REVIEW OF AUSTRALIAN CRIMINOLOGICAL RESEARCH

1985

REVIEW OF AUSTRALIAN CRIMINOLOGICAL RESEARCH

PAPERS FROM A SEMINAR
19-22 FEBRUARY 1985

Edited by
David Biles

Assistant Director (Research)
Australian Institute of Criminology

AUSTRALIAN INSTITUTE OF CRIMINOLOGY • Canberra 1985

ISSN 0811-3939

CONTENTS

FOREWORD

This is the report of the fourth biennial seminar conducted by the Institute under the formal title 'Review of Australian Criminological Research' usually referred to simply as the 'research seminar'. The format and organisation of this seminar was similar to those conducted in 1979, 1981 and 1983, but this one was considerably larger as there were 48 speakers on the program compared with 37 on the last occasion. For this reason the program was extremely crowded and the working day was slightly longer than usual. Nevertheless, each speaker was allowed a little over 20 minutes and, as most presentations were kept down to 15 minutes, there was reasonable time for discussion within each session. The chairpersons nominated for each session were fairly strict in ensuring that no individual speaker used more than his or her ration of time. As far as possible the papers were put together in groups of three or four for each session around central themes or ideas, and this facilitated an exchange of views between researchers working in the same or similar areas.

Participants at the seminar comprised recipients of grants from the Criminology Research Council, the Institute's own research staff and staff from other research organisations, including some police and corrections agencies. Possibly the greatest value of seminars such as this one derives from the numerous informal discussions that occur between people facing similar problems, and it is of course impossible for these discussions to be reflected in any report of proceedings. Nevertheless, a low-level attempt at evaluation of the seminar was made by use of a post-seminar questionnaire survey. The results of that survey are included as Appendix B of this report.

In my opening remarks to the seminar I observed that unfortunately the very full program for the seminar would not allow any time to discuss a number of very important matters which should be of interest or perhaps concern to all researchers in criminal justice. For example, I suggested that I was unclear as to the impact on research of the proposed legislation on privacy. Some people had suggested that one consequence of the proposed legislation would be that access to criminal records or prison records would not be allowable for research purposes, even with the names removed, without the permission of each and every offender! If that were the case, there would be obvious difficulties for such established exercises as the annual national prison census, as well as many other projects. This is an issue which most researchers would like to see clarified as a matter of some urgency.

Another related issue, perhaps less urgent, that I would have liked to have had time to discuss is the question of whether or not there is need for a code of ethics for criminological researchers. I mentioned the fact that the National Health and Medical Research Council now uses a very formal and extensive questionnaire to assess the ethical implications of all research projects that it funds and most major research organisations in

the medical field have established their own ethics committees for this purpose. There are no such structures or procedures in the field of criminal justice but we may be required to move in this direction in the future. I suggested that perhaps at a later seminar we may discuss this issue at some length.

Also, I suggested, there was an on-going need for all of us to grapple with the nagging questions of: where is criminological research going, what are the priorities, how should we ensure its relevance, and how can we build stronger bridges between researchers and policymakers? I did not take time to even hint at answers to these questions, except to say that criminology is currently enjoying a period of modest revitalisation. This is a happy contrast to the last research seminar in 1983 when in my opening remarks I referred to criminology as 'going through hard times'. This Institute has experienced an increase in staff over the last year or so and the Criminology Research Council has an agreed schedule to increase its resources over a period of three or four years. I also noted that there have been staff increases in a number of related research bodies at the State level.

Even though some progress was clearly being made, and hopefully the quality as well as the quantity of research have both improved in recent years, I suggested that there were still gaping holes in our knowledge that needed to be filled. Most obviously there was an enormous gap in our knowledge about the incidence of crime in this country. Despite two national crime victim surveys conducted by the ABS, and despite the heroic efforts of Dr Mukherjee to make sense of the plethora of incompatible data collections, no-one in this country can confidently answer the simple question: Is crime currently increasing, and if so, where, by how much and for what offences? The shameful fact is that we as criminologists in 1985 know less about the incidence of criminal behaviour in this country than we did in 1980, and that was little enough, when the Bureau of Statistics ceased publication of its statistics of selected crime on a national basis.

I argued that there may be some glimmer of hope on the horizon for this subject, however, especially if all of us applied whatever influence we have to ensure that some improvement in national crime statistics occurs. For this reason I urged all participants to respond in as much detail as possible to the questionnaire which was circulated later by Ms Debbie Neuhaus, an outposted ABS officer at the Institute, on the subject of precisely what statistics related to crime and criminal justice are needed for research purposes. This theme was taken up and developed by the Director of the Institute, Professor Richard Harding, in his opening address.

The organisation of this seminar and the preparation of this report would not have been possible without the assistance and co-operation of many people. The staff of the Training Division of the Institute helped with a range of organisational and administrative details, and much of the preparatory work was done by my secretary, Mrs Marjorie Johnson. The typing of the report was largely undertaken by Mrs Jan Dawes of the Institute's

Research Division, and the proof reading and printing was done by the staff of the Publications Section. Warm thanks are offered to all who made this project possible.

David Biles

April 1985

OPENING ADDRESS

Richard Harding

The Criminology Research Seminar is, in a sense, the most important event in the Institute's calendar. In Australia, the number of researchers working in the area of criminology is small - though, as David Biles pointed out, it is certainly growing. The sense of intellectual isolation we can all feel can be very great, and can adversely affect the quality of one's work. A seminar such as this can do much to break down that sense of isolation; it can acquaint each of us with the ongoing work of others, and refresh and broaden our network of contacts within our chosen field.

The last occasion upon which I myself attended one of these conferences was in 1981, as one of those otherwise isolated researchers. David Biles was ringmaster then, as he is today; and he was harassing me for a written paper then, as he is today. One reason for this is, of course, that we shall be publishing the proceedings of this conference as of all our other conferences. In this context perhaps I could tell you something of the Institute's publication policies and achievements as they have developed in the last year or so.

One of the things that concerned me, coming to the Institute a year ago as an outsider, was the fact that there seemed to be a considerable delay in publishing proceedings even of the most valuable seminars. I soon realised that this was to a large extent a function of the available resources, or rather the lack of them. Accordingly, as our resources have begun to build up over the last twelve months I have tried to put more of them into the task of producing our publications more quickly. Our aim with seminar proceedings and conferences is now to produce the proceedings in written form within three months or so, so that the material still possesses a freshness and relevance when it is available in that form. I hope that those of you who are out there in the field are beginning to see the impact of this new effort by the Institute.

Also, very importantly, we have recommenced the publication of Infobull - the Information Bulletin of Australian Criminology. The first issue in the new series was published in June 1984 and it is, as before, appearing quarterly. I feel confident that this is beginning to make its impact, for already there has been a very marked increase in the number of inter-library loan requests which the Institute is receiving. Closely associated with Infobull is CINCH - Computerised Information from National Criminological Holdings. This in-house Institute database unfortunately ceased being maintained and updated in 1978. However, with improved resources the retrospective completion of this database has been made a high priority. When it has been completed, an 11-year database of criminological information will become available. I am pleased to be able to inform you that the Institute has finalised an arrangement with A.C.I., the operators of AUSINET,

whereby that database will be carried by AUSINET. It is my understanding that AUSINET is the most readily accessible of the computerised information retrieval systems for those of us who are working in the social sciences, so that in this way it is the Institute's hope and belief that CINCH will be able to be dialled up very readily by researchers throughout Australia. The Institute should be emphasising a role of disseminating information into those places where it is least accessible, and I believe this this 4-year arrangement we have made with A.C.I. is an important feature in that process.

Pursuing a closely related theme, one of the most frustrating factors for researchers, as David Biles emphasised, is the inadequacy of crime and criminal justice statistics in Australia, or, perhaps more accurately, the unco-ordinated proliferation of such sources thus leaving hiatuses. Australian criminal justice statistics are in a deplorable state not because the total amount of resources available, is, in absolute terms, inadequate but because those resources are used in unco-ordinated and wasteful ways. This has always been my somewhat impressionistic view; and it has recently been fortified by work done under the aegis of the Institute. I refer to the work done by Debbie Neuhaus, who is an outposted A.B.S. statistical officer who has been working with us since the middle of 1984. She has been putting together a compendium or reference book of Australian criminal justice sources which traverses the whole field of criminal justice statistics and which, not surprisingly, has grown into a very large tome indeed. It will prove absolutely invaluable to all researchers, and indeed the Institute intends to publish this reference book. Later, it may form part of the AUSINET database.

I should next mention the Criminology Research Fund. You will all recall that the 1971 legislation - the Criminology Research Act - fixed the fund at $100,000 per annum. Between 1973 and 1983/4 the size of the Fund increased to $114,000 per annum - a 14 per cent increase to take account of inflation of some 300 per cent during that period. One of the conditions I made when being offered the position of Director of the Institute was that a genuine effort should be made to restore, at least partially, the real value of the Criminology Research Fund. Of course, that cannot be done unilaterally by the Commonwealth; but at least if the Commonwealth is clearly on the record as being prepared to do its part this in turn encourages the States to follow suit. Following complex negotiations, it was agreed that there would be a 3-year process of restoration of the real value of the Fund: $150,000 in 1984/5, $190,000 in 1985/6 and $250,000 in 1986/7. Thereafter we will be in the lap of the gods, though one trusts that at the very least account will be taken of the C.P.I. increases. I am pleased to be able to inform you today that, despite the general despondency about levels of Commonwealth funding for 1985/6, the agreement to which I have referred is still operative. I think this is a very important matter for researchers; it occurs in a context where the real value of virtually every other research fund in the country is being reduced. I believe that the effect of this increase, particularly in the next two years, should be to attract to the Criminology

Research Fund applicants who previously would have been somewhat diffident about seeking a grant. Obviously, someone with a large project costing, say, $40,000 could hardly be unaware of the likely reluctance of a body with a mere $114,000 at its disposal to allocate such a large proportion of its funds on one application. But now the situation may well be different; the Council may well be in a position to fund one or two really quite major projects each year as well as the smaller and highly useful projects which have been its staple diet during the period of its existence. Perhaps I should add that one of the main arguments I made in securing governmental agreement progressively to increase the value of the Fund was that we were now no longer receiving applications from persons with such proposals; that they were instead going to larger funds in an effort to receive a grant. I hope that this surmise on my part was correct and that a steady stream of major applications may soon commence.

So far I have been talking about the Institute and the Fund as supporters of research done by persons such as yourselves. Perhaps now I can briefly say a word about the Institute's own research. In the last 12 months we have been undertaking a review of all our research programs - from the point of view of identifying more clearly our present directions, making decisions as to future directions and also dropping off one or two lines of research which have come to the end of their useful life. Inevitably, a great deal of Institute research must remain policy orientated; that is our stock-in-trade. I make no apology for this; the key thing is how such research is done and whether it is done by researchers whose perspectives about the criminal justice system are wider than those whose main concern is simply to make the system work a little more effectively.

At the present time I believe we have a very good balance at the Institute between the pragmatic and evaluative approach, on the one hand, and primary, ground-breaking research, on the other. Having said that, there is always a danger that a national Institute can get too close to research which seems by its very nature to be supportive of the system and the status quo, and we must constantly watch ourselves in that regard. A few years ago, Mike O'Connor pointed out, in a content analysis of articles appearing in the ANZ Journal of Criminology, that such a process seemed to have occurred within the journal. The comment, when made, was a fair one; and the fact that the journal has improved and progressed and broadened its scope since then is, doubtless, partly due to the sorts of criticism which people like Mike O'Connor made about it.

The Institute, too, doubtless would benefit from this kind of gingering up. Also, it must be said that the bulk of Criminology Research Fund projects are of the evaluative/pragmatic type, concerned primarily with the current operation of the system, whatever that system happens to be at any given moment. Doubtless, the Fund too would benefit from a certain amount of gingering up with regard to the criteria it applies in making grants. However, I am most hopeful that, just as the Institute has been trying to ginger itself up, so the changing flow of applications to the Fund in the light of the increased amounts

available will bring about an evolution in the criteria which are applied. Don't get me wrong when I say this; I believe the Fund has been remarkably successful in encouraging the growth of Australian criminology and fostering professionalism by researchers. But, as with all on-going institutions, the occasional review is not inappropriate. In this regard, it is our intention that David Biles will be able to spend time early in 1986 doing a full analysis of the way in which funds have been disbursed in the past, and also the ways in which they have not been disbursed, and relating this to the outcomes of the research. Ultimately, of course, the success of the Fund depends entirely upon the efforts and perceptions of people such as yourselves.

With that overview of what has been going on here since the last biennial conference of researchers met, it is my pleasant duty formally to declare open the fourth biennial conference of Australian criminology researchers.

CRIMINOLOGICAL RESEARCH IN THE UNITED KINGDOM

Jacqueline Tombs

Introduction

The purpose of my talk is to present a review of some of the main contemporary features of criminological research in the United Kingdom. While I do not propose to discuss the theoretical bases or the roots of British criminological research, some reference to its traditions and backgrounds is necessary to understanding where we are now. I will therefore briefly sketch the research traditions before going on to consider contemporary features. In reviewing the contemporary features, I will concentrate first on research sites and institutions drawing attention to patterns of funding, and second on research areas and directions. I will then conclude with some reflections about how the current state of criminological research in the U.K. compares with that in Australia.

Research Traditions

The dominant criminological paradigm in Anglo-Saxon legal thought and practice has been an amalgam of classicism and positivism - often labelled as 'neo-classicism'. Despite the challenges made to this paradigm: first by the emergence of the new deviancy theory in the 1960s and early 1970s in Britain, primarily as a radical response to the positivist domination of criminological theory and research; and second by the development of a Marxist criminology in the last decade or so, the neo-classicist paradigm constitutes the main source of the eclectic synthesis of theoretical and methodological approaches which continues to dominate British criminology.

Having said that, contemporary criminological reseach in the U.K. is by no means all in the neo-classicist mode. What we have is a situation where academic criminology is presented with competing paradigms and a wealth of viable positions and theoreticians in all the major traditions - classicist, positivist, deviancy theory, Marxism, strain theory etc. Indeed, much contemporary criminological research shows characteristics of at least two traditions, for example, new deviancy theory and Marxism, although the classicist/positivist amalgam remains dominant. But, while empirical research in criminology in the 1960s and early 1970s was almost wholly within the positivist tradition, deviancy theorists and Marxists are now engaged in a substantial amount of empirical research in the U.K.

From the date of the establishment of the Home Office Research Unit in 1958 and, largely through its funding, the opening of the Institute of Criminology at the University of Cambridge in 1959, British Central Government has exerted a strong controlling influence on the development of criminological research in the U.K. In terms of resources and institutions where empirical criminological research is undertaken, the Home Office

continues to exert this influence as the following brief review of funding patterns makes clear.

The Home Office Research and Planning Unit provides a research and advisory service to the Home Office on issues relevant to criminal justice policy and planning. The unit currently has 42 professional staff engaged in criminological research at a cost of approximately 750,000 pounds and it administers an annual budget for external research which currently stands at about 750,000 pounds - a total research expenditure of 1.5 million pounds per annum. In developing its program of both inhouse and external research, the research unit is guided by the Rothschild Customer-Contractor principle which means that any project included in the program must have a firmly identified 'customer' within the Home Office. The aim of the customer-contractor principle is to ensure that the research program remains in touch with administrative and management needs and this is achieved through an annual program meeting between Home Office staff and academic criminologists. Home Office research priorities are outlined in this program and research is commissioned in light of this.

The Scottish Office Criminological Research Unit where I work also has an inhouse research unit at an annual cost of about 100,000 pounds and an external research budget of 150,000 pounds. The Criminological Research Unit provides a research and advisory service to the Scottish Office in relation to its separate needs in criminal justice policy and planning. Research in Scotland is also commissioned in areas regarded as of priority, though we identify these priorities in a rather different and less formal way than the Home Office. We encourage regular meetings with the academic community and have a program which identifies long as well as short term research needs. (The Northern Ireland Office does not have a directly comparable criminological research capability, although there are some inhouse researchers engaged in criminological research and external research is funded on an ad hoc basis.)

The other major funder of criminological research in the U.K. is the Economic and Social Research Council. The E.S.R.C. can fund research in the field of criminology either through one of its recently re-structured research committees or through a special initiative which starts funding this year on Crime and the Criminal Justice System. This initiative, however, which will spend 650,000 pounds over four years, has less than half of the funds available to the Home Office Research and Planning Unit annually. Moreover, while the Economic and Social Research Council was established to foster 'fundamental' research in social sciences as well as 'applied', since the Rothschild review of the E.S.R.C. in 1983 there is a now much greater emphasis on it funding 'policy relevant' research.

Another recently established body which funds criminological research as well as having its own small research unit is the Police Foundation. The Police Foundation is a privately funded organisation which funds research on various

aspects of policing. There are also a number of other private charities in the United Kingdom which make some grants for criminological research, notably Nuffield and Leverhulme, and recently some of the large Metropolitan Councils have also begun to play a role in funding criminological research in the U.K. In particular the Metropolitan Councils, (local government), have invested considerable funds mainly in the field of crime surveys. Many of these crime surveys have been directed by some of the academic criminologists who were extremely influential in developing the new deviancy theory critique of positivism in the late 60s and early 70s.

The major research institutions in the field, however, do receive most of their research funds from central government. The Institute of Criminology at the University of Cambridge, the Centre for Criminological Research at the University of Oxford, and the Centre for Social Legal Studies at the University of Sheffield receive most of their research funds from the Home Office, and the Centre for Criminology and the Social and Philosophical study of law at the University of Edinburgh receive most of their funds from the Scottish Office.

Research Areas and Directions

As mentioned earlier, the main funders of criminological research in the U.K. all have definite programs or priorities and, through their virtual monopoly on funding, they inevitably exert a critical influence on research areas and directions, although not necessarily on the paradigms drawn upon in research. Moreover, it should be noted that many academics undertake empirical as well as theoretical research without either central government or research council funding. However, given the influence of the major funding bodies, a brief sketch of the priority areas identified by these bodies is worthy of note here.

The current research program of the Home Office Research and Planning Unit is organised around five broad headings. The first of these, Crime: Patterns and Determinants, emphasises that research in this field should build upon the main lesson learned from earlier work, that is while effective policy making requires a background knowledge about crime, research is only likely to make a direct contribution to policy if it concentrates on those causal factors which can be affected by administrative or legislative actions. Currently, research in this area includes, for example, a major study examining the relationship between crime and the availability of drugs; research about the extent and nature of crime and its impact on victims and society at large, the main project here being the British Crime Survey which was first conducted in 1982 and repeated in 1984, and likely to be repeated at three yearly intervals thereafter; and research on criminal careers which would be of value in developing policies in relation to juvenile justice, diversion, deterrence and containment.

The second priority area for research is on crime prevention and policing. After many years of Home Office research

effort being concentrated on evaluations of the effectiveness of different forms of penal treatment, attention was directed to research on other means of reducing crime: policing, deterrent sentencing, containment, and crime prevention. Much of the current Home Office Research and Planning Unit program concentrates on these areas, in particular research which explores some of the questions about police effectiveness. Not only is the Home Office Research and Planning Unit working on, for example, neighbourhood policing and community involvement, but also there is increasing interest shown in policing by the academic community which means that a substantial body of knowledge about policing is developing.

The third area which Home Office research effort is concentrating upon is research on the interdependence of the various component parts of the criminal justice system. The main priority areas here include studies of the sentencing decision and the needs of victims and the potential for victim-offender mediation and reparation schemes. The fourth area of Home Office Research effort includes prisons, probation and treatment of offenders generally. Problems of access are probably at their greatest in this area, even for Home Office researchers, though the growing body of prisoners' rights litigation and the increasing importance of the European Court in this area have led to some opening up of the prisons to academic researchers. The last area in which Home Office research effort is concentrated is in line with its responsibilities for immigration, race relations and community programs. Research on ethnic minorities, for example, has clearly demonstrated that young black people in particular feel that they have been subject to discrimination either at the hands of the police or the courts (or both).

In launching its initiative into Crime and the Criminal Justice System, the E.S.R.C. identified a number of areas where research applications were invited. These areas were identified by a specially constituted panel of academic criminologists as the themes within criminological research which needed research effort at present. The main themes identified by the E.S.R.C. panel include research on inter-relationships in the criminal justice system; research on policing and police accountability in particular; research on prison regimes; on criminal careers; on the hidden economy and economic crime; and on crime and the media. The response to this initiative from criminological researchers was overwhelming and came from researchers working within all the various intellectual traditions. Funds have now been committed to about twenty projects in various academic institutions throughout the U.K.

Concluding Remarks

In conclusion then, in the last few years and notwithstanding the governmental influence over the allocations of funds to criminological research, empirical research is no longer more or less confined to those working within the positivistic or neo-classicist paradigms. And, while work continues in

'traditional' areas of criminology, other areas are being opened up not only on a theoretical but also on an empirical level - for example the whole debate on penal policies.

From my brief experience in Australia this also appears to be the case here. And, while like the U.K. most of the criminological research I am aware of is still within the positivistic tradition, I am also aware of empirical work drawing on the other traditions. One the other hand there are, somewhat inevitably, some noteworthy differences in criminological research in the two countries. One major difference in the development of the field here is the comparative lack of comprehensive and reliable crime and criminal statistics in Australia as compared to the U.K. which means that those engaged in criminological research here often either have to eschew that level of analysis or have to expend much of their effort on attempting to obtain basic information. Perhaps more importantly in Australia there is not yet a firmly entrenched tradition in criminological research of the kind which we had in the U.K. prior to the split between the positivists and the deviancy theorists in the late 1960s. Whether this kind of development will occur in Australia remains to be seen.

Another major difference, and this is no doubt related to the lack of comprehensive information, is that comparatively speaking, detailed research is not used in the same way in policy formulation and development. This is not to say that state governments or the federal government do not make use of criminological research (for example the research conducted at the Bureau of Crime Statistics and Research in New South Wales or the research conducted at the Australian Institute of Criminology in Canberra) but rather that research is used in a more ad hoc way in relation to particular matters. There are, of course, a number of possible explanations for this difference, not least the difference between a federal and centralised state, but you would all be able to tell me more about how the federal and state government inhibit or encourage criminological research than I can tell you.

GOVERNMENTAL RESPONSES TO CORPORATE MISCONDUCT - WORK IN PROGRESS

Peter Grabosky
John Braithwaite

The object of this research is to describe and to explain variations in regulatory strategy across the most important business regulatory agencies in Australia, and to disseminate among regulatory agencies some of the more innovative strategies employed.

Letters were sent out over the signature of the Director of the Australian Institute of Criminology to heads of Commonwealth and State departments responsible for environmental protection, occupational health and safety, corporate affairs, radiation control and anti discrimination policy, enclosing a list of thirty two questions, and requesting a three hour interview. In addition, three of the largest local government authorities were also approached regarding their responsibilities in the areas of food inspection and building safety. Interviews were conducted with all but five of the 101 agencies contacted, a response rate of 95 per cent.

At the beginning of each interview, respondents were asked if they had any objection to our tape recording the discussions. Over 90 per cent of respondents consented.

The data thus consist of

1. transcribed comments of each respondent

2. coded responses to the questions discussed during the interview

3. supplementary statistical data on agency size, structure, statutory powers, number of prosecutions launched, and case outcomes

4. responses to an additional 19-item questionnaire administered at the conclusion of the interview.

From these data, the researchers will endeavour to determine whether variations in regulatory practice may be explained by political or jurisdictional factors, by the substantive nature of a regulatory area (environment vs. corporate affairs) or by some other structural characteristic of the agency or industry.

THE POLITICAL ECONOMY OF CORPORATE REGULATION: A COMPARATIVE ANALYSIS OF OFFSHORE OIL REGULATION IN CANADA AND AUSTRALIA

Kit Carson

Background

This project developed out of earlier work on the operation of safety regulations in connection with oil exploration and production in the U.K. sector of the North Sea. Apart from revealing a scandalous record of neglect on the part of both governments and regulatory agencies, this earlier research led to several more general programmatic conclusions:

(a) The need to reconnect the minutiae of regulatory practice and its consequences - in this case things like accident rates, enforcement patterns, jurisdictional difficulties etc - with broader issues of political economy on both the national and supra-national levels.

(b) The need to reforge and demonstrate the connections in question by way of concrete institutional analysis.

(c) The need, obvious enough, to perceive the state as more than some kind of monolith, to see it instead as a complex multiplicity of organs reflecting, representing and responding to the various pressures emanating from external and internal forces.

(d) That the work of 'reconnection', alluded to earlier, is facilitated by recognising that the 'macro-forces' rooted back in political economy, at whatever level, are mediated or channelled down through processes of internal conflict, confusion, compromise and co-operation within the mechanisms of the state itself. Thus, things like interdepartmental rivalries, jurisdictional disputes, legal lacunae and regulatory inertia can be analysed as more than instances of bureaucratic rivalry, fascinating constitutional conundrums, legislative oversights and official dereliction; rather they can be seen as the concrete empirical sites upon which pressures and contradictions stemming from broader issues of political economy work themselves out.

Objectives of the current study

The project currently getting under way on the regulation of Australian and Canadian offshore oil and gas operations shares the same general aims as the earlier study. More specifically, the objectives are:

(a) To construct a convincing account of regulatory practice in the two countries by looking at the dynamic interplay between external forces stemming from their respective positions within the world economic system on the one hand, and indigenous factors unique to the political economy of each country, on the other. While persisting with a particular emphasis on occupational health and safety in this respect, the analysis will, however, be cast rather more widely to include various other aspects of regulation such as methods of licensing, control over depletion rates, arrangements for national participation and, of course, taxation.

(b) To map out in some empirical detail just how the various forces in question permeate actual policy making and regulatory practices. Thus far, experience suggests that, as with the earlier project, hard empirical evidence is by no means impossible to collect in this respect.

(c) To maximise the analytical advantages of comparative research in this field. Australia and Canada have many features in common including federal systems of government, uneven regional distribution of resources and population, and comparable positions within the capitalist sector of the world economy. At the same time, there are also vital differences such as the fact that, at least until recently, Canada's principal known oil and gas reserves have been located onshore (and hence under provincial jurisdiction) in a province taking a more than slighly jaundiced view of the benefits deriving from federation; on the other hand, Australian oil is predominantly located offshore (under federal jurisdiction) and, until recently, adjacent to one of the traditionally 'have' states. The effect of such differences and similarities upon the development of regulatory regimes in the two countries will be an integral part of the research.

COMMERCIAL EXTORTION

Gerry McGrath*

While the reported incidents of major extortion attempts on commercial institutions are comparatively rare in this country, the modus operandi poses a significant threat potential for Australian commerce. Prompted by the 1980 extortion of a major retail chain by McHardie and Danielson, the Australian Police Ministers' Council in 1983 briefed the newly formed National Police Research Unit to investigate the types of major commercial extortion and to develop ways to more effectively combat the respective types. Using a grounded case study approach, the NPRU research team has examined primary and secondary material dealing with extortion on the retail and manufacturing sector and is developing a typology of extortion attempts.

The paper in presenting the interim results of the NPRU inquiry outlines the methodology adopted for the project giving attention to data access issues. Acknowledging the distinctiveness of the police sub-culture, the report addresses the necessity of open data access and the role of police personnel in gaining such. The paper reports the preliminary findings of the inquiry which reveals that the combating of 'first generation' extortion attempts is well in hand principally as a result of initiatives from the retail and prestige security sector as well as those of police who increasingly adopt a response utilising a major crime plan response administration. Pointing to difficulties posed by the Telecommunications Interception Act, the paper makes a preliminary technical recommendation for a form of participant monitoring less likely to be precluded by the Act.

In distinguishing between first and second generation extortion, the report utilises criteria of the organisational resources of the extortionist and on some facets of the actual demand which for security reasons are not identified.

* Acknowledgement is made of the co-operation of Mr David Ford, Woolworths Corporation in the research.

CROOKED LAWYERS: SOME PRELIMINARY OBSERVATIONS

Chuck Reasons

A review of the extant literature concerning unethical/illegal behaviour among lawyers in Canada leads one to conclude that only certain types of legal practitioners are guilty of such behaviour. Such studies may be identified as taking a functionalist/personal pathology approach toward explaining this phenomenon. It is suggested that a more accurate and meaningful analysis necessitates looking at the political economy of lawyering, including issues of supply/demand, stratification, power and status of lawyers, and legitimation needs vis a vis recruiting and self-policing. This structural analysis of the legal profession will help us to more fully understand the phenomenon of 'crooked lawyers'.

JUVENILE AID BUREAU: AN EVALUATION OF POLICE WORK WITH JUVENILES 1970 - 1983

Sally Leivesley

This report provided an evaluation of police work with juveniles 1970 - 1983. The analysis focused on 18,000 records of juveniles who came to the notice of the Juvenile Aid Bureau 1970 - 1980. Recidivism rates were assessed to evaluate the role of Juvenile Aid Bureau contacts with juveniles in relation to reoffending. Juvenile records were searched from the date of first contact with the JAB to 30 June 1980 thereby providing a history of reoffending that ranged from a few months to ten years.

A low recidivism rate was found for the juveniles with only 15 per cent having one or more court charges and of this group only 7.6 per cent were found to have three or more court charges. This finding suggests that the small core group of recidivists was very low in relation to the overall rate of juvenile offending.

An assessment was also made of the pattern of offences and characteristics of juveniles in relation to later offending. This assessment used an earlier internal police study of nearly 4,000 juveniles as well as the records of the 18,000 juveniles.

The recidivism study found a pattern of offending in relation to age. Thirteen and 14 year olds were the most common offenders and there was a decline in offending once the juveniles turned 15 and 16. Juvenile offending appeared to be a problem of children who had gone to high school and for a few short years indulged in anti social behaviour, principally stealing, before maturing and accepting the adult values of respect for property and person. It appears to be a short lived phenomenon requiring a costly expenditure of police and welfare resources. However, the Juvenile Aid Bureau results show that juvenile offending can be well contained without costly court procedures.

Differences in the sex of juvenile offenders were found to be negligible but there were significant differences in reasons for contact as a higher percentage of female offenders were involved in stealing and males had a higher rate of break and enter offences. Females were also much less likely to become hard core recidivists (3 per cent compared to 12 per cent of males). A relationship between reason for the juvenile's first coming to notice and re-offending was found with truancy, assault, and behaviour problems. Stealing showed no later relationship with re-offending.

In addition to the study of juveniles, police officers from within the JAB and other parts of the Force were asked to suggest areas for further development and their replies are tabulated.

The recommendations from the study of juvenile offending covered:

- The development of an administrative model of the JAB.

- Target program giving priority to deployment of officers to schools and commercial areas based on numbers of juveniles aged 12 - 16.

- Administrative planning at the State level for extension of JAB positions to all areas and deployment on the basis of numbers of juveniles aged 12 - 16.

- A juvenile information system using computerisation to reduce officers' time in completing forms, as well as providing central statistical information on juvenile offending.

- Training on juvenile offending to be introduced early in police courses and included within in-service courses so that the philosophy of the JAB is developed throughout the State.

- Internal research programs within the Police Department under guidance of a Research Committee - to provide longitudinal information on the recidivism, and for the development of prevention programs.

TRUANCY AND DELINQUENCY RECONSIDERED*

Garry Coventry
Greg Cornish

Following a grant from the Criminology Research Council in late 1982, the Victorian Institute of Secondary Education conducted a comprehensive study of truancy in Victorian secondary schools which covered the extent, nature, causes and consequences of truant behaviour.

The reports produced from this study raise a number of central issues relevant to both education and social welfare arenas, especially concerning the nature and value of contemporary schooling in the lives of young people.

Truancy, like juvenile delinquency, needs to be recognised as one form of response to the present social context of Australia in which future educational and employment opportunities for young people are constrained. In this regard, adolescent deviance is related to an overtly competitive and selective school system which reinforces for many young people the lack of relevance of their schooling to both their present and future endeavours.

It needs to be recognised that schools and other social institutions have an organisational imperative to respond to 'unconventional' behaviours. To not do so would place at risk the present functions, purposes and structural arrangements of such institutions. For the most part, responses to truancy emphasise the custodial and remedial treatment of the individual truant. These strategies are grounded in perspectives that regard truancy as the result of individual maladjustment and/or a dysfunction of the family. Further, it is commonly asserted that, if unchecked, truant behaviour leads to more serious forms of law violation.

A view that 'today's truant is tomorrow's juvenile delinquent' legitimates individually oriented control practices.

From our research, based on longitudinal data which incorporated school attendance records, self-reported truancy and official criminal justice system records, it is suggested that the control practices presently operating for truancy need refocussing. Longitudinal data, obtained from a representative sample of Victorian secondary school students (N = 2378) from 1980 to 1984, were empirically examined using cross-tabular and path analysis techniques. Some specific findings of these analyses regarding truant behaviour were:

* This paper is based on two research reports, Skipping school: An examination of truancy in Victorian secondary schools (VISE, 1984) and Student Perspectives on Truancy (VISE, 1984).

- truancy was found to be prevalent among secondary school students, with between about 40 and 60 per cent of students engaging in truant behaviour (to varying extents) in any year level;

- for many young people, involvement in truant behaviour was found to be episodic rather than persistent. This was found for students who engaged in all frequencies of truancy;

- for most young people, truancy appears to represent a response to their schooling experiences. Truants were more likely to come from 'custodially-oriented' schools, to hold negative attitudes towards teachers, school and schooling and were less likely to be among the academically successful;

- family characteristics relating to social class and educational support did not appear directly related to engagement in truancy. Further, no gender differences in rates of truancy were found;

- students who truanted were more likely to associate with peers who they regarded as not academically successful, in trouble, truant and/or early school leavers.

Of the original panel, eight per cent were found to have been charged for delinquent offences by August 1983, at which time they were about 17 years of age. Key findings were:

- a direct relationship was found between self-reported truant behaviour and juvenile delinquency, whereas no such relationship was found for the official school measure of truancy;

- the relationship between self-reported truancy and juvenile delinquency was found to be one of association (rather than causal) and both behaviours were related to similar underlying school-related factors;

- students who were attached to trouble-oriented peer groups were more likely to have acquired a police charge for delinquent offences.

The findings of this investigation require us to seriously question the present surveillance, monitoring and control procedures implemented by schools. There are three reasons for this. First, truancy is an episodic occurrence for many young people - even among students who would be classified as very frequent truants - and therefore any strategies based on early identification and diagnosis are suspect. Second, custodial and remedial treatment procedures seem misplaced given that, for many students, truancy seems to be a response to unrewarding and ungratifying schooling experiences. Third, school attendance records were found to vary greatly in terms of completeness and

accuracy. This finding further questions who is actually being identified and subjected to the formal procedures used by schools and other social agencies to deal with truancy.

Truancy is often a response to lowered student status and lowered school commitment (two features of schooling experiences that result from current school organisational and educational practices). Strategies to reduce and prevent truant behaviour should in most instances have explicit reference to these aspects of schooling.

As truancy is a problem which lies within the structure and practices of contemporary schools, prevention strategies as opposed to control practices must be the responsibility of schools. Accordingly, it is argued that the responsibility for addressing truant behaviour should rest with the education system rather than the welfare system.

With respect to juvenile delinquency, there was no evidence to indicate that truants, in general, commit offences while truanting. Further, truancy is neither a sufficient nor necessary cause of delinquency. Both behaviours, however, need to be regarded as manifestations of similar underlying factors. The sources of juvenile delinquency, like truancy, were found from this investigation to centre on the school.

It would seem reasonable, therefore, to suggest that educational reform which minimises the structural and social isolation of young people also holds promise for the prevention of youthful deviance. Rather than targetting remedial or corrective practices on selected individual students, educational change designed to provide opportunities for all students to successfully engage in schooling activities must be a fundamental component of a prevention, as opposed to control, approach. Unless a prevention approach is adopted, social institutions such as schools will find themselves in the role of maintaining, if not increasing, surveillance and control procedures to cope with the problems of truancy and juvenile delinquency.

FEMALE DELINQUENCY: SCHOOL, WORK AND FUTURE

Christine Alder

The research to be discussed here is an ongoing project in which the data collection has just begun. It is intended as an exploratory study of the importance of various aspects of the social world of the adolescent female for her conforming and non-conforming behaviour. The rationale for the study developed from observations: first there is a need to develop our understanding of the social context of female delinquency. This research explores the relevance for female delinquency of school and work experiences, especially as these structure notions of the future.

The second observation that helped frame the research was the apparent emerging pattern of 'marginality' resulting from high levels of youth, including female, unemployment. In the past the world of work and its relevance to female delinquency has been largely ignored. The pervasive assumption has been that the only legitimate goal of any meaning for girls has to do with their future marriage.

The methodology involves in-depth, open-ended interviews with four groups of 10 females. The groups were selected to reflect the lives of young women in different circumstances - recent school leavers; long-term unemployed; school attenders; and youth training centre residents. Questions cover demographic background material, academic performance, participation in school activities, peer involvements inside and outside school, parental attitudes to schooling, work experiences, if unemployed - other activities, plans and expectations for the future, and perceptions of the major problems facing young people.

Today the unemployment rate for teenagers generally is quite high and for girls it is higher than that for boys. Unemployment is increasingly a crucial aspect of the social context in which many young girls find themselves. What does this mean for them? In his Adelaide study, Presdee found many of the unemployed girls he interviewed spoke of the "nothingness" of their lives, their isolation, and the importance to them of the regular visits to the shopping center, where Presdee comments many had been involved in shoplifting.

Certainly the mood which runs through the interviews being conducted for this research with unemployed girls is one of negativity, insecurity, uncertainty and isolation. This is reflected in their responses to questions about the future. As a 21 year old who had been unemployed for 5 years commented:

> I just can't picture myself in the future. I just can't see anything happening. I just, you know, when I think of the future, you know, its blank... I wonder where do I stand? What's going to happen to me?

For others their thoughts about the future were more fatalistic, one young girl replied that when she thinks about the future she worries about:

> When am I going to die. I don't like thinking about that. Now I do. Sometimes I lay in bed and its all dark and I don't know what's going to happen the next day, Like I might end up getting into trouble or something and then end up having a fight ... I think, 'you're going to get killed' or something. I don't know. Just dying.

In their report 'Creating Tomorrow Today' the Youth Affairs Council conclude from their study that the worst problem the young unemployed have to face is the destruction of identity. They are progressively made to feel unimportant, small and useless. This comes out in the interviews I've been doing in their comments on their work experiences and their expectation of future jobs in particular. They know how it feels to be without work:

> You feel a failure when you haven't finished high school, or you don't know where you stand.

They know what it is like to work in some of the jobs they have had to take:

> I ended up in a factory and I hated it. I wasn't getting anything out of it, you know, it was bloody hard work, we used to get treated like shit for very little money which is very depressing.

When asked about the most important thing about having a job, one girl replied:

> to show people - you know - you're looked up to if you work in a shop. If you're on the street everyone thinks you're a piece of shit ... I don't think anyone should be called shit.

At this point in this research it appears that for many young women in our society today we have created a situation which cuts them off from many forms of meaningful involvement. Some of these young people feel the alienation, powerlessness, and hopelessness of their situation. In their report, the Youth Affairs Council suggests that the rejection which some young people feel is expressed through anti-social behaviour, and perhaps we could add self-destructive behaviours, such as heavy drinking, glue sniffing and shoplifting.

Turning to methodological issues, a difficulty to be discussed first is that of getting these young women, especially those not in school, to talk about what tomorrow means for them. Other studies have found that when youngsters are asked questions about the future a high proportion of ambiguous responses are obtained, especially from 'unsuccessful' youngsters. Often, particularly in quantitative studies where a series of fixed alternative responses are available to the subject along with a

category of 'none of the above' or 'I don't know' these categories are barely analysed. Such responses may be classified as a residual category, and even designated as 'Missing data' in the final analysis. But is the response really 'missing' or even 'residual' or perhaps the real issue is that we are not asking the right questions to get at their perceptions of the future, or perhaps their perceptions really are vague - a finding worthy of note.

It is possible that the conception of future held by mainstream adolescents is consistent with adult conceptions. That is, when we ask the questions, we ask them in such a way that they have shared meaning (in the sense discussed by ethnomethodologists) for both the interviewer and the respondent. However, adult constructions of future perceptions may not be consistent with those of young people outside the mainstream. Schutz argues that every day actors in every day scenes assume they share an equivalent and standardised scheme of temporal relations. Researchers make similar assumptions in constructing interviews. But perhaps this assumption is not warranted when the researcher is talking with young people whose experiences place them outside of what have been conventional futures. Even if the young persons' responses do not fit our categories, it doesn't mean that they do not have some conception of their future. Garfinkle suggests we all have some sense of temporality with regard to our 'stream of experiences'. Our challenge as researchers in talking with young people whose conceptions may be quite different to ours, is to enable them to talk about their conception of the temporal relationships of their behaviour without structuring our questions in a way which inhibits this, or elicits responses that misconstrue their conception.

To turn to a second methodological issue. In her chapter 'Interviewing Women' in the book edited by H. Roberts called Doing Feminist Research, Ann Oakley discusses some of the strains in the research role particularly when conducting lengthy, probing interviews regarding personal issues with vulnerable populations. In such interviews the subject may change her conception of the interviewer from that of researcher to some level of confidante/counsellor. This may entail different sets of expectations and responsibilities that do not always mesh neatly with that of researcher. Oakley outlines three dilemmas facing the researcher in this situation - (1) not being able to truly empathise with the person being interviewed; (2) often not being able to provide the sort of practical assistance or constructive advice being sought by the interviewee; (3) and the difficulty of keeping to topics relevant to the research, even when these are very broadly defined. Further, the researcher must be able to deal with situations which the person being interviewed may find embarrassing in a way that protects and preserves the integrity of the person. Such skills need to be developed in students of research, along with an awareness of their responsibilities to the person being interviewed, and a respect for their rights and integrity.

In conclusion let me emphasise that this study is in its early stages and further data analysis may alter some of the

findings. However, at the same time it appears that there are many adolescent females in our society who have been cut off from the institutions which offer others legitimate identities and meaningful lives; these girls may have little reason for conforming to the values of those institutions. Yet in our effort to understand female delinquency we may not have paid enough attention to the importance of their involvement in, and relationship to, such fundamental social institutions as the school and the world of work. And this is not good enough if we want to be able to frame policies to respond to the dilemma and difficulties that face many young women today.

EVALUATION OF THE ABORIGINAL JUSTICE OF THE PEACE SCHEME IN THE NORTH-WEST OF WESTERN AUSTRALIA

Annie Hoddinott

Since the proclamation of the Aboriginal Communities Act 1979, various Aboriginal communities in the North-West of Western Australia have been administering their own justice within the framework of the Act. Basically, the Act makes provision for the independent and responsible management of judicial matters in these Aboriginal communities.

The continuing high rate of Aboriginal representation in West Australian Prisons has been of real concern to the Prisons Department for a number of years. It was determined that the Aboriginal Justice of the Peace Scheme would be investigated to see if it had any influence on the rate of Aboriginal imprisonment.

The research began at La Grange which is located in the Kimberley region of Western Australia. This location was chosen for several reasons. Firstly, it was felt that Aboriginal Justices of the Peace at La Grange, having been responsible for administering their own justice for five years, would be more familiar with some aspects of the evaluation than other communities. Secondly, it was envisaged that Aboriginal Justices of the Peace may be of real value in terms of suggesting possible improvements to the existing system. The La Grange system was compared with the administration of justice at other communities. A multi faceted approach was taken to allow for a wider overview and to illustrate other problem areas. The scheme had not been evaluated since its implementation in 1980.

The research focused on the effectiveness of the existing Aboriginal Justice of the Peace Scheme and addressed problems that have arisen since the implementation of the Act. The evaluation examined the Aboriginal Justice of the Peace Scheme as a whole and also focused on two communities, one participating in the scheme and one operating in the mainstream of European judicial law.

The specific objectives of the evaluation were:

1. Evaluate the communities which use the Aboriginal Justice of the Peace Scheme with regard to:

   a. effect on imprisonment rates;
   b. current use of imprisonment compared with other sanctions;
   c. trends in the type of offences for which people were imprisoned.

2. Evaluate the understanding of the European judicial system and the Aboriginal Justice of the Peace Scheme in participating and non-participating communities.

3. Determine the effect which the operation of the Aboriginal Justice of the Peace scheme has had on traditional Aboriginal Law and culture.

The research was both qualitative and quantitative in approach. The qualitative data included traditional anthropological participant-observation techniques and key and informant interviewing. The quantitative data was collected from court records at Broome and Derby.

Statistics were collected for a seven year period and encompassed seven communities. Variables collected included:

a. date charged;
b. offender identification;
c. offence;
d. date of offence;
e. date heard;
f. plea entered;
g. sanction;
h. whether legally represented;
i. presided by J.P. or Magistrate;
j. whether time to pay was granted;
k. whether the offender was imprisoned on default.

The main value of the research will be to provide information regarding the effectiveness of the Aboriginal Justice of the Peace Scheme and its impact on the rate of imprisonment on participating members. This information will be valuable for assessing policy options and programs to reduce the rate of Aboriginal imprisonment in Western Australia.

Further, conclusions will be drawn regarding the general level of understanding among Aboriginal communities of the Justice of the Peace Scheme and the mainstream of judicial law. An integral element of this is whether tribal law has been strengthened or weakened since the inception of the scheme.

Within this framework, the research will also indicate whether the terms of Aboriginal Communities Act are in fact pertinent or in need of revision.

The field work was conducted in the Kimberley region of Western Australia from July to December 1984. The project was funded by the Criminological Research Council and the Western Australia Prisons Department.

AN ASSESSMENT OF COMMUNITY ATTITUDES TOWARDS A HALF-WAY HOUSE FOR ABORIGINAL EX-OFFENDERS

Ken Rigby

A half-way house for Aboriginal ex-offenders, known as the Karinga Hostel, was established in 1976 in Payneham, a suburb of Adelaide, South Australia. In 1983 the Criminology Research Council sponsored research into its impact upon the community. The inquiry was undertaken on behalf of the Offenders Aid and Rehabilitation Services of South Australia by Dr K. Rigby and Ms M. E. Mune, lecturers at the South Australian Institute of Technology.

As is not uncommon, the initial proposal to set up such a hostel met with opposition. Following an organised compaign, numerous letters of protest (154) were received from nearby residents. In view of this reaction, it was of particular interest to examine the residents' views on the establishment and operation of the hostel some seven years later. A survey was therefore undertaken to elicit opinions from a sample of the original protesters and, for comparison, other residents who had not protested.

A sample of 113 people living close to the Karinga Hostel were interviewed at their homes. Both closed-ended and open-ended questions were employed. Of the respondents, 35 had written letters of protest in 1976. The 'protesters' and the 'non-protesters' interviewed were similar in sex-composition, age distribution, ethnicity and residential proximity to the Karinga Hostel. The protesters claimed to have had slightly more first-hand experience of the Aboriginal inmates of the hostel than did other respondents. Results of the survey indicated that the protesters were significantly more likely to recall having felt personally threatened or fearful on behalf of others than the non-protesters when the hostel was first established. However, by 1983 expressed fears had become significantly reduced, though not in all cases eliminated, among both protesters and non-protesters. The nature of the fears was examined among the minority of respondents who were still worried. Very few of them were able to point to any specific incidents to justify their apprehension. Only a small proportion of the respondents (8-1/2 per cent) believed that the conduct of Karinga residents had been worse than that of most people.

A large proportion (81 per cent) reported that living in Payneham had not become any less pleasant on account of the Karinga Aboriginals. Acceptance of the project appears to have been quite high, and the judgements of the original 'protesters' and 'non-protesters' in 1983 tended to be similar.

Analyses of responses to questions concerning relevant social issues were also undertaken. The idea of half-way houses was supported by a large proportion of the respondents (87 per cent), although there was a widespread belief that

only a small proportion of ex-prisoners could be helped, and that rendering help to Aboriginals constituted a particularly difficult problem. A content analysis of respondents' opinions about Aboriginals suggested that 'racist' views were uncommon. However, many respondents were pessimistic or reflected uncertainty about help that could be provided to improve the lot of Aboriginal people.

The use of a social survey approach in investigating community attitudes may be seen as an important corrective to a dependence upon information provided by 'protesters'. A comparison of current and remembered feelings about a community project, perceived initially by some as threatening, thus demonstrated a shift in community attitudes with the passage of time towards a high degree of acceptance.

STIRLING HOUSE BAIL HOSTEL

Carol Roe

Introduction

In Western Australia in the late 1970s, the Probation Service was aware of Bail Hostels in Britain from literature and from visits by the Under Secretary for Law and a Senior Officer of the Service. It had submitted that a Bail Hostel be opened, which had formed a recommendation in a 'Report on Bail' by the Law Reform Commission of Western Australia dated 13 March 1979.

Two years later, the Government gave the go ahead, and a search was begun for premises. Finally, a site in North Fremantle was chosen, which was in use as a hostel for homeless men, but had started out as a primary school in 1895. After extensive renovations costing $200,000, Stirling House Bail Hostel was born, the first in Australia, and was opened on 19 July 1983 by the Attorney-General.

Although a 100 cell remand centre had been completed at Canning Vale in mid 1980, there was at times an overflow of remand prisoners to Fremantle Prison. The hostel, it was said, would take some of the pressure off.

The Service invited lawyers, members of the judiciary and neighbours to view the hostel. The first resident was admitted on 25 July 1983, but there were few admissions until an article on the opening appeared in the WA Law Society Journal Brief in October 1983, with ten residents being admitted in that month.

Procedures

Courts could now grant bail to suitable defendants on condition that they lived there and complied with the hostel rules. To be able to enforce those rules, the hostel manager was required to go surety for a nominal amount of $1.00. By withdrawing surety, he could have the defendant returned to custody by the police.

In the court setting, the onus was on the defendant or his lawyer to request the court to consider the Bail Hostel option, which request was granted or refused. The next step was to have a probation officer assess whether the defendant was considered suitable. At Central Law Courts were two probation officers whom the Clerk of Court could phone to have one interview the defendant. A 'suitable' or 'not suitable' finding was stated to the court and the magistrate or judge settled the remand question.

Upon approval for release to the hostel, the manager went to the court to sign the surety documents and to transport the defendant to the hostel.

To bring the hostel option to the notice of defendants and lawyers, the Probation Service produced a brochure and the Senior Supervisor (Support Services) who was responsible for the hostel asked welfare officers at the Canning Vale Remand Centre to remind defendants.

On occasion, lawyers asked for a probation officer's assessment without prior consent of the court or the Clerks of Court failed to relay an assessment request to the Probation Service. To counter those omissions, it was intended to introduce a formal notice of request.

To obviate the need for the hostel manager to attend court on surety business, a Bail Act, 1982 provided for breach of hostel rules to be an offence and so subject to police intervention. However, the Act was withdrawn due to cumbersome provisions and had yet to be reinstated.

The staffing situation had drawn complaints over hours of work, salary and contact with head office, with adjustments being made.

The manager and his assistant manager-wife covered a five day week from Friday 9.00 am to Wednesday 9.00 am, and a man relieved three nights a week between 6.00 pm and 12.00 pm. A relieving manager and his assistant manager-wife covered the remaining two days. Each couple had a flat on the premises.

The Senior Supervisor attended the hostel three times a week and a probation officer twice weekly. Residents were required to attend a weekly group on three occasions, which dealt with the topics: the criminal justice system, alcohol and the law, stress management. On the other day, personal counselling, on a self referred basis, was available.

The day began with rousing late sleepers from bed and a cooked breakfast was prepared by the manager's wife. Once chores were done, residents were free to be out until 10.00 pm. Residents wrote in a book whether they would be present for the evening meal.

While a weekly board of $42.00 applied, some residents were allowed a reduction, while others were evasive about payments.

Assessments and Outcomes

From a database, based on the assessment forms completed by probation officers and on the intake and termination forms completed by the hostel manager in the period to January 1, 1985, statistics were extracted.

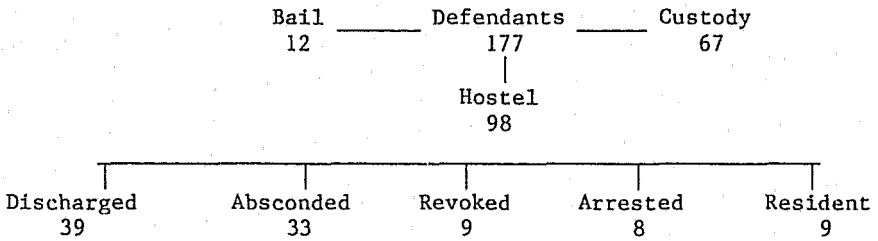
One hundred and eighty two assessments had been made on 177 defendants on suitability for release to the Bail Hostel, as one was assessed four times, and another two, twice. In outcome, 98 offenders made up 102 admissions to the Bail Hostel since four were admitted twice.

On average, eleven defendants were assessed per month, of whom six were admitted. The highest number of assessments within a month was 18 on three occasions and the highest number of admissions were 14 in one month.

Twenty eight magistrates and seven judges had referred at least one defendant for assessment. Four magistrates made over ten referrals, including two who made over 25, compared to an average of three by their colleagues.

An obvious reservation about releasing defendants to the Bail Hostel centred on the number who absconded, which the police stressed.

The outcomes for defendants assessed for the Bail Hostel appear in the diagram.



The second outcome for the four defendants admitted twice appears in the diagram. One third of those admitted had absconded. Nine defendants had bail revoked for non-compliance with hostel rules and police had arrested eight on further charges. Nine were still resident in the Bail Hostel on the night of 31 December 1984.

Stay Details

Length of stay for defendants in the absconder group ranged from zero to 94 days. While fifteen left within eight days, including two on the day of admission and five, the following day, the remainder stayed an average of 45 days or six and a half weeks. Over the three six-monthly periods, the absconding rate, measured as number absconded per 100 bed-days, was 1.15, 1.26 and 0.56. The decline in the absconding rate may reflect improved assessment and management skills.

The average length of stay of discharged defendants was 40 days, yet nine defendants stayed over 100 days. A 24-bed hostel, average daily bed-usage per month ranged from one to eleven, mean and median, seven. As beds were empty, it was decided to admit probationers or parolees in need of short-term accommodation. Since February 1984, fifteen had been admitted, including one, twice; the longest stay was 87 days.

Defendant Details

As many defendants were Eastern States born as were Western Australian born (35 per cent) with 17 per cent born in the U.K. or Ireland. Most were single, unemployed white males. Assessing officers took note of a defendant's charge, criminal record, drug and alcohol use, mental state and attitude towards compliance with hostel rules.

The charge of breaking and entering was the most common major offence recorded against defendants assessed for the Bail Hostel. Of 92 such defendants, 53 were admitted, 34 were remanded in custody and five were granted bail.

Five of ten charged with robbery were admitted. Of 13 charged with assault, nine were admitted. Three of six charged with a sexual offence, including an incest charge, were admitted while the rest, including a rape charge, were remanded in custody.

Nineteen (about 10 per cent) assessed, only two of whom were remanded in custody, had no prior criminal record. Of 67 (38 per cent) who had been to prison, half were remanded in custody. Half of 30 with a drug record were held in custody as were half of 16 with a drug and prison record. Half of 46 with an alcohol offence record were remanded in custody.

At least 70 per cent of those assessed had no surety available and at least 40 per cent had no fixed place of abode.

Ninety per cent were not working, of whom half were reported either as 'labourers' or without an occupation. The next sized group (17 per cent) comprised building tradesmen, followed by the categories catering, general hands, sales and clerical, vehicles and plant, and entertainment.

Forty per cent admitted that their drinking of alcohol 'sometimes caused problems', of whom a third had taken self-action or sought aid. In contrast, three quarters had sought treatment in the group (19 per cent) who had a self-reported physical complaint.

Twenty six defendants claimed some mental distress of whom three-quarters took some action. Twenty three defendants reported illegal drug use, of whom under half had taken steps to curb consumption.

When admitted to the hostel, defendants were asked the following questions:

(a) Would you like to pursue further education?

(b) Do you have anywhere to live when you leave the Bail Hostel?

(c) Are you concerned about any family problems?

(d) Do you have any leisure time activities?

The number of defendants for whom lack of accommodation, of leisure activities and of employment, applied, who had concern for family troubles and expressed interest in further education, taken singly, were:

PROBLEM AREAS	ADMITTED (98)	DISCHARGED (41)	ABSCONDED (31)
Employment	70	28	29
Leisure	36	15	12
Accommodation	25	9	11
Education	20	9	7
Family	14	9	3
Nil	5	2	2
Missing	9	-	-

Note: Two defendants admitted twice to the Bail Hostel were discharged on the first occasion and absconded on the second.

The computer retrieval procedure has included both defendants under discharged cases.

Sentences recorded for 31 of the 39 defendants discharged from the hostel show that 12 were imprisoned, whereas of 16 absconders sentenced out of 33, 12 were also imprisoned.

The breakdown of sentences recorded are as follows :

	TERMINATION STATUS			
SENTENCE	DISCHARGED	ABSCONDED	ELSE	TOTAL
Unconditional Discharge	1	-	-	1
Fine	2	-	-	2
Good Behaviour Bond	1	2	1	4
Probation	9	2	3	14
Probation and CSO	4	-	1	5
Community Service Order	2	-	-	2
Imprisonment - no minimum	5	4	3	12
Imprisonment with minimum	7	8	3	18
	31	16	11	58

Eighteen women were assessed, and ten were admitted (one, twice) of whom five absconded, three were discharged and one was arrested. One who had her bail revoked by the manager for drunken behaviour was re-admitted within a month.

Of 14 Aborigines assessed, seven were admitted of whom four were women. Five of the seven absconded and two were discharged.

A number of residents behaved contrary to the rules relating to alcohol or drug consumption, were mentally disturbed or re-offended and so were returned to custody. Two were injured and another two died. Of the injured a man crashed a stolen car and broke a leg, while the other slashed his wrists with a broken bottle. Of the dead, a woman died from a drug overdose in a van and a man suicided in prison.

CONCLUSIONS

In order to reduce doubts and uncertainties in the minds of decision-makers, the Probation Service has a duty to inform them of procedures and outcomes concerning the Bail Hostel option. Uninformed defendants, lawyers, police and magistrates, it is suspected, have not taken advantage of empty beds in the Bail Hostel. Some defendants can be their own worst enemy and may yet effect closure of the hostel through reckless acts contrary to bail conditions. So far their number has been equalled by defendants who met their bail undertakings. Working relationships between staff of courts, police and the Service have been formed. The police had access to the hostel to the extent of a forewarned drug raid and have been called to handle violent incidents between residents or self-directed ones.

The Probation Service with eighteen months hindsight, remains committed to giving screened defendants a chance to await their court hearings away from the confines of a prison remand centre and its predatory inmates.

For 1983/84, the cost of 2024 bed-days was $55,000 including salaries and running expenses, of which $7,600 was recouped from board payments. At $23.40 per day per resident, it was cheaper than the remand centre cost of $65.00 per day per inmate.

'CAPITAL PUNISHMENT': THE PRIVATISATION OF VIOLENCE AGAINST WOMEN IN CANBERRA

Suzanne Hatty
Rosemary Knight

Violence perpetrated by a male against a female sexual partner, usually labelled 'domestic violence', particularly if it occurs in the private domain, has been described as 'a crime of momentous proportion'. Indeed, the social cost of this physical abuse is exorbitant for both those directly affected, and for those whose involvement is marginal.

It is important to recognise that violent acts directed at a female partner should not be conceptualised as distinct from physical aggression inflicted by a male beyond the sphere of the family. There is no doubt that the structural inequalities inherent in society promote the use of intersexual violence. Indeed, the systematic use of violence against women may be viewed as a form of social control. Psychological studies of the aggressor confirm that these men are highly likely to be dominant and sexually possessive in the relationship with their partner. Often, this stance assumes the proportions of pathology. Also, the professed police reluctance to intervene in a 'private' transaction is consistent with a belief in the concept of women as the perpetrators' property. Members of the judiciary manifest a similar reticence to process offenders who commit violent acts against a female partner, especially if the latter is a spouse.

Although there has been a proliferation of theories seeking to account for the genesis, maintenance and distribution of male violence against a female partner, three models appear to dominate the literature. These may be sequentially described as the attitudinal, behavioural and sociodemographic accounts. The first of these focusses upon the psychological characteristics of the male aggressor and the female victim as interpreted within the pattern of violence displayed (mental and physical abuse). The second model incorporates an examination of the behaviour of the participants, particularly as this reflects the dynamics inherent in the relationship and is translated into contact with external agencies. The third model emphasises the importance of sociodemographic variables in the enactment of violence against a female partner.

The current study was commissioned by the Australian Law Reform Commission (domestic violence reference) as an adjunct to the investigation of current legislation in the ACT (1984). A detailed questionnaire was constructed in an attempt to gather as much information as possible about the occurrence of violence in the ACT. In addition, the questionnaire was designed to maximise the possibility of the comparability of results between various Australian jurisdictions.

Victims' responses were analysed using, firstly, descriptive statistics and, secondly, logistic regression analysis. Employing the latter technique, the three models outlined above were fitted on a priori theoretical grounds; the predictive power of each model was assessed. The regression analysis indicated that the probability of violence occurring within a recent time-frame was a function of victim's marital status, type of violence inflicted and the degree to which the victim sought police intervention and medical treatment. Analysis of the data utilising descriptive statistics confirmed trends already evident in the literature, for example, the finding that the violence is both frequent and long-term in nature. In addition, it was found that there was victim conflict concerning police intervention, and a tendency to dissatisfaction with police response when such intervention occurred. In contradistinction to some of the literature, it was found that the occurrence of violence directed at a female partner was not related to low sociodemographic status. However, a central finding to emerge concerned the victim's negative emotional reaction to the lack of public acknowledgement given to the phenomenon of intersexual abuse in the private domain. The women experienced an increased degree of victimisation in the absence of open dialogue; one woman stated:

> Canberra is like a small town; someone always knows someone else who knows you or your family. I'm afraid that if anything is said, or help sought, it could affect my husband's career. Then everyone suffers.

DOMESTIC VIOLENCE AND THE LAW IN SOUTH AUSTRALIA

Ngaire Naffin

In tune with the theme of this seminar my paper addresses problems of method arising from a piece of criminological research. It illustrates some typical hazards encountered by criminologists who adopt interview and survey techniques. Some of these difficulties have commonly caused students of crime to focus their attention on institutional sources, producing a criminology from above rather than below. That is to say, the perceptions of those employed within the criminal justice process, rather than those for whom the laws are designed, have tended to predominate.

The subject of my enquiry was South Australia's domestic violence laws. It was pursued under the auspices of the Women's Adviser to the Premier with a grant from the Criminology Research Council.

The task I was set by the Women's Adviser was to design and conduct a research project to determine the effectiveness of the law. I was required to complete the project in about eight months - the period for which I could expect to be funded by the Criminology Research Council. By then I was to produce both an assessment of the law in terms of its ability to restrain violent spouses, as well as some practical policy suggestions for improving either the substantive law or legal procedures, which would be submitted to the Premier and to the Attorney-General.

The law I was to evaluate was a 1982 amendment to S.99 of South Australia's Justices Act. Until June 1982, a victim of domestic violence seeking the legal restraint of her assailant was required to take out a court order requiring that person to keep the peace. Upon the breach of that order, the victim was unable to call on police for assistance to enforce the order but was bound instead to return to court and complain of contempt. The experience of welfare workers and of legal practitioners with women employing this 'peace complaint' system was that victims of violence frequently became disheartened by the inability of police to act once they were in possession of an order, with the end result that they no longer considered it worthwhile seeking legal redress.

With a view to simplifying this procedure by eliminating a major step - from the complaint of the victim to the intervention of police - S.99 was amended in June 1982. Under the new law, once a restraining order is granted, any breach of the conditions of that order (for example to keep away from the complainant or not to telephone her) gives rise to a police power to arrest the respondent without a warrant. The court may then sentence a person found guilty of such a breach for a prison term of up to six months.

The principal task of my study of S.99 was to determine whether restraining orders work. Do they act as a deterrent to

the violent spouse? And do they represent the best legal approach to domestic violence? With the location of the study in the Women's Adviser's Office, the particular concern was whether the orders are an effective means of protecting women from violent de facto and lawful spouses.

At the time of designing the research model, the only available statistics on restraining orders were those provided by the S.A. Police Department. The Department collated some basic data on the orders: the number issued and confirmed by Magistrates as well as the number withdrawn and breached. Although the statistics gave a general indication of patterns in the use of the legislation, they gave no insight into whether the users of the law - the victims of domestic violence - regarded it as satisfactory. Police statistics failed to answer a host of interesting questions. For example, when does the victim of domestic violence consider it appropriate to invoke the law? When does she choose to withdraw her complaint? What sort of pressures does she experience to refrain from taking legal action? And most importantly, for the purposes of the study, when she does manage to obtain a court order against her assailant, does she regard it as effective? No amount of statistical analysis of the number and type of orders processed by the courts and the police would provide answers to the questions. These insights are peculiarly those of the victim. They require her to give her point of view - to say whether the law meets her needs.

The original research design adopted a purely ethnographic approach. The idea was to conduct intensive interviews of women using the law to obtain their case history, as well as a step-by-step description of their encounters with the legal system. More specifically, the plan was to approach applicants for orders at the Magistrates Court and obtain an account of their experiences of domestic violence, their decision to take legal action against the violent spouse and their assessment of the police and the court processes up to that point. Two months later this sample was to be contacted again. The subjects were to be asked about the impact of the order on the behaviour of their spouse during the intervening period. They would also be asked for their evaluation of the police and of the courts should they have elected to report any breaches of the order.

During the first few weeks of the project I conducted open-ended interviews with members of South Australia's Domestic Violence Committee - a diverse group, including lawyers, welfare workers and police, whose common task is the provision of services to the domestic violence victim. The purpose of these interviews was to elicit criticisms of the proposed research model and to receive suggestions for its improvement. These interviews revealed the limitations of a study relying exclusively on individual users of the law who would possess an appreciation of only their case and who would lack an historical perspective.

As a consequence of these pilot interviews I decided to employ two sets of data: opinion evidence of professional persons working directly with the law, as well as individual case studies of applicants. The set of professional opinions finally sought

represented an attempt to provide a comprehensive range of views of the law. It comprised domestic violence counsellors, family lawyers and police patrol officers enforcing S.99.

The first methodological problem arose in obtaining a sample of applicants for orders from the Magistrates Court. As the sole person employed on the project I was obliged to limit my catchment area to only one court. I chose the Adelaide Magistrates Court. Even though the sampling area was confined I found I was unable to overcome all the practical problems associated with obtaining detailed stories from victims being processed by a busy court engaged in the day's general matters. To explain the major difficulty, applicants for orders tended to be listed at the end of the day's sessions and the hearings kept brief. This meant that an entire day's sample would become available within about a 15 minute period. As I could expect interviews to take about an hour I necessarily lost from my sample all but the first applicant. Accordingly a trivial practical problem ensured that I could not gather a sufficiently large sample within the time allotted.

To cut my losses I devised and implemented two alternative methods of obtaining users of the law. The first method was suggested by South Australia's Crisis Care Unit - a mobile emergency counselling service for people in crisis. Over a one month period all of the 15 Crisis Care counsellors asked all their clients complaining of domestic violence to participate in a survey on the law. A second supplementary method of obtaining a sample of users was the administration in person and by post of questionnaires to women residing in South Australia's eleven shelters.

Unfortunately these alternative surveys generated their own problems. After the one month sampling period, the Crisis Care Unit produced a list of eighteen women willing to participate in the survey. When an endeavour was made to contact these women, several could not be located, a number of others were unwilling to speak in front of other members of the household and then were never home alone, while others indicated that they now found the idea of an interview distressing. In the end, only six women agreed to be interviewed.

Even further problems arose with the final six women who agreed to be interviewed. Although all these women had endeavoured to obtain a restraining order, not all had succeeded. Of those who had, all chose to have their order revoked at a later date. This meant that none had experienced all stages of the restraining order process: from first contact with the police to the arrest of the offender for breach of an order.

More success was achieved with the sample of women staying in shelters. Sixteen women sent in completed questionnaires which provided a better range of subjects in the sense that there were examples of women who had experienced every stage of the legal process. However the administration of questionnaires by post, in order to reach women in shelters throughout the State, resulted in a number of sketchy responses.

The study proceeded more smoothly when it came to the administration of questionnaires about the value of orders to the samples of professionals. It was most successful with the police and least successful with private legal practitioners. To obtain one of my samples of lawyers I approached the professional body representing the interests of lawyers in South Australia - the Law Society. I addressed a meeting of its Committee of Family Lawyers and then distributed over 100 questionnaires to its members. Only 11 members responded.

The police survey was organised with the assistance of the Police Department. A questionnaire was submitted to, and vetted by, the Department's Research Committee. Then with the assistance of police training officers I attended meetings of police changing shift at three patrol bases. There I was given an opportunity to address patrol officers in person, explain the survey and receive any additional comments not directly elicited by the questionnaire. About fifty questionnaires were completed in this manner.

Reflecting on the survey and its various successes and failures overall, the final set of samples employed could be criticised for being institutionally top heavy, with too small a say from the persons for whom the law was designed who were the real subjects of interest. In this sense the study proved to be a very typical piece of criminological research demonstrating some standard research problems of the criminologist which tend to produce a criminology from above rather than below. With captive and large samples of paid police, the study had magnificent access to the institutional police view which it duly received and documented. On the other hand, the natural reticence of victims to come forward and recount their victimisation to further agents of officialdom - in the form of the various surveys attempted here - ensured that their voices, the voices from below, were less audible.

DOMESTIC VIOLENCE

Vicki Jacobs

A three month study on domestic violence, based upon reports to police, was conducted by the South Australian Police Department to identify and examine the extent of domestic violence in the State, and to identify and examine the police involvement in domestic violence situations.

This study was divided into two parts. The first being a three month survey using information collected on a departmental domestic violence report form (D.V.R.), and the second a three month survey of police patrolmen's log sheets for each tour of duty in two of Adelaide's metropolitan police sectors. The three month survey period was from 16 February 1984 to 11 May 1984.

The results from the first part of this study provide a brief biographical and demographic insight into domestic violence in this State.

During the period 710 D.V.R. forms were completed and the information was analysed. Incidents of domestic violence generally occurred on weekends between the hours of 6 p.m. and 1 a.m.

It was found that complainants were typically female, married, engaged in home duties and aged between 21 years and 40 years. The offenders were generally male, between the ages of 21 years and 40 years. Where they were employed, the majority worked in the tradesman areas. The greatest proportion of the male offenders were married. The majority of both the complainants and offenders were Australian born and of a white racial appearance. There were, however, a noteworthy number with Aboriginal appearance.

Weapons were not generally used in the disturbances and injuries occurred in the minority of situations. A number of the complainants however received minor injuries and suffered mental stress from the abuse. Alcohol proved to be a problem in domestic violence situations as almost half the situations assessed had alcohol as a contributing factor.

In the country areas of the State most incidents of domestic violence occurred in the larger country towns. The northern, western coastal and southern areas were highlighted as having the highest number of incidents of domestic violence in the Adelaide metropolitan area. On a suburb breakdown, the areas with a relatively high incidence of domestic violence were defined more succinctly.

The second part of this study assessed the police role in domestic violence situations. On the whole the police patrols who attended domestic violence situations did not appear to be

carrying out their duties effectively. In many situations it appeared that departmental instructions were not adhered to by patrols regarding correct documentation of the situation attended and insufficient supervision of patrols did not correct this situation.

Other than tightening up the departmental procedures about domestic violence, improved and continually reinforced training is needed on the interpersonal problems involved with domestic violence situations, for all police officers concerned, if they are to continue responding to domestic violence calls.

Further collection and analysis of information obtained on the departmental domestic violence report form is required in order to attempt to build a complete picture of domestic violence reported to police within the State.

POLICE TRAINING IN DOMESTIC CRISIS INTERVENTION

Mara Olekalns

Although there has been much debate as to whether police should become involved in domestic crisis intervention, it is unlikely that, in the forseeable future, the law enforcement officer's role will change. This paper, therefore, looks at the degree to which police officers should become involved in crisis resolution. It is argued that involvement should be restricted to defusion of the situation and referral to appropriate welfare services. Given this, a model for the type of training police should receive in crisis intervention is outlined. This model is set within the broader context of the welfare back-up which such training would require, and the need for involvement of professional welfare workers. Finally, a number of criteria for evaluating any such training program are discussed.

THE ANALYSIS OF CRIMINAL JUSTICE POLICY: A GENERAL SYSTEMS APPLICATION

Jim Munro

There are two basic dilemmas in criminal justice policy research which need to be systematically addressed. The first dilemma involves the closed versus open perspective on organisations. A closed system perspective establishes easily understood boundaries. Unfortunately, the boundaries are so arbitrary that the reality of policy making is lost through their establishment. The open system view is much more accurate, but frequently leaves the researcher in a position of having to 'know everything about everything', a difficult posture for most empirically based scientists to either obtain or maintain. The dilemma then is this: how does one establish reality-based boundaries for studying public policy formulation without diffusing the researcher's efforts to such an extent that research specificity is lost?

The second major policy dilemma is that of the structural-legal versus behavioural determinants of policy. Constitutional bases, statutory provisions, and agency based rules and regulations are the stuff out of which criminal justice policy is made. This structural-legal approach, although long since abandoned by the mainstream of political science, is still the dominant strategy employed in criminal justice policy analysis. Criminal justice researchers are only now beginning to discover what political scientists have known for the past two decades, that is, behavioural determinants may be equally important or, in some instances, more important, in the creation and execution of policy than mere legal provisions.

This paper proposes a methodological marriage between these two approaches so that structural and legal policy determinants are viewed within a behavioural context. It is maintained that general systems theory allows substantive and managerial concerns to be examined in an integrated fashion. The outline of a research project, employing this strategy, is presented.

POLICE SELECTION AND PERFORMANCE EVALUATION

Stephen James

Introduction

Our increasing knowledge of the complexity and diversity of contemporary policing has highlighted a range of problematic topics within police management which have been insufficiently researched and understood. How one rank-orders these problems is a matter of perspective, but a strong case can be made that personnel evaluation decisions should rank high, both in terms of their importance to the management of police organisations, and because of the lack of systematic knowledge we have concerning their legitimacy and effectiveness. It is a simplification to assert that an organisation's capabilities depend directly upon the qualities of the personnel who perform that organisation's duties. Many other factors impinge upon the totality of a police department's operations. Nevertheless it is obvious that the nature of policing is determined in large part by the nature of police personnel. And in turn the nature of police personnel is determined in large part by management decisions regarding who should be accepted for police duties.

In a sense, selection decision-making imprints upon the police organisation the broad personnel features which characterise a police department. Selection decisions thus reflect the self-image of the department, in terms of those characteristics considered necessary for general police work. On the other hand, performance evaluation reflects the department's conception of appropriate characteristics for particular police duties. Such evaluation represents the transition from a general and rather abstract notion of police suitability to one concerned with the specific operationalisation of police roles. The two procedures, selection and performance evaluation, are conceptually linked, but are usually conducted in different ways under different parameters.

There are two broad questions which should be addressed to these decision systems: 'how do they work?' and 'how well do they work?'. Neither of these questions is straightforward, especially the second, but the answers should be considered vital to management. The writer's work over the last few years has been an attempt to unravel these answers in a necessarily limited but hopefully informative manner.

Aims

The aims of the research are concerned with identifying consistencies in both selection and performance evaluation decision-making, and then identifying consistencies between these two forms of decision-making. This strategy provides a series of answers to questions of 'how things work'. In addition, it helps provide limited answers to questions of 'how well things work' on

two levels. On the first level, the absence of identifiable consistencies in either decision-making system must be considered a debit point against effectiveness. On the second level, the absence of identifiable consistency between the two decision-making systems must reflect upon either or both systems, if we accept the premise that selection decisions ought to be anchored in conceptions of appropriate performance.

As interesting and as relevant as the answers to these questions might be, the above strategy as it stands lacks an external reference point by which we can judge the broader relevance of personnel decision-making. Such a reference point is notoriously difficult to come by in police research, given the diversity of policy functions and the lack of effective indices of police performance. However, given that conceptions of 'character' and 'behaviour' play so large a part in such key decision-making systems as selection interview ratings and performance ratings by superiors, it seems reasonable to adopt as a reference index an independent measure of 'what a person is like'. A standard personality assessment device is one such appropriate measure.

The Study

The present study involves the longitudinal investigation of two samples of police recruits inducted into the Victoria Police in 1978 and 1980 respectively. Both samples were drawn from larger samples of recruit applicants. All applicants within the sampling periods were administered the California Psychological Inventory (CPI), which plays no part in selection decisions. The 1978 sample contains approximately 200 successful recruits from 500 applicants, while the 1980 sample, which was drawn as a validation sample, contains approximately 50 successful recruits from 170 applicants. In addition to CPI data, biographical, selection and performance evaluation data are available for the samples.

Work to Date

Consistencies (and inconsistencies) have been identified in the selection procedures for the 1978 sample. This material has been reported at length in the writer's M.A. thesis, and selected aspects appear in a recent journal article.

I am currently involved in analysing the data from the validation sample, and intend in the near future to begin on the performance data for both samples.

SHOOTINGS OF POLICE OFFICERS

Bruce Swanton

According to admittedly indifferent Interpol data,[1] Australia, while not the most dangerous terrain in the world for public security officials, is far from being the safest. Popular sentiment among street police officers in the eastern states is certainly consistent with that view, feeling the workplace is tough and getting tougher. Among those dangers faced is that of being shot.

Such views require objective examination.

My remarks today comprise a very brief statistical description of police officer shootings within Australia, together with comments on those data and some views concerning further research. The data described were collected in the course of a comprehensive study of shootings and bombings of police officers.

Description

During the period 1964 to 1983 inclusive, a total of 88 shootings of police officers qua police officers occurred in all mainland states and Northern Territory. The annual average of such shootings was 4.40 and the 20 year rate per 100,000 police officers was 9.58. Data do not indicate a significant increase in the shooting rate during recent years. Although there was only one year in which no shooting occurred, the number of shootings in any one year, mercifully, was never great; a fact which happily confines statistical treatment to simple description. Frequencies ranged between one and ten per year. Seventy one (80.7 per cent) shootings were non-fatal and 17 (19.3 per cent) were fatal. Similarly, 71 (80.7 per cent) of the shot officers were uniformed and 17 (19.3 per cent) were either plain clothes or criminal investigation branch officers. Forty-eight (55 per cent) shootings were by means of rifle, 22 (25 per cent) were by shotgun and the remaining 18 (20 per cent) shootings were by handgun. Three officers were shot with their own weapons, ie, two by pistol and one by rifle. Twenty-eight (39 per cent) shootings occurred between 9 pm and 3 am, 18 (25 per cent) occurred between 3 pm and 9 pm, 17 (24 per cent) occurred between 9 am and 3 pm and, eight only took place between 3 am and 9 am. Percentages relate to the 71 cases in respect of which times are known. Twenty-six (30 per cent) shootings occurred in relation to disturbance calls, of which 'domestics' are a subset. Making certain assumptions, it seems domestic disturbances accounted for about ten (11 per cent) shootings. Attempt arrest associated with 14 cases (16 per cent) and burglary related calls with eleven (13 per cent).

---

1. 1982. ZUNNO FA, LESTER David. 'The Risk of Murder for Police'. International Criminal Police Review, #354 (Jan):6-8

Officers possessing between three and seven years service inclusive appeared to be at greatest risk from shooting, being mostly in the age group 26 to 38 years inclusive.

Viewing these data by jurisdiction, we find Victoria Police experienced the largest number of shootings, 31, over the period; although not the greatest number of officers killed. New South Wales Police ranked second with 29 shootings and Western Australia followed with eleven. South Australia Police and Queensland Police experienced six shootings each, while Northern Territory Police sustained five shootings. Neither South Australia Police nor Northern Territory Police suffered an officer killed.

In terms of shootings per 100,000 of sworn agency strength, Northern Territory Police (71.59) experienced the highest rate. Western Australia (27.87) ranked second with Victoria (25.70) third. New South Wales (18.25) and South Australia (12.71) came fourth and fifth respectively. Queensland (8.73) ranked lowest but sustained three fatalities. In terms of killed to wounded officers, Queensland rated least well with a 1:1 ratio. See Table 1.

TABLE 1

POLICE OFFICER SHOOTINGS: AGENCY BY TOTAL SHOOTINGS BY HOMICIDES BY WOUNDINGS BY KILL/WOUNDING RATIO, 1964-1983

Item	NSW	V	Q	WA	SA	NT	TOTAL
total shot	29	31	6	11	6	5	88
ann av	1.45	1.55	0.30	0.55	0.30	0.25	4.40
rate 100,000	18.25	25.70	8.73	27.87	12.71	71.59	19.91
total hom	9	3	3	3	0	0	18
ann av	0.45	0.15	0.15	0.15	0.10	0.00	0.90
rate 100,000	5.66	2.49	4.37	7.60	0.00	0.00	4.07
total wound	20	28	3	8	6	5	70
ann av	1.00	1.40	0.15	0.40	0.30	0.25	3.50
rate 100,000	12.59	23.21	4.37	20.26	12.71	71.59	15.84
k/w ratio	1:2.22	1:9.33	1:1	1:2.7	-	-	1:3.89

Contrary to general American experience but consistent with the general Canadian experience, 31 (35 per cent) of shot officers were not in company with other police officers at the time of their shooting. Fifty-seven (65 per cent) shootings occurred when officers were in company, however.

The mercifully few frequencies, as already mentioned, inhibit statistical analysis. Correlations of shootings with factors such as forcible felonies, offences against the person, male population

16 - 25 years, unemployed males 19 - 60 old, motor vehicle registrations, police strengths and police expenditure, etc, are therefore contra indicated. Even so, this broad description is not without value as it does at least permit officers, as well as their managers and trainers, to assess at least one threat to their safety in impartial terms. Also, it provides bases for hypotheses which can be tested both prospectively and comparatively.

Fuller descriptions of these and related phenomena are available in Descriptions Of Police Officer Homicides & Woundings 1964 - 1983, to be published shortly by the Institute.

Data

As all researchers are aware, data - whether quantitative or qualitative - are never straight forward.

Comments on the present data set include:

* incomplete data collections, mostly with regard to time, impaired the study

* not all homicides or woundings were caused by firearms; bombings, a knife and a car were also responsible. Thus, only part of the picture is presented by a concentration on firearms

* actual hits, quite apart from consideration of the fortuitous nature of the difference between firearm induced woundings and killings, fail to present the full picture. A more accurate approach (notionally, at least) would be to use shots fired data, which unfortunately are not available in sufficient quantity

* one officer was shot twice, firstly wounded and then killed. Thus, shooting events do not equate precisely with number of persons shot. Also, there were cases in which more than one officer was shot in the course of one event. In one case, a single round shot two officers

* the categories adopted in relation to shooting situations, i.e.:

  Situation:

  DK

  Disturbance call, domestic, man with gun, ejection, siege, etc

  Burglary, alarm, prowler, breaking in progress, pursuing associated suspect(s)

  Robbery in progress, pursuing robbery suspect(s)

  Attempting arrest (excl burglary and robbery as above)

Handling, transporting, custody of prisoner(s)

Investigating suspicious circ, incl covert surveillance, searching premises

Ambush (entrapment and premeditation)

Spontaneous and/or unprovoked attack, excl psychotic

Mentally deranged

Traffic pursuit and stop, incl road block

Searching for escapee and/or offender

are based on the classification employed by the FBI in its LEOK series. Unfortunately, categories are not all exclusive and, in any case, some grouped circumstances require separating. A fresh classification is necessary, although I recognise it will be a difficult task. Any revised situational classification will need to pay heed to international considerations, such as whether the interaction was officer initiated.

Further research

The small number of police officer shooting frequencies suggest further research:

* be based on detailed case studies of shootings

* be extended to include other serious forms of violence

Although data collection in respect of such violence has improved in some police agencies in recent years, there is still a need in my view to view serious assaults far more seriously. All shootings, whether or not there is a strike, should be thoroughly investigated not only in terms of the requirements of criminal investigation but also with regard to officer survival instruction. Naturally, all such studies should be forwarded to the various academies in order that officer survival specialists can refine training content.

LAW AND ORDER FOR CANADA'S INDIGENOUS PEOPLE

Paul Havemann

This report, prepared for the federal Ministry of the Solicitor General, provides a critical assessment of available Canadian research literature (generally 1972-1983) describing the impact of selected components of the criminal justice system upon Indigenous people in Canada. Explanations for the over-involvement of Indigenous people at key junctures in the criminal process and the proposed solutions to these problems are scrutinised.

Contrary to the assumptions explicit in much of the literature, these reviewers assume that the over-representation of Indigenous peoples throughout the criminal justice system is the inevitable consequence of colonisation and underdevelopment. Policy in Canada must, the review argues, address itself to the macro-level of socio-economic planning rather than attempt to reduce over-involvement by adjustments simply at the micro-level of service delivery systems and programs.

From this perspective, the research on the dimensions of law enforecement and the problem of discriminatory policing are evaluated in terms of solutions commonly practised in Canada: cross-cultural education of police, legal education of Indigenous peoples, and indigenisation of rural policing. Research on the criminal court process is also examined to critique the array of factors which are offered to explain Indigenous over-involvement in this sphere: the inadequacy of legal representation, the mystification of court processes and language, and judicial discretion. Literature on legal services to Indigenous people, the indigenisation of legal training and adjudication processes, and the development of tribal courts and courtworkers services are all examined. The review also looks at the research on over-representation in prison and explanations for this phenomenon, including the findings on judicial bias in sentencing, the importance of fine defaulting, and attempts to indigenise correctional programs. Finally, the report identifies gaps in existing research and consequent policy implications for discriminatory laws, for police discretion, for legal services, and for decision-makers who influence the nature of correctional dispositions for Indigenous offenders.

EVALUATING DRUG ENFORCEMENT STRATEGIES

Grant Wardlaw

Much of the current effort to control the use of illegal drugs is conceptualised in terms of a war analogy. The 'war on drugs' is in full swing. It is a 'war' in which an 'all out battle against the drug menace' is expected by many to eliminate or substantially reduce the non-medical use of drugs (or, more accurately, of a small group of drugs, foremost amongst which are heroin and cocaine, and to a lesser extent cannabis). Drug squads are seen as the 'frontline': in the 'fight' against the drug 'enemy' (where the enemy is either the user, the pusher, the major trafficker, or all three).

The essence of the battle plan in the drug war is that the enemy can be defeated if only the army is powerful enough. The military analogy, having been widely accepted as apt, has been mobilised in the form of demands for more enforcement 'weapons'. Drug squads are increasing in size, resources and powers. More and more money, time and expertise are being poured into drug enforcement. Harsher laws with stiffer penalities have been made in recent times. We have succeeded in prosecuting and gaoling some significant participants in the drug trafficking business. A number of apparently important drug networks have been destroyed or seriously disrupted.

We are left with a major problem, however. Even with such resources, and with such increased powers and penalties, the evidence is overwhelming that a law enforcement approach to drug use control has not succeeded in effectively diminishing the availability and use of illicit drugs. Malaysia has a mandatory death penalty for major drug traffickers. Since the law was introduced, 29 heroin dealers have been executed and a further 35 await execution. Over 200 drug pushers are serving life sentences. Yet drug abuse has increased dramatically over the same period and is now at an all-time high. There are 101,000 registered drug addicts in Malaysia, with estimates of the total addict population generally agreeing on a figure of about half a million (in a total general population of slightly more than 15 million). There is not one example of a western democratic country which has achieved a major long-term reduction in illicit drug trafficking or use by concentrating on drug enforcement. Even in those countries with the most comprehensive and sophisticated drug enforcement programs, drugs continue to flow over their borders and there is no evidence of a diminution of demand for them.

In view of this seemingly massive failure of the enforcement approach to drug control we have to ask ourselves the obvious question: 'Do (or can) any of the major drug enforcement strategies have any significant impact on illegal drug use?' The proposed study will address itself to this question by examining the context within which enforcement rationales must operate and

studying in depth the several major enforcement options and how they work in practice. The options studied will include:

(1) International co-operation in drug control, especially efforts to reduce foreign crop reduction.

(2) Increased concentration on interdiction of drug imports at or before the customs barrier.

(3) Increases in domestic drug enforcement, including consideration of different targetting strategies.

(4) Increased penalties for drug trafficking, including consideration and seizure of assets.

These and other options will be evaluated to determine what impact on the drug market they would have if increased resources were devoted to them or if resources were switched from one option to another. An analysis of the features of markets for different illegal drugs (eg., heroin, cocaine, cannabis, hallucinogens) will be included in an attempt to discover whether or not certain strategies may be effective with particular drugs. The study will include a detailed description of the rationales, policies and strategies involved in drug enforcement in Australia.

Clearly, the largest problem facing this study is that of how to evaluate the enforcement options. There are serious difficulties in measuring how well enforcement is doing. The traditional measure upon which great emphasis has been placed is quantity of drugs seized. Often this has led to huge and often contradictory estimates of the 'street value' of the seizure. Even though these estimates still have come currency, police now focus on other measures of the effectiveness and efficiency of their operations. The two favourite measures at present are purity levels (or price/purity data) and convictions of major drug traffickers. But do those measures really tell us what impact enforcement is having on the illicit market, or are they just indicators of police productivity? In fact, they may not even be good indicators of productivity. Price and purity are generally a product of inflation and available supply. But since law enforcement is only one of the factors influencing supply, we can often draw only tentative conclusions about law enforcement effectiveness from information on purity levels. If looked at merely in terms of productivity, purity data can also be pretty depressing. After all, in spite of increased police activity and of larger than usual drug seizures, Australian price and purity indicators are relatively stable. Does this mean that enforcement measures are having no real impact on the drug market whatsoever?

What, then, of using the number of high-level drug offenders convicted as a measure of effectiveness? Surely this measures some real gains if the number of convictions goes up? While it is true that trying to secure the conviction of high-level dealers represents a focussed and logical law enforcement tactic, it is a tactic that may have its own drawbacks. First, it requires very large inputs of human, organisational and financial

resources. By any criterion, the mounting of a major operation against a high-level target is extremely costly, may last a long period of time, and, for all the effort and resources expended, may not result in a case that can be prosecuted successfully. Even with a successful prosecution, the results in terms of effect on the drug market may be only minimal or transitory.

In terms of drug trafficking organisations, personnel - even the key ones - can be replaced, networks can be rebuilt, and new countermeasures devised. Granted there will be some disruption. But two things must be borne in mind. In the first place, because of the structure of most drug markets, the elimination of a major supplier or importer is not likely to affect adversely supply in the medium to long term. There are plenty of other organisations or individuals able to fill the gap. Second, the consequence of targetting one major organisation may be to enhance the power of alternative organisations.

These examples typify some of the problems involved in trying to assess the impact of enforcement options.

HEROIN USE AND CRIME - THE PROBLEMS OF METHODOLOGY

Ian Dobinson

The study of heroin use and crime is confounded by unique methodological problems. Although such studies are in their infancy in Australia, much can be learned from the US experiences, especially with regard to the errors made by researchers in that country.

The two areas that relate not only to such errors but also to the main methodological problems are:

(1) the measurement of usage behaviour and criminality; and

(2) the relating of findings to an overall user population.

Methodological Problems

When looking at research done overseas, it is first noticed that there is a complete lack of consistent conceptual definitions and measurement devices. Such a situation has made the comparison of studies difficult if not impossible.

The most common method used to collect the data in the study of drug use and crime has been self-report, through face to face interviewing. Accordingly, such data is initially subject to the limitations of memory recall, the willingness of the subject to divulge truthful information and the operation of expectancy biases within the context of the interview.

The use of official records appears to be subject to many more restrictions. Besides those problems affected by police administrative policy, manpower levels and investigative efficiency, such records tell you little about an individual's actual criminality.

Other more specific problems relate to the measurement of use and associated behaviour, and the measurement of criminality.

Another problem encountered is that of sampling. The concession often not made by researchers is that the sample chosen is the subject of many biases and that such biases will affect the results. The study recently completed by the Bureau used as its sample incarcerated property offenders. Such a sample is subject to many biases. Prisoners, it may be said, are more liable to detection and apprehension due to the existence of prior records. Their involvement in excessive amounts of crime may also make them more visible to police and therefore more likely to be arrested. This may be particularly true for drug using property offenders. In addition captive samples are dependent, and hence biased by, the relative efficiency of police agencies and the exercise of discretion by police officers. Most importantly it must be conceded that such a sample is not representative of active users.

Subjects drawn from treatment programs, however, are also not necessarily representative of active users. The present Bureau study found that nearly half of those defined as regular users of heroin had never sought any form of treatment during their use careers. Gould (1974) also highlighted the problem of 'expectancy biases' when using treatment samples. He suggested that the demand operating on an individual trying to get into treatment programs at the time of their first interview, was to exaggerate the seriousness of their circumstances including their involvement in crime, in order to enhance their chances for early program acceptance. Once in treatment however, the situational demands on the drug user were to de-emphasise his or her criminal involvement. Additionally, Gould believed that addicts were more likely to seek treatment at the point in their drug use careers when they were also involved in crimes.

The most problematic area, in the study of drug use and crime, has been the attempts by many researchers to relate the findings of their particular studies to what has been described as a total user or addict population. To do so, is indeed tempting given particular estimates of total addict populations. Resultant figures, however, it is contended, are not only misleading but are dangerous in terms of their effect on future drug policy. The problem of drawing inferences about the heroin user population from specific addict samples is best illustrated by examples. Based on an estimated number of addicts in New York city, a daily average habit cost, and the assumption that the addict must sell his stolen property to a fence for only about a quarter of its value, Singer (1971) calculated that addicts must steal some 4 to 5 billion dollars a year to pay for their heroin. As Singer stated however, 'if we credit addicts with all the shoplifting, all of the theft from homes and all of the theft from persons, total property stolen by addicts a year in New York city amounts to only some 330 million dollars'.

Similar anomalies can be observed when using such multiplying techniques on the data obtained from the Bureau's study. If, for example, we attribute the estimated 10,000 New South Wales heroin addicts (Woodward, 1980) with a median weekly expenditure of 2,000 dollars per week on their heroin, it is calculated that this user population expends some 1 billion dollars annually on heroin. It was also found in the study that the average number of armed robberies committed annually by each member of the heroin user group was 8, while the average number of burglaries was 143. Applying these average crime rates to the accepted reports for these particular crimes in 1982, we can calculate that 237 individuals would have accounted for all armed robberies while 581 individuals would have accounted for all reported burglaries. If, however, we refer to the 1982 New South Wales court statistics, we find that 295 individuals were convicted of armed robbery and 1,141 were convicted of break, enter and steal. Given also the low known clear up rate, for especially break, enter and steal, such calculations seem blatantly wrong. The possible conclusions therefore are that either the addict population is a lot smaller than suggested, and/or that the average consumption rates, expenditure levels and

crime rates of this sample are not representative of the total addict population. As we are unable to say much that is precise about the size of the addict population in New South Wales it would seem that the latter of these two conclusions is the more acceptable.

Is it then that we are unable to say anything about or attribute to this larger user population? Governments, for example, are understandably concerned with the overall size of the drugs/crime problem. Potteiger (1981) suggested that some of these problems might be overcome by looking at large multiple samples, gathering data on the same drugs and crime topics, and using the same data collection instrument for randomly drawn samples of both captive and active user offenders. Where this is not possible or has not been done however, conclusions may still be valid and of great value as long as they are interpreted as pertaining to the particular sample chosen and not to the heroin user population in general.

DRUG EXHIBIT SECURITY - A TECHNOLOGICAL RESPONSE

Bob Taylor

Drug handling procedures in Australia vary widely from state to state. Accusations of impropriety are frequently made and ad hoc improvements in security arrangements lead to greater diversity and contingency regulation which is seldom satisfactory.

The paper reviews present systems in general terms and proposes a standard receptacle, in the form of a range of bags, and a security system organised around the bags.

The security system is aimed at reducing individual responsibility by allowing only predetermined movements of the appropriate exhibits under computer control. Exceptions are handled at a supervisory level but all movements are recorded. Statistical information is made readily available.

THE DILEMMA OF WOMEN PRISONERS AND DRUGS

Angela Gorta

Rather than examining problems in data definition or data collection, this paper seeks to highlight difficulties in another area of the research process: linking findings to policy. A study of sentenced women prisoners' self reported drug use prior to coming to gaol provides the focus for this discussion.

The data for this study were collected as part of the research undertaken for the New South Wales Government's Women in Prison Task Force. In order to obtain a profile of women in gaol we planned to interview all sentenced women prisoners held in custody in New South Wales on 13th August, 1984. Of the 107 women under sentence on that day interviews were completed with 90 women, a sample of 84 per cent. Others had either refused to be interviewed, left the gaol before they could be interviewed or commenced interviews which could not be completed. Eighty nine of these 90 women answered questions on prior use, experience of rehabilitation programs in the community and treatment in gaol.

Seventy eight per cent of the women interviewed reported drug use prior to coming to gaol. Of these the majority reported at least daily usage during the month around the time of the offence. Heroin was the drug most commonly reported being used. The women reported long term habits: the average reported period of heroin usage being more than six years. Almost three-quarters said that they did not want to continue using when they were released. However, ten of these fifty prisoners added that although they did not want to continue using they knew that they would.

No matter what your personal belief about the laws governing drug taking, drug use had caused problems for a significant proportion of the women in prison. The most serious problem was that two-thirds of all the sentenced women prisoners interviewed said that their being in gaol was a direct result of their drug use. This included both women convicted of crimes for gain (armed robberies, property offences, fraud) as well as those convicted of offences usually termed 'drug' offences (possessing, using, dealing).

Of the seventy women who reported prior drug use, over half had at least started some type of rehab program in the community. Among them the women had tried a wide variety of programs. There was a great deal of variability in the length of time different women participated in individual programs, with a number of the women trying the programs for only very short periods. When asked to describe what they considered to be the effects of treatment on their drug use and activities, the majority stated that the treatment had had no effect at all or it had had only a temporary effect. Overall their retrospective assessments of their previous experience of alternatives to imprisonment as well as previous

imprisonments were similarly negative. It would seem that while the existing rehab programs and judicial penalities may assist some people, these programs have not worked for the majority of these women prisoners. Returning women to programs which have not helped them in the past is not the answer.

The women were asked whether they could suggest any answers. Suggestions for the types of programs which they thought might help them in the community as well as suggestions for programs which might help them in gaol were sought. Prisoners frequently said that nothing would be able to help until they decide they want to stop using. Many had not yet made this decision.

Some women suggested new programs should be like some specific programs in the community, however, they differed in terms of which programs they thought the new programs should be like.

To the extent the self reports are reliable, this research has been able to: estimate the magnitude of the problem; document what has been tried by these women and found to fail in the past; and identify areas where new suggestions are needed. It has not, however, been able to identify any solutions. As researchers we have been able to identify the need but not determine what can be done to help these women. Mechanisms are required for each of the following areas:

(1) ways of motivating female offenders to see that it is in their interest to want to stop using;

(2) methods of organising contact between users and the programs most likely to help them;

(3) ways of removing the need to commit crime to support their habit for those not interested in rehab;

(4) for the users who do end up in gaol, suggestions for effective treatment programs which can be run in the gaol setting.

VOLUNTEERS IN PRISON PROGRAMS: METHODOLOGICAL ISSUES

Arlene Morgan
Bindi Cilento

In 1983 the Criminology Research Council funded an evaluation of a volunteer program in the Queensland women's prison, which had begun as a single social skills class in 1979 and expanded to a full weekly schedule of 10 classes in 1982. The program, which was service-oriented and had no research focus, seemed to be working extremely well. We decided it was important to try and assess how and why it was working.

The present report will focus on three areas of methodological problems which we encountered in program implementation and evaluation. The first of these is in the prison ideology itself. Prison is for punishment, whatever we say. 'Rehabilitation' is a contradiction in an adversary system. Officers are instructed in law and order with security as the bottom line, and outsiders are clearly an intrusion. To gain access to the prison we had to sell our product's potential benefit to the prison system, and ensure our reliability as a non-security risk. At the same time, we had to command the trust and respect of the inmates, as being 'on their side' and not part of the system. Because our primary interest was in the prisoners, their morale and psychological well-being were consistently our first concern. This precluded all attempts to impose a research emphasis upon the program.

When we attempted to design an evaluation plan, we encountered what we have termed pragmatic problems. As program volunteers we had limited control over program input and process, and no control over the inmate's environment outside the class periods. We could insist on neither homework nor practice between sessions. We were unwilling to administer standard pencil-and-paper tests because:

(1) self-disclosure of attitudes, behaviours or feelings is threatening to inmates who can't be sure such revelations will be anonymous and confidential; and

(2) standardised objective tests are inappropriate and irrevelant to a prison population.

Thirdly, there were consequential methodological problems. We strictly maintained the voluntary nature of inmate particpation. This meant an occasional loss of an inmate student to a particularly good TV program. Evening classes were less successful than day classes because medication is given at 6 pm, and women were sometimes nodding out at 6.30 pm. Morning classes were more successful than afternoon ones because most routine work is done in the morning. Our role as volunteers gave us no authority whatever, and we were constantly aware that we were exquisitely expendable in the system. On the positive side, this

temporary status gave us more flexibility in initiating a particular class (for example, debating or creative writing) for a trial period, after which it could be dropped, continued, or postponed until a later time. The involvement of a broad range of volunteers - artists, yoga teachers, musicians, general public, university students - resulted in significant community education regarding the common stereotypes about people in prison.

The evaluation was done with observational and client-participation methods. Three major conclusions were reached:

(1) Prison programs tested against a criterion of recidivism are unrealistic; our volunteer program was seen to have positive short-term effects on prisoner morale, education and coping abilities.

(2) Volunteers in prison are a viable resource for providing programs which benefit the prisoner and the community, and have advantages over prison-funded programs which become absorbed as part of the adversary system.

(3) A major deficit in the present program was the lack of communication and co-operation with prison officer staff. Prison officer involvement is seen as an essential component in any maximally useful program. Indeed,if we could achieve maximal co-operation between inmate, prison officer and outside program personnel, we would no longer have a prison as we know it.

SENTENCED TO LIFE: MANAGEMENT OF LIFE SENTENCE PRISONERS

Jan Aitkin
Glenda Gartrell

The aim of our study was to establish biographical profiles of 250 life sentence prisoners (there were 11 Governors Pleasure detainees included in this number), so that any changes in prisoners' family and personal ties during incarceration could be examined.

Information about educational, training and vocational opportunities offered to lifers and G.P.s was collected and factors affecting the take up of these opportunities were examined.

Members of the sample who were released during the period under study were surveyed so that their post release experiences could be examined in the light of the aims of pre-release programs. The effects of imprisonment generally on these subjects were also examined.

The collection of this data became necessary when the New South Wales Department of Corrective Services adopted a policy to individualise sentences of those serving life and G.P. sentences. Reduction of security rating and progress towards release is heavily influenced by individual performance during incarceration.

From the beginning of 1981 until the end of 1983 the Indeterminate Sentence Committee operated as an advisory body to the Corrective Services Commission in the management of life sentence and G.P. prisoners. In February 1984 the Release On Licence Board (ROLB) was inaugurated and its responsibility is to make recommendations on the management and releasability of life sentence and G.P. prisoners. The final responsibility for ROLB recommendations rests with the Board's Chairman, who is a Judge of the District Court.

Recent guidelines indicate that a life sentence in New South Wales is approximately 10 years and can be reduced to around 8 years in exceptional circumstances. As the first 4-6 years are generally served in maximum security gaols it is important that appropriate counselling, educational and vocational opportunities are available.

Our findings indicate that the majority of the prisoners surveyed in NSW gaols were from city backgrounds, and the largest single group were from the Sydney/Newcastle/Wollongong area. Two thirds of the sample were reared by both parents and 5 per cent grew up in institutions. Approximately one quarter experienced family break-up; over 40 per cent were first born children and approximately 38 per cent of the sample were members of families

of five or more children. Many of the inmates experienced conditions of severe emotional and physical deprivation during their childhood.

Almost half of the sample were married or in defacto relationships at the time of the offence. For a high percentage of the men defacto relationships are the norm and are regarded as akin to marriage by the parties concerned. Over 10 per cent of the men changed their marital status during imprisonment, entering marriages or defacto relationships. There is a tendency for marriages to break down with increasing length of sentence.

Over 90 per cent had left school by their fifteenth year. Almost 30 per cent had completed basic education and over 65 per cent were without formal educational qualifications.

Nearly 80 per cent of the sample had been involved in manual work of all types, with over a third of the men having done unskilled manual labour. Almost three quarters of the men had a record of steady employment before coming to gaol. A detailed analysis of the remaining quarter revealed that they had experienced some of a range of major personal and environmental problems. Around 20 per cent of the men had trade skills but not all had completed their training.

Despite pressures which militate against the take up of educational and/or vocational training in gaols it was found that those who lacked basic formal training showed the most interest in educational and trade training in gaol.

Over 80 per cent of the sample had no serious health problems while almost 10 per cent had experienced some psychiatric illness prior to imprisonment, compared with 1 per cent in the general community.

More than a quarter of the sample had no previous record and three quarters had records as juvenile offenders. Fourteen per cent of the men had been involved in serious crime prior to their life or G.P. sentence. Analysis of the lives of the men who were first offenders demonstrated that the majority had experienced serious problems in their personal and interpersonal understandings, especially related to sexuality and basic social skills.

Over 80 per cent of the offences involved only one victim. There is no significant relationship between the number of victims and the length of sentence.

Almost one fifth of the offences were sex related (S/R) and just over 7 per cent were drug related (D/R). All but three of the 49 S/R offences were committed against people outside the family. Only four of the 18 D/R offences were associated with armed robbery.

Almost a quarter of the offenders and their victims were related and one third of the victims were unknown to their attackers.

One could guess at a cathartic element in many offences but there is often a cluster of circumstances at the time of the offence and it is hard to give weight to any one in particular. Almost one third of the offenders were affected by drugs and/or alcohol at the time of the offence.

Just over 40 per cent of the sample were aged 19-25 at the time of the offence. There is a decreasing tendency with increasing age for men to be involved in armed robbery and to a lesser extent, attacks on people other than family member. Offences against the family increase with an increase in the age of the offender, lessening after the 30s.

Over half of the survey sample was within the first eight years of sentence. Of those who had served longer than 13 years all were released during the survey period or subsequently, with the exception of two who are contained at Morisset Hospital (which is a mental hospital). Over 72 per cent of the sample used a weapon against their victim and almost a quarter used physical force such as body blows and kicks. Very few offences were premeditated, coldly planned murders.

G.P. detainees tend to serve shorter sentences than life sentence prisoners. Their progress and release is dependent on their receiving a satisfactory psychiatric report.

Over 47 per cent of the survey group had children and only one third of these men had contact with their children. There is a marked decrease in contact with offspring with increasing length of sentence. Over 40 per cent of men who had children committed offences against their families.

As at the end of December 1982 the Corrective Services Commission of NSW had released 70 lifers and G.P.s. Only two of the entire sample were recidivist lifers.

Experiences and reactions of those who had been released were as varied as had been their performances. Post re-release problems included the difficulty of accounting for the gap in their life, adjusting to freedom, living with other people and sharing (prison life is very structured and disciplined). Complaints about the prison system range from the difficulty of living by strict rules when those rules changed often, to having to adjust when educational and/or vocational programs were terminated for what appeared to be reasons beyond the control of the inmate. There was strong support for counselling and group activities aimed at developing social skills, and almost all had favourable comments about the work release program.

A set of recommendations consequent upon these findings will be included in the final report of the project.

THE DEVELOPMENT OF TRAINING PROGRAMS FOR DISHONEST PROPERTY OFFENDERS

Joe Pasmore
Terry Dorey

Tyler and Kelly (1962) used personality for classification of juvenile offenders and for the prediction of outcomes in relation to rehabilitation programs. A number of researchers have established that rehabilitation training programs are more effective when based on a precise knowledge of client characteristics: Warren (1969), Moos (1975), Romig (1978) and Barkwell (1980).

In a recent study by Pasmore and Dorey (1985), which follows on from the work of Tyler and Kelly (1962), three categories of property offender were investigated: Robbery and Extortion; Fraud and Misappropriation; and Theft, Break and Enter. The personality profile of each offender category was compared with that of non-offenders and with that of prisoners whose offence fell into other than any of the above three categories.

Three hundred and eighty seven prisoners in Queensland participated in the study by completing the Cattell Sixteen Personality Factor Test (16P.F.), the Holland Vocational Preference Inventory (V.P.I.) and a questionnaire relating to criminal history, and demographic information. In addition, Prison staff rated 323 of the participating prisoners on nine, 9-point scales relating to honest, dishonest and other behaviour.

The data was analysed by means of discriminant, regression and factor analysis. Results indicate that significant personality differences exist among different categories of dishonest property offender, and also between each category of dishonest property offender, honest offence prisoners and non-offenders. In a cross-validation paradigm, the discriminant weights derived were able to correctly classify cases not included in the prediction analysis, up 93 per cent above the rate expected from chance. Over the eleven analyses conducted, the mean validation prediction rate was 35 per cent above chance expectations.

Variables found to be significant in discriminating among the categories of offender and non-offenders are: 16 P.F. variables A, B, C, G, I, Q2, Q3, and Q4. The V.P.I. Intellectual, Self-Control, Artistic, Realistic and Enterprising scales also discriminated among offender and non-offender categories.

Results from the factor and regression analyses, which included ratings of prisoners by prison staff together with prisoner personality data and criminal history data, suggest that certain personaliity variables found in this study to be related to untrustworthy behaviour, are either not observed or not seen to be related to dishonesty.

Personality profiles and Fraud, Misappropriation offenders, Robbery and Extortion offenders and Theft, Break and Enter offenders found in the recent study have been compared and this information examined to reveal the underlying motivation related to offending.

This information has implications for the design of treatment programs likely to maximise the opportunity for rehabilitation for these offender types. The development of training programs which contain modules providing the opportunity for rehabilitation, is considered to be of high priority. The research findings point to probable motivations involved, and could be of help in the formulation of offender training and education programs.

Implications for Rehabilitation Training

While the difficulty of the task of providing an effective training program for the rehabilitation of property offenders is not under-estimated, the knowledge of some of the characteristics of dishonest property offenders provides clues as to the training components likely to be necessary for successful rehabilitation.

From the findings, it appears that independence and seclusiveness in decision-making, together with a lack of family training in sound decision-making, appear to be major factors in the personality of most dishonest property offenders.

This being so, it seems likely that it would be useful to evaluate training programs that provide training and experience in effective decision making, and in being less independent and seclusive in so doing.

From the responses to the interviews in this study and from other work by Terris and Jones (1982) it is clear that dishonest property offenders are prone to fantasise on theft-related themes. Clearly such fantasies are, at times, 'acted-out'. It therefore follows that in any rehabilitation training program, it would be wise to include modules which explore such fantasies. It would also be a good idea to enable trainees to test such fantasies against reality and to explore their likely role in predisposing the trainee to future offending.

The role of over-protection in the development of the personality of offenders in the theft and fraud categories also needs to be considered in the design of a treatment program. It appears that an over-protected childhood is likely to have deprived these offenders of the opportunity of developing an adequate value system and a sense of responsibility which would enable them to function without resort to dishonesty. It follows that any training program would be more likely to succeed if a way can be found to provide opportunities enabling offenders to develop their value system and to become more responsible. Here, it is likely that program content structured in ways that provide the opportunity for trainees to examine their present value system, the motivation and encouragement to change those aspects

of their behaviour likely to lead to further offending, and the opportunity for the enhancement of those aspects which are positive, would be most constructive.

In the light of this research, the authors are at present developing a training program incorporating modules targeted at the development and enhancement of skills likely to be necessary for the rehabilitation of specific categories of property offender.

The next stage in assessing the utility of this research, is to evaluate the effectiveness of treatment programs which are based on the information on offender type obtained.

Such evaluation results, if encouraging, could have wider implications for methodology in the future design of rehabilitation training for other categories of offender.

REFERENCES

Barkwell, L., 'Differential Probation Treatment of Delinquency'. In Ross, R.R. and Paul Grendeau (eds) Effective Correctional Treatment, Toronto, Butterworths, 1980.

Cattell, R.B., Eber, H.W. and Tatsuoka, M.M. Handbook for 16 P.F IPAT Champaign, Illinois, 1970.

Moos, R.H., Evaluating Correctional Community Settings New York, John Wiley and Sons, 1975.

Pasmore, J. and Dorey T.R. Personality of Dishonest Property Offenders, Brisbane, 1985.

Romig, D.A. Justice for Our Children, Massachusetts, Lexington Books, 1978.

Terris, W. and Jones, J.W. 'Psychological predictors of employee theft in the convenience store industry', Psychological Reports, Vol 51, 1982, 1219-1238.

Tyler, V. and Kelly, R. Cattell's HSPQ as a Predictor of the Behaviour of Institutionalised Delinquents, Psychology Research Report No. 2, Port Townsend, Washington, Port Worden Diagnostic and Treatment Center, 1962.

Warren, M.Q., 'The Case for Differential Classification of Delinquents', The Annals of the American Academy of Political and Social Science, January 1969, 381.

RESEARCH INTO THE EFFECT OF THE FIVE-WEEK PRISON OFFICERS' STRIKE IN NEW SOUTH WALES IN 1984

Jenny David

The longest prison officers' strike in N.S.W. history took place between 7 February and 12 March 1984. The whole criminal justice system in this State had to adjust to accommodate to the effects of the strike, because during that period very few prisoners could move out of the State's gaols (unless they were discharged) and there were, comparatively, very few new admissions into the gaols once the prison officers at that gaol had gone on strike.

As a search revealed that there had been no research done on the effects of a prison officers' strike, here or overseas, Paul Ward and I decided to undertake this study to determine the effects of this prolonged strike and to ascertain if any lessons could be learned from it. The Criminology Research Council granted us funds for research assistance, so we employed two final year law students to assist us.

Initially, we identified areas within the system which were capable of adjusting to accommodate the lack of prison facilities as:

1. The Police

   (a) The immediate effect was to divert police personnel to supervise the prisons. This may have affected the number of crimes detected by the police and the number of arrests made by them. Were other responses, such as cautions, used more? Possibly only minor offences would have been significantly affected on the basis that police investigating serious crimes would not have been so diverted.

   (b) Another effect was the necessity to provide accommodation for any offenders who were arrested, remanded in custody or sentenced during the strike period. Police bail may have been granted more readily to relieve overcrowding in police cells. Were most adjournments sought in cases likely to result in custodial sentences, and bail allowed to the offenders?

   (c) With less personnel and full police cells, police may have accumulated warrants during the strike and only executed them at its end. Fine defaulters may not have been arrested during the period.

2. The Magistrates' Courts

   (a) Magistrates may have allowed bail more readily on the basis of the non-availability of prison accommodation.

(b) Magistrates may also have been affected in their sentencing practices or they may have adjourned cases likely to result in custodial sentences and released the offenders on bail.

3. The Superior Courts

These courts may have been affected in similar ways to the Magistrates' courts. Their case load would certainly have declined.

4. The Prisons

(a) By the end of the strike there were 740 less prisoners under sentence in N.S.W. gaols, and 42 less who were not under sentence, compared to the position at the beginning of the strike. Within a week after the strike ended there were 213 more prisoners in the gaols under sentence and 179 more on remand. Where were the 179 prisoners accommodated during the strike? Were they in police cells or on bail? Had the 213 sentenced prisoners been in police lock-ups or on bail?

(b) Of the prisoners who were discharged from gaol during the strike, were they discharged due to the remission granted to all prisoners (4 days for every one day spent in the cells) or was it due to the work of the new Parole Board which came into operation during the strike? Were there other reasons for the number discharged?

(c) Were fine defaulters responsible for the reduction of the prison receivals? Were some offenders, whether sentenced or not, received into gaol during the strike?

So far, two sets of statistical data have been gathered; one for Waverley Magistrates' Court and one for the receptions and discharges from prisons during the strike and two weeks thereafter.

It was decided to concentrate on two metropolitan magistrates' courts because it was impossible to collect the statistics for all magistrates' courts in N.S.W. The Local Courts in Waverley and Newtown together handle most of the 'short custody' cases in the metropolitan area, so they were selected. Statistics were gathered for the period of the strike and for a control period in 1983. This data is being analysed and should yield information concerning the areas in which the magistrates' courts may have adjusted to the effects of the strike.

It was also hoped that this data would show whether there was any significant difference in the number of police arrests during the strike period and the control period. However, whilst fresh charges were often identifiable in the Waverley files, this

was not consistent enough for a reliable indication to be obtained. This information is at present being sought from the Police Department.

The prison data is also being analysed at present and will yield information concerning the admissions to, and discharge from, prisons. This may also yield information about sentencing practices of the courts.

Data on the higher courts are being obtained from the Public Prosecutor's Office and will yield information concerning how those courts adjusted.

RESEARCH INTO PAROLE CHANGES IN SOUTH AUSTRALIA

Frank Morgan

The research discussed here will be conducted jointly by the Office of Crime Statistics and Department of Correctional Services. It is supported by a grant from the Criminology Research Council.

Background

Changes to parole legislation in South Australia were proclaimed on 20 December 1983. The changes have, inter alia

- placed full responsibility for setting prisoner release dates with the courts at time of sentencing, and
- established that remissions should apply to non-parole periods.

The early effects of the legislation have been to reduce the S.A. prison population to its lowest level for 25 years and correspondingly to almost double the number of individuals under parole supervision. As sentencing patterns have changed the number of prisoners has begun to increase. Non-parole periods have risen substantially from an average of one third of sentence prior to the legislation. One of the aims of the research will be to examine in detail the changes in sentencing practice which have occurred.

Outline of Proposed Research

The research will investigate the following areas:

- The aims of the new legislation.
- Its implementation, acceptance and the communication of its aims.
- The effects on sentencing practice.
- Effects on the numbers and composition of the prison population and the general impact on prison life.
- Effects on parolee numbers and their composition and on parole officers.
- Recidivism before and after the legislation.
- Any unintended consequences.

The research will proceed through interviews with samples of individuals involved with the parole system and also make use of available 'hard' data on recidivism, sentencing decisions, incident rates in prison and trends in prisoner and parole populations.

OPTIMUM PRISON SIZE

Mike Bonavita

A key question in planning prison accommodation is just what size should a prison institution be. Larger prisons are more cost effective but it has also been argued that smaller prisons have more desirable elements related to security and management of prisoners. The theory is that the prison size that offers the most desirable balance of cost efficiency and management ideals is the optimum size.

In practice, it is extremely difficult to quantitatively measure the optimum prison size, largely because of the variables and complexities involved and this appears to have deterred research work in this area. There are no documented research studies on this subject in Australia and overseas material is both limited and less than adequate. Because of time and resource constraints and the lack of guidance from the available literature on an appropriate methodology, my own research to date has been restricted to a quantitative cost analysis of prisons in Western Australia to assess economies of scale and an examination of international literature on the effects of prison size on prison programs and institutional objectives.

In the absence of an ideal prison size, a number of States have adopted ideal maximum and minimum limits as planning principles. A maximum size of 250 has formally been adopted in both Victoria and Queensland and the fact that new prisons in New South Wales and Western Australia have recently been constructed at about this capacity suggests that these States also subscribe to this ideal. In Western Australia, however, a minimum size of 100 applies in a more formal sense at present, primarily for reasons of cost efficiency. The relatively small size of 100 in Western Australia is also the result of decentralisation objectives and reflects the widely dispersed and small population base.

Prison sizes in other western countries vary considerably according to political and management philosophies, environmental constraints and the size of prison populations and for these reasons it is difficult to make relevant comparisons. In any event, most of the research material is concerned mainly with evaluations of management programs and concepts and very little has been done to examine how prison size by itself affects the success of programs and institutional objectives.

The available international literature on this subject was comprehensively reviewed and assessed in a recent study undertaken by the Bureau of Management Consulting (BMC) for the Canadian Correctional Services. The study found that the attainment of correctional goals in maximum and medium security prisons appeared to be unrelated to the size of the prison. This conclusion was

reached by examining indicators of correctional success such as prison violence, negative inmate subcultures and rates of recidivism. The effects of differences in living unit size was also examined and it was found that the incidence of aggressive behaviour was higher for smaller living units than for larger ones.

Using conceptual models of different scales of institutional capacity but with the same functional performance specifications for each institution, the BMC study showed that economies of scale were significant, the average costs for maximum security prisons being about 60 per cent less for larger prisons (428 in capacity) compared to smaller ones (168 in capacity). On the basis of this evidence it was recommended that new prisons should be built at or be expandable to the 400 to 500 accommodation capacity range.

A cost difference of 60 per cent between large and small correctional institutions as indicated in the study, is rather significant and has important planning implications. Intuitively there would seem to be little reason why similar economies of scale should not be achievable in Australia but this needs to be tested, preferably in an empirical sense rather than on the basis of abstract models which require numerous assumptions and open themselves to more criticism.

If the actual costs of operating prisons in Australia are examined in a superficial way and compared according to prison size there would appear to be no clear relationship between prison size and cost efficiency. This is not because economies of scale do not exist but rather because like is not being compared with like and there are other factors such as prison type and design and management concepts which influence costs to a much greater extent. By way of illustration, figure 1 compares the annual operating costs for 16 prison institutions in Western Australia according to their size. There is little in the figure to indicate that larger prisons are more cost efficient, even when prisons of the same security rating are compared in isolation. Thus in terms of impact on costs, economies of scale exert a smaller influence than alternative design concepts and management regimes. Costs for the various institutions in figure 1, for example, vary from about $15,000 to nearly $50,000 per prisoner per annum - a cost difference far in excess than could feasibly be accounted for by economies of scale.

A more valid comparison to illustrate the effects of economies of scale is shown in figures 2(a) and 2(b). These figures show the behaviour of actual average costs per annum for a selected number of prisons over a 5 year period from 1979/80 to 1983/4 as the prison muster changed. Costs are shown in constant 1983/4 dollars, the conversion to constant dollars being made possible by the use of a cost index devised specifically for the Prisons Department's recurrent expenditure. Strictly, the comparisons made are not ones of varying rates of scale but of varying rates of utilisation. The two concepts however are very similar in effect and whilst the comparison is not entirely valid,

it is at least strongly suggestive of the extent of effect that could be expected from economies of scale.

In the case of Fremantle Prison shown in Figure 2(a) the average muster decreased from just less than 600 to about 300 over the five year period and this was accompanied by an increase in average real costs from around $20,000 to almost $30,000 per prisoner, an increase of about 50 per cent. The lower muster of 300, however, is still greater than the adopted maximum size of 250 in some States and raises some doubts as to whether 250 is a desirable maximum from a cost efficiency viewpoint. Of course, the maximum of 250 was not established on cost efficiency principles alone but if a close examination shows that the presumed benefits of smaller prisons cannot be sustained in reality, as was the case in the BMC study, the implications are that a size of 250 may be too low as an ideal maximum.

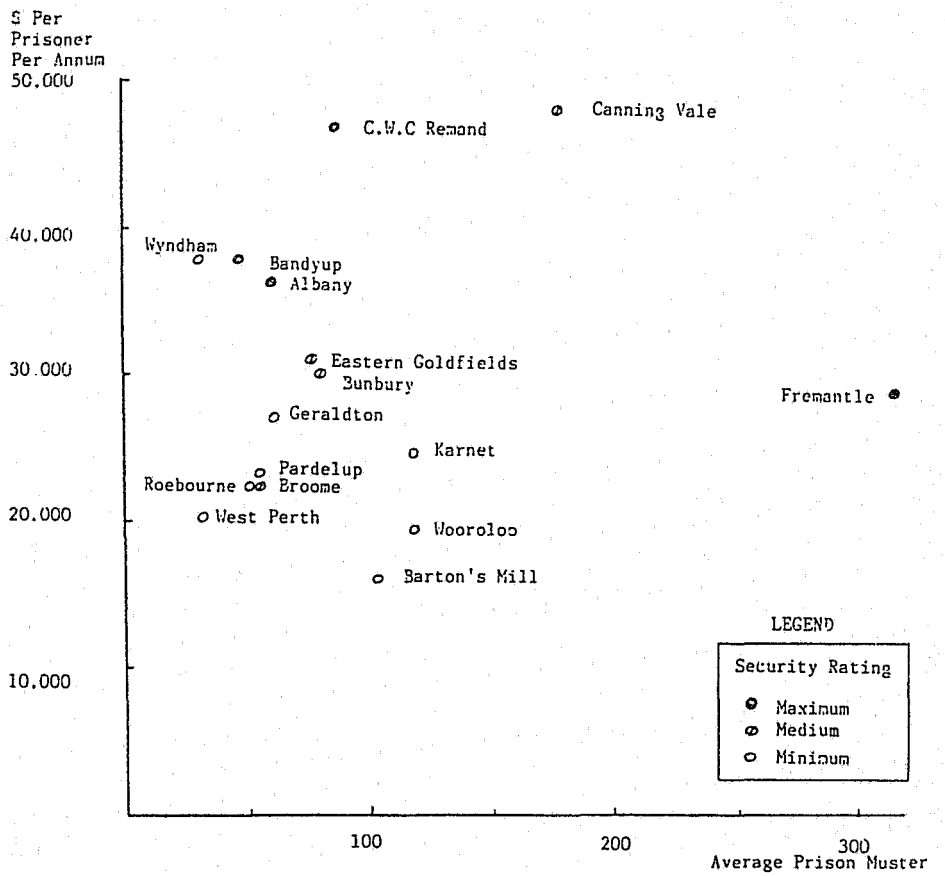
Figure 2(b) shows average costs for another nine prison institutions in Western Australia with similar behavioural patterns of decreasing costs with increasing musters over the same five year period. All of the prisons shown are small with average musters of less than 120 and the comparison is therefore limited. It is nevertheless strongly suggested in Figure 2(b) that greater cost economies would be achieved by expanding existing institutions to a minimum size of 100 as an option to constructing new prisons. If this were feasible in practice, it would affect seven of the nine institutions shown. For new prisons, however, an ideal minimum size of 100 is likely to be too small to achieve significant economies of scale.

From a planning viewpoint, maximum and minimum institutional capacities are less desirable than a single optimum size given that the latter is far more definitive and necessarily rests on a more comprehensive information base. It may well be that the concept is indeterminable given its inherent complexities or that multiple solutions exist. The optimum size, for example, may be different for different types of prison institutions in different locations and over different time periods as institutional objectives and policies change to conform with changing social environments and trends.

At the very least, further research is needed to clarify the concept of the ideal prison size, to put the issues in their proper perspective and to test the fundamental assumptions. Certainly it would be preferable to replace maximum and minimum limits with a single optimum size as a planning principle, but even if this is found to be impractical, additional information is needed to substitute assumptions with substance.

Figure 1

WESTERN AUSTRALIAN PRISONS DEPARTMENT
ANNUAL OPERATING COST PER PRISONER (1)
1983-84



(1) Consolidated Revenue Fund expenditure, including a proportion of Head Office expenditure

ANNUAL COST PER PRISONER 1979/80 TO 1983/84

CONSTANT 1983/84 DOLLARS

Figure 2(a)

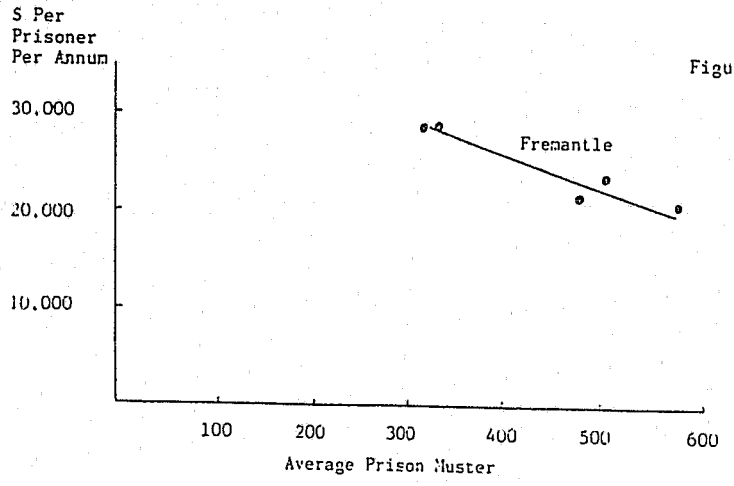
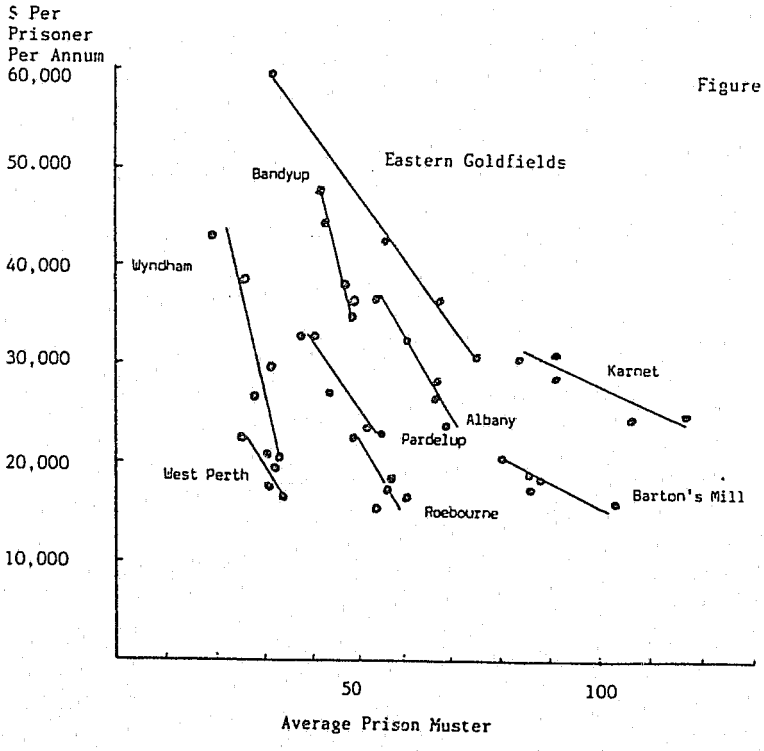


Figure 2(b)



PROCESS EVALUATION OF THE BATHURST GAOL PROGRAM

Don Porritt

In September 1982 the renovated Bathurst Gaol re-opened with a radical plan to 'normalise' life for the prisoners. The proposed program heavily stressed inmate autonomy, participation in decision-making by inmates and staff, and steps to reduce the 'traditionally tenuous' relationships between prisoners and prison officers.

In February 1983 a process evaluation of the plan's implementation commenced. This approach was selected to blend with the plan's emphasis of participation, and to provide continuing feedback useful to program managers in their efforts to maintain some correspondence between rhetoric and reality. Process evaluation attempts to monitor the extent to which a program or intervention is being carried out as planned, and to measure whether the processes that are expected to follow as immediate consequences are, in fact, occurring. It does not attempt to measure achievement of ultimate objectives, such as better preparation for return to community living or reduced recidivism. Program managers were consulted about the issues to be examined, and all draft reports were circulated first at the gaol for comment on the accuracy of fact and interpretation.

Several different field research strategies were used, according to the issue being studied. Prison officer program acceptance was studied by structured interviews, and the effect of orientation courses examined by both in-class observation and comparison of survey results for course participants and non-participants, Key developments were monitored by regular interviews with key informants as well as attendance at meetings and notes on informal discussions. Functioning of the Gaol Management Team meetings was assessed by structured observation to identify issues raised, decision-making methods used and outcomes. The level and type of officer-inmate interaction in the small (16-18 prisoner) units was compared to that in the larger (80 prisoner) wings, both by structured interviews and simple but controlled interaction counts in a quasi-experiemental design which sampled times and physical settings. The development of full-time Trade Training is being assessed from attendance records, course results and interviews with staff, participating prisoners, prisoners who withdrew and other prisoners.

The evaluations have tended to be inwardly focussed and to miss some of the major contextual processes which have affected the program. Actions in the arena of 'Head Office' which have often been crucial have not been systematically recorded. However, the data reveal much about the possibilities and limitations of a brave attempt to run a secure gaol in a different, more co-operative and humane manner. A continuing problem for the researchers has been to decide who was their client(s), and to consider in whose interests the findings could

be used. 'Neutrality' is not a viable stance in such a project. The role of a 'friendly critic' perhaps is more appropriate, and sensitivity to organisational conflicts centred on the program is essential.

Some major findings are summarised, and issues of method raised for discussion. Major progress had been achieved in maintaining low tension levels, changing interaction between prison officers and prisoners, and instituting a less hierarchical style of decision-making among senior staff. Little progress was achieved with many other objectives, and some of the real achievements are under threat. Full-time Trade Training has been implemented on a trial basis to overcome problems in providing full employment. Trade Training appears to be operating as planned and to have had a positive effect within the gaol. Changes in staffing and the development of more full-time work/education have had a major effect on the units. Substantial revision of the original plan to take account of developments has been recommended.

Major issues of method concern the management of the researcher-client relationship; and having a constructive effect without becoming part of the program.

RECIDIVISM IN A WESTERN AUSTRALIAN PRISON POPULATION

Rod Broadhurst
Jenny Connaughton
Max Maller
Ross Maller

This research aims to describe the patterns of recidivism in the Western Australian prison population between July 1975 and June 1985. Recidivism in this instance is defined as reincarceration and excludes convictions involving other sanctions. Prisoners with sentences of imprisonment prior to 1 July 1975 are excluded from the study at this stage. Using this defining criteria subjects are followed up for a period of ten years in the case of those persons released for the first time in 1975, nine years for those released in 1976 and so on.

The Western Australia Prisons Department computerised records system consisting of summarised precoded prisoner files provides the source of the data analysed in the first stage. The limitations of such a data source are accepted, particularly in respect to the traditional and elusive question of effectiveness. The large size of the population studied (n = 11,800 subjects) compensates for the disadvantages associated with the narrow definition employed and avoids bias with sampling - particularly bias associated with samples based on releases in a given year or month or prison populations on any given day. A major objective is to provide actuarial estimates of recidivism in this population.

Subjects are described in relation to the following major variables:

A. Demographic

race, sex, age (at first release), marital status, qualifications, occupation (at receival) and place of birth

B. Institutional

length of sentence (by head sentence), offence group (by most serious offence), sentence type (ie finite, parole, default, etc.), prison (majority time - maximum, medium, minimum security), special leave (i.e. participation in home leave and work release programs)

C. Criterion

exit and receival transactions - for time free, time before imprisonment, relative offence seriousness. The basic dependant variable for determining survival or recidivism

The following general hypothesis is ventured: recidivism (reincarceration) is predictable and the probability of recividism can be derived from knowledge of known failures; i.e. 'failures'

predict survival. It is further argued that some factors (and their interactions) are more significant than others in predicting recidivism or survival.

Following the substantial scholarship in this field it is expected that characteristics of this population will reflect that already reported about the nature of prison populations and the frequency and rate of observed (known) recidivism. For example, the predominance of young unskilled males with a high rate of re-offending (reported as high as 80 per cent+ in some studies). It is evident however that the characteristics of prison populations vary according to specific historical periods and legal practice and therefore comparability over time and between jurisdictions is limited for evaluative purposes.

The limitations of prison records is accepted particularly in regard to the accuracy of re-offending (1). Yet prison records are reliable and may be representative of a conservative index of re-offending. Difficulties nevertheless occur with the measurement of time, sentence (2) and assumptions about independence of subjects. As with the choice of definitional criteria (i.e. reimprisonment) the treatment of time, particularly length of follow-up is crucial and accounts for wide discrepancies in rates and comparability in the published literature (see Griswold, 1978). Probability estimates based on the assumption of inevitable failure are contrary to experience and are modified in this study (see for example the work of Stollmark S., Harris C. 1974, 1976; Maltz and McCleary, 1977).

Recidivist rates derived from prison records continue to be useful as measures of the effectiveness of prisons. A recidivism measure is the gross and obvious test of reductionist goals, particularly reform and deterrence. The production of actuarial tables (for example 'base expectancies' developed by Gottfredson et al 1965 and others) enables base line estimates to be used as benchmarks for the evaluation of custodial sanctions and correctional programs without recourse to complex control group and ethical considerations.

(1) It is proposed in later research to provide estimates of re-convictions involving non-custodial sanctions and juvenile offences on samples of this population.

(2) For example arbitrary accounting for, escape, appeal time, multiple convictions, cumulative and part cumulative sentences etc.

METHODOLOGICAL PROBLEMS IN THE STUDY OF HOMICIDE

Alison Wallace

In 1981, the New South Wales Bureau of Crime Statistics and Research embarked on a study on homicide. The aims of the study were to examine the pattern of homicide in New South Wales over a fourteen year period from 1968-81. The study was concerned to analyse characteristics of the offenders, of the victims and of the relationship between them. In short, it aimed to answer the question 'who kills who in New South Wales, and in what circumstances?'.

Several methodological problems were encountered early in the study. Although to some extent the analysis of homicide patterns is fraught with the same kind of methodological difficulties which attend the analysis of other offence patterns, there are some additional problems peculiar to the study of homicide that must also be addressed. Problems of definition had to be faced, and the choice of data source justified. Depending on the particular chosen stage in the criminal justice system (ie arrest, trial, conviction), different record systems generate different study populations and hence potentially different conclusions regarding homicide patterns. The extent of unreported crime was also considered.

Methodological problems were also encountered in analysing some of the study's results, in particular temporal trends. The official homicide rate at any particular time in a single jurisdiction can be affected by a number of considerations, including changes in legal definitions, improvements in data collection techniques, increased police efficiency and detection capabilities. Considerations quite outside the crime itself may also affect the incidence of homicide. Improved levels of skill and medical techniques, for example, may lead to fewer people losing their lives as a result of an assault.

Using data from two previous studies on homicide in New South Wales, trends in the relationship of victim to offender in family homicides were analysed over a period of 49 years from 1933 to 1981. In doing this, it was important to examine both change in the relative <u>proportions</u> of different types of homicide (as defined by relationship of victim to offender) and change in the <u>rate</u> of occurrence of these homicides. It was found that the <u>proportion</u> of spouse homicides, the major type of family killing, has increased over the last 49 years. However, the <u>rate</u> of such killings has not increased. The increasing proportion of family killings involving spouses occurs by reason of a decline in another type of domestic homicide, those involving children.

'SCREW THREADS'

Statistically Confirmable Relationships Explaining Well-known Time Honoured Reactions to Electoral, Administrative and Demographic Stress

John Walker

Over the last few years, the criminal justice systems in Australia have been through a number of crises, including complaints of severe police under-resourcing, escalating backlogs in court systems, escalating costs in legal aid, and increasing numbers of both remandees and sentenced prisoners causing great pressure on prison administrations.

In fact, a considerable proportion of their problems could have been foreseen forty years ago when the post-war baby boom started to get into full swing. As nations go through periods where large proportions of their population are in crime-prone age-groups they should expect as a matter of course that crude rates of offending should rise, and we should have expected many of the pressures that have been placed on us in the late 1970s and early 1980s.

Instead of this, however, we faithfully followed American criminologists in the quest for the causes of this crime 'wave' in terms of psychological and sociological theory. But now as John Croft, the former Head of the Research and Planning Unit of the UK Home Office, has put it: 'The search for the causes of crime, zealously pursued with forks and hope by generations of criminologists and men of goodwill, has been abandoned in the face of the lack of evidence that any single factor or constellation of factors could account for the phenomenon'.

Hirshi and Gottfredson showed that the age-distribution of offenders differs relatively little over time, place and culture, using data from two centuries and three continents. What does vary is the overall 'productivity' of offenders - ie. the number of offences recorded per offender, given the age of the offender. According to Croft, this productivity may be susceptible to changes in a wide range of factors which he grouped into the four categories of Morality, Science, Utility (by which he means the practical considerations which tend to modify moral ideals) and Politics. The strong conclusion which can be drawn from the juxtaposition of these facts and hypotheses is that, in aggregate, the phenomenon of crime is describable in terms of these four categories plus demography. If we can so describe the level of crime, in something approaching mathematical forms of course, we may have a useful model of crime: useful in the sense of being able to use the model to predict crises such as the criminal justice system has faced over the last decade.

Demography at least is numerically describable, but Morality, Science, Utility and Politics are not such conveniently

simple subjects. However, ultimately what we in the criminal justice system need to know is the way age-specific rates of offending, convicted and being sentenced are affected by these societal changes.

Figure 1 shows a hypothetical model linking demographic, administrative, electoral and criminological phenomena. Most of the relationships are statistically confirmable or simply well-known and time-honoured, hence the title of this paper and the model itself. The model is initially seen to be circular as it is 'driven' by demographic change - specifically the rise and fall in the percentage of the population in the main crime-prone years. However, further thought shows that each time a given point on the circle is reached conditions have been modified during the intervening cycle by those very considerations of morality, science, utility and politics which Croft writes about. Conceptually therefore the model is shaped like a spiral or the threads of a screw.

Starting at the beginning of an upswing in the percentage aged (say) 13-24 years the model shows four distinct phases:

Phase 1: Growth in the percentage of population in 13-24 age-group
Phase 2: Percentage in the 13-24 age-group reaches a plateau
Phase 3: Percentage in the 13-24 age group begins to decline
Phase 4: Percentage in the 13-24 age-group reaches a trough

The scene is thus being set for a re-run of Phase 1 with the next upturn in the 13-24 year old age-group. There may not be an exact re-play because this cycle now coming to its end may have modified many of the parameters.

Some of the relationships included in the model are commonly acceptable and statistically verifiable by reference to such data sources as the annual reports of police forces, courts and prison administrations, or regular surveys such as the National Prison Census. Some are supported by elements of specific projects such as Sat Mukherjee's 'Crime Trends in Twentieth Century Australia' or the Victorian Corrections Master Plan.

The more speculative links in the model are mostly those concerning political or administrative decision-making, and the pressures that determine the types of decision which are made. One is led to speculate, for example, how one can measure the strength of police demands for more resources or the level of judicial support for increased use of deterrence. Similar issues were faced in the dynamic models designed by Jay Forrester, particularly in his Urban Dynamics phase in the late sixties, where he showed that in multiple-loop feedback systems, such as figure 1 depicts, the researcher is doing well if he can accurately predict the direction and timing of change in a principal parameter, let alone the extent of change.

AUSTRALIAN CRIMINAL JUSTICE STATISTICS

Debbie Neuhaus

There has recently been a great deal of discussion and criticism of the collection and availability of Australian criminal justice statistics. This paper examines the questions related to this issue including the need for such statistics, the current deficiencies and causes of these problems, and the question of responsibility for improving the situation.

Those people working in the area of criminal justice often assume that the reasons why relevant data are needed are obvious. However, it is not always clear to those not directly involved in this field how such information may be used for practical purposes (e.g. for greater efficiency in allocating resources, crime prevention, development of punishment strategies), not only for purely academic research. This situation is not improved by an awareness that often expenditure on a specific program or facet of the criminal justice system appears to be based on political expediency rather than an assessment of greatest need or benefit.

The limitations of the current state of affairs may be classified into two aspects:

(i) the non-availability of statistics on many issues, and
(ii) deficiencies in the data which are provided.

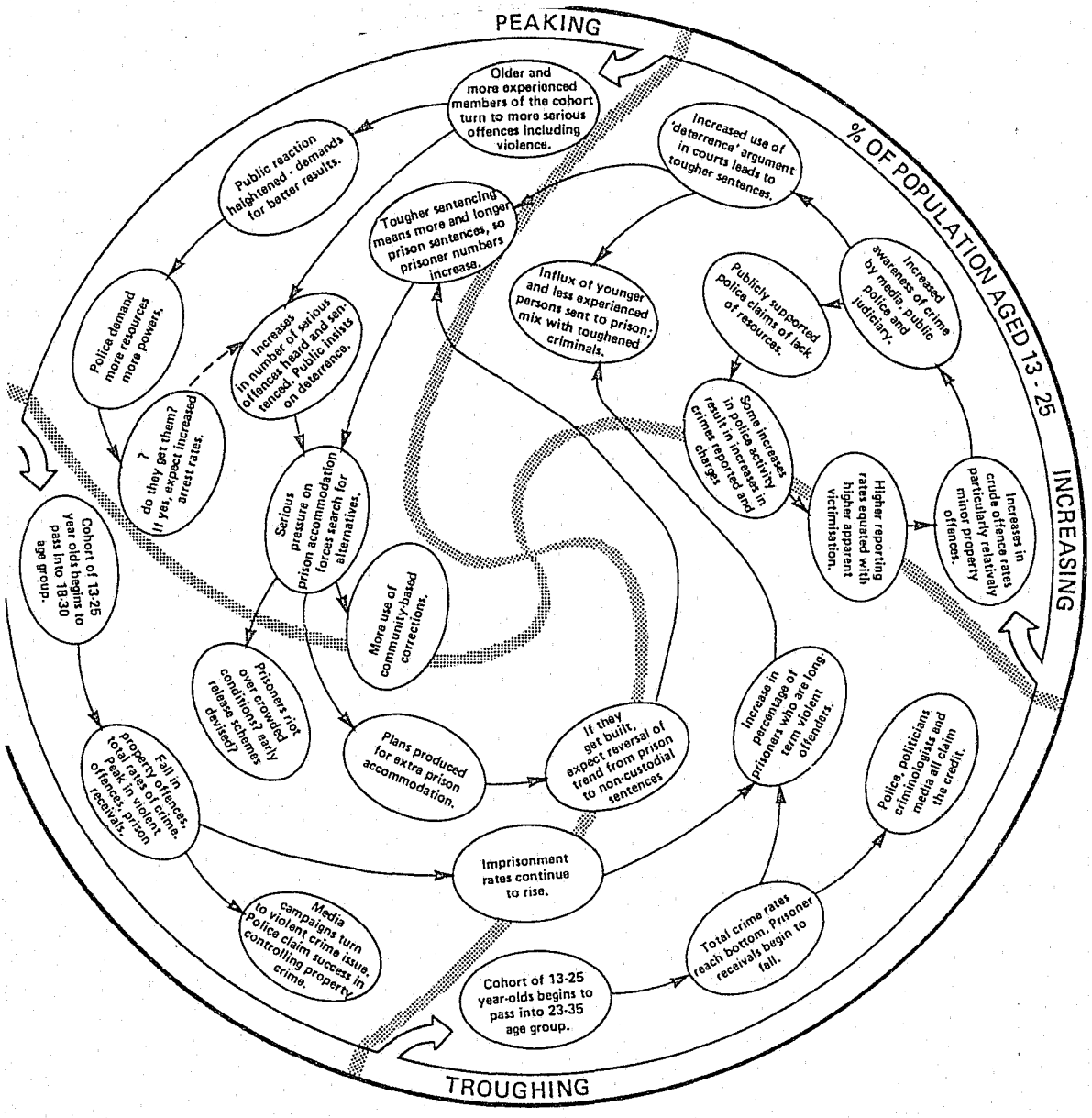
With regard to the first of these, the problem for those who are responsible for decisions on data collection is in identifying exactly what information is required, by whom and for what purpose. Whilst for the second issue many of the inadequacies are known (e.g. problems in timeliness, uniformity across Australia and between sources, quality, level of detail, lack of flow data) their significance, or the demand for improvement has not been assessed.

It is necessary to understand some of the reasons why this unsatisfactory situation has occurred if realistic strategies for improvement are to be developed. There are many different causes, and it is not possible to designate any particular factor as the major one although the dispersion of responsibility has clearly had a significant effect. This is an inherent result of the Australian criminal justice system where each State and Territory has its own independent laws, police force, courts, prisons, etc, and is further exacerbated by the allocation of responsibility for different aspects of the system within a State/Territory to different government departments. There is little possibility of changing this state of affairs and it is therefore necessary to examine the other contributing factors.

To a certain extent the different variables have contributed to different aspects of the problem. For example, the dispersion of responsibility has resulted in the non-uniformity of

FIGURE 1

Statistically Confirmable Relationships Explaining Well-known Time Honoured Reactions to Electoral, Administrative and Demographic Stress



DYNAMIC INTER-RELATIONSHIP GOVERNING THE CRIMINAL JUSTICE SYSTEM

definitions and descriptive categories, the lack of flow data, and difficulties in establishing the general need for and usage of criminal justice statistics. The methods of data collection have hindered the quality of the data produced. This is due to the fact that in many instances the information is recorded by those who have no statistical training, and who have not been given adequate instructions or an understanding of the importance of this task. It is often not viewed as a part of their 'real' job (eg. clerks of courts, prison administrators who are required to fill out forms for statistical purposes) and there is not sufficient time to do a thorough and accurate job. A further difficulty in maintaining quality and ensuring that sufficient resources are allocated to this area occurs because the information collected may be used to monitor, and hence criticise, the authorities involved. For example, the police are reluctant to allow others to be involved in the collection of police related statistics partly because these have been used as a basis for criticising their efficiency.

Given that there is generally agreement that improved and more extensive Australian criminal justice statistics are required, and recognising that there are problems in attempting to achieve this, the question of who is in a position to influence changes arises. Responsibility may be attributed to a number of different groups:

- Governments (State and Commonwealth). Public Servants (both Departmental Heads/Police Commissioners and others, e.g. clerks, prison officers, police)
- Australian Bureau of Statistics
- Users of the data

However, if something is to be done to improve the situation there must first be:

(a) a perception of the need to do so, and a commitment to this at all levels;
(b) increased financial resources for statistical collections;
(c) adequate allocation of staffing resources; and willingness to co-operate with other agencies or
(d) departments.

Whilst governments and public servants may be accused of not giving the collection of criminal justice statistics a high priority they perhaps have not been sufficiently pressured to do so, or been adequately informed on the uses and value of such data. For example, the ABS receives more submissions for surveys than could possibly be undertaken and therefore decisions as to those which will be included in their program are based on the relative perceived demand and importance of each request. It is therefore the responsibility of users to make their needs known to both public servants and governments who allocate the financial resources, and set priorities. Whilst it is understandable that users may have given up on trying to obtain any developments in this area, improvements will not be achieved without their continued lobbying.

UNEMPLOYMENT AND CRIME

John Oliphant

The relationship between unemployment and crime has been the subject of considerable research. Despite this, and the fact that to many people the relationship seems self-evident, results of the research have largely been inconclusive. The South Australian Unemployment and Crime Study aims to resolve some of this uncertainty. Two CEP-funded staff based in the Office of Crime Statistics are currently nine months into a twelve month project.

The first priority has been to identify why existing research has been so unsuccessful. A major problem is that much of it has adopted a purely statistical approach. The key to such approaches is to try to find direct causal links between a particular factor - such as unemployment - and the incidence of crime. The reason why much of this research has been unsuccessful may be that this is simply not how the relationship works. The factor may not have any direct influence on the crime rate; but rather, the factor may have an impact on the character and nature of the society, causing structural transformations that lead to a different kind of society in which there may, or may not, be higher crime rates. This would help explain why the effect of high unemployment in a society may be quite different in different historical periods. Thus the impact of unemployment in Australia in the 1980s may be quite different to the 1930s: not only is the character of the unemployment quite different, but Australian society itself has changed.

Having examined the approach usually adopted to this subject, we have designed our research so that, while empirically oriented, it is also concerned to put the information collected into a more adequate theoretical context. This means returning to some basic questions: why does crime occur? and why does a society have unemployment?

There is a whole variety of explanations for the incidence of crime - the concept of 'damaged' individuals, absolute and relative deprivation theories, opportunity theories, sub-cultuure theories and so on. These explanations for crime seem to point to certain characteristics of social structures that lead to a higher incidence of crime (such as wider income gaps between the rich and the poor, the growth of opportunities, populations living outside the normal framework of law and order, etc). Furthermore, comparisons between different countries show quite different patterns of crime. This seems to suggest that the social structure of a society is a major determinant of the pattern of crime. Thus if the structure of a society changes, then the pattern of crime is also likely to change.

Many of the explanations for the growth of unemployment in Australia seem to indicate that changes of a permanent and structural nature are taking place. The crucial question is

whether these changes are leading to the development of a social structure that is likely to have a higher incidence of crime.

Features of Australian society in 1985 include wide income gaps between the rich and the poor, concentrations of unemployment in particular geographical areas and within particular socio-economic groups, the growth of the number of people suffering from long-term unemployment, and a substantial fraction of the community living in conditions of poverty - while the majority of Australians still enjoy high standards of material affluence. There is almost a second society developing within Australia - the characteristics of which are poverty, and material and social deprivation.

This has led to the hypothesis that the changes in the social structure of Australia associated with unemployment are leading to the growth of precisely those characteristics of society that are identified as contributing to higher crime rates.

In order to test these theories we have embarked on two empirical studies. The first utilises police records in a study of 1,000 persons apprehended for break and enter offences during the calendar year 1983. The second is a detailed survey of about 400 unemployed people based on written questionnaires and interviews.

The break and enter study is a relatively conventional empirical one that seeks to establish the profiles and career paths of offenders. The study has come up with a whole potpourri of offending patterns that seems to lend support to the variety of different explanations for crime mentioned earlier, and certainly does not point to a single, tidy theory that explains the incidence of this offence. This study will not conclusively prove the theories we are proposing. However, it will demonstrate that what we are saying is consistent with empirical information on known offenders.

The unemployment survey is a much more qualitative one and seeks to complement the first study. One of the primary objectives of the unemployment survey is to search for any evidence that may point to the emergence of a 'second society' within Australia. The survey has focussed chiefly on the attitudes of unemployed people; and these are crucial if we are to understand what is happening.

If we accept that low crime rates stem from a society in which the vast majority of the people conform to the rules of that society, then we may hypothesise that the key to lower or higher crime rates is people's belief in the system. Thus if the attitudes of unemployed people towards the rules of society are changing, as the results of our survey seem to suggest, then this may have critical implications for crime rates in the future.

The survey has also attempted to collect detailed information about the offences that unemployed people may have

committed. In particular, details have been sought about the minor offending into which unemployed people may have been drawn (covering the purely technical offences such as giving inaccurate information to the Department of Social Security, through to minor offences such as shoplifting). The importance of this minor offending may be considerable, particularly when coupled with the growing phenomenon of long-term unemployment. The significance of this is not that it may constitute some sort of new crime-wave, but it is the implications that this may have for people's attitudes.

If the results of our research indicate that normally law-abiding people are being forced by economic circumstances to become involved in systematically breaking the rules of society, then we may hypothesise that this will contribute to the long-term erosion of the values of the society. If our survey finds that people are becoming accustomed to breaking the rules regularly as a matter of day-to-day living; if, as the preliminary results of the research seem to suggest, those people are coming to regard the law as nothing more than an obstacle to be avoided, then it is perhaps reasonable to suppose that those people are unlikely to conform to the values of the system.

We are working on the theory that the sorts of changes in attitudes, or breakdown of values, to which this refers will not occur simply at the level of the individual; but rather, are more likely to occur within families, groups or whole communities. Furthermore, we would assume that these processes will not happen quickly, but will take place over long periods and over generations (because of the effect of socialisation, or lack of it, the impact of such changes is likely to be greatest on the children in these families or communities). These theories may seem alarmist but the empirical facts concerning long-term unemployment and the concentration of unemployment in particular communities show that the situation exists; and the results of this unemployment survey suggest that the changes in attitudes are already occurring.

The key to understanding the problem may be the phenomenon of long-term unemployment. There is a marked difference between the problems of the short-term and the long-term unemployed. People who are out of work for only a short period of time are unlikely to experience the poverty, frustration and desperation of the long-term unemployed. One of the psychological effects of long-term unemployment is likely to be an increasing alienation from society. It seems possible that the current economic situation may be creating a whole generation of people who are alienated from the mainstream of society. This would mean that this alienated generation would have little or no commitment to the society to which it belonged. This process of alienation is further compounded by unemployed people's interaction with the government. The preliminary results of our survey show that a substantial percentage of unemployed people regard the government (as represented by those agencies with which unemployed people have contact, namely, the Department of Social Security and the Commonwealth Employment Service) as being hostile and part of the

'other side'. Thus, when unemployed people are in desperate need, they may be less likely to seek help from those government agencies whose very function is to cope with those needs. We hypothesise that this is all part of the process of alienation of unemployed people, part of the way in which unemployed people are being pushed out of the mainstream of society. Whenever this occurs, whenever a sub-group of society is pushed to the fringes of society, or excluded from it, there is likely to be an increase in criminal behaviour amongst the members of that group.

The conclusions of our research are not going to be straightforward or obvious, because the changes we are examining are not going to happen instantly. The process of socialisation is a lengthy one, and similarly, will take some time to be eroded.

Our report will attempt to make some practical suggestions as to what might be done to ease the situation. The primary objective of such suggestions would be to help people stay within the system, rather than driving them out of it.

THE INCIDENCE OF DRINK-DRIVING IN WESTERN AUSTRALIA

Ali Landauer

Although both our own and other surveys have clearly shown that drivers regard driving with a blood alcohol concentration (BAC) in excess of the permitted limit as a very serious offence a vast number of men commit this offence.

The method of ascertaining the proportion of male motorists who drive with a BAC above the permitted level was to ask them whether they drove at times with a BAC in excess of 0.08 per cent. While few drinkers are able to reliably assess their BAC, people are usually aware if they have consumed too much alcohol and they also remember whether they drove a car on those occasions. Therefore, in our surveys it is the belief of having driven with an illegal BAC which is being investigated and not the fact of whether a drunken-driving offence had been committed. It is quite probable that some of the estimates were inaccurate and that heavy drinkers would tend to underestimate their BAC, in particular if they have a second drinking session and still have residual amounts of alcohol in their blood. On the other hand, light and occasional drinkers would be more likely to overestimate their BAC. It is, however, reasonable to assume that both over and underestimations are randomly distributed and that the subjects' answer to the question whether they have ever driven with a BAC in excess of 0.08 per cent was a valid estimate of the population parameter.

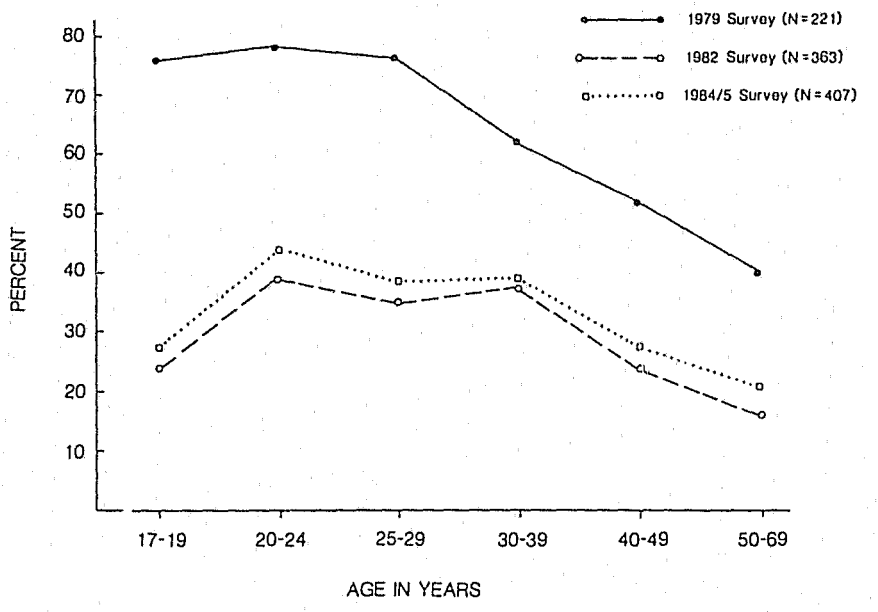
Our method is somewhat different to the one commonly used in surveys. When respondents are asked questions in which they may disclose illegal or immoral forms of behaviour, the subject must be satisfied that he remains anonymous.

In our last survey conducted from mid-November 1984 till early January of this year, we interviewed 407 male drivers at ten different locations around Perth. An additional 43 men refused to answer or failed to understand the question.

Subjects were asked if they drove a car and if they said 'no' the interview was terminated. The 16 men who were non-drivers were not included in the survey. The drivers were then asked if they drank alcohol and later if they ever drove with an illegal BAC. If the answer was in the affirmative the frequency was determined by questions. The figure (over page) shows the distribution with which the illegal act was committed. It includes the data of two earlier surveys and is divided into age groups.

The legislature must be made aware of the large number of men who are breaking the law and gamble on not being caught. Suggestions are made on how to deal with the problem, in particular how to increase the offenders' perceived probability of being apprehended. Finally, it is suggested that for experienced drinkers and drivers a higher maximum BAC be permitted, in particular if they undergo special driving and road safety courses.

MEN WHO DRIVE AT TIMES WITH A BAC ABOVE .08 %



FEAR OF CRIME ON PUBLIC HOUSING HIGH RISE ESTATES

Richard Wynne
Stephen James

Introduction

The present study has its genesis in the development of tenant associations on public housing estates, in response to the Victorian Labor Government's policy initiatives in refurbishing public housing estates and experimenting with alternative security programs across estates.

Specifically, the study was generated by the first author's involvement in the formation of a tenants' association on the Flemington Ministry of Housing estate and as past convenor of a Security Sub-Committee. Tenants through this collective mechanism consistently expressed their concerns and fears about the levels of crime and security on the estate. At the same time initiatives made by the Ministry of Housing in terms of estate improvements and new security arrangements had obvious relevance to tenants' perceptions of crime and security. It was clear that there was a need to both explore the parameters of tenants' concerns with crime and to stage an evaluation of new security measures. A review of available literature in Australia revealed that very little attention has been devoted to security/fear of crime on high rise estates. We felt that these concerns required some empirical investigation.

Initially, an approach was made to the Ministry of Housing for funding such a research program. While funding was not forthcoming, agreement was given for the program to proceed.

Survey Device

A survey questionnaire was devised utilising the victim survey technique, with additional items concerned with security perceptions and preferences. Specifically, the questionnaire addresses the following:

1. Biographical details of tenants
2. Tenant perceptions of high rise living
3. Tenant perceptions of and experiences with crime
4. Feelings of safety and fear
5. Perceptions and preferences regarding security arrangements.

The questionnaire was administered by interviewers, and required about an hour to complete.

Sampling

Three Ministry of Housing tower blocks within the inner urban region in Melbourne were chosen for the research exercise for the following reasons:

1. Each sample block was situated within a relatively close geographical area
2. Each block was at a different stage of the estate improvement program
3. Each block has a different security arrangement
4. All blocks have the same number of units and the same architectural layout
5. It was assumed that the sample population would be an homogeneous group.

The research involved a two-stage interviewing program in each block. One block was used as a control i.e. security arrangements and estate improvements remained static over the test period; the second block was tested after an estate improvement program commenced; and the third block was tested prior to the installation of electronic security measures.

Fifty-four of the 180 households in each block were tested. Each block consists of 20 floors, each containing nine households. To gain a representative sample six complete floors were tested to ensure that an adequate sample of one, two and three-bedroom units were included in the sample, and to take account of location in relation to lifts and stairwells and height off the ground. The principal income earner in each household was selected for interview. Where a flat was found to be vacant at the pre-test stage the flat immediately above or below was sampled.

The same tenants were interviewed using the same instrument approximately twelve months later. Attrition rates varied a little between sub-samples due largely to original tenants moving out. There were very few refusals during the second round. In all, 103 of the original 162 tenants were re-interviewed.

Analysis

Analysis of the returns is in the process of being finalised. Generally three main analyses were conducted on the data. The first concerns the exploration of differences between re-interviewed respondents and those that did not appear on the second round.

The second level of analysis concerns the differences between surviving respondents on both first and second interviews.

The third level concerns a more detailed investigation of the relationship between fear of crime and such moderating variables as victim experiences, biographical background and general perception of high rise living.

The fourth level concerns the change over the two interview periods amongst the surviving respondents. A clear picture will not be available for some weeks, however, some preliminary results and methodological and fieldwork issues will be discussed in more depth at the seminar.

'DOING EDUCATION' - JUST ANOTHER WAY OF 'DOING TIME'?

Mark Brennan

It is common knowledge that the expression 'doing time' refers to the serving of a prison sentence. Yet only those who have been inside the walls of a prison will have heard the term 'doing education' and perceived that it is used within the same temporal context by prisoners, by gaolers and, unfortunately, by many teachers. In other words, 'doing education' is accepted as an activity which usefully fills in time and keeps inmates occupied in the serving of their sentences.

Given the perspective of those charged with the task of keeping a number of people locked up with the minimum of fuss, this attitude to the educational activity is not especially surprising. Nor perhaps among prisoners who may rarely in their lives have been encouraged to take any other view of education. Yet it has been strange to discover that the concept of 'doing education' as a time-consuming activity has been so readily accepted by many teachers as a valid and reasonable purpose for their work in prisons.

Within Victoria, prison education is staffed by the Victorian Department of Education. But the obvious values and advantages of having an outside agency with its separate funding, training and structure seems very often to be negated when teachers step inside the walls and become 'education officers'. Their very independence seems to work against them when they are perceived merely as guests - and not part of a system, which is anyway primarily punitive. In order to obtain a role definition it may be comparatively easy to fall in with the commonly accepted view of 'doing education' since those who aspire to anything more than this may be branded as inappropriately ideological.

The publication Literacy & Learning - the human factor[1] presents ideas and perceptions of literacy and learning as expressed by inmates, in order that those interested in the job of education and the development of human learning can come more readily to view their customers as students. It is not their role to view them as prisoners.

Through interview, discussion and observation ideas about how prisoners think and feel about reading and writing have been collected. Further the importance of literacy learning, if any, on their rehabilitation has been assessed. Also the ways in which education is conceptualised and offered in lock-up situations is presented.

The four areas of concern are:

1. The prisoners' appraisals of their own reading and writing abilities and the value they recognise in such activities

2. Their opinions and suggestions on the ways in which reading and writing may be more effectively taught within the prison context
3. The role that reading and writing may play in their individual cases of rehabilitation - and
4. The most common requests made by inmates with reference to literacy education.

Being able to use language in all its forms is essential for effective social functioning - including the establishment of a positive self concept. Learning to read, and being able to read and write various things in a variety of ways are not just a set of skills. They are part of the definition that people have of themselves.

> Literacy can be seen to describe the role played by language in the growth of the person. The complex process of learning to speak and then to read and write takes in more than the acquisition of functional skills. It is a creative activity and through its exercise the person is able progressively to order and record his experience: To make sense of the world and his place in it.[2]

True educational enterprise is dedicated to strengthening and being sensitive to these concepts but punitive imprisonment functions in opposition.

In all incarcerating situations there are special features of communication and expression which demonstrate the essentials of humanity; essentials that everyone concerned is obliged to see and respond to. The whole value of this educative enterprise depends principally on the attitudes, perception and control of the participants and for this reason it is a necessary and valid exercise to canvass expressions of such from inmates. The methodology is of necessity naturalistic rather than experimental and draws a great deal on the concept that 'The social context is.....not so much an external condition on the learning of meaning as a generator of the meanings that are learnt'[3].

1. Brennan, M. & R.E. 'Literacy and Learning - the human factor'.
2. 'Towards a National Language Policy', Commonwealth Department of Education, Canberra, May 1982.
3. Halliday, M.A.K. 'Learning How to Mean - explorations in the development of language', Arnold, London, 1975.

REVIEW OF EDUCATION AND TRAINING PROGRAMS IN A YOUTH TRAINING CENTRE

Bob Semmens

This research project is concerned with the effectiveness of education and trade training programs in correctional settings. Effectiveness is defined in terms of future employment and recidivism records.

The research focusses on 113 youths aged between 17 and 21 years, serving sentences of 4 to 13 months at the Malmsbury youth training centre. Outcomes are compared for school and non-school programs on an alienation scale and according to major groupings of youth on three factors - institutional history, previous level of schooling, and prior employment.

It is possible that the findings of the research will show that participants in school programs are more likely to feel more alienated at the time of their release, and participants in non-school programs less alienated. However, this may not have much impact on outcomes, because there is a trend towards youths with higher previous schooling, higher previous employment and low institutional history being more likely to get and keep jobs. They also appear less likely to re-offend regardless of whether they participated in school or non-school programs at Malmsbury.

The curriculum proposal will take these data into account and the key emphasis appears to be in the development of programs that connect training with work.

A STUDY OF RESPONSES BY AGENCIES TO VIOLENT BEHAVIOUR

John Clayer
Claire Bookless-Pratz

The initiative for this study arose at a conference on 'Violence', held in Adelaide at the beginning of 1983. The conference was conducted by the Australian National Association for Mental Health. The overwhelming impression gained at that conference was the frustration that many agencies appeared to experience at the limitations they felt in their own responses to the violent episodes brought to their attention, and the frustration they felt when they tried to enlist the aid of other agencies with a specific problem of violent behaviour. This is a common frustration and complaint voiced by Women's Shelter workers.

An additional problem that came to light, which is related to the above problems, was that many agencies were able to identify persons who were predictably violent and, yet, the appropriate agencies to contain that violence were unable to do so. An example of this would be the occasion where a man was imprisoned for yet another act of violence, and would be released from prison with very little monitoring of his behaviour, or ability to control his behaviour. Another, was that of the person who had committed an act of violence whilst mentally ill, and who had been admitted to either hospital or prison, and treated in that institution for the illness that led to his violent behaviour. Although the treatment may have been successful, no legislation existed to enable the agency to insist upon the maintenance of the treatment that was essential for the control of the illness and the behaviour, when the time came for his release because of the expiration of the term of his institutionalisation.

The Guardianship Board, by comparison, has the power to govern the affairs of retarded or senile persons and even enforce treatment programs when their behaviour offends others. The possibility was raised that legislation to monitor the behaviour of behaviourally disturbed, violent persons should be extended to a Board such as this.

The conference resolved that a feasibility study should be carried out to test the viability of a central panel which could, (i) assist in the co-ordination of responses by agencies to violent acts; and (ii) where appropriate, to monitor the behaviour of known violent persons. The South Australian Association for Mental Health was given responsibility for carrying out this study. The intent of this study met with considerable opposition from civil liberty groups, who were concerned about protecting the rights of violent persons. However, in the preliminary discussions of the Research Committee, it had already become quite clear that any such feasibility study of a central panel would be quite premature. Little was known about the type of violent persons with whom agencies were in contact, and there was no

comprehensive documentation of how successfully or unsuccessfully agencies responded to those acts of violence. In particular, no comprehensive information existed concerning agencies' perceived problems, either with other agencies or the present legislation.

The present study was established as a preliminary investigation of the abovementioned issues. It set out to contact as many agencies as possible that had contact with violent acts, either through the victim, perpetrator, or both. A questionnaire has been designed to collect data on:

1. the nature of violent acts
   - type of act, incidence, and recurrence
   - demographic data on violent persons and victims

2. which service agencies are in a position to identify violent persons

3. what responses those agencies can and do make in situations where there is a problem with violence

4. what legislative changes are needed (if any) to provide more adequate services in cases of violence.

For the purpose of this study, violence is defined as an act of verbal (emotional) assault and/or physical assault, either sexual or non-sexual, upon a person or persons. This definition is necessarily broad to accommodate the range of agencies included in the study. The range of participating organisations was also a major consideration in designing the questionnaire. Before arriving at the final form of data collection and methodology, the Research Officer held extensive consultations with appropriate agencies. From these contacts alone, it is felt that a great deal has already been learned.

The original concepts have, where necessary, been modified. For example, originally it was not anticipated that a great deal of attention would be focussed on child abuse, as it was assumed to be an area already very adequately and comprehensively covered. However, after visiting the Child Abuse Centre at the Adelaide Children's Hospital, it was apparent that such impressions were unfounded, and to neglect this aspect of violence, on the grounds that it was adequately covered by agencies, would represent a gross omission.

Other agencies have also highlighted the need to examine agency response to violence. Crisis Care, for example, who, it was believed, would be mostly concerned with adult violence, sees, in fact, 200-500 cases of child abuse a year, which represents the largest involvement of their time. In addition, they spend approximately 25 per cent of their time dealing with specific cases of violence in the form of spouse abuse. It is interesting to note the way in which various agencies tend to perceive themselves. Correctional Services, for example, rather cynically, and slightly despairingly, see themselves as a dumping ground, a

place where violent people turn up who have been through almost every other agency and every other kind of service before arriving at their doorstep.

Of the agencies contacted for inclusion in the study, the Marriage Guidance Council is the only organisation which has refused to participate. This attitude is maintained, despite the fact that an internal report by marriage guidance counsellors revealed that approximately 40 per cent of the persons seen by their staff were involved in physical violence with their partners at least once in the year before the study. How that agency deals with violence if, and when, it is presented, is relatively unknown and it would appear that the agency prefers that situation to remain unchanged.

At this stage, the intention is, when the initial study has been concluded, to return to all the agencies with the reports received from the officers, for discussion of those officers' responses, to see whether there is any discrepancy between the officers' perceptions of the agencies' roles and capabilities, and those of the agencies. When that has been completed, a paper will be prepared, describing the results obtained. This will be circulated to all participating agencies and a seminar then conducted, where the question of means by which agencies' responses could be improved, where agencies' assistance by other agencies might be improved, and whether or not there is a clear-cut need for alteration in the existing legislation, will be determined. If that seminar does produce strong recommendations, these will be communicated to the Government through the Minister for Health.

It is interesting, however, that even before the study has been carried out, an investigation into the needs of behaviour-disturbed persons in Adelaide has enquired into the results of the study, and it is possible that some of the persons covered by this study will be referred to an extended Guardianship Board for the minitoring of their behaviour and determination of enforced treatment programs.

SENTENCING DISCRETION AND THE SYSTEM OF APPELLATE REVIEW

Don Weatherburn

Arguments against existing judicial sentencing discretion usually proceed from empirical evidence purporting to show the existence of sentencing disparities. Such evidence is usually gathered either by:

(a) comparing sentence patterns from different courts on the assumption that the kinds of cases they are dealing with are similar; or

(b) subjecting sentence distributions from a given court or group of courts to a multiple regression or discriminant analysis on the assumption that the factors entered into such an analysis exhaust (and capture) the range of legitimate factors in sentencing.

Disparities are said to exist where strategy (a) shows disparate sentencing patterns and/or where strategy (b) shows that there are sentencing variations left unexplained when the variance attributable to 'legitimate' sentencing factors is taken into account.

There are methodological weaknesses with both these strategies which call into question their utility as a basis for evaluating existing judicial sentencing discretion. Strategy (a) suffers the obvious weakness of dependence on the unproved assumption that cases appearing before different courts are comparable if large enough numbers of cases are sampled. Strategy (b), though more sophisticated, suffers from dependence on two unproved assumptions. One of these is that the scaling of actors entered into the analyses is such as to capture their effects upon the sentence distribution. The other is that the factors sampled exhaust the range of 'legitimate' factors in sentencing. In many studies the former assumption is doubtful. In most studies the latter assumption is false.

Those in favour of existing judicial sentencing discretion tend to explain sentencing variations in terms of the judicial practice of 'fine tuning' the sentence to the offence. The critics of discretion have been deceived, they say, into thinking that because sentences vary widely and because there are no legislative guidelines in sentencing, that judicial sentencing discretion is therefore too unstructured and too wide. The defenders of discretion dispute both of these points. In the first place judicial discretion, though not legislatively structured, is said to be structured by the body of case-law surrounding sentencing. In the second place the discretion which does exist is said to be necessary if the sentencer is to 'fine tune' the sentence to the idiosyncratic details of offence and offender.

It is clear that this defence of sentencing discretion depends heavily on the adequacy of the system of appellate review. For if the body of sentencing principle developed or affirmed by Courts of Criminal Appeal is not followed by lower courts, then the 'structuring' of judicial discretion created by case-law is more apparent than real. Sentencers in such circumstances may be 'bound' by precedent in the rationale they give for a sentence but would enjoy unfettered discretion in dealing with each case. This is especially true where actual non-compliance with a sentencing principle is difficult, or impossible to detect.

This suggests that an examination of the adequacy of the system of appellate review might be a more useful place to start in the evaluation of existing judicial sentencing discretion. The essential research tactic required by this strategy is the identification of case-law principles whose observance by the courts may be assessed. The recent passage of the NSW Probation and Parole Act (1984) has provided a basis for evaluating one such principle; namely the rule should not have regard to the likely effect of remissions on sentence. The rule has a very long history and is, in fact, an instantiation of the general principle that in sentencing regard should not be had to the possible actions of the executive concerning release. The rule was recently reaffirmed in R. v O'Brien in New South Wales and R. v Yates in Victoria.

The passage of the NSW Probation and Parole Act created the conditions of an interesting test of court compliance with the principle, by applying remissions to the minimum period of sentences. The courts in New South Wales (and elsewhere) have a strong tradition of resistance to executive 'interference' in the minimum periods of sentences. If the tradition was to be maintained courts would have had to increase the minimum period of sentences following the Probation and Parole Act. On the other hand if the system of appellate review binds judicial sentencing discretion minimum periods set by courts should have been the same before and after the Act. The available evidence strongly suggests that courts increased minimum periods following the Act and therefore calls into question the power of the system of appellate review as a device for structuring or controlling the exercise of judicial discretion in sentencing.

PROSECUTORIAL DISCRETION

Ivan Potas

A United States Judge once observed that 'the prosecutor has more control over life, liberty and reputation than any other person in America'. The decision to prosecute is equally important in the Australian context. After all, one of the most crucial decisions in the criminal justice process is whether or not a person should be prosecuted. The prosecutorial decision provides the outer limits of the potential punishment that may be imposed on the offender.

Much research has been done in the area of sentencing, but as the Australian Law Reform Commission noted in 1980 in its interim report on sentencing, little is known about how prosecution decisions are made. Little attention has been given to the important decision as to whether a prosecution should be laid in the first place, and if so, what charges should be proceeded with.

This Institute has been afforded the opportunity of doing research in the newly created office of the Director of Public Prosecutions. The aim of the present project is to monitor the work of the prosecutors in that office and describe the decision-making process. With this in mind a statistical form has been designed so that important data relating to the offender and the offence can be collected and then analysed with the aid of a computer. Amongst other things it is proposed to examine the number and kinds of cases dealt with by the DPP and include also a detailed examination of why some prosecutions are dropped, or charges reduced in severity.

Work has already commenced in the Victorian Office of the Director of Public Prosecutions. Data covering cases completed over a three month period (from October to December 1984 inclusive) have been collected and are shortly to be fed into the computer.

While it is hoped that the study will be replicated in all other States and Territories in which the DPP has an office, it is proposed at this stage to analyse the Victorian data first in order to determine the feasibility of proceeding further. Attached is a copy of a prosecutor's work sheet which includes the kind of data being collected.

It should be noted that considerable information is being sought concerning the outcome of each case and particularly the ultimate sentences that are imposed in respect of the charges proceeded with. This information should provide considerable assistance to the Australian Law Reform Commission in its continuing interest in the sentencing of Federal offenders.

It is envisaged that the statistics generated by the system would provide an accurate and efficient overview of the work of

the Director of Public Prosecutions. It would provide instant feedback of work completed, assist in the selection of priorities, contribute more generally to the development of policy, and provide readily accessible data for the preparation of statutory and other reports which the Director of Public Prosecutions may be called upon to write.

In the longer term it is proposed that the program of statistical analysis is to be coupled with participation observation research. This is desirable if in-depth research is to be undertaken on particular aspects of the prosecution process. It is at this level that the Institute could provide some input into the development of prosecutorial guidelines. At this level also an understanding of the use of plea bargaining and the topic of undue delay in the administration of criminal justice could be studied and reforms proposed.

SENTENCING REFORM: THE SEARCH FOR INFORMATION

Janet Chan

Sentencing Disparity

Critics of the sentencing process have made much of the problem of 'sentencing disparity' among judges. The existence of disparate sentences in relation to 'similar' or even identical (as in sentencing exercises) cases is not difficult to prove[1], but it is generally not easy to define what amount of disparity is excessive or unwarranted.

Given the lack of guidance from current laws and procedures, it is perhaps not surprising that disparity exists. The concept of sentencing disparity conjures up images of random justice, arbitrary decisions and irresponsible judicial attitudes, even though it is recognised that there are real difficulties in establishing what constitutes a 'fair' or 'just' sentence for a given offence/offender. Judges proffer the standard argument that 'no two cases are alike', and challenge their critics to define what a 'correct' sentence should be. To focus on disparity as a key issue leads to the expectation that if one tries hard enough, one might be able to fine-tune the process of judicial sentencing to an exact science, simply by plugging in the variables and mechanically pulling out the sentence. A preoccupation with sentencing disparity misses the real problems with sentencing.

The Need for Reform

Although it may be in the government's interest to reduce sentencing disparity, the main impetus for sentencing reform does not originate there. It comes as a result of the failure of imprisonment. The standard argument has been that prisons are costly, both in financial and human terms, and that they are ineffective in controlling or deterring crimes. The movement for decarceration has been gathering strength for some time, both overseas and in Australia.[2] It has been met with enthusiasm and support from liberals and not-so-liberals alike. In fact, various participants (police, prosecutors, judges) in the criminal justice system have been practising 'diversion' for years. Decarceration is also taking place within the prison system through various types of early release schemes. Prisons are increasingly seen as the punishment of last resort. The problem, however, is that a policy of decarceration cannot work properly without some control of the sentencing process. The government is caught in the classic situation of having to balance its needs to (a) maintain order through crime control, (b) reduce costs through a policy of decarceration, and (c) preserve its legitimacy through rationalising the sentencing process.

The Problems with Sentencing

If we go back to basics, the problems with sentencing consist of the following questions:

1. What is the criminal justice system trying to achieve in sentencing?
2. What are the effective means it could use to achieve it?
3. Who should make decisions about sentencing policies?
4. How can these policies be enforced?

1. Aims of Sentencing

It has been pointed out that sentencers do not always agree on the social purposes of sentencing. Such a disagreement does not necessarily reflect badly on the judiciary. Depending on the type of offence or offender, and the social and political context in which sentencing takes place, the social objectives of a sentence cannot be re-defined and inflexible. Even if there were a consensus among judges, politicians, and the general public about the guiding principles of sentencing, there is no guarantee that the same principle would mean the same thing to everybody. In the proposed amendment to the Criminal Code in Canada, for example, the unifying principle of 'public protection'[3] has been advocated as the basis of sentencing.[3] However, 'public protection' can be taken to mean deterrence, incapacitation, retribution, or rehabilitation depending on the circumstances. In fact, judges have been known to give widely different sentences to similar cases by applying what they believe to be the same principle.

Legal philosophers and practitioners can debate at length about the principles of sentencing, but the 'bottom line' of sentencing must surely be that of maintaining order in society. Whether this is done through deterring violators, reforming criminals or making them pay, the ultimate purpose is the same. But how can this purpose be achieved?

2. Effective Penal Sanctions

The answer to this question usually comes in the form of 'negatives', ie, we know 'what doesn't work', but we are not altogether sure about 'what works'. Criminologists have failed to come up with the definitive answer on the effectiveness of penal sanctions. Proponents of harsher or lighter penalties are equally unsure about the effects of these measures on 'offending rates'. Much has been said about the failure of prisons and psychiatric interventions, but little is known about the effectiveness of the various non-custodial options which are proliferating. Faced with this fundamental difficulty, policy makers decide that perhaps the best anyone can do is to avoid the options proven to be costly and ineffective. The objective of sentencing reform becomes a pragmatic one of reducing the use of imprisonment.

3. Sentencing Policies

The traditional principle of judicial independence presents a serious problem to those who want to reform the sentencing process. Although there is little disagreement about the importance of judicial autonomy in making individual judgments, the issue of who should decide on sentencing policies is by no means uncontroversial. Some would argue that the appellate court is the only place for such policies to be pronounced. Others feel that Parliament should take a more active role in formulating sentencing policies. The passage of mandatory sentencing laws has been taking place in the United States in the last ten or fifteen years. Such a move is not likely to be welcomed in Australia. A compromise approach is being tried in Canada with the establishment of an independent Sentencing Commission which will gather information on sentencing, develop sentencing guidelines and suggest means of implementing, revising and evaluating these guidelines. The recommendation of the Australian Law Reform Commission to set up such a body in Australia has not been met with enthusiasm. Meanwhile, informally and invisibly, sentencing policies are being shaped by executive/correctional authorities through various early release programs operating in the States.

4. Enforcement of Sentencing Policies

It is doubtful whether any single strategy of structuring sentencing practice is likely to succeed. Appellate judgments can, and should, provide more guidance through a clear articulation of the process of reasoning and a consistent practice of referring to previous decisions[4] but the usefulness of this method is limited by the types of cases which go before appellate courts and the lack of communication between different levels of courts.[5]

Sentencing guidelines, either subjective or empirically-derived[6], have been used in American jurisdictions with varying degrees of success.[7] Monitoring exercises have shown that voluntary guidelines were generally ignored by judges, while mandatory ones took away the flexibility and humanity in sentencing decisions. In most cases, sentencing guidelines tended to shift discretion to the prosecutors and did not necessarily reduce statistical disparity.

The idea of an independent sentencing commission consisting of judicial and non-judicial members, appears to be a sound compromise between legislative intervention and the current laissez faire approach to sentencing policies and practices. The success of such a body will depend on the political power vested in it as well as the degree of co-operation it can secure from the 'grass-roots' level.

The Role of Research

The analysis so far suggests a wide range of questions which have to be addressed. Some of these issues, especially

those concerning the aims of punishment, the degree to which society can tolerate disorder, and the extent to which the criminal justice system can do anything about social order, are fundamental ones which will no doubt be debated and examined from time to time. Other issues are more narrowly focussed on the immediate problems of sentencing policies. Research on sentencing should at least begin with some of these immediate issues.

The purpose of research is to provide information. Broadly speaking, this consists of two major types of data:

(1) System information. This may involve a variety of indicators (quantitative, qualitative, subjective, objective, system, trend, etc.) on current sentencing practices such as: the types of decisions being made, the factual basis of these decisions, the factors being considered, the weights attached to these factors, the inter-relationship between the stages of the criminal justice process, and the difficulties perceived by the participants. The gathering of this descriptive information is the first step towards constructing a rational basis for sentencing reform. At the most funamental level, these data will provide judges with the 'feedback' they need to assess current sentencing practices. In the Judicial Officer Survey conducted by the ALRC, the respondents appeared to favour statistical information over any other form of sentencing aids. Statistical information can also be a basis for quantifying the so-called 'tariff', and assist in appellate court judgments, although it should never be taken as the standard for sentencing. In a recent study of sentencing in English Crown courts, Ashworth and others discovered that judges are often ill-informed about their own sentencing practices, and sometimes end up passing a harsher sentence where a more lenient one is intended.[8] Sentencing information of this kind would make judges more aware of the problems with unstructured sentencing. System information is also essential as a base-line for evaluating reform strategies.

(2) Policy analysis. The formulation of sentencing policies should be based on a thorough examination of alternatives. Innovative sentencing policies can be assessed in a number of ways:

(a) systems analysis - the impact of new policies can be predicted or estimated using a well-constructed model of the present system.[9] This has been most often used for predicting prison population, but with more complete information about the system, models can be used to estimate the effects of new policies on other parts of the system as well.

(b) case studies - the introduction of sentencing legislation and sentencing guidelines in the United States has been monitored extensively, and the results of these experiments can be used to assess the likely impact of similar innovations in this country.

(c) experimentation and monitoring - by experimenting in different Australian jurisdictions and monitoring the impact of these experiments, we can test the feasibility of various alternatives.

(d) summarising the experience - a systematic body of knowledge should emerge from summarising the reasons why various innovations succeeded or failed in different jurisdictions.[10]

The ALRC Research Program

One of our research goals is to take the first step towards a more comprehensive look at sentencing. We believe, however, that there is a pressing need to continue such research either in other research institutions or under the auspices of a body such as a sentencing commission.

In formulating this aspect of our research program, we took into account some of the American experience in sentencing research. For example a strong case has been made for diversifying research strategies, balancing short-term and long-term perspectives, and not treating judicial sentencing in isolation from the other stages of case processing.[11] We believe these are sound strategies towards a more complete understanding of the sentencing process and the impact of sentencing reforms.

Our project consists of collecting basic sentencing information on federal and ACT offenders. This seemingly simple task took us through the nightmare called Australian criminal justice statistics. Not only is ready-made statistical information on federal offenders virtually non-existent, it is not likely to be available for a long time. Among the agencies we have canvassed so far, some of the problems appear to consist of:

1. Lack of interest and/or resources to initiate or maintain statistical collections. Many organisations do not feel the need for collecting systematic management information, and if they do, co-operation is not always forthcoming from their members. The problem is usually more severe when professionals such as lawyers are given the task of filling out statistical returns. Such an exercise is often thought to be beneath their talents and has the lowest priority in their busy work schedule.

2. General inaccessibility of the raw data, as a result of neglect, inefficiency, bad filing system or lack of resources. Some organisations have such resource problems that filing clerks could not keep up with the rate at which papers are being generated. Others remove files from the offices to archives which are virtually inaccessible so that it is impossible to build up a statistical collection from existing files.

3. Lack of information about the completeness, reliability and overall accuracy of the data being kept. Some agencies take pains to validate their data, but are not always successful in getting accurate or complete returns from source organisations. Others have no quality control whatsoever and there are not enough resources to improve the situation.

4. Failure or reluctance to move towards uniform statistical collections for the whole of Australia. Many attempts have been initiated to establish uniform coding schemes for statistical data, but they have generally not been successful. Filing of information from source agencies is a voluntary exercise, and co-operation is never complete. When a piece of information is considered irrelevant or useless to the objectives of the source organisation, it has a tendency to ignore or not report it systematically.

In relation to the processing of federal offenders, we ran into the additional problem of not being able to distinguish between federal and State offenders in most existing statistical collections. Some categories of federal offences such as offences against the Social Services Act 1947, are routinely excluded from these collections.

As a result of a complete absence of data on federal and ACT offenders, we are initiating a collection of information on convicted federal offenders through the Australian Federal Police in Canberra. Being the only central depository of criminal records on federal offenders, the AFP is the most important source of information for our study. However, there appears to be some slippage in the filing of conviction data from regional offices from time to time. As a means of assessing the completeness of the AFP data, as well as obtaining a rough profile of unconvicted cases and cases which did not result in prosecution, we are gathering similar information on a sample of cases from the Sydney offices of the Director of Public Prosecution and the Director of Legal Services.

To supplement this somewhat sketchy information, we have made arrangements to conduct a small-scale study on sentencing decisions in a local court in Sydney which specialises in federal cases. We hope to combine official court record information with courtroom observation and selective interviews with various people involved in the cases, including magistrates, prosecutors, defence lawyers, correctional officers, and the defendants.

Similar initiatives are proposed for the ACT, which is the other area of major concern in the sentencing reference.

The Danger of Reform

The search for information will no doubt go on and some may question the necessity of it, given that the politics of law reform do not always follow from knowledge and logic. Although reform ideas are not much use unless they are implemented, there is a distinct danger that too much emphasis is given to ideas which are politically acceptable but not sufficiently tested. The history of penal reform has been filled with instances of high hopes and grave disappointments. Panaceas have been over-sold and uncritically accepted. Hidden agendas sometimes undermine the manifest goals of the reform initiatives. Objectives are not always clearly articulated, and successes are often more symbolic than real. Not enough attention is paid to the 'side effects' of reform such as the shifting of discretion, the adaptive behaviours

of the participants, the widening of the net, the escalation of prison population. It is not sufficient to discard yet another reform idea as 'doesn't work'; it is time to ask, 'why doesn't it work?' The answer has to come from knowledge, not rhetoric.

Footnotes

1. S. Divorski and T.S. Palys, An Experiment in Sentencing, Report No 1984-91, Ministry of the Solicitor General of Canada; A. Lovegrove, 'An Empirical Study of Sentencing Disparity Among Judges in an Australian Criminal Court' (1984) International Review of Applied Psychology.

2. A.Scull, 'Community Corrections: Panacea, Progress or Pretence?' in D. Garland and P. Young (ed), The Power to Punish, Heinemann Educational Books, London, 1983; A. Scull, Decarceration, Englewood Cliffs, New Jersey, Prentice-Hall, 1977; P. O'Malley, Law, Capitalism and Democracy, Sydney, George Allen and Unwin, 1983.

3. Government of Canada, Sentencing, Policy Paper, Ottawa, February 1984.

4. A. Ashworth, 'Techniques of Guidance on Sentencing', Criminal Law Review, 1984.

5. K.R. Webb, SM, 'Sentencing: A Magistrate's Viewpoint', University of Sydney, Proceedings of Institute of Criminology, No 35, 1978, 76.

6. S.A. Lovegrove, 'Structuring Judicial Sentencing Discretion', In D.J. Muller, D.E. Blackman and A.J. Chapman (ed) 1984, London: Wiley.

7. J. Cohen and M.H. Tonry, 'Sentencing Reforms and Their Impacts' in A. Blumstein et al (ed) Research on Sentencing: The Search for Reform, Vol 2, National Academy Press, Washington DC, 1983.

8. A. Ashworth et al, Sentencing in the Crown Court: Report of an Exploratory Study, Occasional Paper No 10, Centre for Criminological Research, University of Oxford, Oxford, 1984.

9. See, for example, J. Walker, Forecasting Prisoner Numbers, Australian Institute of Criminology, Canberra, ACT, 1984.

10. J.D. Casper and D. Brereton, 'Evaluating Criminal Justice Reforms', Law and Society Review, 18(1), 1984, 121, 144; S.E. Martin, 'The Politics of Sentencing Reform: Sentencing Guidelines in Pennsylvania and Minnesota', in Blumstein et al (1983) Vol 2.

11. A. Blumstein, J. Cohen, S.E. Martin and M.H. Tonry (ed) Research on Sentencing: The Search for Reform, National Academy Press, Washington DC 1983, Vol 1; Ashworth et al 1984.

PROBLEMS OF RESEARCH IN THE JUSTICE SYSTEM EFFECTS OF RAPE REFORM LEGISLATION

Kenneth Polk

In recent years, much has been written about the need for reform of laws regarding rape. One of the specific themes that runs through this discussion has been the problem of the low rate of court conviction that characterises rape. Thus, it is commonly argued that rapists are likely to 'go free from any threat of conviction', or that the conviction rate for rape is 'lower than that for any other form of violent crime'.

In the resultant changes that have occurred in criminal law regarding rape, enhancement of conviction rates became what one writer argues a 'universal aim' of that reform. What has been the effect of these changes upon criminal justice processing, especially conviction rates? Several years have now passed since the first reforms have been implemented, and it becomes possible to begin to assess the impact of the changes in legal processes regarding rape. The present study attempts a preliminary assessment of the effects of these changes in the State of California by first tracing the specific character of the changes in law, and then examining how these alterations appear to have impact upon the flow of cases through the criminal justice system of that state. The presence of a large body of statistical data maintained over time by the state correctional authorities makes possible a secondary analysis relating to these questions which, while certainly not definitive, provides information and insights on what particular points of criminal justice processing show effects of these legal changes.

The Shape of Legal Reform

Many of the changes in criminal law regarding rape in California are consistent with the general trends in the United States and elsewhere. For example, California enacted a "rape shield law" which is designed to constrain the use of prior sexual history in proving consent, a gender neutral language was adopted in the definition of rape, and there was a removal of the spousal exclusion in cases of rape. Unlike many jurisdictions (eg, Michigan) California did not adopt a language of assault in the definition of the offence, but has retained the traditional term of "rape", providing instead of degrees of assault, enhancements for the use of weapons and/or violence in rape cases.

One of the most important differences concerns the approach to penalties. It has been the argument of many proponents of legal reform that penalties for rape in general should be lessened, through such devices as spreading out the degrees of the offence, with lesser penalties attaching to the less serious forms of rape. In contrast to this position (and its implementation in states such as Michigan), California instead stiffened penalties through the use of mandatory prison terms or mandatory minimum terms. Such steps were, however, part of a general reform of the

criminal law rather than measures taken specifically with regard to the offence of rape. Across the board for most major felonies, in other words, penalties became more severe. A further change was the substitution in California in 1976 of fixed terms for the previous indeterminate sentencing laws. The initial range of fixed terms for rape under this determinate sentencing law was three, four or five years (with the middle option as the default in the absence of mitigations or aggravations having to do with violence or the use of weapons). In 1978 the range was increased to three, six or eight years. If a convicted rapist was sentenced to prison, in the absence of mitigating circumstances the mandatory minimum was increased from four to six years in 1978. In 1979, a prison sentence was made madatory for rape by force. The shift in the law from a rehabilitation oriented view to a punishment approach to rape was supplemented by the repeal of mandatory commitments to the Mentally Disordered Sexual offender (MDSO) program in 1981. All of these changes, in other words, indicate a general approach of increasing the severity of punishment for convictions of individuals charged with the offence of rape.

Trends in Criminal Justice Processing

What effects have been produced in terms of criminal justice processing of cases of rape as a consequence of the revisions of criminal law? While certainly not definitive, some rough initial assessment becomes possible with reference to the examination of the Offender Based Transaction statistics available for California for the years from 1975 through 1982 which permit a tracing of the movement of cases through various points in the criminal justice system. Some findings which emerge from these data include, first, that police clearance rates for rape have remained relatively unchanged over the period of 1975 to 1982. In 1975, 45 per cent of reported rapes in California were cleared by arrest, with 46 per cent being the figure for 1982. The clearance rate for rape was consistently lower than that reported for homicide or assault, but higher than those observed for robbery and burglary.

Second, the rate of court filings by prosecutors increased slightly over this time span, with the percentage of rape cases being filed as felonies being 49 per cent in 1975, 55 per cent in 1976, and 60 per cent in 1982. This stands in contrast to the lack of any apparent systematic increases in the filing rates for robbery, assault or burglary. If the comparison shifts to the third dimension, the rate of court conviction, the data appear to be trendless with slightly more (67 per cent) convictions occurring as a proportion of felony filings in 1975 than was the case in 1982 (64 per cent conviction rate). In the case of the fourth level, however, there was a strong upward trend for cases of rape (and other serious felonies) to result in a prison sentence, with 58 per cent of those convicted of rape receiving an institutional sentence in 1975, compared to 81 per cent in 1982.

These data suggest that changes in the criminal law regarding the processing of rape cases show their greatest effects at the 'deep end' of the justice system. Thus, once an offender is processed through to the conviction stage, he is much more

likely to receive a prison sentence in the 1980s than was the case in earlier years. There is little evidence, however, that much has been changed at the shallow end of this system, especially in terms of police behaviour.

Several questions can be raised about these results. One, it would seem important for those concerned with the general question of expanding the effectiveness of the criminal justice process in coping with rape to come to grips with the relative lack of impact of current reforms in California in increasing the flow of cases into the justice system. If a major goal of such reforms is, in fact, to increase the ease with which cases of rape are brought into the justice process, there is little of comfort in these California findings. Two, it is possible to question the ultimate impact of effects which are produced primarily at the 'deep end' of the justice system. If a major rationale for such changes in their potential deterrent effect, this would seem to be of limited value given that it has been observed that a high proportion of rapists, including convicted rapists, are not likely to view what they have done as rape. Even avoiding the whole general range of questions that are raised about the effectiveness of deterrence policies, in this case it should be clear that if the potential offender does not view his intended act as rape, an increase in the severity of the penality can serve no deterrent effect whatsoever. Three, further research is probably indicated to explore the relatively slight (if any) effects of these changes on conviction rates specifically (although the present investigtion, as is true with others, serves to underscore the fact that a very small proportion of rape cases achieve conviction through the trial process, which is where many of the intended legal changes which purport to be about enhancing convictions would have their effects).

Some General Research Problems Encountered

Several general research problems encountered in the course of this research seem worthy of mention. For one, since this investigation draws upon secondary data (in this case information published by the criminal justice statistical agency of the State of California) it is by definition limited to the measures reported in the various publications. There is, unfortunately, no consistent reporting of victim survey data during the time period examined here. Such victim data would be especially helpful in determining the impact of the legal reforms on the willingness of victims to bring cases of rape into the justice system.

Further, there are a number of problems that relate specifically to the utilisation of transaction series data. It is not possible, for example, to use the whole of the transaction series because the analysis would become too cumbersome for ready interpretation. As a result, it becomes necessary to reduce data to significant decision points. For example, an arbitrary decision was made in the present analysis to classify prosecutor behaviour in terms of the filing of cases as felonies. Prosecutors have at least two other general options, since they can either dismiss the case or they can take the case to court as a misdemeanor. While it seems to make substantive sense to build

the distinction around felony filings, what this means is that a comparatively large proportion of cases involving, say, assault will then become lost since relatively more assault cases are likely to be filed as misdemeanors.

A closely related problem that arises in using such series data consists of defining bases for computing the transition probabilities. Trends can be sharpened or diffused depending upon the base used for the rate calculation. For example, while the level of felony convictions obtained for all cases brought to court has remained relatively stable over the years studied, there is a slight upward trend in the proportion of felony convictions by arrest offence in the case of rape (an apparent function of the slight upward trend in felony filings on the part of prosecutors).

There is also the problem of selecting an appropriate mode of presentation for such data. The considerations here are that, on the one hand, some of the more sophisticated forms of time series analysis that might be called for in the examination of these trend data require several more time plots than are available in these series, while on the other hand, utilisation of such complex analytic techniques might serve to remove criminal justice practitioners as an audience for the research.

Throughout, of course, our work has underscored the need for appropriate comparative bases in studies of rape. Thus, in many of the earlier studies where profound attrition biases were argued to exist in the processing of rape cases in the criminal justice system, in fact the observers were looking only at cases of rape. What this research substantiates is the position that while attrition does occur such that, for example, only a very small proportion of those arrested for rape utlimately receive a prison sentence, this is also true for such offences as burglary, robbery or assault. This does not mean that these are not biases in the way the criminal justice system responds to rape charges. Rather, it indicates a need to be precise about the specific location and form of such biases, especially if what is intended are legislative changes to improve the system's response to cases involving charges of rape.

The research on which this paper is based was supported by funds granted by the National Institute of Mental Health (Grant MH36629 "The Rapist: Social Background and Criminal Career").

FINE DEFAULT IN SOUTH AUSTRALIA

Leanne Weber

The motivation to undertake this study began with a concern in the Department of Correctional Services over the consistently high numbers of prisoners admitted to South Australian institutions with sentences under 3 months. When it was revealed that fine defaulters accounted for the vast majority of these short-term prisoners, the need for a full-scale enquiry into the problem became apparent.

Accordingly, a three-part empirical study was carried out by a Departmental Working Party to gather information on the entire process from fine imposition to imprisonment in default, through:

1. A collection of data from Departmental records.

2. Interviews with fine defaulters at Adelaide Gaol.

3. A survey of Probation and Parole Officers.

Data were obtained on:

1. The overall impact of fine defaulters on Departmental institutions.

2. Details of their fines and offences.

3. Demographic characteristics of fine defaulters.

4. Court practices relating to fine imposition and collection.

5. Attitudes of fine defaulters towards fine payment and imprisonment in default.

As background to the empirical research, a review was made of literature on the philosophy of the fine as a criminal sanction, and a brief comparison of court practices and default rates in other states was carried out. It was not possible, however, to obtain an accurate estimate (from court records) of the current rate of fine default in South Australia or to investigate a sample of offenders who did pay fines.

The results showed that during the one-month survey period 72 per cent of sentenced intakes (ie 258) to South Australian institutions were for non-payment of fines only. They occupied, on average, 42 beds per night and spent the equivalent of a 5 year sentence in gaol.

Aborigines (36 per cent), women (8 per cent) and the 'not employed' (84 per cent) were over-represented in the sample in

comparison with their proportions in the general prison population, as were the under-25 and over-45 age groups. Within the lower age-group driving offences were the most common, and this was the most common offence for non-Aboriginal offenders in general. Within the older age-range, and for the Aboriginal group, drink-related offences and breaches of recognizance were the most common offences. Fine defaulters, as a group, had more previous imprisonments than other prisoners, although 59 offenders who had never been in gaol before were imprisoned for non-payment of fines only during the survey period.

A complex variety of reasons was given for non-payment of fines and, while most defaulters interviewed showed a reasonable knowledge of the fining system in general, respondents often displayed confusion or disinterest over the specific details of their defaulted fines. Most non-Aboriginal defaulters interviewed strongly favoured Community Service Orders in default of payment, but Aboriginal respondents were far less likely to prefer Community Service to imprisonment.

The research clearly revealed the need for urgent action to reduce the numbers of fine defaulters imprisoned. The Working Party did not recommend a Fine Default Option scheme as such, believing this to be a short-term solution which would do little to ensure the survival of the fine as an effective penalty and preferring instead to endorse the recommendations of the Mitchell Committee's First Report (1973) aimed at improving the fining system at the levels of imposition, collection and action on default. It seems likely, however, that pressures to effect an immediate reduction in the number of fine defaulters imprisoned may necessitate a compromise between the two approaches.

MORALITY, OBSCENITY AND HARM: PRODUCING CRIMES FROM INDECENCY

Augustine Brannigan

Previous anti-pornography campaigns have justified criminal law control of obscene materials on moral grounds: indecency corrupts morals and depraves those into whose hands such materials fall. Observations made of the contemporary movements for renewed censorship in North America suggests that support for the criminalisation of pornography has been justified on the pretext that it fosters the victimisation of innocent third parties. 'Pornography is the theory - rape is the practice.' The notion that pornography might precipitate the physical and sexual abuse of women has created the basis for a broad based social movement against pornography with participation of both right wing elements of 'the Moral Majority', as well as Catholic women's groups, in addition to the participation of left wing elements of the women's movement. This coalition of different political interests is fostered by the existence of social scientific studies of the harmful consequences of exposure to violent pornography.

The larger study of which this report is part is a longitudinal interdisciplinary study of obscenity law, obscenity and its alleged effects. This particular phase of the research entails a comparison of the current anti-obscenity movements with similar movements that accompanied the efforts to ban crime comics under obscenity legislation following the second world war. England, Canada and many of the American and Australian states revised their laws to control the circulation of such comics. Legislation in Queensland and Tasmania resulted in the creation of literature review boards to remove the offending titles from circulation.

Justification for such drastic action came from the widespread belief that crime comics fostered violent behaviour and constituted an important source of juvenile crime. In the USA the Senate Judiciary Committee was created under the chairmanship of Estes Kefauver to enquire into the effects of comics and other media on juvenile behaviour. While finding no evidence of the harmful behavioural consequences of crime comics, the close scrutiny of the industry certainly established that many contributions were in extremely poor taste. The committee concluded that further federal regulation was unwarranted. However, attention received by the committee dwarfed in comparison to the public infatuation with Dr Fredric Wertham and his 'evidence' of the criminal consequences of violent crime comics on juvenile behaviour.

Wertham, a classic moral entrepreneur, was the senior psychiatrist for the Department of Hospitals in New York from 1932 to 1952, and was a well-known expert witness in criminal trials. His book, The Seduction of the Innocents and his articles in the Ladies Home Journal and the Saturday Review of Literature were a polemical attack on the influence of comics which created great public indignation and calls for censorship of the industry.

Rallies were held in both Australia and parts of the USA to burn comics. Civic watchdog committees were established, and finally the various jurisdictions acted to proscribe such literature by modifying the existing obscenity laws. In retrospect Wertham's evidence is doubtful. His clinical evidence of harm consists of woeful anecdotes of youth led into violence and crime by comics who ended up coming to his clinics for treatment. Though such evidence strikes us today as biased, fanciful and in some parts outright fabrication, in context it provided a scientific justification for control. It legitimated action against a media which was already under suspicion because of its overindulgence in horror, cruelty and crime.

Certain elements in the crime comics episode are instructive in our consideration of the contemporary anti-obscenity movement: the open texture of what is deemed obscene over time, the social movements which are instrumental in defining it and creating the moral panic surrounding it, the coalitions which emerge in the attempts to create new censorship legislation, and the justification of censorship on 'scientific' grounds.

The enquiry raises questions about the utility of social science for public policy and attempts to extend Gusfield's analysis of conservatism as a determinant of law reform.

CONCLUSIONS

It was unfortunate that the crowded program for the seminar did not allow much time for general discussion of the moral and philosophical issues underlying criminological research. The brief period available after the presentation of the final papers was not sufficient to explore a number of these issues that had been just below the surface in the earlier discussions of particular papers. It is obvious, for example, that the personal views of researchers will inevitably intrude to some extent into the selection of research projects, the methodology that is followed and the analysis and interpretation of results. It is suggested that this intrusion will occur, perhaps to a degree unconsciously, with all researchers no matter how 'objective' they claim to be in their work.

For this reason it is important that efforts be made to articulate the underlying assumptions one is making and which motivate individuals to pursue criminology as a career. At the lowest and least redeeming level criminologists may be attracted to the field by a sense of vicarious pleasure at being close to those aspects of life that are regarded as being evil or nasty. A middle-class upbringing, which would be the background of most criminologists, leaves one much more constrained or inhibited than does the upbringing of most offenders with working-class backgrounds. Probably no-one would admit to such a motivation, but perhaps some criminologists would admit to having a general feeling that they should do what they can to help people who are less fortunate than themselves. This may be a justification for taking up welfare or chaplaincy, but it is hardly sufficient to explain or maintain a person in criminological research.

At a slightly higher level might be the view that the operations of criminal justice systems are basically clumsy, hurtful and ineffective and that one's research might make a small contribution to minimising these negative aspects. Some would label this approach as 'craven' as it fails to address the fundamental misconceptions that are incorporated in criminal justice. This approach might also be so labelled because it largely accepts and perpetuates the status quo. On the other hand, some criminologists might see their ultimate goal as the fundamental reform of the criminal justice system, including substantial decriminalisation of particular classes of offences. The reality is, however, that large and sudden changes in bureaucratic procedures seldom occur.

A variant of the approach to criminology that leads to 'gradual improvement' in criminal justice would focus on cost effectiveness. No sentimentality is appropriate with this approach but a hard-headed commitment to maximum results (lower crime, greater public safety, etc.) for the least dollars is paramount. This approach can be varied again by expressing a commitment to both cost effectiveness and humanity at the same time, even though this will often lead to contradictions which must be resolved by giving priority to either money or humanity.

A quite different approach to criminology would place criminal justice in an historical and political context. One of the aims here is to understand the processes whereby individuals or organisations are seen as deviant and determine what needs are satisfied or functions fulfilled by such deviancy-creating processes. A broader and more insightful understanding of the dynamics of societies may be thus gained, and this may be used as a basis for the development of proposals for alternative (and presumably more humane) forms of social organisation.

There may well be other researchers in criminal justice who see it as just a job, trying to find answers to questions posed by others. But this is simply avoiding the hard issue of one's own motivation for being in this field.

No resolution of these, and many other fundamental, issues is attempted here. Throughout the seminar there were hints and glimpses of some of the approaches outlined above. They were not elaborated. Perhaps a later seminar will provide a forum for a more detailed consideration of these matters.

APPENDIX A

NAMES AND ADDRESSES OF PARTICIPANTS

Ms Jan Aitkin
Probation and Parole Officer
Department of Corrective Services
Roden Cutler House
24 Campbell Street
SYDNEY. N.S.W. 2000

Dr Christine Alder
Lecturer
Criminology Department
University of Melbourne
PARKVILLE. Vic. 3052

Mr Col Bevan
Assistant Director (Training)
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Mr David Biles
Deputy Director
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Ms Marian Binnie
Co-ordinator Juvenile Offending Programmes
Department for Community Services
3 Walcott Street
MT LAWLEY. W.A. 6050

Mr Mike Bonavita
Principal Planning and Research Officer
Prisons Department
1004 Hay Street
WEST PERTH. W.A. 6005

Ms Roseanne Bonney
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2001

Dr John Braithwaite
Senior Research Fellow
Department of Sociology
Research School of Social Sciences
The Australian National University
G.P.O. Box 4
CANBERRA. A.C.T. 2601

Professor Augustine Brannigan
(Visiting Fellow, Dept of Legal Studies, La Trobe University)
Co-Director
Research Unit for Socio-Legal Studies
University of Calgary
Calgary
ALBERTA. Canada T2N 1NF

Mr Mark Brennan
Lecturer
Riverina College of Advanced Education
P.O. Box 588
WAGGA WAGGA. N.S.W. 2650

Mr Rod Broadhurst
Principal Education officer
Prisons Department
1004 Hay Street
WEST PERTH. W.A. 6005

Professor W.G. (Kit) Carson
Department of Legal Studies
La Trobe University
BUNDOORA. Vic. 3083

Ms Janet Chan
Law Reform Officer
The Law Reform Commission
Box 3708, G.P.O.
SYDNEY. N.S.W. 2001

Dr John R. Clayer
Mental Health Research
and Evaluation Centre
South Australian Health Commission
242 Greenhill Road
GLENSIDE. S.A. 5965

Ms Jenny Connaughton
Planning and Research
Prisons Department
1004 Hay Street
WEST PERTH. W.A. 6005

Dr Garry Coventry
Lecturer
Department of Legal Studies
La Trobe University
BUNDOORA. Vic. 3083

Ms Jenny David
Lecturer
Faculty of Law
University of Sydney
173 Phillip Street
SYDNEY. N.S.W. 2000

Mr Ian Dobinson
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2001

Dr Sandra Egger
Deputy Director
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2001

Mr Robert Eldridge
Systems Director
Strategic Services Division
Office of Corrections
20 Albert Road
SOUTH MELBOURNE. Vic. 3205

Mr Malcolm Feiner
Office of Corrections
20 Albert Road
SOUTH MELBOURNE. Vic. 3205

Ms Glenda Gartrell
Research Assistant
History School
Macquarie University
NORTH RYDE. Vic. 2113

Ms Lynne Geary
Counsellor
Queanbeyan Community Health Centre
P.O. Box 729
QUEANBEYAN. N.S.W. 2620

Dr Angela Gorta
Senior Research Officer
Department of Corrective Services
Roden Cutler House
24 Campbell Street
SYDNEY. N.S.W. 2000

Dr Peter Grabosky
Senior Criminologist
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Professor Richard Harding
Director
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Dr Suzanne Hatty
Senior Research Officer
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Professor Paul Havemann
(Visiting Fellow, Social Justice Project,
R.S.S.S., A.N.U.)
Associate Dean
School of Human Justice
University of Regina
Regina
SASKATCHEWAN. Canada S4S 0A2

Dr Monika Henderson
Research Manager
Strategic Services
Office of Corrections
20 Albert Road
SOUTH MELBOURNE. Vic. 3205

Ms Annie Hoddinott
Planning and Research Officer
Prisons Department
1004 Hay Street
WEST PERTH. W.A. 6005

Mr Bill Horman
(Deputy Director, ABCI)
Chief Superintendent
Victoria Police Headquarters
William Street
MELBOURNE. Vic. 3000

Ms Jan Houghton
Research Officer
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2000

Ms Vicki Jacobs
Research Officer
Police Department
Box 1539, G.P.O.,
ADELAIDE. S.A. 5001

Mr Stephen P. James
Lecturer
Criminology Department
University of Melbourne
PARKVILLE. Vic. 3052

Dr Rosemary Knight
Research Psychologist
Capital Territory Health Commission
CTHC Building
Moore Street
CANBERRA CITY. A.C.T. 2601

Dr Ali A. Landauer
Senior Lecturer
Department of Psychology
University of Western Australia
NEDLANDS. W.A. 6009

Dr Sally Leivesley
46 Fewings Street
TOOWONG Qld 4066

Dr Gerry M. McGrath
Director
National Police Research Unit
G.P.O. Box 2047
ADELAIDE. S.A. 5001

Dr Arlene H. Morgan
Senior Lecturer
Department of Psychology
University of Queensland
ST. LUCIA. Qld 4067

Mr Frank H. Morgan
Department of Correctional Services
Box 1747, G.P.O.
ADELAIDE. S.A. 5001

Ms Wendy Mouat
Acting Project Officer
Corrective Services
Department of Territories and Local Gov't
G.P.O. Box 158
CANBERRA. A.C.T. 2600

Dr Satyanshu Mukherjee
Senior Criminologist
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Jane Munday
Chief Police Reporter
'The Age'
250 Spencer Street
MELBOURNE. Vic. 2000

Professor Jim L. Munro
National Police Research Unit
G.P.O. Box 2047
ADELAIDE. S.A. 5001

Dr Ngaire Naffin
Project Officer
Women's Adviser's Office
Department of the Premier and Cabinet
G.P.O. Box 2343
ADELAIDE. S.A. 5001

Ms Debbie Neuhaus
(Outposted ABS officer)
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Ms Mara Olekalns
Senior Research Officer
National Police Research Unit
G.P.O. Box 2047
ADELAIDE. S.A. 5001

Mr K. John Oliphant
South Australian Office of Crime Statistics
Box 464, G.P.O.
ADELAIDE. S.A. 5001

Mr Joe Pasmore
Psychologist
Department of Children's Services
P.O. Box 153
BRISBANE NORTH QUAY. Qld 4000

Dr Ken Polk
Lecturer
Criminology Department
University of Melbourne
PARKVILLE. Vic. 3052

Mr Don Porritt
Chief Research Officer
Department of Corrective Services
Roden Cutler House
24 Campbell Street
SYDNEY. N.S.W. 2000

Mr Ivan Potas
Criminologist
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Mrs Claire Pratz
Mental Health Research
and Evaluation Centre
South Australian Health Commission
242 Greenhill Road
GLENSIDE. S.A. 5065

Professor Charles E. (Chuck) Reasons
(Visiting Fellow, Dept of Legal Studies, La Trobe University)
Department of Sociology
University of Calgary
Calgary
ALBERTA. T2N 1NF. Canada

Dr Kenneth Rigby
School of Social Studies
S.A. Institute of Technology
North Terrace
ADELAIDE. S.A. 5000

Ms Carol Roe
Research Officer
Probation and Parole Service
G.P.O. Box N1123
PERTH. W.A. 6001

* Mr Bob A. Semmens
Head of Special Education Department
Melbourne College of Advanced Education
757 Swanston Street
MELBOURNE. Vic. 3000

Mr Doug Sinclair
National Retail Crime Prevention Council
C/o Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Ms Barbara Spence
Corrective Services
Department of Territories & Local Gov't
G.P.O. Box 158
CANBERRA. A.C.T. 2600

Ms Julie Stubbs
Research Officer
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2001

Mr Bruce Swanton
Senior Research Officer
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

* not present at the seminar

Mr Bob Taylor
Principal Researcher
National Police Research Unit
G.P.O. Box 2047
ADELAIDE. S.A. 5001

Dr Roman Tomasic
Principal Lecturer in Law
School of Administrative Studies
Canberra College of Advanced Education
P.O. Box 1
BELCONNEN. A.C.T. 2616

Dr Jacki Tombs
(Visiting Fellow, Dept of Legal Studies, La Trobe University)
Principal Research Officer
Criminological Research Unit
Scottish Office
Edinburgh. Scotland

Mr Allan Van Zyl
Acting Executive Officer
Department of Correctional Services
P.O. Box 3196
DARWIN. N.T. 5794

Ms Alison Wallace
Bureau of Crime Statistics and Research
Box 6, G.P.O.,
SYDNEY. N.S.W. 2001

Mr John Walker
Criminologist
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Dr Grant Wardlaw
Senior Criminologist
Australian Institute of Criminology
P.O. Box 28
WODEN. A.C.T. 2606

Dr Don Weatherburn
Bureau of Crime Statistics and Research
Box 6, G.P.O.
SYDNEY. N.S.W. 2001

Ms Leanne Weber
Department of Correctional Services
Box 1747, G.P.O.
ADELAIDE. S.A. 5001

Mr Richard W. Wynne
Senior Social Worker
Flemington Community Health Centre
40 Shields Street
FLEMINGTON. Vic. 3031

Mr George Zdenkowski
Commissioner in Charge
Reference on Sentencing
The Law Reform Commission
Box 3708, G.P.O.
SYDNEY. N.S.W. 2001

APPENDIX B

EVALUATION OF THE SEMINAR

In the week following the seminar a short questionnaire was forwarded to all participants listed in Appendix A. This sought their reactions to the organisation and content of the seminar and also invited suggestions for the improvement of future seminars of this type. In the few days before the questionnaires were despatched a number of letters were received from participants expressing appreciation for the seminar and the overall pattern of responses to the completed questionnaires was also clearly positive and encouraging.

A total of 71 questionnaires were sent out and within a period of a little over two weeks 53, or 75 per cent, were completed and returned to the Institute. The responses are analysed in detail below in order to guide the planning of future seminars at the Institute. Responses to the 11 questions are reported in order with occasional comments by the editor.

QUESTION 1. *How many days or half days were you at the seminar?*

These responses varied from a very small number who attended only for two or three half days to the majority who attended for three or four full days. A total of 35, or 66 per cent, attended for at least three days. This high participation rate may be partially due to the acceptance of a suggestion made at the last seminar that participants who received assistance with their travel costs should be specifically required to be present for the full seminar, or a major part of it. It was gratifying to see that all of those persons who had received travel assistance accepted this condition.

QUESTION 2. *Did you present a paper?*

40 of the 53 respondents who completed the questionnaire had presented papers at the seminar.

QUESTION 3. *Were you satisfied with the arrangements for circulating abstracts of papers?*

46 of the respondents indicated satisfaction while six suggested that it would have been better if the abstracts had been circulated by mail before the seminar. One respondent with some insight suggested that prior circulation of the abstracts would have been desirable but recognised that this was not possible.

QUESTION 4. *Do you think a four-day seminar is too long, too short or about right?*

Answers to this question were more varied with 28 respondents expressing satisfaction, 20 saying that four days was

too long and four suggesting that it was too short. One respondent expressed no opinion. Compared with the 1983 research seminar, these responses indicate a slightly higher level of satisfaction with the length of the seminar.

QUESTION 5. *Do you think the seminar program was too crowded? If so, what suggestions for change would you make?*

The majority of the respondents expressed the view that the seminar program was too crowded. This view was supported by 26 of the respondents and opposed by 23. Numerous suggestions were made for changing the seminar program. These included: having two different sessions running concurrently; being more selective in the papers that are to be presented; ensuring that the panels of speakers are substantively homogeneous, including evening sessions for some days of the seminar; allowing more time for broad discussion; having no more than three papers per session; arranging early morning sessions over breakfast; allowing an extra day or half day for discussion of particular themes; and, allowing time for workshops of special interest groups.

Many of the people who made suggestions of this sort also recognised that much of the value of a seminar of this type came from the mixing of different interest groups. One said that the 'chemistry' of the seminar would be lost if there were parallel sessions. There is clearly no easy solution to this issue.

QUESTION 6. *In general, was the seminar useful for you?*

All of the respondents answered this question in the affirmative with two of them qualifying their answers with the word 'partially' or 'yes and no'. Many of the respondents referred to the seminar's usefulness in terms of the contacts that had been made with other researchers.

QUESTION 7. *What particular paper or papers did you personally find most valuable?*

Responses to this question were remarkable in that an extraordinarily wide range of speakers were mentioned as presenting papers that were most valuable. The 53 respondents named no fewer than 40 of the participants' papers as most useful. A number referred to particular themes or segments of the seminar as being most useful without mentioning particular names.

It would be invidious to reproduce the full list of named speakers but those mentioned most frequently were John Walker and Grant Wardlaw (both named eight times) closely followed by Christine Alder and Don Weatherburn. Other speakers who were named several times were Paul Havemann, Suzanne Hatty/Rosemary Knight, Sally Leivesley, Jacki Tombs, Don Porritt and Richard Wynne. Of the seminar themes, the most frequently mentioned were those covering domestic violence, drugs, sentencing and prison issues.

QUESTION 8. *At present the Institute is tentatively committed to conducting research seminars once every two years. Do you think that this is satisfactory?*

37 of the 53 respondents answered this question in the affirmative while 15 expressed the view that an annual research seminar would be preferable.

QUESTION 9. *Would you like to be invited to a similar seminar in the future?*

All of the respondents answered this question in the affirmative except one, a visitor from overseas, who said that he would not be in the country at the time.

QUESTION 10. *Do you think some time should be provided for concurrent discussion groups?*

A clear majority of respondents were in favour of a change in program format with regard to concurrent discussion groups, with 31 expressing support fot this suggestion and 23 expressing opposition. This is similar to the responses noted in relation to Question 5.

QUESTION 11. *What suggestions, if any, would you make for improving future seminars of this type?*

A wide range of suggestions were made in answer to this question, but there was little evidence of consensus with regard to the actual changes that should be made. Many suggestions for improvement had already been made in answer to Question 5.

One of the recurring themes in response to Question 11 was the suggestion that there should be more careful selection of papers. In fact, little or no selection has occurred in the past as it has been assumed that the invited participants would all have something worthwhile to discuss. To introduce selection criteria would be to totally change the nature of the seminar and may cause distress to persons wishing to talk about their work.

All of the detailed suggestions have been listed and will be considered by the Institute in planning its next research seminar. It is clear that the Institute's biennial research seminar is rapidly reaching the point where it is becoming almost unmanageable. The Institute will need to give urgent consideration to making this an annual event and thus retain the benefits of wide interaction across a number of disciplines that has been widely praised as one of its most useful features. An annual seminar of this type may reduce the enormous pressure, and would perhaps provide for not more than 30 to 35 papers over a three or four-day period. The less welcome suggestion would be to only select those papers for presentation which were considered to be of sufficiently high quality or potential interest.

As indicated above all of the suggestions will be taken into account by Institute staff in planning the next seminar of this type.