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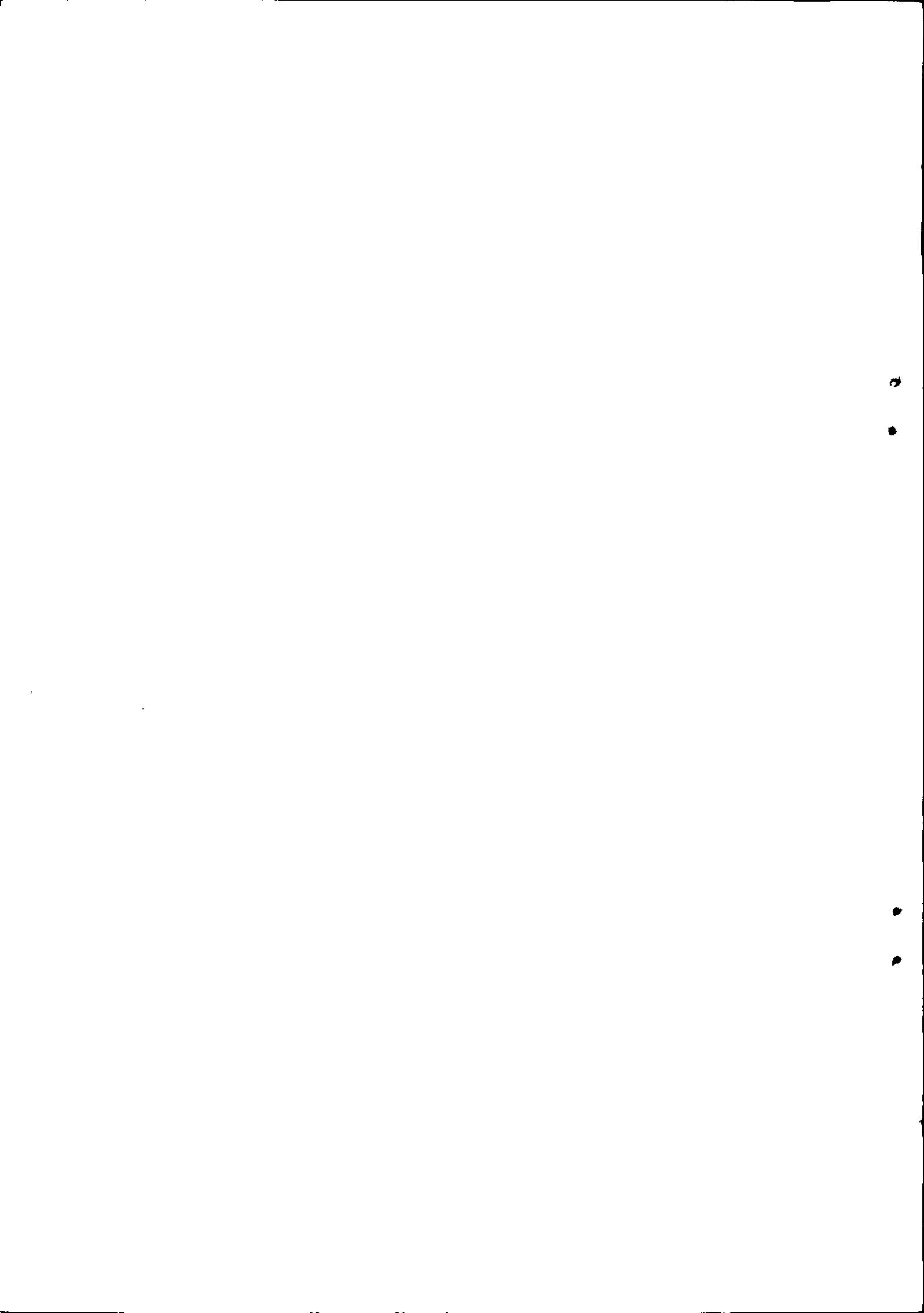
THE PSYCHOLOGIST IN CRIMINAL JUSTICE - AN
AUSTRALIAN PERSPECTIVE

BY

ARTHUR VENO

DEPARTMENT OF PSYCHOLOGY, UNIVERSITY OF QUEENSLAND

AUSTRALIAN INSTITUTE OF CRIMINOLOGY
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participants. - 2. Suggested reading list.-3.
An outline of prison officer union involvement
with prison psychologists, by I.Knight. - 4.
A personal view, by A. Duddy. - 5. Notes on
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INTRODUCTION

The training seminar opened at the Wooroloo Rehabilitation Centre in Western Australia on 12 July with four general aims:

1. To provide psychologists already working in the Australian Criminal Justice System with the opportunity to discuss present professional roles, future developments and other professional issues of mutual concern including the expectations of consumers.
2. To formulate guidelines for the development of psychological services in the criminal justice system.
3. To formulate guidelines for the practice of psychology in the Australian Criminal Justice System, giving special consideration to the ethics of presence, intervention, and confidentiality.
4. To formulate minimum standards for the psychological treatment of adult convicted offenders, and other persons under some involuntary detention or constraint.

FORMAT

To achieve these aims, the first day of the training seminar was devoted to input from the 'consumers' of psychological services in the Australian Criminal Justice System. The goal of this initial session was to focus the participants' attention upon the issues of concern to the consumers of psychological services and thereby provide a base for the seminar discussion format in the subsequent sessions.

Accordingly, the first day was the only day which was rigidly structured as to content. The topics for the remaining days were seen to flow from the input of the initial day with only the general discussion topics specified in the aims listed above as a guiding structure. Thus, on day two, it was planned to cover the ethics of psychological presence and intervention in the criminal justice system. The general topic for day three was a discussion of what psychologists believe they can and/or should provide in such settings. Day four was devoted to conclusions and recommendations that could be made from the training seminar.

PARTICIPANTS

The seminar participants represented an extraordinarily wide cross-section of both psychologists and non-psychologists involved in the criminal justice system (See Appendix I). As well, every State in Australia was represented. In States where psychologists are currently not being used in aspects of the criminal justice system, representatives were sent to explore the feasibility of employing psychologists.

Participants were provided with a list of references which they were expected to have read prior to arrival at Wooroloo (see Appendix II). As well, Dr Veno prepared a paper detailing approaches to minimising violence in prison contexts through the use of environment and social learning theories prior to the conference on the request of the Assistant Director (Training), Australian Institute of Criminology Mr C.R. Bevan.

Thus the 21 participants brought to the seminar not only their practical experiences as participants in the criminal justice system; but also a shared exposure to theory and cross-cultural perspectives provided by the background reading. Clearly, the seminar benefited from this procedure.

SPEAKERS AND PAPERS

The seminar was opened by a welcome from the Chief Secretary for Western Australia, who indicated his keen interest in the role and effects of psychology in corrections.

The first seminar paper was presented by His Honour Judge Pidgeon of the District Court of Western Australia. He emphasised that he could only speak as an individual and not as an official representative of the court. Judge Pidgeon outlined the main reason for the courts seeking pre-sentence reports as a search for more appropriate treatment for recidivists, and an understanding of the background behind some offences. These reports assist in striking a balance between the different factors involved in sentencing. The judge suggested that the courts' request for a report should be wide enough to allow psychological or psychiatric reports to be called at the discretion of the probation officer preparing the main pre-sentence report.

The second paper was offered by Mr C.W. Campbell who is the Director of the Department of Corrections of Western Australia. Mr Campbell, who is a trained psychologist, described the history of psychologists involved with the penal system in Australia. He provided the seminar with an excellent historical account of the Australian scene; set the context of the Australian scene as compared to other 'Western' cultures, and noted that the psychologist working in the criminal justice system must be seen as a member of a team, the team being composed of varying associates depending upon the particular context. In prisons, for example, psychologists must be organised as part of a

team comprised of warders, social workers, prison administrators, occupational therapists and others who have responsibility to the prisoner.

The next paper was presented by Mr I. Vodanovich who is the Chief Probation and Parole Officer of Western Australia. He provided members of the seminar with a description of current models of treatment for offenders based on community integration, which suggested that psychological services could well be oriented away from 'institutional models'. He noted that psychologists should be involved with the pre-sentence report phase of the criminal justice system as this is an extremely critical phase of the system. He stressed that labelling during this or any phase was a very serious ethical concern facing psychologists as the label may stay for lengthy periods of time and actually lead to 'self-fulfilling prophecy' sorts of behaviour if the offender obtains access to the label.

Mr I. Knight addressed the seminar next as a representative of the Prison Officers Union of Western Australia. He presented a carefully prepared and well thought out paper which detailed (1) the relationship between prison officers and psychologists and (2) prison officers views of psychologists interactions with virtually all occupational groupings within a prison context. His paper presents this view in such a salient way that the full text has been included in this report as Appendix III. Briefly stated, however, he noted that psychologists are virtually without a defined role in prison settings and are seen by the prison officers as threatening to the maintenance of order. As well, psychologists are seen as ineffectual and easily manipulated individuals who often side with prisoners, by both prison officers and prisoners.

The final speakers of the first day were Mr A. Duddy, Mr B. Higgins and Mr J. Sosbey who are currently prisoners in Western Australian prisons. While the speakers utilised a panel format for their presentation, there was a very large discrepancy between the speakers as to their view of psychologists. In fact, the discrepancy between the speakers views was great enough to elicit a letter of support for Mr A. Duddy's paper and a retort to Mr Sosbey's and Mr Higgins' paper by the Fremantle Inmate's Committee. Mr Duddy's paper has been included as Appendix IV.

Mr Duddy noted that the prison psychologist (in Western Australia) is in a position such that they hold no power in the prison structure. He notes that this is unfortunate from the prisoner's point of view as the psychologist represents the progressive faction of the environment. Also, he notes the stigma of seeing a psychologist amongst prisoners and notes that the psychologist is an object of fear and suspicion. He then went on to suggest some concrete solutions to alleviate the situation. As well, he suggests that psychologists become more active in prison reform. Both Mr Higgins and Mr Sosbey stated that the psychologist should conform to institutional policy and not seek out reform. They suggested that psychologists are losing their professional identity and ethics by being in prison settings where they tend to muddle and meddle with the stability of the prison environment.

Following this day of input, the remainder of the seminar was devoted to thrashing out the issues in a workshop format. The following section describes the conclusions reached by members of the seminar.

SUMMARY OF THE PROCEEDINGS OF THE WORKSHOP

GENERAL INTRODUCTORY STATEMENTS

The general consensus of the participants was that the role of the psychologist in the criminal justice system must not be isolated from the role which psychologists play in the wider social context of society. However, the psychologist working in the criminal justice system must be aware that there are very serious ethical and moral consequences to pursuing his/her profession in this context.

In order to delineate these ethical and moral dilemmas that a psychologist working in the criminal justice system faces it is necessary to compare the professional expectations of psychologists with the expectations and demands of the criminal justice system about psychologists and the delivery of psychological services. To accomplish this delineation, the role of the psychologist was defined as consisting of delivery of any one of five general types of services: 1) assessment and evaluation of individuals for social control agencies; 2) therapy to clients currently under the control of a social control agency; 3) providing input to the criminal justice system regarding policy; 4) research using subjects currently under the auspices of some facet of the criminal justice system and 5) educating others about the involvement of psychologists in the criminal justice system.

Before turning our attention to a detailed examination of the psychologist's involvement in the criminal justice system regarding these five categories, we must note that there is a very basic issue which, to some extent, was a source of divisiveness amongst members of the workshop; whether psychologists should be involved with a social control agency at all.

The members of the workshop clearly agreed that imprisonment was that area of the criminal justice system which most clearly threatened to, or actually did, involve the compromising of professional psychological ethics. Imprisoned populations were seen to present a special set of problems in the delivery of psychological services. The general attitude was that the extreme sanction of incarceration should only be used for the most limited group possible and that this is clearly not the current practice.

Regarding the limited group of people for whom imprisonment is to be the sanction in default of the use of any alternative, they should be entitled to as many rights as possible which would approximate the rights of any other citizen. Thus, among other rights, prisoners must have the right of free access to psychological services to the extent that they exist in the 'free' community.

In addition, prisons themselves present a very special set of problems which generate a heightened degree of stress on interpersonal relationships and personal adjustment. That is, the prison environment and the fact of the disruption of existing social relations by imprisonment in all likelihood drastically increases the need for psychological intervention with such a variety of people. Thus, from this perspective, the prisons present a special milieu in which psychological services are needed.

On the other hand, since 1) prisons do present such a drastic alteration in an individual's life and 2) the presence of psychologists in the prison system is likely to help prisons function more smoothly (especially considering their emphasis on personal adjustment) a minority of the workshop members felt very strongly that psychologists should not be involved with the delivery of psychological services in prison settings at all. The more general assumption being made by this minority opinion is, of course, that prisons and the prison system are inherently bad and any efforts made by individuals to improve conditions within prisons are counter-productive to the ultimate goal of the abolition of prisons.

Thus, it was the consensus of the workshop that psychological services should be available to prisoners but there was a clear dissenting opinion. As we examine the five roles of psychologists in the greater context of the criminal justice system mentioned earlier, a more precise picture of the viewpoints will be presented.

THE ASSESSMENT, EVALUATION AND TREATMENT OF INDIVIDUALS FOR SOCIAL CONTROL AGENCIES

Of the matters discussed at the conference this raised some of the most contentious issues. It was recognised that it is common practice for courts, probation and parole services, prison classification and placement committees and prison administrators to seek advice from psychologists regarding individuals who come under their jurisdiction and control. It was also recognised that such agencies have a right and sometimes an obligation to avail themselves of such expert advice, and that because of their specialised experience, psychologists working in the criminal justice setting are uniquely qualified to provide it. However, it was also felt that this practice frequently placed psychologists in a potentially compromising position and there remains some doubt as to whether all the problems involved can ever be resolved. The main features giving rise to this concern are as follows:

- (a) In responding to such requests psychologists are in danger of becoming or being perceived as agents of social control.
- (b) The motivation of individuals referred to psychologists in this way is inevitably suspect since they have frequently been referred in circumstances which threaten their voluntary status and/or which can lead to attempts by clients to ingratiate themselves with the psychologists for purposes other than the task at hand.
- (c) Psychologists responding to such requests frequently find themselves in situations where there appears to be irreconcilable conflicts between the interests of the offender-client and those of the social control agency concerned.
- (d) In accepting referrals of this kind psychologists may be in a position of lending credence to the validity of certain laws, attitudes and practices which are considered to be indefensible on psychological or other grounds.

The result of conference discussion and decision reported below represent an attempt to explore and deal with some of the above problems. It should be emphasised, however, that these findings are not considered to be complete or final. They perhaps are best

seen as providing interim guidelines and starting points for future discussion and debate.

In considering this area it was the view of the conference that many of the problems and difficulties which have occurred in the past, to some degree, have arisen from a failure of all parties involved, including psychologists, to clearly understand the goals of the profession and ethics which govern its practice. Specifically it was considered that there is considerable confusion about the relationship between both psychologists and social control agencies, the ethics surrounding the confidentiality of client psychologist communications and the principles which govern the writing of psychological reports. The views of the conference arising from discussion of these matters are presented below.

1. THE RELATIONSHIP BETWEEN PSYCHOLOGISTS AND SOCIAL CONTROL AGENCIES

(a) Professional Goals

Psychologists working in the criminal justice setting, whether or not they are directly employed by social control agencies, must be seen as having the same sort of independent professional standing that is currently accorded to medical officers. As a consequence the primary concern must always be for the psychological well being of their individual client, except in the special circumstances indicated later in the section dealing with confidentiality. Since conceptions of psychological health include judgements about an individual's capacity to act independently and take initiative, it must be recognised that the long term goals of psychological treatment do not always correspond with those of social control agencies or their agents.

(b) Professional Independence

When acting in a consultative capacity, psychologists must be seen as providing independent expert opinion and not as agents of social control. As a consequence when acting in this capacity psychologists cannot reasonably be expected to provide information of a kind which might lead to further charges being laid or adversely affecting judicial or administrative decisions which have or might be made at some future date in the absence of such information. Thus, for example, a psychologist who became aware of hitherto undisclosed damaging factual information regarding a client in the course of preparing a pre-sentence report is not bound to disclose it. Similarly a psychologist who in the course of his duties becomes aware of breaches of discipline by prisoners is not bound to report such matters.

(c) Voluntary Status of Clients

Since individuals referred to psychologists for assessment or treatment by social control agencies are frequently subject to implicit or explicit threats to comply with such requests, and the professional ethics of psychologists require that their clients' cooperation be on a voluntary basis, psychologists involved are obliged to assess and ascertain the extent to which such clients have given informed consent to undergo the procedures concerned. If a psychologist believes that the compliance of such a client is being achieved as a result of coercion or because the client wishes to achieve ends other than those relevant to assessment or treatment he/she is obliged to withdraw from providing the consultant services with respect to such a client.

(d) Abuse of Consultant Services

Psychologists who provide consultant services to social control agencies must reserve the right to determine whether requested psychological assessment or treatment is relevant to the decisions being made. For example, it would be considered inappropriate for psychologists to allow their services to be seen as elevating or justifying law, attitudes or practices which are considered to be insupportable on psychological or other grounds (for example, laws and attitudes relating to homosexuality between consenting adults, administrative decisions which are considered to constitute infringements of civil rights). Further, psychologists have an obligation to make efforts to bring about changes in these respects.

2. CONFIDENTIALITY

In considering the role of psychologists in relation to social control agencies the conference regarded it as necessary to give particular attention to the question of confidentiality for three major reasons.

- (a) The criminal justice system, and in particular prisons, have in the past provided arenas in which the human rights of individuals who come under its jurisdiction and control have been neglected or overridden.
- (b) Misunderstanding as to the nature and limits of confidentiality which apply to client/psychologist communication have in the past been a source of suspicion and conflict between psychologists and their clients, and between psychologists and officers of the social control agencies.

- (c) The efficacy of psychological treatment, counselling and assessment procedures depends primarily upon the degree of trust the client has in the psychologist concerned. This presents particular difficulties in the criminal justice setting as a high proportion of the individuals who come under its jurisdiction already have preconceptions and prejudices regarding the good faith of anyone involved with that system including psychologists. In order to maximise the degree of trust and thereby the efficacy of psychological procedures it is necessary for psychologists working in this setting to maintain a high degree of credibility by consistent and strict observance of professional ethics.

The view developed by the conference was that clients of psychologists have a right to expect that psychologists will conduct themselves in accordance with professional ethics regardless of the setting in which they work and the legal status of their client. In general the conference considered that the primary reference point for guidelines to professional ethics should be the Australian Psychological Society Code of Professional Conduct. (*Australian Psychologist* 5,1, 1970, 75-95). It was felt, however, that the present formulation of this code is inadequate, especially with respect to the principles governing confidentiality. In addition it was considered that the current lack of legislative protection to a client's rights vis-a-vis confidentiality is unsatisfactory. In accordance with these considerations the conference formulated the following resolutions.

RESOLUTIONS

1. Information communicated to psychologists by clients in the course of a professional relationship is confidential. Such information can only be disclosed with the informed consent of the client concerned, except in the circumstances indicated below.
2. When a psychologist through his professional relationship with a client forms the opinion that there exists a clear and imminent danger to the physical safety of another individual or group he/she has an obligation to take whatever action is necessary to prevent such an event occurring, preferably first by an approach to the client if likely to be effective, or otherwise by communication with the appropriate authorities.

In taking such action the psychologist is bound as far as possible to act in a manner which is least likely to endanger the physical safety of the client and, when it is possible without increasing the risk to others, to inform the client of what action will be taken.

3. In making judgement with respect to the above, psychologists should bear in mind the following:
 - (a) The problems of making predictions about the future behaviour of clients in the same or a different environment are at present so extreme that the question is raised as to whether it is ever possible to make predictions of this kind.
 - (b) Experience in the prison context reveals that by far the majority of threats to life and limb made by clients are not carried out.
4. Psychologists have an obligation to clearly inform their clients of the nature and limits to confidentiality.
5. The Australian Psychological Society should be requested to review present formulations regarding the principles governing confidentiality and the rights of clients.
6. There is an urgent need for the various bodies involved to press for legislation which provides the same privilege in law to client/psychologist communication as is currently accorded to the legal profession. This need should be brought to the attention of the Australian Psychological Society with a request that it take appropriate action.
7. The requirements of confidentiality for psychologists entails the following obligations upon social control agencies which employ psychologists:
 - (a) Strict observance of confidentiality with respect to psychological reports and files.
 - (b) Provision of facilities which ensure the privacy of communication between psychologist and client.
8. Inclusive in the client's right to confidentiality is his/her right to have access to his/her psychological file and dispute the propriety of including information which may be regarded as confidential.

3. PROVISION OF PSYCHOLOGICAL REPORTS

Although it may be possible to make inferences from the previous section regarding the principles governing the provision of psychological reports to social control agencies, it was considered necessary to formulate some specific guideline as such reports can have far reaching and serious effects on the future of clients referred by these agencies. In formulating the resolutions presented below, the conference was concerned to emphasise the need to protect such clients' rights to privacy and rights to dispute facts or opinions expressed in psychological reports.

RESOLUTIONS

1. Whilst acknowledging the right of social control agencies to have access to expert psychological opinion regarding individuals who come under their jurisdiction for the purpose of making informed decisions, it is considered that this right is not universal or absolute, and that there is an urgent need for psychologists to consider the kinds of circumstances and situations in which it is proper for the relevant authorities to exercise this right.
2. It is recognised that in responding to legitimate requests for such a report psychologists concerned are placed in a compromising situation with respect to the requirements of confidentiality. Prior to fulfilling such a request the psychologist has an obligation to obtain the informed consent of the client. Where a client does not give consent, the withholding of consent should be regarded as the client's intrinsic right and be accepted by the psychologist and the referring authority without prejudice.
3. In writing such a report psychologists have an obligation to reveal specific factual information about the client only where this is necessary to fulfil the requirements of a report. Where such information is revealed the client's consent should be obtained.
4. It follows from the above (3) that in order to realistically:
 - (a) Obtain informed consent from the client.
 - (b) Ensure adequate protection of his/her rights to privacy.
 - (c) Ensure adequate protection of his/her rights to dispute points of fact or opinion.

The psychologist has an obligation to allow the client to peruse the final report at a point in time when it is possible for the client to effectively dispute its veridicality.

5. In so far as possible reports should be written in common language which would be comprehensible to the client. Reports should not contain unnecessary technical terms, jargon or labelling of the client.

PSYCHOLOGIST'S INVOLVEMENT IN POLICY MAKING IN THE CRIMINAL JUSTICE SYSTEM

It was unanimously agreed that psychologists should be involved in the general policy making of the criminal justice system. Since this system is concerned with human behaviour and its management, it is essential that the behavioural sciences be intrinsically involved in the formulation and codification of policies in the area. The large amount of psychological knowledge related to this area should be brought to bear on such issues as legislation, community crime prevention, sentencing, correctional management and aftercare.

We consider that the individual treatment model is inadequate and dysfunctional without such involvement at the policy making level, when at times the environment creates symptoms, or hinders their alleviation.

Similar involvement of psychological skills at the policy level as pertaining to human resources is widely practised in industry and government. Such involvement is also most importantly supported by inmate groups within our correctional system.

There are a number of ways that such involvement may be conducted. The psychologist may function either in a managerial or consultative role. It is felt that there are many practices in the criminal justice system, which are not consonant with current psychological findings, and that the psychologist has a definite role in correcting these anomalies, or advocating for such correction.

Whilst recommending this, certain potential problems are considered important, and require caution. Fulfilling such functions may meet with resistance and hostility from groups currently involved in decision making and advocacy of other ideals. Therefore, lack of sufficient tact and caution could lead to loss of credibility and effectiveness. In addition, if a managerial position is assumed, a conflict with professional ethics may ensue.

Finally, clear recognition should be given to the validity of other perspectives on the criminal justice system, such as the legal, sociological, custodial and inmate perspectives. It appears that, with few exceptions, psychologists are not currently fulfilling these roles. We strongly recommend that psychologists with appropriate skills work toward involvement with policy creation, as outlined in this statement.

PSYCHOLOGICAL RESEARCH IN CRIMINAL JUSTICE SYSTEMS

There are several excellent meshes between psychological research and the criminal justice system. However, just as clearly there are vast ethical issues which must be considered in carrying out such research.

Thus, on the one hand, prisons provide an excellent milieu for controlled empirical research of a psychological nature for obvious reasons. On the other hand, such ethical considerations as 1) the potential cost(s) of the violation of privacy; 2) the questionability of voluntarism being truly possible; 3) the potential for psychological and/or physical damage to the prisoner; and, 4) the potential misuse of findings. Consideration of these 'risks' for the benefits of the research must not be taken lightly and persons interested in such research should consult the guidelines established by the Australian Psychological Society (*Australian Psychologists*, 1973).

With regard to the guidelines established by the A.P.S. and the A.P.A, we suggest that these should be considered as the absolute *minimum* requirement for meeting ethical standards in researching prison communities. As well, we recommend that each prison system actively encourage the formation of a panel whose duties entail the passing of judgement as to the ethical acceptability of proposed research. This panel *must* have inmate representation and lay representation, as well as consisting of the 'usual' representatives of such panels as fellow professionals and prison authorities. The power of this committee must be such that the research would not be carried out without their approval.

Another general 'rule' regarding prison research which has been suggested by other groups is that no research should be done using prisoners that can be done using other groupings from the general community. Thus, the justification for the use of prisoners must be seen as a particular case and not simply because they are such an accessible population. Clearly, the ethics board could sit in judgment of this issue as well.

The safeguards on research in prison settings must exist. However, there is just as clearly the need for psychological research in prison groups of common interest. We would be negligent in a report such as this not to point out some 'areas' of psychological research which we see as legitimate and necessary in prison contexts.

For example, there is a need to research, from psychological perspectives, issues about prison policy. This need to research the locations of prisons; the utility and efficacy of community oriented correctional programmes; the contribution of various environments to the various satisfaction levels of prisoners are examples of such necessary research. Here, however, an interesting question arises as to the responsibility of the psychologist to the subjects of the experiment and the management of prisons. While the responsibility to carry out and focus the research in prisons could be argued in the great majority of cases to be equally distributed between prisoners and management; there will be some cases where a research programme can be seen to answer the needs of either group to the exclusion of the other. In such a way, the psychological researcher may be unwittingly contributing to inequity in prison policy. Thus, a recommended safeguard for research in prisons around issues relating to policy is that a review board should exist, with staff, inmates, researcher and possibly citizen participants to decide on such research about policies.

Another consideration is that the power to generate research and/or request research lies very much in the hands of the prison administration or interested psychological researcher. This is particularly true in relation to policy type of research, and clearly potential groups of people who can generate research questions are largely ignored - the inmates themselves, and the guards. Perhaps some legalistic vehicle should exist which opens the avenue for these groups to generate requests for research related to policy on a more equitable basis to the prison administration and the psychological researcher.

As noted previously, total agreement on all issues related to the psychologists involvement with the criminal justice system between all members of the workshop was not possible. The issue regarding the research function of psychologists in prison settings was one topic which illustrates this point quite clearly. Appendix V is a minority view regarding research in prisons, prepared by two of the members of the workshop and expresses a very different perspective of the research role of psychologists in prisons.

EDUCATING OTHERS ABOUT PSYCHOLOGICAL PRACTICES IN THE
CRIMINAL JUSTICE SYSTEM

This final category was dealt with at a most global level. Clearly, all members of the workshop felt very strongly that the role of the psychologist and the moral and ethical dilemmas facing the psychologist who is actively working in some aspect of criminal justice settings should receive attention from as many people as possible.

However, even the most cursory perusal of the contents of this report gives the reader an idea of the extreme complexities of the issues and the difficulties entailed in reaching agreement amongst a reasonably homogeneous group such as the participants. Therefore, it was strongly suggested that many more hours of ironing out details and resolutions were necessary before delineating in any thorough and/or definitive way the actual role of the psychologist in the criminal justice system.

It was decided, that this report be sent to the Australian Psychological Society and that the A.P.S. be asked to give consideration to the recommendations of the report with a view to acceptance by the Society and distribution to all members.

APPENDIX I

LIST OF PARTICIPANTS

Project Director

Mr C.R. Bevan
Assistant Director (Training)
Australian Institute of
Criminology, Canberra

Mr C. Foley-Jones
Psychologist
Department of Corrections
Perth, Western Australia

Project Convenor

Mr P. J. Boyes
Senior Clinical Psychologist
Department of Corrections
Perth, Western Australia

Mr C. L. Johnson
Under-Secretary
Department of Community and Welfare
Services and Sport, Brisbane,
Queensland

Project Administrator

Mr M. C. Filan
Senior Training Officer
Australian Institute of
Criminology, Canberra

Mr D. G. Johnson
Welfare Officer
Department of Capital Territory
Canberra

PARTICIPANTS

Mr P. Bent
Forensic/Alcohol and Drug
Dependency Services
New Town, Tasmania

Mr J. Manners
Clinical Psychologist
Department of Corrections
Perth, Western Australia

Mr M. J. Dawes
Deputy Director of Prisons
Social Welfare Department
Melbourne, Victoria

Ms M. Martin
Psychologist
Department of Corrections
Perth, Western Australia

Mr R.A. Duckmanton
Senior Psychologist
Department of Correctional Services
Adelaide, South Australia

Mr T.M. O'Donohue
Senior Psychologist
Cessnock Corrective Centre
Cessnock, New South Wales

Mr P. Dunlop
Clinical Psychologist
Department of Corrections
Perth, Western Australia

Mr N. Tandowski
Clinical Psychologist
Department of Corrections
Perth, Western Australia

Mrs J. Hudson
Social Welfare Branch
Department of the Northern
Territory, Darwin, Northern Territory

Ms D. Todd
Law School
University of Western Australia
Perth, Western Australia

Dr A. Veno
Director
Community Psychology Programme
Department of Psychology
University of Queensland
St Lucia, Queensland

Mr P. Ward
Clinical Psychologist
Department of Corrections
Perth, Western Australia

Mr G. Zdenkowski
Council for Civil Liberties
Sydney, New South Wales

APPENDIX II

SUGGESTED READING LIST

- AUSTRALIAN PSYCHOLOGICAL SOCIETY *Code of Professional Conduct and Advice to Members 1970.*
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UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS

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APPENDIX III

AN OUTLINE OF PRISON OFFICERS UNION
INVOLVEMENT WITH PRISON PSYCHOLOGISTS

BY I. KNIGHT

As I understand it my role here today is to attempt to acquaint you with the feelings and reactions of the prison officer to the role of the psychologist within the prison service. It is rather difficult to present a balanced collective view from a group so diverse as ours on a subject so open to misunderstanding and as broad as yours. Usually, statements made by union officials relate only to specific items of policy, or are geared to a particular situation of the time. For obvious reasons I could not present the views expounded here to my Union for a vote; I believe though that this is general feeling, and I base this on many conversations entered into with prison officers of all ranks at all institutions over a period of time; including some from the Eastern States. Probably many of you will be aware of individual dissidence in the whole or in part.

Since your introduction into prisons some of you have met with outright hostility, with rudeness, or with indifference. I hope that some have also encountered, if not a measure of respect, or active assistance, at least, or at worst - no more than passive resistance. I feel it only fair to mention that whatever you have met at the hands of officers has also been met by many officers at the hands of psychologists, among others. I am sure that none of you have suffered the vilification that has at times, been encountered by officers, from various individuals and organisations.

This conflict though, between officers and psychologists, is nonetheless very real, though I do not think it is running now at the same level as it was a few years ago. Most if not all of you from Western Australia would be aware that two seminars were held here at Wooroloo to attempt to help thrash out those differences. Contrary to some expectations of the time I did not attend either of those gatherings; though I did hold what could euphemistically be termed as 'sincere hostile discussion' with some members of the department. I was attending promotional courses here at the time. In certain respects I think those discussions accomplished as much as the seminars, even if I did not make any friends. I have never been a great follower of Dale Carnegie anyway.

One of the main areas of conflict emerges from the fact that psychologists are not specifically covered in the regulations. (Prison Act and Regulations). An officer's discretionary action is completely bound and limited by these regulations. Whatever action he may take, with the best will and intentions in the world, will be defined as either conforming to, or breaching, those regulations. In the latter event of course he is liable to be charged and either cautioned, fined, demoted or dismissed! Or perhaps even found 'not guilty'. Psychologists do not operate under any such handicap; or at least not to the extent that the officer does. I say handicap in the event that an officer is inclined to, and prepared to, go out of his normal line of duty to assist an inmate, in which case he is not likely to be thanked much anyway. The chances are that his motives will be completely misconstrued, by all and sundry, or simply not believed. Well intentioned officers have been conned into committing breaches of the regulations and suffered the subsequent consequences. The majority of officers therefore resolve *not* to become intimately or personally involved in inmate problems.

Again because of these regulations, an officer's specific duty is obviously confined to custody, discipline and security. It is very easy to apply them in an unthinking inhumane fashion. How best to apply them in a humane fashion is one of our main problems. It is not made any easier by psychologists who advocate their clients to 'act out' their aggressions, particularly as they tend to act out these aggressions on officers or other inmates. It is also a positive fact that many inmates, after consultation with their psychologists, return to their division, or work place, in a more disturbed, nervous or irritable manner than that in which they left it. Many suicide attempts have been made in the past on the night following some of these interviews; perhaps this has been only coincidence, but the incidence of the reports has been too great for that I feel. Noticeably though this type of incident appears to be dropping, though I don't profess to know why; that is, not the attempts themselves, but the follow up attempts.

Obviously then it would be a great help to officers if they are kept warned in advance of the possible actions of some of your clients. I do not feel it would be a breach of ethics to give an indication of portending trouble and the reasons for it, and the possible counter actions, if you are aware of them. This does sometimes occur, though not sufficiently so. We have had trouble with inmates at times, and later heard it reported that his interviewing psychologist expected it. Perhaps we have too, though possibly for entirely different reasons. On the other hand we have it reported that officers have informed the interviewing psychologist of impending strife from particular inmates only to be ignored. That may be unfair perhaps there was no action that could have been taken, but an indication of that may help too. I personally recall one incident when officers requested advice or instruction from the academic staff in relation to a particular inmate, only to be told that 'we have that situation under control'. At that particular moment I had just finished grappling a restraining belt on the inmate after he had already wrecked three cells and attempted suicide in three different ways, all in the space of six hours.

Dr Rollo was the only person who came out, apart from the Fremantle administrative staff. There is also a need for inmates to know the complete truth about their treatment; they should not be led to believe that a transfer from Fremantle, or any other institution, is imminent, if it is not. I refer to another young lad being led to believe that he was not being returned to Fremantle prison from Fremantle Public Hospital, being led to believe that he would be transferred to Greylands, when we were, in fact, quite sure that he would not be. The result was that he did not return at all, to anywhere.

The introduction of psychologists to the prison service was, in itself, a big step. To most of the staff of the so called 'old order' it was a very unsettling one. They were simply unprepared for such an innovation. But that was not the only problem, for with their introduction came other changes. They were not prepared for these either, having for years been instructed to run a strict and tight regime. There is still a hangover of this today.

It was felt that psychologists were moving in, not only in their own realm, but in that of the officer. Many had observed similar changes overseas, wherein psychologists had moved in at the top, at administrative level, in some cases as superintendents or the equivalent. Promotion being very slow in the prison service it was seen that these people were taking what few 'top jobs' were available, leaving very little for the officer to reach for. The fact that perhaps none of you have any leanings in that direction is of course irrelevant. If people think that you do, and have no reason to think otherwise, your vehement denial may only reinforce their distrust of you. I agree that in this respect you may be in somewhat of a dilemma, as how best to convincingly explain your actions. However, it should be made clear, to all concerned, and in no uncertain terms, whether or not it is your intention, or desire, to move into the administrative field of the Corrective Services. Personally I still prefer the term of Prison Service, as I feel it to be more descriptive and honest of the type of work we do. I do not know that any of us have ever 'corrected' anyone. Some of you may be of the opinion, I have heard it expounded, that it would be easier to introduce desired programs if you held such positions.

At this moment of course we have a very capable psychiatrist who is working in an administrative capacity, or at least certainly not in his own field. This, to us, represents a colossal waste of his obvious talents, which surely could be better used in his own sphere. This is not to decry his administrative ability, but with the obvious need of inmates in need of psychiatric treatment, and referrals from court for psychiatric treatment, and the equally obvious need of psychiatry within the community generally, one tends to think that this is, at least, a misdirection of effort.

The possibility then of psychologists moving into the system at superintendent level, or on an equal level in a civil service position, which perhaps entails some measure of authority and control over officers, is bound to cause disquiet. As I mentioned previously, from the point of view of promotion, and, from the reluctance of people serving in

what is essentially a closed service to accept orders from others whom the officers may regard as 'outsiders', 'people playing at prisons', 'psychos who want to come in here and take over', 'these sods who let themselves be conned into anything', and other like comment, resentment does then run deep. 'What the hell would they know about the problems in prisons?'

No doubt you have heard all the expressions yourselves. Equally so can relevant examples be produced which appear to fit the expression. Unfortunately, quite often, one example may be sufficient to set a pattern of thinking which can be extremely difficult to break, especially if one relates the former to other actions. Here I am referring to what can, and must be in many instances, regarded as breaches of security. Many psychologists appear to regard security as being only of minor importance; in outstations it probably is, but in a maximum security institution it is of paramount importance. Even at outstations officers have been charged following inmate escapes. Many psychologists, among other people object to being asked to open their bags when entering some prisons; perhaps a minor point, yet all officers, including superintendents, are required to do this. By regulation actually, every one entering may be required to do so. Even though one may not agree on the necessity of it, or may not wish to conform to it, this type of incident can only add to the friction.

It is generally felt among officers that psychologists regard conformity, be it in dress, speech, or manner, as intrinsically wrong, yet they would probably be the greatest conformers of all in many respects. However, officers working in an institution, security rating regardless, have a need to know that psychologists, in those same institutions, have an awareness of, and a working knowledge of, the regulations governing their behaviour and working conditions. They need to know that these regulations will be upheld, because therein, to a large extent, lies their safety, and those of others working there.

As I mentioned previously, psychologists are not specifically named in the prison regulations; they are however still governed by them, at least in Western Australia. Part 1, Preliminary, Section 4 states that the term 'prison officer' includes *any* person employed in or about a prison, not being a prisoner. I wonder how many of you have studied the respective acts and regulations applicable to you. I could be wrong, but you may be surprised to discover just how restrictive they can be if an officer, or superintendent, decides to enforce them 'in toto'. Some do, and thereby of course make things difficult for everyone. Yet they are fully justified in doing so. This is just to point out that, in some cases, you may not be alone in regarding someone as a pain in the neck.

Officers also need to know that when being asked for reports, or to fill in various forms, that their reports are being treated with the same confidentiality and credibility with which the psychologist expects his to be treated. He needs to know that he is not being

treated to the type of report we refer to as being double barreled, or open-ended. That is, that the officer is not the subject of the psychologist's assessment, in place of the inmate, by the nature of the report, or the form. Such is, of course, a complete invasion of an officer's privacy.

We know, beyond any doubt, that a particular psychologist was using his position to make reports upon officers. Erroneous reports, as he did not take into account the normal horse-play repartee between officers who know each other well, and, as in the case of people using the word 'bastard' as a term of endearment, rubbish each other unmercifully. Even if the reports had been 100 per cent correct, he had no right to make them in the manner in which he did. That particular incident set the credibility of psychologists within the prison service back a long way, and is still referred to today by officers who ask 'just what the hell are these psycho's up to?' Such an incident has not reoccurred, at least as far as we know. However, officers need to know that they are not guinea pigs, for someone's private, or for the department's research, without their consent and acknowledgement.

Another rather common comment, attributed to psychologists, is the one that; 'we are selecting a better class of officer today than in the past'. This is hardly calculated to go down well with any officer who has a few years of service. It is also a rather debatable point whether they are, in fact, better or not. Depends entirely on your point of view. Certainly the staff turn-over is not as high as it was previously. Personally I attribute that, to a large extent, to the gains made by the Union in relation to pay and conditions of employment, and to a slackening of the rigid and unnecessary forms of discipline. We know that recruits now undergo psychological testing before admission to the training school, presumably to ascertain their fitness for our particular type of work. I guess most of us find this rather laughable, even those who have been tested, in view of the fact that there is still so much dissension as to just what our type of work entails, and the doubt in our minds as to whether psychologists really can judge what is required of someone who comes into the prison service. The fact that someone stays in the job, any job, does not mean he is suitable, nor even that he likes it.

Another pie, into which it seems everybody, including psychologists, wants to dip, is that of staff training. It would appear that all agree that staff should be adequately trained. This is mentioned in almost all reports and studies on prison systems. In fact I would say all! 'A training program for guards' was one of the demands made by prisoners in the Attica riot, and is echoed everywhere. The problem of course, is to train them in what! Here in Western Australia we have a training program, unequalled, I believe, in any other State. Whether you are involved with the setting of the curriculum or not is irrelevant if officers perceive that you are exerting influence in that direction. Perhaps you are credited with more influence than you actually have; perhaps you evince no interest whatever in the curriculum; though I notice that involvement in prison and police officers is part of the discussion listed for this seminar.

We believe that the training should be relevant to the task, and aimed as much at developing the individual officers' ability to assess situations and people, as it is geared to promotional purposes. Officers feel that if psychologists have something to offer in this field it should be offered, not imposed, and that you should be able to justify its imposition if it is imposed. Officers should not be expected to become quasi-psychologists, nor led to believe that they are that, though they should be able to determine what psychology is about, at least in broad terms. They do not appreciate being 'talked down to' and therefore tend to resent any suggestion that psychologists are any better than they are. For too many years the officer has been 'low man on the totem pole' and has no wish to hold that position today. He has been a 'whipping boy' for far too long, and we are determined to change that.

You may feel from this that *you* are now the 'whipping boy' of the officer. This may be true in some respects, though I feel sure that you will at least understand why.

The very number of psychologists in the prison service, in Western Australia also helps to create suspicion of their role. Officers see this as a continuously growing pressure group, vying with them for the Department's limited finance and resources. Officers do not like to be told that the Department cannot afford a particular item, or another officer in a particular position, only to see another psychologist, or related academic, join the staff. After all, we know that even though you may be totally dedicated to your work, you still like to be well paid for it, and so you should. But the money being used on you, cannot be used on us, to upgrade our conditions, some of which, in the north particularly, we regard as deplorable.

As a group also, psychologists wish to see many changes in the prison system. However, changes, or even better conditions or treatment for the inmates is not always synonymous with better working conditions for the officers. Some changes may lead to downright danger for officers, or their families. Change merely for the sake of change is never welcome. It must be demonstrably for the better.

Officers also resent the growing attention the inmates are receiving from you when they know that nowhere near the same attention is being lavished on the victims of the inmates; or when they know that, in many instances, the inmate is doing his best to 'con' you, for any of a hundred reasons. We know that many inmates, who wanted to receive certain drugs, have swapped their symptoms around the yard. We know that the same type of discussions take place in relation to what some of them tell you. Stories are traded around, and many officers have heard inmates regale their fellows with tales of how they have 'conned' a psych. Just stories you may be inclined to say. No substance! Certainly some are, though not all by any means.

If the psychologist should be young and female, the so-called 'male chauvinist pig' emerges, and officers quickly form the opinion that 'here is one who would not know the time of day'. There may be no justification for any of these things I have mentioned, but the fact is that they happen. Officers regard the female, of whatever denomination, within the prison, as terribly naive, and as a security risk, in that you may suffer personal danger at the hands of some inmate, because of your sex. The fact that such an incident has not occurred in this State as yet means little. The fact is of course that you may be in considerably more danger driving to and from the prison, than while you are actually in the prison. There is however, a vast difference between the somewhat impersonal danger, or violence, suffered in an automobile accident, and that suffered from personal physical violence directed towards you as a person. I still retain the scar from 1968 (up here where I once used to grow hair), in spite of assurances that that situation would never develop. I still remember the roar of glee from the yard when it occurred, and feel that this is why, in many riot situations, savage reprisal may well be enacted.

The officer sees a side of the inmate you may never observe, except in a clinical sense. You rely on him to tell you *of* his actions; the officer observes him *in* action at work, at play, and sometimes at seduction. We observe his fears, and hatreds, and his loneliness. We may often be the recipient of the fear or hatred, transmuted to us from some other source. Small wonder then that we often hold opposing points of view on the same man. Close personal contact with people, over a long period of time, even in the unnatural environment of a prison, will often show more than all the interviews you have time to hold, in the same period. One rather bitter view expressed was that of the simile, 'city councillors modifying the garbage dump', when I asked for an opinion on the work done by psychologists. To counteract this type of thought the psychologist will have to prove his worth, 100 per cent, or even more. A task I do not envy.

That however brings us to another point raised in relation to psychology and psychologists. We have been told repeatedly that, because of the rate of recidivism, prisons are a failure. They have never worked. There is of course, implicit in that statement, the imputation that imprisonment is supposed to achieve something other than confinement. How of course, nobody ever tells us. Does not then the same onus lie on psychology. Are not psychologists expected to achieve some goal in the application of their art. The officer sees nothing tangible emerging from the psychologists in relation to the prison population and the problem of recidivism. Is the rate falling or remaining constant, or rising? By what yardstick does the psychologist measure his success or failure? If the rate of recidivism falls can the psychologists relate that to himself, and justify that stance to others? If it rises is he equally to blame, or does he simply disassociate himself from it, and blame it all on the system. Many officers are of the opinion that you are placing a two-way bet. If it succeeds *we* the psychologists are responsible, if it fails *the system* is responsible. In comparison the officer sees himself at the very least as achieving a period of rest for society from the depredations of particular individuals. At least with those who

do not escape. The work done by welfare, for instance, is very tangible to the officer. There are no visible mechanics to your work. We can see nothing!

What do officers, generally, expect of psychologists? I can only say that majority opinion would probably be that they will one day do as the Arabs. ?? Fold their tents and silently steal away. ?? Or perhaps that they will take a broader look at the total problem, rather than the one narrow view of the individual inmate. Certainly the individual inmate needs treatment, which perhaps you can provide. But is our business, and your business, that of crime prevention, crime control, the modification of society both within and without prison, or simply incarceration of offenders. Can the psychologist reach people before they offend, or only attempt to treat them after they have offended? If the latter is the case then someone must hold them while you treat them. Can you convince the prison officers, collectively, that they owe it to their own environment and the society in which they live, to do more?

Officers suspect that psychologists themselves do not know their place in the system; that they do not know exactly what they wish to achieve, nor how to go about achieving it. They know not to whom they owe allegiance; whether it be the department, and therefore the elected government of the day; how strongly do you feel about government policies of treatment for inmates, if there are any such policies; what are you prepared to do about them if they do not coincide with your code of ethics? Are you prepared to go on strike rather than participate in 'clockwork orange' type treatment? Do you perhaps believe that aversion therapy is the answer, and are prepared to use it; if so to what extreme; how do you know when to stop? How much allegiance do you owe to your client? Who *is* your client? After all the inmate is not paying the bill so do you *really* regard him as your client? Officers and inmates have asked me that one. Are you *clinical* or are you cynical psychologists?

Is your allegiance then to the Public Service Board? Is it to the public? After all, by their taxes, they are paying your way, and must therefore have some say in how the money they have to provide is to be spent. Or do you adopt the posture that they are not capable of making such a judgement; but that you are? Do you then bow to your colleagues or your personal conscience, and is that fair to the people you are charged with treating? Is psychology one big 'con' game? Are you simply playing around with people's minds, without being at all sure of what the result is likely to be?

We do not know in which direction you are headed; we are reasonably certain that you do not either. Your work and your terms are vague and, in many cases, meaningless to us. You *appear* to accomplish nothing. Like the goldfish in the bowl you swim a constant circle; visibly apparent to us, but we wonder at your track. You may help individual people with individual problems. I certainly hope so. Some of your patients appear to be more settled, or is the word resigned? But is that your aim? Do you prevent any one from

committing more crimes? If so, tell us about it, and *how* you achieved it. Having discovered that water leaks out of a bucket because there is a hole in the bottom, tell us how you managed to plug the hole, if indeed you were able to.

As to what we expect of psychology in the future I do not think there is much we can say. Certainly we hope that the present trend of cooperation and dissemination of information will continue, and that other States will take the lead offered. Academic staff now inducted into the Prison Service in Western Australia are given a fortnight orientation duty working with officers to enable them to better understand our problems. We trust that this will continue.

Should psychologists define problem areas wherein changes to the prison system are necessary, we expect that when considering the rights of prisoners, they will also consider the rights of those who are not prisoners, that is the prison officer and the public generally. We expect to be consulted on necessary changes, and we expect you to explain precisely *why* you consider the change necessary; we expect that you will not be working to the detriment of officers.

We hope that you will work out your area of concern, and your scope of operation and define it to us. We expect that you will recognise that you are as much 'agents of control' as we are; at least while ever you accept your payment from its present source. I do not mean to imply by that that we expect you to slavishly follow, to the absolute, all the dictates and whims of administration or government. Obviously where these conflict with your conscience, your ideas and principles, you must do as you see fit, as we do. There are many areas in which we have not agreed with administration or elected government and have made our views known. I hope that nobody gathers from this that I advocate anarchy or deliberate disruption.

We anticipate that you will give your colleagues in other States the greatest cooperation in assisting them to avoid, as far as possible, officer/academic conflict, and recognise that we are in fact, working towards the same goal, the betterment of society overall, if that is not too trite an expression. We also expect that you will recognise that we are, in fact, only an extension of the public arm. If society wished to do so it could have legislation enacted abolishing prisons immediately. This, as we know, is highly unlikely, not only because of the common apathy. Society must do something with its transgressors. At the moment that 'something' is imprisonment. Even in the most ordered and best run societies or groups in the history of the world, as we know it, there have been transgressors, and societal sanctions of some description against them. Possibly there always will be. Adam and Eve never had it so good! Everything they wanted and the best of it; everything except one that is! But Eve could not keep her hands off the one thing denied them, and Adam could not keep his hands off Eve. So all these problems are really their fault.

Hopefully then, we anticipate that the course of the Psychological Section will not follow that taken by some psychologists in the general industrial field; I do not know how many of you are aware of some of the trends that have been taken there. Some industries have employed psychologists, supposedly to aid the employee to adjust, and to assist him in family problems. However they have been used, in many instances, to help identify and weed out those they consider might, at some future time, think for themselves, become the leaders among their peers, take up shop steward positions, and generally be a thorn in the side of management in the event of industrial dispute. There is evidence to suggest that some have been used to help condition employees to working under conditions which aid the employer to make bigger profits, but which also succeed in depersonalising and dehumanising the employee. The production line zombie is as appalling, if not more so, than the dehumanised, institutionalised, long term prisoner; in fact may well soon become one. Henry Ford never fully realised just what he had started; there are many who would perpetuate and expand the system today, if given the opportunity. This of course does not relate only to the production line.

I believe that we are beginning to gain more harmonious relationships with psychologists, particularly as people see that their fears are groundless, or, as they give more time to studying their fears, see that they were unable to define just what it was they feared anyway. Much conflict is also due to personalities, and this should be recognised for what it is. We expect that this trend will continue to develop. If however, this should prove to be impossible, if psychologists, as a group, feel that they cannot operate within the prison service, because of their problems of identification with officers, departments and inmates, and their personal and group codes of ethics, then they will obviously have to consider visiting the prisons in the same manner as solicitors now do. As well as a legal aid system, to which prisoners may turn, how about a Psychological Aid Centre, to which inmates could be referred by various authorities; or to whom they could personally approach for assistance, in the same manner as legal aid. Perhaps a system sponsored by government and/or local authority, but one wherein your allegiance is in no doubt. Is this even practical, or would it be merely swapping a doubtful system for something perhaps more doubtful. But if, as we are led to believe by so many people, the social order is itself responsible for the crime rate, then the place to alter it is surely within the society, not in a situation so divorced from society as prisons and prisoners are. Even under the most benign regime you could wish to establish, this will remain so.

Group therapy was another aspect of psychology tried in Fremantle. How successful this was I do not know - it did not appear to be around long, perhaps its introduction at that particular time was a little premature. Officers generally regarded this project simply as a 'bitching session', wherein inmates could give vent to their feelings about officers. Maybe it was; I do not think that that is necessarily a bad thing anyway. Perhaps group discussion is what some inmates need to bring them out of themselves and give them some much needed confidence. I have personally enjoyed participating in the various group discussions with which I have been associated. Whether this is the aim

or intention of your type of group therapy, with which I have not been associated, I don't profess to know. If, however, it is on your agenda for reintroduction, I suggest that officers be well sounded out for their reactions, particularly if it is the intention that they become involved in it.

The officer of course is not a 'wet-nurse', and expects that those in his charge will make some effort to assist themselves. How they will assist themselves while still inside is another matter. The officer is not a consumer of your product either; he is mostly an observer, sometimes a very critical one, sometimes bitter, sometimes cynical; sometimes too, just looking through the eyes of experience without disillusionment, nor with any great expectations. Like it or not, you are here; and coexistence is somehow insufficient. The success of any program you introduce must have the wilful cooperation of officers (and inmates); it is therefore to your advantage, it is imperative in fact, that you convince the people concerned of the viability of psychology, and of your worth as psychologists, within the prison setting. But this of course you already know!

APPENDIX IV

A PERSONAL VIEW

BY A. DUDDY

The prison psychologist (in Western Australia) is in a very peculiar position. He is perhaps the most highly qualified member of the prison structure concerning such things as the prison environment, prisoner's behaviour and rehabilitation, and yet he holds no real position of authority. He at once 'has no authority' and 'is the authority'.

The positions that psychologists hold allow them only to advise or to offer suggestions; they are unable to issue any direct orders nor to initiate any new practices because they have no place in the 'chain of command'. They are relegated to the secondary and powerless 'academic structure'.

This is unfortunate situation from the prisoner's point of view because to them the psychologists represent, the progressive faction of the prison structure. This is probably because psychologists are generally in a lower age bracket than the 'hard line traditionalists' and their views correspondingly reflect their times.

The 'traditionalist' tends to see prisoners as being merely a group of criminals; whereas the psychologist sees prisoners as a group of individuals who happen also to be criminals. This contrast highlights one of the most important differences between the progressive and the non-progressive (traditionalist) thinkers.

Unfortunately, we have found that although the majority of psychologists are progressive in their attitudes, very few of them are actively progressive. There is a saying to the effect that, 'intellectuals are rarely men of action' which is rather a naive generalisation; be that as it may, it certainly seems to hold good in the case of psychologists. This is probably because most psychologists are career orientated and so are reluctant to do anything that might jeopardise those careers; after all, the prison does provide the pay packet!

All in all, psychologists could be allegorically alluded to as being the 'consciences' of the Department of Corrections. They question many aspects of the morality of prison procedure, they can be over ridden wherever necessary, and they have no power over the physical activities of the Department.

Psychologists come in for much criticism from both officers and prisoners. Mostly this criticism is the result of fear, suspicion or personal dislike.

Often, seeming facts are held-up to reinforce a criticism. Prisoners whose condition has deteriorated in spite of psychological treatment, are given as examples of the psychologists' incompetence. 'He was not like that before the bloody 'psychos' got hold of him!' is a common cry. And it follows that the worse the condition of the patient, then the more incompetent the 'psychos' must be.

In prison, rumours very quickly turn into established facts by virtue of repetition. Rumours such as the one indicated above, where a seemingly factual manifestation is held to be final proof of the veracity of a statement, do irreparable harm to the reputation of the psychologist and have a very definite effect upon the attitude of the prisoner towards him (or her). This is especially so in view of the fact that the rumours go unchallenged by the psychologists, (so far as the prisoners can determine) which lends credence to them. These rumours are the more credible because those who believe them, want to believe them; the prisoner, because he has a fear of psychologist (as will be shown later). And the officer because he sees the psychologist as a threat to his authority, as someone who wants to see the 'system' that 'he' represents - overthrown.

The precise function of the psychologist is not understood by most of the prisoners. He stands as a very mysterious figure; a skilled mind prober who is credited with an amazing amount of deviousness. The ways in which he can help prisoners are largely unspecified and the methods that he uses can only be speculated upon. It is this mystique surrounding the psychologist which creates fear and suspicion; it is in fact, a feat of the unknown. In such a climate rumours and scandals proliferate.

There is always a very strong suspicion by the prisoner (patient) that the psychologist will reach a certain conclusion about his patient and that this conclusion will be recorded upon the patient's file; without him ever having any knowledge of it, and consequently no means of challenging it.

The fact that the prisoner does not know what sort of conclusions are liable to be reached and for what reasons, serves only to add to the mystique around the psychologist.

Psychologists belong to the 'academic' branch of the Department of Corrections staff; they are paid by the department and so their first loyalty is regarded by prisoners as being to the department. From this viewpoint, the psychologist gets 'tarred by the same brush' as all other departmental employees: parole and welfare officers, prison guards, superintendents etc. The 'system' oppresses its prisoners, and psychologists are a part of the 'system', so the inference is an obvious one.

Because of this connection between the psychologist and the Department of Corrections; the confidentiality expected from the therapist-patient relationship immediately loses all credibility.

It is inconceivable to the prisoner, that if the psychologist were called upon to provide data or to write a report about a prisoner, that he would be anything other than comprehensive about it.

The Department would not provide wages and facilities only to have the psychologist deny it information; they could hire a deaf mute to do that.

Even in civilian life there is a definite stigma associated with people who undergo psychological or psychiatric treatment. In prison that stigma is magnified. Few prisoners who have parole in mind will risk being labelled as 'mentally unstable'. Prisoners consider the fact that they receive psychological counselling or treatment as being indicative to others that there is something wrong with them.

Perhaps the most cruel of the prevailing attitudes within the prison, are those adopted towards prisoners who attend 'occupational therapy' sessions and those who regularly see psychologists. These people are branded as 'slowies' by the other prisoners and are despised by most of the officers. 'Slowie' is a term used to denote a 'mental cripple' or someone who is slow on the uptake'; they are considered to be on the very bottom rung of the prison social ladder. The fact that these 'slowies' regularly attend 'occupational therapy' sessions in spite of the scorn heaped upon them shows that they possess perhaps more courage and determination than most so called 'normal' prisoners exhibit. Regardless of that particular aspect, the stigma of abnormality that is associated with psychological or psychiatric treatment is one of the major barriers to prisoner participation.

Given that the abovementioned attitudes are accepted as being reality; it necessarily follows that psychologists need to communicate much more with prisoners as a whole. They have to dispel the mystique which surrounds them. The specific function of the penal psychologist must be explained. What 'treatment' is, how it works, when and why it is necessary. The position of the psychologist in relation to the department needs to be clearly defined. Ethics regarding the confidentiality of information and reports should be made known to the prisons, and rigorously adhered to by the psychologist. Perhaps an information booklet could be compiled and circulated throughout the prison; on the premise that if you take away the mystery and the unknown factors you will also take away the fear and suspicion.

Something should also be done to remove the stigma associated with receiving psychological treatment. Unfortunately, the words 'psychology' and 'psychiatry', as so many other words of our language, have come to have undesirable connotations. In this instance they have come to be the subject of so many rumours and pseudo scandals within the prison that anything associated with them suffers as a result.

What is clearly called for, and is long overdue, is an answer to the unofficial charges that have been levelled against psychologists. Items should be taken individually and answered as comprehensively as possible. The same treatment should apply with any charges, however slight, in the future. These things, if they remain unanswered, have the habit of accruing. They are rarely forgotten; they mount up until they represent an overwhelming mass of circumstantial evidence, which severely damages the psychologist's credibility. If these things were done, and the psychologist opened up the mysteries of his profession to the prisoner, then the way would be open for a new relationship to exist between the prisoner and the psychologist, and perhaps even the officer and the psychologist.

Now, to get away from the therapist patient type of relationship: prisoners would like to see the psychologist more active in prison reform. Every psychologist at Fremantle prison pays lip service to the fact that many reforms are long overdue; and yet none of them have ever offered to provide 'us' with active support. God only knows from which direction they expect the initiative to come? From the prisoners perhaps? Prisoners who are active in trying to force reform invariably get branded as trouble makers or manipulators. It is very likely to cost them years of their liberty because the only effective form of protest that they have is the 'riot', for which act they always get condemned by all factions of the community.

Remember Attica, or closer to home, Bathurst. Nobody wanted to know about prison reform in those places before the rioting occurred. But afterwards it seemed as if the whole world wanted to know, 'why did they do it?' 'What was it all about?' Incredibly, it seems that a riot is 'what it takes' to make people listen. Is that what psychologists want? Psychologists claim to support prison reform but they do not want to get their hands dirty. Well somebody has to get their hands dirty, who should it be? Psychologists, as a professional group working within the prison structure, would be extremely effective as reformists, especially if they were willing to work in with the 'prisoners' committee'.

As a purely personal point of view: I applaud the progressive attitudes of the psychologists and firmly believe that they play an important role within the prison framework. To me, they represent an element of basic humanity that does not exist elsewhere within the framework. But at the same time I despise their refusal to act upon what they profess to believe in. They are, after all, a part of the 'system' and so they must take greater responsibility for its function than we prisoners, who are merely the commodity of the 'system'. Psychologists, as intellectuals, as academics, must be expected to possess a more acute appreciation of 'right and wrong' than less qualified persons. Yet they see things every day that are so obviously wrong; and what do they do about it? How do they justify their inactivity and/or their ineffectivity to themselves? It would certainly be hard to justify them to prisoners, but then again, they do not have to, do they?

In closing, I would like to thank those people who are responsible for having prisoners' views held at this seminar. Apart from the Minimum Standards and Requirements Submission this is the only other time that prisoners' views have been solicited by any policy making board or seminar. Prisoners, and myself in particular are grateful for this opportunity, which represents a whole new venue of communication for us. We have never asked for any authority in these matters, only that our views be heard and given whatever consideration they might merit. The fact that this is now being done indicates that prisoners are being viewed more as human beings, rather than as a commodity to be used in any manner decided upon by the 'powers that be'.

To those of you whom I may have offended by what I have said, I apologise and pass full responsibility to my therapist, who is a great believer in honesty.'

APPENDIX V

NOTES ON PSYCHOLOGICAL RESEARCH

By P. DUNLOP

The concept of value free social research derives directly from the natural sciences ¹ and in theory at least involves six stages.

1. The selection of the problem.
2. The selection of an appropriate methodology to deal with it.
3. Rigorous investigation of the problem.
4. Processing the data.
5. Publication of results for scrutiny and debate.
6. Usually, though not necessarily, prescription of some form of action.

The assumption of objectivity is central to this model with the belief that the researcher is able to operate free from any preconceptions, ideological bias, or the influence of sectional interest. That this is not indeed the case may be demonstrated by considering each of the six stages in turn referring specifically to the role of the researcher in the criminal justice system.

1. SELECTION OF THE PROBLEM

The first difficulty adheres in locating the problem. There is an infinite range of issues which may be perceived as worthy of study and the process of selection is determined by the individuals' commitments, experience and sophistication in the field. The researcher must also seek to have the issue accepted as a problem by those in a position to sanction the research before he may proceed with the investigation. The acceptability of the issue as a problem will depend on many factors including the centrality of the issue to the philosophy of the organisation involved in the study. Research in marginal areas poses far less of a potential threat and thus may be more acceptable. Potentially troublesome research projects may become translated into problems of marginal concern to the agency involved.

In the field of criminal justice 'the problems' have often been taken as non-problematic. Ignoring the political nature of the criminal justice system researchers have generally accepted its stated goals without

question and made 'agency effectiveness' their prime task. Research geared to more effective functioning of the organisation involves an obvious bias since one cannot assume a convergence of interests between the authorities and those subject to their control. One must always pose the question of 'effective for whom' and 'by what standards is effectiveness to be measured'. One must pose similar questions for those researchers concerned to make the system more 'humane'.²

The selection of an issue as an area for investigation may result alternatively from the very presence of a prisoner group as an accessible captive population of subjects. The convenience of the prison population for experimental purposes has often led to their use as subjects on research projects conducted by outside agencies from which no benefit derives to the prisoner group being studied and which merely serves to further the ends of the research organisation.³

2. SELECTION OF APPROPRIATE METHODOLOGY

As in all field situations certain practical problems impose limitations on the methodology that can be employed. In an institutional setting with resistance to the disruption of established routines certain techniques may not be feasible. Questions of 'order' and 'security' may be so dominant that mere availability of information and access to subjects can be greatly hindered. Long term experimental designs may involve the researcher in a process of accommodation such that it may ultimately cast doubt on the very validity of the study.⁴ Furthermore in the social control situation, considerations of legal restrictions on disposal and concepts of justice in the handling of offenders may similarly preclude what may, in other circumstances, be the most appropriate technique for study e.g. random allocation of subjects to groups, or participant observation. Finally there remains the general problem of the set of the researcher in his choice of methodology and the pressures he may be under to produce results within a certain specified time.

3. RIGOROUS INVESTIGATION OF THE PROBLEM

The rigour with which an issue is investigated will at least in part be determined by the way in which it is framed and the selection of the methodology. Nevertheless particularly in the criminal justice situation this problem maybe intensified by various factors.

Acceptance in principle by the authorities concerned does not necessarily guarantee cooperation or acceptance by those most directly affected by the investigation and on whom the researcher is totally dependent for the completion of his task. Rabow⁵ refers to the process of accommodation between the researcher and the practitioner in evaluative studies. He discusses the way in which each acts to protect the occupational security of the other, with resulting reluctance to say or do things which may in any way make the task of the other more difficult. The need for legitimacy and acceptance is all the more crucial in the field of social control where 'dirty workers' are often attributed low prestige.

The problem of voluntary, informed consent of the subject raises critical issues in the criminal sphere where offenders are in a weak position in the power structure. More and more prisoners are coming to refuse cooperation in research projects carried out with the sanction of the authorities, since they perceive that such research, by definition, is unlikely to be of benefit to them. Cooperation therefore may depend on the false presentation by the researcher as to the pay-off of the research for the subject or on the subject's perception that refusal to cooperate may lead to negative consequences, or perhaps on the desire of the subject to obtain some light relief from the tedium of institutional routine.

The literature now available on experimenter effects⁶ indicates the importance of the nature of the relationship between the subject and the experimenter on the responses elicited in a research situation. The status, race and sex of the experimenter as well as the experimenter's original hypotheses may be particularly crucial in a criminal justice situation characterised by coercion, discrimination and separation of the sexes. Perception of the project by staff may also effect the subjects' responses by interference in the research situation in both covert and overt manners. This may range from outright interference with the subjects' responses or criticism of the project and of the subject for being involved in it, to an unintentional imposition of their own definition of the research. This latter may be particularly crucial in organisations characterised by conflict where the staff may be viewed 'as struggling to enforce particular definitions of organisational tasks in general, but also struggling to win battles over salary, career, security and privileges of their own. In these smaller struggles, it is quite possible for spurious definitions to be placed on inmates who by virtue of one action or another, spoil the reputation or the record of an individual member of staff. A constant dialectic of political struggles and spurious consequences is as much a characteristic of the institution as it is of the courtroom or any other institution in the gamut of social control.'⁷ Thus the prisoner may become merely a pawn in the total research game.

4. PROCESSING THE DATA

There may be many practical limitations on the way in which the data is handled, e.g. the availability or otherwise of computer facilities, although this is not by any means to suggest that mere complexity of analysis renders a study of greater value. Access to facilities may be of particular significance in the prison situation where resources are often strictly limited and competition fierce for what little is available. Even where facilities are, however, available, researchers rarely mention the problems involved in organising the data for processing or the difficulties for example, in response categorisation, which will necessarily involve subjective influences.

5. PUBLICATION OF RESULTS

No piece of research can be judged as to its worth unless it is subject to independent critical comment allowing for the revision and continued evaluation of its basic hypothesis. In any large organisation the audience for the published research is usually the people who authorised and sponsored such research, who are not necessarily the most appropriate group for performing this critical function. Such a problem may be compounded in the field of criminal justice where secrecy is often at a premium and as Becker says 'For a variety of reasons, well-known to sociologists, institutions are refractory. They do not perform as society would like them to. Hospitals do not cure people, prisons do not rehabilitate people, schools do not educate students. Since they are supposed to, officials develop ways both of denying the failure of the institution to perform as it should and explaining those failures which cannot be hidden.' ⁸

The definition of the audience for one's results is necessarily linked to the initial selection of the problem and the question as to whom the researcher is responsible. Perhaps the most serious question to be raised is whether, indeed, it is possible for him to be on any side other than one that offers him occupational security by paying his salary and providing a rewarding career structure.

There remains again the general problem of the way in which the researchers' own personal interests may shape the research report. Such reports form the basis for 'public esteem and professional reputation' ⁹ apart from anything else, and these may be enhanced, especially in the field of evaluative research, by offering support for particular programmes. Cressey comments that by so doing, an individual 'may secure employment and income, good professional reputation, prestige as an intellectual or scholarly authority, the power stemming from being the champion of a popular ideology, and many other personal rewards.' ¹⁰

The research report may finally be influenced by the demand for concise, 'factual', easily understood information on the part of the audience rather than results presented in complicated statistical form, hedged by statements of probability, and qualified by alternative interpretations. This may force the results into a shape which, while communicable, may totally distort the conclusions to be drawn.

6. PRESCRIPTION

There is a widespread and growing concern with the social and political uses to which knowledge and research results may be put.¹¹ This issue cannot be avoided by a mere claim to the separate functions of research and policy formulation, since prescriptive conclusions can be drawn from any study. Thus, although the researcher himself may be reluctant to draw them, others will certainly do so, thereby confirming the underlying assumptions of the project itself.

Alternatively, unpalatable conclusions may be rejected for a variety of reasons. Rabow's¹² analysis is most critical at this point, allowing, as it does, a whole host of available rationalisations for avoiding prescriptions which may threaten the personal integrity of those involved. Similarly the need for organisational survival through the political, financial and prestige investments in certain practices may inhibit the process of change regardless of research results. Martinson¹³ is particularly sceptical on this point, commenting 'the typical (American) agency often balances rather delicately in a swirl of pressure and discontent. An agency is a compromise formation, a political organism in a World of competing agencies. What reason is there to believe that providing this melange with more 'information' will necessarily lead to progress?'

'What reason' indeed, even if one could be satisfied as to the validity of the 'information' and the criterion for 'progress'.

CONCLUSIONS

Much of what has been said relates to the problems of research generally, and not exclusively to the criminal justice field. However, such problems are often intensified by the power situation in the latter area and by the unquestioning acceptance of the goals of the system which characterised much criminological and penological research for so long. The points are none the less relevant for that and lead us to seriously question the coveted role of researcher that many psychologists seek or see as one of their primary functions. Refuge should not be taken behind the facade of neutrality since every stage of the research process will be critically affected by the researcher's own alignment - an alignment that, in all but the most peripheral matters will be with his employers and not with his subjects of study.

REFERENCES

1. It is, however, to be noted that similar controversies concerning research are apparent also in the natural sciences.
2. Recent criticism of the treatment model serves to indicate how the criteria for 'humane change' are by no means obvious.
3. See examples in Jessica Mitford '*Kind and Usual Punishment*' Alfred Knopf 1973.
4. See the conclusions reached in Kassebaum, Ward and Wilner '*Prison Treatment and Parole Survival*' John Wiley 1974.
5. Jerome Rabow, '*Research and Rehabilitation: The Conflict of Scientific and Treatment Roles in Corrections*'. *Journal of Research in Crime and Delinquency* 1(1) January 1964.
6. For example, Rosenthal R. '*On the Social Psychology of the Psychological Experiment: The Experimenter's hypothesis as unintended determinant of Experimental Results*' *American Scientist* (1963) 51. Rosenthal R. '*Experimenter Effects in Behavioural Research*' Appleton-Century Crofts 1966.
7. Ian Taylor '*Theories of Action in Juvenile Correctional Institutions*'. Paper delivered to 1971 Anglo-Scandinavian Research Seminar in Criminology.
8. Howard S. Becker '*Which Side Are We On?*' *Social Problems* 14(3) Winter 1967.
9. For an elaboration of the effect of this, see Donald R. Cressey '*The Nature and Effectiveness of Correctional Techniques*' *Law and Contemporary Problems* 23(4) 1958.
10. Cressey supra.
11. See, R.L. Beals '*The Politics of Social Research*' Aldine Press 1969. I.L. Horowitz '*The Rise and Fall of Project Camelot*'.
12. Rabow, *op.cit.*,
13. Robert Martinson '*Research on Deviance and Deviant Research*' *Issues in Criminology* 1(1) Fall 1965.

