

# reporter



Wanda Well and Danielle Hodfkin 'Say G'day!' to Campbelltown foot patrol constables  
Craig Pearce and Rod Grant.

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# reporter

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# YOUTH AND THE LAW PROJECT

**In the Sydney south west area of Macarthur, the Youth and the Law Project (YALP) is under way. It is a scheme which aims to provide ways for young people in the region to contribute positively to their community.**

It endeavours to provide support to youth, assist them control their lives, enhance their understanding of the law, help them develop self-worth, and better equip them to be responsible for themselves. It exudes positivity.

The basic principles underlying YALP are its intentions to foster skills and resources of young people by helping them seek appropriate solutions to many dilemmas. The scheme wants to prepare young people for, and let them practise, adult chores of decision-making.

For this, skilled adult advisers conversant with youth work have assisted a core team of young people from the local area who became responsible for project activities.

The most worthwhile spin-off from YALP is that it helps deter young people from behaving destructively towards the community.

Programs have had positive results. Studies show that many participants' home and school lives have improved and they became more useful in the workforce with their newly-learned skills. Many developed more interest in community activities.

Indeed, feedback has been positive from participants. One young person described YALP initiatives thus:

'I learnt heaps about different people, different attitudes, different ideas and how well people can get along together. That love exists between youth of today and that everyone is willing to help.'

## YALP Background

Initiated by the Law Foundation of New South Wales (LFNSW), a trust established by the New South Wales Law Society and the State government, the project began in 1985 — International Youth Year. It came in the wake of a report from Professor Duncan Chappell, now Director of the Institute, who had been commissioned to study ways to tackle youth crime in the Macarthur region. At the core of his study were recommendations for a crime prevention project in the area '... designed to prevent, or at least mitigate, the occurrence of anti-social behaviour by youth in communities like Macarthur'.

The Law Foundation employed Youth Forum Limited, a NSW-wide non-profit organisation to carry out Professor Chappell's suggestions.



*The NSW Attorney-General, Mr Terry Sheahan, launches Get It Right The First Time. With him at the launch are its authors, Karen Bennett, Nadine Dunbar, Mark Thomas, Michael Cooper-Stahl, Patricia Mylonus and John Milliss.*

(Youth Forum has conducted forums for young people from all backgrounds and areas of the state for over seven years, developing proven approaches to co-ordinate youth involvement and action.)

The Macarthur region, encompassing Campbelltown, Camden and Appin was meant to be a combination of country and urban *Utopia* for families unable to purchase or rent properties closer to central Sydney. It seemed to offer many of life's chances.

Established in the halcyon, heady, big-growth days of the early 1970s, its growth was rapid. Many commentators might say too rapid, for as with many fast-growing areas, demands for all facets of services and social needs far outweighed supply.

From 1976 the area's population rose from 42,000, to reach 110,000 by 1981. Campbelltown local government area was the fastest growing in the state.

Relatively low cost Housing Commission dwellings enticed a stratum of low-income people. Many single-parent families could better cope with rents there than elsewhere.

## Emergence of social problems

Amid what should have been an 'average' Australian suburban area in terms of social mix, settled a high proportion of disadvantaged persons, severed from traditional family and friendship ties.

Problems were exacerbated by a situation where many socially-deprived people interacted only with others similarly placed. This situation was further compounded by lack of entertainment, educational, sporting, cultural, shopping and transport facilities. But the single biggest problem was unemployment, particularly among the young.

Armed with minimal levels of education and vocational skills many young people sought work, only to be knocked back — often.

The area had proportionately, the youngest population in New South Wales. One researcher, Neary, found in the late 1970s that more than 40 per cent of tenant families in four suburban public housing areas of Macarthur, were under ten years of age.

Not surprisingly young people were bored, apathetic, alienated, felt defeat at every move, and displayed attitudes associated with various forms of delinquency and vandalism. The depressed economic milieu manifested itself further with considerable youth crime and drug addiction.

## Public discusses crime

A 1984 public meeting on crime in the area prompted an application to the Law Foundation of New South Wales for funds for a Youth at Risk Program (CYRP). From that, a community worker and co-ordinator managed a one-year

diversionary program aimed at developing social skills for youth.

However, because it was used mainly for those who had appeared before court (with referrals from the judiciary), it was seen to be inadequate in preventing youth crime. It was action after the event.

Professor Chappell became an independent adviser to the Law Foundation late in 1984 and investigated what avenues the foundation might pursue. His work included a comprehensive search for contemporary studies, statistics and material on the subject.

He recently recalled some of his initial interactions when conducting research:

'In dilapidated quarters I spoke with community youth workers trying to provide recreational opportunities, and counselling for a stream of youth . . . I met with members of a group of concerned citizens and officials seeking ways to prevent further juvenile crime . . . In a gaudily painted double decker bus I discussed nuclear disarmament with some local young people . . .'

At a community meeting he heard how prevailing social structures worked against many. Some commentators used time-worn statements like 'the poor get poorer — the rich, richer'. To some extent cliches, but accurate.

He heard stories of youth unemployment. One man told of how a 19-year-old unemployed youth charged with a series of anti-social behaviour described his plight:

'“ . . . well I've looked for a job each and every day but unsuccessfully (for seven months) . . . it is the most boring and frustrating experience that you could ever have . . .” and I sat opposite and looked at him and realised there are thousands of kids out there with those problems.'

### Crime overstated

Professor Chappell's studies revealed interesting variables. In real terms criminal activities were much less than media coverage suggested, and there was no evidence that the area's crime was significantly different from elsewhere in Sydney.

Although he found that the overall rate of offences committed by youthful residents in south western Sydney was higher than any other local government area in Sydney, he also found that crime in areas like Liverpool and Macarthur was less serious. Specifically, violent crime was far more marked in central Sydney.

He found most offences from Mac-

arthur and environs to be break and enters, car theft, and less serious property crime. Truancy was high on the agenda, as was child abuse, with many young people running away from home.

'As many as a hundred were "sleeping rough" in the area at any one time,' said Professor Chappell.

He observed that relations between the community (especially young people on housing estates) and the police were poor, hearing claims that uniformed police harassed, and detectives abused legal rights of young people when investigating offences.

'Police were seen as an alien force.'

Additionally, he saw inadequately prepared, inexperienced legal practitioners who lacked empathy with their clients' plight, defending children in court. He found children to be uninformed about court processes, in particular about the consequences of a guilty finding. He felt too many children were brought before the courts, and favoured more use of cautions or diversion schemes.

Moreover, he observed that the ever-increasing volume of business dealt with by the Family Court meant that the work would inevitably become too much for one magistrate.

### Recommendations to combat crime

Professor Chappell weighed up the alternatives a criminologist might recommend to combat crime. The first, the 'law enforcement model', involved increasing all facets of resources in the criminal justice areas. But he believed such a model could only be implemented at enormous social and economic cost.

He preferred a second, the 'crime prevention model'. As the name suggests it is designed to prevent, or at least mitigate the occurrence of anti-social behaviour.

He felt local citizens could initiate and develop programs to curb youth crime without recourse to criminal law avenues, maintaining it was imperative that youth be encouraged to identify and develop their own needs and resources.

Professor Chappell felt the Law Foundation should be a neutral body to facilitate this process.

### Implementation

The Law Foundation adopted a Youth Forum Limited strategy incorporating Professor Chappell's recommendations, with agreement to fund the program.

In 1985, under the guidance of Project Manager, Mr Robb Oerlemans, operations commenced, fully geared to youth problems.

Projects are conducted by way of Community Youth Forums with three such forums involving over 300 local young people being held to date.

At these forums young people from various schools and youth groups canvass views on issues like young people and the law; child abuse and education. Groups are encouraged to research presentations widely.

The forums provide avenues for young people by which they learn skills through their work in planning, developing, communication, goal-setting, and project planning. As a lead up to Community Youth Forums young people undertake an extensive leadership course of over 100 hours where they learn such skills. The project aims to supplement schools' curricula in this area.

Groups meet every two weeks to devise ways to achieve goals and decide on forum projects which pass through several initiation and consultation stages.

Participants *identify* the aims of a project; *collect* information; *contact* resource adults; *sort* information; *develop* a strategy; and then, *implement* that strategy.

### Say G'day to a Cop

One recent forum program which has proved to be fruitful and gained much favourable publicity was the 'Say G'day to a Cop' campaign.

The identified aims of the project were to improve relations between young people and the police. Many youths questioned on this subject felt the police often saw them as a threat to society, at times targetting young people as troublemakers.

From there, project members collected, sorted and interchanged information and isolated the relevant. Then, they contacted resource adults for help, such as police, youth workers and lawyers.

They decided the emergent theme, 'police and young people don't communicate well with each other', needed action.

Various strategies were discussed. The most appropriate seemed to be to 'Say G'day to a Cop'.

These processes culminated in the implementation phase when the group produced posters, badges and stickers, and enlisted police help to initiate the program.

## Other initiatives

Other major projects include: group research on truancy and drop-out rates; programs aimed at informing youth about local environmental issues, and encouraging young people to write worthwhile letters to the editor of local newspapers.

Given prevailing problems with drugs another logical initiative was the Drug Bug project. This group publicised with displays and school visits drug and alcohol use and abuse. It compiled a booklet highlighting the dangers of drug abuse.

Another project was the production of a booklet explaining the law to young people. *Get It Right the First Time* sets out, in layperson's terms, the law. It explains terms in language suited to and easily understood by young people. It contains chapters on various aspects of the law and criminal justice system, ranging from first-hand stories from offenders to explanations about police stations, what to do when arrested, bail, breath testing, courts, sentencing, and people in the legal system.

The NSW Attorney-General, Mr Terry Sheahan, launched *Get It Right the First Time* in May, 1987.

Project staff have established a resource centre on youth issues and services for young people upon which they can call for information or referral to appropriate youth services.

Also, the project conducts one-day workshops focusing on contemporary issues of community concern. These ventures accommodate people unable to spare three days from work or school to attend a Community Youth Forum. The first, held on 24 September 1986, centred on Drug Education and Awareness, and was run in conjunction with the Regional Drug Education Consultant of the NSW Department of Education.

In addition to the above initiatives, four young people recently represented the project at a National Youth Advocacy Conference in Nowra.

Project staff and young people are represented on various management committees, including the Campbelltown Legal Centre committee.

YALP communicates closely with Campbelltown, Camden and Wollondilly Councils and project workers were instrumental in reconstituting the Campbelltown Youth Consultative Committee which advises the City Council on youth policy.

The project recently contributed a paper entitled *Education Opportunities for High School Students in the Western Suburbs*, prepared by local



*Project Manager Robb Oerlemans with Karen Bennett.*

educators for use by the Minister for Education.

The NSW Department of Education fully supports the program especially in respect of teacher involvement. Additionally, the team has received many encouraging letters from community leaders.

As well, the project informs youth of events with regular newsletters. With its positive aspects, not surprisingly the project has produced much newsworthy material, gaining a good reputation with the local press.

YALP's principal sponsor is the Law Foundation of New South Wales; Camden Municipal Council and the New South Wales Department of Community Services are major sponsors.

Professor Chappell recently attended a day-long seminar in Campbelltown to review YALP's activities over the past year and assess if the project's approach could be applied elsewhere.

He believes that since the Macarthur experiment has been successful, it could be transferred to other settings.

He also believes that the Australian

Institute of Criminology could assist such a transfer.

The Federal Attorney-General, Mr Lionel Bowen, is particularly concerned with the area of youth crime, and has been briefed about YALP. He showed interest and suggested a more detailed briefing for himself, and for other Ministers concerned with youth issues.

Professor Chappell's enthusiasm about the project has not waned. On the contrary; he recently stipulated its worth stressing it was not 'a sharp, short fix!'. It required time, patience and optimism he said.

And he summed up the Macarthur Youth and the Law Project thus:

'These humanitarian alternatives are not too expensive. For \$200,000 per year (or perhaps an annual cost of equipping two police cars), citizens of Campbelltown have a project involving youth in worthwhile activities — it may have prevented one possible arson of a school . . . or theft of 10 cars . . . or breaking and entering of say, 20 houses.'

● Photographs courtesy of the Campbelltown Crier and the Macarthur Advertiser.

# THE JUSTICE PORTFOLIO

*'That jail sentences awarded by the courts are so effectively reduced by way of remission, or for not misbehaving in prison, is a cause of concern to me.'* — SENATOR MICHAEL TATE, MINISTER FOR JUSTICE

In the last Hawke Ministry Senator Michael Tate was Special Minister of State. Now, as Minister for Justice, he has responsibility for the operational side of the National Crime Authority, the Australian Federal Police, and various facets of the Attorney-General's portfolio. He also gained jurisdiction over the Australian Institute of Criminology.

Senator Tate talked about areas of special concern to him. He explained his responsibility in the area of federal prisoners.

'I'm looking after federal prisoners... in fact they're State prisoners convicted of federal offences, and often I find myself merely agreeing to a regime peculiar to each State jurisdiction.'

'I believe that the jail sentences awarded by the court *ought* to be served, and that's a matter of concern to me in which I hope to get assistance from the Institute.'

'I'm very keen to use the Institute's expertise to tackle problems. It's my intention to use a recent Australian Law Reform Commission paper, in particular the section on sentencing, and anything the Australian Institute of Criminology

has, to try to come to a better arrangement.'

He also acknowledged the significance of Institute work, in particular its worth to policy-makers.

'I think it's essential that materials produced by Institute researchers don't stay in library archives — but that those who have political responsibility or working responsibility, like the DPP, make use of them,' he said.

'The Institute is established in a way that, while given a certain amount of autonomy, it's not meant to be simply a university department with its own separate premises — its work must have an impact on decision-making.'

Senator Tate sees the need to fight crime by the co-operative use of various law enforcement agencies. He stressed the need to apply such resources, not only to target criminals, but also criminals' assets and proceeds.

'One of my major concerns is to ensure that the proceeds of crime legislation, and that general package, is understood in the community, and that it works well,' he said.

The legislation he spoke of was passed in Parliament last session. In combination with the Mutual Assistance in

Criminal Matters Bill it aimed at attacking criminal activities by confiscating profits gained illegally.

'I believe there is tremendous support in the community for the idea that convicted criminals should not enjoy the proceeds of their nefarious activities,' he said.

'I believe there is a good sense in the community, that part of the punishment appropriate for say drug traffickers, involves stripping them of assets they've accumulated — by reason of that trafficking.'

'And I believe those community attitudes quite rightly show the inadequacy of an approach by way of jail sentences or fines.'

He conceded that invariably there are inequities in application of the law, and that public perception of these inconsistencies is marked.

'There are often misgivings about variations in penalties awarded by various members of the judiciary.'

'Certainly crimes against property are quite often penalised in a way more severe than say importing drugs — which of course has a devastating effect on people — that sort of disparity is evident.'

'I think it's more a question of disparity than the severity of sentences that concerns people most,' he said.

Youth crime and youth involvement with drugs are of obvious concern to him.

He believes that household and family breakdowns are at the nub of many such problems.

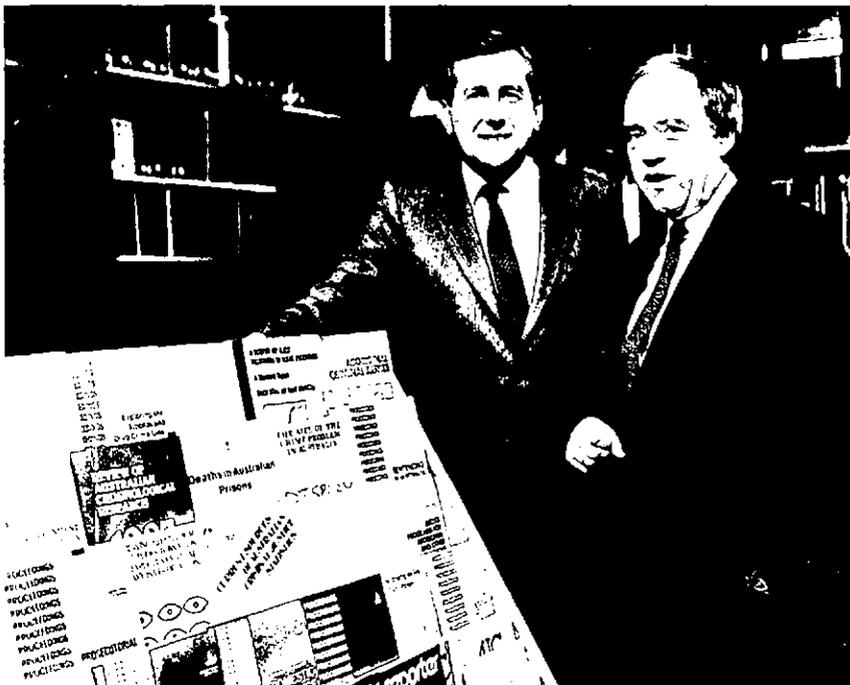
'Kids get pushed onto the street where their vulnerability to drugs, prostitution and petty crime is greatly increased.'

'That's a difficult area... I don't know whether we should simply re-define what you'd count as a criminal offence or decide on different forms of punishment... I think it's more fundamental and a much more preliminary act than that,' he said.

'I mean with young people involved in crime... much of that stems from the breakdown in other social mechanisms... that's at the real core of the problem. That's what has to be fixed.'

'Insofar as the Institute can be of assistance in any of those areas then of course I'll be making as much use of it as I can.'

Before entering federal politics Senator Tate lectured in constitutional and administrative law at the University of Tasmania from 1972 to 1978, being



Senator Tate on a recent visit to the Institute with Institute Director Professor Duncan Chappell.

Dean of the Law Faculty from 1976 to 1977. He holds a Bachelor of Law from the University of Tasmania, and a Master of Arts (Theology) from Oxford University.

Senator Tate was first elected to the Senate for Tasmania in 1977 and re-elected in 1983 and 1987.

In ten years in the Senate he has completed much committee work. Committees he has chaired include: the Senate Standing Committee on Constitutional and Legal Affairs; the Senate Scrutiny of Bills Committee, and the Senate Select Committee on the Human Embryo Experimentation Bill 1986.

Among committees he has served on are the Joint Committee on Foreign Affairs and Defence, the Senate Standing Committee on National Resources, and the Senate Standing Committee on Freedom of Information.

He served on the ALP National Executive from 1984 to 1985, and has been a long-standing member of Amnesty International. From 1972 to 1978 he was a member of the Catholic Commission for Justice and Peace.

Since gaining a ministry, Senator Tate's workload priorities have changed somewhat.

'While there's the pressure of respon-

sibility, there's not the same pressure as when I was simultaneously chairman of various committees,' he said.

'The staff and back-up of both my personal office and the department gives access to a tremendous range of support, so I find peculiarly enough, while there are moments of high drama, and I've got decisions to make, the actual work in terms of strain is not as intense as when I was trying to do it all myself.

'That's a tribute to SMOS of course... I hope it becomes a tribute to AG's.

'At the moment, I'm very busy — but thriving on it.'

## ACT DRUG INDICATORS PROJECT

**In February 1987, Australian Institute of Criminology research fellows Ms Heather Deane and Ms Adele Stevens, under the directorship of Dr Grant Wardlaw and with assistance from Dr Stephen Mugford, embarked upon the ACT Drug Indicators Project. Dr Wardlaw is a senior criminologist at the Institute, and Dr Mugford is a senior lecturer in sociology at the Australian National University.**

The aims of the project, funded by the National Campaign Against Drug Abuse, are to develop methods of monitoring illegal drug use and to conduct research into aspects of markets for illegal drugs.

The researchers hope that from the three-year program they can develop and refine methodologies for estimating incidence, prevalence and characteristics of illegal drug use; construct and monitor indicators of relative changes in drug use levels and patterns over time; and assess how best to integrate information gained from different agencies and sources to provide a broader and more accurate picture of illegal drug use.

They also hope to compile a drug problem index and by intensive interviews with drug users, collect qualitative data and gain insights on drug-taking careers, patterns of help-seeking, and characteristics of local markets for drugs such as heroin, cocaine, and cannabis.

Because collection of such material in the past has been scant, fragmented and comprised of unco-ordinated data from many agencies, policy-makers have had very little uniform research upon which to work. Information is needed to allow proper planning of service availability and delivery, and to ensure that the community can respond in a timely and appropriate fashion to changes in the local drug scene, and any needs it generates.

With the assistance of the treatment,

health, welfare, and law enforcement agencies which are participating in this project, Institute researchers hope to provide data of a kind which in accuracy, magnitude and centralised form, has not previously been available in Australia. The team envisages that the model developed for the Australian Capital Territory will provide a guide for the establishment of similar data collection systems in other jurisdictions.

Throughout the period of the project, quarterly reports will be published on drug indicators for use in policy for-

mulation, planning services, and evaluation of intervention strategies. It is also hoped that these reports will provide reliable data for public debate about drug issues.

The project team also plans to undertake intensive ethnographic field work to obtain detailed information about the backgrounds, lifestyles, and drug use of a number of illicit drug users who have never come to the notice of any law enforcement agency, health treatment group or other rehabilitation body. As well, the team will interview a separate group which has had prior contacts with agencies, but is not currently identified as clients.

The details of this section of the project will be published as a major book on drug use and drug policy to be written by the project team.



*Researchers from the ACT Drug Indicators Project, Ms Adele Stevens and Ms Heather Deane.*

# OVERSEAS VISIT BY DEPUTY DIRECTOR

**Mr David Biles, Deputy Director of the Australian Institute of Criminology, Canberra, visited various overseas organisations in June and July this year.**

The pivot for his trip was a conference organised by the International Centre of Sociological Penal and Penitentiary Research and Studies, Messina, Sicily, and a meeting of that centre's Scientific Commission. Basic air fares and living expenses for Mr Biles while in Sicily were paid by the centre.

In addition, Mr Biles visited the United Nations Crime Prevention and Criminal Justice Branch in Vienna where he was given a detailed briefing of the Branch's work, particularly its world crime and juvenile justice surveys.

Mr Biles attended, as a consultant to the Australian delegation, the UN Drugs Conference. Later, he held talks with the Acting Head of the UN Crime Prevention and Criminal Justice Branch, Mr

Pedro David, about the possibility of the Australian Institute of Criminology establishing closer formal relations with the Branch.

In Rome, Mr Biles met with Mr Ugljesa Zvekic from the United Nations Social Defence Research Institute and discussed a 1986 proposal for a Memorandum of Co-Operation to be signed by both institutes.

From 20 to 26 June Mr Biles was in Messina. The first two days were devoted to meetings of the Scientific Commission of the International Centre for Sociological Penal and Penitentiary Research Studies. Essentially, the main thrust of these gatherings is to advise the Centre about appropriate topics for seminars and research. This year's topic 'Insecurity', with sub-topics such as fear of crime, is the focus for the next major international seminar.

Mr Biles followed up his 1985 commitment to establish an Australian section of the Scientific Commission with no obligation to do other than publicise the International Centre. He also

received reports of other sections and promoted the Australian Bicentennial International Congress on Corrective Services.

In the ensuing five days, he attended a seminar titled 'Penal Justice in Contemporary Society: Psychological, and Hermeneutical Aspects', which focused on the changing role of judges, worldwide.

In London, the Deputy Director met with Mr Jeremy Pope, Head of the Legal Division of the Commonwealth Secretariat to discuss the proposed Commonwealth Correctional Administrators Congress which is to follow the Australian Bicentennial Congress. He also visited the Home Office Research and Planning Unit and the Institute of Criminology in Cambridge.

During his London visit he attended the inaugural Eve Saville Memorial Lecture arranged by the Institute for the Study and Treatment of Delinquency. This lecture entitled 'The Many Faces of Violence' was presented by University of Tel Aviv's Professor Shlomo Shoham at Kings College, London University.

# PSYCHOLOGISTS VISIT INSTITUTE



*In August 1987 a party of delegates to the Australian Psychological Society's Annual Conference at the Australian National University, visited the Institute to learn more about its works and activities. Mr Dennis Challenging, Assistant Director (Information and Training) and Institute librarian, Mr John Myrtle, spoke to the group which included members of the society's forensic board. They were particularly interested in Institute research on video violence. They also expressed considerable enthusiasm about the CINCH database particularly insofar as it records current research activities from around Australia. Pictured above is Mr Challenging addressing the group.*

# WORKING WITH THE DPP

**'Prosecutors from the Office of the Commonwealth Director of Public Prosecutions (DPP) are overworked, have heavy workloads coupled with enormous responsibilities and are underpaid,' said Institute researcher and criminologist, Mr Ivan Potas.**

Speaking recently on his return from six months study leave at the DPP (Canberra) Mr Potas said the office could 'easily do with at least another three, perhaps four, prosecutors and additional support staff.

At the Australian Institute of Criminology he has written much in the criminal justice area, particularly in sentencing.

One example is *Prosecutorial Discretion* (proceedings of an Institute seminar held in 1984), which he edited.

Another, *Sentencing in Australia: Issues, Policy and Reform* was published by the Institute in 1986. That publication gives a well-balanced account of problems affecting sentencing policy and administration, cost of imprisonment, overcrowding in jails, appeal procedures, probation and parole, and victim compensation. He has also completed other volumes on sentencing, specific to particular crimes.

While at the DPP he observed that one of his publications, *Sentencing Violent Offenders in New South Wales* was used to support the Crown's submissions on sentencing principles. He said he was reassured to learn at that office that the Institute work had practical application in the courts and that the profession is very aware of the Institute and its work.

Working for part of his time as a Prosecutor, Mr Potas gained a better understanding of prosecution processes from a practical stance.

The DPP was established in 1983, triggered by the findings of the 1982 Costigan Royal Commission. It was also set up in an endeavour to counteract federal criminality, particularly in fiscal fraud and drug importation which had emerged significantly in the preceding decade.

It took over the prosecuting functions of the Crown Solicitor's Division of the Attorney-General's Department. Its primary function is to prosecute offenders against Commonwealth law both summarily and on indictment but it also has powers relating to recovery of civil remedies and pecuniary penalties.

There are regional offices of the Commonwealth DPP in Sydney, Melbourne, Brisbane, Perth, Canberra and a sub-branch in Townsville.

The Canberra office also prosecutes

offences committed in the ACT under the local laws. Significantly the Canberra office is separate from 'head office', also situated in Canberra, the latter being the co-ordinating and policy centre of the DPP.

The Australian Capital Territory is unique in that the police do not conduct prosecutions. Rather, prosecutions are carried out by DPP legal officers. Mr Potas prosecuted offenders mainly in the Children's and Magistrates' Courts. In addition he provided advice, and was instructing solicitor in a number of Supreme Court and Federal Court matters.

Mr Potas outlined problems occurring because Canberra police do not do prosecutions. First, information must pass through two agencies. If the system is to be efficient, lines of communication have to be maintained and nurtured. He said while at the DPP there was considerable informal debate about lawyers doing the mentions.

A minority felt that because this function requires a fairly low level of legal expertise with emphasis on administrative and repetitive matters, it could be handled efficiently by the police. Proponents of this view felt that if lawyers handed over minor prosecuting duties to police, they in turn could concentrate on more complex legal matters.

Leaving aside whether police or lawyers do the task more efficiently, he readily opined that the present separation of functions strained resources. However, as a matter of principle he favoured an independent prosecution system and this meant *separating* those with investigative functions (the police) from those with the task of prosecution (lawyers).

Another problem he encountered at the DPP related to missing briefs. Occasionally briefs were mislaid or arrived too late. This placed considerable stress upon those responsible for the relevant work.

Stress resulting from missing briefs invariably permeated the DPP administrative staff.

Hence he felt additional staff, especially in administrative areas, was needed, 'given that often last minute action is required and present staff are already overloaded with other urgent or important work'.

Even with more staff, difficulties exist because of insufficient time prosecutors have to adequately prepare briefs. In fact, he said, many prosecutors regularly take work home.

'They don't fit into the typical public servant "stereotype".'

'Work pressure can be considerable. There is little breathing time between cases. Prosecutors constantly battle against time in their quest to adequately prepare for court.'

He also said that the problem of understaffing is not confined to the DPP. The police legal branch had a similar problem with briefs taking longer to prepare than perhaps desirable.

Because of that situation he claimed prosecutors spent too much time chasing informants or missing documents. While increasing police numbers to counteract problems was one answer, it could also be counter-productive for an increase in police results in more work for everyone in the criminal justice area. He explained the paradox thus:

'The level of crime to be prosecuted depends to a large extent on how many police are investigating crime.'

'When there are more police "on the beat", more arrests ensue which results in more briefs, and more work for prosecutors, magistrates, court staff and corrections. At present, those areas can't cope with increased pressures.'

'An increase in productivity or efficiency in one area can create a bottleneck and attendant pressures further down the line.'

He emphasised the need to find a balance which he said is not easily struck.

'The balance, whatever it is, may need to be varied in accordance with prevailing conditions (a political question); an evaluation of proper and adequate prosecutorial resources cannot be achieved without a review of available police resources (input) and court resources (output).'

'At least,' he explained, 'the majority of defendants plead *guilty* rather than *not guilty*.'

'If they didn't, the courts would be clogged!'

Many problems he said could be alleviated with the use of diversion schemes or a system of suspended prosecution to reduce numbers going to court.

While he acknowledged that one could argue the law is to be enforced,

and the legislature and judiciary established laws by which we must all abide, he pointed out the need for flexibility. He drew attention to present inconsistencies in the law relating to under-age drinking.

'The whole situation reeks of double standards. Many young people are allowed to drink alcoholic beverages at home in their parents' living rooms yet are arrested for doing so in public. Some of them merely sip an alcoholic drink in a public place and are arrested, charged, and prosecuted in the Children's Court. The whole process is a lottery where only the unlucky few are caught.'

He maintained that training and in-

duction courses for new prosecutors should be improved, saying that 'in-house training and greater supervision, especially during the first year are important'.

'At times prosecutors help each other out, but more often than not they're too busy to worry about someone else's problems,' he said.

He believes the ACT should have a prison and pointed to figures showing that crime in Canberra has increased. He used recent statistics from Institute Deputy Director, Mr David Biles to show that during the past few years, NSW jails have consistently housed between 40 and 50 ACT prisoners. That

number is now over 70 and is expected to climb to 100 within three years.

He said while he was at the DPP there were a number of murder cases either being heard or committed for trial.

There were also several cases of supplying prohibited drugs which carry penalties of up to 25 years imprisonment, as well as a 'surprisingly large number of armed hold-ups, robberies and sexual assaults'.

'Offences such as these were *extremely* rare in the ACT five to ten years ago — all the less pleasant hallmarks of a large city are now with us,' he concluded.

## RETAILERS' SEMINAR

**On 18 and 19 August 1987, the Institute hosted the annual workshop of the National Retail Crime Prevention Council. Some 25 security executives and consultants working in the retail industry, some from as far away as New Zealand and Western Australia attended this seminar to discuss current local trends in respect to retail crime.**

The workshop included presentations by two overseas academics, both of whom discussed the notion that the community as a whole had a responsibility, and role to play in reducing theft.

Canadian Professor Irvin Waller spoke about the work of crime prevention committees in France which include representatives of police, education, employment and housing authorities. Professor Dorothy Bracey from the City University of New York spoke of how the Chinese harness community oversight to deal with their crime problems. These contributions activated participants' thinking about ways in which local communities, schools and welfare agencies might contribute positively to reducing theft from neighbourhood shops.

However, the immediate concerns of workshop participants related to more pragmatic matters. A major and increasing problem at the moment was agreed to be burglary. Two particular varieties were discussed. The first was the 'crash through' offence where a vehicle is reversed through a shop window and goods, most often cigarettes, are quickly removed. Those involved in offences of this sort appear to take advantage of the delay that occurs between an alarm being activated and the arrival of police.

The second sort of burglary of concern was the highly professional and planned burglary in which offenders had obviously studied the store's visible



*Canadian Professor Irvin Waller speaking at the National Retail Crime Prevention Council workshop held at the Institute in August 1987.*

security alarms and the location of the most saleable merchandise. Various suggestions to make such burglaries more difficult were discussed by participants.

The increasing number of customer thieves who were plainly under the influence of drugs when detected, or were found to have an expensive drug abuse problem was also a cause for considerable concern. Shop staff are highly at risk when a 'stoned' thief's frenzied and sometimes aggressive reaction to detection has caused some serious physical injuries to staff. Such injury can also result from the blatant shop thief whose appearance in Australian stores continues to worry security personnel.

On a more hopeful note, there were two areas in which participants reported substantial progress since the last workshop. The first related to the reduction in the number of refund frauds being committed. In-store procedures for making refunds had been considerably tightened up. The insistence on proof of purchase, and refunding money by cheque to a given address constituted important elements of those procedures.

The second area in which real action had occurred involved staff awareness programs aimed not only at reducing thefts within the retail workplace but also in giving staff some responsibility and sense of corporate belonging. A number of participants described the way in which store loss prevention committees comprising representatives of the sales floor, office, goods receiving dock, warehouse, and so on, had easily identified problem areas which concerned them. Dealing with those problems had led to increased staff morale and made employees appreciate that their involvement was paramount in preventing theft.

The work of Mr Ray Brown, inaugural Chairman of the National Retail Crime Prevention Council was praised following his resignation from that position. His successor, Mr John Rice, National Loss Prevention Manager of Target Australia, indicated he would be well satisfied if he could continue the work of the Council in the spirited and enthusiastic way that Mr Brown had established it. The prospect of working more closely with the Australian Retailers' Association which is most concerned about the current levels of theft and offending in the retail environment, and which was represented at the seminar, was seen as a very useful and purposeful way for the Council to continue its work.

# CRIME BY COMPANIES

*Trends and Issues in Crime and Criminal Justice*, No. 5, by Dr Peter Grabosky and Dr John Braithwaite, raises issues of corporate crime in Australia. It is now widely accepted that the total impact of corporate crime is greater in terms of cost than the impact of all individual crimes together.

- Treasury's 1985 Draft White Paper estimated revenue losses of \$3 billion per year arising from tax fraud.
- The 1981 meat substitution scandal threatened an export market worth \$1 billion per year.
- Hundreds of deaths and tens of thousands of serious injuries occur in Australian workplaces each year. An unknown, but significant, proportion of these arise from violations of occupational health and safety laws.
- Illegal price fixing arrangements in the building industry in one capital city helped add an estimated \$30 million in construction costs during the late 1970s.
- The Australian Medical Association estimated in 1981 that medical practitioners' fraud and overservicing costs reached \$100 million per year.
- Corporate Affairs Commissions throughout Australia are deluged with cases involving companies in liquidation unable to pay 50 cent in the dollar to creditors. The principals of many of these companies incurred debts which they had neither the expectation nor the intention of paying.

Not only do consumers, employees and members of the public bear the costs of corporate crime, but honest business people suffer economic disadvantage at the hands of those competitors who break the law.

Corporate crime falls within the domain of white collar crime — broadly defined as crime committed within the course of one's occupation by persons of relatively high social status. But in contrast to those white collar offences, such as embezzlement or misuse of computers for fun or profit, which are committed by individuals *against* companies, corporate crime involves offences committed *by* companies or their agents against members of the public, the environment, creditors, investors or corporate competitors.

In many cases corporate crime can be quite deliberate — as when a pathology

practice fraudulently bills the government for tests never performed, or as when a second-hand motor car dealer winds back the odometer in order to deceive prospective customers.

On the other hand, much corporate crime arises from recklessness, negligence, or inattention to detail. A factory manager may not *intend* that a worker be injured, but production quotas, financial pressures, or willingness to run risks with the health and safety of others may have harmful consequences.

There are numerous areas of corporate conduct which may be in breach of the law. These include:

## Companies and securities offences

Crimes in this category may range from improprieties inherent in the formation and structure of a company, to the failure to register with or report truthfully to appropriate authorities. They include irregularities in the raising of capital and failure to adhere to proper procedures governing company takeovers. Among the most common offences are those involving management practices which, through design or negligence, result in a company's going into liquidation, thereby victimising shareholders and creditors. Example: The Balanced Property Trust collapsed in December 1983. Some 5000 investors, including many pensioners, lost an estimated \$50 million. Investigations were delayed for over two years and charges have recently been laid.

## Taxation

A variety of offences under Commonwealth and State statutes pertain to the evasion of tax obligations, from the fraudulent avoidance of tax, to failure to furnish returns or information, to obstruction of tax collection authorities. Similar offences exist under Commonwealth law pertaining to customs duties payable on imported goods. Example: In the late 1970s, a businessman was the chief administrator of a large tax avoidance scheme. He became director of more than 410 companies eventually stripped to avoid at least \$33.7 million

in tax. In 1984 he was sentenced to two years imprisonment.

## Occupational health and safety

Legislation in the States and Territories provides for penalties for unguarded machinery, inadequate fire precautions, improper use of scaffolding and related equipment and misuse of harmful substances in the workplace. Example: In 1982 a South Australian factory inspector left instructions to place a guard around an unguarded conveyor belt. The employer failed to heed the inspector's instructions, a worker had his leg caught in the unguarded conveyor. The leg was later amputated. The company was fined \$250.

## Environmental offences

A number of statutory provisions govern industrial emissions to air, land and water; noise pollution; waste management, and the control of other dangerous substances. Others pertain to breaches of zoning or other planning restrictions. Example: In 1983, over 10 tonnes of oil spilled into Botany Bay from an Australian Oil Refinery pipeline. It was the company's fifth oil spill in seven years. A fine of \$300 was imposed.

## Consumer affairs

Offences in this category include deceptive advertising, the manufacture or sale of defective or hazardous products, unlawful debt recovery, consumer fraud and violation of licensing restrictions. Example: In 1984, a second-hand car dealer in South Australia sold nine vehicles without a licence, and wound back the odometers of five cars to make them more attractive to prospective purchasers. On one vehicle, he reduced the odometer reading by 76,000 kilometres and realised a \$900 profit. The dealer was fined a total of \$1400.

## Restrictive trade practices

Included in this category are various types of anti-competitive conduct including resale price maintenance, exclusive dealing, boycotts, price fixing and monopolisation. Example: In August 1984, Mobil Oil was fined \$50,000 for resale price maintenance in that Mobil middle management had induced service station proprietors not to discount petrol. In 1985, a \$20,000 penalty was imposed on BP for resale price maintenance.

## Food standards

State statutes regulate the manufacture and sale of food for domestic consump-

tion. Ensuring the quality of food for export is the responsibility of the Commonwealth Department of Primary Industry. Example: In 1984 the Queensland government closed down the Suimin instant Chinese food factory when the Health Minister reported that 'even the cockroaches in the factory had contracted salmonella poisoning'.

#### **Prudential regulation**

Certain standards are required for banks, insurance companies and other financial institutions to ensure that the

funds of depositors and policy holder remain secure, and ensure the stability of the financial system as a whole. These regulations entail liquidity requirements, periodic documentation and auditing, and restrictions on investments. Example: In 1983, Bishopsgate Insurance went into liquidation, with a total deficit of over \$18 million. Millions of dollars had been invested, and lost, in the highly speculative gold futures market. The principal of the company left Australia and has not been seen since.

#### **Economic offences against employees**

Included in this category are breaches of awards, non-payment of wages, and related offences covered by various industrial and wages legislation. Every year the Commonwealth Arbitration Inspectorate detects over 20,000 offences involving federal awards.

*Trends and Issues in Crime and Criminal Justice*, No. 5, 'Corporate Crime in Australia', is available from the Institute.

## **BOOK REVIEW**

### **THE NEIGHBOURHOOD CRIME PREVENTION HANDBOOK**

by Pat Daley

Angus and Robertson, 1987, 147 pp., \$8.95

*Reviewer:* Dennis Challinger

This is a useful little book but it does not live up to its publisher's blurb as being 'comprehensive and indispensable'. It does provide many handy and valuable hints for citizens to protect themselves and their property, although it does not advance far in this area from information readily available in pamphlet form from the excellent crime prevention sections within Australia's police forces. However, if it is true that people appreciate material more if they have to pay for it, then this book may well have greater impact upon the community than those pamphlets.

What the book does emphasise is that police depend upon the public to report offences to them. And if the book's recurring entreaty to keep police informed of neighbourhood happenings is heeded by readers, then the book will be truly worthwhile. In this context the three pages on crime reporting are most valuable.

However, the ten pages on Neighbourhood Watch, and further pages on variations such as Rural Watch, Marine Watch, and Business Watch are less useful as they merely document the features of those schemes. One cannot help feeling that those who are most likely to buy this book may be those who are active in the schemes and therefore know enough about them. This may also be true of the passages about the Safety House program.

Deleting those descriptive passages makes the remaining pages of practical hints a relatively expensive buy. But most people will surely find some useful hint that they may never have considered, amongst the collection in this book. Parents, for example, might never have realised the potential disservice they do their children in allowing them to wander with their names advertised on the front of their T-shirts. However, those self same parents might be somewhat offput (or even troubled) by the extravagant language in the book, as in for example, 'going up to the shop for some milk may be dangerous' (p. 64).

Being told that burglars 'violate homes' may also unnecessarily alarm some readers and the use of Americanisms such

as 'trundlers', 'elevators' and 'automobiles' does not indicate a book written specially for Australians. These might seem puerile comments but it is important that readers fully understand the terminology of crime. Mr Daley reflects this when he advises hold-up victims to report to the police what they have been 'held up' rather than 'robbed' (p. 109). As many people who are burgled report they have been robbed, it would have been worthwhile to have clarified these differences in the book. The readers for whom the book is intended would surely have been able to understand the differences.

So too would readers probably have been interested in less dogmatic advice which indicated the possible deficiencies of some preventive suggestions. Let me take two examples. On page 41, readers are told 'to make sure you advertise the fact that you have an alarm system by placing suitable stickers on doors and windows. This acts as a very effective visual deterrent'. This may or may not be true, and two comments spring to mind. First, as with motor cars, advertising which security system is installed may simply tell a determined thief what has to be done to beat it. Second, studies of burglars have found that some of them see signs advertising that property in the house has been marked, as making a house a more attractive burglary target. For instance, one Swedish burglar remarked 'I think it (sign) would spur me on to get in, for then there are things to be had in there'.

Similar criticism could be made of Mr Daley's encouragement to retailers to install large convex mirrors 'which will be of great assistance in preventing shopstealing' (p. 104). That too, may or may not be true, however, current retail security wisdom seems to be that some thieves use the mirrors to see if anyone is watching them, rather than be deterred by them.

It might well be argued that these criticisms are too harsh for a book aimed at average Australians. But average Australians, especially those who have a sufficient concern about crime in their community to buy the book, deserve to be provided with more, rather than less, information. (In that context, it would have been useful to have actually provided contact addresses for Australian victim organisations in the last chapter on victims.)

Overall, however, the book does give two important messages to its readers. First, they should make it as difficult as possible for offenders to commit offences, and second, they should make sure they keep police aware of unusual happenings in their community.

These two messages alone make the book a useful contribution to helping average Australians understand how they can help prevent crime.

# WRITING ON THE WALL

Recent research by the Institute on graffiti and vandalism on public transport is featured in *Trends and Issues in Criminal Justice*, No. 6, by the general editor of the series, Dr Paul Wilson, with the assistance of Ms Patricia Healy.

The Australian Institute of Criminology was commissioned by the State Rail Authority of New South Wales to research the causes of this behaviour and to develop specific policies for the prevention or, curbing of graffiti and vandalism in its transport system.

The strategies for prevention are generally applicable to all transportation systems.

In New South Wales, railway staff have reported a significant and sustained increase in damage to carriage and station seats as well as an increase in graffiti. They also noted a change in graffiti from that using easily removed substances, to a wide variety done with harder-to-remove felt tip markers and spray cans.

There has also been an increase in 'New York-style' art graffiti. These stylised drawings of figures and the 'artists' names are carried out with spray cans of paint on carriage exteriors, walls, buildings and tunnels.

## The cost

The cost of graffiti and vandalism in both human and financial terms has been considerable.

- Four young persons were killed on New South Wales railways during 1986 while attempting to engage in graffiti on train carriages.
- In 1985-86 there were 343 reported incidents of vandalism which led to 1306 train delays, a marked increase over 1984-85 year when 218 incidents caused 598 delays.
- A recent Sydney survey of community attitudes to rail transport suggests that a significant proportion of the Sydney public (80 per cent) are concerned about the personal safety of rail passengers. Such concern was associated with vandalism and graffiti.
- The cost of repairing damage due to vandalism and cleaning graffiti in trains in 1984-85 is estimated to have been \$4.76 million.

## Characteristics of graffiti and vandalism offenders

Sydney graffitiists are mainly young

adolescents and include both girls and boys, although boys predominate. They come from a wide range of social groupings and areas. Many are self-organised into loose groups of gangs, some of which are geographically based, and all travel widely, often over considerable time and distance, to gain access to trains or other suitable sites for graffiti. While some graffitiists engage in vandalism most confine their activities to illegal drawings and figures.

Vandals are typically male, aged 13 to 17, generally originate from poorer geographical areas of the city, have relatively low levels of education and belong to large families. Vandals are not confined to the psychologically disturbed or socially inadequate. Studies indicate that they are more likely to offend in groups than other juvenile delinquents and that the majority also break other laws.

## Motivations for graffiti and vandalism

Rennie Ellis, collector of Australian graffiti, has described graffiti as '... the result of someone's urge to say something — to comment, inform, entertain, persuade, offend or simply to confirm his or her own existence here on earth'.

Interviews conducted by Institute researchers with young graffitiists confirmed this observation. Much of Sydney's graffiti also reflected a style of pop-culture which has been widely publicised and popularised among Australian adolescents. Relevant facts in understanding the graffitiists' motivations include:

- Surveys reveal that, unlike adults, Sydney youngsters regard the removal of graffiti from State Rail property as of relatively low priority.
- To some, graffiti on trains is seen as a legitimate form of self-expression, a form of public art which improves trains and the urban environment generally.
- To others, especially adults, graffiti is ugly, whatever its form and threatens their sense of order, decorum, and

occasionally, safety. The hostility shown by some adults towards graffitiists reinforces some youngsters' determination to engage in graffiti.

But vandalism is seen even by many graffitiists themselves as destructive behaviour having clear implications for personal safety and security. Though the media promote an association between vandalism and violence the evidence suggests that the majority of vandals confine their activity towards property rather than people. Vandalism is neither meaningless nor does it come in one simple form. The following categorisation of vandalism illustrates the complexity of this behaviour.

## Categorisation of vandalism

1. *Acquisitive vandalism.* Damage done in order to acquire money or property, e.g. damaging telephone boxes.
2. *Tactical vandalism.* Damage done as a conscious tactic to achieve another end.
3. *Ideological vandalism.* Damage done to further a cause or communicate a message.
4. *Vindictive vandalism.* Damage done to gain revenge, e.g. breaking school windows because of perceived unfairness by teachers.
5. *Play vandalism.* Damage inflicted incidentally or deliberately as part of a game or competition, e.g. who can break the most windows.
6. *Malicious vandalism.* Damage to express rage or frustration, e.g. scratching expensive cars' paint-work.
7. *Innocuous vandalism.* Damage done to property defined by youth as unimportant or of no value, e.g. slashing railway seats.

The motivation for acquisitive, tactical, ideological and vindictive vandalism is relatively obvious. However, the motivation involved in play, malicious and innocuous vandalism — the common types of much railway damage — are less obvious. Studies suggest that diverse motivations in these behaviours, ranging from hostility to peer pressure, are inherent in many young people. This heterogeneity and widespread prevalence of vandalism has important implications for prevention.

*Trends and Issues in Crime and Criminal Justice*, No. 6, 'Research brief: Graffiti and vandalism on public transport' is available from the Institute.

## AND, IN BRIEF...

### The NSW Correctional Officers College, Windsor, NSW

The New South Wales Department of Corrective Services has recently established a new training centre — the NSW Correctional Officers College at Windsor, NSW. The motto of the College, broadly translated from the Latin *visio magna cum virtute* is 'vision with excellence'. This philosophy underpins the entire syllabus.

The Head of the College, Superintendent Gerry Hay, came to the position with longstanding experience in corrections. He started as a base-grade officer 13 years ago, and in 1981 became the first Superintendent of the rebuilt Bathurst Gaol with its innovative management policy. His firm belief is that the secret of excellence lies in improving officers' vision of their organisation and in increasing their levels of ability to serve that organisation.

Although the college provides both residential and non-residential courses, the emphasis is on the former because of its capacity to reinforce training and to generate *esprit de corps*. The curriculum also integrates discipline, behavioural science skills and physical fitness with the intention that they become a way of life for prison officers.

Superintendent Hay welcomes use of the college facilities by other services, states and countries within the Asian and Pacific region. Already, for example, the college receives officers from the ACT and most states, Fiji and Papua New Guinea, the NSW Sheriff's Department, the NSW Fisheries Inspectorate, and state and federal parliamentary guards.

With the obvious need to break down suspicion and form more constructive links, all members of the community are also welcome. So, for example, groups occasionally use the college gymnasium, go horse riding on the 300-acre property, or hold scout jamborees. Other initiatives include work experience both for local schools and mature-age adults through CES workforce entry schemes.

Much hard work and budget stretching has to be done to complete Gerry Hay's vision of what the college can achieve. The accommodation came with the 300 acres of idyllic bushland, but it

has been built as a juvenile correctional facility.

Whilst the apparent luxuries of a gymnasium and swimming pool were already there, the former lacks equipment and the latter was taken over years ago by local duck families. Also, when the college acquired the property, it was not immediately obvious that all the wash-basins and shower heads would need to be raised to accommodate the height of adults!

### CINCH: The Australian Criminology Database

Figures for the financial year 1986-87 show a healthy increase in use of the CINCH database compared with usage for 1985-86. Online connect use has increased 36 per cent from the previous year.

CINCH: The Australian Criminology Database is produced at the Australian Institute of Criminology by the staff of the J.V. Barry Memorial Library. The database is publicly available through ACI Computer Services' AUSINET System. The charge for use of CINCH is \$80/hour and effective from July 1987 the cost of the citations printed offline has been reduced from 50c/citation to 25c/citation.

CINCH contains references for Australian subject matter on crime, criminology and the criminal law. All material indexed is held by the Institute's Library and therefore users of the database can utilise the Library's document backup service for accessing items not held by their own library. Details of Australian research projects are also included on the database as a record of current criminological research. Researchers are encouraged to register projects for inclusion on CINCH.

Further information about the CINCH database can be obtained from John Myrtle, Librarian-in-charge at the J.V. Barry Memorial Library, telephone (062) 833841. A leaflet, database guide and poster are available free-of-charge. Researchers who have not previously used CINCH are welcome to request a free sample search.

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### ERRATUM

In the last issue of *Reporter*, page 11 depicted a photograph of Dr Sat Mukherjee, Mr Ray Whitrod and Mr Dennis Challenger with Mr Rod Blackmore, Senior Magistrate, Bidura Children's Court, NSW — NOT Professor Ron Clarke, as the caption stated.—Ed.

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### DNA in forensic science — is it the ultimate answer?

A meeting on DNA technology to be held in Adelaide, South Australia, from 3-6 November, 1987 will attempt to answer questions raised about the impact of biotechnology on forensic science.

The meeting will develop the theme from basic biology and DNA structure through research and clinical applications to forensic science applications. A Dinner Forum on Wednesday, 4 November, 1987 will be of particular interest to lawyers as it will deal with the potential consequences of DNA technology application in civil and criminal litigation.

Lecturers include: Dr Ivan Balazs, Director of Clinical Research, Lifecodes Corporation, New York, USA; Dr J.R.E. Wells, Director, Commonwealth Special Research Centre in Gene Technology, Adelaide, SA; Dr R. H. Symons, Biotechnology Research Enterprises SA Pty Ltd; Mr Justice Olsson, Supreme Court of South Australia; Mr Ian Freckleton, Barrister, Law Reform Commission.

For further information contact: The Organisers, Mr A.M. Ross and Dr H.W.J. Harding, Forensic Science Centre, 21 Divett Place, Adelaide, SA 5000. Telephone: (08) 2270644

### ACSPRI Summer Program

The fourth ACSPRI Summer Program will be held at Monash University from January 31 to February 12 1988. There will be three course streams. Enquiries: Dr Roger Jones, PO Box 4, Canberra, ACT 2601. Phone (062) 494400.

### Visitors to the Institute

On 17-18 August the Institute hosted the Secretary-General of the International Prisoners' Aid Association, Dr Badr-El-Din Ali who is a professor of sociology at University of Louisville, Kentucky, USA.

While at the Institute he liaised with various staff members, gaining enough information to write a report to the International Prisoners' Aid Association about Institute programs.

Also during August Mr Pious Kerepia Commissioner of Corrective Services in Papua New Guinea visited the Institute. Mr Dennis Challenger briefed Mr Kerepia on the Institute's activities and discussed with him the possibility of the Institute running training courses for middle management officers from Papua New Guinea. Mr Challenger also accompanied Mr Kerepia on a visit to Goulburn Prison.

# DEAR (Mythical) MINISTER

*The Director of the Institute, Professor Duncan Chappell, recently spoke at a public meeting arranged by La Trobe University on the topic 'Crime and Crime Control in the Eighties'. Professor Chappell made his address in the form of a letter addressed to a 'mythical Minister', dealing with a range of questions about the contemporary state of crime. An edited version follows:*

Dear (Mythical) Minister,

Your recent request for the Institute's assistance and advice concerning ways of responding to some difficult and controversial 'law and order' issues is acknowledged.

The emotion, bordering on hysteria, which is frequently associated with these issues is vividly portrayed in the letters you enclosed from some of your constituents, and in the clippings from various newspapers. I note, for example, the major feature story titled 'Fortress Australia' which was published in the *Weekend Australian* during August. The front page of that paper displayed a picture, captioned 'The Iron Bars of Fortress Australia', which showed a little girl with her doll cowering behind a large barred door. Readers of the *Australian* were told that the little girl no longer played in her backyard because:

at the age of six she is caught up in her family's fear as suburbs turn into fortress Australia. [She] lives in a typical house in the suburbs: typical in that after two burglaries it has now been turned into a fortress where even the cupboards have locks. Across the country, 160,000 break-ins a year and increased violence are forcing whole suburbs to retreat behind bars.

Knowing of your government's forthcoming election plans, I suspect you will have done extensive polling to determine the scope and intensity of public feelings like those about 'law and order' issues. While they are feelings which cannot be ignored, it should not be assumed that public attitudes about crime and punishment are inflexible. The Institute's own survey research on public attitudes towards the sentencing of offenders indicates that, in general, the more information that is provided about an offender and the background to an offence the less punitive the average citizen becomes.

Research findings of this type offer some hope for optimism that by furnishing citizens with more facts about the state of crime, and of methods of responding to specific crime problems, it is possible to alleviate much unnecessary fear and alarm. With this aim in mind I

hope you will find the following facts, and comments, to be of assistance to you in developing realistic and reasonable crime control policies within your jurisdiction.

*The Director then went on to detail problems of obtaining objective information about crime trends. He concluded:*

A brief mention has been made already of campaigns by certain police associations for more personnel and resources. These campaigns, most of which seem to have succeeded to some degree, form part of a broader movement supported by a range of Australian governments to give greater power to police while expanding the strength of the existing police forces.

The economic cost of these developments has been significant as has been their potential for infringing upon the civil liberties of Australians.

What is troubling is that despite these liabilities scant attention seems to have been given in the course of these government actions to measuring and monitoring their effectiveness in preventing crime or identifying and prosecuting offenders. The assumption seems to be made that there is a simple and positive relationship between crime rates, the number of police per head of population, and the scope of police powers.

In reality this relationship is far from simple. There is also a growing body of research data, mostly drawn from overseas studies, which suggests that many traditional policing strategies are not very effective in either preventing or detecting crime. These studies include findings relating to patrol practices, response time, and the role of detectives.

What governments should insist upon when confronted by the apparently endless call for more police resources and power is a ruthless and impartial evaluation of the use and effectiveness of the existing police strength and its associated tools of trade. Thus many tasks currently performed by the police could be more cheaply carried out by civilians; more police could be relieved of trivial duties and assigned to more

meaningful areas of crime prevention; and some functions now performed by the public police could more properly be carried out by private police.

Lest it be thought that the police are alone in not being evaluated it should also be pointed out that the other components of the criminal justice system require equally rigorous analysis in order to justify both existing and future resource allocations. The long delays in obtaining a trial hearing, for example, in many Australian criminal courts suggest that serious deficiencies exist in this area as well, which may have more to do with inadequate management practices than with a lack of resources.

The AIC stands in a position to assist and advise your government, Mr Minister, should it wish to conduct evaluations of your criminal justice services. However, as you realise, our resources are quite meagre compared with those provided to the criminal justice system at large. Our budget is \$2.3 million per year. At current prices that is roughly the equivalent of keeping eight police cars staffed by two officers on patrol 24 hours per day; the cost of constructing 23 new prison cells; or the expense of maintaining 70 to 80 prisoners in custody for a year.

We believe we can save you expenses like these through the process of evaluation. We also believe we can provide you with guidance in the development of prevention strategies relating to extremely costly areas of crime to the community such as vandalism on public transportation systems and in schools, and fraud against governments.

Your government, like its counterparts across the country, faces a crime situation which can all too readily be responded to by the types of actions demanded in the correspondence and newspaper articles referred to at the beginning of this letter. It is a response which some nations, like the United States, have already made, with results which seem to have had little impact on the incidence of crime while leading to a massive rise in prison populations, and the use of draconian punishments.

I know that your government will have the foresight and courage to stand firm against the clamour for punishment in order to devise and implement appropriate crime control strategies for the 1980s and beyond.

Yours sincerely, Duncan Chappell.

# 1988 SEMINAR PROGRAM

## Children as Witnesses

*Week commencing 23 February*

The need for children to give evidence at court has become more pronounced with the increasing number of child sexual abuse cases that seem to be heard at court. Ensuring that experience is not an ordeal for a child is an aim of many working with children. But the best ways to do this are still being determined.

This workshop will bring together child welfare workers, law reformers and academics who have requested this event, with lawyers, police and others. They will consider the optimum ways in which to secure reliable evidence from child witnesses, particularly in sexual abuse cases, with as little trauma as possible.

## Armed Robbery

*Week commencing 22 March*

Armed robbery continues to be an offence that concerns all Australians, but particularly bank staff and police who have raised this matter with the Institute. The effects of robberies on immediate victims, the methods for preventing such offences, the disposition of convicted offenders, and the overall impact of robberies on the community, will be discussed at this seminar.

The Institute last ran a seminar on this topic in 1977 and recommendations from that will be reconsidered. However, the major focus for the seminar will involve considering the reasons for the increasing number of robberies in Australia, and strategies and tactics for dealing with them.

## Librarians in the Criminal Justice System

*Week commencing 19 April*

This will be the sixth biennial seminar for criminal justice librarians which allows them to benefit from a mutual exchange of experiences and views. It is a valuable event which emphasises the central role of the Institute's Library in the criminal justice community and provides a real opportunity to discuss CINCH and get user feedback on that data base.

## Police Resources and Effectiveness

*Week commencing 31 May*

Getting value for money is as necessary in the criminal justice area as in other areas of government. This seminar will therefore focus on research and methods to ensure the effective use of police resources (especially the management of criminal investigations). The concerns of police, politicians and the public will be able to be met by this seminar which would also allow discussion and evaluation of various police powers.

## Controlling Fraud

*Week commencing 18 July*

This seminar will consider not only offences of fraud against governments, but also those within the free market. Thus concerns about insider trading, market rigging and corruption, and the prevention, investigation and prosecution of frauds will all be canvassed. The seminar will also consider corporate regulation and the choice of treating irregularities by way of civil remedy rather than as criminal offences. These are all concerns raised not only by politicians but also by academic and practising lawyers, who should therefore be participants in the seminar.

## Prison Employees

*Week commencing 29 August*

The relationships and mix between custodial and programs staff in prisons vary across Australian jurisdictions and some correctional administrators are keen to look closely at this issue. Seminar discussion of the philosophy behind provision of prison programs will involve teachers, trade instructors, welfare staff, psy-

chologists and correctional officers currently working in prison systems. That will involve consideration of the work versus education debate, promotion of industrial productivity and financial enterprise and implications for the future.

## Organised Crime

*Week commencing 24 October*

This seminar will allow discussion of approaches to combating organised crime, as well as building upon in-house Institute and other research. The seminar will allow discussion of Australian legislation such as that establishing the National Crime Authority and that allowing the confiscation of assets of convicted persons. Both raise wider issues relating to the balance between individual freedom and the needs of the community.

## Bail or Remand?

*Week commencing 28 November*

Remand prisoners continue to cause a great strain on prison population despite the review of bail laws in most States over the last ten years or so. It is timely for appraisal of the operation and effectiveness of those changes. Discussion of the broad topic of procedures before trial will include associated issues such as pre-trial diversion and pre-trial publicity, which continue to concern lawmakers and lawyers in particular.

*If you are interested in participating in any of these seminars please register your interest by writing to Dennis Challenger, Assistant Director (Information and Training), Australian Institute of Criminology, PO Box 28, Woden, ACT 2606.*

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Lately, everyone is asking 'What can we do about the criminals who steal and destroy our property?'

We want to know how to prevent the crime itself!

## PREVENTING PROPERTY CRIME

A seminar in Canberra on November 24 and 25 will look at ● Crime prevention in dealing with property offences; ● Neighbourhood Watch and property identification; ● Setting standards for private security companies; ● Prevention programs initiated by insurance companies; ● Arson and vandalism in schools, public buildings, etc.

*Details from:* Information and Training Division, Australian Institute of Criminology, PO Box 28, Woden, ACT 2606. Phone (062) 833852.

# NEW PUBLICATIONS

## COURT SUPPORT AND ADVISORY SERVICES

Jane Mugford (ed.)

These proceedings from a recent Institute seminar highlight problems and issues facing victims, offenders, witnesses and their families in Australian courts. It presents varying perspectives on problems, and attempts to put forward feasible solutions.

Topics include: trauma and stress in the context of the court; victim support; grief and the dependent relationship; the role of paralegals; and North American initiatives in court and victim support services.

**Jane Mugford** is Principal Programs Officer with the Australian Institute of Criminology, Canberra.

Proceedings, 1987, 146 pages, \$12.00.

## INTELLECTUALLY DISABLED OFFENDERS

Dennis Challenger (ed.)

In this collection of seminar papers many professionals involved in caring for intellectually disabled offenders raise various difficulties experienced, and proffer possible solutions, from different perspectives.

Contributors include clinical psychologists, custodial officers, social workers, magistrates, members of the legal profession, intellectually handicapped citizens' groups and representatives from sheltered workshops.

Topics include: aspects of the police relationship with the

intellectually disabled; courts and intellectually disabled offenders; what corrections should ideally offer the intellectually disabled offender, and help for intellectually disabled offenders via sport and recreation.

**Dennis Challenger** is Assistant Director (Information and Training), Australian Institute of Criminology, Canberra.

Proceedings, 1987, 148 pages, \$12.00.

## DEATH AND INJURIES ON THE ROAD: CRITICAL ISSUES FOR LEGISLATIVE ACTION AND LAW ENFORCEMENT

Ross Homel and Paul Wilson

This is a revised version of a background report for the Federal Office of Road Safety (FORS) on the effectiveness of traffic law which represents the authors' views rather than those of FORS.

It compares international experiences in traffic law enforcement measures and their cost effectiveness, with the Australian experience. As well, it looks at traffic law enforcement legislation generally, and drink-driving legislation specifically, again with international and Australian comparisons of conditions and experience. The publication then presents options to decide the most appropriate enforcement strategies to achieve maximum road safety benefits in Australia.

**Ross Homel** is an academic at the Department of Behavioural Sciences, Macquarie University, Sydney.

**Paul Wilson** is Assistant Director (Research and Statistics) at the Institute.

Research Report, 1987, 149 pages, \$12.00.



## CRIMINOLOGY RESEARCH COUNCIL

### CRIMINOLOGY RESEARCH GRANTS

The Criminology Research Council at its quarterly meeting on 11 September 1987 awarded research grants totalling over \$50,000.

A grant of \$22,460 was made to Dr John Galloway, Director of Netmap Corporation Limited, Sydney, for a study of the application of a computer-based analysis and network modelling system to criminal intelligence data. This research, which is particularly relevant to investigation of organised crime, is to be undertaken with the co-operation of the National Crime Authority.

A grant of \$6,000 was made to Ms Gloria Rossini of the South Australian Office of Crime Statistics to extend a study of crime victims and their needs. This study will be based on 600 interviews with victims that will be conducted when the offence is reported and in later periods. This study will provide an empiri-

cal basis for improving services for victims and for changing criminal justice procedures to take into account the needs of victims.

A grant of \$4,350 was made to Ms Lyla Samyia of the Social Work Department, University of Sydney, for a study of police perceptions of, and responses to, domestic violence in a rural community. This project is to be conducted with the full co-operation of the NSW Police Department. That Department has also provided additional financial support.

A grant of \$20,016 was made to Dr Kevin McConkey of the Macquarie University and Professor Peter Sheehan of the University of Queensland for the second and final year of a study of forensic hypnosis in Australia. The main aim of this research is to assist Australian legal systems by providing data about the reliability of hypnotically refreshed testimony.

# STATISTICS

## Australian Prison Trends

Compiled by David Biles, Deputy Director  
Assisted by Clare Mandle

During the period January 1987 to August 1987 the numbers of prisoners increased significantly for Australia as a whole, with increases occurring in every jurisdiction. The numbers of prisoners in all States and Territories for August 1987 with changes since January 1987 are shown in Table 1.

**Table 1: Daily Average Australian Prison Populations August 1987 with changes since January 1987**

	Males	Females	Total	Changes since January 1987
NSW	3920	214	4134	+ 290
VIC	1879	101	1980	+ 52
QLD	2161	85	2246	+ 46
WA	1560	87	1647	+ 40
SA	833	38	871	+ 42
TAS	294	8	302	+ 58
NT	439	12	451	+ 36
ACT	91	4	95*	+ 23
AUST	11177	549	11726	+ 587

\* 80 prisoners (including 3 females) in this total were serving sentences in NSW prisons.

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population), for August 1987. The national rate of 72.4 compares with 69.3 found in January 1987.

**Table 2: Sentenced prisoners received, daily average prison populations and imprisonment rates by jurisdiction August 1987**

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	785 (269)	4134	5610	73.7
VIC	212 ( 30)	1980	4210	47.0
QLD	373 (112)	2246	2647	84.9
WA	412 (181)	1647	1481	111.2
SA	333 (226)	871	1384	63.0
TAS	84 ( 5)	302	451	67.0
NT	129 ( 37)	451	151	298.7
ACT	—	95	272	34.9
AUST	2380 (860)	11726	16206	72.4

\* Projected Population end of August 1987 derived from *Australian Demographic Statistics* June Quarter 1986 (Catalogue No. 3101.0).

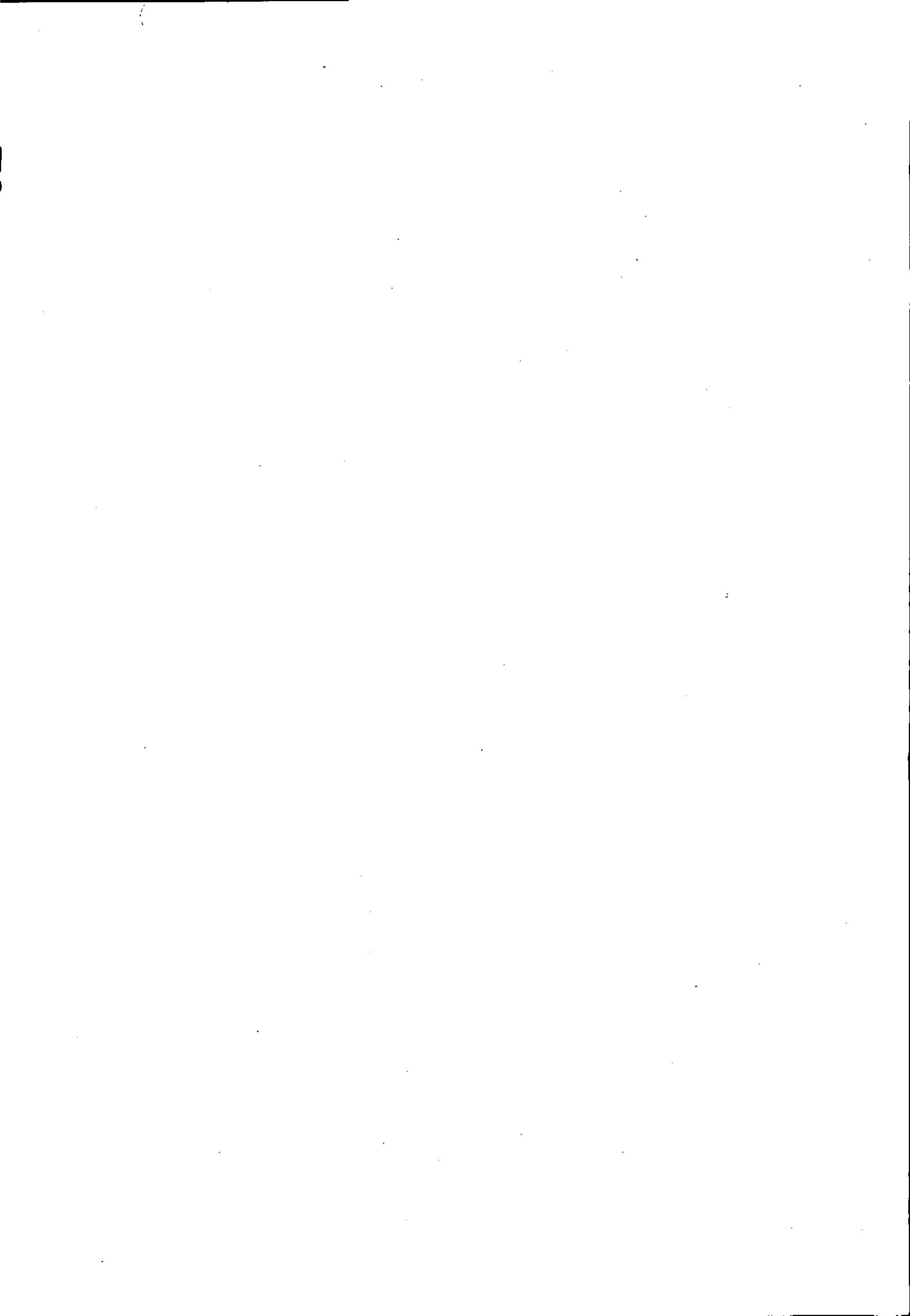
Note: The figures shown in brackets represent the numbers who were received into prison for fine default only.

**Table 3: Total prisoners, remandees and Federal prisoners as at 1 August 1987**

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees/100,000 of Gen. Pop.	Federal Prisoners
NSW	4085	924*	22.6	16.5	200**
VIC	1993	268	13.4	6.4	79
QLD	2253	139	6.2	5.3	55
WA	1624	161	9.9	10.9	69
SA	864	190	21.9	13.7	38**
TAS	300	33	11.0	7.3	1
NT	456	58	12.7	38.4	3
ACT	94	16	17.0	5.9	2
AUST	11669	1739	15.3	11.0	447

\* 214 of these remandees were awaiting result of appeals.

\*\* 1 Federal prisoner in New South Wales and 3 Federal prisoners in South Australia were transferred from the Northern Territory.



# reporter

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