

reporter



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- W. Clifford
How to Combat Hijacking – no charge
- W. Clifford and L.T. Wilkins
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COVER PHOTOGRAPH: The Attorney-General, Senator P.D. Durack, officially launches a new Institute publication, *Corrections in Asia and the Pacific – Proceedings of the First Asian and Pacific Conference of Correctional Administrators* in the J.V. Barry Memorial Library at the Institute on 4 August.

reporter

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Letter to the editor...

Dear Sir,

In Volume 1, Number 3 of your *Reporter* a summation of a paper prepared by Dr Jocelyne Scutt appears under the heading 'More police training needed in 'domestics''. I am aware of Dr Scutt's interest/concern with the subject of domestic violence and of the work already undertaken by her on the topic. Matters raised in this article however cause me some concern, in terms of their inaccuracy.

She has generalised the situation of domestic violence, heedless of the peculiarities of philosophy and tactics employed in each State: indeed, I am told that she is aware of the combined efforts of concerned groups in this state, but has nonetheless chosen (it seems from your article) to ignore this. I take this opportunity to briefly summarise these and I invite you to note the extent of police involvement:

In 1974 planning commenced for what has now become the 'Crisis Care Unit' – a body of qualified people to assist in crisis intervention. This was a joint initiative of the South Australian Police Department and the Department for Community Welfare, arising from a perceived need for follow up service to police attendance.

In August 1979 a committee on domestic violence was convened, chaired by the Women's Advisor to the Premier. A senior police officer is a representative and is currently preparing a joint submission with a legal research officer from the Premier's Department. It is expected that this submission will be completed shortly.

In 1978 and 1979 Seminars on Domestic Violence were conducted in Adelaide. A senior police officer assisted in the preparation of the resolutions.

In September 1979 a meeting was arranged between Regional Superintendents and representatives from Women's Shelters to establish a better understanding of each other's roles. The Women's Adviser has identified this as being 'most successful'.

Police training has always included content specifically related to domestic situations but with our growing awareness the curriculum in recent years has been extended not only in content but also in approach in order to broaden the trainees' perspective, by conducting role play situations under the supervision of the Crisis Care Unit and by having guest speakers from women's groups.

Volume 2, No. 6 (1979) of *Forum* (Australian Crime Prevention Council) carries an article prepared by Inspector J. Murray entitled 'Domestic Violence: Beating the Problem' which outlines this Department's awareness of the problem and negates the apathy suggested in Dr Scutt's paper.

(continued on P. 2)

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Further information may be obtained from:

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Survey results due soon

The Institute, in conjunction with the National Capital Development Commission, is conducting two surveys aimed at exploring the relationship between crime and planning in Canberra and districts.

The surveys resulted from the involvement of the Commission in an international crime prevention planning course conducted at the Institute during April-May last year.

In the first survey, which was completed in April, a 'sample' of residents in inner-north Canberra households were asked questions relating to crime victimisation, behavioural responses, perceived causal factors, comparative perceptions of the level of crime in their neighbourhood, and features of the design of their houses.

An Institute spokesman, Mr Jeff Marjoram, said recently that data from this survey was currently being analysed and was expected to be ready for publication in October.

The second survey focusses on retailers in Canberra and Queanbeyan, a New South Wales country centre close to the national capital.

Retailers were surveyed on retail-related offences, including breaking and entering, shopstealing, vandalism, arson and 'valueless' cheques.

This survey is aimed at determining the comparative levels of crime in different shopping centres and takes into account factors such as the nature of the retail operation, hours of opening, security precautions, shop size and design.

Mr Marjoram said that the Australian Federal Police had lent considerable assistance to the joint project through providing current data on crime in the Australian Capital Territory. ®

(continued from P. 1)

Relating to accuracy of the comments made I feel that I should correct some of her assertions:

'... domestic disputes accounted for between 60 and 80 per cent of police working time...'

During a four week test period in 1978 the following was found:

less than 50 per cent of uniform patrol personnel's time is spent on radio taskings;

35 per cent of the number of radio taskings that are handled relate to disturbances* and this accounts for 30 per cent of the time spent on radio taskings;

uniform personnel account for 33.5 per cent of the manpower resources of the South Australian Police Department.

* A disturbance includes matters not always specifically related to domestic violence and may include neighbour disputes, bad behaviour at a hotel, etc.

Consequently the suggested proportion of time accounted for is substantially less than what she suggests.

'... there was an urgent need for police officers to be trained to fulfil their duty of arrest where a crime had occurred or where there was a reasonable suspicion of a crime occurring in a domestic dispute.'

The claim implied here is that despite sufficient evidence police are reluctant to act in domestic cases. Over the years this claim has been occasionally made and we have not ignored the significance of the claim. Our members are instructed to arrest, notwithstanding the relationship of the people involved, where sufficient evidence exists. But arrest and imprisonment are not always seen by the aggrieved spouse to be the most appropriate remedy. In most instances it appears that the victim is content with being taken from the scene or by having the other removed without police action being taken. While the point is taken that police can launch a prosecution in the absence of consent of the victim, the question of compellability of a spouse cannot be ignored: a person cannot be compelled to give evidence against the spouse (*Hoskyn v Commissioner of Police for the Metropolis* (1978 2 All E.R. 136)).

The question of adjudication is subject to police discretion which, in turn, is conditioned by the evidence available to discharge the burden of proof. It follows, given this discretion, that not all reported cases of relatively minor assaults are proceeded with because of the perceived difficulty in meeting his burden of proof. There are two possible reasons for a police officer being over-cautious or reluctant to act. Prior to the Family Law Act the number of times a police car attended at a matrimonial home or the total number of complaints of cruelty made by one party against the other, tended to serve as evidentiary fact in ensuing divorce cases: a hangover may exist from this period. Secondly, enforcing the provisions of the law against one spouse and relying on the other for proof, meets with many practical difficulties which distinguish it from street or public offences.

I feel it necessary to raise at least these few matters on the topic of domestic violence. We identify the seriousness of the situation and are taking every reasonable step to cure it.

Yours faithfully,
L.D. DRAPER,
Commissioner of Police,
South Australia.

New Institute publications

PLOTTING AND PLANNING

William Clifford

 Australian Institute of Criminology

'We are all planners – whether we are simply paying a mortgage, life insurance or investing in our children's education. . . We are all potential, if not actual, criminals. As the number of laws proliferate, it is increasingly difficult for anyone to avoid breaking at least some of them at some time, and as our needs and social obligations typically increase faster than our resources, the illegal short cuts to our chosen objectives in life become more and more tempting. . . So, there is plotting and planning in all our lives.'

Taken from the introduction of *Plotting and Planning* by William Clifford, which was published in September, these excerpts reflect the central theme in the book (an edited proceedings of an international course in crime prevention planning which was held at the Institute in 1979), which deals with economic and social planning to prevent crime.

Priced at \$5.00, the book includes six lectures by Mr Clifford, Director of this Institute, with special contributions by Australian experts in town planning and leading international criminologists who include the Director of the Latin American Institute for the Prevention of Crime and Treatment of Offenders in Costa Rica, Dr J.A. Montero Castro, and Mr K. Suzuki, Assistant Director of the Rehabilitation Bureau in the Japanese Ministry of Justice.

In a chapter titled 'Crime Prevention Planning – a fieldwork approach to regional and local case studies', Senior Institute researcher Mr Jeff Marjoram reports on a unique aspect of the international course – field work.

'For the first time anywhere in the world the participants were given one week in selected planning areas of Australia, where they could work alongside people actually doing the planning, the prevention and the law enforcement,' Mr Clifford states in the foreword.

THE COST OF CRIMINAL JUSTICE

**A Preliminary
International
Survey**

**W. Clifford
and
J. Marjoram**

Australian Institute of Criminology - Canberra 1980

The Cost of Criminal Justice – a preliminary international survey by Mr William Clifford and Senior Research Assistant Mr Jeff Marjoram, is a research report which, ' . . . presents the findings of an exploratory international survey of expenditure on criminal justice'.

Published in July and priced at \$2.00 each, the report is aimed at assessing what proportion of government expenditure is devoted to the criminal justice sector in 32 different countries and is part of a broader Institute study of the costs of crime.

The survey was based on data on national expenditure related to criminal justice (for example, police, courts, prisons) and expenditure for all government activities (that is, total budgetary expenditure).

The study found that in the countries surveyed 'considerable amounts' of public finance are devoted to criminal justice services, particularly police.

'The proportion of central government total budgetary expenditure allocated to the criminal justice sector varies from less than two per cent to more than nine per cent among the countries surveyed, the mean being approximately 4.0 per cent,' the authors conclude.

The authors stress however, the difficulties in comparing criminal justice expenditures and point out that further research is necessary to 'refine the admittedly limited data'.

Countries surveyed were: Australia, Belgium, Canada, Chile, Cyprus, Denmark, Fiji, Finland, German Democratic Republic, Gilbert Islands, Hungary, Indonesia, Iran, Irish Republic, Israel, Italy, Korea, Malta, Mauritius, New Zealand, Norway, Pakistan, Papua New Guinea, Philippines, Republic of South Africa, Solomon Islands, Sri Lanka, Sweden, Turkey, United States of America, Thailand, Western Samoa.



William Clifford

DIRECTOR'S DIGEST

Progress in planning

The economic and social planning of society to prevent crime has been a theme of this Institute since 1975. It is our contention that preventing crime means giving much more attention to the kind of society we are building than to extra laws and repressive measures to control behaviour. It is our belief that there is more economic and social benefit to be obtained from anticipating crime than mopping it up in the streets.

Ample evidence to support this position is available from a consideration of social and economic development during the past two generations. It is clear that if more attention had been paid over the years to the opportunities for crime and the temptations that were being created, to the scope for exploitation and the maldistribution of resources, and to the implications of an improved education and technology for law enforcement, we could have had less crime than we have today. If this is the benefit of hindsight, it is a benefit that should be applied now to the allocation of resources in this or any other country. Investments anywhere and for any purpose have a negative as well as a positive implication and planners need to take into account the reality that there will be crime and that they may be making it easier to commit and more difficult for the law enforcement services to prevent.

Large economic and social undertakings should, therefore, be preceded by crime impact studies in the same way as there are now established environmental studies. An overview of the development in criminal justice needs to be maintained by planning and evaluation crime commissions, the

details of which have already been published in these columns.¹

This approach to national and local economic and social development to prevent crime is a theme which has occupied me since the middle 1960s, when I gave a course on 'Crime and Economic Development' at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in Fuchu, Tokyo. Arising out of that, came an awareness of the close relationship between development and crime. This led to other publications and to the Japanese Government making the decision to monitor the development at Kashima, the new port north of Tokyo, with criminological researchers from the Ministry of Justice. As a result, there is now available a complete account (of 15 years or more) of the extent to which crime was and is affected by development in one particular region of that country.

It was a theme taken up by the United Nations and became one of the main subjects for discussion at the Fourth United Nations Congress for the Prevention of Crime and the Treatment of Offenders held in Kyoto, Japan in 1970. It was not entirely fortuitous, that, at the time, I was the United Nations Executive Secretary for the Fourth UN Congress.

Yet progress has been slow. Even in the United States where massive resources were available to develop new planning schemes, the concentration was mainly upon planning within the criminal justice system. This is an important part of economic and social planning, but only a small part. Slow progress was understandable, however, when one takes into account

the myriad agencies and authorities dealing with crime in that great country. On the other hand, a national integrated plan, including crime prevention, had been a feature of economic development in the Communist countries; but here the integration of crime prevention was much more implied than explicit and, in fact, it was not always easy to identify crime prevention as a distinct feature of comprehensive planning in these centrally planned economies. There were also other difficulties arising from the political orientation which can only be mentioned here.

In Western Europe and Australia, national planning at the centre had not fully developed and since 1975 this Institute has been working mainly upon regional planning, developing its relationships with planners concerned with development areas. This is not the comprehensive planning to prevent crime which is being sought, but it does represent an opportunity for a number of case studies to be prepared and also for there to be a closer association between planners and criminologists. Quite independently, however, the United States had initiated a separate approach to physical planning and crime and the 'Oscar Newman' 'defensible space' study of the relationship between types of architecture and crime has had considerable interest for a number of planning authorities. In this country, the Criminology Research Council has funded studies of the relationship between architecture, design and crime in at least one State.

Meanwhile, the task remains to bring this forward thinking into more effective operation. The Australian Institute of Criminology

has carried out special planning seminars in Albury/Wodonga and Geelong and, in cooperation with the Australian Crime Prevention Council, has held conferences in Brisbane and Tasmania. The Tasmanian Branch of the Australian Crime Prevention Council is now seeking to bring this matter before the State Cabinet, with a view to having the Council associated with projects which may have crime implications even though they are of an industrial and commercial nature.

In Spring, it is hoped that the Institute and the Australian Crime Prevention Council in Queensland will hold a planning seminar concentrating on the City of Brisbane. Similar proposals

have been made for a seminar to be held in Adelaide and slowly but surely there is a working relationship developing which brings the criminologists and the planners together.

Notable progress has been made in Canberra itself, where the Institute, working closely with the National Capital Development Commission and the Federal Police, has been examining crime in a number of different suburbs and looking at the possibilities of comparing the experience in Canberra with comparable cities in other parts of Australia.

This record of progress cannot be considered satisfactory, however. The information and the materials required to develop the

approach have been available for some time. The expertise has been slowly accumulating and now, with the publication of *Plotting and Planning* which is the full course given at the Institute in 1979 under the auspices of the Australian Development Assistance Bureau, the scope is extended for other organisations to become more interested in this field and to ensure further development of the idea that crime is much more than a matter of criminal justice. It is also a matter of social justice and improved economic and social planning.

1. *Australian Institute of Criminology Newsletter*, Vol. 5 No. 4, June 1978.



Attending a meeting at the Institute on 5-6 June, the first of a series of meetings aimed at producing a revised edition of the *Minimum Standard Guidelines for Australian Prisons*, which was published by the Institute in 1978 under the editorship of its Director of Training Mr Col Bevan, were: (clockwise) Mr Mark Filan, Deputy Superintendent, H.M. Prison, Pentridge; Mr Col Bevan; Mr John Dawes, Director of the Correctional Services Department, Victorian Department of Community Welfare Services; Mr John McArdle, a lawyer representing the Law Council of Australia; Mr Mark Richardson, Australian Law Reform Commission research officer; Dr Des O'Connor, Reader in Law at the Australian National University; Mr Terry Birtles, a criminologist representing the Australian Crime Prevention Council. Obscured were Mr Frank Boardman, Superintendent of the Belconnen Remand Centre and Dame Phyllis Frost, a Victorian community welfare worker.

Police must 'learn to live with media'

CRIME CRACKDOWN — BLITZ IMMINENT SAY POLICE

PATIENT
TUNNELER
BURIED ALIVE

CRIME

'MR BIG' BEHIND BARS

HOMICIDAL 'MANIAC' ON THE RUN

MAGISTRATES
MAY BE JAILED FOR
A DAY

RATES

CALL TO BRING BACK FLOGGING

VANDALS ATTACK
AN OUTRAGE

'CRIME CAPITAL OF
AUSTRALIA'

KILLER
PSYCHOTIC
SAYS PSYCHOLOGIST

'DISTURBING'

PRISON OFFICERS ON STRIKE

'How Police Feel' was the subject of an address by the Commissioner of the Australian Federal Police, Sir Colin Woods, at the opening of a four-day seminar at the Institute on 'Publicity and the Criminal Justice System'.

Held at the Institute between 17-20 June, the seminar attracted a large range of participants including police officers, corrections personnel, media representatives, prisoners' representatives and academics.

Sir Colin told the seminar that a free media was essential to free society and that if a police force was to be accountable it had to 'learn to live with the media and its requirements.'

'The relationship that exists between police and the media can at best be a thoroughly professional one, based on mutual respect and trust,' he said. 'But, in my experience, it is more likely

to be a somewhat curious relationship unless all sections of both institutions are attuned to the other's needs and problems.'

He pointed to the dangers of sensational reporting which often led to a phenomenon he described as 'imitative crime'.

'This is the phenomenon of hoax calls and the like. For instance, media reports of a bomb hoax will always spark off a spate of hoax calls. Or, when there is a major police operation underway — a kidnapping is a prime example — there will be a number of hoax ransom demands made by telephone.'

'But it would be very unreasonable for me to hold the communicators responsible; rather it's some underlying sickness in our society that causes it. But we are not helped by sensationalism.'

He said there was a need for the media to operate responsibly and

for modern police forces to develop a 'trusting' relationship with the media, so that both institutions could do their work properly and without interference from the other.

Speaking on the same subject, Sergeant M. Symons of the Media Liaison Unit of the South Australian Police Force, said that in releasing information to the media his unit followed guidelines which prevented information being released when such information could:

1. Retard police investigation.
2. Assist criminals or suspects.
3. Cause unnecessary pain or distress to individuals.
4. Or was of a confidential nature, for example, the cause of an accident.

He contrasted these guidelines with guidelines which he pre-

supposed directed media reports. They were:

1. The seriousness of the offence.
2. Whimsical circumstances.
3. Dramatic or sentimental circumstances.
4. Community status of the offender/victim.

Sergeant Symons said the media had a responsibility to report crime and court cases in a balanced manner and should realise the affects of its reporting on the victims of crime, offenders, and all those who were touched indirectly by such reports.

Speaking on 'The Public Image of Corrections', Mr Tony Roux said the public image of corrections in New South Wales was 'warped'.

He said this distorted image had been partly caused by a long history of non-accountability within the New South Wales Department of Corrective Services, which had now ended.

'The Nagle Royal Commission saw an end to many of the malpractices within the system but it [the Department] now finds that the image accruing from its past activities remains to haunt the current Corrective Services Commission,' he said.

Mr Roux criticised the press for a lack of journalistic responsibility, a situation which, he said, was aided by the law of defamation in NSW which excluded any person with a felony conviction from, 'the right to sue for damages'.

This lack of responsibility was compounded by: 'The death of small independent newspapers and the editorial demands for sensational stories either real or concocted has seen the death knell of the true journalist, although there are still a few who struggle on in the mire.'

Speaking on the same topic, the Director-General of the Department of Community Welfare Services in Victoria, Mr B. Bodna, said that there was no comprehensive public view, and this was

also true of criminal justice personnel, of the correctional system as a whole, which included prisons, police, probation and parole systems, and community alternatives to imprisonment.

'People see it as being different, people don't realise when they work in it or they are viewing it, that it is all part of the same system and some have said that there is very little relationship between the various arms of the criminal justice system (C.J.S.) in Australia,' he said.

'The police have little to do with prisons, corrections generally, the courts have little to do with the other two branches of the C.J.S. and this creates very significant problems on occasions and leads to unfortunate conflict.'

There was a need for improved communications within the system as a whole. 'Members of the Bench rarely visit prisons or rarely take the opportunity of discussing the correctional modes of the Corrective Services Department. They use them but my suspicion is that their knowledge in some cases may be limited, their knowledge about actualities, the feedback to the courts is extremely limited. . .'

Lack of communication had led to a diverse range of views among corrections personnel generally on the purpose of corrections and this was mirrored by the lack of any clear public image about corrections.

He said the media influenced the public view of corrections and the people who worked within the system. Because of the instantaneous nature of reporting, corrections was often viewed in terms of violence and lacked a broader perspective.

There was a need for a more integrated criminal justice system, increased access of the press and public to prisons and a program of community education so the system would not have to rely on ' . . . what is essentially the media thrust'.

Magistrates would spend a day as inmates in prisons under a

'realistic' education program to be conducted by the NSW Corrective Services Commission, the Commission's Chairman, Dr Tony Vinson, told the seminar.

The 'day in jail' program was aimed particularly 'at people who have the responsibility for deciding whether or not to put people in jail,' Dr Vinson said.

Dr Vinson said the Commission was taking active steps to achieve a closer working relationship with the police to increase their understanding of such important issues as prisoner classification and was attempting to improve the public image of corrections generally.

He said the Commission was concentrating on more effective training programs for its personnel and there was a trend towards public recognition of the skills and professionalism of the prison officer.

He said that the work of many prisoners had helped improve the public image of corrections.

'I think a group of prisoners at Parramatta jail have shown that all too readily, with their attempts to expose young people coming into trouble with the law to a day in jail. Now, we can go on arguing about the effectiveness of that program and there is some good evidence that it may not be as effective as some people claim, but the vision of prisoners working with delinquents or pre-delinquents to deter them from getting into trouble is something which is very arresting so far as the general public is concerned,' he said.

'I think, also, that volunteers represent another important channel of influence and communication with the public as the number of volunteers coming into the system for all sorts of roles increases, they will be very effective agents of the educational kind in the community.'

He said the number of volunteers was steadily increasing and that most volunteers were assisting in remedial or other programs and assisting educational officers.

Dr Vinson said public attitudes



Sir Colin Woods delivers the opening address at the seminar.

to crime were 'inherently unstable'. Each move, whether it was towards or away from a humanitarian approach in corrections produced a 'counter-movement' by the public. 'For example, with the humanitarian approach to social welfare problems, people start to wonder what you are doing by way of undermining the necessary observance of the moral or legal code of society.'

The result was a level of uncertainty in the public attitude towards corrections which was easily exploited by the media.

'The result is that much of what I read in the papers about my daily business is totally incomprehensible to me, I just can't understand what people are talking about,' he said.

The use of stereotypes such as 'Mr Big behind bars', the 'Homicidal maniac' or the newly emerging 'Patient Tunnelist' was common to media coverage of corrections.

In concluding, he said that public surveys conducted by the NSW Bureau of Crime Statistics in 1973 and 1974 indicated that approximately 80 per cent of those surveyed felt prisons should be essentially corrective.

He believed however, that public attitudes had moved in the opposite direction since then, towards a more punitive approach.

'From our view, the prisoners are not getting a go as far as the media is concerned,' Mr Brett Collins, presenting the prisoners' viewpoint, told the seminar.

The lack of legal rights of prisoners relating to defamation had been criticised by the NSW judiciary and the High Court, Mr Collins said, and there was a pressing need for law reform in this area. He said a recent research project conducted at the NSW Institute of Technology on media coverage of prisons indicated '... that it was really only the alternative media that was putting forward any sort of examination of the issues and putting it into any sort of ideologically neutral position, so it really means that we are dependent on the alternative news media such as the Double J prisoners' program and the use of our own alternative papers to present anything to the public.'

He gave the instance of a basketball game in which prisoners from Long Bay were competing and a youth from the opposing team was hurt.

As a result of the basketball game a newspaper report appeared headed 'Laughing prisoners shatter boy's jaw' which had 'a great affect' inside the prison. He said that as a result of the media coverage of the incident, sports activities of many prisoners were threatened, and attempts by himself and another prisoner to gain access to the media to present the prisoner's response resulted in victimisation and punishment of himself and the other prisoner.

In reply, Dr Vinson said that punishments imposed on three prisoners as a result of the incident had arisen from distinct offences committed by them, including a serious breach of privilege by a prisoner going out to participate in community sport.

In 'A View from the Bench', Mr Justice Muirhead of the Supreme Court in Darwin said that the involvement of the press in the sentencing process was vital because, '... the law recognises that deterrence is an aspect which we judges consider when we sentence people.'

'The law also recognises that

(continued on P. 9)

Guatemala: a criminologist's view

By John Braithwaite

For two weeks during my recent visit to the United States on a Fulbright Fellowship I had the opportunity to visit Guatemala. There were several business people in this Central American country who I wished to interview concerning my research on corporate crime.

It is impossible for a criminologist to visit Guatemala without reaching the conclusion that the forms of criminality which are most serious in their consequences are not perpetrated by the ordinary citizens of the country, but are crimes against ordinary folk committed by the government and the CIA, or at least sponsored by the latter.

The general manager of one American transnational corporation in Guatemala told me that there were on average 25 political assassinations in the small country each week. This may have been an exaggeration, but who could possibly know the true figure? Certainly recent Amnesty Internat-

ional reports would suggest that his estimate may not be far wide of the mark. Political prisoners in Guatemala do have a nasty habit of being shot while attempting to escape.

A right wing military dictatorship has been in power since 1954 when the liberal-social democratic government of Jacobo Arbenz was overthrown in a coup planned and financed by American Secretary of State John Foster Dulles. American fighters flown by American pilots even took part in the coup.

The United States had been particularly upset by agrarian reforms which would have enabled landless peasants to use dormant land which the U.S. United Fruit company had either bought or expropriated from the Indians. Happily for United Fruit, its former President, Allen Dulles, John Foster's brother, was director of the CIA at the time.

Since that time, any social democratic leader who has looked like winning mass support has

been shot. Communists do not even have to look like winning support to deserve elimination. They are taken care of by a private anti-Communist army, the so-called 'White Hand'.

Ordinary people live in fear of the military. A taxi-driver told me of what he claimed were 100 people from a village near where he lived who had been mowed down by the military because they objected to certain members of the military expropriating their land. When some of the women and children fled into the jungle to escape the slaughter they were followed by a helicopter and shot from the air. Apocalypse now.

Who can tell how exaggerated these stories are? Certainly the fact that such stories were so widely told is indicative of the climate of fear in the country. Recent retaliatory assassinations by the left of some members of ruling Guatemalan families have exacerbated fears on all sides.

The killing of five European

(continued on P. 13)

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punishment plays a part in the sentencing process and of course if we are free to deter people who may be minded to behave as has the prisoner. . . somehow the message has got to get out,' he said.

He stressed however, that there was a need for accuracy and fairness in reporting necessary for an accurate public understanding of judicial decisions. He said inaccurate reporting was harmful to the criminal justice system as a whole.

'It may be harmful to those who are trying to pursue rehabilitative measures outside prisons, it brings the whole system into disrepute, because the public feel a feeling of disquiet that these fellows who are releasing people on bond don't know what life is all about; they have never been hit on the head; they have never seen their children assaulted; they have never had their homes entered and they believe that judges have got

out of touch, that we have forgotten the victims or the dangers that the police experience.'

He pointed to the difficulty which judges face in trying to determine community values, an important factor in the sentencing process.

'It is very important and courts of appeal are saying it more and more these days, especially when entertaining appeals against leniency of judges' sentences, 'you must reflect the feeling of the community' — so where do I look to find the feeling of the community? Do I look in a police journal? Would I look in a probation officer's journal? No, I read my daily newspaper.'

He suggested that if the press was issued with copies of the judgment, which was his practice, then the accuracy of media reports would improve.

Other speakers were: Mr W. Clifford, Director, Australian Insti-

tute of Criminology; Mr T. Rippon, Secretary, Police Association of Victoria; Mr W. Nicholl, Stipendiary Magistrate, A.C.T.; Dr D. O'Connor, Reader in Law, Australian National University; Mr J. Malone, Federal Director, Federation of Australian Commercial Television Stations, Dr P. Grabosky, Director, Office of Crime Statistics, South Australian Attorney-General's Department; Mr J. Rush-ton, Deputy Federal Director, Federation of Australian Radio Broadcasters, Sydney; Mr G. Hydes, Deputy Commissioner, Hong Kong Prisons Department; Dr S. Muggford, Lecturer in Sociology, Australian National University; Mr R. Whitrod, Victims of Crime Association, South Australia; Dr G. Wardlaw, Senior Criminologist, Australian Institute of Criminology.

The seminar was closed by the Deputy Leader of the Opposition, the Honourable L.F. Bowen. ®

Safer to live in Tokyo?

'The falling rate of serious crime in Japan has continued to prevail and has been repeated in 1979 — the latest year for which figures are available', the Director of the Institute, Mr William Clifford, told a public symposium, the first to be held by the Institute, on 1 July.

Officially opened by His Excellency, the Ambassador of Japan to Australia, Mr Mizuo Kuroda, the symposium on 'Why is it safer to live in Tokyo?' brought together the members of an Australian delegation which, with a grant from the Australia-Japan Foundation, visited Japan in April 1979 to study its crime control methods.

Members of the public, including a judge, police officers, correctional workers, members of the diplomatic corps and the Department of Foreign Affairs, academics and students, were invited to ask questions and discuss matters relating to crime control in Japan with the delegation.

A visiting expert at the symposium was Mr Shinichi Tsuchiya, Deputy Director for the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, who addressed the symposium on current statistics relating to Japanese crime.

In an opening address, Mr Clifford said that the number of non-traffic penal code offenders investigated by Japanese police had declined from 578,152 in 1950 to 379,322 in 1978.

'This graphic picture of falling crime has to be seen against the background of Japan as a country which is without doubt the most highly industrialised, highly urbanised and, in relation to its natural resources, one of the most densely populated nations of the world', he said.

'Elsewhere in the world, industrialisation and urbanisation have been accompanied by a rise in crime rates and especially in serious crime rates'.

In a preliminary survey, a senior criminologist at the Institute, Dr Satyanshu Mukherjee, pointed

to dangers and conflicts inherent in international comparisons of crime.

'For example, the United Kingdom shows consistently lower homicide rates and rape rates as compared with Japan. . . among all the civilised nations, the homicide rates in the United Kingdom have been one of the lowest for decades', said Dr Mukherjee. 'The fact that as compared with Japan, these United Kingdom rates are low, does not, however, allow us to ignore the fact that they are rising in the United Kingdom and falling in Japan.'

Dr Mukherjee also pointed to the high suicide rate in Japan which, he said, could also be used as an indicator of aggression in a society.

'The lower Japanese crime rate is often explained by the social system and effective informal as well as formal control mechanisms',

he said. 'It is unwise to be complacent however. The same social and control systems which have been able to contain and reduce crime, have also maintained a relatively high suicide rate. The Japanese suicide rates have held a position within the top quartile of the countries reporting suicides to international agencies. What is interesting is the ratio between homicides and suicides. In Japan this ratio ranges between one homicide for every eight suicides and one homicide for every ten suicides; this ratio is lower in other countries. This relationship can be examined in ascertaining punitiveness and aggression in society. Like many other factors, these may enable us to measure safety in a place.'

'Non-traffic' penal offences including violent crimes such as murder, robbery, rape and assault



His Excellency, the Ambassador of Japan to Australia, Mr Mizuo Kuroda



The panel, from left, Mr G. Johnson, Chief Superintendent D. Hunt, Mr S. Tsuchiya, Mr W. Clifford, Mr M. Kuroda, Mr F. Albiez, and (obscured) Mr K. Stotter.

had shown a steady downward trend since 1962 although a slight increase had been recorded in the past three years, Mr Tsuchiya told the symposium.

He said however, that in contrast to this downward trend there had been an increase in the number of juvenile offences and an increase in the numbers of females committing property and violent crimes. There had also been a sharp rise in the number of stimulant drug cases and this had continued during the past decade.

These increases he attributed to such factors as, in the case of women, the 'proliferation of opportunities for women to commit such crimes as occur in many supermarkets and departmental stores to which women go more frequently than men.'

Raising the question of how Japan had contained its crime level in an environment of rapid indus-

trialisation and urbanisation which, he said, normally resulted in increasing rates of crime, he concluded that several factors were relevant.

These included: a high level of employment; a comparatively equal distribution of wealth; effective law enforcement; strict control of gun ownership and drug distribution; strong, informal behavioural controls by families and communities; and public participation in the prevention of crime and treatment of offenders through a variety of voluntary organisations which included 8,000 crime prevention associations comprising 560,000 volunteers.

'So, to explain Japan's lower crime rate it is necessary to consider not one but all of these interlocking factors. Together they have been conducive to maintaining the lower crime rates and together they have produced the

declining tendency to commit crime which is so clearly evident in Tokyo and in other parts of Japan.'

The symposium was then addressed by members of the Australian delegation to Japan.

The first speaker was Chief Superintendent David Hunt, head of the South Australian Police Planning and Research Unit, who spoke on 'The Police Angle'.

Mr Hunt said that the incidence of crime in Australia had increased 'significantly' in the past decade and that police, in attempting to counter the increase, were looking for methods which offered 'maximum effectiveness'.

He said it had become apparent that increases in police manpower would have little impact on the rate of crime, and so, in South Australia, police had developed a crime prevention plan which was aimed at effective crime prevention

through planned policy.

It was aimed at making the community and the individual aware of crime and the need to reduce the chances of individuals becoming victims, thereby reducing 'criminal opportunity'.

It was also aimed at reducing criminal motivation and sought to achieve this through concentrating on the effectiveness of the police force; improving the quality of its personnel; improving coordination between different departments within the criminal justice system, thereby maximising efficiency; and achieving a high level of public involvement.

'Crime is a social and economic problem which affects every segment of society and it is becoming increasingly obvious that traditional policing efforts alone are no longer sufficient in reducing crime', he said. 'The vital point here is that police require active community involvement to reduce crime. . . alone the police cannot cope adequately with the crime problem'.

To this end a Crime Prevention Unit had been operating in the South Australian force for eight years. One of its most successful projects had been a crime deterrence campaign, 'Crime Alert', in 1979, which had involved a large number of police door-knocking a pre-determined area in the eastern suburbs of Adelaide where there had been a significant increase in house-breaking.

'Feedback from the campaign confirmed that it was successful, at least in terms of public response. Only in the long term, and following subsequent campaigns throughout the metropolitan area, will their success or otherwise in affecting the incidence of crime be apparent', he said.

The role of the prosecutor in the criminal justice system in Australia, as compared with Japan, was the subject of an address by Mr Fred Albietz, Deputy Ombudsman in Queensland and, at the time of the Japanese study tour, Executive Officer in the Legal



Visiting expert Mr Shinichi Tsuchiya

Division of the Queensland Department of Justice.

Mr Albietz discussed the use of summary procedures in Japan in relation to a need, he perceived, for more expeditious criminal trials in Australia, where the problem had grown more acute with the extension of legal aid in criminal matters.

He said summary proceedings were used to determine the majority of criminal cases in Japan. Discretion in their use was vested in the public prosecutor, who exercised discretion where a suspected offender admitted his offence or did not raise any objection to the procedure in a case which involved a fine of less than 200,000 yen (\$A 900).

'As I understand the procedure, the public prosecutor discusses the case with the offender and recommends the fine. A summary court imposes the fine through a

review of documents referred to it by the prosecutor's office, and invariably the fine recommended by the public prosecutor is imposed', Mr Albietz said.

He added that the summary procedure did not deprive an offender of the right to demand a formal trial in court. An offender could apply for a formal trial within 14 days of receiving notification of a summary order. However, this occurred very rarely.

'So that in effect it is the prosecutor who determines the guilt of the offender and the amount of the fine in the summary procedure', he said, adding that the system was acceptable to the Japanese people because of the tremendous respect for the impartiality and fairness of the exercise of discretion by a public prosecutor.

He pointed to the difficulty in applying such a system to Australia '... with this discretion being taken from the impartial and

independent court and given to prosecutors who for the most part are police officers'.

Mr Albietz also discussed the extensive use of volunteers in the Japanese probation and parole services.

'It is interesting to compare the number of probationers and parolees with the number of volunteers, totalling at 31 December 1977, 46,323 — one for one!'

He said the voluntary Japanese system had arisen out of enormous case loads on the professional officers which had made it impossible for them to personally supervise or contact, with reasonable frequency, probationers and parolees.

He concluded that the success of the voluntary system was attributable to 'the close family ties' inherent in the Japanese society.

Mr Grant Johnson, Supervisor of Classification in the Victorian Community Welfare Services Department, said that in Japan the prison system was very definitely identified with the criminal justice system itself rather than the welfare system, an issue which remained the subject of debate in several Australian States.

'They have also very clearly resolved the debate about whether the prisons are trying to achieve security or rehabilitation, and they have resolved it in a very effective way by aiming towards the achievement of both of those aims', he said.

They had achieved a record in security and attained a high standard in rehabilitation.

He pointed to the close coordination between the different sections of the Japanese criminal justice system and the importance of cultural factors in relation to Japanese crime.

'The family is a very strong teacher to the individual, not just when he is growing up, not just when he is a child but throughout his life. For the duration of his life, the individual will relate and identify very closely with his

family. The individual's responsibility to his family and his community is stressed all the time, rather than the individual's responsibility to himself', he said.

Families were very important in developing a feeling of conformity, respect and social control and this had an important effect on the Japanese crime rate.

He believed the most significant difference between the Japanese and Australian systems was the Japanese emphasis on individual responsibility '... above any question of individual rights'.

Japanese prisons did not have management or discipline problems; they had much more sophisticated prison industries and prison sentences were clearly defined.

The last speaker, Mr Kim Stotter, Superintendent of the Nyandi Treatment and Research Centre for Girls in Perth, Western Australia, told the symposium that juvenile institutions in Japan were divided into two main categories — classification centres and treatment centres, a division common in Western countries.

Security at such institutions was not a problem. 'The low escape rate, similar to the prison system, could only be described as incredible by Western standards,' Mr Stotter said.

He said staff of Japanese juvenile institutions were generally highly qualified.

'This compares to Western Australia where there is a heavy emphasis on training and use of para-professional staff as the front-line workers — under the supervision of professionals.'

An emphasis on social guidance of juvenile offenders in Japan was mirrored by recent trends towards the teaching of social skills in some Western countries.

'It is however, less structured than most social skills training programs in that it relies on counselling from individual staff members as compared to the more structured teaching of social skills as we know them in this State'.

He concluded that he was

impressed with the concerned and humane approach of those working in the juvenile institutions.

A full proceedings of the symposium titled 'Why is it safer to live in Tokyo?' by William Clifford has been published by the Institute and is available from the Publications Section. ®

(continued from P. 9)

and American tourists near the Mayan ruins at Tikal has been a factor in the withering of the tourist industry in the country. My wife and I had great difficulty finding a tour from Guatemala City which had not been cancelled. When we did find one, we were the only people on it. Another factor here is that the wife of the most recent social democratic leader to be shot, now living in Switzerland, has been organizing, apparently with some success, a European tourist boycott of the country.

In the streets of Guatemala City the troops are everywhere, armed with automatic weapons. One day I looked on as people scurried off the street near the crowded market to clear the way for a bus charging through a red light with siren blaring. It was full of soldiers, heavily armed. Who knows where they were going? You don't read about such things in the newspapers.

Somehow crimes on the scale of the killings in Guatemala make our criminological concerns in Australia seem so trivial. I don't want to leave the impression that I came away from Guatemala with only critical things to say about it. The physical beauty of the country is staggering — 18,000 foot volcanoes towering out of the jungle with smoke pouring from their peaks. The Indian people, descendants of the Mayan civilization, were charming beyond description. And the executives of American corporations whom I interviewed all agreed that Guatemala was 'a favourable climate for investment'. ®

Researcher addresses Nader meeting

'Thalidomide was the most terrible crime from which people in Australia have suffered in the post-war era. The thalidomide disaster was not an accident, it was a crime in the name of profit', a senior Institute researcher, Mr John Braithwaite, told a recent Canberra public meeting in a preamble to a lecture by American consumer advocate Mr Ralph Nader.

The public meeting was also the highlight of a two-day 'Workshop on Corporate Crime' which was held at the Institute on 21-22 July in which Mr Braithwaite was one of 18 participants.

Mr Braithwaite told the meeting that the criminal prosecution of nine executives of the West German company which developed Thalidomide, Grunenthal, and the subsequent protracted proceedings which resulted in, he said, the criminal charges being withdrawn and an out-of-court settlement being made to compensate Thalidomide children, reflected the inability of criminal law to effectively control corporate crime.

'Last year I spent six months in the United States interviewing executives in the pharmaceutical industry,' Mr Braithwaite told the meeting. 'At the beginning of one of these interviews I asked my informant exactly what his position was in the company. He said 'I'm the Vice-President responsible for going to jail!' Lines of accountability in the organisation had been structured so that if there was a problem and someone's head had to be put on the chopping block, it would be his.

Mr Braithwaite continued, 'He thought this was fair enough. He pointed out to me that he would never have been promoted to vice-president unless he had been willing to risk being the scapegoat. . . A large company can therefore payoff someone to suffer the consequences of any criminal action which might be directed against it.'

Criminal law could never be the powerful weapon to control cor-

porate conduct that it was to control individual behaviour, Mr Braithwaite said.

There was a need to establish more workable principles of corporate criminal responsibility, however he warned that most abuses of corporate power would remain beyond the effective reach of the law.

'Most government controls on these abuses will continue to be negotiation games rather than legal games', he said.

The workshop was designed by the Training Division of the Institute to provide a forum for a small number of researchers and academics to discuss problems relating to the criminal responsibility of corporations and to lay the groundwork for future strategies to combat crimes committed by corporations.

Speaking on the topic of 'Corporate Homicide and Culpable Negligence - the unrecognised corporate criminality' Mr Michael Tubbs, a lawyer, said that the element of physical violence was often absent from the 'notion' of 'white-collar crime'. However, he said, more people were killed, physically injured and maimed, had their lives shortened and health ruined by the corporate criminal than by all other criminals combined.

'The corporation that pollutes the atmosphere and the waterways in breach of environmental laws, can cause breakdown of health in the community, as the contamination of Minimata Bay with mercury has demonstrated. Likewise, a corporation that knowingly makes a defective jet airliner or motor vehicle, puts at risk the lives of countless thousands of people, a fact which has been graphically shown in the DC 10 and Ford Pinto scandals', he said.

Mr Tubbs said that each year in the United States 100,000 people died of industrial diseases and 14,000 were killed at work.

'While it is impossible to state how many of these are killed as a result of employers' disregard of

work health and safety laws, it would be fair to say that most are caused because of such disregard or through the reckless indifference of the employer.'

He said that, historically, in the development of health and safety laws in industry, there had been 'little room' for humanitarian considerations and there had been a tendency to ignore even the minimal standards for safety and health as a means of reducing costs.

He said that the common law buttressed an employer's authority over an employee. The employer, he said, did not have to give a reason for the dismissal of a worker and had the power to withhold information which was often vitally important to the employee's safety.

'The contract of employment has a legal analogy with a bailment and this helps to explain why the worker in such a contract has so few legal rights to protect himself or herself from the infliction of injury by their employer.'

There was also the common law rule which only gave a worker the right to refuse an employer's command if there was reasonable probable danger to his or her life or limb.

'The major significance of occupational health and safety legislation has been that such laws have not given to the employee a single enforceable personal right. Rather, they have only given to employees the expectation that employers would be bound to provide standards of health and safety to protect them, as well as an expectation that the factory inspectorate would enforce the law.'

Concluding, Mr Tubbs said that industrial homicide was a fact of life which the courts and the legislature continued not to recognise. 'In no other venue in society can people with such reckless indifference kill other people, without facing a criminal charge', he said.

'For the purpose of criminal conduct it is the management and

executives of the corporations who do the criminal acts and have the requisite *mens rea*. They cannot be allowed to hide behind the corporate veil to avoid the punishment they deserve.'

A Reader-in-law at the University of Adelaide, Mr Brent Fisse, told the workshop that the erosion of individual accountability in corporate criminal law was a cause of concern.

'There should be some steps taken in our legal system to ensure that individual criminal law is applied, where it is just and effective, to individual officers in a corporation.'

He recommended the formalisation of standards relating to the exercise of prosecutorial discretion.

'One step would be to require prosecutorial authorities to spell out what their standards are as regards discretion, what their standards are as regards proceedings against the individual and to subject those standards to some form of independent scrutiny.'

He favoured use of the existing judicial system in this role to determine whether or not there was a need to resort to corporate criminal law in a prosecution against a corporation.

Mr Fisse also questioned the whole notion of corporate fault based on the traditional concepts of personal, vicarious and strict liability, and he suggested a 'reactive approach' to corporate crime.

Such an approach involved proceedings at two stages.

First, an offence had to be proved to have been committed on behalf of the corporate body.

Second, if such an offence was proved, the corporation would then be required to prepare a compliance report which would indicate what it proposed to do to prevent any repetition of the offence and to 'undo' the damage wrought on victims of the offence.

The compliance report would then go back to court at which the central question would be whether the compliance report was satis-



Mr John Braithwaite

factory.

Mr Fisse said that the 'reactive approach' would make the notion of corporate fault more meaningful and this was necessary because, 'Applying criminal law to corporations is difficult unless you can say that a corporation has been at fault in some genuine and meaningful sense.'

'This approach puts the corporation in a spotlight — one is saying — you, as an organisation, go away, tell us what your reaction is to this particular offence — look at this through your whole organisation then come back and tell us about it.'

'Some commercial interests are very powerful, particularly major retailers and the motor vehicle industry; they can mount media campaigns; they can build a popular acceptance of the view that a certain activity is legitimate even though that activity is technically illegal and capable of causing physical or pecuniary injury to consumers', a lecturer in law at the Canberra College of Advanced Education, Mr Jack Goldring, told the workshop.

'It is very easy for commercial people to, as a class, create a popular acceptance of the view that all is fair in love and war and also in commerce', he said.

He said that until recently,

consumers did not form an identifiable segment of society which could be described as a social class which, like the propertied and financial classes of society, could attract the protection of the criminal law for their particular interests.

'This is one reason, why, until recently, there has not been a systematic approach to consumer protection law and the protection which the law has given has been incidental to laws which protect other interests', he said.

'It is only with the growth of the consumer movement that the interests have been voiced in an effective way and politicians have become aware of the political value of consumer votes and voter appeal of consumer legislation. Consumers are now identifiable as an interest group in the community and exercise some political influence.'

He concluded that anti-social behaviour directed against the interests of consumers should be criminalised in the same way that it was when it affected the interests of propertied groups in society.

Other speakers were: Mr Andrew Hopkins, Lecturer in Sociology at the Australian National University; Dr Ross Cranston, Senior Research Fellow in Law, Research School of Social Sciences, Australian National University. ®

Book explores crime and inequality

Do the poor and the unemployed commit more criminal offences than the affluent?

Do nations with a high degree of economic inequality have higher crime rates than more egalitarian societies?

Within nations, do cities which have a wide gap between the rich and the poor have higher crime rates than cities with a more equal income structure?

These are some of the questions which Institute researcher, Mr John Braithwaite, attempts to answer in his recently published *Inequality, Crime and Public Policy*.

Published by Routledge and Kegan Paul, the book seeks answers to two policy questions. First, will policies to redistribute wealth and power within capitalist societies have effects upon crime? Second, will policies to overcome the residential segregation of social classes have effects on crime?

In its structure, it divides into three parts. Part I defines the problems which the author faces in reaching his stated goal and reviews evidence on key factual questions in the policy analysis. Part II analyses whether greater residential mixing of classes might have efficacy for crime reduction, while Part III examines the value for crime reduction of policies to equalise wealth and power.

In pursuing the policy questions, Mr Braithwaite draws several important conclusions. For example, on the basis of almost 300 studies on class distribution of crime, he finds that:

1. Lower-class adults commit those types of crime which are handled by the police at a higher rate than middle-class adults.
2. Adults living in lower-class areas commit those types of crime which are handled by the police at a higher rate than adults who live in middle-class areas.
3. Lower-class juveniles commit crime at a higher rate than middle-class juveniles.

4. Juveniles living in lower-class areas commit crime at a higher rate than juveniles living in middle-class areas.

He also examines empirical evidence on white-collar crime and concludes, paradoxically, that, '... it is indisputable that middle-class adults perpetrate more crime than lower-class adults, and engage in crimes that involve larger amounts of money and more widespread injury to persons. By removing the selectivity of examining only those offences usually handled by the police, and examining instead all offences against persons and property punishable by law, the class distribution of adult crime is reversed'.

Mr Braithwaite reconciles the paradox, however, in his answer to the first policy question: that policies which, in the aggregate,

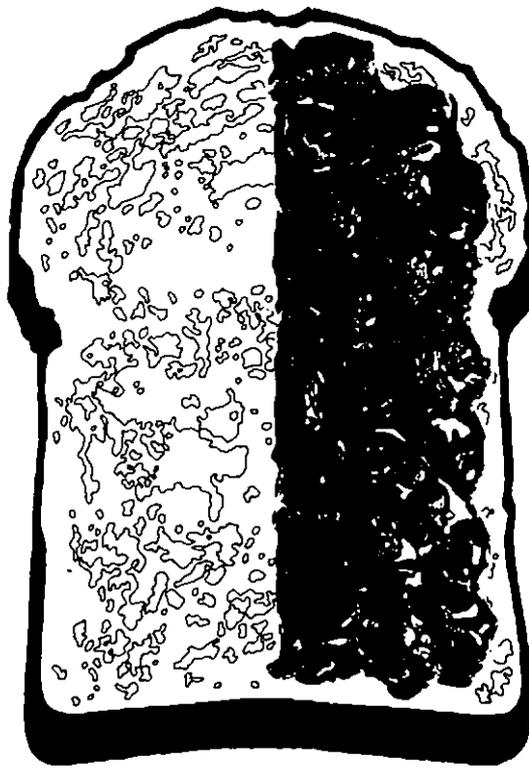
reduce the gap between the rich and the poor will reduce crime rates of both classes.

At the same time, major limitations of certain types of anti-poverty programs for crime prevention are discussed.

On the second policy question, Mr Braithwaite concludes that there is evidence consistent with the proposition that cities with class mix have lower crime rates than cities where the classes are residentially segregated. However, he concluded that there is also evidence inconsistent with the proposition and further research is needed.

In its analyses, the book focuses on the Australian scene. In looking at the question of whether slums cause crime, the author analyses crime data on Brisbane, comparing delinquency rates in poor and affluent suburbs. ®

John Braithwaite Inequality Crime and Public Policy



STATISTICS

New Asian, Pacific series

Correctional administrators in the countries listed below have supplied the basic information which is incorporated in the following table. The footnotes contain a number of explanations that should be borne in mind when making comparisons between countries.

Table 1 Total Prisoners as at 1 July 1980

	Males	Females	Total	Population	
				(in thousands)	Rate ¹
Australia ²	9,503	325	9,828	14,606	67.3
Hong Kong	4,877	170	5,047 ³	5,017	100.6
Indonesia	36,858	1,095	37,953	130,000	29.2
Japan	49,214	1,673	50,887	116,113	43.8
Macau	217	3	220	350	62.9
Malaysia	8,119	170	8,289	13,000	63.8
New Zealand	2,711	144	2,855	3,144	90.8
Papua New Guinea ⁴	4,483	255	4,738	3,000	157.9
Philippines ⁵	15,015	201	15,216	47,000	32.4
Singapore	3,738	101	3,839	2,750	139.6
Sri Lanka	10,535	390	10,925	14,500	75.3
Thailand	71,689	3,362	75,051	44,000	170.6

1 Per 100,000 of population

2 Australian statistics in this table are based on the daily average number of prisoners for the month of June 1980

3 An additional 1,275 were detained in drug addiction treatment centres. If these detainees were counted as prisoners the Hong Kong imprisonment rate would be 126.0

4 As at 1 April 1980

5 As at 1 June 1980

Juveniles under detention

The monthly series on the number of children and young persons in residential care and remand centres is under major revision. After a series of meetings, the Welstat National Working Party considered and ratified a new set of statistical standards. These standards were later endorsed by the Social Welfare Administrators' March 1980 Continuation Conference.

These measures change substantially the content and format of the existing series. The new series, which is expected to begin from July 1980, will cover information relating to persons in juvenile corrective institutions as well as children in prisons. Because of this impending change some jurisdictions have stopped sending information on the existing series. It is hoped that the next issue of the *Reporter* will publish data under the new series.

Australian prison trends

By David Biles
Assistant Director (Research)

During the period May to July 1980 there has been a marked decrease in the daily average number of prisoners in Australia. This decrease is particularly noticeable in New South Wales and Western Australia, with slight tendencies in the opposite direction being noted for South Australia, Victoria and the Northern Territory. The numbers of prisoners in all States and Territories for July 1980 are shown in Table 1.

Table 1 Daily Average Australian Prison Populations July 1980 with Changes since April 1980

	Males	Females	Total	Changes since April 1980
N.S.W.	3,312	123	3,435	- 126
Vic.	1,754	51	1,805	+ 29
Qld.	1,622	54	1,676	- 9
S.A.	857	29	886	+ 45
W.A.	1,411	60	1,471	- 85
Tas.	257	7	264	- 10
N.T.	261	13	274*	+ 28
A.C.T.	53	1	54**	- 3
Australia	9,527	338	9,865	- 131

* 13 prisoners in this total were serving sentences in S.A. prisons and 2 in N.S.W. prisons.

** 44 prisoners (including 1 female) in this total were serving sentences in N.S.W. prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population) for July 1980. The national rate of 67.5 compares with 68.6 found in April 1980.

Table 2 Daily Average Prison Populations and Imprisonment Rates by Jurisdiction - July 1980

	Prisoners	General Pop. * '000	Imprisonment Rates
N.S.W.	3,435	5,146	66.8
Vic.	1,805	3,895	46.3
Qld.	1,676	2,223	75.4
S.A.	886	1,302	68.0
W.A.	1,471	1,268	116.0
Tas.	264	421	62.7
N.T.	274	121	226.4
A.C.T.	54	230	23.5
Australia	9,865	14,606	67.5

* Estimated Population as at 30 June 1980 (subject to revision).

The proportion of prisoners who were on remand and the numbers of Federal prisoners at 1 July 1980 for each jurisdiction are shown in Table 3.

Table 3 Total Prisoners, Federal Prisoners and Remandees as at 1 July 1980

	Total Prisoners	Federal Prisoners	Prisoners on Remand	Percentage of Remandees	
				of Remandees	per '000 of Gen. Pop.
N.S.W.	3,414	120	497	14.6	9.7
Vic.	1,796	26	86	4.8	2.2
Qld.	1,704	28	98	5.8	4.4
S.A.	886	14	144	16.3	11.1
W.A.	1,432	42	82	5.7	6.5
Tas.	264	5	19	7.2	4.5
N.T.	276	15	41	14.9	33.9
A.C.T.	53	-	12	22.6	5.2
Australia	9,825	250	979	10.0	6.7

BOOK REVIEWS

DRUG TRAFFIC: NARCOTICS AND ORGANISED CRIME IN AUSTRALIA

By Alfred W. McCoy.

Harper and Row. 455 pp. \$9.95

Reviewer: PETER KAY, Officer-in-Charge, Publications, Australian Institute of Criminology.

The most disturbing conclusion to be drawn from Alfred McCoy's 'Drug Traffic' — more disturbing even than his allegations about crime syndicates, police and political corruption — is that Australia is, has been for many years, and is likely to continue to be, a drug-dependent society — a nation of junkies.

Dr McCoy makes it plain that, although generally seen as a relatively recent development, the Australian drug abuse problem is at least a century old. It has been developing continuously since the early 1870s.

The pharmacy profession was well-established in New South Wales and Victoria by then, and neighbourhood chemists in Sydney and Melbourne did a booming trade in opium and morphine-based medicines.

According to McCoy, international pharmaceutical companies also played a key role in developing Australia's tolerance for mass narcotics consumption.

'The health professions introduced the Australian public to addictive drugs. . . and in the 1890s the patent medicine manufacturers pushed sales of addictive pre-packaged remedies through aggressive, saturation media campaigns, indoctrinating the public into a false faith and encouraging the cultural tolerance for drug taking.'

By 1910 Australia had become the world's largest importer of British pharmaceuticals, and in 1936 had the highest legitimate consumption of addictive drugs in the western world.

In 1971, McCoy reports, the Senate Select Committee on Drug Trafficking learned that: 'Australia consumed 980,000 kilograms of

aspirin each year, equal to 270 powders or tablets per person. . .'

'Not surprisingly', he adds, 'in the early 1970s medical researchers discovered that the Australian rate of analgesic related kidney failure was fifty times that in other countries. In 1976-77 medical benefit prescriptions alone for heavy, mood-altering psychotropic drugs — tranquilizers, sedatives, and anti-depressants — totalled 10,728,000.'

However, while there have been 'dozens, if not hundreds' of prescription pharmaceuticals and patent medicine panaceas abused by Australians, McCoy says that only three drugs have played 'any considerable role' in the history of Australia's illicit drug traffic: cannabis, cocaine and opiates like morphine and heroin.

But it is heroin — the most potent and profitable of the three — which causes him most concern.

In support of his claim that Australia is in the midst of a 'heroin plague' of serious and growing proportions, McCoy cites the findings of the New South Wales Royal Commission into Drugs that New South Wales alone had, in 1979, 9,257 regular heroin users who consumed \$59 million worth of heroin annually.

To this he adds the report of the Narcotics Committee of the US House of Representatives that there were an estimated 30,000-40,000 heroin addicts in Australia in 1978.

According to McCoy, Australia suddenly acquired a major heroin problem during the 1970s. He says that the causes underlying its increased availability and use were 'a unique mix of the international and the indigenous.'

'A major reason for the marked rise in the availability lies beyond Australia's borders. Seeking new markets among the affluent nations in the early 1970s, after the withdrawal of American troops from Vietnam denied them clientele, Southeast Asia's Chiu Chow Chinese syndicates began exporting

large quantities of heroin to Europe and Australia. . .'

He adds, however, that the Australian heroin plague was not entirely the work of overseas narcotics dealers.

'The Chiu Chow syndicates were only involved in the manufacture and export of heroin from Southeast Asia, while domestic distribution was the work of Sydney syndicates.'

But neither the Chinese export operations nor the Sydney distribution networks could have been successful if Australia had not had what McCoy calls 'the five basic requirements any society needs to sustain the mass marketing of heroin.'

These are: a reliable source of supply; a potential group of consumers; a tradition of political tolerance for some sort of organised crime; a modicum of police corruption; and an informal alliance between the drug syndicates and some influential leaders of established political parties, senior public servants and skilled professionals.

The supply was guaranteed and, as McCoy puts it: 'With pill popping reaching the proportions of an Australian cultural reflex, Sydney criminal syndicates found an instant demand when they began the mass marketing of heroin in the mid 1970s.'

'Narcotics use spread rapidly among youth in their late teens and early twenties without regard to residential neighbourhood or social class. . . Australians, regardless of class, were and are avid consumers of any drug, legal or illegal.'

Regarding police and political corruption, McCoy explains that heroin traffic offers the highest profit margin and quickest cash turnover of any economic enterprise known to man.

'Rising from a cost of about \$2,200 for a kilogram in Bangkok to \$230,000 when adulterated and packaged for sale on the streets in Sydney, heroin enjoys a 100-fold margin of profit which leaves

more than ample cash reserves for the acquisition of allies among police and government.'

He says that there is little evidence of advanced, Australia-wide police and political corruption. However, the evidence he assembles against the Australian Bureau of Narcotics and, on a much broader scale, the New South Wales police, is especially damaging — particularly when coupled with his assertion that the distribution of heroin in Australia is controlled by large, Sydney-based crime syndicates.

'There are a number of disturbing instances of close relationships between organized crime figures and influential New South Wales politicians in recent decades. During much of this century there has been a close affinity between leading vice entrepreneurs — sly grog traders, narcotics dealers, SP bookmakers and gambling school managers — and the Byzantine bureaucracy of the NSW Labor Party which has provided protection for these illicit enterprises. In many of the traditional working-class areas of inner Sydney the criminal milieu has continued to dominate a number of local Labor Party branches to the present day, giving elements of the NSW Labor Party overtones of a corrupt and voilent machine. Working simultaneously through corrupted branches and senior party officials, organised crime leaders have been able to exercise sufficient influence over State Labor governments to protect their vice enterprises from police pressure for well over half a century. During the decade when Labor was out of power in New South Wales, Sydney's syndicates were able to negotiate a similar arrangement with elements of the Liberal-Country Party.'

McCoy says that, in the light of the present situation, Australia's prospects for the future are bleak. Heroin, he says, may well become the opiate of the masses in Australia of the 1980s.

'Although primarily a drug of abuse among middleclass youth

during much of the 1970s, by the end of the decade there were indications that heroin addiction was growing most rapidly among unemployed youth in the poorer sections of Sydney and Melbourne. . .

'The combination of heroin addiction and permanent youth unemployment is a recipe for profound social malaise. As Australia entered the 1980s, there was considerable concern that much of an entire generation might be faced with a life without work. Speculation about the response of the new Australian underclass to its plight ranged from technical training for new skills to 'urban terrorism' . . . an individual retreat into a life of narcotics addiction is a far more likely prospect.'

He concludes that, since the key to the heroin problem is political — it being impossible to maintain the traffic without political protection — the solution to it is also within the grasp of politicians. But McCoy is pessimistic. And history, and especially very recent history in New South Wales, supports this. Junkies we are and junkies we are likely to remain.

The Institute thanks *The Canberra Times* for permission to reproduce this review.

WHILE WE HAVE PRISONS

By Donald F. MacKenzie

Methuen. 101 pp. NZ\$6.95

Reviewer: GRANT WARDLAW,
Criminologist, Australian Institute
of Criminology.

The author of this book was New Zealand's first prison psychologist and eventually became the Justice Department's Director of Research. Particularly in view of his latter position it is unfortunate that MacKenzie did not employ more frequent and better documented research results in support of the arguments he advances in the course of this critical analysis of New Zealand penal policy.

MacKenzie has adopted a strange style of penological theorising and

personal reminiscences which results in many of his points becoming lost in anecdotal sidelines. Throughout the book the author's personal experiences as a welfare officer and psychologist at Auckland's Mt Eden Prison are used to give effect to arguments about the nature of imprisonment and its undesirable effects. While such recollections may be of some intrinsic interest they lose much of their impact by referring to conditions existing in the 1950s and 1960s. Since MacKenzie's time, much has changed both in physical facilities and philosophies in New Zealand prisons and it is not clear how relevant memories of the past are to present concerns.

The main thrust of MacKenzie's argument is that it is necessary to reduce significantly the level of imprisonment in New Zealand. This is an important contemporary theme but the clarity of the arguments, the quality of the data used to support them, and the detail of suggested alternatives to imprisonment suffer in comparison with other available analyses of this question. Certainly this is not a book that will be of value to students of criminology. It may appeal more to, and seems aimed at, the general reader but it is doubtful that it is sufficiently powerful to have a significant impact on public attitudes towards imprisonment.

SOCIAL SERVICE IN CRIMINAL JUSTICE

By Howard Abadinsky

Prentice-Hall Inc.

296 pp.

Reviewer: MAUREEN KING-SHOTT, Senior Training Officer,
Australian Institute of Criminology

This book is refreshing for two basic reasons: it provides practical, helpful hints to anyone whose job in the North American criminal justice systems includes social service elements and it does so in clear, intelligible language that makes recourse to a dictionary of scientific terms totally unnecessary. Because of this it should

appeal as a handy reference both to busy practitioners engaged in all facets of the system and to secondary and tertiary students who are interested in social and behavioural sciences as they apply to British and American-style criminal justice systems – warts and all.

Abadinsky focuses on the major sociological and psychological explanations of criminal behaviour and defines 'crime' as a violation of the criminal law, thus leaving aside the current topic of debate – 'what is crime?' He makes no apology for this stance and in introducing the book exhorts his readers to make themselves aware (elsewhere) of the details of theories which are given the briefest treatment in his first two chapters. Having done this, practitioners should select the bits and pieces of the various theories that suit the needs of their particular clients and discard the rest. Justification for this advice, comes in the statement that two vital questions are left unanswered by exclusive adherence to any one of the numerous 'schools' of thought which have emerged in the sociological and psychological approaches to criminal behaviour. Quoting Wolfgang and Ferracuti, he poses their questions: '(1) Why do not all persons exposed to certain assumed criminogenic factors become criminal: and (2) Why do many pathological personalities remain non-criminal?' Because of the theorists' difficulties in reconciling social and individual perspectives about crime, social service workers throughout the system are instructed to '... hang loose. . . matching theory to offender, and deriving method from theory. . .' in ways that are useful to their clientele.

The book proceeds from this no-nonsense introduction to romp, in similar vein, through various sociogenic theories of crime in chapter one and psychological theories in chapter two. Following an explanation of the major principles of each theory, implications for its practical application are drawn before the author

progresses to a description of the next theory on his list.

Chapter three explains the sequence of events that follow the reported commission of a crime and provides a very interesting exposition of the discretion that may be applied at each step – by complainants, police, prosecutors, counsel, judges, correctional and after-care personnel. The dilemmas attending the exercise of discretionary powers are also outlined in a way that highlights the book's major virtue – its honesty. This is exemplified in Abadinsky's discussion of plea-bargaining, the basis of which he reiterates is '... the shared administrative presumption that virtually all defendants are guilty of some crime, ...' which leads to '... the functioning of the court system rather openly depend(ing) on nearly every case being settled through plea negotiation.' He supports Olson's observation concerning the problem of plea-bargaining, that '... regularised procedures which guard against arbitrary and 'discriminatory' outcomes confront the possibility of rigid, archaic, and irrelevant legalism; discretionary justice, which allows the fashioning of decisions to fit situations, confronts the possibility of capricious, arbitrary behaviour governed by the passions or contingencies of the moment.' Put another way, the problem with the present system seems to be how to protect the rights of all the parties involved in a confrontation with the law yet reach some resolution of the conflict before everyone concerned has died of old age.

The solution posed in this book for the social service practitioner is to recognise the political nature of the criminal justice system and choose, in each specific instance, the best course offered by the whole conglomeration of theories available. Reinforcement for this brand of pragmatism is found in the discussion of sentencing and corrective service practices. The author suggests that discrepancies abound in these areas of the

system because of the underlying ambivalence and vacillation of the general community in its attitudes to offenders and their 'treatment'.

Chapter four outlines existing services in various North American States and serves as a practical guide for helping clients who are victims as well as those who are offenders – both juvenile and adult. The final chapter gives examples of the theories previously described as they have been applied in practice. The concluding remarks admonish the reader to keep abreast of current theories in order to benefit from accumulated knowledge and practice and true to form Abadinsky finishes his book with a list of the periodicals '... most relevant to criminal justice practice.'

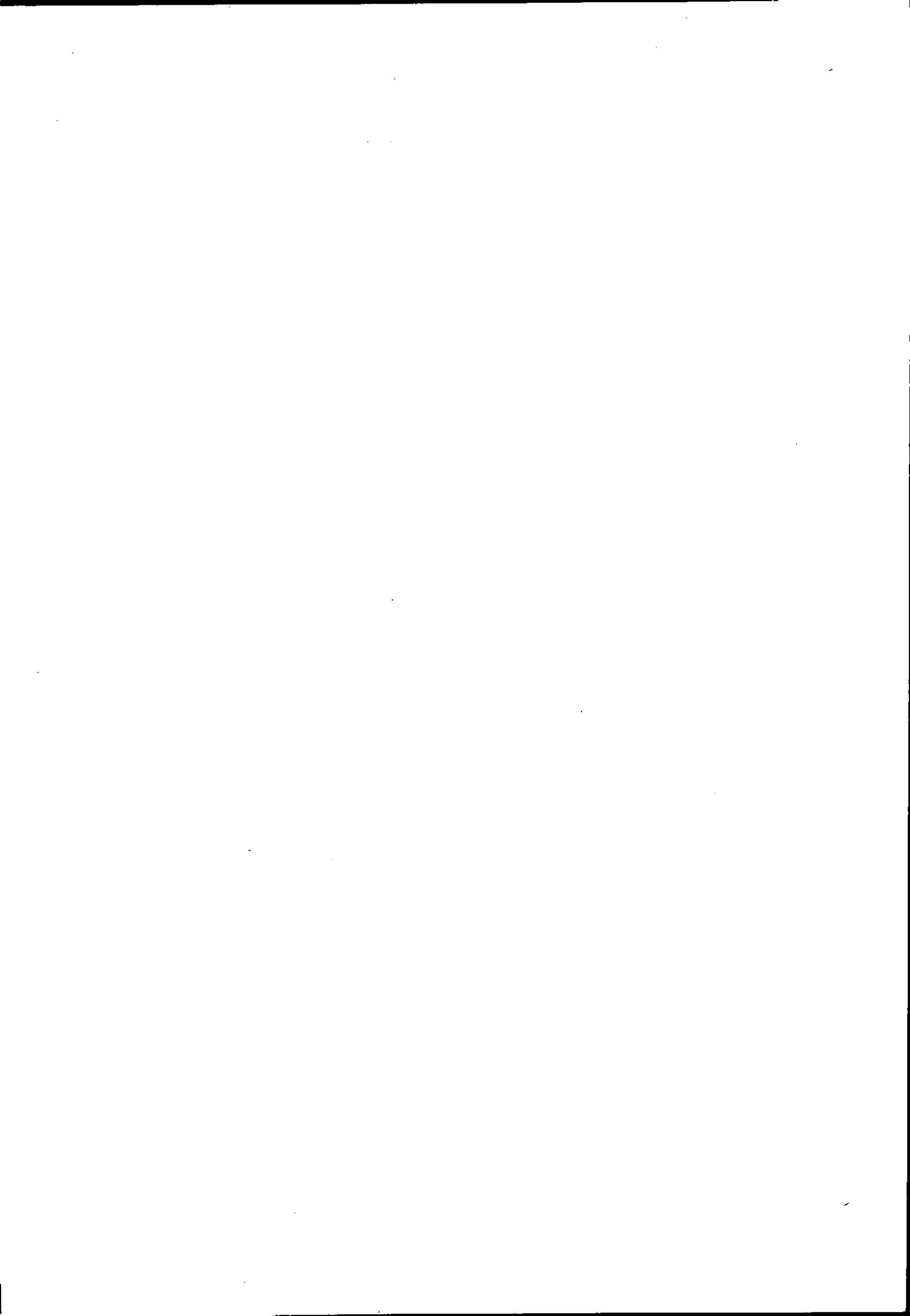
Appendices A to J are as interesting as the text itself and outline national and local expenditure on criminal justice; rules of parole in New York State; examples of presentence reports and memoranda; a review of pretrial diversion programs operating in various States.

My one criticism is the tacit assumption throughout the book that social service practitioners in the criminal justice system no longer have to prove their relevance. Perhaps this is more a quarrel with the system that foists its burgeoning legion of experts on a long-suffering populace than it is with the author of this very worthwhile, practical, enjoyable book.

Research grants

The Criminology Research Council is seeking applications for research grants from individuals and organisations for projects likely to produce results of relevance for the prevention and control of crime throughout Australia. Projects designed to evaluate currently effective measures are particularly invited.

Application forms are available from Registrars of all Australian Universities or from the Assistant Secretary, Australian Institute of Criminology, P.O. Box 28, Woden. A.C.T. 2606.



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