REVIEW OF AUSTRALIAN CRIMINOLOGICAL RESEARCH

Edited by
David Biles

Australian Institute of Criminology

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FOREWORD

The seminar which generated the papers contained in this volume was the second of its type conducted by the Institute. The first, held in February 1979, was largely attended by recipients of grants from the Criminology Research Council, the Institute's own research staff and a small number of researchers employed by other organisations. The same groups were represented at the 1981 seminar but research workers from police and corrections departments were also included. This expansion meant that over 40 papers were presented during the four-day period and therefore only brief outlines of current or recently completed research could be permitted. The bulk of this volume comprises summaries of papers that were prepared by the researchers who participated. More details of the research projects outlined here may be obtained by contacting individual researchers directly.

The aims of the seminar were to provide an opportunity for persons engaged in criminological research to discuss their work with fellow researchers and to encourage comment and criticism with a view to improving the quality of such research in Australia. The hope was also expressed that the seminar might reveal the strengths and weaknesses of Australian criminological research and perhaps suggest new directions for the future. It is obviously difficult to assess the extent to which these aims were achieved but informal comments from participants as well as the results of the post-seminar questionnaire survey clearly indicate that the majority found the seminar to be both valuable and interesting. It has also been suggested by a number of participants that in the two years since the previous research seminar there has been a significant improvement in the quality of the research being undertaken.

One feature of the 1981 seminar that distinguished it from the earlier one and from nearly all other Institute activities was the participation of forensic scientists. The Criminology Research Council has made a small number of grants to facilitate research in the field of forensic science and the contributions that these researchers made to the seminar provided a new dimension to the thinking of many criminologists. Their research style contrasts sharply with that adopted by social scientists and lawyers but it is clear that there is much to be gained on both sides from the interchange of ideas between all disciplines concerned with the prevention of crime and its consequences.

The organisation of this seminar and the preparation of this publication would not have been possible without the assistance and cooperation of a number of people. Training Division staff of the Institute helped with a range of organisational and administrative details, but a great deal of the preparation and all of the typing of this report was done by my secretary, Mrs Marjorie Johnson, whose diligence and attention to detail made this project possible.

David Biles

March 1981

CRIMINOLOGICAL RESEARCH IN PERSPECTIVE

W. CLIFFORD

Criminological research was once the relatively straightforward study of a more or less definable phenomenon. There was, for earlier generations of scholars, a distinct social problem to be analysed, explained and controlled. Durkheim, Quetelet, Lombroso, Shaw and Mackay, Alexander and Healy, the Gluecks, were all trail blazers in a new eclectic jungle of genetic, psychological, and sociological concepts. They were the empiricists - true to the traditions of Auguste Comte, concentrating not on unanswerable metaphysical questions of 'why' but on the practical issues of 'how'. At least so they thought, but we now know to what extent there were assumptions and unsubstantiated beliefs underlying the phenomenon being investigated. Therefore, to make their trail, they used a mixture of positivism, a confident humanitarianism and a new psychiatric mythology. They rather superficially borrowed tools from the natural sciences, diluting the quality of experience with the quantification of data, dividing the normal from the abnormal, and developing pseudo-scientific methodologies to give their work an aura of positivistic respectability. The administration of corrections became 'penology', terms like 'recidivism', 'psychopath' and 'social defence' emerged and even Conan-Doyle's creation of Sherlock Holmes gave a new impetus to criminology as an investigatory science and to the forensic sciences which had been developing from the 18th century.

There were always enough graphs, statistics and sophisticated references to scientific approaches to attract the intelligentsia and, of course, to leave the layman feeling that he was out of his depth with his own commonsense views of crime and criminals. The experts had arrived. Yet it was not really possible to earn one's living as a criminologist or even as a forensic scientist. These interests in crime remained much more the fascinating hobbies or intriguing side-lines of people fully employed as experts in a variety of other related sciences. The only full-time workers with crime were in the police, the courts and the prisons.

The explosion in criminology and the development of a criminological profession had to await the affluence of the late 50's and early 60's and not surprisingly it was concentrated in Europe and America - especially the U.S.A. A wealthy society could and, it was thought, should invest in the solution of its social problems. Far more money became available in the U.S.A. and Europe than the limited number of researchers could profitably use. But the more sophisticated the techniques of criminology and the forensic sciences became, the greater became the problem of crime in those societies which were investing so much to prevent it; and, (far more significantly) the more publications there were and the more facilities for research provided, the more did that clear and definable phenomenon of crime seem to recede. As more

neophytes took to the familiar trail already blazed with confidence in criminological research, the more the jungle thickened and eventually all clear direction seemed to be lost. Understanding deepened in many respects, but sadly the orientation was drifting.

There were now so many paths. The 'problem' being studied, for example, was found to change with the definer. It became necessary to ask whose problem it was and in whose perspectives it appeared as a 'problem'. Some of those apparently unanswerable questions which Comte had so effectively buried came back to haunt the scholars. Epistemology was resurrected as New Criminologists began to ask not why there was crime, but why the authorities were so anxious to define it or seek to prevent it in such a discriminating style.

The criminal justice system emerged as part of, if not always the whole, problem. Simple measurement was now complicated by new information on non-reported crime or on the procedures used for classifying crimes in the reports submitted. It was complicated further by the proliferation of computers and new techniques for presenting qualified information. Burgeoning legislation was itself questioned as a cause of crime. The application of the law became a legitimate research area as it appeared that it affected some groups more than others or as new, organised, computer, white collar or corporate crimes being outside its normal reach, exposed its limitations; and, as the advanced technologies being brought into use seemed to correlate with decreased efficiency in detecting offenders. In the courts it was shown that justice was not such a constant companion of the law as it had once been thought to be. Police methods came under closer scrutiny. And in corrections a great many cherished assumptions as to aims, objects and methods were brought under public scrutiny and sometimes abandoned. Over these years public opinion has been courted, measured, (and sometimes distorted) in the hope of affecting policy. More has been learned about the vested interests of the criminological researchers themselves and the study of criminal careers. As well, a new economic interest in marginal utilities in relation to punishment have seemed to justify a return to deterrence as a legitimate form of crime control. This, indeed, seems to be a return to first principles. Laymen's common sense remedies began to gain favour amongst the frustrated, greatly aided, of course, by the simplifications which were propagated by the media. Tough law and order became a political issue and politicians were not above juggling the statistics or re-interpreting them to make a case. Even experts divided on basic principles.

Just to run through this kaleidescope of developing research patterns in this way is to indicate the rambling, vagrant, even circuitous, nature of modern criminological research. It has grown rather than matured, increased and changed in interest and style more than it has necessarily improved. This is not to say that there have not been improvements: but in method one has to be careful not to be hypnotised by the computer which helps us value what we quantify, rather than quantifying what we value. New languages have emerged but not always new meanings.

Criminological research has not only been carried but swept by its own momentum in recent years into the mainstream of value conflicts and

relativities which plague modern Western society. This need not be a bad thing - it can be presented as a participation in the academic construction of a new society. It has widened and deepened our understanding of the concept of crime - no longer a phenomenon but a collection of phenomena. Without this wider perspective born of a profound questioning of established institutions - and a questioning of criminology itself, there could not have been the intellectual vigour which has characterised criminological research in recent years. It has, after all, been a struggle for academic survival. It has not been as easy as it was for the earlier scholars. There has been no comfortable respectability for the modern criminologist based on a single prestigious book describing one well constructed and analysed project. This was the privilege of his predecessors; but today the pace is faster, the understanding wider and the struggle to be published takes up almost as much energy as the work. There is still scope for the journalistic articles, but serious work is likely to invite a range of criticism which leaves no modern researcher much room for complacency. He will get no easy recognition and he is now in competition for the declining numbers of academic posts which give him the scope he wants for his work. Since the standpoints and alliances vary so much anyway, he probably has to be satisfied with achieving the recognition of his own particular section of the criminological world. He has to concentrate on the particular path which his group is trying to build and leave others to follow other and perhaps more distant drummers.

It is tempting for criminological researchers to consider this great diversity as a simple function of increased specialisation and to regard it as no more than a consequence of increasing knowledge. In medicine or the natural sciences, for example, there are now so many subdivisions - each with its own hierarchy of status and criteria of excellence that they defy generalisation. If, however, we regard these research constellations as systems, an important basic difference emerges. In most other areas of scientific research, the objectives can be clearly enunciated and the results or the methods thereby evaluated. Test and prediction is possible by control of the variables under determinable conditions. In criminological research it is not so easy: we are still struggling with the familiar but troublesome mixture of desirable and probable goals; and our material cannot be 'managed' freely without ethical complications. This is because we are still in the social more than the natural sciences. The natural sciences have usually had a compass to give them direction in the exploration of their jungle: criminologists, however, are operating without a compass. Medical science can work for perfect health without being confused by over-population. Criminologists cannot so easily contemplate a crime-free society without thinking of the cost in terms of freedom. Biologists can relate and inter-relate one discovery with another to provide a pattern. In criminology, researchers are still trying to find out what to do with all their trailing ends.

Yet there is a future reproachment likely as the medical and natural sciences get into the areas of cloning and transplants, or as the morality of all the selectivity which enters into scientific research

begin to make even their compass behave erratically. Once they too get into an area of value judgments - or perhaps realise that they have never escaped it - they will face all the problems of direction which apply in criminology. The accumulations of knowledge will be as much an embarrassment as a mark of progress when the ground underfoot becomes soggy with ethics.

Now, having looked at developments in criminology in chronological depth, let us take a global perspective. A preoccupation with the constraints of the pseudo-scientific methodologies of classical criminology constrained the United Nations in the early 1950's to abandon any attempt to compare national crime statistics. More than 20 years later, a new generation of frustrated criminologists compiled a very crude measure of crime in 63 countries for presentation to the General Assembly. The Australian Institute of Criminology has also begun publishing such information as becomes available from abroad. We cannot know what they are worth - but then we are still unsure of what our own figures mean without a better knowledge of the political economic and social context. We should remember that Quetelet started in this way - and disproving the published figures could be the beginning of wisdom.

As I have pointed out on many occasions, the United Nations in the 1950's and 1960's indulged in the fatuous ritual of sending experts from countries with more crime to countries with less crime to show them what to do. Yet, having used such expressions as 'more' and 'less' in connection with crime I have begged the questions of crime as differently conceived in different cultures - and how it is measured. We can really only compare experiences and opinions. There are, however, a few countries with measures of crime at least as comparable as the national figures and the evidence for more and less crime in these areas is too ponderous to dismiss. Japan and the U.S.A., England and Malta, France and Mozambique, Spain and Costa Rica. Hence, gradually, the notion of a comparative criminology has been fostered by the International Society of Criminology through its Centre at Montreal - but progress is slow. Our criminological research is still overwhelmingly concentrated in the West where publication in the world's three most extensive languages is readily available. There are so many criminologically blind areas of the world that our research has scarcely begun. Before we can know much about crime in general, we have to know more about crime in the Islamic areas where the move is to re-establish the barbaric Hädd punishments of the Koran. We have to understand why crime in Japan has consistently declined for the past 15 years. We have to know more about crime and its treatment amongst Aborigines, the tribes in Papua New Guinea, the myriad cultures of Africa and, of course, in the huge Communist areas of the world. China, having lived for well over 20 years without a criminal law, offers great opportunities for our understanding of social controls. Above all, there are opportunities for seeing crime in a variety of ideological contexts, when we look at it cross-culturally. There is a chance to get our own supposed panaceas into practical perspective.

Australia has come late on the criminological scene - and this despite the fact that it arrived early at the centre of penal policy and penal reform. Following the British more than the American traditions

in tertiary education, Australia took a long time to accept criminology as an academic discipline. When it did swing into operation, however, Australia sought to learn from the mistakes made elsewhere; the fact that we are able to meet here and share knowledge of the research which is going on in an Institute which straddles Federal and State boundaries and services a Research Council which makes grants for any methodologically sound project, is an indication that we are doing something rather different to many other countries. In some countries the State and Federal levels are more decisively separated. In no country is there an Institute like this, which is a public, i.e. statutory, authority, with the capacity to bring academic and professional workers together, which is free to determine its own program, committed to no one government but in the service of all governments, as well as all universities, all criminal justice services and, of course, the public. The range of subjects which you are covering is, in itself, testimony to diversity. The fact that we are doing this together is testimony to unity within that diversity. This time we are going to try to publish the results of the seminar which I hope will stimulate further interest and greater development within our subject. Therefore, in the hope that you will consider this an appropriate introduction to your proceedings, I have much pleasure in declaring this seminar open.

THE CURRENT STATUS OF AUSTRALIAN CRIMINOLOGICAL RESEARCH

David Biles

Systematic criminological research is a comparatively recent development in Australia. This paper represents an attempt to sketch this development and thus provide the context for the detailed research reports which appear later in this review.

Notwithstanding our convict ancestry, Australia was slow to develop criminological research, with perhaps the biography of Alexander Maconochie by Sir John Barry[1] being one of the first major criminological works. Barry may be described as the father of Australian criminology as he was not only a noted judge, scholar and historian, but the first Chairman of the Board of Studies in Criminology at the University of Melbourne established in 1951 and also the first President of the Australian and New Zealand Society of Criminology that was formed in 1967. Sydney University established an Institute of Criminology within its Law School in 1959, and for many years these two Universities were the sole locations for criminological teaching and research in Australia. More recently other universities and colleges have offered courses in criminology or deviance, but Melbourne and Sydney remain the main centres for post-graduate work.

In the 1970's government interest in criminology increased significantly, and in 1971 a Bureau of Crime Statistics and Research was established in New South Wales. In the same year the Commonwealth Parliament passed the *Criminology Research Act* which established the Australian Institute of Criminology and the Criminology Research Council, although it was to take a further two years before these bodies were fully operational. In 1978 the South Australian Government established an Office of Crime Statistics and other States have considered establishing similar offices or bureaux.

The Australian Institute of Criminology, even though not free of criticism, has become recognised as the major centre for criminological research in Australia and it has gained considerable international recognition. The Institute currently has an annual budget of over $1 million and employs a staff of approximately 40 persons, nine of whom are in academic research positions. Full details of the Institute's research, training and publications activities are to be found in its annual reports, but the main thrusts of its research may be summarised by reference to the principles of sentencing, analyses of crime trends, victimology, corporate crime, mentally ill offenders, domestic violence, juvenile justice, prison administration and police organisation. The Institute has also undertaken considerable research for the Australian Law Reform Commission and has prepared a number of discussion papers for

1. Sir John Vincent Barry, *Alexander Maconochie of Norfolk Island: A Study of a Pioneer in Penal Reform*, Melbourne Oxford University Press, 1958

the United Nations. It continues to work closely with the Australian Bureau of Statistics in its efforts to improve the quality of crime and criminal justice statistics in this country, and the Institute also publishes four regular statistical series dealing with various aspects of corrections. Details of the Institute's books and reports that are available are given in its quarterly publications, the *Reporter* and *Information Bulletin*.

Possibly of wider interest than the work of the Institute is its sister organisation, the Criminology Research Council. This body, funded jointly by the Commonwealth and the States, currently has an annual budget of $100,000 and in the eight years of its operation has provided funds for 70 separate projects to a total value of nearly $750,000. A list of these projects is appended and it is of some interest to note the areas of research that have been covered. Using the six major headings of a classification system adopted by the Council the table below shows the distribution of grants into specific areas.

Table 1: Classification of C.R.C. Projects as at February 1981

		No. of Projects	Percentage of Projects
1.	Community Attitudes	7	10.0
2.	Criminal Law	1	1.4
3.	Criminal Behaviour	26	37.1
4.	Police	8	11.4
5.	Courts	9	12.9
6.	Corrections	19	27.2
TOTAL		70	100.0

It can be seen from this table that the two areas of Criminal Behaviour and Corrections have clearly attracted the most attention. This bias may to some extent be an artefact of the classification system, but it may equally be a realistic assessment of Australian criminological interests. If it is the latter it could reflect a simplistic view based on the notion that criminal behaviour is automatically followed by correctional intervention and that intervening agencies or operations are of little concern. It may also reflect the now somewhat discredited view that correctional interventions do have a demonstrable effect on criminal behaviour.

It would be possible to classify the projects funded by the Criminology Research Council (and those supported from any other source) on a number of other dimensions apart from area of focus. Research could be classified, for example, as either descriptive, evaluative, experimental, clinical or concerned with model building or theory construction. This type of analysis has not been attempted but it is suggested that if it were the vast majority of projects undertaken within the field of Australian criminology would fall within the category of description. This could be seen as yet another

indication of the relatively primitive state of Australian criminology, but it could be argued that adequate descriptions of the incidence of criminal behaviour and the functioning of criminal justice systems are an essential first step that must precede more sophisticated research activities. The current parlous state of Australian statistics relating to crime and criminal justice suggests that considerably more basic descriptive work needs to be undertaken before significant advances can be made.

The comparatively low level of funding of criminological research in Australia has been the subject of derisory comment on a number of occasions. The average Criminology Research Council grant of just over $10,000 appears ludicrous when compared with grants of the order of $200,000 to $300,000 which have been made for individual projects by the Law Enforcement Assistance Administration in the United States. This comparison is a fair one and it would not be possible to offer a rational explanation to justify the paltry level of support in this country. However, it is quite likely that the actual value gained from Australian criminological research on a dollar for dollar basis compares more than favourably with similar research in the United States. It must also be recognised that the level of funding for criminological research in Australia will not increase until the general public, and criminal justice practitioners in particular, demand such an increase and this will not occur until the results of criminological research are more widely seen as relevant to this country's needs. The vital importance of clear and effective communication of the results of our research is therefore apparent.

In this period of budgetary restraint one could easily view the future of Australian criminology with gloom, but if one looks back over the past 10 or 20 years the overall picture is one of unparalleled growth. The future growth of Australian criminology may not be as rapid as it has been in recent years, but, if we do our work effectively and communicate the results with clarity, some degree of growth may still be expected.

The development of a large and effective criminological community necessarily takes a considerable period of time, not least because of the need for people to be trained and to acquire experience in the field. If considerably more funds had been available to the Criminology Research Council, for example, in the early days of its operations, it is possible that there would have been insufficient qualified and experienced researchers available to take up the challenge. A relatively slow growth may therefore have advantages, or at least be unavoidable, but the current breadth of interest and expertise in the field could undoubtedly justify further financial support at this time.

There are some signs suggesting that criminological research is still expanding in this country. One of these is the creation or expansion of research sections within most police, law and corrections departments. There has even been a proposal for a national police research and planning unit which would provide support for all Australian police forces, and some years ago a call was made for the establishment

of a national forensic science institute. In terms of funding, non-government organisations such as the Law Foundation of New South Wales have found it possible in recent years to provide considerable support for criminological research.

Furthermore, Australian academic journals in law and the social sciences, apart from the *Australian and New Zealand Journal of Criminology*, are increasingly finding themselves able to provide space for criminological material, and Australian books in this field have increased significantly in number in recent years. Perhaps the ultimate accolade for Australian criminology is the fact that just occasionally it is being published in the major journals overseas.

All of these signs give us some cause for hope in the future of Australian criminological research, even though it must be recognised that Federal Government support is unlikely to increase in the present economic climate. There may even be further pressure to reduce Federal commitment in this field. Nevertheless, as the quality of this research improves and its value is made more obvious the future development of criminological research in this country must be assured.

Appendix to paper by David Biles

CRIMINOLOGY RESEARCH COUNCIL LIST OF APPROVED PROJECTS

	Name of Grantee	Short Title
1.	Dr E. Cunningham Dax (Tas.)	Multi Problem Families
2.	Dr P. Wilson (Qld)	Delinquency and Leisure
3.	Messrs A. Eakin & L. Reilly (Qld)	Delinquency, Qld
4.	Mr D. Challinger (Vic.)	Delinquency, Vic.
5.	Department for Community Welfare (S.A.)	Delinquency, S.A.
6.	Assoc. Prof. R. Harding (W.A.)	Gun Ownership
7.	Mr R. Sanson-Fisher (W.A.)	Nyandi, W.A.
8.	Dr R. Francis (Vic.)	Migrant Crime
9.	Dr M. Sernack (N.S.W.)	History of N.S.W. Prisons
10.	Messrs P. Ward & G. Woods (N.S.W.)	Crime and Penal Strategy
11.	Mr M. Mackellar (P.N.G.)	Crime & Police in Port Moresby
12.	Mr E. Slatter (N.S.W.)	N.S.W. Civil Rehab. Committees
13.	Mr V. Bartlett (Qld)	Spatial Analysis of Juvenile Offence in Brisbane
14.	Mr J. Mackay (Tas.)	Work Order Scheme
15.	Dr T. Vinson (N.S.W.)	Correlates of Violence
16.	Messrs Martin, Murray & Olijnyk (Vic.)	Evaluation of Community Treatment, Vic.
17.	Mr D. Challinger (Vic.)	Children's Court Hearing
18.	Mr R. Sanson-Fisher (W.A.)	Evaluation - Community Based Settings, W.A.
19.	Mr E. Knowles (Tas.)	Crime & Hobart Bridge Disaster
20.	Prof. S. Lovibond (N.S.W.)	Simulated Prison Environments
21.	Dr J. Thomas (W.A.)	Evolution of Prisons, W.A.
22.	Mrs C. Warner (Tas.)	Psychiatric Reports in Sentencing
23.	Mr R. Homel (N.S.W.)	Sentencing in Lower Courts
24.	Mr D. Challinger (Vic.)	Young Offenders in Victoria
25.	Miss M. Daunton-Fear (U.K.)	Principles of Sentencing, S.A.
26.	Director of N.S.W. Bureau of Crime Statistics	Robbery Prevention
27.	Mr M. Farquhar (N.S.W.)	Driver Improvement Scheme
28.	Mr F. Hayes (N.S.W.)	Patterns of Leadership in Penal Institutions

	Name of Grantee	Short Title
29.	Mr K. Maine (W.A.)	Evaluation of SOFTLY Program
30.	Rev. Fr. P. Norden (Vic.)	Jesuit Youth Hostel
31.	Prof. S. Lovibond (N.S.W.)	Effects of Role Reversal in a Simulated Prison Setting
32.	Ms L. Marnier (S.A.)	School Programs to Reduce Delinquent Behaviour
33.	Department of Corrections (S.A.)	Evaluation of Suspended Sentences
34.	Dr Glenn Withers (A.C.T.)	Manpower Analysis of Police Recruitment & Retention
35.	Mr E. Sikk (Tas.)	Avoiding Delay in Magistrates' Courts
36.	Mrs L. Foreman (Vic.)	The Welfare Role of Police
37.	Dr J. Court (S.A.)	Sexually Explicit Material & Serious Crime
38.	Ms Patrice Cooke (W.A.)	Thought Patterns of Juvenile Offenders
39.	A.I.C. initiated (Ms Davidson)	Police Stress, feasibility study
40.	Drs A. Landauer & D. Pocock (W.A.)	Public Attitudes to Criminal Behaviour
41.	Dr M. Koller (Tas.)	Recidivist Prisoners and Their Families
42.	Dr D. Chappell & Mr P. Sallmann (Vic.)	Rape in Marriage
43.	Victorian Social Welfare Department	Recidivism Rates for Violent Offenders
44.	Prof. T. Browning (S.A.)	Maggots in Cadavers
45.	Prof. R. Henderson (Vic.)	Evaluation of Honorary Probation Services
46.	Mr R. Whitrod (A.C.T.)	Quantitative Index of Public Fear of Crime
47.	Dr F. Bull & Mr P. Thatcher (Vic.)	Petroleum Residues in Arsons
48.	Dr J. Court (S.A.)	Social and Personal Impact of Pornography
49.	Mr R. Norman (N.T.)	Pilot Program in Diversion & Prevention of Juvenile Delinquency
50.	Mr K. Milte (Vic.)	Cross-Cultural Analysis of Police Occupational Role
51.	Dr G. McGrath (N.S.W.)	Police Training and Social Interaction

	Name of Grantee	Short Title
52.	Drs J. Baldry & D. Prasada Rao (N.S.W.)	Econometric Technique for Estimating True Criminal Offence Rates
53.	Dr G. deGruchy (Qld)	Crime and Architectural Design in Brisbane
54.	Dr R. Morice & Ms M. Brady (S.A.)	Aboriginal Adolescent Offenders Study
55.	Dr M. Jackson (Tas.)	Mental Retardation & Stealing
56.	Messrs R. Fox & A. Freiberg (Vic.)	Victorian Sentencing Law
57.	Mr H. Van Moorst (Vic.)	Outreach Work Evaluation Project
58.	Mrs R. Omodei (N.S.W.)	Women Charged and Convicted of Homicide Offences in N.S.W.
59.	Mr K. Maine (W.A.)	Perspectives of Juvenile Defendants on the Children's Court in Kalgoorlie & Kambalda
60.	Mr K. Maine (W.A.)	Recidivism Monitoring Program for Juvenile Delinquents
61.	Mr S. Cole (S.A.)	Remands in S.A. Courts
62.	Mr O. Roux (N.S.W.)	The First Three Months of Freedom
63.	Dr J. Court (S.A.)	Minor Sexual Offences in Australia
64.	Mr J. Minnery (Qld)	Crime Perception and Inner City Population Migration
65.	Mr D. Cole & Ms J. Russell (S.A.)	Executives' Attitudes to Environmental Offences
66.	Ms W. Sarkissian & Mr D. Perlgut (S.A.)	Crime Prevention Planning and Public Administration
67.	Dr K. Terry, Mr A. Van Riessen & Mr B. Lynch (W.A.)	Identification of Small Glass Fragments
68.	Mr J. Van Groningen (Vic.)	Job Satisfaction of Prison Officers
69.	Dr J. Pigram, Mr R. Boskovic & Dr D. Walmsley (N.S.W.)	Tourism and Crime
70.	Mr D. Challinger (Vic.)	Assessing the Utility of Fines

EXPANDED OPPORTUNITIES FOR CRIMINOLOGICAL RESEARCH: CRIME VICTIMS

RAY WHITROD

Criminologists have long shared with criminal justice practitioners their failure to acknowledge the importance of victims of crime. In consequence the concentration on offenders has produced explanations of criminal behaviour insufficiently balanced by an appropriate recognition of the victim's role.

This traditional, one-sided approach, for example, has failed to explain why some individuals with certain characteristics commit offences, while others with similar characteristics do not, nor why an offender commits a crime at a particular place against a specific victim at a certain time.

On the other hand, Victimology, as a rapidly growing branch of Criminology, seeks to ensure adequate investigation of both the impact of crime on victims, and the victims' impact on crime. By so doing it hopes to achieve a better understanding of the dynamics of criminal behaviour: an understanding which may have practical application in the fields of crime prevention, criminal rehabilitation, and victim education. Because of the obvious implications of this new emphasis, researchers generally should find it advantageous to keep abreast of developments in this new branch.

This paper seeks to give a brief overview of the origins and aims of Victimology, describes its progress from an embryonic stage in the fifties to its present state of development with its own international journal and regular world congresses, mentions some early and current research, and draws attention to the scarcity of usable models for theory formulation.

The initial lack of a theoretical framework meant that investigators in the field of Victimology have tended to concentrate on data gathering. In the last decade or so social surveys in particular have produced a wide range of material to be exploited. This has been valuable in the study of distributions and correlational analysis, but the search for causal mechanisms has not proceeded so well.

Certainly sound theoretical explanations of such complex social phenomena as crimes are not easy to come by, and this difficulty may have contributed to the dropping-off in fundamental research in the last few years, in favour of applied research on victims.

In this country recent public enquiries have located a number of aspects which, because of their social importance and intellectual challenge, justify the serious consideration of researchers. Increasing community awareness of the vulnerability of its members to criminal predation, and the inadequacy of our knowledge on how to combat it, should help to ensure funds are available for relevant projects.

PARADIGMS OF COURT RESEARCH

ROMAN TOMASIC

If experience in the United States, Britain and Canada is to be any guide for us in Australia, we are currently on the threshold of major empirical research into the courts. We have already seen the conclusion of a number of most promising empirical studies in this field, such as those of the Australian Law Reform Commission on sentencing reform, of Dr Mukherjee of the Australian Institute of Criminology based on crime statistics drawn from Australian courts and the work on Victorian Magistrates' Courts by the La Trobe Legal Studies Department. There are also a number of important court and court related studies currently underway in Australia which will greatly increase the state of knowledge that we have of courts.

The 1960's and 1970's have seen the establishment of a number of new socio-legal research bodies in Australia. These bodies, together with various court related organisations have amassed a useful, statistical data base on Australian courts. As a consequence, limited statistics are now available for a diverse range of courts on areas such as bankruptcy, family law, suicide, small claims and drug and alcohol matters. In addition statistics are also available on the work of higher courts, even if such statistics are somewhat sketchy.

Despite these obvious advances in the collection of court statistics, as well as in the development over the last two decades of a more receptive attitude to socio-legal research, there is no room for complacency. There is still a vast room for further development in the scope and the sophistication of the research enterprise in this area. Although considerable lip-service has been given by gatekeepers of court research, to the need for a better understanding of court activity and trends, these same officials have nevertheless been reluctant to move too quickly in allowing court researchers to scrutinize their activity.

Whilst in the long-term some of the current bottle-necks and resistance confronting court research in Australia may be quite tragic, in view of the rapid increase in the size of our judicial infrastructure, in the short-term this is not necessarily unfortunate. One reason for this is the opportunity that such delay or slowness provides researchers to sensitize funding bodies and court officials to the utility of a range of alternative court research strategies that are potentially available. Overseas experience suggests that there is good reason for researchers to shrink from research that is essentially management oriented or primarily positivist in its emphasis. Experience in other areas of research such as in relation to corrections, law enforcement and victimization clearly shows the deficiencies of such approaches. It is therefore of note that in the United States, for example, major governmental research funding bodies are now encouraging more rigorous and long-term research activities. Diversion research is a good illustration of this as, of course, is the vast body of court research currently beginning to more fully emerge.

Related to the issues of methodology and orientation is the far more important issue of theoretical development. To date, there have been few opportunities for researchers in Australia to undertake socio-legal research with a clear theoretical orientation that is not directly aimed at assisting the control strategies of the institution or organisations that they are researching. Moreover, there have been even fewer opportunities to evolve a body of theory independently of the socio-legal research enterprise. Whilst this is not a situation unique to Australia, for even in the area of court research in the United States, LEAA has funded only one major research project aimed at theoretical clarification (a project directed by Herb Jacobs and including major contributions from Marc Galanter, Donald Black, Sam Krislov, Lawrence Friedman, Malcolm Feeley, Lynn Mather and Barbara Yngvesson). The U.S. Justice Department's Council on the Role of Courts has also been encouraging similar theoretical debate on the direction of court research. There is considerable need in Australia for further discussions and analysis of the theoretical underpinnings of court research if real progress is to be made and if we are to move away from the limitations of small-scale single scholar research.

One purpose of this paper is to isolate and appraise some of the theoretical options that are available for court research. An appreciation of the value of these options is essential if we are to avoid the all too easy head-long thrust into a theoretical and sterile court management 'research'. The rise of court administrators as a new interest group in the court system as well as the emergence of superficially important political issues such as court delay, cost and case overload, makes the managerial perspective very attractive. However, this avoids devoting attention to more fundamental processes, which it is the responsibility of researchers to pinpoint and explain. A greater concern with theoretical options and orientations is therefore vital if the research that will inevitably be undertaken in Australian courts is to have any lasting value.

Various perspectives, models and paradigms of court research will be examined. Richard Abel (1980), for example has identified various perspectives in court research (studying down and studying up), whilst Charles Sheldon (1974) has isolated at least six models of research on the judicial process (decision-making, micro-group, role, macro-group, impact and systems models). It will be argued that conceptualisations such as these are theoretically inadequate, even though they are sometimes quite illuminating. Instead, it will be argued that a paradigmatic approach is more useful in categorising the theoretical options. Drawing upon George Ritzer's (1975) threefold conceptualisation of paradigms in sociology (the social fact paradigm, the social definition paradigm and the social behaviour paradigm) an attempt will be made to apply these to existing court research and to evaluate the advantages and limitations of each approach.

THREE PARADIGMS OF COURT RESEARCH

	SOCIAL FACT PARADIGM	SOCIAL DEFINITION PARADIGM	SOCIAL BEHAVIOUR PARADIGM
APPROACH TAKEN BY THE PARADIGM	Treat social facts such as institutions, structures values and groups as real. Focus on relationship between these. Man is seen as being subject to values, norms and control agencies. Law is treated as real.	Takes an active creative view of man and emphasizes social process and what takes place in the mind. Reality is not seen as static. Intersubjectivity is a central concern. Prime focus on the individual.	Focus on functional relationship and examines the relations between the individual and the environment, although the actor is seen as having little freedom. Reinforcement as the key concept. Main focus is on the individual.
METHODOLOGIES USUALLY RELIED UPON.	Interviews and use of questionnaires.	Observation.	Laboratory and Field Experiments.
EXEMPLARS	• Thomas - Principles of Sentencing • Devlin - Sentencing Offenders in Magistrates' Courts • Nardulli - The Courtroom Elite • Levin - Urban Politics and the Criminal Courts • Eisenstein & Jacob - Felony Justice • Dolbeare - Trial Courts and Urban Politics	• Hogarth - Sentencing as a Human Process • Feeley - The Process is the Punishment • Blumberg - Criminal Justice • Carlen - Magistrates' Justice • Emerson - Judging Delinquents • Frank - Courts on Trial • Atkinson & Drew - Order in Court • Sundrow "Normal Crimes etc"	• Thibaut & Walker - Procedural Justice • Rosenberg - The Pretrial Conference • Kalven & Zeisel - The American Jury • Abt & Stuart - Social Psychology and Discretionary Law • Black - The Behaviour of Law • McGillis & Mullen - Neighborhood Justice Centres • Saks & Hastie - Social Psychology in Court • Tapp & Levine - Law, Justice & the Individual in Society
SOME THEMES AND AREAS OF INTEREST IN THE FIELD OF COURT RESEARCH	Legalism; Legal Standards; Sentencing Principles; Courts as organizations; Court structures; Relations between Courts and political groups, values and interests, judicial competence;	Law and Courts as Process; Judicial reasoning and the legal mind; Legal language, Negotiation; Plea Bargaining, discretion; Judicial role and role of advocate; decision to prosecute.	Court Management; efficiency; exchange; bargaining; diversion and behaviour modification studies; dangerousness, use of discretion, jury studies, sentencing guidelines.
CRITICISMS OF METHODS MOST OFTEN USED	It is difficult to obtain information on social facts from interviews and questionnaires. Better to use historical and comparative research methods.	Observation is not able to directly discover the operating definitions in the mind of the actor. Deductions have to be made. Difficulty in building hypotheses and theories.	Only microscopic questions can be studied in experiments; experiments often distort the behaviour of the participants; it is often difficult to use experiments in natural settings.

ABORIGINAL YOUNG OFFENDERS IN AN ISOLATED COMMUNITY

MAGGIE BRADY AND RODNEY MORICE

At the request of an Aboriginal Community Council, a research project has been underway since January 1979 on a Pitjantjatjara settlement on the far west coast of South Australia. The Council requested help in understanding and analysing what they saw as a high adolescent offence rate (65 percent of juvenile males appeared in court or at a Children's Aid Panel in 1977-78; whereas the figure for the nearest local town was 20-25 percent of the juvenile male population). Along with offending behaviour, many of the younger age group have been sniffing petrol. The Aboriginal community views the offence rate and the petrol sniffing as being indicative of a breakdown in respect for the old people and their ways; many of the white staff blame the 'weakness' of the courts.

Our role as researchers was to be supplemented by the appointment of two Aboriginal field assistants selected by the community; it was agreed that we should present progress reports and feedback of information to the community. In this way, it was hoped that the Council itself would be encouraged to formulate ideas and intervention techniques to discourage the behaviours.

Of the approximately four hundred Aboriginal residents (all 'tribal' people), the children between 10 and 18 years of age number 62 (41 boys and 21 girls). With the assistance of the Aboriginal field workers, family trees were compiled on each child, to ascertain the size of the available family network, siblings, significant deaths of adult relatives. School staff completed a behavioural questionnaire on each child, and administrative records provided medical and social histories. This approach was in order to establish the presence, if any, of familial or personality factors which might help to explain the offence rate of particular young people, or to distinguish regular offenders from occasional or non-offenders. In fact, no startling differences emerged from this approach. Children seem to come from all kinds of extended family: some with large networks of apparently caring adults, others had experienced loss or neglect.

The living conditions of the Aboriginal and white communities were also surveyed. The social history of this group of Pitjantjatjara people was also researched, and it became evident that we were dealing with a dispossessed group who are cut off from their relatives and their homelands. Court and Children's Aid Panel data were made available to us.

The paper presented at the seminar illustrates through just one example, the necessity of viewing juvenile offences in their social and cultural context. The most common offence over the 18-month period (for which data are so far available) is illegal use of motor vehicles. The paper summarises how the factors of history, dispossession, sub-cultural values and the politics of community management all have a part to play in the commission of this offence.

Mobility and being a 'traveller' have high status among young Aboriginal men who, when they steal vehicles (from the European staff), tend to drive north to their kin-related communities. 'Gaol' does not appear to act as a deterrent - and as it is almost assured that they will be caught (footprints can be read immediately and accurately), it is an expected outcome for those with previous convictions. Indeed it appears as if, among the adolescent boys at least, time in the training centre in Adelaide constitutes almost a 'status symbol', and with its T.V., regular food and snooker, it provides luxuries that do not exist on the settlement. However, prolonged incarceration can cause severe withdrawal and depression in Aboriginal boys separated from their community.

The study is also gathering information on the nature of 'unreported' offences and how they are dealt with; how offences are reported (i.e. who decides what constitutes an 'offence'); who are the victims of breaking and entering or illegal uses, and what circumstances result in a charge being laid. Court appearances and outcomes are also being considered.

In conclusion, while not rejecting the possibility that individual factors may be at work in some young people, the study so far has found it necessary to take a multiplicity of factors into consideration, when attempting to understand and analyse adolescent offending. The social and structural milieu of the community as well as the offending individuals has therefore become subjected to the researchers' scrutiny.

A final report will be submitted to the Criminology Research Council later in the year.

LEGAL REPRESENTATION IN MAGISTRATES COURTS

PETER CASHMAN

The paper summarises the contents of a series of discussion papers which have been prepared in the course of the current research project on legal representation in magistrates courts in New South Wales. The contents of each paper are outlined and some of the preliminary research findings are presented.

The Discussion Papers are as follows :

1. Legal Representation in Magistrates Courts

This paper examines, inter alia, the extent to which the expanded duty solicitor scheme operated by the Public Solicitors office has increased the level of legal representation in courts of Petty Sessions in the Metropolitan area and at Newcastle, Wollongong and Gosford. The paper also examines whether or not the increase in legal aid in lower courts has been associated with a decrease in the amount of criminal work handled by the private legal profession in such courts.

2. Legal Representation and Social Class

This paper focuses on the occupation and occupational status of (a) unrepresented defendants (b) legally-aided defendants and (c) privately represented defendants. In addition, the paper analyses the different levels of representation in various courts and seeks to examine the extent to which the low level of representation in some courts corresponds with an inability to afford the cost of legal services on the part of persons coming before such courts.

3. Legal Representation and Delay

This paper analyses the time taken to dispose of lower court criminal proceedings with particular reference to differences in the time taken to dispose of unrepresented, legally-aided and privately represented cases.

4. Legal Representation and Bail

In this paper the results of a preliminary analysis of the decision to grant bail are presented. The paper examines the role of the police, the role of the parties and the role of the court in the decision to grant, refuse and revoke bail.

5. Legal Representation and Plea

The overwhelming majority of defendants in lower court criminal proceedings plead guilty and this fact is of considerable significance as far as the disposition of such proceedings is concerned. This paper examines the relationship between legal representation and plea, with particular reference to the effect of the increase in legal aid on the nature of pleas entered in lower court criminal proceedings.

6. Legal Representation and the Outcome of Criminal Proceedings

This paper focuses on the relationship between legal representation and (a) the acquittal rate, and (b) sentencing. In addition, the paper explores the impact of certain decisions made during the trial process (particularly in relation to bail and plea) on the outcome of proceedings. Finally, the paper analyses the relationship between characteristics of defendants and the sentences imposed.

The summary does not purport to provide a detailed analysis of all of the research findings or the methodology employed in the present study. Moreover, the summary does not deal with any of the policy issues which are considered in various discussion papers. The contents of each paper are simply outlined and some of the findings are presented.

Caution should be exercised in interpreting these results. Some findings are tentative pending further reflection. Conclusions may be modified on the basis of comments received and subsequent data analysis.

AVOIDING DELAY IN MAGISTRATES COURTS

EDWARD SIKK

The object of the project is to suggest measures for avoiding undue delays in the disposal of criminal prosecutions in courts of summary jurisdiction. It is assumed that undue delays do sometimes occur and that it is possible to eliminate them without sacrificing any of the safeguards relating to the liberty of the subject inherent in our adversary system of criminal justice. The project may be summarised under a number of different headings.

1. The History of the Introduction of the Magisterial Jurisdiction in Australia

Magistrates' courts were transplanted into Australia from England and began sitting from the foundation of the colony. The jurisdiction was and still is almost entirely statutory in origin. Provisions governing procedure in the courts were introduced in England during the nineteenth century (for example Jervis' Acts) and later copied in the Australian colonies. These statutory provisions are still the foundation of Australian magisterial jurisdiction. A broad knowledge of these provisions is essential for understanding the virtues and defects of the adversary system in practice in the courts today.

2. The Administration and Organisation of Courts

There is no institute of judicial administration in Australia and methods of organisation, the qualifications of the magistracy and other personnel vary from one State to another. Broadly regarded rural or suburban areas are serviced by a visiting magistrate or lay justice sitting at a single court sitting at regular intervals, whereas urban areas are serviced by a group of say up to ten magistrates sitting in a centralised complex of courts and hearing cases drawn from extensive suburban areas. The objective is to make the best use of magisterial time but not so as to overcrowd the lists so as to turn away the parties at the end of the day. The objective is also to make adequate provision for early hearing in special cases (persons in custody for example) and in general to ensure that no undue lapse of time occurs. Under this heading it is proposed to suggest methods of organisation and accommodation and suggest possible improvements.

3. Committal Proceedings

All jurisdictions in Australia (except for New South Wales) have copied provisions originally devised in Tasmania some eighteen years ago designed to save court time in committal proceedings. Reforms are continuing and it is proposed broadly to evaluate the present stage of progress and make suggestions for future reform.

4. Traffic Offences

These constitute some sixty percent of criminal business in magistrates' courts and many of the devices introduced in recent years to save court time are well known. It is proposed to evaluate critically some of the modern research on this subject and also discuss the recent report of the Senate Committee on Road Safety with a view to evaluating the role of the courts in preventing road accidents from taking place.

5. Some Particular Offences

Some offences in particular (for example those involving disputed confessions to police officers, cases of assault and white collar crime) cause considerable delay. It is proposed to review some of these offences and make suggestions for reform.

6. Children's Courts

Each of Australia's six States and two Territories has set up children's courts (or juvenile courts in South Australia). The practice and procedure in these courts is still basically the same but in recent years all jurisdictions have instituted enquiries, most have introduced amending legislation and significant differences are appearing. It is proposed to review generally the main features of jurisdiction in the children's court and attempt to evaluate the direction of future change and progress.

7. The Mechanism of Law Reform

This is at present dependent on the Law Reform Commission and ad hoc committees of enquiry. I propose to suggest a more effective method of achieving reform.

8. Information and Statistics

I propose to advance and discuss an integrated plan for the collection of criminal justice information and statistics in each Australian jurisdiction and discuss the plan by the Commonwealth Bureau of Statistics for a nationwide collection system.

9. The Adversary System - A General Appraisal

As mentioned earlier, in courts of summary jurisdiction this has a statutory basis well over a hundred years old which has largely escaped criticism or evaluation up to the present time. It is suggested that the advent of the computer will eventually lead to an assessment of the effectiveness of the system.

SENTENCING DRINKING DRIVERS IN NEW SOUTH WALES

ROSS HOMEL

There is a growing literature in psychology, sociology and criminology on the operation of the criminal courts. A persistent theme, especially in the sociological literature, has been the question of bias in the sentencing process associated particularly with social class but also with the race, sex and age of the offender. A second major theme, tackled usually from a more psychological perspective, has been the question of disparities between magistrates.

With an accumulation of empirical studies, the proposition of the Marxist and conflict theorists that severity of disposition is negatively related to social class is coming increasingly under attack. On the other hand, research into sentencing disparities has revealed the 'human' nature of sentencing and the importance of the attitudes, philosophy and social background of the magistrates as factors in the sentencing process.

The present study focuses on the sentencing of 15,000 drinking drivers convicted in N.S.W. in 1976. The data are derived from the statistical records of the N.S.W. Bureau of Crime Statistics and Research, and includes information on the court at which the offender appeared, the penalty s/he received, some personal characteristics and some attributes of the offence. Following Hagen et al (1979), the available data were divided into four categories :

(a) offence characteristics ('legal variables') :

offence seriousness (blood alcohol level) and prior record (traffic, drink/drive and criminal separately);

(b) court appearance variables :

plea and legal representation;

(c) offender characteristics :

sex, age, marital status, occupational status and driving record;

(d) characteristics of the court :

rural/urban, surrogate measures of magistrate's 'sentencing style' and overall severity.

This method of classification allows a test of the Marxist model, since it takes into account the claims of the system itself to sentence mainly on the basis of offence characteristics (hence expressing and preserving societal values through the even-handed enforcement of laws). The dependent variable was categorised as: 556A dismissal or recognizance, bond, fine and disqualification only, fine and restricted licence, or imprisonment. In addition, the amount of the fine and the period

of licence disqualification were analysed.

Utilising the full power of the multivariate general linear model (including the multivariate logistic model for categorical dependent variables), a series of models were constructed to facilitate a parsimonious description of the factors correlated with the penalty. The initial analysis, on one half of the sample, focused on variations between courts and allowed the construction of the magistrate dimensions of 'sentencing style' referred to above. These dimensions were based on the actual behaviour of magistrates and hence penal philosophies and attitudes can only be guessed at. They are conservative measures of magistrate variability, since they were based on courts rather than individual magistrates.

Utilising these dimensions, models were constructed for the other half of the sample, paying particular attention to the effects of the extra-legal variables listed above. The possibility that 'sentencing style' affected the perception of other variables was allowed for in these models by incorporating interactions of magistrate dimensions and other variables.

It was found that a very high percentage of the variance in penalties could be explained by these models. For example, Wilks' Lamda for the most comprehensive (reduced) model was .20, corresponding to a squared first canonical correlation of 58 percent. This is much higher than has usually been found in the literature, and indicates that the severity of the penalty imposed on a drinking driver can be reasonably accurately predicted from a small amount of information.

Extra-legal factors were found to be consistently related to the penalty after legal factors had been taken into account. The most important of these was the court, which not only affected the penalty but also affected the effect of other factors (in a very complex way). Social class and legal representation had a consistent but relatively moderate effect on the penalty. Age was the most important of the offender characteristics.

It is concluded that although the Marxist theory is supported, legal variables together with the characteristics of the presiding magistrate are of major importance in determining the penalty.

Reference

Hagen, J., Hewitt, J.D., Alwin, D.F., 'Ceremonial Justice: Crime and Punishment in a Loosely Coupled System', *Social Forces*, 58: 2, Dec. 1979, pp.506-527

POLICE/COMMUNITY INVOLVEMENT PROGRAM - PILOT PROJECT

DAVID SMITH

The Victoria Police bases its activities on a number of principles which provide the guidelines within which our goals can be successfully achieved. These principles state, in part, that the role of the police is to prevent offences in preference to detecting the offender afterwards; to this end police seek the closest possible community involvement. Police have a need to be sensitive to public opinion and respond to changes in the nature and complexity of the community's needs, expectations and problems. The Force exists to provide an effective, professional service to the people of Victoria in the fields of crime, traffic, public order and social welfare.

To increase effectiveness in providing service to the community the Force has developed a Police/Community Involvement Program. The purpose of this program is to provide a planned and practical approach to police/public involvement in the many aspects of crime prevention.

To evaluate the concept a Pilot Project will be conducted over twelve months, from February 1981, within Westernport ('Z') District, based at Frankston. Thirteen members will staff the pilot scheme. Suitable personnel, as selected, have been seconded to the Pilot Project. The duties of the Pilot Project staff will be in accord with its objectives, which are :

1. Promote awareness of the police role.
2. Develop community interest, support, cooperation and confidence in assisting police to attain Force objectives.
3. Identify police and community problems, needs, attitudes and expectations relative to the police function.
4. Act as a focal point in assisting police and other organisations/individuals within the community to co-ordinate their activities towards common goals.
5. Conduct research in connection with designated projects.
6. Provide practical assistance, through information and feedback, to police and community.
7. Monitor and evaluate the Police/Community Involvement Program - Pilot Project and its individual projects.

Organisationally, the unit will operate in three areas of responsibility :

1. Community Affairs

Develop and coordinate avenues of communication between the local Force and community groups including government and non-government agencies.

Develop and implement suitable joint projects aimed at preventing crime and disorder. Examples of projects under consideration are :

(a) Education Project - Aimed at enhancing the Traffic Department's objective in reducing the road toll.

(b) 'Neighbourhood Watch' Project - Involving a coordinated police/community effort to prevent local burglaries, vandalism and street offences.

(c) Elderly Citizens Project - To identify areas of concern involving elderly citizens, their problems and needs within the police area of responsibility.

2. Information Services

Provide an information reference service for police, to community systems and for the public, information and education concerning the police function.

The type of services would include :

(a) Twenty-four hour referral service for police regarding available, creditable local services and resources, their functions and capabilities. This would include welfare, medical, emergency accommodation, equipment and so on.

(b) Information service for the public regarding police services available and how to use them.

(c) District Register of Agencies and Services - to include service organisations, the media, community representative group membership, other government agencies and services.

(d) Research and Analysis - conversion of research data to usable operational form for local police.

3. Juvenile Aid

Provide a focal point to promote creditable communication and co-operation between police and other agencies concerned with juvenile justice and crime prevention by :

(a) Cautioning Program - extension to include assessment and referral and monitoring service for the existing project.

(b) Special Projects aimed at specific local projects, e.g., juvenile drinking project, shopstealing projects, drug abuse, etc.

(c) A Support Service for operational police.

Evaluation

The Police/Community Involvement Program concept will be assessed in terms of the effectiveness and efficiency of the Pilot Project via the evaluation of its many components. The purpose of the evaluation is to provide sufficient reliable information to assist decision-makers to make

judgments to the future commitment to and direction of the Program and its parts.

The Pilot Project staff will participate in the development and application of various monitoring and evaluation procedures. These processes will also be subject to scrutiny on a regular basis by non-police personnel.

The pilot scheme is an action program with a strong practical thrust to involve the community in crime prevention. The outcome of this experiment may well have far-reaching consequences concerning the methods of carrying out the role of police in our community.

RESPONSE MANAGEMENT INFORMATION SYSTEMS FOR THE AUSTRALIAN FEDERAL POLICE

LIONEL CLAYDON

Police work is largely concerned with the gathering, processing and dissemination of information. Yet generally the demand for police services is not reflected in the statistics published by the Police.

Although all police forces publish statistical data of offences accepted for investigation, the description of the offences and the results of investigations are not necessarily uniformly defined between the various police forces. It is therefore difficult to arrive at valid statements when comparisons are made between forces or when attempts are made to develop national aggregations of the incidence of specific offences reported, or whether offences were against Commonwealth or State jurisdiction.

Although the Australian Statistician publishes a series of Uniform National Crime Statistics, the series is so restricted that they do not provide an adequate basis on which detailed study of police activities can be sustained.

The Australian Federal Police is aiming to publish a range of statistics in its Annual Reports. However, it is acknowledged that they may be inadequate in the short-term for some research purposes. Much of the criticisms made of police statistics in general, may be validly applied to our series.

The A.F.P. have, though, with the assistance of the Australian Bureau of Statistics, commenced a total review of the series. This will lead to the production of Federal Police statistics as the result of a joint project by the A.F.P. and the Australian Statistician. Planning for the review was undertaken by a team which included a senior officer from the Australian Bureau of Statistics. During development the Australian Statistician continued his involvement by the provision of consultancy services on statistical methodology, analytical techniques and methods of gathering data. The offence classifications, disposition codes and related matters will be developed to conform to standards established by the Australian Statistician.

The statistical review and development has been phased to coincide with, and integrate, sub-systems of a major computer based management and operational system for the Australian Federal Police. This system is being progressively introduced, some sub-systems are already operational and the national A.F.P. computer network linking all of our establishments in Australia is expected to be completed this year.

The project team, the statistics unit and the computer systems branch have been brought together within the Information Systems Division to ensure that the project can proceed in a coordinated, rational manner.

We call the developing system, 'The Response Management Information System', (RMIS). The system will perform a number of significant functions

some of which have not been previously attempted in Australia.

Using the system we will be able to log details of all requests for assistance made on the police system, irrespective of the nature of the assistance sought. This 'Incident Reporting System' will also allow for the entry of details where the police initiate the action without a formal request for assistance.

We will be able to identify the workloads assigned to Divisions and for the first time have sufficient data which will identify manpower needs relative to cases referred for investigation. The 'Personnel Management' component of the system will considerably assist with resources allocation.

The 'Criminal Offence' component will allow the linking of an offence to an incident report and enter relevant details of the investigation, including offender details. It will provide enquiry and interrogation facilities for extracting information about crime patterns using criteria such as type of offence, date of offence, geographical location, and so on.

By coordinating the development of the 'Charge and Prosecution Management' component of the system with the Australian Bureau of Statistics, data fields should be consistent with those generated within other components of the Criminal Justice System, including at least courts sitting in Federal Jurisdiction.

This summary has not attempted to describe other significant components of the RMIS, such as 'Command Management', the management of major disasters, major crime investigation management and others. Those benefits are at least implied. The focus of attention has been fixed upon some of the current shortcomings in police statistics. We recognise the existence of those shortcomings. It is our intention that, with the assistance of colleagues in the Australian Bureau of Statistics, rapid progress will be observed in the production of useful and detailed statistics reflecting the role and operations of the Australian Federal Police.

STATISTICS FROM SOUTH AUSTRALIAN CRIMINAL COURTS

JUDITH WORRALL

A system of statistics from Courts of Summary Jurisdiction in South Australia was implemented in Adelaide Magistrates' Court in January 1979, and extended statewide in July of that year. A similar, but more detailed and comprehensive system from the Supreme and District Criminal Courts was implemented in July of 1980. The following paragraphs review the respective systems, their statistical output to date, and their potential utility for research and policy development.

Courts of Summary Jurisdiction in South Australia hear approximately 160,000 cases per year. As our data are presently collected by hand, statistical coverage is limited to the more serious matters, and excludes parking and minor traffic violations. The volume of cases incorporated in the system amounts to approximately 24,000 per year, and includes such matters as alcohol related driving offences, drunkenness, offensive behaviour and shop theft, in addition to more serious charges.

Information on the nature of charges laid and the outcome of proceedings is entered from case files onto a printed form by clerks of court throughout the State. Information on the defendant's demographic background and previous criminal record are recorded on another form at Police Headquarters. Data from the two forms are then merged on a computer file.

The system has resulted in the publication of three descriptive reports to date. These summarise the background characteristics of defendants charged with, and the outcome of proceedings arising from, the dozen or so most common summary offences. The details for each offence are divided into three categories of courts: Adelaide Magistrates' Court, all suburban courts and all country courts. Details are also given of outcomes of proceedings of Commonwealth offences.

On numerous occasions, information has been extracted from the computer file at the request of individual Magistrates and Ministers. These have included summaries of information on the following topics :

The past record of drink-driving offenders;

Sentencing of offenders charged with shop theft;

Cross/tabulation of types of drugs by the age of offender for those defendants charged with possession of drugs;

Sentencing of offenders over 50 years;

The bail status and amount of bail in the Port Adelaide court for Aboriginal defendants compared to non-Aboriginal defendants;

Re-offending of shoplifters.

In addition, the Office of Crime Statistics provides individual statistical summaries to members of the legal profession who represent clients

in appeals against sentence. For a fixed fee, we provide a standard summary of sentences awarded to persons convicted of a specific offence, distinguishing between first offenders and those with previous adult convictions. These summaries have been received in evidence by the Supreme Court of South Australia.

The Office also provides information services to authorised researchers. One recipient of a Criminology Research Council grant used these data in a study of remands. More recently, we provided the Australian Law Reform Commission with information on the nature of charges laid against Aboriginal defendants in South Australian courts.

In the first of these used by researchers the data on file were used to select a sample of cases. Additional information was extracted from a visual search of the court files, the data collected in our system were appended to this, and all data were then provided on a tape to the researcher for his own use. In the second example, some preliminary breakdown of data for Aboriginal defendants has been provided. This showed the offences committed by Aborigines at all courts in South Australia. We anticipate providing a tape of data for all defendants from a selection of courts where a significant number of Aborigines have appeared in the time span of interest.

Data will also be provided to the Australian Bureau of Statistics on a regular six-monthly basis on a tape. This will allow them to produce their information for the reporting of Uniform Crime Statistics from South Australia. The 1980 data will be available in the near future.

Supreme and District Criminal Courts in South Australia hear approximately 1,400 cases per year. This comparatively low volume of cases, combined with the fact that records are kept in a central location, enable data to be collected by a single clerical officer. These factors also facilitate the collection of more detailed information on the nature of criminal proceedings.

As the development of a system of higher court statistics has occurred only recently, its products are still in preparation. The details of our quarterly higher court statistics will soon be significantly enhanced. Moreover, we envisage the publication of comprehensive annual reports only a few weeks into a new year. The system will be accessible on line through a computer terminal, and will thus enable us to answer a larger number of queries, more quickly and inexpensively, than has been possible from Courts of Summary Jurisdiction.

A SURVEY OF WESTERN AUSTRALIAN DRUG OFFENDERS

CHRIS FOLEY-JONES

In response to a request from the National Drug Inquiry for information relating to drug offenders, a survey of drug offenders was carried out by the Planning and Research Section of the Western Australian Department of Corrections.

The survey was aimed primarily at determining attitudes of drug offenders towards drugs and imprisonment as it was felt that this could be of some importance in the framing of legislation.

A total of 75 respondents were interviewed - some of the major findings were that drug offenders were exclusively non-Aboriginal with mean age of 23.8 years, belonged to a greater degree to the higher socio-economic bracket in terms of occupation (compared with the prison population at large) and 84 percent were employed at the time of arrest. This population was thus distinctly different from the general prison population.

While 90 percent of the respondents thought marijuana should be legalised, the majority also thought that opiates should remain illegal (64 percent). The stepping-stone hypothesis was not supported (i.e. that usage of marijuana leads to use of opiates) but it also became apparent that there does seem to be a personality type who would use any drugs available.

It also became apparent that over half the population had committed criminal offences (not necessarily detected) aimed at obtaining drugs for personal use.

Only 5 percent of respondents said that they would be completely deterred by the experience of imprisonment from all further drug use with the remainder saying they would continue to use some sort of drug. About 30 percent of prisoners said that they found imprisonment to have had some beneficial effects.

In summary, drug offenders generally formed an atypical group among the prison population, shared community attitudes towards the harmfulness of opiates but did not consider marijuana harmful and were not deterred from future drug use by imprisonment.

CRIMES AGAINST RETAILERS: A VICTIMISATION SURVEY

DENNIS CHALLINGER

Introduction

This ongoing project aims to establish more accurately the level of crimes against retailers than is provided by official police statistics. As retailers and especially small retailers, provide fairly available crime targets, it is important to establish their true level of victimisation.

A 1979 L.E.A.A. report suggests that the four crimes most often suffered by small retailers (the majority of Australian retailers could be called 'small') were: robbery, burglary, shoplifting and internal theft. The first of these is indubitably well reported to the police, but not so the others.

In this project it was decided to adopt two criteria for offences to be included on the victimisation questionnaire. These were (i) that the offence was apparently frequent and (ii) that the offence was most likely under-reported. After discussion with retailers, burglary, vandalism, internal theft, bogus cheque passing and shoplifting were included. (Other relevant offences like extortion, blackmail and confidence tricks of various sorts were therefore excluded.)

Method

In November and December 1980 questionnaires, covering letters and post-paid return envelopes were distributed to Victorian retailers through two methods. Firstly, the cooperation of six trade organisations allowed questionnaires to be included in the organisation's regular mailing to their members. Thus retailers who never bothered to read their organisation's magazine or newsletter probably would not have found the questionnaire. And although all organisations had sufficient copies of questionnaires in November, one in particular did not mail until well into December, causing the questionnaire to arrive well into the retailers' very busy Christmas trading period.

Secondly, a selection of retailers received questionnaires posted directly to them after their addresses were gleaned from the yellow pages telephone directory. This was not a random sample as, for example, chemists shops were receiving questionnaires through the Pharmacy Guild mailing, so these were excluded from direct mailing.

Overall, in the region of 5,000 questionnaires were probably successfully targeted through the organisational distribution. And after allowing for mail 'returned to sender', 510 questionnaires were mailed direct to Yellow Pages retailers.

Response Rates

There were quite different but not completely surprising, response rates for questionnaires distributed through different organisations and the direct-mail sample, but overall a 32 percent response rate has been achieved.

Results to Date

Notwithstanding the well-documented problems inherent in victimisation surveys, and the problems with respect to the representativeness of the respondents the following are preliminary results based only on the first 1,798 completed questionnaires received :

1. Burglaries

Within the total sample about 20 percent indicated they had been burgled within the last year. In many cases, often due to alarms frightening away the burglars, no financial loss was involved. In other cases, because insurance covered the loss, respondents indicated no nett loss without revealing what the extent of the loss had actually been.

2. Vandalism

Some respondents pointed out the great difficulty in determining whether acts of damage to their property had been malicious or not. It may be that some respondents who indicated that they had been victims of vandals may simply not have been, but bearing that in mind, 19 percent of the total respondents answered positively. Insurance claims again affected responses to the questions about values of damage and these ranged from $8 to $75,000, the last involving a fire that destroyed the premises.

3. Internal Theft

This question elicited the greatest number of 'yes I'm sure it happens but I've no idea how often or how much it costs me' responses. Not surprisingly newsagents indicated a sizable problem in this regard with their adolescent newspaper deliverers. Only 13 percent of the sample were able to give 'accurate' positive responses to this question.

4. Dishonoured Cheques

It is not possible to isolate from consideration those retailers whose policy it is never to accept or cash cheques to which extent the figure of 37 percent of the sample being victims of this practice is simply not representative of the retail population. A few retailers pointed out that after pursuing these bad customers their only nett loss involved bank charges. The 'worst' reported case arose from a chain of stores in which 65 cheques involving $15,000 were passed during a 12 months period.

5. Shoplifting

The question on the questionnaire relating to customer theft from shops presumes the universality of this practice in the retail area. However the main problem faced by respondents was that the question asked about persons caught, and many sadly pointed out that they simply hadn't caught anybody.

Overall 27 percent of respondents indicated they had caught at least one shoplifter in the past 12 months. In fact about 2,600 shoplifters were claimed to have been caught by these 435 retailers. The brief personal characteristics of some of these will later be compared with convicted shoplifters for whom details are available from the police.

6. Additional Comments

While only 4 percent of respondents took the opportunity to provide additional comments on the back of the questionnaire, these provide valuable material. They cover such aspects as the expenses retailers face in pushing for prosecution of thieves, or in pursuing bad cheques; the apparent disinterest of the police in shoplifters; the folly of proceeding publicly against a shoplifter in a small community, the effectiveness of direct action with shoplifters and so forth.

SENTENCING OF FEDERAL OFFENDERS

SATYANSHU MUKHERJEE

Under an arrangement, the Attorney-General's Department forwards to this Institute copies of all entries made in the Register of Prisoners. The register contains all cases of persons who are sentenced to terms of imprisonment under federal legislation or under territorial ordinance. This Institute has been accumulating this material since 1974. Up to 31 December 1980, the Institute's collection includes 3,750 cases.

The Register of Prisoners contains information on the background of offenders as well as his offence and sentence. Very often, however, information on some variables were not recorded. We have now coded all the information and have transcribed these on magnetic tapes.

The main objectives of the research are: (i) to identify the profile of federal prisoners and (ii) to ascertain the disparities in sentencing across courts and across jurisdiction, if any.

As stated earlier, the Register of Prisoners contains cases from the two Territories as well. Almost all persons sentenced to terms of imprisonment from Northern Territory and the Australian Capital Territory are for conventional crimes and they were sentenced under local ordinances; they were therefore not federal offenders. In order therefore to analyse federal prisoners, we have excluded cases from the two territories. This procedure leaves us with 1892 federal prisoners in the six States between 1974 and 1980.

The analysis of the data is still continuing; some preliminary observations, however, are as follows :

(a) A federal prisoner is predominantly male, under the age of 30, with some secondary education, unmarried, holds lower class job or is unemployed, and is in prison mainly because of a white collar crime such as forge and utter or fraud, or importation of drugs.

(b) His offence generally is of the nature which is tried at the magistrates' court and he is sentenced on an average for less than a year.

CRIME PREVENTION AND THE DESIGN AND MANAGEMENT OF PUBLIC DEVELOPMENTS

DONALD PERLGUT

Introduction

This paper presents some preliminary findings of a research project that investigates the planning, design, and management of community facilities and other public developments. This research is being conducted at the Social Planning and Research Unit, located in the School of Social Studies of the South Australian Institute of Technology, Adelaide. The principal investigators are Donald Perlgut and Wendy Sarkissian. The research project is funded by the Criminology Research Council.

This research utilises survey and case study techniques to identify and analyse the crime prevention knowledge and understanding of architects, town planners, and public administrators involved in the development and management of public facilities. Research activities involve three main components :

(1) An extensive review of literature in crime prevention, and architectural psychology and sociology.

(2) Structured and unstructured interviews on crime prevention with architects, planners, and administrators.

(3) Case studies of numerous public developments, including housing estates, large and small community centres, and public libraries and swimming pools.

Literature Review

The literature review concentrates on the area of crime prevention and environmental design, but also investigates general concepts of crime prevention and the fields of architectural psychology and sociology. Both Australian and overseas sources are being examined.

The field of crime prevention and environmental design has been dominated for almost ten years by Oscar Newman's concept of 'defensible space'. Recent research, publications, and most importantly government programs in both the U.S.A. and the United Kingdom have served to expand this field greatly, although such information is slow to reach Australia. Australian research and writing in the environmental crime prevention field has been minimal. This may in part be attributed to lower rates of crime, but also results from a more traditional (and less comprehensive) approach to the field of crime prevention.

Survey of Crime Prevention Knowledge and Expertise

Interviews with architects and planners indicate that one of the problems with a catchy title like the 'defensible space' concept is that

it is used (and abused) widely by people who know little or nothing about it. A strong trend is evident among our respondents (and paralleled by overseas developments) to call all crime prevention which involves physical planning 'defensible space'. This is part of a tendency to simplify crime prevention ideas. This appears to be resulting in a widespread knowledge of a few 'Key' words without real understanding of the underlying concepts, and more importantly of how to implement these concepts.

Our preliminary survey results also indicate extensive concern among public administrators about crime and vandalism of facilities. A recent survey was conducted of council employees in a large suburban city in South Australia. Of 31 respondents, 26 (84 percent) said that vandalism was a major problem in the city, while only 5 (16 percent) said it was a minor problem. No-one said that it was not at all a problem. In the same survey 17 (55 percent) reported that 'crime and vandalism were a major concern' of their job, 9 (29 percent) said it was not a concern, and 5 (16 percent) were ambivalent or did not know.

Case Studies

The case studies for this research project examine the planning, design, and management of public developments with attention to crime prevention. The most interesting and richest component of the case studies has proven to be the facilities management aspect. Most of the case study facilities have reported a recent rise in crime and vandalism problems. Some of this is related to summertime school holidays, but most managers agree problems have been building over the past few years, generally related to teenage unemployment and boredom. In one large outer suburban council in South Australia, incidents of break-ins and major vandalism or council buildings have jumped from an average of one a month to five or six a month.

Many administrators and managers do not feel competent to handle security problems and are increasingly turning to private security and guard services. Little evaluation is conducted of the effectiveness of such services and as a result incidents often appear to increase as the services may be wishing to justify continuing their contracts.

Recommendations and Conclusions

A tremendous amount of commonsense understanding of environmental crime prevention exists among architects, planners, and public administrators. This experience is generally not codified or passed down in any but informal ways. There is a pressing need for systematic training in the area of environmental crime prevention. This could be achieved through short courses and programs and by inclusion of these topics in the curricula for architects and town planners.

CRIME PERCEPTION AND RESIDENTIAL MOBILITY IN AN INNER CITY SUBURB

JOHN MINNERY AND GEOFF VEAL

The paper presents the preliminary findings of research carried out in Spring Hill, Brisbane. The aim of the research was to investigate the links, if any, between perceptions of crime rates in an inner city suburb and residential mobility. The intention was to compare the perception and experience of crime of households now living in Spring Hill with households that had moved out. The study was expected to have benefits for urban planning policies involving inner city residential renewal.

Spring Hill is an old working-class suburb close to Brisbane central business district. It is currently undergoing a land use conversion process: offices, small industries, government buildings, and associated car parking are forcing out residents, but it is also beginning to be affected by an influx of middle income families. The suburb's future is uncertain. Currently there are fewer young children, more elderly, more unemployed, and more single households than is normal elsewhere in Brisbane. Although the area is small it does not consist of a single well-integrated community. Spring Hill has a reputation of having a high crime rate.

The major effort in the investigation was a questionnaire survey of 190 households in the suburb (a quasi-structured sample of roughly 20 percent of all households) and of six households that had moved out of Spring Hill.

The results indicated that despite opinions held by outsiders, crime was not considered a serious problem by residents. Only 12 percent of respondents felt that local crime rates were more serious than in other similar suburbs, and 37 percent felt rates were actually less serious. These opinions were supported in part by the scanty and unsatisfactory statistics available on reported crime in Spring Hill. Many of those who felt the local rate was high had intimate knowledge of an incidence of crime with someone in their household or close to them having been victimised. Experience of crimes against the person seemed to have a stronger influence on opinion than experience of crimes against property. However, in more general terms, the types of crime felt to be the most serious problem in Spring Hill were the less serious, but highly visible crimes of public drunkenness and vandalism.

Some differences in replies correlated with type of dwelling and whether the household had moved into the suburb in the last five years. For example, a greater proportion of residents in detached houses were victims of theft, and vandalism, but residents of flats and home units were more affected by assault and nuisance calls. Opinions on who were most affected by crime were obviously related to the population structure: respondents felt that the elderly and other adults were most affected.

64 percent of respondent households had not been affected by crime in the last five years. 7 percent had been affected by crimes against the person, 16 percent by crimes against property, and 13 percent by crimes against both of these. 38 percent of type-occurrences mentioned were not reported to the police, but reasons given for non-reporting were extremely varied. There were some parallels in reasons given with other crime reporting studies.

Many respondents identified additional actions by the police and other authorities as being necessary to help reduce the local crime rate.

Because so few out-migrants could be contacted, it was not possible to make a reasonable comparison between their experience and perception of crime in Spring Hill and those of current residents. Those contacted did feel, however, that the crime rate was not high and that crime was virtually irrelevant to their decision to move out.

In response to a general question on the 'bad things' about Spring Hill, crime and safety ranked equal fifth after lack of services and amenities, traffic noise and congestion, the problems of the physical and built environment, and undesirable characteristics of the population. Crime and safety were ranked equally with the problem of incompatible land uses. However, a listing of the 'good things' about Spring Hill did not include mention of a low crime rate. As would be expected the major attraction of the suburb was the convenience resulting from its inner city location.

The conclusions of the study are tempered somewhat by its problems in reaching the original research objectives. The major finding was that local residents did not feel Spring Hill had a serious crime problem, a result which was not expected when the research was started. It may reflect nothing more than the community's desire to present an acceptable image to outside researchers.

In part, the perception by outsiders of the high Spring Hill crime rate may reflect stereotypes held about the results of disjointed built environments such as exist in Spring Hill. Local ideas may reflect local concern about highly visible 'nuisance' crime and deviant behaviour by those who felt the local crime rate was high. The research was on a modest scale and did not answer any substantial questions. It did, however, raise a number of interesting issues.

DEMOGRAPHY, PLANNING AND CRIME

JOHN WALKER

Following many years working in various areas of urban and regional research I entered the field of criminology just over a year ago, concentrating on the analysis of broad trends in crime in Australia. While working with Sat Mukherjee on the correlates of crime we discovered the curious paradox that, using data from 1900 to 1976, the percentage of the population under ten years of age was a good predictor of the overall crime rate (measured by the number of charges per 100,000 population aged 10 or more heard at the magistrates' courts each year) whereas age-specific data shows that by far the majority of crimes are committed by people in the 15-24 age group. Attempts to rationalise this result all failed until we applied a touch of lateral thinking which led us to a striking result which should be of great interest, at least, to planners.

Briefly the logic goes as follows :

Crime is high nationally when there are many under-tens in the national population (analytic result) because -

1. Many under-tens probably indicates pressure on the housing market, i.e. high demand for housing (confirmed by the data available to us).

2. High level of demand for housing means a 'large scale' style of development will be preferred by the industry - new suburbs, growth centres or high-rises depending on the era.

3. Large scale development means (or used to mean) mass dislocation, absence of facilities and of the normal 'social fabric' - and most importantly, the concentration of people in the 15-24 age group in circumstances which maximise the opportunities for crime - lack of supervision, lack of more constructive forms of entertainment, empty houses, etc.

Steps 1. to 3., if true on a national scale, would effectively provide an explanation of the paradox. If we try to confirm some of this argument by comparing the national rate of house building with the national crime rate we get an astonishing similarity between the curves - each rise and fall in the building curve corresponds with a similar turning point in crime rates. The only major divergence between the curves of 'Value of all dwellings constructed' (measured in constant dollars) and 'Total crime rates per 100,000 population 10 or more years of age' is during the years when high-rise development was a significant part of the construction program. The fact that crime rates were significantly in excess of 'expected' values during these years tends to confirm rather than confound the hypothesis!

Many other variables and models which could 'explain' crime rates have been analysed. Variables such as unemployment rates, car-ownership rates, police/population ratios and so on have been used; we have examined lagged relationships, all conceivable kinds of partial relationships, cyclical relationships and we have performed many variations of path analysis. We have so far failed to find a more convincing model of crime trends.

It would come as no surprise to planners that poor planning can lead to increased delinquency figures, but the fact that it may be significant at the national scale indicates that perhaps they and we have previously underestimated the strength of the arguments put forward in favour of systematic urban planning - especially in relation to large scale housing projects.

SENTENCING: THE VIEWS OF AUSTRALIAN JUDICIAL OFFICERS*

DUNCAN CHAPPELL

In April 1979 the Law Foundation of New South Wales, jointly with the Australian Law Reform Commission (A.L.R.C.) undertook a unique survey of judicial officer views on sentencing. A detailed questionnaire containing 50 questions on a wide range of sentencing issues was mailed to judges and magistrates throughout the country. 369 judicial officers eventually completed the questionnaire - a response rate of almost 80 percent.

The results obtained from this survey were published in a preliminary form in A.L.R.C. Report No. 15 *Sentencing of Federal Offenders* which was tabled in Federal Parliament in May of last year. These results provide a rare glimpse into the minds of a group of Australians who are seldom exposed to public scrutiny outside the narrow confines of the courtroom. They are also results which begin to provide answers by 'the people who know most about sentencing' to some of the questions raised in the ongoing debate in Australian society about the imposition of punishment.

In collaboration with Peter Cashman of the Law Foundation of New South Wales the author is now engaged in the preparation of a book based upon the judicial officer survey results. In this paper an overview will be provided of the general issues to be addressed in this book which will be published for the Law Foundation, as part of its Law and Society Series, by George, Allen & Unwin. These issues include discussion of the current method of selecting and appointing Australian judicial officers; a detailed statistical analysis of the attitudes of judicial officers towards the imposition of punishment; and the review of a number of contemporary sentencing matters of special interest and concern to the Australian community including the use of capital and corporal punishment, imprisonment, parole and various alternatives to imprisonment.

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* Opinions expressed in this paper are those of the author alone and should not in any way be taken to represent the views of the Law Foundation of New South Wales or the A.L.R.C.

INSTITUTIONAL PRESS: A CASE STUDY OF SECONDARY + SOCIALISATION IN AN AUSTRALIAN POLICE ACADEMY

GERRY McGRATH

If since you went before the recruiting committee you've committed any sort of offence, involved in any sort of court action, civil or criminal, had any summons or warrant issued against you, had any parking or traffic infringement including parking, if you have been spoken to by police, incurred any debt you are to report it to Sgt Davies who is in charge of these matters. It is not an invasion of privacy. It will be explained to you. If you've had a parking or traffic offence we want to know about it. If you've been involved in an accident we want to know about it. *

(Drill instructor, Day 1
Initial Training)

Every twelve weeks some 130 trainees from throughout N.S.W. and neighbouring States are assembled in unfamiliar military formation on the proclaimed-as-hallowed earth of the parade ground of the N.S.W. Police Academy in Redfern, an inner city suburb of Sydney. Some come with approximations of the police department's requirement in dress and haircut code standing around in casual but 'smart' sports jackets many emblazoned (wisely as it turns out) with the insignia of sporting achievements. A few come as if they've wandered off the Hill at the Sydney Cricket Ground. Standing at a second floor window at 7.15 a.m. on induction morning I watched the assembly nervously gathering near the 'eastern gates'. The drill instructor standing beside me pointed to one trainee sauntering across the parade ground, 'He's got the trifecta this bloke. On the parade ground, long hair and hands in the pockets.'

This paper reports the progress of a cohort of trainees through the Initial Training period of 55 days. Acknowledging the methodological imperatives of the Chicago school of symbolic interactionism this study seeks to monitor the attempted and largely successful attempts of experienced instructors to mould the Initials into policemen.

We have a set standard here regarding dress, a set standard regarding haircuts. The (police) *Association tried to change it but the Commissioner rejected it. That is the way it's going to be.*

(Drill instructor, Day 1
Initial Training)

+ Acknowledgement is made of the support of the Criminology Research Council.

* All names are fictionalised.

Using the techniques of semi-participant observation, unstructured and semi-structured interviewing the project attempted to capture the nuances of an institutional press and its differential impact on a heterogeneous group of trainees ranging in age from 18 to 33, from backgrounds as varying as unemployed to bank accountant.

> *When you speak to instructors you are required to stand up and stand to attention. You will stand up. We're not going to treat you like children. You're not to loosen your tie until told to. We'll tell you when you can take your coat off.*
>
> (Law instructor, Day 1
> Initial Training)

The paper reports the seemingly unquestioning acceptance of a quasi-military discipline on a group who have survived a rigorous selection program which allows one in eight serious applicants to proceed to the Academy for Initial Training. The paper reports the training as it appears through the eyes of the socializee and their unexpected reaction to what seemed to be an alien mode of control.

> *You are all sort of on the same bat here. They stick like glue, even after only four days, I could see that the class was getting really close together. There were the guys and the instructors and you had to stick together to pass your course, you give each other spelling tests, and ask questions and that. I realised the other day while looking at them all. They all have got short hair, but what were they like before they joined up. There is probably a lot of really heavy guys there, and I was thinking that if I had seen some of these guys before coming in here, I would probably have walked away from them, they really look tough. When they are in here, on a ground where they can't do anything, you are all on the same bat. You are talking to guys that you wouldn't normally talk to, because they look too heavy, or too big, or not your type of guy. But in here all that toughness is broken down, and that's good. I really like the short hair now, you get used to looking at the fellows in here, and when you get out on the street, you think 'you long hairs'. That's what I like about the force is the short hair cuts.*
>
> (Interview, Initial Trainee)

The privileged access gained to the institution revealed elements of a Goffmanesque mortification ritual;

> *Don't smile dopey. Don't take offence at being called Dopey. Nothing compared to what you'll get on the streets.*
>
> (Pilot study, Day 44 approx.)

which has the important byproduct of unifying socializees in believing in a functional togetherness. Such an ethos is underscored in a myriad of subtle ways against a formal backdrop of being welcomed to the 'police family'.

The paper argues that unlike many other developmental institutions studied by Garner, Becker, Dornsbusch and to a lesser extent Harris any contingency in the socializee's perspective towards their graduating as probationers is absent.

The hurdles, albeit small, in front of such trainees are more physical rather than academic and are often concerned with off-academy behaviour rather than in-academy behaviour. The cardinal threat is the premature claim of membership status.

> *You are not members of the police force. You are civilians. Don't flaunt your* (police) *notes in trains or buses. Don't let anyone believe you're a policeman. You'll get yourself into a lot of trouble...*
> *During the course you'll be given your uniform. You cannot wear them. You can only wear it at the passing out parade. It's a criminal offence to impersonate a policeman. Don't go playing police - if you do you'll get the sack. If you're caught wearing the uniform you'll be charged.*
>
> (Reconstructed field notes, Day 1
> 161 Initial Training)

Locating the findings within other studies of developmental institutions both police and non-police the paper concludes on a basically (given the savage time restraints) positive estimation of the efforts of academy personnel at the same time recommending a rethinking of initial police training to better accommodate by the adoption of an integrated model, the reality of contemporary police work.

POLICE UNIONISM IN AUSTRALIA

BRUCE SWANTON

The Australian Institute of Criminology was requested by the Police Federation to undertake a study of police unionism in Australia. The request was open ended, the only constraints being the implicit ones that it be of utility to practitioners in providing an increased understanding of the phenomenon.

It was decided to approach the study in terms of structure and process. As the phenomenon has not been widely explored previously, an exploratory stance was taken - part descriptive and part explanatory.

Dimensions selected included :

* History of police unions in Australia

* Structures, process
  - structure, process
  - industrial dispute resolution processes
  - membership representation

* Substance of police unionism

* Impacts of police unions

* Issues in police unionism
  - employee militancy
  - future
  - unionism and professionalisation

* Police Federation.

With regard to the historical account, the principal difficulty has been experienced in achieving a balanced approach, as the vast majority of published sources are union originated. Deep structural biases thus occur which it will be impossible to erase entirely. Employers will uniformly feel offended at the result nevertheless.

The 'great' days of unionism are now over. The basics of industrial stability have all been achieved, although not always quite to the degree desired, e.g. limited access to an industrial commission.

It seems, from the evidence available, that whilst the need for improved economic conditions precipitated the creation of police associations/unions in all cases, there was also a very real need for an avenue whereby subordinate members could express themselves in the face of overwhelmingly authoritarian administrators.

With regard to structure and process, this dimension has not yet been fully explored. However, it has become apparent that grievance resolution processes are important to the maintenance of good morale. Where procedures do not permit the full range of grievances to be adjudicated, some dissatisfaction must exist.

The substance of police unionism, in addition to pursuing improved terms and conditions of service lies in attempting to mediate members' grievances. Grievances primarily relate to departmental administration - 30 percent of total. Matters of supply represent the next most fertile area of grievances, followed by economic based complaints and operations. Public affairs and legal matters result in relatively few grievances, although intense short-term resentment can stem from press campaigns against police.

A State by State survey of impacts of police unionism on environing organisations and institutions clearly indicates that substantial impacts are made on occasions but, the full dimensions of this area remain to be thought through.

The study is approximately half finished and should be complete by the end of 1981.

IMPLICATIONS OF MEMORY RESEARCH FOR JUDICIAL PROCEDURES

DON THOMSON

Memory plays a critical role in the ultimate outcome of a criminal trial. Mnemonic factors that may influence the verdict are: what a witness recalls and the manner of his recall; what judge and jury remember of the evidence given and how effectively judge and jury can prevent inadmissable evidence from contaminating their recall of events. In this paper four areas of research pertinent to judicial procedures currently being undertaken in the memory laboratories at Monash University are discussed. The first area concerns person recognition. We have completed and reported a large number of studies which demonstrate that accuracy in identifying a person as one who has been seen before declines as a function of the number of contextual features are changed. The results of these studies suggest that current techniques of identification are relatively insensitive and thus inefficient.

The second area of research focuses on the constructive aspect of memory. In these studies 'witnesses' after being exposed to particular events discuss with a fellow 'witness' what had occurred. The fellow 'witness' was in fact an accomplice of the experimenter and his version of events was deliberately distorted. A subsequent recall test of the critical event by the naive 'witnesses' was found to be contaminated by the interpolated discussion.

The third area of research to be briefly reviewed examines the ability of judges and jurors to exclude inadmissable evidence. The typical paradigm employed is the presentation of information to subjects with the expectancy that they will have to recall this information subsequently. In one condition after a proportion of the material has been presented subjects are cued to forget that proportion. Several measures of subjects' ability to exclude this information are obtained. One measure is subjects' ability to recall the admissable information, another is the subjects' ability to recall the inadmissable information, yet another is subjects' accuracy in identifying the information as admissable or inadmissable, and finally, a measure is obtained of the influence of the inadmissable information on the quality of the admissable information recalled. Preliminary studies suggest both quantity and quality of the admissable information are influenced by the 'forgotten' information.

The final area of research investigates the competency of children as witnesses. Currently, the competency of children to give evidence is assessed by the judge who generally attempts to ascertain whether or not children understand right from wrong, and if children have this ability, their evidence is admitted. In the pilot study carried out, recall performance of the young children was found to be significantly correlated with their understanding of right and wrong.

The final section of the paper outlines the difficulties confronting behavioural scientists in their attempts to have police, lawyers, judges appreciate the usefulness of research for the judicial procedures.

WOMEN HOMICIDE OFFENDERS

WENDY BACON*

A research project on women homicide offenders in New South Wales was carried out by the Feminist Legal Action Group between July 1979 and March 1980.** The final analysis of the cases, as well as the writing of the report is still continuing. The project is a detailed study of the cases of 36 women who were convicted of homicide offences or found not guilty of such an offence by reason of insanity.

The object of the study was to examine a group of cases in sufficient detail so that we could reconstruct the context and events leading up to the act of killing or attack, placing particular emphasis of the meaning of the act to the woman herself. We then aimed to trace each case as it had been processed through the criminal justice system from arrest to conviction, and in most cases, imprisonment.

The core of the research consisted of interviews, in most cases two each of about one and a half to two hours duration. In the interviews we explored the background to the offence, the woman's personal history and her experiences in the criminal justice system. The information obtained from the interviews was supplemented and compared by a reading of the transcript of the trial and the solicitor's file on the case. Where possible we also interviewed the lawyers who acted in the case.

The majority (24) of the women in our study killed or attacked members of their own family, or a person with whom they were having an intimate relationship. Seventeen women killed their husband or boyfriend. Three women killed their father, who was the same victim in each case. One woman attacked her girlfriend with whom she was living. Three women killed a child of their own. The remaining twelve women were charged with killing victims who were not related to them. Five of these women were convicted of murder of strangers or persons not related to them in the course of robberies, or the prosecution alleged, for other financial gain. In one of these cases, however, the woman vehemently denied she had caused the death at all. Another of these five women suggested to us that the man that the prosecution alleged she had killed for money had raped her several weeks before.

Two aspects of this study are now approaching completion. One aspect is a report on the women who were charged with killing their husbands or boyfriends. The other is an analysis of the police interrogation of the women.

Women Who Kill Their Husbands

Sixteen cases were analysed (one was omitted because it was at that stage to be retried). We identified four particular characteristics of

* For the Feminist Legal Action Group

these cases which were generally speaking, inadequately conveyed in court, if they were conveyed at all.

1. In the overwhelming majority of the cases (fourteen out of sixteen) the husband had been extremely violent in the past to his wife. In most cases, the trial gave an inadequate picture of the violence the woman had endured.

2. Their relationships were oppressive and unendurable as much because of the emotional effects of the violence as because of the actual physical injuries suffered. Many of the women lived in constant debilitating fear. This emotional side to their relationship was rarely explored in any detail when they faced trial.

3. The difficulties the women faced in leaving the marriage were hardly ever explored in a thorough or convincing way that was sufficient to overcome a jury's and judge's preconception that a woman can leave a violent relationship if she wants to and so cannot be said to be driven to homicide.

4. There are features of homicide by women of their husbands that if not seen from a female perspective could be regarded as showing that the homicides were cold-blooded and premeditated and not the acts of a woman provoked beyond bearing by her husband's violence or forced to fight back in self-defence.

We concluded that the images of women as victims, neurotics and provocateurs and the ideology of privacy which surrounds the institutions of sexuality and the family, play a part in perpetuating the domination and violence of relationships such as those experienced by these women. It is those same ideologies and myths which pervade our criminal justice system and which prevented the actual circumstances of these homicides emerging in the court process which judged and sentenced them.

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ENTOMOLOGICAL TIMING OF DEATH

BERYL MORRIS

The accurate estimation of the time of death is of importance in investigations of homicide and of unattended death. Forensic medicine can usually be relied upon to provide estimates over short periods, but their accuracy falls rapidly after more than about one day. Additional methods of assessing time of death are thus likely to be of value in the detection of homicides.

In many cases the bodies of victims are left in the open, or in concealed places, and in these circumstances they almost always become infested with blowfly maggots soon after death. The age of the maggots, then, can be a useful guide to the length of time for which the cadaver has been left exposed. The species of fly that are present may, in certain circumstances, give information about the locality in which death occurred should that be uncertain.

There are many factors that need to be taken into account before an estimate can be made of the age of a blowfly maggot. The two most important of these are the temperature and the species of maggot. Blowflies grow more rapidly at higher temperature and thus the time required to reach a particular size depends on the temperature during growth. Different species have different rates of growth.

Current research is aimed at determining the species of blowflies present in South Australia at each season of the year; the criteria by which all stages in the life-cycle of each species can be distinguished; the rate of development of each species from egg or newly deposited larva to puparium under a range of temperatures; and the relationship between the ambient temperature and that obtaining in different parts of a carcass at different times of the year. Results of these studies will be illustrated.

The next stage of this study is to develop a model by which we can predict the stage that would be reached by any particular species if it were living in a carcass lying in the field at any time of the year, and testing this prediction against deliberately infested carcasses.

Such predictions would necessarily be subject to large errors, but it is possible that estimates made in this way, taken together with information from other sources, would improve the present methods of assessing the time of death. In particular, it should be possible to extend the time over which reasonable estimates could be made up to perhaps a week in summer and two or three weeks in winter.

EVIDENCE FROM GLASS

BERNARD LYNCH

Glass is one of the most widely used construction materials in the world today - buildings, containers, motor vehicles, electronics, lighting, tableware, cookware, scientific equipment and so on. Being so widely used it frequently appears as physical evidence associated with crimes or accidents. The range of uses implies a variety of physical and chemical properties. In addition to specific formulation differences, random variations occur due to changes in raw materials or manufacturing procedures. Forensic analysis of glass aims to determine two things :

(i) in cases where only a crime scene sample exists, to determine the type of glass and hence the possible source as an aid to police enquiries.

(ii) in cases where glass from both the crime scene and a suspect exists, to determine any probative link between the suspect and the scene.

Glass can have evidence characteristics of two types :

(i) with individual identifying features, such as broken pieces which can be physically fitted like a jigsaw, providing irrefutable evidence of origin.

(ii) more commonly, fragments with class identifying features only. In these cases a unique source identification cannot be made owing to the possibility of other identical source material existing.

A considerable number of observations or measurements can be made on glass. These include thickness, shape, colour, fluorescence, photoelasticity, refractive index, specific gravity and chemical analysis. Of these, the first five are useful for quick evaluation but in the majority of cases we must look to the numerically based data of refractive index, density and chemical analysis for discrimination. In general, the greater the number of properties or components measured, the narrower is the classification of the glass possible. Correspondence of the numerical attributes must be interpreted with regard to real differences, inhomogeneities and analytical errors. Therefore, a statistical technique is desirable which enables non-subjective interpretation and avoids assumptions or biases on the part of the investigator. Techniques such as those described by Parker[1,2,3] or Smalldon[4] have appeal.

Refractive index measurements have long been a most useful, accurate and easily performed determination and are considered essential as a first measure. For this reason refractive index data are collected on all samples handled in our laboratories. Studies have shown glass to be quite homogeneous in refractive index over most glass objects, however certain anomalies have been noted and some caution is necessary. The main problem with refractive index as an identifying feature is that considerable overlap exists between and within various categories of glass.

Density has been widely used in the past as a comparative parameter. These measurements were usually based on Archimedes principle or density gradient columns and are rather tedious operations. Density has been shown to be closely correlated with refractive index so that little extra discrimination is achieved by measuring this property.

Chemical analysis remains the area where a considerable amount of numerical data can be obtained. For example, in addition to the major elements (Na, Ca, Si, Al, Mg and B), the elements Ti, V, Fe, Mn, Co, As, Rb, Sr, Zr, Sn, Sb, Ba, La, Ce and Pb have been found at levels greater than 1 ppm. Criminalistics samples such as those involving contact traces are often exceedingly small and methods of analysis must address themselves to this limitation. Accuracy of measurement deteriorates, markedly on sample size reduction. Using spark source mass spectrometry, Locke et al[5] showed that when sample size was reduced from 1 mg to 0.1 mg, analytical precision worsened by factors from two to seven times. With techniques requiring samples to be in solution, volumes must be kept low to retain sensitivity, however the rate at which some techniques consume samples requires a higher dilution than may be desirable. An ideal technique for forensic glass analysis :

(i) enables major and minor elements to be measured.

(ii) enables these measurements to be made with good accuracy and precision.

(iii) can be applied to tiny specimens (down to 10 μg).

(iv) can be applied non-destructively.

(v) can be performed quickly.

(vi) is economically viable.

The techniques which have or could find application in the task of forensic glass analysis are emission spectrography, mass spectrometry, atomic absorption spectroscopy, X-ray fluorescence, neutron activation analysis, inductively coupled plasma atomic emission and electron optical techniques.

In summary both modern analytical techniques and traditional methods provide a variety of alternatives for forensic glass analysis. In all cases, caution must be exercised with findings owing to limitations in these techniques and to the nature of glass itself.

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THE IDENTIFICATION OF SMALL GLASS FRAGMENTS FOR FORENSIC PURPOSES

KEITH TERRY AND ARIE VAN RIESSEN

Introduction

Modern day society uses a lot of items that are made of, or incorporate, glass. Windows, windscreens, containers, headlights, spectacles, are just some of the wide ranges of uses. It is not surprising then that small fragments of this brittle material are commonly encountered in forensic case work. Glass compositions can vary widely, and reflects their functional purpose, so an analysis of small fragments should enable it to be classified into its original role. In addition, the original raw materials contain trace elements characteristic of their location, and together with a manufacturer's own glass formulations lead to the possibility that an elemental analysis of a fragment could enable the original manufacturer (or source) to be identified.

In our project, supported by the Criminology Research Council, the aim is to develop a rapid and sensitive non-destructive method for identifying and comparing small glass fragments that may be significant in a forensic context. In addition, since there currently is no comprehensive information available concerning analysis, composition and properties of glass used within Australia, we are establishing a data-base of types and ranges of glass used within Australia.

Rapid Identification Technique

The requirement in forensic science is for a quantitative elemental analysis of small glass fragments capability, which preferably, is both rapid and non-destructive. This is possible using a scanning electron microscope (SEM) equipped with an energy dispersive X-ray spectrometer (EDS). The interactive area as a consequence of the electron beam can be smaller than one micrometer square, whilst the simultaneous counting of all X-ray photons on the EDS system enables a complete qualitative elemental analysis to be obtained within minutes, if not seconds. In addition the technique is non-destructive, so completing the requirements for a rapid, non-destructive test for identifying the elements present in small fragments.

Our first endeavour in this project has been to ensure that we were optimising the experimental parameters of the conventional electron induced fluorescence of the sample in the SEM/EDS system so that the expected detection limits of 1000 ppm are being achieved. Concurrently we have designed, and built, a thin foil holder so that the sample may be caused to fluoresce as a consequence of X-ray radiation. Preliminary results from this technique indicate an improved detection limit at certain X-ray energies of approximately 50 ppm.

Glass Data-Base

Glass and glass products are imported into Australia in a wide variety of forms. Information from the Australian Bureau of Statistics indicates that the majority of these are obtained from a total of 25 countries.

We are assembling a glass museum from samples provided by local (W.A.) glaziers and importers. Each sample when received is catalogued with its type, source, colour, thickness and refractive index. Its chemical composition will be subsequently documented during the project. Other glass samples are being assembled from case studies submitted to the Government Chemical Laboratories by the W.A. police.

The project is almost at the stage where the spectra of the glasses from the museum and case studies are to be recorded. Once this is achieved then a statistical analysis of the data will be performed to determine relationships between composition and usage of the glasses. This analysis will establish whether our technique can (i) classify glasses as to their usage, and (ii) discriminate between different sources of glasses within one category.

Forensic Case Studies

The final section of the project will be to simulate criminal activities from which glass fragments can be expected to have a presence such as breaking and entering, and hit and run accidents. Comparisons of samples from the 'suspect' and a control will be made to establish the discriminatory power of the technique. At this stage it may also be possible to evaluate the technique in actual case work with the W.A. police.

THE IDENTIFICATION OF PETROLEUM RESIDUES IN ARSONS

PETER THATCHER AND FREDERICK BULL

The Norman McCallum Forensic Science Laboratory in Melbourne has developed a Fire Investigation Section whereby chemists attend fire scenes to determine fire causes. This concept is unique in Australia and also rare in overseas laboratories.

In the course of investigating hundreds of fires each year, difficulties have been encountered in determining the fire origins and therefore fire causes in very large or very destructive fires. A different approach was deemed necessary for these fires and so a study was undertaken of smoke deposits left on windows and other 'cold spots' to determine if it was possible to ascertain if flammable liquids had been involved in the starting and spread of the fire.

Samples of six fuels and solvents most commonly encountered in arson cases, namely, premium and regular grade petrols, lighting kerosene, heating oil, mineral turpentine and automotive diesel fuel were collected from each of the three Victorian oil refineries. These 'accelerants' were selectively extracted for their polynuclear aromatic hydrocarbons (PNAHC) using dimethyl sulphoxide; the PNAHC's were chosen for study mainly due to their lack of reactivity and volatility. Therefore they would be largely unaffected in the time between the fire and collection.

It was found that not only could the different fuels be distinguished by the PNAHC content but also particular fuels from different sources could easily be distinguished. This is one important dividend of this study as it may provide incriminating evidence and will be further investigated under a grant provided by the Australian Federal Police.

Each of the fuels was burnt in a 'flash point' type apparatus to enable the complete combustion of the fuel. The smokes produced were collected, extracted for their PNAHC contents and analysed using gas chromatography. These simple experiments yielded information on the flame formation of PNAHC's which has not been reported by workers in the combustion field. Further information was gained by burning standard compounds, namely, benzene, cyclohexane and n-hexane.

Preliminary examinations of the results indicate that the methylene, acetylene and benzyl free radical theories are not mutually exclusive but are all steps in the formations of PNAHC's in flames.

The two most common 'accelerants', i.e. petrol and lighting kerosene, were burnt under severely restricted air supply to study the theoretical effect of an 'air-starved' arson which is a common occurrence when doors and windows are closed during the initial stages of the fire. The presence of PNAHC's arising from simple evaporation suggest that this type of arson will be more easily solved than those involving unrestricted air supply where PNAHC's which are products of combustion, will have to be studied.

Obviously no conclusions could be drawn regarding the starting of a fire with liquid fuels without examining the PNAHC's formed by hydrocarbons which are present in common building materials, textiles, packaging materials etc. Standards of the following materials were obtained; pinewood, Aust. hardwood, alkyd based paint, acrylic based paint, cotton, nylon, polyester, polyethylene and polystyrene. Each of these materials, when burnt, produced an individual 'fingerprint' of PNAHC's and were easily distinguished from each other and from the 'accelerants' previously burnt.

Final conclusions have not been drawn at this stage as regards the presence and amounts of particular PNAHC's in each of the smoke extracts. It does appear however that the interpretation of fires involving a number of different materials is going to be complicated and that an understanding of the method of formation of PNAHC's and the carbon:hydrogen ratios of burnt materials will be vital in identifying if an 'accelerant' was involved in the fire.

Finally it is intended to validate the method by studying smoke deposits from approximately twenty fires in which the presence of flammable liquids have been proved by orthodox methods.

COMMUNITY SERVICE ORDERS IN WESTERN AUSTRALIA

CAROL ROE

The Western Australian Parliament passed legislation introducing the 'Community Service Order Scheme' in 1977, a scheme closely modelled on the British example. Over time, courts throughout the State have made increasing use of this alternative sentencing option and the Probation & Parole Service has adapted by employing more part-time area supervisors and by modifying administrative practices, such as specifying the substance of the attendance contract between the offender and the Service.

For purposes of deciding what administrative policies to adopt, it is necessary to have data available that will reduce uncertainties in administrators' minds. In particular, plans to extend the scheme to cover fine defaulters and concern about ways to reduce the number of orders terminating in breach action, prompted a survey of offenders' files to extract basic descriptive data relating to sentences, offenders and projects.

It took the Research Officer two months work to produce a report; her opinion is that time invested in determining what data shall be captured and routinely processed by computer, would yield timelier, more relevant and more accurate data than the present method of searching individual files where some data of interest was frequently absent.

The survey did not throw much light on the following factors hypothesised to influence success/failure.

(a) Selection of offenders - a written pre-sentence report by a probation officer is more selective than a verbal pre-sentence report, a report by a Community Welfare officer or none.

(b) Period between issue of order and commencement of work - delay would cause offenders to procrastinate: 'after all one has a year in which to complete the hours'.

(c) Personal introductions to projects - offenders who are personally introduced to a project (by an area supervisor, the Community Service Orders Co-ordinator or by a probation officer) are more likely to make a good start than those who go alone.

(d) Utilization of existing skills at projects - where offenders utilize already existing skills on working on projects, they are more likely to complete their hours.

Factors (c) and (d) could not be tested as data was present on only a few files.

Of the sample of 235 distinct offenders, 141 of the orders had been terminated - 114 by completion of the hours, 26 by breach action being

approved and one upon application for discharge. Ninety-four orders were still in progress. Of the 26 breach cases, 12 had been finalised in court.

Sentences

Sixty percent were coupled with probation of which 2/3 had the community service order cited as a special condition of probation.

Three-quarters of the orders originated in courts of petty sessions or children's courts and 1/3 originated in the country.

Sixty percent of the offences involved property (theft and damage).

Offenders

Ninety-one percent of the offenders were males; 2/3 of the sample were aged 17 - 20 years. Twenty-seven of the sample were known to be of Aboroginal extraction.

n = 195 2/3 West Australian born.

n = 212 44 percent first offenders (no convictions other than in children's courts).

n = 216 29 had previously served a prison term.

mean, mode, median age of leaving school was 15 years.

n = 215 46 percent unemployed at time of offence.

n = 207 57 percent committed offence in company.

n = 204 35 percent drank alcohol prior to offence.

Projects

158 projects located in 80 towns/suburbs were utilised.

First project activities (n = 225 offenders) were classified as follows :

1. Gardening/ground maintenance 55 percent
2. Service to community 13 percent
3. Domestic duties 12 percent
4. Maintenance of buildings 10 percent
5. Service to individuals 7 percent
6. Organising/officiating at recreational activities 4 percent

The projects utilised most by number of offenders were :

Perth YMCA CYSS project	13
Senior Citizens Meals on Wheels, Bunbury	13
Salvation Army Seaforth Alcoholic Centre, Gosnells	10
Anglican Aged Persons' Home, Moline House, Karrinyup	10
RSL War Veterans' Home, Mt. Lawley	9
Centrecare, Bunbury	9
Salvation Army Opportunity Shop, Balga	9

Interval Between Order and Commencement of Work

n = 225 offenders. The interval ranged from 0 - 236 days, median being 15 days. 71 percent had commenced work within one month of the order being made.

Time Taken to Complete Hours

(n = 41)	40 - 79 hours	median 81 days	range 4 - 375 days
(n = 36)	80 - 119 hours	median 121 days	range 9 - 382 days
(n = 22)	120 - 159 hours	median 93 days	range 13 - 369 days
(n = 2)	160 - 199 hours	249 and 321 days respectively	
(n = 7)	200 - 240 hours	median 147 days	range 81 - 330 days

Prediction of Success/Failure

A stepwise multiple regression program was run on 19 dichotomous variables, six interval level and one ordinal level variable.

Success was correlated .310 with number of attendances across projects and negatively correlated - .304 with length of criminal record (number of appearances for conviction) and these two explained 16 percent of the variance. Each additional dependent variable contributed marginally to explained variance which equalled 37 percent with 25 variables in the equation.

Interpretations placed on significant correlation coefficients were :

(a) Aboriginals in the sample tended to have longer criminal records than those classed as other (r = -.455).

(b) Offenders in the sample leaving school at a younger age tended to have longer criminal records than those leaving at an older age (r = .254).

(c) Alcohol consumption in the sample tended to be a factor in motor vehicle and traffic offences ($r = .324$).

(d) The younger offenders in the sample were more likely to have committed their offences in company than the older offenders ($r = -.262$).

Conclusions

The report was completed in mid-November 1980. Since then, it has been decided that all offenders are to be personally introduced to projects. The extreme variability in time taken to complete the hours ordered suggests a degree of 'flexibility' that will have to decrease should the numbers in the scheme increase. Two future events, which may result in changes to administrative practices, are the awaited report of a Committee of Enquiry into the Rate of Imprisonment and the possibility of introducing a computerised management information system for the Service.

PREDICTION OF PERFORMANCE IN A WORK RELEASE PROGRAM

DON PORRITT, J. TURNBULL AND G. COONEY

Information was collected from the records of 296 offenders placed on the Work Release I program in 1977 and early 1978. The data were used to answer the following questions about the program :

(1) Which attributes of offenders predict performance within the program?

(2) Which combination of attributes best predict performance within the program?

(3) Are removal from the program for 'technical breaches' and for 'criminal breaches' different degrees along one dimension of failure or are they two different types of failure?

(4) Which attributes of individuals (including performance in the program) predict subsequent re-offence?

Program performance was assessed as 'success' (released to parole from the program n = 223, 75 percent), technical breach (removal for breaches of house rules not involving any criminal offence n = 48, 16 percent) or 'criminal breach' (removal following criminal offence committed while in the program, n = 25, 8 percent). All 296 offenders were followed for 15 months after their release from prison and classified as 're-convicted' (convicted of a criminal offence committed in the follow-up period, n = 119, 40 percent) or 'not re-convicted'. Of those re-convicted, 80 (27 percent of the total sample) were sentenced to imprisonment and 39 (13 percent of the total sample) to other penalties.

Data were obtained on juvenile and adult convictions and sentences, demographic characteristics, education, employment, socio-economic status, intelligence test performance, Cornell Index and assessments by prison psychologists and prison Program Review Committees.

Some data were only available on part of the sample. A preliminary MANOVA was conducted testing discrimination by these variables (assessment by psychologist and by Program Review Committee, intelligence test results and Cornell Index) between the three program outcome groups. No one of these variables nor any combination of them discriminated between the outcome groups.

A two-way table showed that program performance was correlated with performance after release; the 15 month re-conviction rates were 33 percent, 54 percent and 83 percent for those succeeding, removed for 'technical breaches' and removed for 'criminal breaches' respectively.

The key analysis was a two-way MANOVA with three levels of program performance crossed with two levels of post-release outcome. There was no

interaction between program performance and post-release outcome. For program performance one discriminant function only was significant ($p = .017$, $r = .314$). For post-release performance a discriminant function approached significance ($p = .051$, $r = .291$). In both cases discrimination was weak. The numbers of previous criminal offences as a juvenile and as an adult, particularly those resulting in institutionalisation, were the main variables that defined both functions.

Thus the answers to the four questions are :

(1) Prior criminal convictions and imprisonment predict program failure.

(2) A combination of number of juvenile offences, number of juvenile institutionalisations for criminal offences, and number of previous adult offences best predicts program performance, but gives very weak prediction.

(3) 'Technical breach' offenders differ from program 'successes' in similar ways but less extremely than 'criminal breach' offenders.

(4) Re-offence after release is associated with 'failure' in the program and, when program performance is held constant, with previous criminal behaviour.

Some implications can be drawn from these results. The outstanding point is that the individual characteristics assessed do not account for program performance. If program performance is not random then possibly data on events within the program and/or on recent behaviour in prison could be more fruitful. The poor prediction is not likely to be due to pre-selection as the variables which did relate to performance are not used in selection.

The strongest relationship found was that between program performance and post-release recidivism. This suggests that work-release could be used as a means to 'screen' prisoners for their suitability for early release or to identify those for whom some special efforts might be needed to reduce recidivism.

If better predictors of performance in work release can be found, these could be used to either reduce 'failures' at the expense of excluding others who will succeed or to identify which candidates might require special attention of some sort if they are to succeed in the program.

THE FIRST THREE MONTHS OF FREEDOM

TONY ROUX

This research project, funded by the Criminology Research Council, was undertaken to identify the critical factors associated with recidivism and/or successful post-release adjustment of ex-offenders by comparing a group of residents in Glebe House, a halfway house for ex-prisoners in Sydney, with a group of ex-prisoners not living in post-release hostels.

The project commenced on 2 April 1980 and was scheduled to be available for printing in January 1981. Various difficulties arose which have delayed the completion until April 1981. These being lack of assistance at first promised by the N.S.W. Corrective Services Department and the temporary illhealth of the researcher.

The sample within Glebe House was enlarged from the original fifty to eighty and encompassed their experiences of re-adjustment for the first three months of freedom. Basic data as to the ex-offender's background, problems and plans for the future were recorded. The research it should be stipulated is not an evaluation of halfway houses but the post-release experiences of ex-offenders and their re-adjustment problems within a halfway house environment.

Selection of a period of three months was based on several broad based hypotheses. Firstly, though not enforced at Glebe House, most halfway houses have an arbitrary three months stay available to ex-offenders. On the project the average length of stay was just under six weeks. Three months is also roughly the period either a person is settled in the community or back in gaol.

The Glebe House sample was undertaken between 2 April 1980 and 28 October 1980, which was the end of the information collection and interviewing period of the research, necessarily extended owing to the lack of assistance from N.S.W. Corrective Services.

However, in analysis and report writing it becomes abundantly clear that the experiences of the research sample indicate support of the hypothesis that halfway houses reduce recidivism.

Conclusions drawn in evidence at the Nagle Royal Commission into N.S.W. prisons included that many persons being released from gaol were being so, with the same problems that caused their imprisonment, without much money, without friends or family in many cases, a lack of accommodation and few if any prospects of employment.

Persons taking part in the sample were asked if they would give their consent. The few that objected were not counted. Nine of the persons in the sample were asked to leave Glebe House because of unacceptable behaviour. For example, use of hard drugs, assaulting other residents, stealing from other residents and several other reasons. The aim of the research was not merely to uphold its hypotheses. Halfway houses are by no means infallible. They only succeed with the degree of motivation exercised by the ex-prisoner.

Of the 80 sampled : 75 were male, 8 of whom were juveniles
5 were female

Of this total, to 31 January 1981, 27 have re-offended resulting in return to custody.

Fifty-three remain in society, thirty-seven of whom have been placed in employment. Nine of the ex-offenders in the mid-twenties age bracket are in fulltime employment for the first time in their adult life. These people have a record of boys homes and gaol sentences punctuated by only weeks at a time at large in the community.

Of the 80 the prison experience was broken down as follows :

6 were first offenders
13 had been in prison twice
8 three times
5 four times
48 five times or more (some had lost count)

Very few of the eighty indicated that they were victims of an unjust society. The main comments from recidivists were that once convicted it became very hard to, even if they wished, resume their place in society. The difficulties are critical in the first few weeks, especially for the ex-offender with no family ties or place to stay.

Financial difficulties are extreme. Crime for some was not in their estimate a choice in their past, but a necessity at times. Loneliness, lack of emotional support and companionship could only be alleviated by associating with their former criminal or prison acquaintances. Of the eighty, seventy-one stated they either used alcohol or drugs to excess.

Rehabilitation is a much discussed concept. Based on this research the commitment of any individual towards that status was quite often directly proportional to both the assistance he receives and a diminishing enthusiasm after release. Just about every person exhibited a desire to 'go straight' or try anew. Without coming to a halfway house this desire can be offset by being released with just a few dollars and the initial Social Security benefit of $51.45 being required to last for up to three weeks for food and accommodation. This naturally is an impossible task.

A basic reasoning was that three months is a critical phase. For if in that framework an ex-offender could gain employment, find a tolerable place to live, establish or re-establish personal relationships then the likelihood of recidivism diminishes.

Unfortunately, the facts are that most offenders have poor education and few job skills. Further they belong to the age group which is most affected by unemployment, without the added stigma of a prison record. The N.S.W. prison system, with lack of meaningful work or job training, does little towards alleviating this unemployability. Nevertheless,

within a sympathetic environment and with the aid of several specialist officers of C.E.S. and unionists the majority of Glebe House residents find employment. Support and encouragement are important factors in maintaining of motivation towards rehabilitation. In the absence of family support then the halfway house must adequately fulfil this function.

Unfortunately, the size of abstract allowed does not give sufficient room to fully report or even adequately cover the research project on which I have been working. If anyone is particularly interested I will be happy to provide specific or more detailed materials and/or information.

SENTENCING MENTALLY DISORDERED OFFENDERS

IVAN POTAS

It is my belief that the sentencing of mentally disordered offenders contains the key to the jurisprudence of the criminal law. If we can decide how to deal with the mentally disordered offender we will have worked out how to deal with the normal offender. Indeed the solution to this problem cannot adequately be found without expanding our perspective so as to include considerations relating to the aims and objects of sentencing, and even wider than this, to include questions relating to the purpose of the criminal law itself. In the course of examining the problems of sentencing the mentally disordered offender I have come to the firm conclusion that the criminal law as a means of protecting the community must be given a more limited and modest, and therefore a more realistic and attainable, objective than has hitherto been the case. Its main function is, it seems to me, to be to declare and denounce proscribed behaviour. This objective can be achieved without the need for indeterminate sentencing practices, as exemplified for example in the application of recidivist provisions and in concepts of preventive detention. Only life imprisonment where the penalty would otherwise have been death, is perhaps justifiable to retain the concept of indeterminancy in sentencing. However most other devices, it is submitted, present incursions into the legitimate realm of criminal justice and hinge often on rehabilitative presumptions - the efficacy of which are yet to be established. Even the concept of control for social defence purposes must be strictly limited if the criminal law is not to become repressive and excessively authoritarian.

In the course of my research into the mentally disordered offender I have looked briefly at the defence of insanity, at the problem of dealing with those who are held unfit to plead, at the problem of determining the penalty to impose upon a violent offender who is found to have been severely mentally disturbed (but short of legal insanity) at the time of the commission of his or her offence. I have also spent some time in examining the special defence of diminished responsibility - where the verdict, otherwise murder, is reduced to manslaughter. With regard particularly to the defence of diminished responsibility, (the paradigm case in my opinion) the issue is raised as to how far the offender's intention to commit the offence as opposed to the actual consequences of the crime is relevant for purposes of determining appropriate sentence.

Other issues also are relevant to sentencing the mentally disordered. There is the question of whether there are adequate alternatives available to the courts to deal with mentally disordered offenders. Should there be available to the courts a system of hospital orders? Considerable ethical issues are raised here, including the forensic patient's right to accept or reject treatment ordered or otherwise proposed by the court, or advocated by treatment authorities. Then there is the problem of adequate treatment facilities. The cases reveal that viable options for disposal are reduced precisely because there are no adequate treatment facilities.

The result is that many offenders are warehoused in gaols where they obtain no, or inadequate, treatment, or else are released without adequate supervision in the community. In Australia we know little of the relationship between the use of involuntary detention in mental institutions and the use of imprisonment. We have little knowledge of the grass-roots decision of police and prosecutors to divert potential offenders from the criminal and into the mental health systems.

On the whole my study reveals that the legislative provisions and practices relating to the mentally disordered offender continue to be a most neglected part of criminal justice and one which merits further investigation and certainly demands much needed reform.

THE VALUE OF PRISON CENSUSES

CHARLIE ROOK

The normal annual report reception and discharge figures provide valuable information on the 'flow' of prisoners through the prison system. However, 'stock' measures, through a regular prison census have proved an invaluable tool for :

monitoring changes in the composition of the prison population;

identifying and quantifying special needs and resource requirements;

monitoring and forecasting trends;

preparing persuasive and documented submissions to Cabinet and Treasury;

developing corrections programs as alternatives to imprisonment.

During the last decade while Victoria has been conducting prison censuses, a number of significant changes have occurred in the prison system. The number of convicted prisoners received has halved from 9,000 to 4,500. The daily average prison population dropped by a third from 2,400 to 1,500. Such a decrease would tend to imply a drop in costs. However, through the prison census, it was possible to demonstrate that the problems of prison management had actually increased requiring additional resources in spite of the drop in numbers.

The census showed that there had not been an across-the-board cut in the prison population, but rather there had been a 'creaming-off' of the more difficult criminal who was going to gaol, while the more minor property and conduct offender was being diverted away from prison.

The facilities required to hold a young violent offender for five years or more are different from the facilities required to hold an old drunk or vagrant for a month or less.

Our experience has shown that from a practical point of view the census form must be kept simple and restricted to one page. Items which are too technical or rigorously defined are not generally collected on a uniform basis, and so become meaningless. Around three-quarters of the items are core items which are repeated each time, providing the data for trend analysis, while the other one-quarter focus on specific current issues such as drugs, employment, violence, etc.

In Victoria, the success and utility of the prison census has resulted in requests for regular censuses to be conducted in other corrections areas. This has been done in the Youth Training Centres, and Attendance Centres, and will soon be done in probation and parole.

However, the problems of conducting a census in a community-based corrections program are multiplied.

In the long term, the item of most interest is the interstate differences in imprisonment and community-based corrections rates.

Regular national censuses of corrections programs, supplemented by regular A.B.S. crime victimisation surveys and comparable police and court statistics will allow an exploration of the State differences in law, order and public safety, and will allow a comprehensive analysis of the inter-relationships between crime rates, reporting rates, and sentencing policies and options which could result in considerable savings in terms of both dollars and human suffering.

JUST DESERTS JUST CANNOT BE JUST

JOHN BRAITHWAITE

This paper does not pretend to be a comprehensive critique of 'just deserts'. It attacks just deserts from the limited perspective of the punishments deserved by white-collar criminals.

Contrary to popular misconceptions, it is shown that there is considerable public concern over white-collar crime. In particular, white-collar crimes which do harm to persons are viewed by the public as considerably more serious and deserving of more punishment than most street crimes. Objective definitions of desert in terms of extent of injuries to persons or loss of property also lead to the conclusion that white-collar crimes are unusually 'deserving' of severe punishment.

Yet it is argued that because of the sheer volume of white-collar crime and the special difficulties of convicting the powerful, just deserts for white-collar criminals is a policy which can never be implemented. Moreover, the harm of white-collar crime is so great that utilitarian goals should, and inevitably do, take precedence over proportionality of punishment. Hence, it is argued that any attempt to administer just deserts will in practice mean only just deserts for the poor.

CRIME AND THE USE OF IMPRISONMENT

DAVID BILES

The relationship between imprisonment rates and crime rates in different jurisdictions was explored in an article published in *Federal Probation* in June 1979,[1] and no support was found for the proposition that 'those States which are incarcerating a large proportion of the population in the United States have, all things being equal, a lower rate of crime'.[2] That research found low positive correlations between crime rates and imprisonment rates in the United States, Canada and Australia.

The publication of that research provoked some critical comment and also a number of supportive letters from overseas researchers. It also provoked a time series analysis of American data which is to be published in *Crime and Delinquency*.[3] This analysis by Bowker used lagged correlations to measure the delayed effects of changes in either of the rates and, even though the results were equivocal, generally supported the conclusion reached in the original cross-sectional research.

Bowker's research in turn provoked the writer to compile time series data on crime and imprisonment over the period 1964-65 to 1978-79 (with a slightly longer range being possible for imprisonment) for all Australian States and Territories. The compilation of these data was not without difficulty as recording methods and definitions had not been uniform over the period. Separate rates were compiled for total selected crime (homicide, serious assault, robbery, rape, breaking and entering, motor vehicle, and fraud/forgery) and for violent crime (homicide, robbery, and rape), the latter being assumed to be more likely to result in imprisonment. Even though known discontinuities were eliminated from these crime rates it cannot be claimed that they are free from error, nor do they include all of the offences which could result in imprisonment. By contrast the imprisonment data are regarded as reasonably reliable.

The analysis of relationships between these rates produced different results for different Australian jurisdictions with there being a tendency towards significant negative correlations between imprisonment and both of the crime rates when the latter were lagged for one, two or three years. This finding was very clear for New South Wales and Victoria, but opposite results were found for Queensland. This suggests that, at least in New South Wales and Victoria, increasing crime rates have led to decreasing imprisonment rates one, two or three years later.

For Australia as a whole the results are similar to those found for New South Wales and Victoria, with the exception that unlagged correlations between imprisonment and both crime rates were also statistically significant and negative, being - 0.44 and - 0.49 for total selected crime and violent crime respectively. The correlation co-efficients increased in size for each year that the crime rates were lagged such that after three years they were - 0.91 and - 0.93, both significant at the .001 level.

This rather surprising pattern of results seems at first glance to be not capable of rational explanation, but they are consistent with the 'system capacity' argument recently developed by Pontell.[4] He has argued that contrary to supporting the deterrence doctrine 'It appears more plausible that rates of crime ... have pushed down formal penalty structures'. (emphasis added). These results are also consistent with those obtained by Bowker.

Further work needs to be done in analysing and interpreting these data and suggestions or advice would be most welcome.

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SUFFERING IN SILENCE? A PRELIMINARY REVIEW OF EIGHT CASES OF BATTERED HUSBANDS

JOCELYNNE SCUTT

Steinmetz (1977-78) suggests the percentage of wives using physical violence against their husbands 'often exceeds' that of husbands against wives. She goes on to allege that the stigma attached to spouse assault generally, 'which is embarrassing for beaten wives, is doubly so for beaten husbands'. Where women are victims of abuse, a frequently made argument is that, being masochistic, they revel in being violently attacked by their husbands. Why don't they just leave, it is asked. Steinmetz looks at reasons for men remaining in abusive relationships, coming to the conclusion that their problems are equal to, or exceed, those of women. Men, she says, are equally tied to the family home as women : how can they leave 'many hours of home improvements, family rooms, dens, workshops, in other words the comfortable and familiar, that which is not likely to be reconstructed in a small apartment'?

Where women are victims of domestic violence, their position as victims is frequently seen as self-serving. Steinmetz looks in a different light at husbands who are victims of battering. They 'take it' due to 'chivalry' : 'any man who would stoop to hit a woman [would be considered] to be a bully'. Further, men recognise the severe damage they could do to women, and therefore do not fight back. Finally, the 'combination of crying out in pain during the beating and having the wife see the injuries ... raises the wife's level of guilt which the husbands consider to be a form of punishment'. Would a like interpretation be made for the woman who acts in this way, where beaten by her husband, or would it be considered this is further evidence of her allegedly masochistic orientation?

Of a sample of 301 Australian homes wherein violence occurred, eight involved husband beating. These cases were looked at and analysed according to assumptions about husband beating and wife beating. The cases were compared with 119 cases of wife battering in the same study. Differences in causes underlying husband abuse as opposed to wife abuse are illustrated; differences in attitudes of researchers towards husband beating as opposed to wife beating are explored; problems of escaping the violent home are compared and contrasted; differences in the resolution of spouse assault involving husbands as victims and wives as victims are highlighted. Although the sample is small, the cases form perhaps the first indepth histories of husband bashing in Australia.

This preliminary review of husband beating cases as a part of a larger study on violence in the home generally shows the origins of domestic violence, whomever the target and whomever the aggressor are like : the problem arises out of the way our society views women and men and out of separatist notions that have led to our culture endorsing the placement of the woman as a 'standard fixture' in every Australian home, and the picture of every man as 'head of household'. Until these attitudes and behaviours are reassessed and revised, domestic violence will continue unabated.

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REVIEW OF WELFARE SERVICES FOR PRISONERS AND PRISONERS' FAMILIES IN QUEENSLAND

MARLENE SISKIND

The Queensland Department of Welfare Services is reviewing existing State welfare services for prisoners and their families. The Review Committee, composed of seven welfare and research staff members from within the Department, was established in January 1980. The Committee aims to :

(1) identify the nature and extent of welfare problems experienced by prisoners and their families;

(2) assess the adequacy of existing services in relation to these problems;

(3) ascertain whether service contact facilitates adjustment to imprisonment or to absence of a spouse; and

(4) make recommendations on

  (a) more appropriate welfare services to meet needs identified by the Review Committee; and

  (b) more appropriate means of implementing welfare changes in the area.

The initial objectives of this study were broad, and after consideration by the Committee, they remained that way. Virtually no formal research had been conducted on the Queensland prison system, the one exception being an education profile of inmates in Brisbane Prison (D. Neuendorff, 1980). Consequently, there was very little precedent for research.

Research Group

Content and format of interview schedules and interview strategies were determined by a work group comprising four of the seven committee members and two additional people. The work group met weekly until the data collection stage began. Interview topics were selected in order to bring out the main difficulties experienced by prisoners' families and to illuminate problems in the provision of services to prisoners and to partners of imprisoned individuals. Information would be obtained from service providers, clients, and other individuals and agencies interested in writing submissions. As often happens with collaborative research, the various interests of work group members led to interview schedules longer than logistically desirable.

Literature Review

Information retrieval systems such as A.N.S.O.L., C.I.N.C.H., and A.I.C. are being utilised. However, it appears that few studies relevant

to ours have been conducted in Australia. Publications by Anderson (prisoners' families, Victoria, 1966), Biles (a series of publications concerning prisoners, crime and justice in Australia), and Rinaldi (Australian prisons, 1977) helped in formulating questions and in design.

Methodology

Approach. Recognition of the correctional field as a social system that incorporates more than prisons influenced the structure of this review. The existence of a department welfare service for families of prisoners is evidence that it is not a 'closed' system in respect to its environment.[1] Western and Wilson argue that the point of reference for planning should be the relevant social grouping within the structure.

Close family members of prisoners and the community in which they reside are affected by the imprisonment; the prison itself is a complex and interlocking system. Thus, research and intervention methods should be related strategies.

We have adopted an integrated approach as outlined by Western in which planning is seen as a process, providing a framework in which development can take place.

Selection of Inmate Respondents

For the prison population, a sampling fraction of one-sixth was chosen. Inmates were given forms on which they were asked to indicate willingness to be interviewed or not. Approximately 50 percent of the total prison population accepted.

The marital status of each acceptor was ascertained in two categories: married (including de facto) and unmarried (including divorced). Equal numbers of each class were selected with the aid of random number tables.

Data Collection

Data collection takes the form of

(1) interviewing one-sixth of the prison population of Queensland in six prisons and prison farms in the southeast (completed) and two prisons in Rockhampton and Townsville;

(2) interviewing all providers of welfare services to inmates and their families within the Department (completed);

(3) interviewing a sample of inmates' wives who have had contact with the Department of Welfare Services program and a sample of wives who have not (to be done);

(4) questionnaires to obtain data from non-governmental service providers (to be done); and

(5) submissions from individuals and agencies.

Interview formats have a flexible design featuring open-ended questions and opportunities for the respondents to suggest possible solutions to problems. The areas covered by the three interview schedules are overlapping, but down-the-line comparisons would of course not be possible. Draft interview schedules were circulated to all administrators and welfare providers for suggestions and final approval before completion.

The inmate interview schedule starts by eliciting demographic information and details of the present charge(s) and any previous convictions. Prisoners were encouraged in the next section of the schedule to fully describe any serious welfare problems and say whether they needed help, what type of help was or should be available, and what their opinion was of available services. The final section is concerned with the period after release from prison, difficulties foreseen and the availability of help.

The interview schedule for social workers and prison welfare officers was designed to be as comprehensive as possible. Interviews took on average 2½ hours. Interviewees presented their views on such areas as client needs and problems, effectiveness of staff establishment, roles and tasks of all prison staff and the specific responsibilities of the interviewees themselves. They offered suggestions for improvement in type and proportions of their own tasks and those of prison personnel, and expressed opinions on organisational factors. Many looked weary at the close of the interviews, and strange to say none have availed themselves of the invitation :

> 'If your views are not adequately covered within the interview, there will be provision ... in a subsequent interview.'

The lightly structured inmate family schedule is based on crisis intervention theory and practice. It is to include several scored psychological inventories. It will be administered to a group of spouses which has had contact with the Department's social work service and a control group which has not had contact. If possible, follow-up interviews will be administered six months later.

Improved coping with the repercussions of imprisonment through social work intervention is a hoped-for result of the program. While the parameters for coping are fairly easy to identify, coping ability varies widely between individuals as does the availability of helpful resources. Each respondent is asked to evaluate and describe how she is coping in important areas of her life, whether she needs help, what sources of assistance are available, and if the assistance is used how helpful it is.

Research on crisis intervention indicates that certain response patterns develop over time after a crisis such as loss. A typical response pattern might be shock followed by denial, anger, depression, 'grief work' and so on. It would be very difficult to obtain a sufficient number of subjects whose husbands have all recently been imprisoned for the first time. In the absence of such baseline

information several retrospective questions will be asked concerning adjustment to the loss of a spouse. The psychological instruments may also give evidence of disturbance of emotional affect, such as anger, depression and anxiety. These disturbances have been frequently observed in research on bereavement and marital separation, and loss.

A small sample of 25 subjects (inmate wives who have had contact with the State prisoner's family service) and 25 controls was decided upon for the Brisbane area. An additional number will be interviewed in Rockhampton and Townsville, where no State services exist, and few other services are thought to be available. An objective for analysis is to try to ascertain whether the Brisbane program - if it is deemed effective - is equipped to meet the needs identified in the north of the State.

Other Factors Influencing Methodology

Constraints imposed by the intrinsic structures of the prison system and the government departments affected the methodology of the study. For example, length and format of inmate interviews was influenced by security and organisational considerations. Information travels fast in an institution; to prevent collusion and lack of spontaneity, the interviewing period was kept to a minimum within each prison by utilising teams of interviewers.

A shortened interview schedule would have been desirable, but as indicated earlier, other factors prevented this.

The constraint imposed by the State that no separate statistics may be kept on ethnicity carries significance that extends beyond methodology. It is possible that individuals of, for example, Aboriginal or Torres Strait Island descent may have special welfare needs which the study cannot isolate. In a recent issue of *Legal Service Bulletin* an employee of an ethnic legal service opined that the 'findings will be biased in favour of European intervention models'.

In our experience, public relation exercises directed at all elements within the correctional system are necessary to prevent misconception of the purpose of such a study. Such misconceptions can lead to unwillingness to cooperate or even to deliberate obstruction. In sum, awareness of factors beyond the usual considerations of research may have influenced methodology. Perception of welfare needs and opinions about service delivery will reflect the perspectives of the different sample groups. Hopefully the research workers will be able through data analysis to objectively assign priorities to problem areas and to recommend appropriate solutions.

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ARTISTIC EXPRESSION OF EMOTIONAL DISTURBANCE IN PERSONALITY DISORDERS

ERIC CUNNINGHAM DAX

The so-called personality disorders have become increasingly prominent in countries in which there is unemployment, increased competition, frustration, family disintegration, lack of discipline, sexual freedom, affluence, mobility and insufficient opportunity for the young to use their energies.

It has been suggested that the de-institutionalisation of the mental hospitals has resulted in a chronic population accumulating within the community, but also that a new type of young person who is the non-institutionalised social misfit is going to be the main psycho-social problem of the future.

It may be necessary to evolve a different group of social services to deal with these people, who are likely to fall between the prisons, the psychiatric hospitals and the correctional institutions, at the times where their misconduct makes it necessary to remove them from society.

They form a group who are the failures of modern society which has done little enough to provide for its socially inadequate population. The multiproblem families, the culturally retarded, the socially disadvantaged, the chronic underachievers and the educational failures are the by-products of social neglect.

The paintings which will be shown are the products of these types of individuals who had entered an acute psychiatric hospital. They had often been sent after a suicidal signal. They might otherwise equally easily have been in any other custodial institution in order to contain them in an acute episode when they were acting out their problems which they found to be insoluble within the community setting.

The illustrations are selected from perhaps a hundred thousand psychiatric paintings from all sorts of patients and mostly painted within the past twenty years. Of these some eight thousand have been preserved, which it is hoped will be taken over by the new National Gallery and used for research and illustration of the effects of art on illness and illness on art. At one extreme these paintings may be used to stimulate ordered self-expression and to foster a hobby; at the other for psycho-analytic interpretation as if they were dream material.

However this series was used for two main purposes. The first psychotherapeutically, to allow free expression and to solve the patient's problems by graphical representation: the second for diagnostic purposes. Although it cannot be said with certainty that any one is a painting by for example a schizophrenic or a psychopathic personality, it is possible from extensive observation of the paintings produced by various persons to say that this is a painting which is of the <u>type</u> produced by a schizophrenic patient or by one with a severe personality disorder.

The paintings are unique insofar as they were painted before the time when it became almost impossible for any patient to be admitted or involved in group painting without being under the influence of a tranquilising or antidepressive drug or other psychopharmacological treatment.

The paintings in the 'personality disorder' category are for convenience divided into six sections. These are (1) Faces and figures; (2) Violence and aggression; (3) Transport; (4) Vehicle crashes; (5) Punishment and prisons; (6) General products.

It is interesting that these people paint proportionately more faces than others and generally show a high degree of creative ability, perhaps their hatred, tension, drive and aggression is such that given the opportunity they can express themselves more strongly than most.

As far as limited knowledge goes of the productions from the prison services, they tend to be slanted towards artistic attainments instead of therapeutic release. One wonders, given the opportunity for free expression, how much help might be given to the angry young adolescents acting big and thinking small, who are constantly adding to our prison population.

THE SEVERITY OF JUVENILE OFFENCES AS JUDGED BY JUVENILES

ALI LANDAUER AND DEREK POCOCK

Over the last two years the pseudo-anecdotal method for scaling crimes and offences has been further developed.[1,2] In this technique subjects are presented with a questionnaire which has a number of short stories dealing with different hypothetical offences committed by various people. The subjects are asked to award a penalty to each offender and the magnitude of the penalty which each rater wishes to impose on the offender is then scaled. It is assumed that the penalty is in a direct relationship with the degree of disapproval with which subjects view the offence. Research has shown that notwithstanding large between-subject differences in the magnitude of the proposed sanctions, the rank order of the penalty for each of the offences remains very stable.

In December 1979 the opinion of a sample of Perth high school students was examined. There were 718 subjects, both boys and girls, and their mean age was 15.0 years. They attended their ninth, tenth, or eleventh year of schooling.

A special questionnaire containing 15 offences committed by boys ranging in age from 14 to 17 years was constructed. The offences described in the 80-100 word long stories ranged from littering to armed robbery. It included marihuana selling and a number of property offences, as well as a drunken driving offence.

Some interesting differences between groups were noted when the punitivity scores were examined. The raters were asked to either award community service or detention to the offenders. Penalties were then transformed into a punitivity score which was the total amount of the detention sentence or community service which the raters had awarded to the hypothetical offenders. The ratings of the 50 students with the highest and the 50 students with the lowest punishment scores were then separately analysed.

Highly punitive respondents tended to rate the following offences as more severe than low punitive subjects: driving a car without a licence, selling marihuana, and car stealing. On the other hand, the low punitive respondents awarded harsher penalties for assault and for littering.

An analysis of the sex of the raters showed that boys were significantly more punitive than girls. Neither sex differences nor the difference between high and low punitive subjects had been expected or predicted. It makes sense that an authoritarian, and consequently a more punitive person, is less likely to use marihuana and consequently to rate this type of drug offence as more reprehensible than a user of cannabis. On the other hand while a low punitive person would tend to regard all forms of assault with greater reprehension than he would regard property offences, it is not clear why low punitive subjects would regard littering as so serious.

It is hoped that discussions will clarify some of the post hoc findings and place them within an existing theoretical framework.

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INTRINSIC RESISTANCE COGNITIVE STRATEGY TRAINING OF EDUCABLE MENTALLY RETARDED (EMR) CHILDREN IN HYPOTHETICAL TEMPTATION TO STEAL SITUATIONS

ALLAN HAINES

A study reported by Haines and Jackson (1980) using a sample of 108 EMR children and a pre-post test design, indicated that a direct instruction program (DIP) was significantly more effective than a general instruction program (GIP) in increasing the children's resistance to the temptation to steal in hypothetical dilemmas. The data from the Haines and Jackson (1980) study were concerned with resistance responding, per se, and not with the type of cognitive strategy used by the children to motivate their resistance response. However, as the children in the DIP group in this study were specifically taught to use the 'golden rule' that is, an intrinsic cognitive strategy to motivate their resistance responding it was deemed appropriate to further analyse the data from the Haines and Jackson (1980) study in order to determine the extent of the children's intrinsic resistance responding.

A further aspect of this paper involved a three month follow-up test on the DIP group.

The major findings indicated that the DIP group used intrinsic resistance responses significantly more than the GIP group and the no treatment control group on the behavioural measure of Jackson's Hypothetical Temptation to Steal Test (JHTST). On the moral judgement measure of the JHTST it was found that the DIP group improved more than the GIP group relative to the no treatment control group although this trend failed to reach statistical significance. The three month follow-up test revealed that the gains made by the DIP group were maintained.

The implications of the study for the prevention and treatment of stealing were considered.

ROBBERY IN SOUTH AUSTRALIA

PETER GRABOSKY

This research summarised the 1,043 robbery incidents which came to the attention of the South Australian Police Department during the period 1 July 1975 to 30 June 1979. It was based on the details of the various offences and alleged perpetrators as they appeared in police records.

The published report entitled *Robbery in South Australia* (Adelaide, 1980) which emanated from this study cannot be regarded as an omniscient analysis of all robberies committed in South Australia during the period. For reasons which should be apparent to all criminologists, not every robbery is reported to the police. Moreover, the use of force or threat, factors which distinguish an act of robbery from the lesser offence of larceny from the person, are not always starkly apparent, making it likely that some minor robberies are actually recorded as larcenies, and vice versa. Comparison within a jurisdiction over time, and between jurisdictions at a given time, are often hazardous.

In the South Australian study, it was possible to identify offences committed with a weapon, thus permitting some comparison with a study by the New South Wales Bureau of Crime Statistics and Research of armed robbery in New South Wales and Victoria in 1975 and 1976.

The South Australian study revealed that 91 percent of reported robberies were committed in the Adelaide metropolitan area, a fairly predictable urban concentration of the offence in question.

Offences committed without the use of a weapon tended to occur on the street, while armed robberies were more commonly committed against proprietors of commercial premises. Within the metropolitan area, street robberies occurred with greater frequency in the northwest corner of the city centre - the scene of most street life.

The spatial distribution of armed robberies, on the other hand, was less concentrated, reflecting the wider dispersion of vulnerable targets, such as petrol stations, chemists, and retail stores. These findings reflect the importance of opportunity in explaining the location of robbery.

The incidence of reported robbery, both with and without the use of weapons, increased sharply during the period 1977-1979, although the overall rate of reported robbery remained relatively low by Australian and North American standards. The proportion of armed robberies involving a firearm increased significantly after 1977. Rifles or shotguns were the weapons of choice in over two-thirds of these offences, although a significant increase in the use of handguns was noted during 1979.

As has been observed in overseas studies of robbery, a greater proportion of unarmed robberies in S.A. resulted in injuries to the victim, since the presence of a weapon is usually sufficient to ensure the victim's submission. Not surprisingly, those injuries which were inflicted in the course of armed robberies tended to be more severe.

Statistics on the value of property stolen during the course of offences suggested that robbery is not a lucrative enterprise. Just under 60 percent of all unarmed robberies netted less than $50, and 18 percent of armed robberies resulted in no 'score' at all.

Comparisons between the three States reveal some interesting similarities and differences. In each of the jurisdictions, armed robberies tended to occur more often in the winter, on weekends, and at night. The offence appears generally to have been a collaborative endeavour in the eastern States, with 58 percent of N.S.W. incidents and 63 percent of Victorian incidents involving more than one offender. By contrast, in South Australia a greater proportion of offences appear to have been committed by solo offenders in each of the years under review.

Armed robbers in Victoria and N.S.W. appeared to show a preference for handguns, in contrast to the greater use of rifles and shotguns in South Australia which was noted above.

The proportion of armed robberies resulting in a theft of $5,000 or more was lowest (5.7 percent) in South Australia and highest (13.7 percent) in Victoria. These differences, which would be even more pronounced if adjusted for inflation, may perhaps be attributed to the interaction of opportunity and professional criminal expertise.

Copies of *Robbery in South Australia* may be obtained from the Office of Crime Statistics, Box 464, G.P.O., Adelaide, S.A. 5001, at a cost of $2.50 each.

SANCTIONS AGAINST CORPORATIONS

BRENT FISSE

The sanctions now available against corporate offenders owe their origin and design more to rough and ready, even unconscious, borrowings from individual criminal law and civil remedies than to coherent assessment of the form and function of corporate criminal law.

The limitations of this makeshift armoury are widely recognised but opinions as to what should be done in the future differ radically. Some favour re-armourment of individual criminal law and civil remedies. Others urge rationalisation by means of quasi-criminal or civil penalties. Others in turn believe that it is possible to devise sanctions which are sufficiently effective against corporations to justify continued reliance upon corporate as well as individual criminal law. None of these positions is persuasive at the present time because it is premature to take sides until more is known about the potential development of sanctions against corporations.

The aim of this paper is to suggest that much can be done to develop effective sanctions against corporations provided that due attention is paid to relevant goals, targets, tactics, strategies and constraints.

A QUANTITATIVE MODEL OF CRIMINAL JUSTICE: AUSTRALIA 1964-1976

GLENN WITHERS

Objective

The objective of this project was to model the role of police manpower in the criminal justice system so as to examine influence upon police manpower levels and effects of police manning itself on other components of the system.

While approaching this subject from the particular (peculiar?) perspective of economics, a number of issues of interest to most persons researching criminal justice concerns were examined. Among these issues are the following :

1. Are police force levels mechanically linked with population only or is the level of police protection more finely attuned to community needs and resources?

2. Does poverty increase the crime rate?

3. Can police courts and prisons deter crime?

4. What determines the ability of the criminal justice system to 'clear-up' crimes once they have been committed?

Method

The approach to these and other related issues was to use existing economic theory of manpower and of criminal offences to suggest certain relevant influences upon police manpower levels, crime rates and conviction rates. A comprehensive and uniform set of data estimates for all Australian States and Territories, annually 1964-1976 - was laboriously compiled and the relationships suggested by theory were quantified using advanced statistical and computer methods, mainly simultaneous equation regression analysis. The advantage of this regression method is that it can control for a number of statistical biases that can creep into simple ad hoc correlations of variables of interest. A reservation is that the data used here are aggregative, so that rounded interpretation requires that judgement also be informed by micro-analytic studies.

Results

As is common with computer studies, a mountain of statistical information is generated. This material is still being organised and written up. However the flavour of the results can be obtained from the simplest version of the model which is reported in Table 1 attached. Much more elaborate and detailed decompositions of this have also been obtained.

Some of the results of interest can be summarised. Recognise that a '*' indicates the statistically more successful explanators for the behaviour of the variable on the left-hand side of each equation. The first equation examines police force levels per capita. It is seen that while rising population levels do increase police force levels, there are also many other important factors. Rising community real incomes and motor vehicle ownership rates are particularly important, as is the spill-over from Federal grants to the States. Rising police and community wage costs however reduce society's provision of police force protection. Overall the influences included in this analysis explain over 90 percent of the variation in per capita police force levels across States and over the years examined.

A similar level of explanation is obtained for the second equation. This shows influences upon recorded crime rates. Among the major influences increasing crime rates are the relative size of the blue-collar workforce and the share of the population with low incomes - this latter being highly correlated with unemployment which is therefore not included separately in this analysis. Recorded crime rates also increase with the migrant population and the size of the police force. While a number of facetious suggestions could be made about this last result, it presumably reflects the fact that the more police there are the more crimes that they record. On the other hand major influences reducing recorded crime rates are the committal rate and the imprisonment rate. This could operate both through deterrence and through physical removal of criminals from free circulation in society.

The third equation looks at what determines the committal rate, a rough measure of success in clearing-up recorded crimes. Here the overall explanation is less impressive (37 percent) with the size of the police force being the only major explanatory variable - though this turns out to be very significant indeed. The important implication is that increased police numbers do lead to both more crimes being recorded and more committals being obtained, proportionately.

Conclusion

The preliminary results of this study find statistical support for aspects of both conservative 'deterrence' doctrines and for progressive 'social' analyses of some criminal justice issues. As with most things in this world, policing and crime is a more complicated phenomenon than our ideologies would desire.

TABLE 1

MINIMAL MODEL OF AUSTRALIAN CRIMINAL JUSTICE SYSTEM: 1964-1976

$$(1)\quad \frac{PFS}{TPOP} = 0.85 - .40\frac{AWE^*}{CPI} - .05\frac{PW}{CPI} + .08\frac{CSG^*}{TPOP} + 3.10\frac{MY^*}{CPI} + .01\frac{MYU}{YPOP}$$

$$+ .33\frac{MV^*}{TPOP} + .08CR + .19TPOP^* - .09YPOP - .02EDUC$$

$$+ .05\frac{URB}{TPOP} + .07LYS - .10\frac{OSB}{TPOP} - \text{State Dummies}^*$$

$R^2 = 0.94$

$$(2)\quad CR = - .25 - .54\frac{COMM^*}{CR} - .81\frac{PRIS^*}{COMM} + .40\,MWF^* + 0.16\,LYS^*$$

$$- .01\,YPOP + 1.11\frac{OSB^*}{TPOP} - \text{State Dummies}^* + 0.20\frac{PFS^*}{TPOP}$$

$R^2 = 0.91$

$$(3)\quad \frac{COMM}{CR} = 6.11^* - 3.39\frac{PFS^*}{TPOP} + 1.14\frac{MV}{PFS} + .16\frac{CIVS}{PFS}$$

$$- .78YPOP + .37CR - \text{State Dummies}^*$$

$R^2 = 0.37$

Notes:

1. * = t-statistic > 2.0
2. All variables are measured in natural logarithms except constants.

Symbols:

PFS	=	police force strength	YPOP	=	male youth population
AWE	=	average weekly earnings	EDUC	=	median education
PW	=	police wage	URB	=	urban population
CSG	=	commonwealth grants	LYS	=	lower income share
MY	=	median income	OSB	=	overseas born population
MYU	=	male youth unemployment	COMM	=	committals to higher courts
MV	=	motor vehicles	PRIS	=	prison population
CR	=	crime rate (weighted)	MWF	=	manufacturing work force
TPOP	=	total population	CIVS	=	police department civilians
CPI	=	Consumer price index			

EVALUATION OF LAW REFORM IN NEW SOUTH WALES

SANDRA EGGER AND JEFF SUTTON

In the last two years the Bureau of Crime Statistics and Research has been increasingly called upon to participate in the process of law review and reform. The Bureau has been involved in the evaluation of three recent changes to the law in New South Wales; the Bail Act 1978, the Intoxicated Persons Act 1980 and the Offences in Public Places Act 1979. Although a general aim of much research in criminology is to influence the formulation of social policy such opportunities are unfortunately rare in practice. Furthermore, reconciliation of the demands of the political process with the rigours of scientific investigation is at times difficult. The aim of this paper is to briefly outline these three evaluation studies and to present some of the major social and methodological difficulties relevant to each study.

The Bail Act 1978 was introduced in March 1980 and was based on recommendations of the Bail Review Committee, the Law and Poverty Commission and the Australian Law Reform Commission. A large body of evidence had indicated that bail based on financial conditions was discriminatory against the young, the poor, indigenous groups and certain ethnic groups. Furthermore, pre-trial custody was often found to be associated with an adverse outcome at trial. The present study was undertaken in order to monitor the operation of the Act. The questions under examination included an analysis of the characteristics of the persons being refused bail and the reasons, and an analysis of any procedural difficulties in the implementation of the new Act.

The Intoxicated Persons Act was introduced in March 1980. Public drunkenness was no longer an offence in New South Wales, thus eliminating approximately 50,000 appearances a year in the Courts of Petty Sessions. Part of the motivation for this change stemmed from the recognition that drunkenness was a social rather than a criminal problem and that the criminal justice system had served to stigmatise the individual and thereby maintain his socially unacceptable behaviour. Under the Intoxicated Persons Act 1979 an intoxicated person may be detained and taken to a proclaimed place by a member of the police force or an authorised person. Such detention may be until the person ceases to be intoxicated or the expiration of eight hours (whichever first occurs). The aim of the Bureau's study was to help identify areas of special need (in order to guide future programs), to examine the role of the police force and the voluntary agencies, and to evaluate their difficulties.

In 1979, certain provisions of the Summary Offences Act 1970 were replaced by the Offences in Public Places Act 1979. Section 5 of the new Act replaced the previous sections covering such activities as offensive behaviour, unseemly words and indecent exposure. One of the aims of the new Act was to ensure that contemporary community standards would be used in determining what sort of behaviour warrants police intervention. Approximately 9,000 appearances a year were dealt with under the provisions of the

Summary Offences Act and the Bureau was requested to evaluate any changes in the new legislation. The questions under examination included an analysis of the various types of behaviour constituting an offence (e.g. nude sunbathing, urinating in the street, unseemly words etc.), who was present at the time (e.g. a large crowd, members of the police force etc.), the location of the offence (e.g. a main highway, a deserted beach etc.) and the social context of the offence (e.g. political demonstrations, leisure behaviour). This study encountered the methodological problems found by many social scientists in their endeavours to classify and quantify complex social interactions. Some of the approaches adopted in this study are discussed.

CONCLUSIONS

Towards the end of the seminar a short time was provided for concurrent discussions of special interest groups. These groups were encouraged to consider suitable areas for future research, but unstructured discussion of matters of mutual interest was also encouraged. Two of these groups, representing police and forensic scientists and social scientists prepared brief reports which were presented to the final plenary session of the seminar. (A meeting of the sub-committee studying the feasibility of a national prison census was also held and prepared a report for the Annual Conference of Ministers in charge of Prisons, Probation and Parole.) Edited versions of these discussion group reports follow.

POLICE AND FORENSIC SCIENTISTS

Some members of the police and forensic scientists group considered that they were not empowered to make specific recommendations covering future activities of their organisations. Proceedings were confined to a general discussion of the linkage between police and forensic specialists and the wider organisational implications of such connections.

There was broad agreement within the group that scientific participation in major crime investigation in the 1980's will necessarily increase. There is a discernible trend both here and overseas of judges and juries rejecting confessional evidence and this will require increased efforts to be made to raise the capacity of investigative authorities to obtain and present more and better physical and scientific evidence to the courts.

There was rather less agreement as to how this increased capacity should be achieved. Some broad approaches that were discussed include :

> Raising the standards of police technicians and improving liaison and cooperation between police and government laboratories.
>
> Training and educating police personnel as scientific officers, perhaps providing them with separate career structures. This approach was seen to invite the dangers of obsolescence and rigidification in the face of rapidly changing technology.
>
> Recruiting scientific officers as sworn police personnel, perhaps on contract. Such officers would probably be expected to operate with a degree of professional autonomy.
>
> Relying mainly on consultant scientists and government laboratory scientists and endeavouring to increase their operational presence.

There was general agreement that scientific officers should be used in the field more frequently, especially at the scenes of major incidents,

criminal or otherwise. One possibility considered was to provide incident commanders with scientific advisers where necessary. Consistent with this view the suggestion was made that scientists rather than technicians should attend the scenes of all major crimes, especially suspected arson sites. It was realised that such a suggestion perpetuates the dispute in police administrative circles concerning the use of non-sworn personnel in operational roles.

Concern was expressed regarding liaison between police officers and scientific officers. Quite apart from questions of whether police officers should be scientific officers or vice versa, the immediate problem exists of determining who decides what forms of scientific expertise should be sought. Some participants felt that police officers do not have sufficient background knowledge in order to make these decisions effectively. Conversely, the knowledge of many scientists concerning other specialties was also considered to be limited. It was suggested that perhaps closer consultation was required to solve this problem, and it was agreed that some degree of reform in the decision-making process was urgently required.

The ability of scientists generally to give their evidence effectively in court and, in some cases, even their reluctance to appear in court, were mentioned as two disadvantages with the use of non-government scientists in criminal investigations.

It was pointed out that the question of greater scientific involvement in crime investigation is but a small part of the much wider phenomenon of increasing levels of specialisation in all areas of society. Not only is greater specialisation being effected within police departments but many other specialised agencies are now attempting to establish jurisdictions out of what was previously undisputed police responsibility. Some of these responsibilities include prosecuting in the lower courts, certain types of rescue work, specialised criminal investigations and some forms of crime prevention. Other areas of dispute were thought likely to emerge in the near future. Some of the agencies involved in this redistribution of roles was seen to be corporate affairs commissions, State emergency services, the Trade Practices Commission, local government enforcement units, private security companies and consultants of all kinds. It was thought that care needed to be taken to ensure that this process was not counter-productive to the ends of justice. It was stressed that the end product of criminal investigation was to gain reliable evidence and to present that to a court in such a way as to ensure the conviction of offenders.

Given that many important decisions concerning a number of questions raised in this report will be decided on political, industrial or pragmatic grounds, the group was not sanguine that the best decisions would necessarily be made.

SOCIAL SCIENTISTS

It was suggested by this group that the Australian Institute of Criminology contact the Australian Bureau of Statistics to discuss the

proposed new classification of occupations as this was thought by some to be unsuitable for research in the social sciences. A representative of the Bureau reported that intensive discussions on the proposed classification were currently being conducted.

The issue of different types of research was discussed and it was suggested that long-term research should be undertaken by the Institute and that smaller projects be undertaken by outsiders. (Editor's note: The Board of Management of the Institute and the Criminology Research Council have agreed that in general Institute research should be national and comparative in nature and that funded by the Council should be restricted to specific locations and therefore be more likely to incorporate primary data gathering.)

Questions of facilitating research in prisons and improving rapport between researchers and prison officers were discussed. A number of specific areas for future research were named :

1. Practical research in victimology. It was argued that in the past criminology had concentrated almost solely on the offender.
2. The 'social impact' of sentences imposed by the courts.
3. The role of self-help groups such as Legacy, rape crisis centres, etc., in providing help to victims of crime.
4. The effect of stress on (a) prisoners, and (b) witnesses in court.
5. The attitudes and assumptions held by (a) court officials, and (b) criminological researchers.
6. The relationship between alcohol and crime, with particular reference to (a) the effect of alcohol on the commission of specific offences, (b) the possible provision of alcohol in prisons, (c) the effectiveness of alcohol rehabilitation programs in prisons, and (d) alcohol as a mitigating factor in sentencing and the impact of the recent High Court decision on this subject.
7. The use of opiates, including heroin, and the significance of organised criminal activities in the importation and distribution of opiates. It was also suggested that research was needed on the question of how the families of opiate addicts could be helped.
8. The reasons for the differences between Australian States and Territories in the use of imprisonment.
9. The effectiveness of community crime prevention programs, including neighbourhood support schemes for juveniles.
10. The effectiveness of 'intermediate treatment' including the various forms of non-custodial and semi-custodial sentencing options that have recently been introduced in a number of Australian jurisdictions.

11. The place of theory in criminological research and the use of the hypothetico-deductive method. This should include consideration of the relative merits of experimental, survey and epidemiological research orientations.

12. The extent to which the results of criminological research are incorporated into legislation or administrative practice.

13. The selection and training of custodial staff in prisons and a consideration of their salary scales compared with court workers and police.

14. The effect of unemployment and other economic factors on the incidence of crime.

15. The relationship between community values and the translation of those values into the criminal law. It was suggested that a study of the ethics, philosophy and politics of the definition of crime would provide useful insights.

16. The exercise of police discretion and the factors which influence its use.

In addition to discussing the reports of the concurrent discussion groups the final plenary discussion group considered a number of broader questions that had arisen during the seminar. The first of these related to the problems faced by research workers where a conflict of loyalty exists. This may occur in government positions where a researcher may be required to provide justifications for a policy with which he personally disagrees. Conflicts may also occur in other situations where a supervising or funding agency places restrictions on the research methodology and style. It was generally agreed that, even though sometimes extremely difficult, the researcher's primary loyalty must lie with the employing or supervising agency.

This discussion led to a consideration of whether it was necessary or desirable for criminological researchers to establish a code of ethics to meet their particular needs. It was pointed out that this matter was discussed at the foundation meeting of the Australian and New Zealand Society of Criminology held in Melbourne on 24 October 1967, and that the meeting had decided that it was inappropriate for the Society to establish such a code as it was essentially a scholarly body with membership covering many disciplines. Notwithstanding this point of view, it was thought that the American Society of Criminology had its own code of ethics and it was agreed that this should be studied.

Related to this discussion the question was raised of whether or not it would be useful to establish a special interest group of criminological researchers, especially for those working in government positions. It

was reported that in one State a special branch of the relevant Public Service Association had been set up for research and planning staff and that this group was considering its attitude to the types of problems that had been raised earlier. It was agreed that it would be useful to follow the work of this group.

A third issue discussed of particular importance to criminological researchers and social scientists was the matter of accessibility to data sources. An example was the planned national census of prisoners. It was pointed out that no guidelines had yet been laid down for access to this potentially rich data source. In this general context the relevance of legislation protecting privacy was noted.

At the other end of the research continuum the problem of achieving implementation of proposals emanating from research was raised. It was pointed out that political considerations and the attitudes of politicians may be opposed to reform and that this was probably due to the influence of the media. It was suggested that the attitudes of decision-makers in the area of criminal justice would be worthy of research. It was also pointed out by a number of participants that the level of public discussion of matters related to crime and criminal policy was abysmal and that the media seemed to have difficulty in presenting material in an unemotional and unbiased manner even when factual information was provided. It was suggested that perhaps criminologists needed to learn to use the media more effectively in order to get their message across. One participant proposed that the Institute and Criminology Research Council should make more determined efforts to ensure that the results of research were conveyed to senior politicians and administrators, even though it was recognised that these bodies had achieved a great deal in meeting this need. Other participants argued that citizen-based pressure groups were essential in order to bring about change.

The discussion concluded with reference to the difficulties faced by researchers in having their material published and it was pointed out that the *Australian and New Zealand Journal of Criminology* was not able to accept all of the high quality material being submitted to it. It was also pointed out that in some situations researchers did not have the right to publish the results of their work and it was agreed that this was a cause for concern.

None of the topics discussed in the final session were conclusively resolved, but the exchange of views and the airing of difficulties was thought to have been worthwhile. No doubt many of these issues will be raised again at future seminars of this type, specifically at the next research seminar which is tentatively scheduled to be held by the Institute in February 1983.

APPENDIX A

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EVALUATION OF THE SEMINAR

Shortly after the close of the seminar a short questionnaire was forwarded to all participants seeking their reactions to the organisation and content of the seminar and also inviting suggestions for the improvement of future seminars of this type. In the few days before the questionnaire was despatched a number of letters expressing appreciation were received from participants, and the overall pattern of responses in the completed questionnaires was also clearly positive and appreciative.

A total of 52 questionnaires were sent out and within a period of two weeks 41, or 79 percent, were completed and returned to the Institute. The responses are analysed in some detail below in order to guide planning of future research seminars at the Institute. Responses to the 11 questions are reported in order with occasional comments by the editor.

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

These responses varied from one day to the full four days, with 27 out of the 41 respondents (66 percent) having attended for at least three days. A number of people who attended for only one or two days had unavoidable teaching commitments in universities or colleges, even though the seminar was planned to precede the normal academic year. Perhaps one week earlier would have avoided this problem. This was in fact suggested by one participant.

QUESTION 2. *Did you present a paper?*

Thirty-six out of the 41 respondents who completed the questionnaire had presented papers at the seminar.

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

Thirty-nine, or 95 percent, of the respondents answered this question in the affirmative, with several adding comments such as 'very efficient' etc. Four, however, suggested that advance mailing of the abstracts would have been helpful.

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

Answers to this question were more varied, with 21 respondents expressing satisfaction, 15 saying that four days was too long and four saying that it was too short. Generally, those saying that the seminar was too long had not attended for the full time.

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

Responses here were almost exactly evenly divided, with 18 respondents saying that the program was too crowded and 19 saying that it was

satisfactory. Among the suggestions for change were :

- more concurrent discussion groups including papers being presented to such groups ;
- not more than eight papers per day;
- not more than three papers per session;
- more time for discussion of recently completed research and short progress reports on others.

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

Forty, or 97.5 percent, of the respondents answered this question affirmatively with several adding such words as 'extremely', 'very', or 'highly'.

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

Responses to this question were remarkable in that an extraordinarily wide range of speakers were mentioned as presenting papers that were most valuable. Some respondents named groups of papers on specific topics and in these cases the individual paper presenters were credited as if they had been named personally by respondents. The responses of two participants who facetiously named their own papers were not included in this analysis! A total of 37 papers were named as most valuable by at least one or more respondents. Without reproducing the full list, those mentioned most often in order were papers presented by John Walker, David Biles, Brent Fisse, Beryl Morris, Maggie Brady, Ross Homel, Peter Thatcher, John Braithwaite, Dennis Challinger, John Minnery, Donald Perlgut, and Glenn Withers. This diversity of interest tends to suggest that wide-ranging seminars such as this one meet a need, especially in view of the fact that a considerable proportion of responses to this question cut across the boundaries of academic disciplines.

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

The overwhelming response to this question, 33 out of 41, supported the continuation of research seminars once every two years. Six respondents suggested that they should be held annually and one suggested that the location should be rotated from time to time. If the number of people wishing to participate in research seminars continues to increase, one option would be for them to be held annually with the proviso that speakers would not be permitted to speak on the same topic for two consecutive years. No decision has yet been made on this option.

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

Responses here were again overwhelmingly positive with 40 out of 41 saying 'yes' and only one saying 'not as presently formulated'.

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

Majority opinion here was clearly in favour of more time for concurrent discussion groups with 23 respondents supporting the proposition, 10 being opposed and eight expressing no opinion. From those in favour, suggestions were made for more structured agendas being prepared for discussion groups and for the presentation of papers to concurrent groups, even to the extent of dividing most of the seminar into two or three parallel sessions aligned to particular interests. Others noted, however, that the interdisciplinary nature of the seminar would be lost if this were taken too far. There is the additional problem of providing suitable facilities for this to be done.

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

A wide range of suggestions were made in answer to this question, but no consensus emerged as to particular improvements that should be made. Some suggestions related to accommodation and to the arrangements for the seminar dinner. One respondent suggested a reception at the end of each day, to be funded from registration fees, while another suggested deletion of the late afternoon sessions and 'working afternoon teas' incorporating general discussion. Improved media coverage was suggested as well as more uncommitted time to use the Institute library and for informal discussion. More substantive suggestions related to the need for a workshop on research methods and the proposed inclusion or expansion of particular interest groups.

As indicated above, these reactions will be taken into account in the planning of Institute seminars of this type in the future, but in view of the very positive support found in this survey radical changes are not anticipated at this time.