

# CRIMINAL JUSTICE RESEARCH IN CALIFORNIA

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**A STUDY LEAVE REPORT**

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## Chapter 1

### INTRODUCTION

This report is the result of a study leave period of a little over three months as a Fulbright Senior Scholar attached to the Program in Social Ecology, University of California, Irvine. The main purpose for which the Fulbright award was made was to enable the writer to prepare a review of current criminological, or criminal justice, research in California in the hope that it would provide ideas that are of value to criminological researchers in Australia. A report published by the Australian Institute of Criminology in May 1981 provided an overview of current Australian criminological research and this report, even though quite different in structure, may be seen as a companion volume. The two reports should provide criminologists with a means of making useful comparisons and contrasts between the state of the art in California and in Australia.

California was chosen as the focus of this investigation for a number of reasons. In the first place, California has a worldwide reputation for criminal justice innovation and is therefore worthy of criminological study in its own right. Secondly, with a population of some 23 million, California provides a more realistic basis for comparison with Australia (population 14.7 million) than does the United States as a whole for which the population is approximately ten times that of California. More personal reasons for choosing California were the fact that the writer had in 1977 spent a short study leave at the School of Criminal Justice, State University of New York at Albany, and had thus gained some understanding of the scope of criminological research in the eastern States but had not previously spent any time on the west coast. Finally, personal contact with criminologists from Irvine, especially Professor Gil Geis, had suggested that an attachment to the Program in Social Ecology at that University would be welcomed.

During his visit to the Australian Institute of Criminology in 1979 Professor Geis mentioned a meeting of the Association for Criminal

Justice Research (California) that had been attended by some 200 participants and at which there was vigorous debate about priorities and directions for research. This remark, which was made to a meeting of some 30 Australian researchers, was the spark which ignited the writer's determination to find out as far as possible just what such a large number of Californian researchers were doing in the field of criminal justice.

The terms criminology and criminal justice are used interchangeably throughout this report even though local usage has been respected where possible. In some circles criminology is thought to encompass only studies of the causes or correlates of criminal behaviour, while criminal justice is seen as the study of criminal justice systems. In Australia, and also in many parts of the United States, no such distinction is made, however, and criminology is conceived of as including studies of police, court and correctional systems as well as studies of criminal behaviour per se. In the Criminology Research Act 1971 criminological research is defined as 'research into the prevention and correction of criminal behaviour' and this choice of words is interpreted so as to allow the widest possible range of relevant studies.

Before leaving Australia in early May 1981 the writer corresponded with the Secretary-Treasurer of the Association for Criminal Justice Research (California) and was supplied with a full membership list for the organisation which included addresses and telephone numbers. This list was an invaluable tool for this investigation as it enabled preliminary letters to be sent from Australia to some 25 leading researchers. These were followed up by telephone calls to arrange interviews after arrival in Irvine. In all cases recipients of such calls were extraordinarily generous with their time and did everything possible to facilitate the writer's self-appointed task.

The Association for Criminal Justice Research (California) receives no outside financial assistance and is totally funded by membership subscriptions. It publishes an occasional newsletter and conducts conferences two or three times each year. Unfortunately, the timing of the writer's stay in California did not coincide with any of these conferences.

Even though the prime purpose of the study leave was to investigate current criminological research in California, a brief side visit was made to a number of other centres in the United States (and Toronto, Canada) and a report of this side visit is included as Chapter 10 in this publication. At the conclusion of the period at Irvine the writer was invited to lead two seminars at the Institute for Studies in Criminal Justice Policy, British Columbia, Canada, and synopses of these seminar papers are included in the appendices. The latter of these two papers is especially relevant to this report as a whole as it incorporates some preliminary observations of what was learned in California as well as some personal observations on priorities in criminological research. The formal conclusions of this report, however, are to be found in Chapter 11.

A number of organisations and people made this study leave report possible, and thanks are offered to the Australian-American Educational Foundation (who on behalf of the Council for International Exchange of Scholars granted the Fulbright Senior Scholarship) and to the Association for Criminal Justice Research (California) for the assistance mentioned above. Professor Joe DiMento, Director of the Program in Social Ecology at the University of California, Irvine, is warmly thanked for his generous hospitality, personally and professionally, as are all of his colleagues at Irvine who I mentioned in the text and could not have been more friendly or helpful. In other parts of the United States as well the writer was overwhelmed with numerous examples of American hospitality. In Australia, the Director of the Australian Institute of Criminology, Mr Bill Clifford, is thanked for approving the application for study leave, and the writer's secretary, Mrs Marjorie Johnson, is warmly thanked for somehow converting a series of garbled dictaphone tapes into this report.

## Chapter 2

## PROGRAM IN SOCIAL ECOLOGY, UNIVERSITY OF CALIFORNIA, IRVINE

As the writer's host institution, more time was spent here than at any other location. The Program in Social Ecology is a relatively large academic unit within the University comprising some 22 faculty members as well as numerous lecturers, teaching assistants and support staff. Degree courses at Bachelors, Masters and Doctorate level are offered. In its brochures the Program is described as being 'organised around contemporary problems in the social and physical environment ... Problems are studied from the diversified viewpoints of a faculty which includes specialists in community, environmental, social, and developmental psychology; planning; law; criminology; urban sociology; and environmental health. Graduate education emphasises this multi-disciplinary orientation rather than the focused perspectives of traditional disciplines'.

The three major sub areas within the discipline are environmental analysis, social behaviour and criminal justice. Five faculty members are largely responsible for teaching and research in the criminal justice area. These are Professors Arnold Binder, Joseph DiMento, Gilbert Geis, Henry Pontell, and Peter Scharf. Some of their research is aided by graduate students and/or research associates if funds have been obtained from outside sources. An interesting innovation within the University is the Public Policy Research Organisation which provides assistance to all faculty members, not just in social ecology, with the conduct of research. The assistance takes the form of 'seed money' for the preparation of research proposals and physical space for research assistants, etc. Most major outside funding is channelled through this source.

One major research project which makes use of this facility is a study of 'Police Use of Deadly Force' by Arnold Binder and Peter Scharf, funded by the National Institute of Justice. This study is making extensive use of detailed records from a number of cooperating police departments and will result in a major book and other publications to



be completed later in 1981. The writer reviewed the manuscript of this book towards the end of his stay at Irvine. One small publication has already come from this study, an article 'The Violent Police-Citizen Encounter' in Annals, AAPSS, 452, November 1980. This article presents a transactional or developmental view of police-citizen encounters in which successive decisions and behaviours of either party are seen as making a violent outcome more or less likely.

Another project which has had assistance from the Public Policy Research Organisation but has not yet received outside financial support is a study of the regulation of environmental laws by private organisations being conducted by Joe DiMento and Gil Geis. This study, which is still in its developmental stage with interview schedules being pre-tested, essentially aims to examine the attitudes of business executives to the various approaches that may be adopted in the enforcement of environmental law.

A similar study is being conducted by graduate student Tom Clay, under the direction of Gil Geis, into business attitudes to the Operation of the Occupational Safety and Health Administration (OSHA) in California. This study, which is being funded with a small grant from the State Government, will initially comprise 40 extended interviews with representatives of business, half of whom have been the subject of prosecution by OSHA agents. It is possible that the scope of this research will be extended after the completion of the preliminary stage.

A study of a different type was published in 1980 in the form of a book entitled Toward a Just Correctional System by Joseph Hickey and Peter Scharf. The book describes the innovative work of the two authors in establishing and leading democratic control systems in a number of prison settings. The authors tested a number of hypotheses stemming from Kohlberg's theory of moral development. This book has been very favourably reviewed in the criminological literature and is likely to make a considerable impact.

A very creative empirical study into auto repair fraud which aimed to test deterrence theory has been conducted by graduate student Paul

Jesilow. With a grant of \$71,000 he hired female research assistants in two separate locations in north and south California to seek advice from a number of garages (70 in each location) with an ostensibly defective car battery. The batteries used in the experiment were in fact in perfect condition, but in approximately 10 percent of the garages visited the 'customer' was advised to purchase a new one. The garage proprietors were subsequently interviewed to determine their attitudes to the Bureau of Auto Repair, the State regulatory agency. In one of the two research sites a radio and television campaign was conducted drawing attention to the services offered by the Bureau of Auto Repair. In follow-up testing in the two areas a similar level of honesty was found in the garages previously tested, but in other garages that had not been previously tested the level of honesty was found to be significantly higher in the area where the media campaign had been conducted. Differences were also found between the attitudes to the Bureau of honest and dishonest garage proprietors. This research is to be fully reported in a book.

Henry Pontell has conducted extensive research on the deterrent effect of criminal justice systems and has found considerable evidence to support the proposition that increases in crime overburden the system and cause decreases in the certainty of punishment. This is known as the 'system capacity' argument and is of very great interest to the writer as it seems to explain the findings from his own study into the relationship between crime and imprisonment rates in Australia. This explanation is easier to apply in the American situation where plea bargaining is an accepted part of criminal justice, but in the Australian context this does not apply. The explanation may still be valid, however, as increased pressure on police and prosecutors is assumed to encourage pursuit of easier-to-obtain and less serious convictions rather than devoting time and resources to more serious and difficult cases. Pontell has published one paper on this work in Criminology of May 1978 and is currently preparing his major work for publication in the form of a book.

One of the recently appointed faculty members, Dr Amy Somers, who is an urban demographer and does not teach criminal justice courses, has done research in the past into domestic violence. In 1979 she studied a sample of 200 victims of spouse abuse, and is currently preparing a paper

for publication on the economic aspects of domestic violence. She is also involved with the issue of sexual harrassment and may guest edit one issue of a journal devoted to this problem in the near future.

Gil Geis and Arnold Binder have recently completed the first draft of a manuscript for a book to be entitled Research Methods in Criminal Justice. The preparation of this textbook is not strictly a research activity but it is highly likely to have a profound impact on the conduct of criminal justice research in the English-speaking world.

In addition to the above Gil Geis publishes extensively throughout the criminal justice field, but in recent years has largely concentrated his efforts onto corporate and white-collar crime. He and Henry Pontell have recently undertaken research into the sexual harrassment of airline hostesses, and Henry Pontell has also undertaken a research project on fraud committed by medical practitioners.

The Program in Social Ecology has since its inception endeavoured to provide realistic field experiences for its students and to this end has established numerous contacts with local agencies who provide field placements for them. One such agency is Y.S.P. Inc., an independent non-profit organisation which grew out of a group of university programs. Established and still administered by Arnold Binder, this organisation now conducts a series of programs involving juvenile diversion, victim witness assistance and community restitution. These programs are described in Chapter 9 of this report even though they strictly cannot be classified as research.

## Chapter 3

## SOCIAL SCIENCE RESEARCH INSTITUTE, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES

The University of Southern California established the Social Science Research Institute in 1972 and appointed Professor Ward Edwards as its first Director in the following year. The Institute aims to :

1. provide an environment and the research services that make it easy and productive for USC researchers to pursue their interests in some blend of basic, methodological and applied research concerned with major social problems;
2. provide an environment in which graduate students may receive training in research theory, design and methodology through active participation with senior researchers in on-going research projects; and
3. disseminate research results and expert judgments growing from them to the research community, to relevant public and social agencies, and to the public in order to provide decision-makers with the tools and ideas necessary for the fomulation of social policy.

Most of the Institute's researchers have academic appointments in the University, but by gaining research grants which include compensation for their salaries they are able to spend much of their time on their projects. The University also provides financial support to the Institute. At the time of writing there were 22 research associates on the staff, 17 of whom were principal investigators on their own funded research projects, six administrative support staff, 14 research support staff and numerous graduate and under-graduate students. The interests of these staff members extend far beyond the area of criminal justice and include such areas as schizophrenia, dispute resolution, school

desegregation, etc. In the criminal justice area the research associates include such well-known scholars as Sarnoff Mednick, Daniel Glaser, Malcolm Klein and Solomon Kobrin. It was Dr Kobrin who gave the writer an outline of the Institute's activities. Later in his stay, the writer visited this Institute again and was able to have long and detailed discussions with each of the leading researchers mentioned above. This second visit was facilitated by the good offices of Professor Gil Geis.

In the area of research on deviance and social control Professor Sarnoff Mednick is studying the genetic and biological factors underlying criminality. An individual adopted soon after birth has a significantly greater chance of becoming an adult criminal if his or her biological parent(s) was criminal. Professor Mednick is now finding biological predictors capable, not only of discriminating criminals from non-criminals, but also capable of predicting criminal behaviour years before it occurs. This socio-biological research is reminiscent of the work of the Gluecks of the early 1950s, but it is predicted that the current research results will have a considerably longer period of acceptance.

Another study under the direction of Professors Klein and Mednick is examining the factors related to the early sanctioning of juvenile offenders. It is argued that current police practices are not reconcilable with the established principles of learning and this research hopes to clarify the ways in which public policy can more effectively deter future misbehaviour among first-time offenders. This research is being conducted by the use of questionnaires and the investigators anticipate a response rate of more than 80 percent by using a double-barrelled approach. They have asked the Chiefs of cooperating police forces to identify an appropriate officer to complete the questionnaires and subsequently in all future correspondence have sent copies to the Chiefs and therefore ensured that the relevant officers are unlikely to disregard the request for information.

A further project by a team led by Solomon Kobrin has completed a large-scale evaluation of the national program for the de-institution-alisation of status offenders (status offences are actions such as

violation of curfew that would not be criminal if committed by an adult). It was thought that community treatment of juvenile status offenders would reduce their future delinquent behaviour. The results showed that this anticipated effect did not occur; subsequent behaviour was somewhat more delinquent than would have been the case had the offenders been confined. On the other hand, the cost of treating them in the community was considerably less than the cost of confining them would have been. Research is continuing in this area.

Another project led by Solomon Kobrin has examined the relationship between crime and neighbourhood growth and deterioration and has also taken into account the incidence of mental illness and drug abuse. This study, which has examined records over a 28-year period and has been centred within the greater Los Angeles area, has found that generally neighbourhood deterioration has preceded the incidence of crime with the exception of a small number of selected areas where the crime rates were abnormally high before the process of deterioration became entrenched. A part of this study has also examined the relative use of commitments to community mental health services and the criminal justice system.

Other research conducted within the Institute is focused on rape cases and the evaluation of police, court and correctional agency activities, including the evaluation of sentencing.

The Social Science Research Institute at the University of Southern California, which is established in most attractive and functional quarters, has clearly provided an outstanding service since its relatively recent establishment. Its success has largely depended upon the ability of academics to gain major research funds and thus release themselves from teaching. The publications record of the Institute is most impressive, but its future must be seen as under something of a cloud with the demise of the Law Enforcement Assistance Administration and the general reduction in the availability of research funds in all areas. It is doubtful if the University itself could provide sufficient funds to maintain the activities of the Institute at the high level that has been characteristic

The writer has a brochure outlining the work of the Institute and listing all of the publications emanating from its staff since its establishment.

## Chapter 4

## THE RAND CORPORATION, SANTA MONICA

The Rand Corporation is a private, non-profit institution engaged in research and analysis of matters affecting national security and the public welfare and in educational programs. Financial support comes from federal, state and local governments, from private foundations and from its own funds drawn from fees earned. Its main office is situated in Santa Monica, California. Since 1967 the Rand Corporation has developed a vast program of domestic research (as opposed to national security research) with programs in criminal justice, education and human resources, energy policy, health sciences, housing studies, labour and population studies and urban policy. Rand also runs its own graduate institute, which grants PhDs in policy analysis, and an institute for civil justice.

The Director of the Criminal Justice Program, Dr Peter W. Greenwood, provided the writer with a virtual library of research reports and other publications dealing with the organisation. In one of these publications<sup>1</sup> the following statement prefaces the summary descriptions of completed or current projects :

The primary objective of Rand's Criminal Justice Program is to provide new knowledge that can contribute to improved policies or practice for dealing with urban street crime. A secondary objective is to develop new research and planning methodologies.

Early program studies focused on specific operational issues such as patrol car allocation, managing criminal investigations, the prosecution of felony defendants, citizen patrols, the treatment of serious juvenile offenders, and private police. Most of these projects resulted in specific recommendations that were later incorporated into practice.

In 1975 Rand began a new series of studies emphasizing patterns of individual criminal behavior. This research, which relies on self-reported data from incarcerated offenders, is intended to identify personal and behavioral characteristics associated with the most serious level of criminality, and to provide estimates of the crime prevented by alternative sentencing policies. Related studies deal

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1. Domestic Research at Rand, January 1981.



with sentencing policy during the transition from juvenile to adult court and with the prison experience of career criminals.

Several studies treat methodological questions related to Rand's more applied work - the evaluation of criminal justice models, court performance measures, criminal justice research standards and goals, and improved statistical techniques for estimating individual crime characteristics from self-reported data.

Recent projects consider the impact of unique policy initiatives. These include studies of the effects of California's new Determinate Sentencing Law and of budget reductions caused by Proposition 13. Another recent study is examining the process by which research affects criminal justice practice.

The projects described in the following pages of that publication vary greatly in their duration and intensity. The largest, dealing with criminal careers, is described as absorbing 29.2 person years over a six-year period. The smallest project, a study of the potential impact of determinate sentencing occupied 0.8 person years over a one-year period. The titles of projects listed are as follows :

- . Criminal Careers
- . Knowledge Utilisation in Criminal Justice: A Policy Approach
- . Effects of Property Tax Limitation on the Criminal Justice System in California
- . Potential Impacts of Determinate Sentencing
- . The Role of Juvenile Records in Adult Criminal Proceedings
- . Bayes Estimates in Stochastic Models of Crime Commission Rates
- . Career Criminal Program Development Research
- . Assistance to the Taskforce on Criminal Justice Research and Development
- . A Survey of Intervention Techniques Appropriate for the Dangerous Juvenile Offender
- . Citizen Patrol Evaluation
- . Review of Criminal Justice Models
- . Performance Measures in the Criminal Prosecution and Adjudication Process
- . An Analysis of the Criminal Investigation Process
- . Management Policies of the Los Angeles District Attorney's Office
- . Private and Auxilliary Public Police in the United States

Following a very brief description of each project a list of publications emanating from the work is given. Most of these are in the form of reports or notes published by Rand, but they also include books

by commercial publishers, papers in scholarly journals and chapters in books of readings. A full list of Rand publications in criminal justice is also available.<sup>2</sup> This provides details of six books, 48 reports, five notes, two memoranda and 48 papers, all of which have been published since 1967. While this must be seen as impressive it is probably no more so than the output of the Australian Institute of Criminology over a shorter period of time. The breadth of Rand research in criminal justice cannot be adequately summarised in a reasonable space, but to provide an example of the Rand style of extensive data collection and careful analysis the following extract is reproduced from a note on criminal career research.<sup>3</sup>

During the past five years, Rand has been performing research on criminal careers. Several studies are currently underway on the subject. The primary thrust of this research has been to analyze individual patterns of criminal activity from the self-reports of incarcerated felons, and to identify personal characteristics associated with high rates of criminal activity that might be used to inform sentencing decisions. The policy focus of the research is on incapacitation - the amount of crime that can be prevented by incarcerating specific types of offenders.

A study of criminal career development, based on interviews with 49 incarcerated robbers, disclosed that most of these offenders engaged in a wide range of criminal activities throughout their careers but that the individual offense rates were highly skewed, the majority committing crime at fairly low rates. The few high-rate offenders were more likely to view themselves as criminals and to plan their crimes more rationally than the low-rate offenders.

A survey of 624 male California prison inmates provided a much more detailed picture of individual offense patterns that corroborated and extended the results of the previous study. Only 10 percent of the sample could be characterized as criminal specialists. The majority engaged in a wide variety of criminal activity during the three years immediately preceding their incarceration. Although more than half of the sample committed under 3 serious crimes per year, the most active 8 percent committed over 60 crimes per year. High-rate offenders were characterized by early and frequent involvement in juvenile crime, numerous adult convictions, higher than average drug use, and self-identities and values

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2. A Bibliography of Selected Rand Publications, Criminal Justice, The Rand Corporation, 1700 Main Street, Santa Monica, California 90406, January 1981.
  3. Greenwood, Peter W., Rand Research on Criminal Careers: An Update on Progress to Date, October 1980, N-1572-DOJ.

consistent with a criminal life style. These factors more effectively identified offenders who had high rates of offenses against property than those who committed violent crimes at high rates.

A study of felony arrest disposition patterns in California was conducted in order to learn how sentencing practices varied over the typical criminal career. This analysis disclosed a very strong relationship between a defendant's prior record and the severity of the sentence he could expect to receive. The likelihood of a prison commitment for convicted robbers increased from 16 percent for those with minor records to 72 percent for those who had been to prison before.

An analysis of potential incapacitation effects resulting from different mandatory sentencing schemes, using official criminal histories for a sample of convicted felons, disclosed that substantial increases in the prison population would be required to bring about modest reductions in crime. This analysis also disclosed that short mandatory terms for all offenders would be more effective in reducing crime than longer mandatory terms for only those with lengthy prior records.

A recently completed study of sentencing patterns for young offenders found considerable variation across sites in the relative severity with which young adults were treated. It also found wide differences across sites in the frequency with which juvenile criminal history information was available to inform the processing of criminal cases against young adults. The differences appeared to result from local policy rather than from formal legislative or organizational differences. The results have implications for both future research on sentencing effects and the evaluation of several policy reforms recently proposed to alter the way serious young criminals are prosecuted and sentenced.

Rand's current research is based on a second survey of 2400 incarcerated male prison and jail inmates from three different states. In addition to the self-reported descriptions of crime-related activities and attitudes obtained in the first survey, the second contains extensive data from official records and information about within-prison activities. Two analyses of these data have been completed to date.

The first study examined the consistency between various survey items and official records in order to assess the validity and reliability of the survey responses. It did not find evidence of systematic bias in responses across different respondent groups, although there was considerable variance between the two sources of data.

The second study examined the prison experiences of the survey respondents--their work assignments, rule infractions, and participation in treatment programs. Its purpose was to determine whether inmates who could be characterized as 'career criminals' on the basis of their prior record represented unique problems for corrections administrators. With a few minor exceptions, the study found no significant differences between career criminals and non-career criminals

in their need for treatment, participation rate in treatment programs, or rule infractions. Younger inmates were found to have substantially higher infraction rates.

Dr Peter Greenwood has appointed an Advisory Board to oversee all of the research conducted under his program. Members of this Board meet intermittently and are otherwise available to him by correspondence and telephone. Current membership includes such distinguished figures as Norval Morris, Daniel Glaser, James Q. Wilson and Frank Zimring. Members of this Board are paid a modest honorarium for attendance at meetings, but most of their advice would be without cost as it comes informally to the Director.

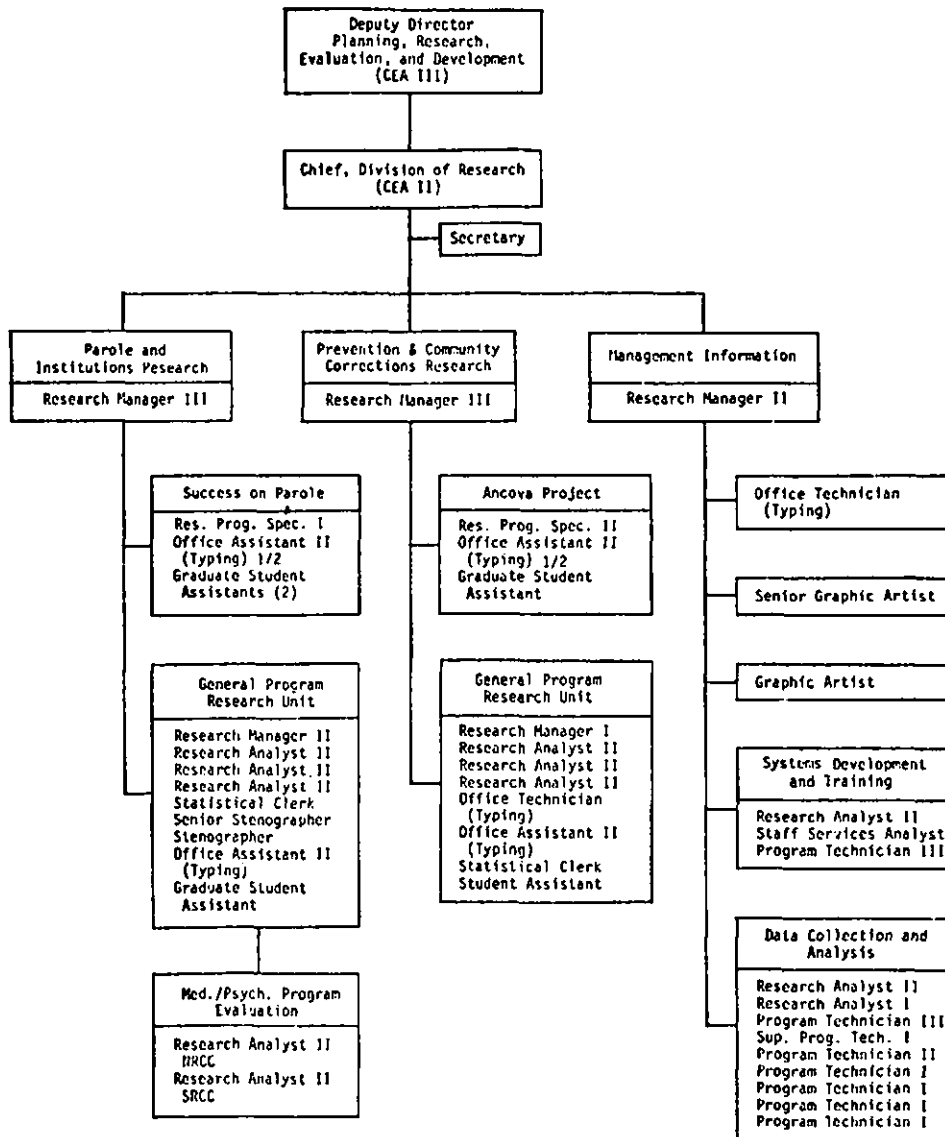
When asked about the selection of research topics Dr Greenwood indicated that it was always a matter of political compromise. He said that he and his senior colleagues attend many meetings and address judges' conferences, etc., and through such contacts they are aware of the sorts of research projects that would seem to be helpful. Also, the final selection is a matter of compromise between the Director's judgment of what is needed, the areas of research that his staff are willing to work on, the advice of his Board and, most importantly, the topics that are likely to attract funding from outside sources. Dr Greenwood agrees that there is a great deal of overlap in criminal justice research within California but he argues that two or three or four projects on the same topic are desirable, particularly if they tend to produce the same results. He regrets, however, that in many cases independent researchers working on the same topic are frequently unaware of each other's work and consequently there is little or no communication between them. He argues that the only solution to this lack of coordination comes through the Association for Criminal Justice Research, California, of which he is a leading member.

Chapter 5

CALIFORNIA YOUTH AUTHORITY, SACRAMENTO

The Research Division of the California Youth Authority has over the past several decades established a worldwide reputation for high quality and innovative work. Its influence has been felt in Australia, particularly in the Youth Services Division of the Department of Community Welfare Services in Victoria. The Research Division is controlled by the Chief, Dr Keith Griffiths, who is responsible to a Deputy Director as shown on the organisation chart below.

Figure 1: Organisation Chart of the Division of Research of the California Youth Authority



The Research Manager responsible for Parole and Institutions Research is Ms Elaine Duxbury, recently elected President of the California Association for Criminal Justice Research, and the Research Manager responsible for Prevention and Community Corrections Research is Dr Carl Jesness, the well-known author of a number of instruments for measuring delinquency and social adjustment. These senior staff members, and many others, were unsparing in their provision of time and publications to the writer.

The Research Division is located in an attractive building in the suburbs of Sacramento and the informal relations between staff are reminiscent of the atmosphere in the Australian Institute of Criminology. As a part of a government agency, the Research Division is primarily responsible for the provision of information that is sought by the senior administration. However, the Authority is responsible for the prevention of delinquency as well as the correction of youthful offenders and wards and therefore some of its research activities reach beyond the Authority itself. An illustration of the type of questions that administrators pose to researchers in the Authority is given in a recent article by Elaine Duxbury<sup>1</sup> :

- . What is the effect of reducing the number of wards in an open dormitory setting? Is it cost-effective?
- . If wards are allowed to earn time cuts by voluntarily participating in institutional programs, will they do so? Can institutional population be reduced this way - without increasing the risk to the community?
- . How many wards in institutions are in need of psychiatric treatment or special counselling programs? The programs for alcohol abusers?
- . How effective are our psychiatric programs? Our special counselling programs? With which types of wards are they most effective?
- . What skills do parolees need to survive on the job? Can these skills be taught effectively to institutionalised wards prior to their parole?
- . What kinds of academic achievement gains do incarcerated wards make?

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1. Duxbury, Elaine, 'Role of Research: What Do We Know About ...?', Youth Authority Quarterly, Summer/Fall, 1980, pp.67-73.

- . How many wards need and receive educationally handicapped services?
- . What are parole staff's opinions regarding training received, supervision, job satisfaction, communications, safety, and carrying firearms?
- . What is the effect of juvenile visitation programs, such as shown in 'Scared Straight'?
- . Can intervention with youth street gangs reduce homicides and other violence? If so, what techniques contribute to the reduction?
- . What are the factors which contribute to wards' success on parole?

In this article Ms Duxbury reviews the methods used to obtain answers to these questions and then summarises the findings and policy decisions that were taken in relation to each. She concludes the article with a plea for improved communication between administrators and researchers with a particular emphasis on forward planning. She argues that research staff have a responsibility to anticipate the informational needs of administrators, and that administrators should endeavour to give early warning of these needs.

A rather broader perspective is adopted by Carl Jesness and some of his current and future research is focused on the methodological issue of how to conduct sound evaluative studies without randomisation of subjects to experimental and control groups. He believes that individual prediction scores are now sufficiently reliable for inferences to be drawn from groups given different treatments provided that the scores are aggregated. This is not to say that prediction scores are accurate enough to be used as a basis for case management.

The total research output of the Authority is far more extensive than could be adequately summarised here, but brief mention will be made of some of the recently completed projects that seem to have implications for Australia.

Youth Service Bureau's Evaluation Project. This research aims to evaluate the effectiveness of Youth Service Bureaux, a non-custodial

alternative for the treatment of young offenders. This research found that the Youth Service Bureaux had no measurable effect on the delinquent behaviour, truancy, family relations, attitudes, or minor misbehaviour of clients receiving this correctional option. Neither the average number of arrests per client nor the proportion of clients arrested showed a decrease after involvement with the bureaux. This conclusion was reached by comparing before and after attitude measures of young offenders passing through the system and also by comparing offenders ordered to attend Youth Service Bureaux and those ordered to participate in other types of programs.

National Runaway Youth Project. This project aims to establish a standard recording system for all youthful runaways and a number of forms were developed and tested for this purpose. No statistical or evaluative findings were produced.

The Sacramento Female Cohort Study. Following the Philadelphia cohort study this research aimed to test the generalisability of the Philadelphia findings in a different area and point of time and to examine the criminal histories of a cohort of females (who had not been included in the Philadelphia study). The preliminary findings of this study have shown that the probability of offenders, either male or female, committing a second offence is low, and from this it has been suggested that the most efficient point for intervention is probably after the second offence, no matter what type of first offence. It was also found that 13 percent of the females in the study had been formally arrested at least once, but that very few had committed serious offences.

Evaluation of the Squires of San Quentin. The squires of San Quentin program is similar to the famous 'Scared Straight' program and also similar to that being conducted by the Parramatta Recidivist Group. Young offenders on probation from Los Angeles were required to attend three weekends and their behaviour and attitudes were subsequently compared with a control group. The research found that some positive attitude change occurred as a result of participation in this program but, like other evaluations of this type, this program could not be shown to reduce the possibility of involvement in more serious delinquency.



Evaluation of Youth Authority Junior College Programs. This study found that where young offenders in institutions were given day parole to participate in junior college programs their likelihood of continuation of their studies after release was considerably higher than if this privilege were not given during the period of institutionalisation.

Institutional Violence Reduction Project. This project aimed to evaluate the effects of changes in living unit size while maintaining a uniform level of staffing. It was found that reducing the number of inmates in a living unit from 47 to 37 and reducing the number of staff from six to five and thus maintaining the same ratio had the effect of significantly reducing the number of violent acts and other misdemeanours in the smaller group. It was also found that increasing the number of inmates in a living unit, while maintaining the same staff ratio had the opposite effect. One finding from this study was that reduced living unit populations led to a significant savings in program costs.

The writer has obtained a considerable volume of research reports from the California Youth Authority and these will be made available through the J.V. Barry Memorial Library of the Australian Institute of Criminology.

## Chapter 6

## CALIFORNIA DEPARTMENT OF CORRECTIONS, SACRAMENTO

The Research Unit of the Department of Corrections together with the Management Information Unit comprises the Policy and Planning Division of the Department which is located in downtown Sacramento. The Acting Chief of Research, Robert Dickover, outlined the work of his unit to the writer and also supplied background documentation. The current overriding concern of the Department, including the Research Unit, is the problem of numbers. As at June 1981 there were over 26,000 prisoners in California and this number has been increasing at a rate of approximately 100 per month. This total is in excess of the prison population predicted for 1985 and urgent plans are being developed for the opening of new institutions if budget approval can be gained.

The current prison population compared with the State population of 23 million yields an imprisonment rate of approximately 112, but this is a gross underestimate in the light of the fact that there are over 30,000 persons (mostly awaiting trial) in County jails and a further 2,000 to 3,000 offenders in Federal penitentiaries in California. The true incarceration rate is therefore probably closer to 250 per 100,000. If persons held in Youth Authority institutions are added the total incarcerated population in California is thought to be approximately 70,000. In the light of figures like these concern with increasing numbers and consequent overcrowding is understandable.

As with other government agencies much of the research undertaken within the Department of Corrections is for internal administrative purposes, but since 1958 departmental researchers have published 61 research reports or monographs, which are free to the public, and a number of articles in journals. Until 1976 an annual review of research was published by the Department but this has been discontinued in recent years. There are approximately 12 professional researchers in the Department, three of whom are based in the Californian institution for men at Chino and are known as the Southern Californian research group. The writer visited this group as well as the head office in Sacramento.

A major research effort in the past two years has been the development of a completely new classification system which is centralised, uses only objective data, is simple to use and is closely linked to future planning. This system is described in an article in Corrections Today for May/June 1981. Copies of the single-page classification sheets and the coding manual have been also obtained by the writer. Two results of the use of this system have been a reduction in the number of escapes and a recognition of the need for more minimum security accommodation. (It had been previously assumed that the most urgent need was for more maximum security accommodation.) The research underlying this system was funded by the National Institute of Corrections, and work is continuing on the validation of the numerical classification scores and the development of an empirically based method of adjusting these scores with the passage of time through an inmate's sentence. Even though the current overcrowding in Californian prisons has largely removed any possibility of moving prisoners between institutions in a routine way the new classification system has provided the basic tool for the planning of new institutions and programs. As all scores and decisions are communicated to prisoners and are appealable it has also removed one of the sources of prisoner grievance. The new Californian prison classification system would be readily adaptable to any Australian prison system provided that the basic data gathering and analysis were conducted in the new situation.

A second major area of current research in the Department of Corrections is measuring the impact of the determinate sentencing law which came into effect on July 1, 1977. (A number of other organisations have also been conducting research on this issue and in early May 1981 the Californian Association for Criminal Justice Research conducted a conference which brought together the results of five independent sets of research findings dealing with determinate sentencing. This conference found that the new law had reduced sentence disparity, had increased the use of prison sentences, and led to an initial reduction in sentence length followed by a significant increase.) The Department of Corrections' research into determinate sentencing is to be published shortly in the Journal of Research into Crime and Delinquency. This was prepared by David Brewer, Gerald Beckett and Norman Holt of the Southern Californian research group at Chino. The abstract of that paper is as follows:

California's enactment of determinate sentencing came as a major event in the widespread abandonment of correctional rehabilitation. The law began as a compromise between the interests of law enforcement and those of civil liberties and prisoners' rights groups. Penalties were soon increased, however, by amendments favourable to law enforcement.

Total imprisonment has increased substantially under the new law, mainly because of an increasing commitment rate. Data for the first year show that most cases committed to prison received the middle-base term, with more receiving the upper than the lower term. The upper-base term was used more often for multiple than for single-count cases, and especially for those given consecutive rather than concurrent sentences. The standard enhancements were applied more often in robbery cases than all other cases combined. Nevertheless, potential enhancements were frequently not applied, and one type of enhancement - for excessive property loss - was almost never used. Some possible implications of this for plea bargaining are discussed in the paper, especially in relation to the large increase in commitments under the determinate law.

The length of prison terms is not directly comparable to terms under indeterminate law because of the good time provision in the new system. If it is assumed that good time will be earned, however, prison terms for men will be shorter during this first year under the law, while women's terms will be longer. Standard deviations are smaller for most offences, suggesting some reduction in sentencing disparity.

Because piecemeal amendments can have substantial consequence, the law may be unusually vulnerable to further efforts to increase penalties. It is unclear whether the new system provides any logical limit to rising sentences, commitments, and prison populations.

Other current research being conducted or planned by the Department of Corrections is concerned with pre-sentence decision-making, the use of protective custody, the history of the Department, and forecasting the need for work release accommodation. Details of these projects have not been obtained.

A separate area of research occurs within the Parole and Community Release Services Division of the Department. In this section a consultant, Frank Trinkl, outlined to the writer the work that he had been conducting for the Planning Director, Ronald Chun. Mr Trinkl explained that some four or five years ago the traditional concept of parole supervision, in which one officer (or agent) is responsible for a caseload, had been abandoned in favour of a system in which the particular skills

or aptitudes of parole agents were used to best advantage. Thus some would be solely concerned with vocational counselling, others with drug inspections and so forth, and all contacts with clients have a specific purpose rather than general supervision. Within this framework Mr Trinkl has developed a model which demonstrates a positive relationship between parole effectiveness (as measured by various indices of criminality and community adjustment) and performance (which is largely a function of agent:client ratios) from which he claims changes in performance can be shown to have direct effects on effectiveness which includes the recidivism rate. This model and its supporting data have not yet been published but they have provided a powerful weapon in negotiations regarding budgeting. He argues, for example, that a budget reduction which increases the agent:client ratio will have a precise and predictable effect of increasing recidivism and that if the legislature is happy to accept that then it can make the budget cut and accept the consequences. The development of this line of argument has apparently been reasonably successful in saving the parole authorities from serious budget cuts.

## Chapter 7

## NATIONAL COUNCIL ON CRIME AND DELINQUENCY, SAN FRANCISCO

The National Council on Crime and Delinquency describes itself as 'a citizen led organisation in search of justice that is effective, economical, equitable, and humane'. This independent non-profit organisation was established in 1907 and since then it has continuously devoted its efforts to publicly advocating change in the criminal justice system while at the same time conducting extensive research and information programs. The potential conflict between an advocacy position and the neutrality of objective research has largely been avoided by the high level of public and political acceptance that the Council has gained and also by ensuring the highest standards in research. Despite its sometimes critical stance the Council is seldom, if ever, denied access to criminal justice agencies.

The head office of the Council is situated in New Jersey, but the San Francisco office is its main research centre. Most of its major research projects are funded from a variety of outside sources, and some of these include on-going activities, such as the preparation of Uniform Parole Reports and National Probation Reports. The products of the Council's research are generally published in the form of monographs with separate executive summaries, but some also appear in the form of journal articles. Its current publications list includes over 150 titles and most of these are made available to the public without charge. A small charge is only made for the larger monographs. The Council also publishes one of the major criminological journals, Crime and Delinquency.

A summary statement of some of the Council's current and recently completed research is given in this extract from a Council brochure :

California Alternatives to Incarceration Study (CAIS).  
California, like virtually every state in the country, is faced with a dramatically rising prison population. This problem requires a complete rethinking of the nature and purpose of criminal sanctions. The San Francisco office conducted such an analysis for the California Legislature in 1980. A dormant plan for community programs within the

Department of Corrections appeared and NCCD revitalized and expanded it. The CAIS report presented a detailed agenda of legislative, procedural, and budgetary changes needed to increase the use of nonprison sanctions. Currently, NCCD is working with the Department of Corrections to implement the new plan.

Uniform Parole Reports (UPR). The UPR project has been collecting and analyzing parole data since 1965 and is the major source of nationwide information on the outcome of parole decisions. State and federal paroling authorities use this information in developing and standardizing their policies. Additionally, in 1979, UPR carried out a national survey of community alternatives for parolees. It identified the kinds of services necessary to enhance the successful adjustment of the offender into society.

National Probation Reports (NPR). About forty percent of the nation's convicted offenders are placed on probation. Despite this widespread use of probation, however, no national probation reporting system exists that is comparable to the Uniform Crime Reports, the National Prisoner Statistics, or the Uniform Parole Reports. NCCD is currently compiling for publication a Probation and Parole Directory listing offices in each state.

Evaluation of Bail Reform in California. After a five-year legislative struggle, California enacted AB2 (the Bail Reform Act of 1979). The new law seeks to remove inappropriate financial burdens from misdemeanor defendants through expanding own recognition release and instituting a 10% deposit system in lieu of surety bonds. The new law mandates a careful and detailed five-year study of these reforms with annual reports to the legislature. NCCD will examine the fiscal implications of bail reform on local government, changes in defendant rates of FTA and pretrial crime, and the impact of jail overcrowding. Also examined is the effect of bail reform on the private bail bond industry.

Evaluation of National Test of Supervised Release. Overcrowded jails pose one of the greatest challenges facing criminal justice policy-makers in the U.S. NCCD, with support from the National Institute of Justice, is currently evaluating the potential of supervised release in lieu of bail as an option to reduce pretrial detention. Data on costs, rates of failure-to-appear and pretrial crime are being collected in Portland, Oregon; Milwaukee, Wisconsin; and Miami, Florida. A rigorous experimental design is employed to measure impact and NCCD staff are also performing a process evaluation to identify key supervised release program elements for potential replication.

Pretrial Adult Diversion Study. Increased use of pretrial diversion, according to some criminologists, is a necessary component of an effective and humane criminal justice system. Yet NCCD's evaluation of an adult diversion program which was operated in San Pablo, California from 1974 to 1975 suggests that such reform programs frequently fail to achieve their intended objective. A three-year follow-up study showed no positive results in terms of reducing costs or

recidivism. The study reveals through a process analysis how pretrial diversion can be used as a means for furthering control, treatment, or punishment by the criminal justice system. These findings suggest that very careful monitoring and direction are necessary in carrying out a diversion program so that it does not develop counter-productive results.

National Evaluation of Delinquency Prevention Programs.

Millions of dollars have been granted by the federal government to youth-serving organizations which operate delinquency prevention programs. The NCCD San Francisco Office has studied both the impact of the programs and the processes used. The findings of this project will help government use its delinquency prevention funds to maximum advantage.

Salt Lake City Experimental Impact Study of Probation and Incarceration.

A major question in criminal justice research concerns the relative long-term effectiveness of probation and incarceration. Utah maintains follow-up data on youth processed through its juvenile courts; youths who were incarcerated and youths who were placed on probation are both included in the follow-up population. NCCD, working with Utah state planners, juvenile court judges, and other practitioners, is laying the groundwork for a five-year experimental study to test the relative effects of varying levels of probation supervision and incarceration.

Multi-Jail Classification Study. Every jail holds individuals with widely varying potentials for public hazard. NCCD works with jail administrators in Boulder, CO; Kansas City, MO; New Orleans, LA; and Springfield, MS to help them evaluate their own classification procedures. A guide for these self-studies was prepared by NCCD in 1978. The study has important implications as a systematic analysis of jail populations and management systems, and as a means of identifying individuals who do not require being held in jail at all. Through a reduction of jail populations, costs can be reduced and improved services and treatment made possible for those who remain.

Prison MATCH. To imprison a woman is often to punish her children severely. Prison MATCH (Prison Mothers And Their Children) strengthens the ties between the imprisoned woman and her children. It couples the training of inmate mothers in early childhood education with special educational programs for themselves and their children. The project also provides support services for these families. Prison officials enthusiastically support this program, which is being carried out at the Pleasanton Federal Correctional Institution in California.

In addition to its other activities the Council provides a range of training and technical assistance services. These include planning and advisory services and, most interestingly, model evaluation packages which assist agencies to evaluate their own work. Overall, the National



Council on Crime and Delinquency is an effective organisation that provides a range of valuable services.

Plans had been made to make a return visit to the NCCD in San Francisco later in the study period, but time and resources ran out before this could be done. Nevertheless, a considerable volume of NCCD publications have been collected and these will be placed in the J.V. Barry Memorial Library at the Australian Institute of Criminology.

## Chapter 8

CENTER FOR THE STUDY OF LAW AND SOCIETY,  
UNIVERSITY OF CALIFORNIA, BERKELEY

This Center is one of the many organised Research Units which together with the academic teaching departments comprise the University of California at Berkeley. It was founded in 1961 by Professor Phillip Selznick and aims to encourage and facilitate multi-disciplinary research into current social and legal problems. The senior faculty participating in the work of the Center all have academic appointments in the teaching departments, but there are also research and support staff with appointments only to the Center. There are also always a number of visiting scholars at the Center from many parts of the United States and from a number of overseas countries. The Center is located in a gracious old house a short distance from the Berkeley campus and the writer spent two hours there with one of its leading members, Professor Sheldon Messinger.

Even though the Center was established purely for research it has always conducted a number of seminars and faculty associates have offered cross disciplinary courses in their departments. The fusion of teaching and research further expanded, however, and in 1977 a graduate program in jurisprudence and social policy was initiated as a natural outgrowth of the Center's work. This Doctoral and Masters program is formally conducted by the School of Law, but is closely tied to the Center.

Much of the research undertaken at the Center lies outside the field of criminal justice and includes projects on topics such as divorce law reform, labour relations, administrative policy review mechanisms, and fire fighting investigations. The latter of these projects, which is being conducted by Professor Jerome Skolnick, could perhaps be subsumed within criminal justice, but most of the formal criminal justice research is under the direction of Sheldon Messinger. Two current projects being conducted by Professor Messinger are summarised in the Center's 1979-1980 Annual Report in the following terms:

Strategies for Determinate Sentencing. Professor Sheldon Messinger (Professor of Law) received funding from the Law Enforcement Assistance Administration to study the concept of determinate sentencing and its impact on the corrections system and sentence reform. The central focus of the study will be a jurisprudential analysis of conceptions underlying determinacy, which will be combined with statistical analysis of their implications for the commensurability and predictability of penalties. This dual analysis will help guide and be guided by studies of law in action focused on two jurisdictions pursuing different strategies of determinacy. In California, where prison terms are now to be fixed primarily by courts, two county court systems will receive intensive study. In Oregon, intensive study will be directed at the state parole board that continues to fix terms, but now under more rigorous standards. In both jurisdictions, critical variations in the discretionary processes of criminal justice will be identified and elaborated, as the impact of the shift to determinacy is examined in concrete organisational settings. Key results of the shift toward determinacy will be measured quantitatively, and an effort made to compare the relative effectiveness of each strategy in accomplishing the goals sought. A continuing survey of developments elsewhere will help assure that the findings of the intensive studies in the two jurisdictions can be placed in the larger context of conceptual and legal change nationwide.

Long Term Trends in Imprisonment. Professor Sheldon Messinger received funding from the Law Enforcement Assistance Administration to study the impact of indeterminate sentencing on corrections. The project will describe and analyse the relation between changes in sentencing laws, policies and practices, on the one hand, and the characteristics of prison and parole populations for California 1851-1941. This was a period of increased 'indeterminacy' in sentencing. Interpretation will emphasise the role of correctional officials in promoting, resisting, and implementing changes as a means of coping with the pressures generated by the correctional system and by external demands on it. Implications for the current trend toward 'determinacy' in sentencing will be discussed.

In addition to this Professor Messinger and his colleagues are currently constructing a computer profile of California prisoners from 1945 to the present. This in some ways is an extension of the long-term trend analysis described above and comprises a sample of all prisoners received each year since 1945. One of the outcomes of this research will be an historical picture of the changing patterns of prison use with regard to the types of people who are imprisoned.

Professor Messinger was particularly interested to hear of the writer's current research on crime and imprisonment rates and made a number of helpful suggestions. He also provided the writer with a copy of a data collection presented to a recent conference which shows imprisonment rates by State and race for 1979. These data show that for at least six States the black prisoners per 100,000 black people exceeded 1000, whereas the highest rate of white prisoners per 100,000 white people is below 200. The highest black imprisonment rate was 1341.8 in Washington State, and the highest Hispanic imprisonment rate was 550.6 in Connecticut. (These figures refer only to State prisoners and exclude persons in county jails and Federal penitentiaries.)

Even though comparatively small the Center for the Study of Law and Society at Berkeley is very highly regarded and therefore has considerable influence on criminal justice and social policy.

## Chapter 9

## Y.S.P. INC., ORANGE COUNTY

Y.S.P. describes itself as 'a non-profit organisation of concerned citizens, parents, police, professionals and volunteers (which is) dedicated to delinquency prevention and service for victims and witnesses'. It provides services throughout Orange County, a large area south of Los Angeles with a population of approximately two million people and which includes 12 separate cities. Early funding of the programs came from the Law Enforcement Assistance Administration, but today funds come from a variety of sources including the State Government, the cities in the County, a number of large businesses and, very recently, from the clients of the service. Y.S.P. programs include juvenile diversion, victim-witness assistance, community restitution, a child abuse project, a youth shelter and community education activities. The first three of these programs were inspected by the writer and only these will be described. All of the Y.S.P. programs have close links with the Program in Social Ecology at the University of California, Irvine, and many of the professional staff are Social Ecology graduates. Social Ecology students, as part of their courses, perform unpaid work in these or similar programs in the area. The link with the Irvine campus was forged by Professor Arnold Binder, the foundation Director of the Program in Social Ecology, who now holds the part-time position of Executive Director of Y.S.P. Inc. as well as his academic post as a senior professor.

Juvenile Diversion

This is the largest of the Y.S.P. programs in that it employs 25 full-time staff, operates in all of the population centres in Orange County and provides services to approximately 3,000 clients per year. The services offered essentially take the form of counselling with young offenders and their families and all referrals come directly from municipal police. Y.S.P. has established offices in all participating police stations and assessments are conducted by program staff in these offices, thus reinforcing the seriousness of the obligations that are undertaken.

The age range of clients is from 5 to 17 years, but the clear majority are within the range 12-14 years. Offences which lead to referrals by police include such relatively minor matters as drinking on the beach (an offence for all ages throughout California) and the status offences of truancy, incorrigibility and running away, as well as shoplifting, vandalism, burglary, sex offences other than rape, and all types of theft.

As an alternative to police filing a petition for these cases to result in a court hearing and normal processing by the criminal justice system, police may at their discretion terminate proceedings by referrals to Y.S.P. This is thus to be seen as diversion from the system rather than diversion within the system. A change in the Californian law in 1978, which redefined the probation subsidy scheme, has resulted in more serious offenders being diverted to Y.S.P. than was previously the case. In the early 1970s the program only catered for status offenders, and received LEAA funding because of the focus on de-institutionalisation. Its scope has broadened in recent years.

Participation by the offenders and their families is voluntary, but in view of the alternative this cannot really be described as a free choice. After an initial assessment interview, which generally takes place within 24 hours of the referral, in many cases there is only one further visit, but in some cases six or eight visits are required. Counsellors frequently adopt a problem-solving approach and focus particularly on improving communications within the family. In some cases formal contracts are drawn up between parties.

Since May 1981 the juvenile diversion program has been experimenting with the charging of fees to clients. A fee of \$10 is charged for all initial assessments and fees for the subsequent counselling sessions are charged on a sliding scale from zero to \$45 per session according to income and family size, as shown in the table below.

Monthly Income	Number in Family				
	2	3	4	5	6
\$ 0 - 399	\$3	\$2	\$2	\$1	\$0
\$ 400 - 599	\$5	\$4	\$3	\$2	\$1
\$ 600 - 799	\$7	\$6	\$5	\$4	\$2
\$ 800 - 1099	\$9	\$8	\$7	\$6	\$4
\$1100 - 1299	\$11	\$10	\$9	\$8	\$7
\$1300 - 1499	\$14	\$13	\$11	\$10	\$9
\$1500 - 1699	\$17	\$16	\$14	\$12	\$10
\$1700 - 1899	\$22	\$21	\$19	\$16	\$14
\$1900 - 2499	\$33	\$32	\$28	\$25	\$20
\$2500 - 3999	\$40	\$39	\$36	\$33	\$30
\$4000 - up	\$45	\$44	\$43	\$42	\$40

Staff report that the imposition of fees has caused little difficulty, although the question of whether or not the clients can be reimbursed via medical insurance is still unresolved.

When discussing his work with the writer the Project Director stressed the importance of being located within police stations. He argued that his staff's physical presence in police environments increased their acceptability to police personnel and in fact led police to seek advice on other matters such as dealing with sexual assault victims. All male staff in this program, including students on field placements, dress conservatively with ties and jackets regardless of the weather. This is thought to create the right image for police and clients.

Unlike most other Y.S.P. programs juvenile diversion does not make use of volunteers. It is a professional counselling service whose success depends to a large extent on the suitability of the referrals selected by the police. The large number of cases referred each year clearly suggest that the program is serving a useful purpose.

#### Community Restitution

Similar to juvenile diversion, but offering no counselling, this program is intended for cases where juvenile offenders can be dealt with by way of monetary restitution to victims together with the performance of unpaid labour of value to the community. Clients, who must be under 18 years of age, are referred by the police and are generally those who have committed burglary, theft, vandalism or arson. The status offences of truancy and running away, which are generally considered to indicate the need for counselling, would not be referred to this program. This program caters for approximately 450 clients per year, is run by three paid staff and makes use of over 150 volunteers. As with juvenile diversion most of the work is conducted in police stations.

This program was initiated in 1978 and has grown rapidly since that time. For the calendar year 1980, 452 youths were referred to the program and 230 victims received a total of \$18,397 by way of restitution from the offenders. Also during 1980 3517 volunteer community service hours were performed.

After a referral is received a staff member will visit the young offender in his or her home and discuss the matter with his or her parents. An appointment will then be made for the offender and parents to appear before a community restitution board, generally within the next week. At the board meeting the volunteer members will initially be briefed by the staff member and then the young offender with his or her parents will be brought into the room and given an opportunity to make any statements they wish. The chairman of the board will initially explain the functions of the program and also hand the young offender a statement guaranteeing the confidentiality of the proceedings. The offender and parents are then



asked to leave the room while the board members discuss an appropriate penalty. Discussion focuses primarily on the question of the amount of restitution, if any, to be ordered and the number of hours of community service work to be performed. Other obligations, such as writing an essay or avoiding contact with named associates, may also be required. Later in the proceedings the offender with parents again appear before the Board and are informed of the decision. The decision is in the form of a contract which is signed by the chairman of the board and the young offender and the parents. If the offender is not satisfied with the result he or she may choose to appear before a second board but he may not select from the decisions of the two boards.

The board members are ordinary members of the community with no particular training in law or the social sciences. They are recruited via the educational programs of Y.S.P. and are guided in their work by the staff member who is always present at the hearings. Volunteer board members generally devote one or two evenings per month to this activity. There seems to be virtually no selection of board members and one of the publicity handouts of the program says 'Be an active member of your community ... the community restitution program is a chance to do just that! We are looking for community restitution board members ... as long as you're 16 years of age, you qualify! For further info contact ...'. From four to six volunteers constitute each of the boards and they are taken from the near neighbourhood of the police station where the hearing is held, but care is taken to ensure that they are not personally known to the offender appearing before them.

Even though obviously low key, this is a sensible program that could be readily adapted for use in Australia. The writer has copies of all of the consent forms and procedural guides that are used in the board hearings.

#### Victim-Witness Assistance

This interesting and innovative program was started in Orange County in 1977 with LEAA funds but now operates with funds collected by

the State Government in the form of penalty assessments. Whenever a fine is imposed in California the judge may, and generally does, add the penalty assessment which is an additional 40 percent on top of the fine. A judge would characteristically say, 'You are fined \$50 plus p.a.', which means that the offender would be required to pay \$70. This additional money is used for a variety of purposes related to criminal justice and currently 9.38 percent of the annual total goes to victim-witness assistance programs and to the victims of violent crime. The current annual budget of the program in Orange County is \$298,000.

The Orange County victim-witness assistance program is operating in all of the seven courts in the County with offices and telephones provided by the courts. The larger centres have two or three paid staff and the smaller centres one or two, but in all locations extensive use is made of volunteers. Volunteers generally work for half a day each week and are carefully screened. They also receive training in crisis intervention and always initially work under the direct guidance of experienced staff.

The program, although part of Y.S.P. Inc., operates under the umbrella of an organisation called CITRIC, an acronym for Community Involvement to Reduce the Incidence of Crime. The formal purpose of the program is 'to encourage increased citizen interest and cooperation in the criminal justice system and to provide services to victims and witnesses of crime'. All of the program offices provide comfortable lounges for victims and witnesses waiting for court appearances, and guidance (via literature and discussions with staff) is provided on court procedures.

The program achieves its greatest impact through an invitation to contact the office that appears on all subpoenas that go to prosecution witnesses in criminal cases being heard at the superior or municipal courts in the County. If no contact is made by the witness, program staff will telephone and offer transportation to the court if it is needed. The staff will also offer to keep a witness 'on call' and thus save his or her time if the relevant evidence is not required immediately. Personal counselling is offered to witnesses who appear to be nervous about going to court.

The specific program services listed in its brochures include:

- . assistance to victims of violent crimes in filing for State compensation,
- . short term personalised assistance and counselling, as needed,
- . referrals to appropriate agencies for medical and psychological counselling, financial assistance, legal services and social services,
- . information about the criminal justice system; the role of the victim and witness in the system; methods of crime reduction and crime prevention,
- . a Speakers Bureau with professionals in the field for clubs, organisations, senior groups, etc.,
- . training of volunteers to assist victims and witnesses, and
- . a 24-hour seven days a week phone line assistance for victims of crime.

Whether or not the crime reduction aim incorporated in the CITRIC title is likely to be aided by the victim-witness assistance program, the program is obviously of very great value in its own right. It is worthy of consideration for appropriate adaptation and implementation in Australia.

As far as the writer is aware none of the Y.S.P. programs described above has been adequately evaluated. Very high compliance or completion rates are claimed for the diversion and restitution programs, but comprehensive and independent evaluations would seem to be called for. Even though none of these programs can be described as research activities they can be seen as ideal areas for research to be conducted in the future.

## Chapter 10

## RESEARCH IN OTHER PARTS OF THE UNITED STATES

Over the period June 29 to July 20, 1981 the writer visited a number of research centres in central and eastern America in order to re-establish contacts with colleagues and to discuss matters of mutual criminological interest. In essence this three-week tour was a diversion from the writer's main task in California, but it was nevertheless an extremely valuable experience in that it provided a brief glimpse at the broader American scene in relation to criminal justice research. It was also very pleasant to have an opportunity to meet old friends who had themselves visited the Institute in Australia in the past.

The first stop on the trip was Chicago where it had been hoped to visit Professor Norval Morris, but regrettably he was not in town. The schedule was left unaltered however as Dr George Kelling was in Chicago at that time. Dr Kelling, formerly of the Police Foundation, currently holds the position of Research Fellow and Executive Director of the Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, and he is currently supervising a large project concerned with urban development in inner city areas. He also spoke of his work for the Police Foundation on the evaluation of police foot patrol and gave the writer a copy of this work.

The next stop at Milwaukee was arranged in order to meet Professor Lee Bowker, Assistant Dean, School of Social Welfare, University of Milwaukee-Wisconsin, with whom the writer had been in correspondence for several months. This correspondence had largely been devoted to a mutual interest in research into the relationship between imprisonment rates and crime rates. Professor Bowker's latest paper on this topic was published in Crime and Delinquency for April 1981. This paper largely confirmed the writer's earlier work in this field. Professor Bowker has written extensively in many areas of criminology and is currently preparing a text book on the science and art of corrections.

Four days in Columbus, Ohio, followed as the guest of Professor and Mrs Simon Dinitz. Here the writer gave a two-hour lecture on Australian criminology to an undergraduate class. Arrangements were made for him to meet all of the Faculty and graduate students at Ohio State University whose work is related to criminal justice. These people included Emeritus Professor Walter Reckless and Professors Dennis Longmeyer, Ron Huff, Joe Scott and Jerry Pankhurst, as well as Visiting Professor Ed Sagarin from John Jay College in New York. About a dozen graduate students are also at Ohio working for their doctorates on a range of criminological topics. It therefore quickly became apparent that Ohio is to be regarded as one of the major criminological centres in the United States. It is also an extremely interesting university as it occupies the largest single campus in America.

At Ohio State University the writer arranged an interview with Professor Thomas H. Rockwell, a road safety expert in the College of Engineering of the university to obtain information requested by the Senate Committee on Road Safety. He also visited the Academy for Contemporary Problems where Professor Dinitz maintains a second office. This organisation was established in 1975 with grants of approximately \$7 million from Batelle Memorial Institute and has conducted research on a wide range of issues including social and criminal justice policy. In recent years however grant money has not been forthcoming and very few staff remain.

A short stay in Washington D.C. followed which included a luncheon appointment with the President of the Police Foundation, Mr Patrick Murphy. Mr Murphy outlined to the writer the current work of the Foundation and pointed out that even though reduced in size the survival of the Foundation was assured, at least for the immediate future. Mr Murphy introduced the writer to a research worker in the Foundation, Mr Craig Uchida who has been conducting research on the impact of the 'role out' project being undertaken by the District Attorney's Office in Los Angeles County, California. This project which aims to ensure adequate investigation of shooting incidents by police provides for Assistant District Attorneys to visit the scene of any such shooting to conduct an investigation of the

circumstances. Mr Uchida's research showed that the 'role out' project resulted in increased independence and comprehensiveness of investigations, but there was no decrease in the number of such shootings nor was there any increase in the prosecutions against police for the misuse of firearms.

In Washington contact was also made with the National Institute for Alcohol and Drug Abuse to obtain material requested by Mr Justice Muirhead of the Northern Territory, and a visit was made to the Council for International Exchange, the Fulbright Scholarship's coordinating authority.

A brief visit to New York City followed, which included discussions with Professor John Stead and Professor Donal MacNamara of the John Jay College of Criminal Justice. It was not possible to meet students or other faculty members of the College, however, as the College is now working a four-day week and the writer unwittingly chose the wrong day for his visit. Also a planned meeting with the editor of the World Police Encyclopaedia was cancelled at the last moment.

The next stop was largely recreational in Albany, New York, as the guests of Professor and Mrs Graeme Newman. Professor Newman is now the Associate Dean of the School of Criminal Justice at the State University of New York at Albany and he described to the writer the current status of the School, including its recent activities with the private security industry. This School is currently facing some difficulties as it has lost some of its senior faculty, including Professor Leslie Wilkins who has retired, but it has been able to attract some outstanding scholars as replacements.

A visit to Toronto followed on the invitation of Dr Clifford Shearing, Coordinator of Graduate Studies, Center of Criminology at the University of Toronto. Dr Shearing and one of his colleagues, Mr Phillip Stenning, have conducted extensive research on public and private policing and are very keen to extend this work to other countries, including Australia. Discussions were held with other staff members at the Center including Professor John Edwards, its founding Director who is now fulltime

in the Law School. Meetings were also arranged with the former Mayor of Toronto, Mr John Sewel, who is very interested in police matters, and Mr Bob Hahn who runs a private criminal justice consulting service and is currently working on the prediction of prison and parole populations for the national government.

The final stages of the three-week tour were largely for relaxation in Boston, Massachusetts, and Newport, Rhode Island and included two days as the guests of Professor and Mrs Benedict Alper at their Cape Cod summer home. Professor Alper, who teaches criminology at Boston College, has recently co-authored a major book, Beyond The Court Room, which reviews a number of options in community corrections. He has maintained a deep interest in the correctional field and supplied the writer with comprehensive incarceration data for all States in America.

In summary, this sojourn away from California was most worthwhile in the opportunities it provided for gaining information and insights as well as for promoting the work of the Institute.

## Chapter 11

## DISCUSSION AND CONCLUSIONS

The preceding chapters of this report have endeavoured to describe structure and functions of a number of criminological research organisations in California. More than 50 current or recently completed research projects have been mentioned or described in summary form, but little attempt has been made thus far to draw conclusions or make inferences with particular relevance to criminological research in Australia. That will be attempted in this chapter.

It is necessary first, however, for some general observations to be made. In the first place it is frankly acknowledged that the self-imposed task of reviewing all current criminal justice research throughout California in a period of three months proved to be impossible. To complete the task adequately the writer would have required considerably more time and resources than were available to him. The field is so broad that it might have been advisable to restrict the inquiry either to a part of California or to a limited number of sub areas within criminology. In particular, it is acknowledged that little or no attention has been paid to police research. A number of efforts were made to gain access to the Los Angeles Police Department, but these proved to be fruitless. However professional advice from elsewhere suggested that little systematic research would be found in that agency and therefore the writer's efforts were concentrated elsewhere. The absence of any significant reference to police research is nevertheless regretted as this is an area in need of further development in Australia.

A second general observation must be that criminal justice research in California seems to be conducted in three different types of settings. These are:

1. the universities and their associated institutes and centres
2. the private organisations such as the Rand Corporation and the National Council for Crime and Delinquency, and
3. the government agencies such as the Youth Authority and Department of Corrections.



The differences in style and content of the research conducted in these three settings are discussed in the seminar paper presented in Vancouver (Appendix B) and in this context it perhaps should be noted that the Australian Institute of Criminology would seem to find its closest parallel in the private organisations. Certainly the Institute cannot be equated with either the universities or the government agencies, and to the extent that it adopts a broad perspective and yet works closely with a number of government agencies, it has similarities with Rand and the NCCD. There are significant differences, however, as both Rand and NCCD are heavily dependent upon outside sources of funds whereas the Australian Institute of Criminology has had only one funding source, the Federal Government. Nevertheless, discussions with staff and a perusal of the publications of these two private organisations in California reveal striking parallels with the Australian Institute. There are in fact many overlapping topics in their lists of publications and that produced by the Institute.

A third general observation that is as essential as it is predictable relates to the comparative level of investment in criminal justice research in California and in Australia. It has been said many times before but it must be repeated: the average research project in the United States is funded to the extent of from \$200,000 to \$300,000 whereas the average Criminology Research Council grant in Australia is just over \$10,000. It is true that there is widespread anxiety in the United States about the availability of research grants in the future, but among experienced researchers there is a quiet confidence that good proposals will continue to receive adequate funding. It is also true that an arguable case can be made out to suggest that the value per dollar is greater in Australia than in the United States, but it is undeniable that without a very significant increase in research funding in Australia it will continue to be impossible for many of the projects described in this report to be replicated in Australia.

To the extent that that is true, and assuming no great increase in the research funding in Australia in the immediate future, Australian criminal justice researchers will continue to be severely restricted in the scale of the projects that they can undertake. Pilot projects and small sample surveys will continue to be the norm and the reliability

of the findings will always be somewhat suspect. For this reason policymaking in Australian criminal justice does not have, nor will have in the immediate future, the solid foundation of reliable data and analysis that it requires. This deficiency is short-sighted as it will predictably lead to resources being misapplied, money misspent and decisions being made on the basis of hunch rather than on the basis of established fact.

In most areas of criminal justice research the Australian criminologist in the United States is made to feel like a poor relation who can do little more than admire the sophistication and depth of the work being done by his American counterparts. In one area, however, Australian research can be favourably compared with that in the United States; and that area is research undertaken with a national and comparative perspective, the orientation to which the Australian Institute of Criminology is uniquely suited. This orientation may be described as 'macro criminology'. Because of the enormous complexities of American criminal justice with 50 State systems and a strong Federal system, many thousand separate police forces, municipal, State and Federal courts and at least three different types of incarceration, very few criminologists in the United States have tried to adopt a macro view. By contrast, Australian criminal justice, with only six States and two Territories and with only one significant level of criminal justice activity, lends itself ideally to this approach. (Satyanshu Mukherjee's work on crime trends, the writer's own work on crime and the use of imprisonment and his work with Ivan Potas on the relationship between imprisonment, probation and parole rates are illustrations of this approach.) For these reasons Australia is not a poor relation to the Americans in this area of criminal justice research. It could be argued, in fact, that Australia is an ideal location to generate hypotheses of this type for later testing in the more complex federations of the United States and Canada.

It is necessary, however, to make two qualifications to this conclusion. In the first place the well-known inadequacy of Australian criminal justice data sources places severe restrictions on the depth to which this type of analysis can be taken, and secondly, the small number of jurisdictions in Australia means that only very seldom can firm

conclusions be reached. Relationships between variables found by comparing the eight Australian jurisdictions, either cross-sectional or over time, may well be the result of idiosyncratic variations or may be artefacts resulting from the unreliability of the basic data, and therefore further testing is always needed. Nevertheless, Australian criminal justice could become in the future a unique site for the development of hypotheses that could not be developed anywhere else in the world.

As far as more traditional research projects are concerned, as suggested above, Australian criminologists are unlikely to be able to duplicate the high level of funding of the United States and therefore they can often do little more than thoroughly familiarise themselves with the relevant American literature and then perhaps undertake small empirical projects which essentially aim to establish whether or not the American results are applicable in Australia. Following this model, therefore, the Australian researcher's task would be to regard the American findings as hypotheses and then devise inexpensive means of testing them. This is exactly opposite to the sequence proposed above in relation to macro criminology or national/comparative research, but in both cases advantage is taken of Australia's particular strengths and weaknesses.

Notwithstanding the comparatively lavish level of financial support for American criminal justice research, in only very few cases did the writer find that new and creative methodologies were being used. Certainly nearly all projects observed in California were larger than any that could be found in Australia, but the basic techniques and approaches were similar in all other respects to criminological research currently being pursued in Australia. In other words, no startling revelation that would change the face of criminology in the world was found during this investigation.

A possible exception to the conclusion that Californian criminal justice research is bigger, but not necessarily better, than its Australian counterpart may be found in the area of corporate crime. Apart from the descriptive work being done by John Braithwaite, Brent Fisse, Andrew Hopkins and others, very little research into corporate crime is currently

being undertaken in Australia, but this is a burgeoning area in the United States. It could be argued that some of the Australian qualitative research is better than similar research being conducted in the United States, but, as shown in Chapter 2 some of this research is very sophisticated in that it has been possible in a few projects to establish experimental and control groups to test the impact of particular interventions. In view of the fact that it is now widely accepted that corporate crime is more costly and more damaging to a society than all other types of crime added together, it is clear that Australia needs to apply more of its resources to this area.

A number of other priorities for Australian criminological research have been suggested in the concluding section of Appendix B, but these are not necessarily conclusions that have been drawn on the basis of this writer's experience on this period of study leave and therefore will not be repeated here. Suffice to say that there are many gaps in our knowledge, but as a first priority it is essential that more comprehensive, reliable and timely statistics be made available on all aspects of Australian criminal justice. This need is especially important if Australia is to develop the type of national/comparative research outlined above and which has such rich potential for providing new insights and aiding the formulation of effective criminal justice policy. The final priority for Australian criminological research is improved communication of basic facts and research results throughout all levels of society. The hope is expressed that this report has made some contribution, however small, to that end.

## PERSONAL OBSERVATIONS AND COSTS

The value of a period of study leave in a foreign country, especially one as varied and stimulating as the United States, is always much more than the professional or formal purposes for which it was approved. Part of this added value comes from the friendships that are formed, but it also comes, almost through the pores of one's skin, from the totality of the experience, including the media, shopping, driving and innumerable casual conversations. This appendix will record some of these personal observations and impressions, before they fade with the passage of time.

It has often been said that America is all things to all people. It may be claimed, for example, that it is the most beautiful and yet the ugliest of nations; it is the richest and yet contains much poverty; it is the best informed and yet seems to nurture vast reservoirs of ignorance; and it can be brutal and sensitive at the same time. My wife and I found our stay fascinating, while no doubt others might find American living, especially in conservative and middle-class Orange County, boring. For every generalisation we have tried to reach, we have readily found exceptions and therefore what follows is a series of observations that are no more or less likely to reflect the 'truth' than the comments of any other visitor or any American citizen.

The status of visitor may well bring about perceptions that are different to those of the permanent residents because the visitor has his or her senses sharpened to the unusual. For example, a number of American friends were rather surprised when my wife and I observed that many aspects of American life were extremely bureaucratic. Of course, residents do not have to suffer the same form-filling as visitors, and the wheels may well be turned when Americans come to Australia, but I was, to say the least, surprised by the paperwork required to finalise my zero salary appointment to the University of California. Not only was the normal background information required, but also the details of every position

I had held, including salaries, throughout my working life. I was asked to list all of my publications (even though my curriculum vitae had been forwarded) and finally, very confidentially, I was asked to indicate my racial origin. I was tempted to place a tick next to 'south sea islander', as I had just spent two weeks in Western Samoa, but my courage evaporated and I lamely placed a tick next to 'caucasian'. If I had been braver it might have helped the university's compliance with the Affirmative Action Program!

Bureaucracy was not restricted to the university, however, and the form-filling required to rent some inexpensive furniture was, I am sure, more than was needed to obtain a mortgage in Australia. The impression of an overly intrusive, and not very efficient, bureaucracy stayed with us until our departure and was reinforced by the requirement that I obtain a taxation compliance certificate before being allowed to leave, even though I did not earn any money during my stay. This certificate could not be obtained by telephone or by letter and it was therefore necessary for me to drive some 20 miles to the nearest office of the Inland Revenue Service and then wait in line for more than an hour before having the precious piece of paper clipped into my passport. But the counter clerk was very pleasant and quite genuinely expressed the hope that we had had an enjoyable stay in the United States.

In contrast to these experiences the renting of automobiles was the simplest thing in the world. Provided one had a major credit card we found that it was often possible to drive away from an airport in a smart, air conditioned vehicle within five minutes of collecting our baggage. Getting a car was one thing, but driving in America is another. The amazingly dense traffic, all driving on the wrong side of the road, and the extraordinarily complex freeway system in southern California, had us absolutely terrified in the first few days of driving. Changing lanes on busy freeways and turning left at minor intersections were the two manoeuvres that initially we found most demanding, but little by little the terror subsided and after two or three weeks driving on the right-hand side of the road seemed to be quite natural. We realised quite soon in fact that Californian drivers are generally most courteous and obedient

of the road rules. They always seem to stop at stop signs and they treated pedestrians with great respect.

We came to realise that even the dreaded freeways, up to six lanes in each direction packed with vehicles travelling just a little over the speed limit, are really very safe. The green and white signs indicating the turnoffs always give ample time to change lanes and the driver is not taxed by being given more information than he really needs. Very seldom, for example, did the freeway signs indicate the distance to the next city, but they will indicate the number of miles to the next two or three turnoffs. The freeways may be safe but they can also be boring. On a day-long drive from Irvine through Los Angeles to Sacramento the road was so straight and the countryside for the most part so featureless that the only interesting thing to look at was the slow and inexorable movement of the fuel gauge as it changed from full to empty! It did that three times in the course of the journey.

The huge volume of motor vehicles in the Los Angeles area frequently causes serious traffic jams and the 'rush hour' on the freeways radiating from the city centre lasts from 7 to 10 o'clock in the mornings and from 4 to 7 o'clock in the evenings. Sometimes even in the middle of the day a breakdown or an accident will cause a whole freeway to grind to a halt. The most serious consequence of the volume of traffic, however, is the notorious Los Angeles smog. Even on the finest and windiest days during our stay the pink haize could be clearly seen for many miles around the city. The official reports say that the air quality is better, not as 'unhealthful', than it was some years ago before emission controls were required, but there is likely to be a decline in quality in the future if the Reagan administration abides by its promise to impose national standards which are less stringent than those currently in force in California.

American domestic politics in general, and the style of the Reagan administration in particular, were a constant source of interest to us. The popularity of the President remained at an extremely high level throughout our stay and made it possible for him to score major

congressional victories with his budget and his taxation cuts. In both of these cases significant numbers of Democratic representatives crossed the floor to vote with the Republicans in support of the President. Party loyalty in the United States is obviously quite different from the Australian experience, but the major thrust of these new directions in the fiscal policy of the United States Federal Government are similar to the current policies being pursued in Britain and Australia. A popular slogan of the President is 'We want people to be independent, not Government-dependent,' and hence the cuts in the food stamps program, social security and public housing. A massive de-regulation of industry and commerce is also part of the same philosophy.

Perhaps the most dramatic political event during our stay was the strike of the air traffic controllers which started on Monday, 3 August. The strike was illegal and the President ordered the controllers to return to work within 48 hours or face dismissal. No negotiations were attempted during this period. 12,000 of the 15,000 controllers refused to return to work and on Wednesday, 5 August, the President simply announced that the strike was over! Dismissal notices were quickly sent to the strikers, and supervisors and a few hundred military controllers have since then kept the system operating at approximately 75 percent of the normal capacity. The President's tough stand on this issue seemed to boost his popularity even further and the controllers received no significant support from other unions and only token and short-term support from controllers in other countries.

Two weeks after the strike started Transport Secretary, Drew Lewis, announced that the airlines were safer than they had been before the strike because of the reduction in traffic, and he ordered that the working week of the controllers still at work would be reduced from 60 to 48 hours. The airlines themselves have not publicly complained about having their schedules cut and have in fact taken the opportunity to eliminate unprofitable routes. As many of the airlines had apparently been losing money the strike provided an ideal opportunity for them to consolidate and lay-off excess staff. With the President's handling of the dispute thus receiving praise from nearly all sections of the community



it seems quite clear (at the end of August) that he has scored yet another major victory, and future textbooks on industrial relations will no doubt discuss the Reagan approach to the resolution of strikes. Furthermore, the United States postal workers who are about to start negotiations for a new three-year contract, and for whom also it is illegal to strike, are likely to be more compliant than their Canadian colleagues who have just returned to work after being out for six weeks.

One aspect of the Reagan handling of the economy that is causing some concern is his tight control of the money supply that has caused interest rates to climb to over 20 percent. This coupled with the astronomic prices for housing, especially in California, has prompted the development of a phenomenon known as 'creative financing'. Traditional mortgages from banks or other lending institutions are now seldom adequate and it is common for vendors to carry an increasing proportion of the financing often with flexible interest and payments deferred for a number of years. An example of current Californian housing prices can be found very close to the Irvine campus of the University of California. Pleasant but by no means lavish houses that were purchased eight to 10 years ago for around \$75,000 are now being put on the market for over \$300,000, and for a two-bedroom condominium close to the Newport Beach inner harbour, approximately five miles from the campus, the asking price is \$895,000. Facts like these have caused a number of scholars from elsewhere in the United States to decline offers of appointment in California, and in private industry it is becoming increasingly common for housing to be provided for executive appointees. This does not happen, however, with universities and thus in the long run there may well be a dilution of academic talent in California if the situation does not change.

Apart from housing, we generally found that the cost of living was cheaper in California than in Canberra. Most noticeably the prices of automobiles and electrical goods were considerably lower than we would pay in Australia, and if the favourable exchange rate is also taken into account, some of these items would only cost about half of the Australian prices. Food prices were generally lower than we had expected, especially for fruit, vegetables, fish and poultry. To our surprise, however, we

most often found that beef was both expensive and of poor quality. The cost of motels was generally similar to the costs in Australia, with from \$60 to \$100 being charged for a double room in any of the cities.

A summary of our actual expenditure for the period of just over three months in the United States is shown on the following table.

Statement of expenditure in the United States (in U.S. dollars)

Rental of apartment	\$1173
Rental of automobiles	1164
Gasoline and maps (approx.)	300
Internal air travel (1 person)	485
Motels (Sacramento, San Francisco, Chicago, Milwaukee, Washington D.C., New York, Boston and Los Angeles - \$1434 for double occupancy, single rate calculated at 75 percent)	1075
Restaurant meals, including returning hospitality (approx.)	400
Rental of furniture and telephone	350
Food costs at Irvine (approx.)	800
Trains, buses and taxis (approx.)	250
	<hr/>
	\$5997
	<hr/>

that equals \$5215 (Aust.)

The above statement of expenditure is conservative as it excludes all items of a personal nature. Also excluded is expenditure incurred during breaks in the journeys to and from the United States. Costs were kept down by the extraordinary generosity of a number of people in America: Professor Gil Geis lent us a private car for our first three weeks in Irvine and private accommodation was provided by Professor Simon Dinitz in California, Professor Graeme Newman in Albany, Professor Clifford Shearing in Toronto and Professor Benedict Alper in Hiannis. Many other people also provided meals in their homes or in restaurants. In addition, the Simon Fraser University Institute for Studies in Criminal Justice

Policy provided air fares from Los Angeles to Vancouver and return as well as hotel expenses during a three-day visit to that city. Without these many acts of kindness actual costs would have increased by approximately \$2500. Basic international air fares were provided by the Australian-American Educational Foundation and \$500 (Aust.) was provided by the Australian Institute of Criminology to defer from the expenses of the three-week visit to the eastern States. Correcting for this last item the total expenditure shown in the statement above becomes \$4715 (Aust.).

## CORRECTIONAL STANDARDS AND THEIR IMPLEMENTATION

In my introductory remarks to this seminar I would like to briefly discuss three issues. In the first place I would like to present a brief outline of the history of correctional standards, and secondly, outline for you the Australian experience (sad though it is) in the determination and implementation of such standards. Thirdly and finally, I would like to present some of my personal views of the types of standards which seem to me to be most important.

The history of correctional standards

The history of correctional standards goes back for more than 50 years. It was in 1929 that the International Penal and Penitentiary Commission (IPPC) first published its Standard Minimum Rules for the Treatment of Prisoners. The IPPC was largely a European body, but the United States was also a member, and the 1929 rules were largely based on the existing prison regulations of the time, particularly the United Kingdom regulations, but also drawing ideas from continental Europe.

In 1949 the IPPC transferred its work to the United Nations on the condition that the U.N. would continue the quinquennial congresses that IPPC had been conducting since 1872. The first such U.N. Congress on the Prevention of Crime and the Treatment of Offenders was held in Geneva in 1955 and that congress approved an enlarged version of the original standard minimum rules. Two years later, in 1957, the Economic and Social Council of the United Nations ratified the rules, thus providing the well-known United Nations standard minimum rules.

The Fourth U.N. Congress in Kyoto in 1970 (where I happened to be present) discussed the rules in detail and set up a working party to consider whether changes to the rules should be made. The working party advised against change and this advice was accepted. Thus the 1955 standard minimum rules are still in force today. They are not a U.N.

convention and are not backed by law, but they have achieved such a hallowed status that they are regarded as a strong moral force.

Personally, I find the United Nations standard minimum rules difficult to read as they are expressed in such general terms, and I also believe that they are deficient as they do not, even in the preamble, state as a matter of principle that the only people who should be imprisoned are those for whom no other less destructive penalty is possible.. The rules are silent on who should be in prison and concentrate on such matters as prisoners' food, hygiene, medical services and the rights of religious observance. That is all very well, but as I told the Kyoto congress it is well known that the numbers of prisoners in different States and different countries varies between 25 per 100,000 of the population to over 250 of the 100,000. If I were locked up in a high imprisoning State for an offence which would not attract a custodial sentence in a low imprisoning State I would be less concerned about the internal prison conditions than I would be about being in prison at all! My concern would be particularly strong if this occurred within a relatively homogeneous culture, such as within Canada, within Australia or within the United States.

It is perhaps unnecessary to say that the United Nations congress in Kyoto was singularly unimpressed by my intervention in the debate on the standard minimum rules, and my plea for an additional sentence or two in the preamble went unheeded.

The worldwide movement to define correctional standards did not end at the Kyoto congress, however, and in 1973 the Council of Europe published its own standard minimum rules, which are really a modification of the U.N. rules expressed in more precise language. Also, the American Correctional Association has published its own manual of correctional standards, which has gone through several editions. This manual is more concerned with physical planning and administrative structures for corrections than it is with the treatment of prisoners and therefore is not to be compared with either of the two current versions of the standard minimum rules.

The Australian experience

The Australian experience with correctional standards is quite an interesting story, even though the story is not yet finished and even though it does not contain much good news. In May 1976 the Australian Institute of Criminology in Canberra conducted a seminar entitled 'Penal Philosophies and Practices in the 1970s'. Participants included the heads of prison services, prison officers or guards, ex-prisoners, representatives of civil liberties and prisoners aid groups as well as associated criminologists like myself. Unlike many seminars two very important consequences flowed from this one. In the first place the administrators present agreed to supply to the Institute monthly statements of their prison statistics, and this has enabled the Institute to publish monthly summaries called Australian Prison Trends since then. (This publication has progressively become more sophisticated in the past five years and it has now almost become a standard reference.) Secondly, the seminar decided to establish a working party to draft minimum standard guidelines for Australian prisons which would aim to reflect local conditions and attitudes more accurately than is the case with the U.N. rules. The working party met on several occasions at the Institute, and from time to time additional members were co-opted, and in November 1978 the results were published as a discussion paper edited by my colleague Col Bevan. The use of the words 'discussion paper' and 'guidelines' rather than 'rules' was intended to convey the notion that there was nothing mandatory about the booklet, but a number of prison administrators and their Ministers publicly criticised the guidelines as being naive and academic even though many of the administrators had taken an active part in their formulation. Guidelines that particularly attracted critical attention were those suggesting that, with some qualifications, prisoners should have a right to see their own records, and, again with some qualifications, prisoners should have the right to make telephone calls to their relatives. At the following Annual Conference of Ministers in Charge of Prisons, Probation and Parole, only one State out of the six in Australia was unreservedly in support of the guidelines, and many became almost vitriolic in their criticism.

A possible reason for this remarkable reaction was that just about that time a proposal had been made for the accreditation of prisons by a national body (to be largely composed of prison administrators themselves) and if this proposal had come into effect an obvious method of deciding whether or not a prison was worthy of accreditation would have been the extent to which it met the national guidelines. The accreditation proposal basically aimed to take some of the political heat out of the repeated allegations of mismanagement and impropriety that have plagued Australian prison administration in recent years, while at the same time providing a yardstick for the planned achievement of humane and just conditions for prisoners. This proposal was quickly and cynically equated to the star rating system for hotels, and even though the proposal was withdrawn, the guidelines have continued to be the subject of vilification.

Meanwhile in the last three years at least three States have conducted massive royal commissions or judicial inquiries into their prison systems, costing literally millions of dollars, much of which could have been avoided if a quiet and methodical mechanism for accreditation using the guidelines had been established.

More recently the report of the Australian Law Reform Commission into the sentencing of Federal offenders (led by Duncan Chappell) in 1980 has pronounced itself strongly in support of the Australian Institute guidelines ... and will probably thereby be also branded as academic and naive. Duncan and I do, in fact, have a minor difference of opinion about one aspect of his massive report, which is relevant to the question of guidelines and correctional standards. Perhaps if time allows we can explore that difference later as it may also have some relevance to the Canadian situation.

#### Types of correctional standards

Finally, I would like to present some of my personal views about the sorts of rules, guidelines or standards that I think are most important. I have already suggested one: the number of persons held in

prisons should be kept as low as possible. It might perhaps be argued that the question of who goes to prison and for how long is not the responsibility of correctional administrators as this is essentially a judicial matter. I do not accept that argument for two reasons. In the first place, corrections authorities are able to take a number of steps to control the size of their prison populations, for example, by the more or less liberal use of parole, good time remissions, special leave, work release etc., and secondly I believe that correctional administrators have a responsibility to communicate back to the courts their views on the appropriate and inappropriate use of imprisonment. It is not always easy to establish such communication, especially if judges consider themselves socially and professionally superior to the mere mortals who run the prisons, but we have found in Australia that formal and informal conferences with judges and corrections experts can be surprisingly effective.

At a more specific level, I would take the view that standards should do more than set out the basic requirements for humane prison conditions, but should also reflect a correctional philosophy and thus set the direction for the future development of correctional practice. For example, I would argue that it is insufficient to state that there should be appropriate arrangements for the distribution of prisoners according to their legal status, sex, age, sentence etc., but there should be a requirement which stipulates that the level of security that is imposed is the lowest that is appropriate. Thus a clear duty is imposed on classification officials to ensure that maximum security is not used unnecessarily. On the subject of classification I believe that the process should be seen as a basic tool for future planning and that this should be expressed in any statement of standards. We have all seen the situation where reasonably adequate vocational training, education programs and psychiatric treatment are available in maximum security institutions, but not in open institutions in the same system. These anomalies can be revealed by an adequate classification system and can point to obvious areas of need. (By way of example, the Californian State prison system recently reviewed its classification practices and found, to its surprise, that its greater need was for increased minimum security or prison camps.)



Moving from classification to security, I would like to see statements of correctional standards biting the bullet and clearly stating what is a reasonable expectation in relation to escapes. It is obviously foolish to claim that no prisoner should ever escape, so I think we should try to set up some standard which is reasonable. In juvenile institutions it is not uncommon to find an absconding rate of 100 percent, i.e. the number of escapes per year is equal to the daily average muster, without too much public consternation. Obviously such a rate would not be acceptable for any adult prison, but more escapes are tolerable from open prison camps than they are from maximum security institutions. Perhaps a suitable standard would be five percent per year from minimum security or other open conditions, one percent per year from medium security and zero from maximum security. Any escapes from maximum security should be the subject of detailed investigation, report and remedial action. Perhaps these proposed standards are set too high, but at least they are a target to be achieved.

In other areas too I believe it should be possible to specify standards which do more than the standard minimum rules. In relation to education and vocational programs, for example, it might be possible to specify what level of voluntary participation by prisoners would be regarded as satisfactory, rather than simply saying that such a program should be available. Similarly with medical care, it might be possible to specify the desirable frequency of routine medical checkups as well as the range of medical procedures to be used. Also with regard to prisoner safety, a highly controversial topic, it might be possible to specify some standards. It would obviously be unreasonable to expect no black eyes or bruises from the occasional altercation between prisoners, but when prisoners start murdering or raping each other this is obviously intolerable. As with escapes, a standard which expresses an expectation of absolutely no injury to any prisoners ever is clearly set unreasonably high.

If correctional standards were promulgated with this degree of specificity they would really provide guidelines for correctional practice, and provide a bridge between the inevitably generalised statements of

correctional philosophy and the day-to-day work of running prisons and dealing with prisoners. I realise that I have said little about implementation, but hope that what I have said will stimulate some discussion and comment from you.

The vigorous discussion that followed revealed a number of parallels between the Canadian and Australian situation. There was considerable anxiety, however, particularly expressed by Federal penitentiary representatives who were present, that rules had been established too quickly and in too inflexible a manner, thus creating severe administrative problems including sharply increased costs. In general, most of the seminar participants saw rules as synonymous with regulations and were unfamiliar with the concept of guidelines in the way that I had expressed them in my presentation.

## ISSUES IN CRIMINOLOGICAL RESEARCH

If time allows four themes will be addressed briefly in my opening remarks. These are:

- (a) a statement of general observations or principles about the nature of criminological research;
- (b) some preliminary observations about my stay in California;
- (c) a brief description of the structure and functions of the Australian Institute of Criminology; and
- (d) my personal view of research priorities.

General observations

For the purposes of this discussion let us agree that research may be defined as any systematic activity that aims to generate new knowledge or to analyse or synthesise existing knowledge in order to provide new insights or new understandings.

The boundaries of criminological research are obviously set by the definition of criminology that is used or implied. The many possible definitions of criminology include the study of the causes of crime (Mannheim), law breaking and law making (Sutherland and Cressey), the prevention and correction of criminal behaviour (Criminology Research Act 1971) and the functioning of criminal justice systems (Biles, 1971). Even though some American universities draw a distinction between 'criminology' and 'criminal justice' it seems that in the Australian and Canadian contexts this distinction is not made and therefore we may use either term synonymously.

Apart from the definition of criminology the 'style' of criminological research is to a large degree determined by the historical and cultural context. For example, American criminology is largely based on sociology, whereas in England it is law that is the predominant parent discipline. In other parts of the world medicine, psychology and anthropology have been of particular significance and this influence can

still be seen. Therefore, what is seen as good criminology in one part of the world may not receive the same appellation elsewhere.

Persons engaged in criminological research (researchers) may have different perceptions of the purposes and value of such research than do the decisionmakers, administrators and policymakers (users) for whom the research results are intended. Perhaps overstating this dichotomy, researchers generally are more concerned with methodological elegance, originality, publishability and achieving prestige among their peers, whereas the users are more concerned with the political acceptability, practical implications and cost-effectiveness of proposals emanating from research. To the extent that that is true, it follows that the determination of priorities is likely to be different for researchers and users, especially if the former are in university positions. Many criminal justice agencies have tried to avoid this tension or difference by establishing their own 'in-house' research units that are directly responsive to their needs. This may have the effect of displacing the tension so that it now rests between the academic and in-house researchers rather than between researchers and users generally. As I have said elsewhere, 'the public service ethic of uncritical loyalty does not rest easily with the academic spirit of free inquiry and criticism'.

Differences between users and researchers in the determination of priorities would be reduced, if not eliminated, if users were more forthcoming in stating their needs and if researchers were more frank about what they had to offer. There is a need for stronger bridging between users and academic researchers, perhaps by more direct interchanges of positions between the government agencies and the universities, or by the creation of more liaison positions.

A related problem stems from the fact that users generally want results quickly, yet the traditional research project takes from two to three years, or longer, by which time the user's perception of need and the objective facts may have changed dramatically. Partial solutions to the time-lag problem may be found in the use of the synthesising role of

criminological research, for example, by the preparation of state of the art or literature reviews, quick surveys of opinion or attitude, and analysis of data already available. This type of work may be described by the academic purists as 'not respectable' or 'quick and nasty research', but from the user's point of view the dictum of Samuel Butler is relevant: 'The art of living is the art of making adequate decisions on the basis of inadequate information'.

The problem of appropriate communication of the results of criminological research is also of central relevance to the researcher/user dichotomy. Criminal justice administrators cannot possibly keep abreast of the massive, and still expanding, criminological literature and therefore executive summaries are essential. Also, the reviews of current journals contained in Federal Probation, and in the Abstracts fulfil an essential function. Not only is there too much published in criminology for the users to cope with, but much of it is incomprehensible to all but small coterie of specialists within select sub disciplines such as computer simulation or socio-biology. Furthermore, data gathered in the name of criminological research are frequently not suitable for sophisticated statistical analysis and yet this unsuitability is often ignored by the researchers. (A very common error for criminologists is to use parametric techniques with non-parametric data.) There is an obvious and clear need for simple and unsophisticated communication of research findings in a way that all can understand. Good criminology should not have to strive to appear to be clever.

#### Some observations from California

Over the past three months I have been talking to as many criminal justice researchers in California as possible and preparing a report to be published in Australia under the title 'Current Criminal Justice Research in California' which hopefully will be a source of ideas to Australian researchers. The task is necessarily unfinished, even though my time is up, as there is just too much for any single person to cover in so short a time.

A visitor cannot but be impressed with the scope and sophistication of Californian criminal justice research. Also impressive is the comparatively high level of funding, even though there is widespread anxiety about research funding in the future. Equally impressive is the almost total lack of coordination between projects. For example, five separate evaluations have been conducted of the 1977 Californian determinate sentencing law. These studies, which generally produce similar results, showing reduced disparity in sentencing but an increase in sentence length leading to a massive increase in prison populations, were conducted in almost total ignorance of each other.

The Association for Criminal Justice Research (California) does its best to facilitate communication between researchers, but this body has no outside funding and is not able to adopt a coordinating role. It would seem to be highly desirable for someone at least to maintain a register of current research in order to avoid researchers re-inventing the wheel.

A second generalisation is that there seems to be three, apparently almost equal, bases for criminal justice research in California. These are: the universities, including associated institutes and centres, private organisations such as the Rand Corporation and the National Council for Crime and Delinquency, and government agencies such as the Youth Authority and Department of Corrections. The research style varies between them. Some of the most elegant and original research designs stem from the universities, including the work of graduate students, while the government agencies tend to follow more traditional research approaches and are less oriented to projects than to information-gathering and dissemination. The private organisations are most impressive for the range of their research and for their extensive, and generally free, publications, all of which also contain appropriate summaries.

In terms of content the government agencies obviously focus on their own areas of responsibility, while the private organisations are more wide-ranging and include studies of criminal careers, police practices, sentencing, probation, parole, bail reform and alternatives to incarceration. By contrast, there seems to be some tendency for

university researchers to currently focus their attention on corporate or white collar crime and the application of regulations to industry, but that focus is by no means exclusive and university researchers are also working in many other areas.

Without in the slightest way wishing to sound discourteous or disrespectful to my Californian hosts, I feel compelled to say that I found nothing uniquely startling that is going on in California that is likely to change the face of criminological research in the rest of the world.

The Australian Institute of Criminology  
and the Criminology Research Council

Established in 1973, following Federal legislation in 1971, the Australian Institute of Criminology is unique as, even though it is federally funded (as yet!) it is not an 'in-house' research agency, but an independent statutory authority controlled by the State and Federal Governments. The Criminology Research Council, a funding agency, receives 50 percent of its funds from the States and 50 percent from the Federal Government but is controlled by representatives of the State Governments. (The detailed structure of the Board of Management and Criminology Research Council were explained in more detail at this point.)

The Institute has three main functions: research, training and information, but also is required to 'give advice on the compilation of statistics relating to crime'. Research topics, all approved by the Board of Management, aim at a general coverage of the field, and include sentencing, crime trends, prison management, corporate crime, domestic violence, police work, victimology, mentally ill offenders, terrorism, juvenile justice and planning crime prevention, plus numerous smaller tasks.

The Criminology Research Council has funded over 75 projects in the eight years of its existence at an average of just over \$10,000 each project. (Some examples were given here.) While Institute research tends to be national and comparative in orientation, research undertaken with Criminology Research Council funds tends to be local, intensive, and

may include primary data gathering. (An outline of the Institute seminar program was given at this point, and also a description of our library and publication services.)

Even though Australian criminology falls far short of the standards being achieved by our counterparts in the United States and in Canada, it is suggested that Australia is a suitable site for the testing of hypotheses than can be more fully tested in more complex federations. Because of the comparatively small number of jurisdictions in Australia studies comparing crime rates and the use of imprisonment or the relationship between imprisonment, probation and parole rates or the relationship between auto theft and vehicle ownership are relatively easily conducted in Australia and this work may generate stable hypotheses that are worthy of testing elsewhere.

#### A personal view of research priorities

Obviously what I will say here is geared more to Australia than it is to Canada or the United States. In Australia a basic priority is the establishment of more comprehensive and up-to-date data bases on all aspects of the operation of criminal justice. To monitor a system or collection of systems, effectively data are required on:

- (a) victimisation
- (b) offences reported
- (c) arrest and clear-up
- (d) conviction and sentencing
- (e) admission to corrections, and
- (f) prison populations.

Only the latter is adequately known in Australia at the present time. Data at other levels are generally incomplete and two or three years old. As a supplement to (d), (e) and (f), above, plans are currently being prepared for an annual national uniform prison census which should yield a goldmine of information at comparatively low cost.

In Australia there are a number of areas of current concern which could benefit from additional research. These are:



- (a) Aborigines and the criminal justice system
- (b) better evaluations of (1) crime prevention programs,  
and (2) correctional programs
- (c) organised crime, drug trafficking and international  
links
- (d) corporate crime of all types
- (e) career criminals and recidivism, and
- (f) cost-effectiveness studies of all criminal justice  
operations.

The fundamental need in Australia is for more effective communication of the facts about crime and justice. If research is to fulfil its role in providing an adequate basis for policymaking in this area, it must be an absolute priority that basic facts, such as whether or not crime is increasing, should be well-known throughout the community as well as the corridors of power.

If the criminologist does no more than dispel some of the myths that abound in this field he will have performed a useful service.

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