family could be understood. In addition, the Committee had made over twenty-eight recommendations which dealt in a practical and policy way of alleviating the difficult problem associated with battered wives.

Under a new Chairman, the Select Committee had recovered and was again looking at the problem of children who were also subject to violence within the family and other settings. Most of the Select Committee's recommendations involved many departments, both centrally and locally. For instance, the Select Committee had identified the housing situation as a key area and wondered whether or not the battered wife should be regarded as "homeless". It also had recommendations for law reform, the role of social work and education, as well as looking at the problems of violence and its association with alcohol.

In essence, the Select Committee were concerned with trying to break up what they call "the cycle of violence" and were in fact giving credence to the old saying "violence begets violence". It was not possible for the Committee to come out strongly as to the causes of violence to women or indeed violence in the whole family setting. There were many factors, both social, cultural and psychological but it was quite possible that a link existed between violence to adults and violence to children.

The Committee had a great deal to say on practical solutions to the problem such as the setting up of women's refuges. There were now refuges in most of the large towns and cities in Scotland and following one of the Committee's recommendations, the Scottish Women's Aid Organisation had been set up and a grant given to them by the Scottish Office.

The Women's Aid organisations had given evidence to the Select Committee, much of it of a personal nature, but they had also commented and not always favourably, on many of the services concerned with the problem. Both social work and the police had been criticised and many of the women's organisations felt that the law made it very difficult for them to get justice. For instance, the women's organisations felt that the Police were reluctant to take action and that Sheriff Officers had difficulty in implementing interdicts.

In conclusion, Mr Adams briefly discussed the nature of violent acts within the family. Many people felt that that kind of violence was a cultural matter and were largely familiar with the cultural stereotype of the man coming home from the pub and assaulting his wife. While alcohol was an important factor, much of the evidence given by the battered women was that violence/...

violence occurred at any hour of the day or night and was frequently persistent and long term. For many people, the family was a dangerous place. The Select Committee felt that much could be done to alleviate the problem both in a practical way and long term efforts such as education in schools, the setting up of information centres, refuges and a twenty four hour family crisis centre.

VIOLENCE IN THE FAMILY

MR. WILLIAM R. MCGREGOR, T.D.

REPORTER TO CHILDREN'S PANEL - STRATHCLYDE REGION

Mr McGregor began by saying that the main difference between violence in marriage and violence on the streets and terracings was that the latter was almost always motivated by either mob hysteria or a feeling of general euphoria, while that within the home was normally cold and calculated. While undoubtedly there were many causes of violence within the home, the prime one was probably the readily held, though archaic, belief that not only was a man's home his castle but that he was king of that castle and the remainder of the inhabitants were not only his subjects but his serfs. As a result, his view was absolute within that home and the remainder of the family were denied even the protection of the rule of law.

Was it not strange in this civilised age of liberated women and computerised match-making that despite the image of the idyllic love nest as projected by Hollywood and by the small screen, that inevitably, following attraction and courtship and subsequent marriage, all should be sweetness and light, and that instead there existed not just a few, but very many marriages whose partners would more frequently enjoy fisticuffs and verbal harangues than caresses.

Though obviously daring to trespass in the realms of the psychologist and the psychiatrist, Mr McGregor said he would go so far as to suggest a number of casual factors in precipitating such situations within marriage:-

1. The Bully - the basically immature person, normally male, who was prone to vesting his spite and violence on those least likely to be able to retaliate, normally his wife and children.
2. The Inarticulate - again, usually the husband, who, unable to hold his own in either argument or discussion because of the superior intellect and articulateness of his wife, would invariably resort to violence to prevent defeat.
3. The Disciplinarian - the husband who could not tolerate mismanagement or maladministration by his wife and would be provoked beyond reason by the frittering away of household budgets or by an apparent permissive attitude towards the family.
4. Diminished Responsibility - where diminution of responsible attitudes by either partner was occasioned by either the imbibing of alcohol, or the ingesting of some drug of where perhaps less commonly, there had been a marked change in behaviour patterns because of mental illness (in his view, the remarkable thing there was the lenient and sympathetic attitude conveyed by many Courts when a plea of mitigation was put forward, based solely on the fact that the person was under the influence of drink or drugs/...

drugs despite the fact that the offender knew well in advance the likely effects of such imbibing or ingesting).

5. Where Violence was Accepted Norm - frequently, where both partners in a marriage had been brought up in the environment where violence was part of the normal fabric of day to day living, they therefore construed such behaviour as quite acceptable. The natural, if somewhat catastrophic consequence of such a union and of such attitudes was that children were reared to accept that violence, either by the clenched fist, the booted foot, the bottle, or the knife, was justifiable in any circumstances.

Such was the sub culture of violence but even more frightening was the violent sub culture which either condoned or turned a totally blind eye to such behaviour. Mr McGregor then instanced a true situation when, many years ago, he was instructed to investigate a case of serious wife assault and prepare a Probation Report for a Court. In the course of the investigation, he visited the home and interviewed the wife and on the basis of commiserating with her, mentioned that it must have been a frightening experience as her husband had attempted to throw her bodily from the fourth storey balcony of the flat in which they lived. Her reply was to the effect that "If I had not had my month old child in my arms, not one of the neighbours would have bothered, or dared, to have sent for the Polis."

Mr McGregor concluded by stressing several other points. Firstly, that physical violence, abhorrent though it was, was not by any means the most common form of abuse, and that in many households the odd bruise or contusion was more acceptable than a persistent battery of harangue and invective which, in most cases, would have a far greater emotional and mental effect than the odd cuff or punch. Secondly, the total number of cases referred or investigated by the Police, the Courts and the Children's Hearings must be seen solely as the tip of a very large iceberg, much of which would always remain submerged. Thirdly, none of us could afford to be complacent or snobbish as it was not obvious from the type of persons admitted to the Battered Wives Refuge, that it was no longer solely social classes four and five who were subjected to aggression, physical violence and a barrage of verbal abuse because many of these wives had now publicly stated that they were the spouses of doctors, solicitors, accountants and many other professional classes. We had to accept the situation and realise that it was not confined to a particular section of the community but was universal.

DISCUSSION/...

DISCUSSION

Councillor Haddon, Borders, wanted to know if, within the matriarchal concept, there was any evidence of increased or decreased wife assault. Mr McGregor said that in the north east of Scotland there was no trouble in the matriarchal home.

Mrs Morrell, Children's Panel, endorsed Mr McGregor's views on the subject and said that there existed a more violent society in Scotland with the battered baby becoming a battered child. Mr McGregor wondered if the State should be more active in interfering with families. Dr Loweg thought that some people were so extremely disturbed that the children in some families ought to be removed. Mr Mercer, Reporter to Children's Panel, was of the opinion that legislation would be required by the Courts to consider each case. Dr Loweg emphasised the importance of quickly identifying such families before time was allowed to run out and Mrs Pearce reminded the group that although rejected, by them, such children may still wish their natural parents.

Mr Moxley, Social Work, referred to parents who refrained from seeking assistance from agencies for fear of them being listed and Mr McGregor urged that all the agencies must co-operate. Mr Adams said he would much prefer to see how the whole problem arose as we tended to offer solutions before the problem could be effectively tackled.

So far as alleged police reluctance in cases of wife assault were concerned, both Chief Superintendent Bird and Assistant Chief Constable Kennedy rejected any suggestion of reluctance on the part of the Police who, in every such case, would safeguard the wife and the family.

GROUP 2

VIOLENCE ON THE STREETS AND TERRACINGCHIEF SUPERINTENDENT IVOR DUNFORDSTRATHCLYDE POLICE

Mr Dunford, who has the Ibrox area in his Division, stated that he was particularly involved through his police responsibilities with 'football violence'.

He maintained that such violence was a manifestation of many contributing factors which came into operation well before the 'fans' reached the proximity of the football stadium.

'Supporters', he said 'build up to attacks of violence on the way to the ground.' eg while travelling in buses which sometimes stop in many places en route to the ground, supporters are to be seen drinking heavily.

Certain observations could be made within the ground, such as:-

- (1) Supporters all wanted to be together. As such they formed gangs which had a close social network of relationships. This provided them with a sense of security as they could, as individuals, hide within their own group identity.
- (2) The total crowd atmosphere created a social climate which encouraged violent behaviour, eg the singing of obscene songs to annoy rival factions.
- (3) There is always a criminal element present which created further possibilities for provoking violent behaviour, eg theft from the person. This might intimidate such a person to react violently and gain support from others. In order to gain ends the thief might also react violently.
- (4) After the game had finished rival groups created further violence outwith the ground.

Mr Dunford suggested that the following actions might help to reduce violence:-

- (1) Ban contract hire coaches.
- (2) Drink should be totally banned from public service vehicles.
- (3) No drink should be served in public houses and hotels near the ground.
- (4) The police should be informed of the route of all public service vehicles transporting supporters to the ground. Stopping places for such vehicles should be approved so that they could be supervised/...

supervised by police.

- (5) Drink should not be allowed in the ground.
- (6) The football clubs and the police should examine the best methods of crowd control.
- (7) Children, unaccompanied by an adult, should not be allowed in the ground.

VIOLENCE ON THE STREETS AND TERRACINGMRS. HELEN ROSSPROCURATOR FISCAL DEPUTE, ABERDEEN

Mrs Ross said that there were two main aspects to violent behaviour:-

- (1) that which was generated amongst individuals; and
- (2) that which was generated by groups of people.

In her opinion, the main cause of violent behaviour resulted from rage and frustration. Kellmer Pringle of the National Children's Bureau suggested that human beings had four primary needs:-

- (1) Need for love experience.
- (2) Need for security.
- (3) Need for praise and recognition.
- (4) Need to be given responsibilities.

If needs were not satisfied individually, then there would be 'fight' and 'flight'.

If socialisation processes were inadequate then these inadequacies would also be displayed in the children. Violent parents produced violent children.

If violence was to be reduced in our society, one would have to look towards mechanisms for improving the quality of family life.

In examining aspects of 'aggression', Mrs Ross said that aggression was normal and was similar to the sex drive. In her opinion, aggression should be directed to purposeful activities, applicable to individuals or groups.

Drink and unemployment were contributory factors associated with violence. Drink lowered the threshold of inhibition while unemployment lowered self esteem.

Some people who could be classified as psychopathic required custodial care to protect themselves and members of society.

Mrs Ross concluded by saying that society required protection from violent people and personally advocated the death penalty for such crimes as armed robbery, kidnapping and bombing.

DISCUSSION/...

DISCUSSION

The group were of the opinion that more could be done by football clubs in structuring their grounds for more suitable viewing. For instance, more seats could be provided in separated blocks thereby reducing the potential for violence. Mr Sinclair (Social Worker, Strathclyde) pointed out that that would be difficult because of expenditure and reduction of crowds. In his view, it had to be realised that there was a business motive in running a football club and that factor inhibited progress in dealing with violence.

The group were divided on the issue of closing public houses near the ground. Sheriff Maguire thought that the closure of public houses near the stadium would not necessarily be helpful and felt that the fans would drink in other areas before reaching the ground.

Councillor Theurer considered that the education system bore some responsibility for the present violence in society. Free expression and the liberalisation of education had created difficulties.

Mrs Muir (Psychologist Douglas Inch Clinic), however, proposed a more individualistic approach to teenagers. She felt that their levels of maturity did not permit them to cope with social situations in which they found themselves.

Mr Ian Gordon (Chairman Children's Panels Strathclyde) made a plea for immediate action rather than continually looking towards what action may be required in the future. In this respect it was felt that 'Report Centres' similar to those in England may be a helpful resource in dealing immediately with youths who manifest violent behaviour.

VIOLENCE IN INSTITUTIONSMR. ROGER DOVEREGIONAL INTERMEDIATE TREATMENT OFFICER

Mr Dove said that there was no simple explanation or cure for violence.

Professor Tinberg once observed that "man has inherent aggression" and Mr Dove asked what happened if inherent aggression could not find an appropriate legal and justified avenue of expression?

An institution was an organised body operating for society, its focus being on control and containment. The needs of staff were often more important than the needs of clients.

Heads of List D Schools found it difficult to change institutions to a growth and development of personality dimension because of traditional staff attitudes.

Approved Schools and Borstals often reinforced violent attitudes. Residential institutions were often a breeding ground for the growth and development of violent behaviour.

Repression, or at least constraint, encouraged feelings of frustration which in turn produced violent behaviour.

DISCUSSION/...

DISCUSSION

The discussion centred around the List D Schools. The group agreed with Councillor Heriot's view that the old systems of institutional care were not helpful and that new approaches were necessary.

Mr Davies outlined some of the new approaches for pupils who were admitted to List D Schools. Pupils and parents were now more often engaged in decision making processes which reduced the levels of frustration and social processes were now in operation which would motivate rather than frustrate children in care.

It was pointed out that perhaps more overt violence was displayed in day schools than residential establishments. It was accepted, however, that closed institutions such as prisons could encourage violent behaviour. The people responsible for running such institutions were aware of this and as such were always providing areas for the legitimate expression of frustration and anger.

VIOLENCE IN THE FAMILYCHIEF INSPECTOR LUCASLOTHIANS AND BORDERS POLICE

Chief Inspector Lucas began by referring to the difficulties of identifying and gaining evidence about violence in the family.

Generally, the only witnesses to such violence were members of the family concerned in the incident and usually they were not prepared to act as witnesses against each other. That was particularly so in the case of 'wife assaults'.

The majority of incidents were not reported because the violent behaviour took place in a private area. Statistics showed that drink played a part in about 80% of the incidents concerned with wife or husband assault.

Mr Lucas was of the opinion that wife and child assaults were on the increase, but there were no statistics to prove it. When people went to social workers for help they were not generally honest about the reasons for their physical injuries. They usually covered up by saying that they had fallen or had bumped into something. The obvious difficulties or accurately recording incidents of violence was apparent.

The police were sometimes criticised for not taking action when called to a house and that kind of criticism was unfair as the police had to ascertain whether there was sufficient evidence for a prosecution.

The police officer was also aware that his action might provoke a breakdown in the marriage and he had to be careful in his decision-making.

Professor Walker had suggested that police should report violent incidents to the social worker. By law this was not possible, but the reverse procedure was possible.

Chief Inspector Lucas concluded by saying that it ought to be the duty of doctors, teachers, social workers, etc., to report incidents of violence and injury to the police. If such reports were not made, the police could not assist in situations of family violence.

DISCUSSION/...

DISCUSSION

The discussion centred around 'battered children' and 'battered wives' and there was general agreement with the speakers' comments.

Dr Whatmore spoke about 'love-hate' relationships and was of the opinion that women in prisons did not wish to get out of the violent family situation.

It was pointed out by members of the group that some people did not really want to complain to authority but simply wished a sympathetic ear. The police, therefore, had a recognisably difficult task in identifying and providing sufficient evidence for a prosecution.

Where children were concerned, it was felt that the police should have special powers to report information to social workers. Children had a right to be protected from violence and all agencies (doctors, teachers, social workers, police, etc) should combine to enact this right.

It was pointed out that a Register was now being kept of children at risk. The group considered that while it was a useful approach to the problem it could create difficulties in the area of confidentiality and parents might be threatened by the possible knowledge that a confidential register existed.

GROUP 3

VIOLENCE ON THE STREETS AND TERRACINGSUPERINTENDENT BRIAN PHILLIPSDEVON AND CORNWALL POLICE

Superintendent Phillips described a study of juvenile violence which had been completed in his force. Of crimes and offences reported against juveniles under the age of 16 years, 3% were recorded as being instances of gratuitous violence (as distinct from instrumental violence for example, violence in pursuit of theft). The majority of offenders were in the 13/14 or 15/16 age group and there was very little evidence of any reported incidents of that nature in children under 12. There were more boys reported for such offences, but the girls reported formed a larger proportion of the total offences reported against girls.

In half of the instances, violent behaviour had occurred between juveniles of approximately the same age and a further 20% involved violence against younger juveniles. There was very little evidence indeed of juveniles attacking older people - the majority of incidents being trivial in nature, causing little injury. There were, however, serious incidents - for example, a fight in a pub which had led to serious stabbing, an incident where a boy had more or less at random thrown a brick at another crowd of children and a fractured skull had been sustained and an incident of attempted rape where a girl had sustained severe injuries. Most of the offences reported occurred in streets and public places, except that the girls tended to be fighting in youth clubs and the reported fights were mostly retaliation over boyfriend squabbles.

Three-quarters of the offenders reported came from social classes 4 and 5 and in the area where the survey took place 12% of the housing stock was local authority, being occupied by 14% of the population. 41% of all juvenile crime arose from this area. The girls in the study proved to be a particularly deprived group, with a large proportion coming from big families where there was a single parent.

Superintendent Phillips noted that the cautioning system for juveniles seemed to be processing more "violent" juveniles to Court than other offenders - 70% of the total offenders were cautioned whereas in the case of violence a very high proportion were prosecuted.

He then noted that in the cases of instrumental violence which the study had looked at - for example, robbery, attempted robbery - the young people involved had not come from such a deprived background and there were very many more who came from social class 3. He could offer no particular explanation of that.

The Torbay area was a holiday area where large numbers of licensed premises and discos operated late into the night and the Police saw the control of such establishments as a key factor in controlling violent incidents amongst the young.

VIOLENCE ON THE STREETS AND TERRACINGDETECTIVE SUPERINTENDENT DERRICK McALLISTERSTRATHCLYDE POLICE

Mr McAllister took issue with Professor Walker who had claimed that there had been a steady increase in serious violence against the person - murder, culpable homicide, serious assault, etc. Mr McAllister noted that in the years 1967/75 the figures for serious assaults in Scotland had remained relatively constant at around 2,500 to 3,000 reports per annum. In his view, the more insidious and serious problem arose in relation to more petty matters and in relation to juveniles. During the same period, the total increase in crime reported overall was 52%. The increase in petty assaults reported during this period was 91%. There was a 72% increase in reported incidents or breach of the peace, 102% of an increase in reported incidents of malicious mischief and 306% increase in reported incidents of the taking and driving away of motor vehicles. Mr McAllister considered that all these crimes were gratuitous in nature and the motivation to offend "for kicks" appeared to be increasing, thus proving a real problem for the law enforcement agency.

Group disorders among the young people seemed to be increasing such as on public transport, football matches, pubs, dance halls and there was a worrying arrogance in the attitude of young offenders. He regarded the Children's Panels as lacking both the legal provisions and practical resources to make any inroads into the problem and also considered that the Courts were over-lenient in dealing with violent offenders and that a larger proportion of violent offenders should be detained.

Mr McAllister spoke in detail of the difficulties the Police faced in obtaining public co-operation particularly in relation to assaults and gang scenes. Victims of assaults were often afraid or unwilling to make a complaint and witnesses were reluctant to come forward. He gave three examples of assaults where people had received facial injuries with glass. In one incident, a twenty two year old man had been hit on the face with a bottle, following a trivial argument in a chip shop - in a crowded chip shop nobody could be found who would identify the assailant or be a witness to the incident. In another incident a fight in a pub had started because one eighteen year old accidentally spilt beer on another. A broken tumbler resulted in thirteen stitches in a cut face - the pub staff called the Police and there was no identification of the assailant from anyone in the pub. In the third incident, a group of friends had gone to a nearby town for a drink and had then been picked on by another group, receiving kickings and quite a severe beating up and again there had been no prosecution because of lack of evidence.

In conclusion, Mr McAllister said that so far as football violence was concerned, the key factor was the control of spectators and fans at away matches, and the control had to start a long time before the group got on to the terraces.

DISCUSSION/...

DISCUSSION

Discussion in the group took two particular lines, one considering the practical changes which could be made to the present situation in regard to the policing of football matches, pubs, etc., and also considering the more fundamental nature of society and attitudes to violence.

It was observed that society was a violent one, which in many ways valued violent, aggressive and tough behaviour. There was a need to understand culture and to examine the long term radical reform of cultural values. There was a debate about whether this long term analysis was not an excuse for doing nothing about the practical situation or whether practical measures could be of any effect if a long term understanding of the problem was not embarked upon.

The group discussed the proposed detention of dangerous offenders and foresaw difficulties in public acceptance of this idea. It was also seen that there were difficulties in public acceptance over measures which might be introduced to control the violence at football matches. For example, there could be control of transport to away matches, forbidding children unaccompanied by adults to enter grounds, forbidding uniforms, team songs, etc. There would also be difficulties in the public attitude to drink, in particular the Scottish attitude to drink.

Finally, it was necessary for appropriate outlets for aggression in young people to be provided rather than for all aggressive tendencies merely to be repressed.

VIOLENCE IN INSTITUTIONSDR. RICHARD ROCKSTROCARSTAIRS STATE HOSPITAL

Dr Rockstro began by outlining his own experience of life within institutions - at an English public school, in a local psychiatric hospital, within the Prison Service, and in a State Hospital. Of these, he thought the State Hospital the least violent, the prison, the local hospital and boarding school all being in their own ways pretty aggressive institutions and in particular, he noticed that in local psychiatric hospitals there were difficulties in the control of patients' behaviour.

He defined the problem of minimising violence within institutions as having two main components - firstly, the methods of control which were appropriate within institutions and secondly the provision of appropriate methods of non-violent self-expression to people who were detained in institutions.

The methods of control within institutions included first of all the security, in a physical sense, of that institution. He saw difficulties arising on occasions when institutions had not fully thought out for themselves their policy in regard to physical security and the appropriate measures of obtaining this. Within a secure physical environment the key factor in institutional life was the appropriate staffing levels and appropriate training of staff. It was of supreme importance that very high ethical staff standards should be provided. Any institution must maximise the good of its environment since essentially an institution is providing milieu therapy.

In regard to self expression, it was important that there should be physical outlets for self expression in work, and perhaps more appropriately in sporting activities. Artistic activities were important as were other hobbies and interests which could be pursued in a thoroughgoing manner. The key factor in reducing violence and aggressive feelings was the provision of appropriate communication at all levels - between staff and inmates and then through appropriate higher authority within the institution and to appropriate authorities outwith the institution. In conclusion, Dr Rockstro said it was very important that inmates grievances and complaints should be listened to and attended to. He also saw value in the safety valve of providing for minor abuse of minor rules -- feeling that if sometimes the residents in the institution felt they had got one over on the staff, that this could be a valuable reduction of tension between the staff and inmates.

DISCUSSION/...

DISCUSSION

Much of the discussion within the group centred on the appropriate way of dealing with complaints within institutions. Mr Dingwall, the Governor of Perth Prison, explained in detail what actually happened to prisoners - how their complaints were dealt with by the Governor, by the Visiting Committee, by the Secretary of State and by the M.P. There was some discussion about the provision for the breach of minor rules. Opinions were divided as to whether this was in any way appropriate to the management of potential violence in institutions. Discussion took place about the Special Unit at Barlinnie. The question was raised whether the Unit had been provided to try to improve the offenders committed to it, or to relieve violence elsewhere in the prison service. The aims were not seen as incompatible.

Finally, there was some discussion about when and how it was appropriate for outside authority to step in to offences alleged to have been committed in institutions - for example, assaults by staff on inmates, assaults by inmates by staff, thefts by inmates of other inmates and so on.

VIOLENCE WITHIN THE FAMILYMR. DOUGLAS ALLANASSISTANT PROCURATOR FISCAL, GLASGOW

Mr Allan began by drawing a distinction between people who were violent all the time and those who were violent only when angry or drunk. It was possible that there existed two different groups of people and different methods of tackling the problem might be required. Very few children seemed to assault parents and perhaps it was the case that children from violent homes took their violence outside the home and that an examination should be made of the homes from which juvenile offenders came. Typical cases of violence were assaults by parents against parents or parents against children.

The contribution of alcohol to domestic violence could not be under-rated and might it be worthwhile if a campaign against drink, on the lines of the campaign against smoking was mounted?

Mr Allan wondered if there should be a statutory relaxation of the law requiring corroboration of wives' evidence in cases of assault. He discussed the reluctance of prosecutors to use young children as witnesses because of their possible unreliability and the potential effects on a child of being required to give evidence against a parent. He wondered about the motivation of women returning to violent men or even marrying men who had already been violent towards them. There were the practical problems of a wife separated from a husband and the problems of finance and housing. In view of the increasing number of assaults by men on their pregnant wives, could there be an aggravated offence of assault against the unborn child requiring special penalties?

In conclusion, Mr Allan wondered what should be done about the child who is not physically assaulted but mentally tormented and grew up in a violent atmosphere? In investigating an assault on a child, when one got to the situation where one or other parent must have done it, was there any new kind of investigation or new kind of offence which should be brought into being?

DISCUSSION/...

DISCUSSION

The discussion covered only some aspects of a very wide and varied problem. Various contributors wondered about the limitations and the appropriateness of the State interfering in domestic situations. There was considerable discussion about the appropriate method of dealing with non-accidental injury to children and in particular in relation to regional review committees.

Many of those in the discussion group were involved in one way or another in the new regional review committees and the setting up of "at risk" registers. There was a general feeling that people were willing to try to co-operate to prevent incidents of violence against children. In particular it was seen that the Children's Panel had a protective role in such situations.

It was recognised, however, that there was still a very difficult area over confidentiality, investigation and dealing with suspected cases. In particular, social work and medical agencies might be reluctant to call in the Police or make reports to the Procurator Fiscal. Mr Allan maintained that he could not recall an incident where, when representations had been made to the Fiscal and a case made out for the inappropriateness of prosecution, prosecution had taken place.

Dr Rockstro raised the question of the setting down of proper guidelines for decision making in such cases and wondered if society could be dogmatic about the risks of returning children to violent homes.

It seemed to be the general view of many people in the group discussion that there ought to be no panic in reducing standards of proof, corroboration, etc. required. The group seemed to find it difficult to tackle the problem of the prevention of violence within the family.

END