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AUSTRALIAN INSTITUTE OF CRIMINOLOGY

RESEARCH PROGRAMS

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AUSTRALIAN INSTITUTE OF CRIMINOLOGY

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- * This publication was compiled before the appointment of Dr Paul Wilson to the position of Assistant Director (Research and Statistics)

AUSTRALIAN INSTITUTE OF CRIMINOLOGY

RESEARCH PROGRAMS

The basic objective of Institute research is to make an original contribution to knowledge about crime and the operation of criminal justice systems in Australia of a kind that will assist in the development of efficient and equitable criminal justice policy.

The following pages will present an overview of research currently being conducted by Institute staff, together with an outline of future research initiatives and a summary of work conducted over the past ten years.

The research activity of the Institute occurs within ten major program areas. These are:

- A. Criminal Justice Statistics
- B. Policing/Public Security
- C. Courts and Sentencing
- D. Penal Policy/Corrections
- E. Aborigines and Criminal Justice
- F. Violence Against Women and Children
- G. Corporate Crime
- H. Juvenile Justice
- I. Victimology
- J. Special Research Topics

The pages below include a statement of the objectives of each program, followed by a short description of current and anticipated projects. A list of published work is included for each program area.

While this paper comprises a comprehensive summary of current and future Institute research and a listing of published work in each program area, no attempt has been made to incorporate projects funded by the Criminology Research Council or Institute seminars. Many of these are closely related to research activities, particularly as the Institute's evolving policy is increasingly to involve research staff in the formulation of suitable seminar projects and the publication of the proceedings. Comprehensive lists of past seminar activities and past and current research funded by the Criminology Research Council are being prepared.

It should also be noted that program areas set out below are not mutually exclusive, as a number of projects transcend program boundaries.

A. CRIMINAL JUSTICE STATISTICS

The objective of this program is to make available accurate, comprehensive and timely statistics of all aspects of crime, criminals and the criminal justice process, such that would facilitate research and evaluation of criminal justice policies and practices. In pursuing this program the Institute provides a service to governments, criminal justice practitioners and the public. In some areas the Institute collects, compiles and disseminates the data, but in other areas the Institute adopts an advisory role. In all aspects of this program the Institute works closely with the Australian Bureau of Statistics and other relevant agencies.

Work under this program may be sub-divided into statistical series and research projects.

Statistical series

1. Australian Prison Trends (Mr Biles, Mrs Johnson). This monthly series has been compiled since May 1976 and includes data for all Australian jurisdictions on the daily average number of persons in custody for the relevant month by sex and indicates changes in these averages that have occurred in the preceding one month and twelve months. Imprisonment rates (prisoners per 100,000 population) are included as are data showing the actual number of prisoners held on the first day of each month and the proportion of those who are unconvicted prisoners on remand. Remand rates (remandees per 100,000 population) are also included and, when available, data on the number of federal prisoners in each jurisdiction. Each issue contains comments on changes and trends.
2. Australian Community Corrections Data (Mr Potas, Mr Walker). This series began in June 1979, under the title National Probation and Parole Statistics, and provides data on a monthly basis of the number of persons on probation and parole in all Australian jurisdictions. It is extensively footnoted, and in more recent times also contains data showing the number of persons released on licence and the number of persons subject to Community Service Orders.
3. Juveniles under Detention (Dr Mukherjee, Mr Walker). The series began in January 1977 on a monthly basis. After a number of changes proposed by the National Working Party on Welfare Statistics, the series was published on a quarterly basis. It provides information on the number of juveniles in juvenile corrective institutions on the first day of each quarter. The publication includes detention rates per 100,000 of the relevant age and sex populations.
4. Quarterly Prison Statistics for Asia and Pacific (Mr Biles, Mrs Johnson). This series commenced in May 1980 and includes data on the numbers of convicted and unconvicted prisoners in each of 15 nations in the Asian and the Pacific region. Imprisonment and remand rates are included. The series also includes data on the numbers of offenders in each country undergoing probation or parole supervision.

Research projects

1. Source Book of Australian Criminal and Social Statistics 1900-1980 (Dr Mukherjee, Mr Walker). The Source Book is a compilation of criminal justice, demographic, social and economic statistics, published and unpublished, for Australia since the beginning of this century. The Source Book consists of nine parts, dealing with Australia and the eight jurisdictions. Each part consists of several sections incorporating socio-economic and demographic data as well as statistics from each of the criminal justice components, that is, police, magistrates' courts, higher courts, prisons and children's courts. A revised edition will be published in 1985, and an edition to coincide with the Australian Bicentenary will be published in 1988.

2. National Prison Census (Mr Walker, Mr Biles). With the approval of the Annual Conference of Correctional Services Ministers, the Institute conducted the first national census of all persons in prison in Australia on 30 June 1982. Twenty-five items of information were collected by prison authorities for all prisoners and this information was forwarded to the Institute for editing, analysis and eventual publication. Data items included: age, sex, race, country of birth, marital status, education, prior imprisonment, legal status, most serious offence and details of the sentence being served or duration of remand. The published results contain the most significant facts, while other tables are generated as required by the contributing agencies.

The census was repeated on 30 June 1983, 1984 and 1985 with several small changes. The results of these censuses have been published by the Institute in separate volumes. Further annual censuses are planned by the National Correctional Statistics Committee, which comprises representatives of all corrections administrations, the Institute and the Australian Bureau of Statistics.

3. Community-based Corrections Census (Mr Walker, Mr Biles). Following the pattern of practice established for the national prison census, the Annual Conference of Correctional Services Ministers decided that a census would be conducted on 30 June 1985 covering all persons on probation or parole or undergoing community service or attendance centre orders. Persons released from prison on various forms of licence are also to be included. Data collection details will be similar to those applying to the prison census.

The National Correctional Statistics Committee made plans for this census and the data have been collected. The data are yet to be checked and published. At the time of writing no decision has been taken on the frequency of community-based corrections censuses but they may be biennial.

4. The Size of the Crime Problem in Australia (Mr Biles, Mrs Johnson). This project brings together the data collected annually since 1964-65 by the Australian Bureau of Statistics on seven categories of reported crime: homicide, serious assault, robbery, rape, breaking and entering and fraud, forgery and false pretences. The raw data are converted to rates per 100,000 of the relevant populations, and for each offence the raw data and the rates are tabulated for each

year by jurisdiction. Also for each offence, graphs show the changes in rates over time, and other graphs show the average rates by jurisdiction.

Two publications have been completed to date. The first, published in 1979, covered the period 1964-65 to 1977-78, and the second, published in 1982, extended this period to 1979-80. This work will be continued when and if further useable data become available. The results of this work have been used as a basis for a number of other research projects, as well as having been cited extensively in the media.

5. Reported Crime Statistics (Mr Biles, Professor Harding, Dr Mukherjee). The Institute has a continuing interest in improving the quality and timeliness of crime statistics in Australia. Preliminary planning has commenced on the development of a periodic, either monthly or quarterly, collection of data on offences reported or becoming known to the police. Initial work has been undertaken jointly by the ABS and the Conference of Police Commissioners. If the project is successful it will result in the regular publication of a statistical series which will enable changes in crime patterns to be detected at relatively short notice. These data will be relevant to police resource allocation and to crime prevention planning generally.
6. Arrest Statistics (Dr Mukherjee, Mr Walker). The main objective of this series is to assemble and present age and sex distributions of persons arrested for various crimes in all the Australian jurisdictions. Such a series, it is hoped, would assist in identifying the crime proneness of various segments of the population and ultimately to aid in resource allocation and targeting.

The format and frequency of publication of this series will depend upon developments in State and Territory police agencies. At present only annual publication is possible. Data from this series have already been used in the publication Age and Crime. A detailed study of those arrested for burglary and serious assault in New South Wales is currently under way and two major publications are expected in 1986.

7. Court and Sentencing Statistics (Dr Mukherjee, Mr Walker, Mr Potas). As well as providing details concerning the applicable principles of sentencing many of the studies dealing with the subject of sentencing provide detailed statistics relating to specific offence categories. See for example Potas Sentencing Violent Offenders in NSW, where sentencing statistics relating to murder, manslaughter, serious assault, rape and robbery are presented. Sentencing statistics covering the period 1978 to 1982 for armed robbery in NSW are currently in preparation.
8. Crime in the Colonies (Dr Mukherjee, Mr Walker). This work was undertaken at the request of the Australian Bicentennial Authority. The main objectives of this monograph are to present statistical tabulations of crime and justice data for the six colonies (i.e. Australia prior to 1 January 1901); to explain trends, and to make comparisons with twentieth century crime trends.

This work, which will be published as an Historical Statistics Monograph by the Australian Bicentennial Authority, will contain data mainly for the 19th century on such areas as the strength of police forces, cases heard and determined at the magistrates' courts, persons tried at higher courts, prison populations, executions, etc. The contents of this monograph will be highly valuable in updating and expanding the Source Book of Australian Criminal and Social Statistics.

9. Prison Population Forecasting (Mr Walker). In this project a computer program is used to simulate the annual operation of the courts in sentencing persons to terms of imprisonment or community-based corrections and the passage of such convicted persons through their sentences, including the earning of remission and eventual release. Using age/sex specific projections of the general population (in a given State or Territory) and detailed statistical representations of the remission/parole rules applicable to the prisoners, annual forecasts are made of the intake to the prison system, probation and other forms of non-custodial sentence, and of the numbers on hand at the end of the year. In one version of the program which incorporates the rules determining security classification of prisoners, these forecasts can be produced by level of security classification. The computer model can also incorporate a wide range of assumptions about future developments in criminal activity, sentencing and parole practices, and can therefore be useful in evaluating the costs and efficacy of changes in the judicial or penal system as well as in simply forecasting the number of beds required in prisons.
10. Sources of Criminal Justice Statistics (Ms Neuhaus). Australian criminal justice statistics are collected by many different government departments or agencies and are published in a variety of annual reports, bulletins, etc. It is therefore extremely difficult and time consuming to ascertain what is available and where, for any specific subject. There appears to be a demand for a reference document which would assist those wishing to access such statistics.

A report listing the primary sources of current Australian criminal justice statistics has been completed. It covers six aspects of criminal justice - police, courts, prisons, community-based corrections, juveniles and victims - and describes in detail the information available, scope, definitions, etc. The report was published in 1985.

11. Evaluation of Existing Criminal Justice Data (Ms Neuhaus). It is apparent that there is dissatisfaction with the range and quality of data currently available in the area of criminal justice. This project provided a detailed assessment and evaluation of the situation in a 'status' report. The questions of: who uses such statistics; for what purposes; the deficiencies in current collections; and unsatisfied areas of data needs will be addressed. Current and planned developments to improve the situation are also considered.

Work completed in this area

In addition to the monthly and quarterly publications emanating from the statistical series listed above, a number of publications have been completed. These are:

- (a) Biles, D. (1975) Car Stealing in Australia: Facts and Figures, Australian Institute of Criminology, Canberra
- (b) Biles, D. (1979; 1982) The Size of the Crime Problem in Australia, Australian Institute of Criminology, Canberra
- (c) Biles, D. (1982) 'Crime and Imprisonment: An Australian Time Series Analysis', The Australian & New Zealand Journal of Criminology, 15,3, 133-153
- (d) Biles, D. (1983) 'Crime and Imprisonment', British Journal of Criminology, 23,2, 166-172
- (e) Biles, D. and Johnson, M. (1984) Australian Prison Trends Nos. 1-100, Australian Institute of Criminology, Canberra
- (f) Mukherjee, S.K. (1981) Crime Trends in Twentieth Century Australia, George Allen & Unwin, Sydney
- (g) Mukherjee, S. and Clifford, W. (1979) Crime Trends and Crime Prevention Strategies, Australian Government Publishing Service, Canberra
- (h) Mukherjee, S.K., Jacobsen, E. and Walker, J. (1981) Source Book of Australian Criminal and Social Statistics 1900-1980, Australian Institute of Criminology, Canberra
- (i) Mukherjee, S.K. (1985), 'Development and Crime: Challenges for the Future' in Australian Discussion Papers, Seventh U.N. Congress, Australian Institute of Criminology, Canberra
- (j) Mukherjee, S.K., Walker, J. and Jacobsen, E. (1985), Crime and Punishment in the Colonies: A Statistical Profile, University of New South Wales Press, Sydney
- (k) Neuhaus, D. (1985), Current Sources of Australian Criminal Justice Statistics: A Reference Report, Australian Institute of Criminology in association with the Australian Bureau of Statistics, Canberra
- (l) Walker, J. and Biles, D. (1983), Australian Prisoners 1982, Australian Institute of Criminology, Canberra
- (m) Walker, J. and Biles, D. (1984), Australian Prisoners 1983, Australian Institute of Criminology, Canberra
- (n) Walker, J. (1984), Forecasting Prisoner Numbers, Australian Institute of Criminology, Canberra

B. POLICING/PUBLIC SECURITY

The broad purpose of the Institute's police research policy is to assist governments in the most efficient and effective deployment of police consistent with the principles of a democratic society. The Institute seeks to encourage strategic thinking about the allocation of police resources and about the linkage between the police and other agencies of the criminal justice system.

The relationship of Australia's police departments to the communities which they serve will also be addressed. Future research projects could include a survey of citizens' contacts with and attitudes toward police, analyses of racial, ethnic, and gender representation in the various Commonwealth, State and Territory police agencies, and a comparative study of police-community relations programs. Two further crucial aspects of police-community relations are the process by which police policy is formed and executed, and the contribution of police to criminal justice policy in general. Future projects could investigate these issues and the related topic of accountability.

Previous research in the area has focused on governmental responses to terrorism, the policing of riots and civil disorders, and on various issues relating to police organisation and management.

1. Public Order Policing (Dr Wardlaw). This project aims to survey the major problems of public order-keeping faced by Western democracies, to suggest principles which are most applicable to policing threats to public order in countries with British-model police systems (and to learn any applicable lessons from countries with different police systems), and to suggest the types of agencies or organisations which are most appropriate for dealing with public order problems.

The major types of public order situations considered in this project are riots, large demonstrations, spontaneous outbursts of group violence and major industrial disputes involving violence or large-scale social disruption.

Topics to be researched include a description and analysis of the types and scale of public order disturbances confronting Western democracies, the law on public disorder, and politics of public order policing, research into urban disorder, concepts of public order maintenance, and strategies and tactics of public order policing.

The project will produce a major textbook by Grant Wardlaw on public order policing (to be published by Cambridge University Press), journal articles, and modules for use in police training courses.

2. Terrorism and Policing (Dr Wardlaw). This project seeks to outline the important considerations of policy which confront a democratic state in trying to combat terrorism and at the same time remain democratic. The elements of such a policy analysis have been published in Grant Wardlaw's Political Terrorism: Theory, Tactics and

Countermeasures (Cambridge University Press, 1982). Future work in this project area will examine the impact on police responses to terrorism of changes in terrorist tactics, the police role in countering terrorism conducted by or on behalf of states, police hostage negotiation techniques, and future developments in terrorism.

3. Police Discipline and Accountability (Dr Wardlaw, Mr Swanton). There are considerable differences of opinion in Australian society regarding the most appropriate administrative arrangements for adjudicating allegations of police misconduct. Research by Bruce Swanton identified and described the political and administrative determinants of police complaint structures in NSW. It is proposed to extend this study to compare Australian approaches with those taken in England and Wales. By so doing, it is intended to assist policymakers and politicians with responsibilities in this sensitive field to understand the nature of process formulation, possible outcomes and available options.
4. Police Industrial Relations and Grievance Procedures (Mr Swanton). The development of police unions in Australia has had a profound effect on conditions of police employment, as well as placing significant constraints on governments and police managers. A study by Bruce Swanton identified major police unions currently operating, together with a description of their role and function. Subsequent research identified dispute resolution processes available to police employees, and assessed their implications for militancy. A more recent study sought to identify and classify police employee grievances. The findings have been of use to police administrators in understanding the nature of police employee grievances and their principal areas of occurrence.
5. Police Training (Dr Wardlaw, Dr Hatty, Mr Swanton). The timeliness and ease with which police adapt to new responsibilities is largely a function of their training. A project by Grant Wardlaw discussed the training of police to intervene in situations of domestic violence. Dr Hatty is currently reviewing training and modes of intervention in domestic violence incidents in New South Wales, and comparing them with approaches adopted elsewhere.
6. Police Vulnerability (Mr Swanton). Bruce Swanton has completed a number of projects which provide a comprehensive account of the principal areas in which police employee interests and wellbeing were influenced by significant factors both internal and external to the employing agency. One study examined the nature and determinants of the social isolation of police employees and suggested options conducive to its reduction. Another project assessed attitudes of Queensland police employees to selected aspects of their employment. These data were then compared with attitudes of overseas police employees.

A current project aims to record the numbers of police officers murdered by any means or wounded by gunshot or bomb blast over the period 1964-83. Additionally, selected critical dimensions of the assaults are identified and analysed for significance. Data presented in the report are of interest to police personnel development and training specialists, as well as to members of the public in general.

7. Private Policing and Security (Professor Harding). This project aims to evaluate the impact upon public policing of the continuing growth of private security arrangements in Australia. The project has a natural link with the retail crime prevention program which has arisen on a national scale as a consequence of an Institute seminar. The objective is to retain a sufficient presence in the area to arrange a further conference on developments within two or three years.
8. Police Source Book (Mr Swanton). This project aimed to compile and collate comprehensive data concerning police in Australia and New Zealand. The data are currently presented in four sections: (1) Australian Police Forces, (2) police history, (3) libraries, literature and information sources, and (4) specialist articles. The first edition appeared in 1983, and a significantly revised and enlarged edition appeared in 1985.
9. Comparative Police Studies (Dr Wardlaw). Many lessons and innovative policing strategies may be learned from an examination of police and policing in other countries. This project will involve examinations of foreign police systems as the opportunity arises for researchers to examine them at first hand. The first major contribution will be an extensive study of the New Zealand Police, to be undertaken by Grant Wardlaw in 1986.

Work completed in this area

- (a) Lester, D., Butler, A., Dalley, A., Lewis, T. & Swanton, B. (1982) 'Job Satisfaction, Cynicism & Belief In An External Locus Of Control: A Study Of Police In Four Nations.' Police Studies, 5,2, 6-9
- (b) Lester, D., Lewis, T. & Swanton, B. (1985) 'Cynicism, Job Satisfaction & Locus Of Control In Queensland & New Jersey Police Officers.' Police Source Book (2nd ed.), Australian Institute of Criminology, Canberra
- (c) Page, R. & Swanton, B. (1983) 'Police Complaints In NSW: Administrative & Political Dimensions.' Australian Journal of Public Administration, 42,4, 503-528
- (d) Swanton, B. (1976) 'Origin & Development of Police Unions In Australia.' Australian & New Zealand Journal Of Criminology, 9,4, 207-219
- (e) Swanton, B. (1980) 'Social Isolation of Police: Structural Determinants & Remedies.' Police Studies, 3,4, 398-417
- (f) Swanton, B. (1983) Protecting The Protectors, Australian Institute of Criminology, Canberra
- (g) Swanton, B. (1983) 'Police Grievances Profiles In Australia', Police Studies, 6,3, 36-43
- (h) Swanton, B. (1985) Police Officers Murdered & Wounded In The Course of Duty 1964-1983, Australian Institute of Criminology, Canberra

- (i) Swanton, B., Hannigan, G. & Biles, D. (1983) Police Source Book (1st edition), Australian Institute of Criminology, Canberra
- (j) Swanton, B. and Hannigan, G. (1985) Police Source Book (2nd edition), Australian Institute of Criminology, Canberra
- (k) Swanton, B. and Page, R. (1979) 'Police Industrial Dispute Resolution Processes and Their Implications for Militancy', Journal of Industrial Relations, 21,4, 398-417
- (l) Wardlaw, G. (1980) 'Terrorism and Para-Military Forces' Pacific Defence Reporter, 7,1, 46-51
- (m) Wardlaw, G. (1980-81) 'International Terrorism: The Implications for Australia' Pacific Defence Reporter Annual Reference Edition, 158-162
- (n) Wardlaw, G. (1981) 'Terrorism and the Media: A Symbiotic Relationship?' Media Information Australia, 22, 49-55
- (o) Wardlaw, G. (1981) 'Behavioural Science and Terrorism', Terrorism, Violence and Insurgency Journal, 2,1, 6-11
- (p) Wardlaw, G. (1982) Political Terrorism: Theory, Tactics and Countermeasures, Cambridge University Press, Cambridge)
- (q) Wardlaw, G. (1981) 'The Armed Forces and Public Order Policing' Pacific Defence Reporter, 8,4, 44-48
- (r) Wardlaw, G. (1982) 'Training Police to Handle Domestic Crises' Australian Police Journal, 36,2, 141-148
- (s) Wardlaw, G. (1983) 'The Year of the Bomb - And More to Come' Pacific Defence Reporter - Annual Reference Edition, 31-34
- (t) Wardlaw, G. (1983) 'Review Article: Perspectives on Terrorism' Australian & New Zealand Journal of Criminology, 16,4, 264-276
- (u) Wardlaw, G. (1983) 'Psychology and the Resolution of Terrorist Incidents', Australian Psychologist, 18,2, 179-190
- (v) Wardlaw, G. (1983) 'The Mounting Threat of Terror', Pacific Defence Reporter, 9,12, 11-14
- (w) Wardlaw, G. (1983) 'Political Violence, Extortion, and the Private Sector's Role', Security Australia, 3,2, 22-24
- (x) Wardlaw, G. (1984) 'The Psychologists's Role in Hostage Negotiations', Police Chief, 51,5, 56-58
- (y) Wardlaw, G. (1984) 'Terrorism: State Involvement Adds New Dimension', Pacific Defence Reporter - Annual Reference Edition, 59-60
- (z) Wardlaw, G. (1985) 'Police Tactical Units' in Bruce Swanton & Garry Hannigan (eds), Police Source Book, (2nd ed.), Australian Institute of Criminology, Canberra

C. COURTS AND SENTENCING

The objective of this program is to further understanding of the processes by which accused persons are brought before the courts, prosecuted, tried and punished. By pursuing this program the Institute provides information that performs an educative function. In addition knowledge gained may be used by criminal justice agencies and by legislators for the purpose of reforming the system where it is identified as being inadequate. In this regard the objectives are to promote efficiency, fairness, justice and certainty of trial and/or sentencing procedures.

This program is also concerned with exploring the fine balance between an individual's right to be free from State interference and the State's right to detain, put to trial, and where necessary impose coercive measures (themselves defined and limited) upon those who are accused or convicted of transgressing society's legal proscriptions.

At its outer fringes this program merges with the program entitled Penal Policy/Corrections, for the courts' sphere of influence extends beyond the courtroom, and is much influenced by the availability and effectiveness of sentencing alternatives, and by parole and other administrative decisions that impinge upon the extent, nature or quality of the sentences imposed.

1. Prosecutorial Discretion (Mr Potas). This project, currently in its formative stages, proposes to make a study of the exercise of prosecutorial discretion. This study will focus upon the newly created Office of the Director of Public Prosecutions. As presently envisaged, research will be conducted at two levels. First, a system for recording the work of the Office, utilising a specially designed statistical return, will be used in order to determine the kind of cases dealt with, what charges are proceeded with, dropped or altered during the preparation of the case for prosecution. Out of this a better understanding of the nature of the prosecution process will emerge.

The crude data thus examined will then be coupled with the second stage of the study, which will involve participant observation research and interview techniques with the object of obtaining an inside view as to how prosecutorial discretion functions. Ideally, the researcher will become part of the staff of the DPP so that a full appreciation of the dynamics of prosecutorial discretion can be understood.

The ultimate object of this study is to monitor the system of prosecutorial discretion and thereby promote discussion of the principles appropriate to its exercise.

2. Mental Illness and Criminal Responsibility (Mr Potas). At its theoretical level this project encompasses considerations concerning the nature of the criminal law, the meaning of criminal responsibility and the preconditions for finding a person guilty of an offence when he or she claims to be mentally disordered or otherwise mentally incompetent at the time of the offence. In particular this project confronts questions concerning the conditions under which a mentally disordered person may be held unfit to plead or exculpated from blame by reason of his/her insanity (found not

guilty on the ground of mental illness). It is also concerned with the adequacy of the law in regard to the punishment and/or the treatment of mentally disordered offenders (particularly the treatment of Governor's Pleasure detainees) and in the relationship between civil commitment and punitive powers of the State. Consideration is also given to the problems of determining the proper punishment and placement of mentally disordered offenders, including the adequacy of facilities for the containment and treatment of mentally disordered offenders, and the adequacy of sentencing options for dealing with this category of offender.

The study aims at identifying significant civil rights and human rights issues and attempts to distil principles upon which a sound jurisprudence of mental illness and the law can be developed.

The Institute has completed much work in this area, both through seminars and the recent publication Just Deserts for the Mad. Equally, legislative action is now beginning to take effect and further work in this area describing and evaluating reforms will require attention in the near future.

At present work of a minor nature, overlapping both sentencing and the present program is underway. A paper on sentencing murderers is to be completed in the near future.

3. Instructions to Juries (Mr Potas). Juries are of fundamental importance to the administration of criminal justice, both ideologically and practically. One small but important question concerning the study of juries is whether they can comprehend and apply the law in accordance with the directions of the trial judge. It is feared that the law has become too complicated for ordinary men and women of the jury to understand the evidence and follow the trial judge's summation of the law at end of the trial. This, it is believed, may contribute to bad verdicts and miscarriages of justice. In an effort to improve communication and understanding between judge and jury, 'standard jury instructions' have been drafted. Preliminary results show that complex laws can be reduced to simple concepts which lay jurors can understand and apply. A further inference from the analysis suggests that the complexity of the law is not a basis for scrapping the jury system.
4. Sentencing of Federal Offenders (Professor Harding, Mr Potas). The Institute is formally involved in the completion of the 1978 Australian Law Reform Commission reference on the above matter. Professor Harding is a part-time Commissioner, and Mr Potas is a consultant to the project. It is a wide-ranging inquiry which will consider the whole range of sentencing options which should be available in the criminal justice system. The reference considers also such matters as the position of victims, prosecutorial discretion, judicial and extra-judicial procedures in relation to sentencing, and prison conditions and internal procedures. A great deal of the Institute's general output will be crucial background material for the A.L.R.C.
5. Expungement of Criminal Records (Professor Harding, Mr Biles, Mr Potas). As with the Australian Law Reform Commission reference on

sentencing of Federal offenders, the Institute is closely involved with the reference on the expungement of criminal records. David Biles has been appointed as a consultant to the Commission on this subject, with the particular purpose of preparing a paper on recidivism and its relationship to expungement. Professor Harding and Mr Potas have both prepared submissions on expungement for other government inquiries.

Work completed in this area

- (a) Daunton-Fear, M. (1977) Sentencing in Western Australia, University of Queensland Press, St Lucia
- (b) Daunton-Fear, M. (1980) Sentencing in South Australia, Law Book Co., Sydney
- (c) Newton, J. (1977) Sentencing in Queensland, Australian Institute of Criminology, Canberra
- (d) Potas, I. (1976) Legal Basis of Probation, Australian Institute of Criminology, Canberra
- (e) Potas, I. (1979) Limiting Sentencing Discretion: Strategies for Reducing the Incidence of Unjustified Disparities, Australian Law Reform Commission, Sydney
- (f) Potas, I. (1980) Sentencing Violent Offenders in N.S.W., Law Book Co., Sydney
- (g) Potas, I. and Walker, J. (1983) Sentencing The Federal Drug Offender, Australian Institute of Criminology, Canberra
- (h) Potas, I. (1983) Sentencing Drug Offenders in N.S.W., Australian Institute of Criminology, Canberra
- (i) Potas, I. and Rickwood, D. (1984) Do Juries Understand?, Australian Institute of Criminology, Canberra
- (j) Scutt, J. (1978) 'The Jury and Court Administration: A Brief Overview of Research', Law Society Journal, 18, 119-125
- (k) Scutt, J. (1979) Probation as an Option for Sentencing, Australian Law Reform Commission, Sydney
- (l) Scutt, J. (1979) Community Work Orders as an Option for Sentencing, Australian Law Reform Commission, Sydney
- (m) Scutt, J. (1979) Alternatives to Imprisonment: The Fine as a Sentencing Measure, Australian Law Reform Commission, Sydney
- (n) Scutt, J. (1981) 'An Australian Bill of Rights' in Henry and Thompson (eds) Future Directions 1980 Conference Report, Australian Frontiers, Melbourne
- (o) Seymour, J. (1978) Committal for Trial, Australian Institute of Criminology, Canberra

- (p) Seymour, J. (1979) 'The Criteria Governing the Decision to Commit for Trial in Australia', Criminal Law Journal, 3, 3-12

D. PENAL POLICY/CORRECTIONS

The object of this program is to provide information, analysis, insights and advice that will assist the development of correctional systems throughout Australia that are humane, effective and efficient. The results of work in this program will primarily be directed to correctional administrators and their Ministers but they will also be of relevance and interest to judges and magistrates, scholars, students and the general public.

Many aspects of the criminal justice statistics program have obvious relevance to penal policy and, in fact, provide the foundation for a number of the research projects listed below.

1. Unconvicted Prisoners (Mr Biles, Mr Walker, Mrs Johnson). Two specific projects have been undertaken in this area, both resulting in Institute reports, and a number of papers have been prepared for conferences or publication in journals. The first project was a study of the appropriate nature and size of remand facilities needed in Victoria. This was undertaken in 1982 at the request of the Victorian Minister for Community Welfare Services. The second, a study of the structure of remand populations in all Australian jurisdictions, was undertaken in 1984 for the Conference of Correctional Ministers. Both of these projects made extensive use of the results of the annual national prison census and the data published in the monthly Australian Prison Trends. Monitoring of the use of remand in custody will continue and further specific projects will be undertaken if and when requests are received from the relevant authorities.

A further national study of remand outcomes was undertaken by Mr Walker in collaboration with the National Correctional Statistics Committee. This study was requested by the 1984 Conference of Correctional Ministers.

2. Women Prisoners (Dr Hatty, Mr Biles). A study undertaken in 1982 on the nature and size of facilities needed for women prisoners in Victoria was undertaken at the request of the Minister for Community Welfare Services. A review of policy considerations relating to mothers and babies in prison has also been undertaken.
3. Deaths in Corrections (Dr Hatty, Mr Walker). At the request of the 1984 Conference of Correctional Ministers, the Institute is undertaking a study of suicide and other deaths in custody. It will examine existing data bases and will address problems attending determination of cause of death by coroners. The report, including a selection of specific case studies, will yield recommendations relating to the physical and psychological exigencies of imprisonment with a view to reducing the incidence of suicide. A second monograph will link these findings to sociological and psychological theories of suicide etiology and will review international research on suicide in custody.
4. A.C.T. Prisoners in N.S.W. Prisons (Mr Biles). At the request of, and with funds supplied by, the Review of Welfare Services in the A.C.T., chaired by Professor T. Vinson, the Institute has undertaken

a survey of all convicted A.C.T. prisoners and their family members. The focus of the survey is the extent to which these prisoners and their families are disadvantaged by the lack of facilities for the detention of convicted prisoners in the A.C.T.

5. Recidivism Research Steering Committee (Mr Biles). This committee was appointed by the Conference of Correctional Ministers and meets at irregular intervals under the chairmanship of the Deputy Director, David Biles. Its functions are to exchange information and to encourage research on the factors associated with recidivism. The committee is particularly interested in the application of computerised records systems to recidivism research. A report is presented each year to the Ministers' Conference.
6. Federal Prisoners (Dr Mukherjee). A detailed analysis of all the known facts about persons sentenced to prison for offences against Federal laws over the period 1976 to 1980 was completed and published in 1981. Since then data on Federal prisoners have been published from time to time in Australian Prison Trends. All data have been supplied by the Attorney-General's Department. Further analytic work may be undertaken in this area in the future.
7. Probation Policy and Practice (Mr Potas). Supervised probation affects twice as many persons as those sentenced to imprisonment. Its importance lies not only in this fact but also because it is imposed instead of imprisonment. In particular the sanction of probation impinges on the policy of sentencing to imprisonment 'as a last resort'. The legal basis of probation has already been analysed, but many important questions affecting the liberty of the individual remain. One issue to be considered is whether probation is essentially punitive or rehabilitative. In this regard the role of probation officers and their duty to their clients and to the court require further evaluation. The 'effectiveness' of probation as a sentencing alternative is also an important issue.
8. Parole Policy and Practice (Mr Potas). Parole policy and practice raises questions concerning the nature of parole, whether it should be abolished, whether Parole Boards can predict future criminality, the criteria for release on parole, the criteria for revoking parole, the effectiveness of parole, the relationship of parole to prison-remission rules, the most effective system of parole etc. Parole also affects quite significantly the length of sentence prisoners actually serve. Hence the study of parole and parole practice, as indeed, the study of probation and probation practice relate to the study of sentencing and to the justice and efficacy of the administration of criminal justice.
9. Prison Programs (Mr Biles). Previous work in this area has included a comparative review of prisoner education, training and industry programs, and a report on prison classification procedures. Another publication has collected data and reviewed the evidence on the subject of the management of long-term prisoners. Work has also been undertaken on the appropriate forms of custody for mentally disordered offenders.

Work completed in this area

- (a) Biles, D. (1978) The Classification of Convicted Offenders in Victoria, Australian Institute of Criminology, Canberra
- (b) Biles, D. (1979) De-institutionalization of Corrections and Its Implications for the Residual Prisoners, Australian Government Publishing Service, Canberra
- (c) Biles, D. (1981) 'Imprisonment and its Alternatives', The Australian Law Journal, 55, 126-134
- (d) Biles, D. (1982) Remand in Victoria: A Review of the Nature and Size of Facilities Needed, Australian Institute of Criminology, Canberra
- (e) Biles, D. (1982) Women Prisoners in Victoria: A Review of the Nature and Size of Facilities Needed, Australian Institute of Criminology, Canberra
- (f) Biles, D. (1984) Unconvicted Prisoners in Australia: A Study of the Structure of Remand Populations in Eight Jurisdictions, Australian Institute of Criminology, Canberra
- (g) Biles, D. and Cuddihy, G. (1984) A Survey of A.C.T. Prisoners in N.S.W. Prisons, Australian Institute of Criminology, Canberra
- (h) Braithwaite, J. (1980) Prisons Education and Work, Australian Institute of Criminology and University of Queensland Press, Canberra and St Lucia
- (i) Mukherjee, S. (1981) Profile of Federal Prisoners, Australian Institute of Criminology, Canberra
- (j) Scutt, J. (forthcoming) 'Alternatives to Imprisonment in Australia' in Max Planck Institut (ed.) Alternatives to Imprisonment Around the World, Max Planck Institut, Freiburg
- (k) Walker, J. (1985) The Outcome of Remand in Custody Orders, Australian Institute of Criminology, Canberra
- (l) Wardlaw, G. (1978) 'The Regulation of Behaviour Modification Programs in Prisons: Some Problems of Definition' Journal of Psychiatry and Law, 6, 161-172
- (m) Wardlaw, G. (1980) 'Are Long-Term Prisoners a Management Problem in Australian Prisons?', Australian and New Zealand Journal of Criminology, 13, 6-10
- (n) Wardlaw, G. (1983) 'Models for the Custody of Mentally-Disordered Offenders' International Journal of Law and Psychiatry, 6, 159-176
- (o) Wardlaw, G. and Biles, D. (1980) The Management of Long-Term Prisoners, Australian Institute of Criminology, Canberra
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E. ABORIGINES AND CRIMINAL JUSTICE

The role which the Institute seeks to play, in its program of research on the criminal justice system as it affects Aboriginal populations, is to identify and to address answerable questions which can provide bases for reform in policy and practice. Eight broad areas of research have been designated by the Institute under its Aboriginal program. These are:

1. Police/Aboriginal Relations (Mrs Hazlehurst). This study will examine and evaluate the existing body of research on the relations between the police and Aboriginal communities. It will encompass: (a) the problems and frustrations experienced by police in the course of their dealings with Aboriginal offenders and in acting as buffers between white and black communities, and (b) Aboriginal complaints about present policing practices and how they affect Aboriginal psychology and community life. Since the early nineteen seventies attempts have been made to provide forums to bridge the communication gap between the police and Aboriginal groups. Several initiatives in helping to break down mutual hostilities and misunderstandings, which have grown out of the continued dialogue, have included the introduction of special courses of instruction for police and the inauguration of police/ Aboriginal liaison units. This study will analyse and follow-up recent initiatives and develop some criteria for monitoring and evaluating the success of existing weaknesses in these pilot schemes.
2. Aborigines and the Courts (Mrs Hazlehurst). Research in this area would address the adequacy of Australian court systems in dispensing justice to Aboriginal defendants and victim/witnesses alike. Improvements introduced as a result of the Australian Law Reform Commission's Aboriginal Customary Law Reference should be evaluated. The potential contribution of prosecutorial discretion towards rehabilitation also merits exploration.
3. Aborigines and Imprisonment (Mrs Hazlehurst, Mr Biles). It has long been recognised that people of Aboriginal background are significantly over-represented in Australian prisons. Research in this area would address the rights and special needs of Aboriginal prisoners, as well as the development of non-custodial programs. The expansion of probation, parole and community service options for Aboriginal offenders could contribute to a meaningful reduction of the Aboriginal imprisonment rate.
4. Aboriginal Land Rights and Aboriginal Crime (Mrs Hazlehurst). This study will provide a serious review of existing land rights commissions of enquiry and State legislation for the purpose of identifying the broad legal and social issues underlying Aboriginal land rights. Supporters of land rights claim that, ultimately, these rights will confer a new dignity and sense of identity upon Aboriginal beneficiaries. The strengthened community infrastructure, which land rights are expected to bring about, will also greatly diminish Aboriginal crime - especially crime related to alcohol abuse. It is argued that not only would land rights in the long run significantly reduce court, policing and imprisonment

costs, but they would also provide the land-base for Aboriginal self-sufficiency and an end to the 'handouts' mentality. These claims are, in principle, susceptible to testing by comparing the experience of those communities which already enjoy land and resource rights with those which do not. It is proposed, therefore, to try to design an evaluation of land and resource rights as instruments of community rehabilitation.

5. National Data Collection Program on Aboriginal Criminal Justice (Dr Mukherjee, Mrs Hazlehurst). It is essential to move forward from the phase of assembling repetitive evidence of discrimination, whether by detailed study of particular cases or crude statistical indicators of Aboriginal incarceration rates. It is proposed to set in motion programs for the collection of statistical data which provide Aboriginal/non-Aboriginal comparisons, at all levels of criminal justice administration. The Institute hopes to cooperate with State authorities, the Australian Bureau of Statistics and the Department of Aboriginal Affairs to this end. A further element of evaluation can be introduced through the monitoring of recent initiatives in special Police/Aboriginal liaison units, pre-trial diversion programs and rehabilitation schemes.

6. Alternative and Auxiliary Programs of Justice Administration (Mrs Hazlehurst). Traditional values and contemporary mechanisms of social control and conflict resolution within Aboriginal society have only recently been recognised by criminal justice theoreticians and administrators. Their potential for incorporation into the wider justice system remains relatively unexplored. Those aspects of Aboriginal community social structure which presently deter deviation, and which may be strengthened into dealing directly with a range of petty crime committed by community members, or in promoting their rehabilitation, need to be seriously considered.

7. Criminal Justice Administration for Aborigines (Mrs Hazlehurst). In the study of the criminal justice system as a whole, it is desirable that there be clear identification of those points of decision-making, in the policing or the processing of Aborigines, that offer opportunities for greater involvement of Aboriginal people. Under the present situation, criminal law is something which is 'done to' Aboriginal people. It is something over which they can exert very little influence. It is well-known that there are few Aboriginal police or police-aides, lawyers, court counsellors, prison officers, or Justices of the Peace. Aborigines are also systematically excluded from serving on juries which are trying other Aborigines.

The exclusion of Aboriginal participation at every level of Australian criminal justice administration cannot be considered healthy and must certainly be counterproductive to any efforts to diminish the rate of Aboriginal crime. It works directly against a principle, fundamental to all societies, that people are more amenable to reform if they are answerable to their own peers.

Nevertheless there are difficult questions to be confronted. Would programs of 'affirmative action' or 'equal opportunity' in education, training, recruitment, and promotion bring about desirable increases in Aboriginal participation? Should particular

spheres - for example court counselling or prison officers - be given priority attention? What are the special problems of Aboriginal people who are themselves part of the criminal justice system. Do their experiences and insights afford any assistance in designing improved practices and procedures? In those communities where social and managerial structures to deal with community land development and economic enterprises have already been established, is there a viable framework for the expansion of community involvement in social control? Research in this program area would address such questions.

8. The Nature and Frequency of Aboriginal Crime (Dr Mukherjee, Mrs Hazlehurst). The focus of research in this area must be on explaining the incidence and patterns of Aboriginal criminality, and on seeking appropriate remedies. A review of offences with which Aboriginal people are charged would permit a more efficient and humane allocation of social welfare and criminal justice resources. Research in this area might also assist Aboriginal communities themselves to develop crime prevention strategies.

Work completed in this area

- (a) Biles, D. (1983) Groote Eylandt Prisoners: A Research Report, Australian Institute of Criminology, Canberra
- (b) Clifford, W. (1981) Aboriginal Criminological Research, Australian Institute of Criminology, Canberra
- (c) Clifford, W. (1982) 'An Approach to Aboriginal Criminology' (John Barry Memorial Lecture 1981), The Australian & New Zealand Journal of Criminology, 15,1, 3-21
- (d) Swanton, B. (1982) Aborigines and Criminal Justice, Annual Guide to Written Materials and Innovations, Current Research and Quantitative Data, 1, September
- (e) Swanton, B. (1982) Establishment & Operation of a Research & Information Service Designed to Aid Aborigines in their Relations with Criminal Justice Systems, Australian Institute of Criminology, Canberra
- (f) Swanton, B. (1983) Aborigines and Criminal Justice, Annual Guide to Written Materials and Innovations, Current Research and Quantitative Data, 2, September
- (g) Swanton, B. (ed.) (1984) Aborigines and Criminal Justice, Australian Institute of Criminology, Canberra

F. VIOLENCE AGAINST WOMEN AND CHILDREN

Issues of sexual assault, domestic violence, and child abuse (including sexual abuse) rose to prominence in Australia during the late 1970s. Institute researchers made significant contributions to describing the nature and scope of these problems, and to identifying priority areas for law reform. Future Institute involvement in this area will examine the experience of victim, offender, and of law enforcement agencies, including an intensive investigation of crisis management policies and strategies. Researchers will also evaluate policies recently implemented in various Australian jurisdictions, and identify new priorities for reform in law and administration.

1. Domestic Violence and the Criminal Justice System of New South Wales (Dr Hatty). This project, which is being carried out in collaboration with the Macarthur Institute of Advanced Education, is comprised of several interdependent components relating to the implementation of the Crimes (Domestic Violence) Amendment Act, 1983 (N.S.W.). The first component will analyse present police policy, training content, and practice regarding domestic violence incidents. This involves an evaluation of the intervention process, and an examination of police and victim perceptions of such intervention. Other components include extensive interviewing of magistrates regarding practices and attitudes, and a comparison with those of the police; and in-depth discussions with volunteer and professional employees of community agencies and the victims they shelter and support. The project will also review models of intervention employed in the various States.
2. The Epidemiology of Homicide and Serious Assault (Dr Grabosky, Dr Wardlaw). This study seeks to identify variations in victimisation of women and children over time and space. Sources of data would include victim surveys, vital statistics, and hospital admission records. Results could prove useful to planners concerned with the design of prevention programs, and the delivery of services to victims.
3. Assaults against Children (Dr Mukherjee). This project would examine violence against children in light of previous Institute research on violence by children. It is intended to explore the extent to which young victims of violence themselves become violent offenders.
4. Intimate Violence (Dr Mukherjee). This research would analyse homicides committed by spouses, ex-spouses, de facto spouses and separated persons. Since statistics and information on such cases are not available in published form, all cases of inter-sexual homicides will be studied and the suspect-victim relationship will be determined from the records. Currently, a study of such cases is being undertaken in New South Wales.

Work completed in this area

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- (b) Scutt, J. (1979) Domestic Violence in Australia: An Overview of Completed, Current, and Projected Research, Australian Institute of Criminology, Canberra
- (c) Scutt, J. (1979) 'Sexism and Psychology: An Analysis of the "Scientific" Basis of the Corroboration Rule in Rape', Hecate, 5,1, 35-49
- (d) Scutt, J. (1979), 'Admissibility of Sexual History Evidence and Allegations in Rape Cases', Australian Law Journal, 53, 817-831
- (e) Scutt, J. (1980) 'In Support of Domestic Violence - The Legal Basis', Family Law Review, 3, 23-32
- (f) Scutt, J. (1980), 'Domestic Violence - A Review of Social, Legal and Political Supports' in Living Together, Centre for Continuing Education, Australian National University, Canberra, 223-239
- (g) Scutt, J. (1980), 'The Economics of Sex: Women in Service', Australian Quarterly, 51, 32-38
- (h) Scutt, J. (1980) Violence in the Family, Australian Institute of Criminology, Canberra
- (i) Scutt, J. (1980) 'Control versus Criminal Justice: Current Approaches to Child Abuse', Family Law Review, 3, 191; also in Proceedings of the Child Abuse and Neglect Conference, 1980, Department of Youth and Community Services, Sydney
- (j) Scutt, J. (1980) 'Spouse Assault: Closing the Door on Criminal Acts', Australian Law Journal, 54, 720-731
- (k) Scutt, J. (1980) Rape Law Reform, Australian Institute of Criminology, Canberra
- (l) Scutt, J. (1980) 'Current Comment, National Conference on Rape Law Reform', Australian Law Journal, 54, 521-524
- (m) Scutt, J. (1981) 'Gaining Women Access to Law' in Community Legal Education, Ben Boer (ed.), Commonwealth Legal Aid Commission, Canberra, 136
- (n) Scutt, J. (1981) 'The Alcoholic Imperative: A Sexist Rationalisation of Rape and Domestic Violence', Hecate, 7, 88-105
- (o) Scutt, J. (1981) 'Sexism in Criminal Law' in Women and Crime, S.K. Mukherjee and Jocelyne A. Scutt (eds), George Allen and Unwin, Sydney
- (p) Scutt, J. (1981) 'Rape Law Reform: Who Chooses the Director?', Legal Service Bulletin, 6, 10-12
- (q) Scutt, J. (1982) 'To Love, Honour and Rape with Impunity: Wife as Victim of Rape and the Criminal Law' in The Victim in International Perspective, Hans Joachim Schneider (ed.), Walter de Gruyter, Berlin, 423

- (r) Scutt, J. (1982) 'Domestic Violence: The Police Response' in O'Donnell and Craney (eds), Family Violence in Australia, Longman Cheshire, Melbourne
- (s) Seymour, J. (1980) Child Abuse and Day Care, Australian Law Reform Commission, Sydney
- (t) Seymour, J. (1982) 'Child Abuse and the Law: The Australian Law Reform Commission's Approach', Australian Child and Family Welfare, 7,1, 3-9
- (u) Zimring, F., Mukherjee, S. and Van Winkle, B. (1983) 'Intimate Violence: A Study of Intersexual Homicide in Chicago', University of Chicago Law Review, 50,2, 910-930

G. CORPORATE CRIME

The primary objective of the corporate crime program is to assess the efficiency and effectiveness with which corporate crime is detected, prosecuted, and punished, or otherwise prevented. Where appropriate, the results of research will yield recommendations for improving these processes.

Previous research has dealt with the development and implementation of anti-monopoly law and policy in Australia, the jurisprudence of sanctioning corporate offenders, the regulation of coal mine safety, and with crime in the international pharmaceutical industry.

Future work will involve a general exposition of the varieties, prevalence, and cost of crime in Australia committed by companies, or by agents acting in furtherance of company objectives.

Current and anticipated projects include the following:

1. Prosecuting Corporate Crime (Dr Grabosky). Dr Grabosky, in collaboration with Dr John Braithwaite of the Australian National University, has interviewed the heads of some 90 Commonwealth and State agencies responsible for business regulation. The researchers are particularly concerned with identifying the extent to which agencies rely upon prosecution as opposed to alternative regulatory remedies. The researchers plan to summarise their findings in a book to be published early in 1986. A second, specialised monograph which focuses specifically on the enforcement of occupational health and safety laws was published in 1985.
2. Case Studies of Corporate Crime in Australia (Dr Grabosky). Dr Grabosky, in collaboration with Dr Adam Sutton of the South Australian Attorney-General's Department, is currently editing a volume of case studies of corporate crime in Australia. Each case will include a summary of the incident and the harm which resulted; the deficiencies in law and administration and in corporate organisation which gave rise to the crime; the mobilisation of law and the outcome of the legal process; and law reform and changes in corporate structure and practice which may ultimately have resulted. The book is expected to be published in 1986.
3. Detection of Corporate Crime (Dr Grabosky). This project would review the ways in which the law is mobilised against corporate misconduct from the perspective of the inspector in the field. It would compare inspectorial roles across a number of Commonwealth and State regulatory agencies.
4. Costs of Corporate Crime (Dr Grabosky). A detailed accounting of the death, injury, property loss, and financial cost of corporate crime defies currently available data resources. A state-of-the-art review of existing data bases with suggestions for improved coverage through survey or actuarial estimates could be undertaken in late 1986.
5. Punishing Corporate Offenders (Dr Grabosky). This research, based upon interviews with regulatory officials and corporate offenders, would endeavour to assess the impact of those penal sanctions commonly imposed.

6. Regulating Corporate Misconduct: International Comparisons (Dr Grabosky). Dr Grabosky, in collaboration with Dr John Braithwaite of the Australian National University, proposes to extend their comparative study of business regulation to ten English speaking nations. Among the issues on which they will focus are the division of regulatory responsibility in Federal systems, responsibilities of Australian and multinational companies active in developing nations, and co-operation between Australian regulatory authorities and those of our South Pacific neighbours. The researchers envisage producing a book for publication in 1987.
7. Case studies of Government Criminality in Australia (Dr Grabosky). This project would apply the same theoretical framework as the corporate case study volume described above, but would focus exclusively on offences by Australian Commonwealth and State government departments, or by public servants acting in furtherance of government policy.

Work completed in this area

- (a) Braithwaite, J. (1979) Inequality, Crime and Public Policy, Routledge and Kegan Paul, London
- (b) Braithwaite, J. (1979) 'Transnational Corporations and Corruption: Toward Some International Solutions', International Journal of the Sociology of Law, 125-142
- (c) Braithwaite, J. (1980) 'Inegalitarian Consequences of Egalitarian Reforms to Control Corporate Crime', Temple Law Quarterly, 53,4, 1127-1146
- (d) Braithwaite, J. (1981) 'The Limits of Economism in Controlling Harmful Corporate Conduct', Law and Society Review, 16,3, 482-504
- (e) Braithwaite, J. (1982) 'Enforced Self-Regulation: A New Strategy for Corporate Crime Control', Michigan Law Review, 80,7, 1466-1507
- (f) Braithwaite, J. (1982) 'Reply to Dr Ernest van den Haag', Journal of Criminal Law and Criminology, 73, 790-793
- (g) Braithwaite, J. (1982) 'Comment on "The Criminal Law as a Threat System"', Journal of Criminal Law and Criminology, 73, 786-789
- (h) Braithwaite, J. (1982) 'Challenging Just Deserts: Punishing White-Collar Criminals', Journal of Criminal Law and Criminology, 73, 723-763
- (i) Braithwaite, J. (1982) 'Paradoxes of Class Bias in Criminal Justice' in H. Pepinsky (ed.), Breaking the Criminological Mold: New Premises, New Directions, Sage, Beverly Hills
- (j) Braithwaite, J. (1984) Corporate Crime in the Pharmaceutical Industry, Routledge and Kegan Paul, London
- (k) Braithwaite, J. (1985) To Punish or Persuade: Enforcement of Coal Mine Safety, State University of New York Press, Albany

- (l) Braithwaite, J. and Fisse, B. (1983) 'Asbestos and Health: A Case of Informal Social Control', The Australian & New Zealand Journal of Criminology, 16,2, 67-80
- (m) Braithwaite, J. and Geis, G. (1982) 'On Theory and Action for Corporate Crime Control', Crime and Delinquency, 292-314
- (n) Braithwaite, J. and Kinchington, B. (1979) Crime and the Abuse of Power: Offences and Offenders Beyond the Reach of the Law, Australian Discussion Paper, Topic 3, Sixth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Australian Government Publishing Service, Canberra
- (o) Braithwaite, J. and Grabosky, P. (1985) Occupational Health and Safety Enforcement in Australia, A report to the National Occupational Health and Safety Commission, Australian Institute of Criminology, Canberra
- (p) Clifford, W. and Braithwaite, J. (1981) Cost Effective Business Regulation: Views from the Australian Business Elite, Australian Institute of Criminology, Canberra
- (q) Fisse, B. and Braithwaite, J. (1983) The Impact of Publicity on Corporate Offenders, State University of New York Press, Albany
- (r) Fisse, B. and Braithwaite, J. (1984) 'Sanctions Against Corporations: Dissolving the Monopoly of Fines' in R. Tomasic (ed.) Business Regulation in Australia, CCH Australia, Sydney
- (s) Grabosky, P. (1984) 'Corporate Crime in Australia: An Agenda for Research', The Australian & New Zealand Journal of Criminology, 17, 95-107
- (t) Hopkins, A. (1977) White Collar Crime in Australia, Australian Institute of Criminology, Canberra
- (u) Hopkins, A. (1978) Crime Law and Business: The Sociological Sources of Australian Monopoly Law, Australian Institute of Criminology, Canberra
- (v) Hopkins, A. (1978) The Impact of Prosecutions under the Trade Practices Act, Australian Institute of Criminology, Canberra
- (w) Hopkins, A. (1978) 'The Anatomy of Corporate Crime' in Braithwaite and Wilson (eds) The Two Faces of Deviance, University of Queensland Press, St. Lucia, 214-231

H. JUVENILE JUSTICE

Initial research in this area included a national overview of juvenile justice and child welfare systems. Current work focuses on patterns of juvenile offending, and on the development of corrective programs to deal with young offenders. A project on age and crime, based on arrest statistics, compared the Australian situation with those in the United Kingdom and the United States. Recent studies have investigated the extent of youth involvement in offences against persons and property. Although the emphasis in this work remains on the youth, comparisons of offending behaviour with other age groups forms an essential element in analysis.

1. Serious Assaults by Children (Dr Mukherjee). This project studied the involvement of children as offenders in the more serious cases of assault. Based on an analysis of arrest records in New South Wales for the year 1983-84, the study observed that the incidence of serious assault, including grievous bodily harm, malicious wounding and actual bodily harm, by juveniles is very low, both in absolute terms and relative to other types of juvenile criminal activity. The more serious an assault, the lower is the likelihood of juvenile involvement.
2. Burglary (Dr Mukherjee). This study concentrates on persons arrested for break, enter and steal offences in Sydney Metropolitan area, and compares juvenile arrestees with adult arrestees in terms of personal and offence characteristics. It is hoped that this research would be extended to other cities. The study examines the relationship between age-sex of the offender with a host of offence characteristics such as type of property stolen/damaged, value of property stolen and recovered, types of premises broken into, group involvement of offenders, etc.
3. Age and Sanction (Dr Mukherjee). As the third and final part of the Youth and Crime Project, this research will examine disparities in court disposition of arrestees. Initially, this involves examination of cases relating to those arrested for burglary and serious assault, both at the Children's Courts and the Courts of Petty Sessions. Age of the offender will, in this analysis, constitute the key factor relating to offence and disposition elements. Work on this research project is to commence in 1985. It will be followed by a more detailed study of youth involvement in illegal behaviour, as influenced by education and unemployment.

Work completed in this area

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- (b) Harding, R.W. (1985) 'Youth, Crime and Justice' in Australian Discussion Papers, Seventh U.N. Congress, Australian Institute of Criminology, Canberra
- (c) Mukherjee, S. (1983) Age and Crime, Australian Institute of Criminology, Canberra

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- (e) Mukherjee, S. (1985) 'Juvenile Delinquency: Dimensions of the Problem' in Borowski and Murray (eds) Juvenile Delinquency in Australia, Methuen, Melbourne
- (f) Seymour, J. (1979) Children in Trouble, Australian Law Reform Commission, Sydney
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- (h) Seymour, J. (1981) Child Welfare, Australian Law Reform Commission, Sydney
- (i) Seymour, J. (1982) 'Aspects of Child Welfare Law in Australia' in University of Sydney, Faculty of Law, Proceedings of the Institute of Criminology, No. 49, Child Welfare in the 80s, 11-30
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I. VICTIMOLOGY

In addition to the work relating to violence against women, cited above, Institute staff have addressed numerous issues in victimology. Research in this area has described and explained the striking differences in vulnerability faced by various racial, gender and socio-economic groups in Australian society. The dissemination of information about crime victims and their needs contributes not only to public understanding of crime victims, but to the design of more effective crime prevention and victim service programs.

1. Compensation and Restitution (Dr Grabosky, Professor Harding). Criminal injuries compensation schemes in Australia have been characterised as slow, inefficient and at times, counter-therapeutic. Institute staff have explored these issues, and have recommended reforms of the compensation process as well as the wider use of offender restitution to crime victims.
2. Victims' Rights (Professor Harding). Victims' awareness of their rights at law is often lacking. So too is the sensitivity of police, prosecutors, and judges to the unique problems of crime victims as their cases proceed through the criminal justice system. Institute research has identified many of these issues, and has proposed standards for the more sensitive treatment of victims by criminal justice professionals.
3. Victimological Data (Dr Grabosky, Mr Biles). Following the first national crime victims survey conducted by the Australian Bureau of Statistics in 1975, with the results published in 1979, the Institute was supplied with numerous additional cross-tabulations of the basic data. With these data Institute staff were able to prepare a series of papers for publication in scholarly journals and for presentation at conferences. These interpretative papers focused on a number of specific aspects of criminal victimisation such as employment status and mental health of victims, fear of crime, reasons for not reporting to the police, as well as age and sex of victim and location of offence.

The second national crime victims survey was conducted by the Australian Bureau of Statistics throughout 1983 and it is proposed that the Institute again undertake more interpretative and analytic work on the basic data than the Bureau chooses to publish itself. For the first time in Australia it would also be possible for longitudinal comparisons of victimisation data to be made. The results of this work are invaluable to the planning of victim services and to crime prevention planning.

Work completed in this area

- (a) Biles, D., Braithwaite, J. and Braithwaite, V. (1979) 'The Mental Health of Victims of Crime', International Journal of Offender Therapy and Comparative Criminology, 23, 129-134
- (b) Biles, D. and Braithwaite, J. (1979) 'Crime Victims and the Police' Australian Psychologist, 14, 345-355

- (c) Biles, D. and Braithwaite, J. (1980) 'Overview of Findings from the First Australian National Crime Victims Survey' The Australian & New Zealand Journal of Criminology, 13, 41-51
- (d) Braithwaite, J. and Biles, D. 'On Being Unemployed and Being a Victim of Crime' Australian Journal of Social Issues, 14, 192-200
- (e) Braithwaite, J. and Biles, D. (1980) 'Crime Victimization in Australia: A Comparison with the U.S.', Journal of Crime and Justice, 3, 95-110
- (f) Braithwaite, J. and Biles, D. (1980) 'Crime Victimization Rates in Australian Cities', Australian and New Zealand Journal of Sociology, 16,2, 79-85
- (g) Braithwaite, J. and Biles, D. (1980) 'Comment on Gottfredson and Hindelang: Verifiability and Black's The Behavior of Law', American Sociological Review, 45, 334-338
- (h) Braithwaite, J. and Biles, D. (1980) 'Women as Victims of Crime: Some Findings from the First Australian National Crime Victims Survey', The Australian Quarterly, 52, 329-339
- (i) Braithwaite, J. and Biles, D. (forthcoming) 'Victims and Offenders: The Australian Experience' in Richard Block (ed.), Studies of Victimization, National Institute of Justice, Washington D.C.
- (j) Braithwaite, J., Biles, D. and Whitrod, R. (1982) 'Fear of Crime in Australia' in H.J. Schneider (ed.), The Victim in International Perspective, Walter de Gruyter, Berlin and New York
- (k) Grabosky, P. (1985) 'Crime Victims in Australia', Australian Discussion Papers, Seventh U.N. Congress, Australian Institute of Criminology, Canberra
- (l) Scutt, J. (1979) 'Criminal Investigation and the Rights of Victims of Crime', University of Western Australia Law Review, 14, 1-29
- (m) Scutt, J. (1980) Restoring Victims of Crime: Restitution Programmes in Australia, Canada and the United States, Australian Institute of Criminology, Canberra
- (n) Scutt, J. (1982) 'Victims, Offenders and Restitution: Real Alternative, or Panacea?', Australian Law Journal, 56, 156-167
- (o) Seymour, J. (1978) 'Restitution and Reparation', Australian Crime Prevention Council Forum, 1,3, 7-10
- (p) Wardlaw, G. (1979) 'The Human Rights of Victims in the Criminal Justice System', Australian & New Zealand Journal of Criminology, 12,3, 145-152

J. SPECIAL RESEARCH TOPICS

Research in this category focuses upon specific issues of public interest or national concern.

1. Drug Enforcement/Drug Use and Crime (Dr Wardlaw). This project examines the relationship between drug use and crime and tries to evaluate various law enforcement strategies aimed at reducing illegal drug use. To date, a number of works on the relationship between drug use and crime have been published. The next stage of the project will turn to evaluation of enforcement policies.

Work completed in this area

- (a) Wardlaw, G. (1978) Drug Use and Crime, Australian Institute of Criminology, Canberra
 - (b) Wardlaw, G. (1981) 'Unravelling the Drugs-Crime Connection', ACPC Forum, 4,1, 81-91 and 4,2, 69-70
 - (c) Wardlaw, G. (1981) 'Drug Use and Crime in Australia', Australian Journal of Social Issues, 16,1, 37-46
 - (d) Wardlaw, G. (ed.) (1982) Drug Trade and Drug Use, ANU Press, Canberra
 - (e) Wardlaw, G. (1985) 'Drug Enforcement and the Police' in Swanton, B. and Hannigan, G. (eds), Police Source Book, (2nd edition), Australian Institute of Criminology, Canberra
2. Women and Crime (Dr Mukherjee, Dr Hatty). Research in this area has examined female crime in relation to changes in the status of women. Australian data have been compared with findings from the United Kingdom and the United States.

Work completed in this area

- (a) Mukherjee, S.K. and Fitzgerald, R.W. (1978) In Search of Female Criminality, Australian Institute of Criminology, Canberra
- (b) Mukherjee, S.K. and Scutt, J.A. (eds) (1981) Women and Crime, Australian Institute of Criminology and George Allen and Unwin, Canberra and Sydney
- (c) Fitzgerald, R.W., Mukherjee, S.K. and Jacobsen, E.N. (1979) 'Crime and Sex in South Australia', International Journal of Comparative and Applied Criminal Justice, 3,2, 243-253
- (d) Scutt, J. (1979) 'Reforming the Laws Relating to Prostitution: Repeal of the Summary Offences Act 1970 (N.S.W.)', Australian Law Journal, 53, 606-608.

3. Media and Crime (Professor Harding). The impact of media output, particularly violence and pornography, upon crime rates will be assessed in this project. The objective is to evaluate evidence in the area and bring forward proposals concerning the need for controls of various kinds.
4. Gun Control (Professor Harding). This project will involve the continuous monitoring of gun laws and the patterns of gun ownership and crimes involving the use of guns in Australia. The objective is to influence the approaches to gun control adopted by governments and police throughout Australia. An Institute Conference on the whole range of issues will be called in two or three years' time.
5. Organised Crime (Professor Harding, Mr Potas, Mr Swanton). With the setting up of new policing and investigatory arrangements, the Institute will monitor and evaluate success in containing crime in this area by relying on secondary sources. After the lapse of a reasonable time during which the new system has been allowed to function, the Institute will issue a Research Report on the key issues.
6. Psychology and the Criminal Justice System (Dr Wardlaw). This project aims to investigate the relationship between psychology and aspects of the criminal justice system and to provide advice and guidelines on the use of psychology and psychologists by criminal justice practitioners. The project will involve examination of the types of services offered by psychologists and the uses to which psychological data may be legitimately and usefully employed by criminal justice agencies. To date, Grant Wardlaw has produced publications in the areas of use of psychologists in prisons, treatment facilities for mentally-disordered offenders, confidentiality of psychological records, and use of psychological evidence in court.

Work completed in this area

- (a) Wardlaw, G. (1979) 'Psychological Records: Privacy Considerations', Bulletin of the Australian Psychological Society, 1979, 1,3, 7-9
- (b) Wardlaw, G. (1981) 'Applied Behaviour Analysis and Crime Prevention: Some Cautions', Australian Psychologist, 1981, 16,3, 391-397
- (c) Wardlaw, G. (1983) 'The Psychologist in Court: Some Guidelines on the Presentation of Psychological Evidence' in Mary Nixon (ed.) Issues in Psychological Practice, Longman Cheshire, Melbourne
- (d) Wardlaw, G. (ed.) (1983) The Role of Psychologists in the Criminal Justice System, Australian Institute of Criminology, Canberra
- (e) Wardlaw, G. (1983) 'Confidentiality, the Courts and Psychologists' in Mary Nixon (ed.) Issues in Psychological Practice, Longman Cheshire, Melbourne