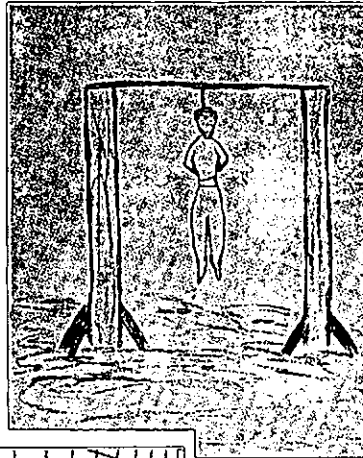


Criminology AUSTRALIA

QUARTERLY JOURNAL OF
THE AUSTRALIAN INSTITUTE
OF CRIMINOLOGY



Lash, death
penalty call
by M.L.A.s



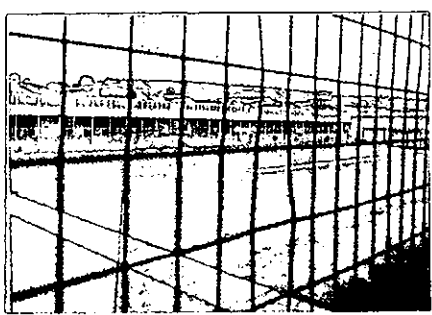
Volume 2 Number 4
APRIL/MAY 1991

Capital
Punishment

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Police Culture
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Privacy Act in
Operation



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Criminology Australia
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Criminology Australia is the official journal
of the Australian Institute of Criminology

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The Editor welcomes submissions to
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Criminology Australia
GPO Box 2944
CANBERRA ACT 26091.

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Write to the Publications Section for
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Prices for inserts available for
Publications Section.

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Published quarterly by the Australian Institute of
Criminology

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ISSN 1033-4777

Designed, typeset and printed by
Australian Government Publishing Service

P. J. GRILLS, Commonwealth Government Printer

Capital Punishment: An Historical Perspective

From time to time the question of capital punishment comes up in Australia. Over the next few issues of *Criminology Australia* we plan to publish various views on the subject.

Crown Law Office
Bennett Street
Darwin, N.T.

7th August, 1952

The Secretary
Attorney-General's Department
Canberra

Execution of Jerry Kochi & John Novotny

I refer to my conversation with Mr Hutchinson and report as follows on the procedure adopted in this case for future guidance. I have already reported to the Solicitor General as to the earlier visit of the Sheriff of South Australia Mr Allen, and the Superintendent of the Adelaide Gaol, Mr Barbier.

Immediately after this visit, work was commenced at the Darwin Gaol on the erection of the gallows. This work entailed the excavation of a pit 14 ft long, 8 ft wide and 12 ft deep. For the most part this had to be hewn through solid rock. A compressor was hired from the Department of Works and prison labour only was used. Explosives were not used until towards the end of the excavation because of the danger to the foundation of the infirmary wherein the excavation was made. After the excavation had been completed, the sides of the hole were bricked with cement bricks and the brick work was carried up to a height of 10 feet above ground level. Naturally, workmen had to be engaged from the Department of Works day labour staff for most of the brick work. The keeper of the Darwin Gaol, Mr Boyd, personally directed the excavations.

Whilst the excavation was being made, a cover for one end of the hole covering the steps leading to the bottom of the pit was made in one workshop and the trap of the gallows itself was requisitioned for as a heavy man-hole cover in another workshop. The mechanism to control the trap was fabricated in Adelaide and special arrangements made with TAA, to fly this part which was 14 ft long to Darwin. The heavy beam for carrying the ropes was manufactured in Darwin, and ordered as a part for a crane. The various parts were manufactured in the various localities in an endeavour to hide the purpose of the work and this was quite successful as it was not until the end of last week that any rumours were current that the gallows were being prepared. Additional work within the infirmary building was the conversion of two small rooms at the end. One into a condemned cell, and the other for use by the executioner. The existing rooms were of convenient size and only had to be reinforced with the provision of new doors and the making of trap doors in the doors, etc.

Whilst this work was in progress, a fence several hundred feet long was erected on the gaol boundary so that the infirmary was enclosed. The fence was an iron one, 12 ft high with barbed wire at the top and supported by steel posts. So difficult was the ground that most of the post holes had to be 'shot' with explosives. Every post had to be bored and all the railings bored in workshops before it could be taken to the site. This work, of course, could not be disguised out, fortunately the erection of such a fence had been approved some time ago and a requisition was made on this old approval so that this did not excite any curiosity.

'The graves must be within the gaol walls and at a spot where they can be permanently marked'

I arranged with Mr Quinlivan for the flying to Darwin of a Mr Zanker of the South Australian Department of Works, who is familiar with the fitting of the mechanism in the Adelaide gaol. Mr Zanker arrived in Darwin on the night of the 31st July and commenced work with the fitting on 1st August. Mr Zanker's presence ultimately turned out to have been necessary as the working of certain parts did not appear to conform to the plans of the Newgate Gallows in England, on which the Darwin Gallows had been modelled. Mr Zanker was able to make the necessary fittings.

On Sunday, 3rd August, Mr Allen and Mr Barbier, above referred to, and Mr Connole, one of the senior guards at the Adelaide Gaol arrived by the early morning plane. I met them and immediately after breakfast took them to Darwin Gaol. Work at that stage had not been completed but was sufficiently well advanced for them to be able to check and by late on Sunday afternoon I was able to see that the gallows were in a workable condition and reported this fact to Mr Hutchinson on Monday morning. On Monday, I was present when further tests were carried out and again on Tuesday, and Tuesday night when rehearsals were made so that the timing would be exact. Mr Connole had, with Mr Allen and Mr Barbier, assisted with previous executions in Adelaide and was a Roman Catholic and was able to give some assistance to the Priest who attended the two accused, who were both of that faith.

The Adelaide officials were amazed that the work that had been done could have been performed in the three weeks that had elapsed between their visits to Darwin. This was due principally to the work of Mr C. Wale, the Principal Architect, Department of Works, Darwin, and to Mr L. Boyd, the Keeper of the Darwin Gaol. Mr Wade gave up weekends of his time and was available to me at all hours. Mr Boyd worked tirelessly and for many days was working from early morning until after midnight to ensure that the work was effected within the deadline set by you. If it is possible in any way, I think that a commendation for their devotion to duty should be made to both of these officers as otherwise the work could not have been completed.

The accused were advised late on Monday by the Gaoler that the sentence would not be commuted and on Tuesday, 5th August were advised of the date of the execution. I had, in the meanwhile seen the Roman Catholic Bishop of Darwin and arranged for daily visitations to the convicted men by a Priest, and also for his presence before and at the execution. I also arranged with the Deputy Director of Health for the presence of a medical officer and on the day before the execution I explained to him in detail the duties he had to perform. I also arranged with Mr R. L. Odum the A/Principal Legal Officer in this office, who is a Justice of the Peace,

to conduct the Coronial Enquiry immediately after the execution and advised him the form the enquiry should take. I drew the Death Warrant and also the forms for signature by the medical officer and by the officials and spectators at the execution. I am enclosing a copy of the Death Warrant which appeared to suit the purpose, for the records. The warrant is ultimately endorsed in the margin by the Sheriff and returned to the Judge of the Supreme Court. It is customary for the seal of the Court to be in black wax and for black ribbon to be used.

I arranged with the Administrator for the construction of coffins and the supply of necessary ropes, etc. for a burial. These were delivered to the gaol late on the night preceding the execution. The graves must be within the gaol walls and at a spot where they can be permanently marked. These were dug in the two days preceding the execution and were difficult again because it was necessary to hew through fairly solid rock. The gaoler had this work performed.

I was ascertained that it was customary to block all traffic past the gaol and that the Administrator and the Superintendent of Police worked out the details of the road blocks and the rostering of Police to relieve the gaol guards in the prison as the guards were required at the execution. In addition, of course, Police witnesses were required at the execution. To prevent leakage of information, the Superintendent of Police did not advise any of the Police Officers involved until 6 a.m. on the morning of the execution and then only told them to report to his office and took them out to where the road blocks were established and to the gaol and instructed them there as to their duties.

The procedure to be adopted as an execution is as follows:-

The condemned men, if not already awake, are awakened at 5.30 a.m. and dressed in their ordinary clothes, not prison attire, and are led to the condemned cell. They are there given breakfast. They are under guard the whole time; one guard being within the condemned cell and one outside from the time of entering the condemned cell until the time of execution. At 7 a.m. the Chaplain arrives and depending upon the denomination of the convicted persons, conducts a religious ceremony. At about three minutes to eight the men are strapped by the wrists and shoulders and are led to the gallows which should adjoin the condemned cell and are then strapped by the ankles. If the condemned are Roman Catholics the rope is then placed around the neck and then the hood over their head; if they are not Roman Catholics, the hood goes on first and then the rope. The reason for the difference is so that the Priest can anoint the condemned person immediately he has dropped, as otherwise it means cutting away the hood. The convicted men should be on

'Press reporters... were constantly enquiring for information and they were not aware of the execution until it was over'

the trap and ready for execution at 8 o'clock. The official party which should comprise the Sheriff, Medical Officer, Officers of Police, and other official spectators, should leave the Gaol office in time to arrive at the execution chamber at 8 o'clock. The hang-man is taken to the gaol the previous evening and kept under guard the whole night. He is located in the room adjoining the gallows where the mechanism which springs the trap is located. The official party enter the condemned chamber and the Sheriff proceeds to the door of the room where the executioner is located, and if all is ready for execution, gives the signal through the trap door in the door and the executioner releases the mechanism. After the execution is performed, the official party return to the execution chamber but the bodies are kept under guard. At 9 a.m. the Medical Officer examines the bodies and pronounces life extinct. By this time the Coroner should have arrived and he conducts the Coronial enquiry whilst the bodies are raised and placed in coffins. As soon as the Coronial enquiry is complete and the order for burial given, the burial takes place. It is customary to leave the coffin lid slightly raised and to use quick lime watered in before the earth is replaced. No one is permitted to leave the Gaol until after the Coronial enquiry except the hangman who immediately after the execution, is smuggled out of the gaol.

I was informed that by long established custom a drink is provided for officials who have to perform the execution. I can well imagine the necessity for this and I purchased a bottle of whisky at a cost of £2.8.0 for the use of the official party. I am enclosing herewith a claim Form 12 for this sum together with a receipt. If it should be paid in Darwin, please return the claim to me and I will arrange for its payment here. I also forward duly acquitted claim for the executioner for the fee which I paid to him. I have certified the claim.

The requisitions for the work which was performed were signed by the Administrator and as the gaol is under the control of the Department of Territories, I assume the cost of alterations will be borne by the Department. I am concerned, however, about the cost of air fares for the various officials and for their travelling expenses. Will you please advise me if this is to be paid for out of the Court House vote, or if it should be borne by the Department of Territories. If it is to be borne out of the Court House general expenses vote, then additional funds will have to be made available as it does not appear that there are sufficient funds in that vote to meet the ordinary quarter's expenditure without this additional expense.

I am extremely pleased that the efforts made by the Administrator and myself to ensure security were entirely successful. As you can imagine, the Press reporters, of whom there are a number in Darwin,

were constantly enquiring for information and they were not aware of the execution until it was over. I feel sure that there was no leakage of information whatever. It was difficult in some ways to ensure that there would be no people near the gaol at the time and that the road blocks did not excite any undue curiosity, e.g. the Administrator ascertained that a bus which would normally carry 40 passengers was due to pass the gaol at the precise moment of execution. By devious means, this bus was held up until, by the time it passed the gaol gates, it was running 10 minutes late.

The Administrator and I were concerned to preserve the purpose of the visit of the Adelaide officials to Darwin and in particular, of course, the identity of the executioner. It was particularly necessary to, in some ways disguise the purpose of the visit of the Adelaide officials because they were staying at the same hotel as two southern pressmen. To deceive any over-curious person I arranged with the Administrator for the use, by Messrs. Allen and Barbier, of the Government Secretary's official vehicle for the first two days then handed over one of this office's vehicles for the next day and when they were about to pick up the Executioner from the plane I switched them over on to the second official vehicle in this office and for my personal visits to the gaol and some of the trips that I made in connection with the preparations for the hanging, I used my own private vehicle. These efforts proved quite successful, as from enquiries I have made it would appear that nobody suspected the purpose of the visit of these officials and the hangman's identity has been preserved. Fortunately, the Criminal Sittings were in progress in the Supreme Court and I booked most of the four officials who came from Adelaide in connection with the hanging into hotels as witnesses. This did not arouse any suspicion as there were a total of about 12 witnesses booked in altogether.

I trust the above will be some record for future use if it is needed. I should say before concluding that the Administrator assisted me in every possible way and I advised him step by step of the progress that was made. He was particularly helpful when there was any suggestion of a material hold-up and was instrumental in the smooth flow of the work. I assume you are taking steps to communicate with the South Australian Government about the great value that their employees were in this matter. They did not spare themselves in any way and some of our conferences extended until midnight as well as on two Sundays and a holiday. If there is any further detail you require, will you please let me know.

Keith S. Edmunds
A/CROWN LAW OFFICER

Victimology: The United Kingdom Experience applied in Murray Bridge

The philosophers have only interpreted the world in various ways. The point, however, is to change it.



Kate Hannaford

*Kate Hannaford, Australia's first victimologist, was awarded a Churchill Fellowship in 1989 to study Victim Support in the United Kingdom. Part of Hannaford's report to the Fellowship outlines how a victim support scheme could be established in Murray Bridge based on the United Kingdom System. Murray Bridge, approximately 80 km from Adelaide, has a population of 15,900.

When reading this inscription on Karl Marx's gravestone in Highgate Cemetery, I was reminded that, at last, victimology has identified the plight of victims. No longer are victims overlooked in the criminal justice system. The effects of crime and other conduct on victims have been well documented (Office of Crime Statistics 1990). Victims require immediate counselling, practical advice on how to avoid being victimised again and information about how their compensatory claims are progressing.

The United Kingdom has established 360 victim support schemes which last year assisted 500,000 people. Their well-established system provides a prompt service for victims which should be implemented Australia-wide. (For details of the existing structures in the UK system see Stuart Flynn's comprehensive report of 1988).

How would such a service work in Murray Bridge, a town where offenders have been assisted for the past 20 years, but where little support has been available for victims.

Initially, a public meeting of all interested persons should be held. Representatives of local government, the

Police Department, Family and Community Services, Correctional Services Department, legal and medical practitioners, church groups, Victims of Crime Service, and the Aboriginal community should be invited. From these groups a management committee could be selected.

Essential in establishing a victim support service is the cooperation of the local police as it is the police who must perceive that victims will be provided with a confidential and efficient service. The success of the UK experience relies heavily on regular daily referrals, by the police, of the names of victims (excluding sexual assault), to the victim support service.

During the course of investigation, police interview the victim who is informed that, subject to objection, his/her name and address will be forwarded to the local service. Nowhere in the United Kingdom did I encounter opposition to this course either from victims or the police. The police there realise that simply an information pamphlet for the victim is not sufficient. First, there is the possibility that a busy officer will forget to leave the pamphlet. Second, even though the pamphlet contains a phone number for the victim to seek help, very few do. A victim support service that relies solely on self-referral by the victim is not effective.

In the United Kingdom the police accept that time does not permit them to re-visit the victims of lesser crimes (for example, break and enter). The police are relieved that victims are obtaining other assistance.

The first task of the Murray Bridge management committee would be to appoint a part-time coordinator who should be a qualified social worker.

The coordinator's responsibilities would include the selection and training of volunteers, receiving referrals from the police and arranging for a volunteer to visit each victim within 24 hours of the offence.

Initially the scheme could be located in the Correctional Services Department premises. In the United Kingdom, probation officers have assisted in the establishment of most services. The officers support the coordinator and assist in the training of volunteers. New services make use of probation office equipment as provided in the Probation Charter and endorsed by the Home Office. Another of the coordinator's first tasks would be to publicise the existence of the service locally, thereby gaining support and assistance in the recruitment of volunteers.

The Murray Bridge Service could commence in a restricted manner, accepting only referrals relating to burglary, break and enter, and assault, thereby enabling the volunteers to become experienced. After six months, the victims of other offences could be included, although the victims of sexual assault should be referred to agencies which specialise in this area.

As in the United Kingdom, the service would be provided by volunteers. Before selection, a police check of prospective volunteers should be made and appropriate character references obtained. Many volunteers in the United Kingdom have full-time employment but are willing to devote one evening a week to visiting victims in their homes. Volunteers require adequate training and supervision; and in the UK these are provided by the coordinator who discusses each victim's case with the volunteer. Initial training is for three days with obligatory monthly training sessions.

The Murray Bridge service should be affiliated with the Victims of Crime Service thereby ensuring that proper standards and procedures are observed.

The United Kingdom system works so well in the UK, it should be used as a model, not just in Murray Bridge and South Australia, but throughout the whole country.

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How a Local Scheme Works

1. Each day the duty police officer communicates the names and addresses of Victims to the Local Scheme Coordinator.
2. The Officer to whom the crime was reported should give the Victim a leaflet about Victim Support. However, this is not always possible.
3. The Officer may suggest that Victim Support is available. Referral is usually made unless the Victim says specifically that it would not be welcome. **The Home Office prefers a total referral policy because Victims do not always make the best decision in the immediate aftermath of the crime.**
4. The aim is for a response within 24 hours of the crime.
5. Volunteers are well trained in how to make the initial approach. Very few Victims object to the approach.
6. Confidentiality is maintained at all times.
7. Volunteers are themselves well supported in groups which discuss issues in principle and case without identifying Victims.
8. Initial selection of volunteers is tough. Regular appraisal by the coordinator reveals those Volunteers who need (a) standing down for a while (b) discontinuance by moving to a non-contact role.
9. Careful statistical records are kept and sent to the National Office each month.
10. Affiliation is withdrawn if Code of Practice not followed.

Deaths in Custody: the Nature and Scope of the Problem

Edited version of the keynote address
to the Institute for the Study and
Treatment of Delinquency Diamond
Jubilee Conference on Deaths in
Custody, Canterbury, England,
25—28 March 1991



David Biles

In this paper I will attempt to highlight the complexity and the dilemmas inherent in the different aspects of the theme.

I have spent the last three years being totally immersed in this subject while attached to the Australian Royal Commission into Aboriginal Deaths in Custody, but I must hasten to point out that this paper expresses my own views and are not necessarily in accord with the contents or recommendations of the final report of the Royal Commission presented to the governments of the Commonwealth of Australia in May 1991.¹

Definitions

A few words about the definition of deaths in custody are needed. It is really quite an arbitrary matter but I suggest that the definition should include all cases where a person dies, of whatever cause, while in the custody of police or prison authorities, whether that custody is lawful or not, regardless of the actual location of the death. Thus, cases where the person dies in a hospital but is still technically in custody at the time of death would be included, and my inclination would be to include cases where the deceased was out of custody at the time of death but where the death may have resulted from injuries sustained during the period of custody.

*Deputy Director, Australian Institute of Criminology, formerly Consultant Criminologist and Head of Research, Royal Commission into Aboriginal Deaths in Custody

¹The final report in five volumes, together with six volumes of regional reports, was tabled in the Federal Parliament on 9 May 1991.

There is a problem about whether to include or exclude cases where a prisoner was terminally ill and was released, possibly by the royal prerogative of mercy, a few days before the death occurred. This problem may be solved by the hypothetical question: would the person have been free to leave were it not for the illness or injury that resulted in death? In this case, the answer is clearly 'no', and therefore it should be listed as a death in custody.

A further difficulty arises where a person dies who has escaped from prison or police custody. If such a person were killed while in the act of escaping it would clearly be a death in custody, but it would be more difficult to classify the case if the person had been an escapee for a long period of time.

Deliberately excluded from this consideration in this paper are deaths that occur in custody other than that administered by police or prison authorities.

What is the problem?

Perhaps some attempt should be made to establish whether or not deaths in custody are really a problem. After all, the total numbers of people who die in prison or police custody in any country in the world are minuscule compared with the numbers of deaths resulting from homicide in the community, from suicide in the community, from traffic accidents or from industrial accidents.

The fact that what happens in prisons and in police stations is generally not open to public scrutiny is what makes deaths in those situations qualitatively different from nearly all other deaths, and it is that difference that fuels the demand for the most thorough and public inquiry into every death in custody that occurs.

Furthermore, and perhaps even more importantly, whenever the state takes a

person into **its** custody then the state is responsible for the care and wellbeing of that person. If that person dies, there can hardly be more dramatic proof of the state's failure to meet that responsibility.

One might go further and suggest that if the public do not see deaths in custody as a problem, then they **should**, as in democratic societies we all have some collective responsibility for the failures as well as the successes of our governments. Regardless of democratic ideals, however, the harsh reality is that deaths in custody are potentially a very serious problem because of the threat of civil legal action which could be extremely costly for custodians and their political masters. Leaving that thought aside, the question that I would like to pose at this point is:

Whose problem is it?

There are a number of different types of people who can make a contribution to the discussion of this topic but I expect that no one is a complete expert in this field. Well run police and prison systems, with a sense of purpose and with high staff morale, will surely keep deaths to a minimum, so first on the list we must place police and prison administrators, but they, like their ministers, are likely to seek advice and assistance from other professionals. Senior police and correctional administrators should definitely be included.

The next category that I would add to the list are the various representatives of the law. The law determines the type of behaviour that may lead to custody, and sooner or later a judge or a magistrate will make a determination about custody in each individual case.

Another relevant group are psychologists and psychiatrists. They are the experts on depression and the identification of suicide proneness, and they can advise on the way to reduce stress in custodial environments. Perhaps sociologists should be included to contribute ideas about the way to establish harmonious interpersonal relations between people in custody. They may also be able to help us to understand why certain social classes in society are much more likely than others to be in police or prison custody in the first place. Perhaps therefore we should include anthropologists to explain the gross over-representation of indigenous people. Before we leave the social sciences, I would have to suggest that criminologists be included to contributed their knowledge about the operation of criminal justice systems, including custodial systems.

Medical practitioners must also be added as they are the only people who can advise on how to recognise injuries or illnesses which may prove to be fatal unless treated. The medical specialists who advise coroners—forensic pathologists—must be added as well.

Finally, any discussion on this issue should include architects and designers, as the evidence seems to be conclusive that the architectural design of custodial facilities can be linked with high or low numbers of deaths in those facilities.

Causes of death

It seems to be true of most countries that slightly more people die in prisons than in police custody, but as there are nearly always many times more people in prison than in police cells, it is clear that police custody is very much more dangerous than is custody in prisons. (This finding is especially true for Australian Aborigines.) The causes of death in police and prison custody are remarkably similar. Our findings suggest that in both custodial environments, approximately 46 per cent of deaths are attributable to suicide and 35 per cent to natural causes, the remainder being due to accidents or homicides, the latter generally between inmates.

Most of the cases that are classified as suicides in either police or prison custody are the result of hanging—the opportunities for suicide in prison are extremely limited, and hanging is probably the most lethal of all of the forms of self-destructive behaviour. It is very difficult to eliminate all opportunities for a hanging, and attempts to remove the possibilities are likely to cause increased stress, misery and loss of self-esteem. The more we try to prevent suicides the more we may drive people to attempt it.

The psychology of hanging

It seems to me that there are at least two, and probably three, quite different psychological states that are associated with hanging of people in custody. One type could be described as **aggressive hanging**. This most commonly occurs in police custody, often when the individual is under the influence of alcohol or drugs. In these cases, there is never a suicide note and it seems highly likely that he (it is nearly always a male) did not intend to end his life, the motive being to cause trouble for the custodial authorities. In these cases, a finding of misadventure or accident is probably more accurate than one of suicide.

Aggressive hanging is to be contrasted with what I call **depressive hanging**, which is more likely to occur in prison. This type of case occurs when the individual really does want to end his or her life, and is often foreshadowed by several days of apparent tranquillity. During this time the person is quite likely to give away personal possessions and write suicide notes, sometimes in large numbers.

There is a third type of hanging: auto-erotic strangulation, sometimes

known as sexual asphyxia. This could be called **erotic hanging**. These cases are characterised by an attempt to heighten sexual satisfaction by causing a partial compression of the carotid artery. This practice is extremely dangerous as unconsciousness can occur within seconds and death within minutes. Deaths of this type should clearly be classified as accidental, but they are not always recognised as cases of sexual asphyxia and may be wrongly seen as suicidal as some officials are apparently not aware of this form of behaviour.

There is a real dilemma here, as just mentioning the practice of sexual asphyxia (even without giving the details of how it is done) may have the effect of encouraging experimentation that is extremely hazardous.

The reporting of suicide

A similar dilemma may be identified in relation to the reporting by the media of cases of suicide, the danger being that the media reports may stimulate or provoke others to do the same thing—especially if the method of suicide is unusual or if the person who committed suicide was well known. Research on this issue in the United States over the past two decades leaves no doubt that the number of suicides increases following the coverage of suicide stories in the press.

I do not suggest that publicity has contributed to higher numbers of deaths in custody in recent years, but as far as the United Kingdom and Australia are concerned, that possibility cannot be entirely discounted. In England and Wales in 1987 there were over 40 prison suicides compared with an average of just under 20 in each of the previous seven years. In Australia the pattern was almost identical with 1987 producing extremely high numbers of suicides in both prison and police custody, but remarkably the number of deaths in custody from natural causes was much higher in that year than the average. From all causes there were 93 deaths in police and prison custody in Australia in 1987 compared with an annual mean of just over 40 in the seven preceding years. The fact that natural causes deaths also increased in that year tends to undermine the hypothesis of suggestibility, as does the fact that suicides in the general community were higher than usual in 1987. Even though we are left with the Scottish verdict of 'unproven', great care should be taken to avoid unnecessary publicity about any form of suicide.

Self-inflicted harm

Research in the area of self-inflicted harm or attempted suicide of persons in custody is bedevilled by the problems of

the definition of relevant incidents and establishing adequate recording procedures, but a small study that the Royal Commission undertook with the cooperation of all Australian police and prisons departments found that there were at least 16 times as many incidents of self-inflicted harm which did not result in death as there were of completed suicides. This study also found remarkably high numbers of female who engaged in self laceration, or 'slashing up', in particular institutions. Suggestibility also seems to be relevant here.

Reducing the numbers in custody

The argument goes: if there are fewer people locked up then fewer people will die in those circumstances, and that argument is quite persuasive. Certainly there is plenty of room for reducing prison numbers in most countries, and this can be done without increasing the crime rate. Imprisonment rates, or the numbers of people incarcerated per 100,000 of the population, vary between about 400 in the United States and South Africa, while in Britain and most European countries the rates are under 100. In The Netherlands the rate is under 50, and in Australia it is approximately 75. Great differences in imprisonment rates have also been demonstrated between the States in the United States and between the States and Territories of Australia.

If adequate data were available, I have no doubt that the use of police custody would also be shown to vary enormously between different nations and between different regions within nations. It is much easier to reduce the numbers in police custody than it is to reduce prison numbers.

There is, however, a serious complication with this argument that needs to be taken into account. The central question becomes: is our aim just to reduce the numbers of deaths in custody or is it to prolong life in general by reducing the numbers of all preventable deaths? The complexity of this issue is readily shown by looking at the numbers of deaths among persons serving non-custodial correctional orders.

Deaths in non-custodial corrections

One of the small projects undertaken for the Royal Commission in Australia examined the numbers of people who died over a specified period of time while they were serving probation, parole, community service or similar non-custodial correctional orders. This study found that persons serving these

orders were more than twice as likely to die than were persons of similar ages in prison where there is less opportunity for illegal drug use, there are fewer options for suicide, and there is also some level of surveillance and medical care, even if less than perfect. Prison clearly provides a degree of protection, as also does police custody. Therefore reducing the numbers of people in custody may well create more problems than it resolves. There would certainly be fewer deaths in both prison and police custody, but whether or not that is all that matters is a different question.

International comparisons

A small study which I undertook last year in order to make some international comparisons, revealed that very few countries were able to supply information on the incidence of deaths in police and prison custody. However, usable information was provided by 13 different jurisdictions in relation to deaths in prison. I calculated for each jurisdiction, the average number of deaths per year from all causes per 1000 of the average prison population. Thus a single figure could be used for comparative purposes. The lowest prison death rate found was for England and Wales. Moving up the list, slightly higher rates were found for Sri Lanka, Japan and Scotland, middle level rates were found for Canada (the provincial system), the United States (for both state and Federal systems), New Zealand and South Africa, while the group of countries with the highest prison death rates were Australia, Finland, Canada (the Federal system), and Thailand, being the highest of all. The Australian rate was found to be exactly twice as high as that of England and Wales (for more details of this study see forthcoming issue of *Howard Journal of Criminal Justice*.)

Monitoring of trends

While it is essential that there are thorough and public inquiries into every individual case, the monitoring process can take a broader view and alert governments to unexpected increases or changes in locations or causes that may be of particular concern. I would therefore encourage all countries to monitor all deaths in police and prison custody in a systematic manner on a permanent basis, and I would also suggest that the United Nations is the appropriate body to coordinate that work. As the use of custody in general, and deaths in custody in particular, are both issues of very particular relevance to the maintenance of human rights, it is perhaps a matter of some surprise that the United Nations has not yet expressed formal interest in this subject. In my view, the appropriate section of

the United Nations to undertake this work would be the Crime Prevention and Criminal Justice Branch which is located in Vienna.

The Royal Commission into Aboriginal Deaths in Custody has authorised the Australian Institute of Criminology to distribute the 22 research papers published by the Royal Commission. For a list of papers and details of costs, please contact:

Publications Section
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601 Australia
Tel: 06 274 0256
Fax: 06 274 0260

Police Culture and Stress



Henry Prunckun

The following are excerpts from an interview with Dr Gary L. Berte. Berte is a leading authority on police occupational stress. He holds degrees of Doctor of Education in Applied Behavioral Sciences, Master of Science in Criminal Justice Administration, and two Bachelor degrees, one in Criminology, the other in Police Science. He is a veteran police officer with 13 years uniform service in a large metropolitan police force in the American state of Massachusetts. During his career, Berte served in patrol, traffic, and mounted units. After leaving the police force in 1986, he went on to head the Western Massachusetts Police Training Academy. Berte is currently employed as Chief of Police, Amherst College. He is also writing a book on police occupational stress.

HP: How did you come to be involved in the management of police stress?

GB: Because of my temperament and personality, over the years a lot of officers came to me, unofficially, and asked for help. People saw me as someone they could trust. I had a degree in Police Science and had studied psychology which boosted my credibility. They would say things like, 'I think I'm going crazy, am I?' Or, 'I'm afraid, I don't know what I'm afraid of, I don't know what it's all about, but I'm afraid.' 'My heart pounds, I break out into a sweat, what's happening to me?' I recognised that what I was witnessing was a major problem, not just for my department, but for policing as a profession. It was an issue I believed required serious

examination. So, I began an eight-year study of police occupational stress at the University of Massachusetts.

HP: But police stress has been the subject of research in both the United States and in Europe. How was your study different?

GB: True, there have been many studies and many researchers. However, these studies failed to bring us any closer to the reasons why police work remains so stressful. My study openly challenged their work. Generally, in previous studies, some researchers came up with their conclusions first and then they went about collecting the data which supported their inference. Most of the research indicates that police officers are stressed, I agree. Most of the research says that police work is stressful, I agree. But I don't agree with them on why it is stressful. For most researchers it was enough to merely identify stressors. I needed to know more than that. It's what police do with that stress that is so critical. It's how they process the stress that gets them into trouble!

HP: Before you describe what your study found, can you talk about the conclusions of these early studies?

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Gary Berte

GB: Previous research indicated that stress in police work was due to violence or the threat of violence, or some variation of this theme. But that is simply not true. Violence is not the reason why officers drink heavily, become aggressive, take out their anger on their families and sometime the public, and so on. Many cops love the sense of danger. Danger is what makes the job interesting. If danger was such a major problem police officers would have chosen to become office workers. But don't get me wrong, I'm not saying that police are violent people, far from it. It's simply the nature of the work which attracts them—it's a fast moving, action career. Office work isn't.

HP: So how did you go about starting your study of police occupational stress?

GB: My study began with an examination of therapy and its inability to help people in parallel professions, like Vietnam veterans. I asked, 'If so much is known about psychotherapy, then why has it failed so miserably to help soldiers returning from the battlefield'. The short answer is that the soldier can't open up and put all his feelings on the line to someone who 'wasn't there'. I found that this wasn't only true with soldiers. There are other examples—women who have been raped more easily relate, and can talk to other women; alcoholics work best with other alcoholics, etc. But there were few examples of police talking to other police.

HP: In Australia, some police departments have counselling units. These departments hire psychologists who, as part of their industrial conditions, are sworn police officers. Is this what you mean?

GB: No, not psychologists, not professional counsellors. I'm talking about cops talking to their fellow officers. Like the Vietnam vet who can relate his firsthand experiences to another soldier.

My findings show that in order for a person to be able to break through and offer effective help, 'You have to have been there...'. Some departments here in the States have counselling units too, but when an officer sees a psychologist it's often too late. They needed help long before the point they walk into the counsellor's office. For instance, if we were in the military and we were being sent to a conflict, we would have a variety of people with us who have specialist training—weapons, explosives, and most important, we would have medical people. If you are going into combat, someone is going to get shot. There's no debate about that. But our society and our police organisations are sending police out to fight crime with little or no training in dealing with the dimensional aspects of stress on their jobs. Stress which is a normal part of their job. Stress we all acknowledge is there—like exploding shells and bullets in combat. We train them in the law, and we give them the necessary crime fighting skills, but we are not giving them the skills to deal with the stress they will face.

HP: How effective are the police counselling units in the States?

GB: I'm sure that the units are effective and the staff are very competent. I'm sure the people that are sent to them are well looked after. But that's just the point. Officers are sent there, mainly due to disciplinary problems. Officers are often faced with the choice, 'You can either go and receive counselling for your drinking, or your attitude, or whatever, or else you're fired'. I question why it has to go this far. We need to offer help long before. Ideally, stress counselling should take place each and every day, with peers.

HP: How can a system designed to address this issue be achieved?

GB: It's happening now. But it's not formal, it's not organised, and in fact it's probably not even recognised as taking place when it does happen. What I'm talking about is cops talking to cops over a beer in a bar or a pub. What they are doing is 'decompressing', by debriefing each other in order to release their occupational stress. But that's where the twist comes. In their attempt to 'heal' themselves, by doing the debriefing in a pub with alcohol involved, they are adding further hurt by adding additional stress. Often it's not psychologically healthy, no matter how good a time they feel they are having.

HP: It seems like a Catch-22, police officers obviously need the support of their fellow officers to 'decompress' as you put it, but normally this means a few drinks at a pub, or over a barbecue, to let off 'steam'. What are you suggesting?

GB: Police need to be trained to be able to debrief each other using well recognised techniques other than with

alcohol. Many departments are moving toward this now but only in cases involving major disasters or emergencies. Officers who respond to fatal traffic accidents, plane crashes, fires, and shootings are starting to be debriefed by other officers, people who have 'been there'. In this way they are able to open up to people they trust and in a way which doesn't add additional stress. We're good at debriefing ourselves around issues of trauma and violence. Where we as police fall short, is in the daily debriefing of how we parent our children, how we relate to our spouses, and how we relate to people in general.

HP: Police are often seen by the public as being 'different'. Is this perceived difference due to stress or other factors?

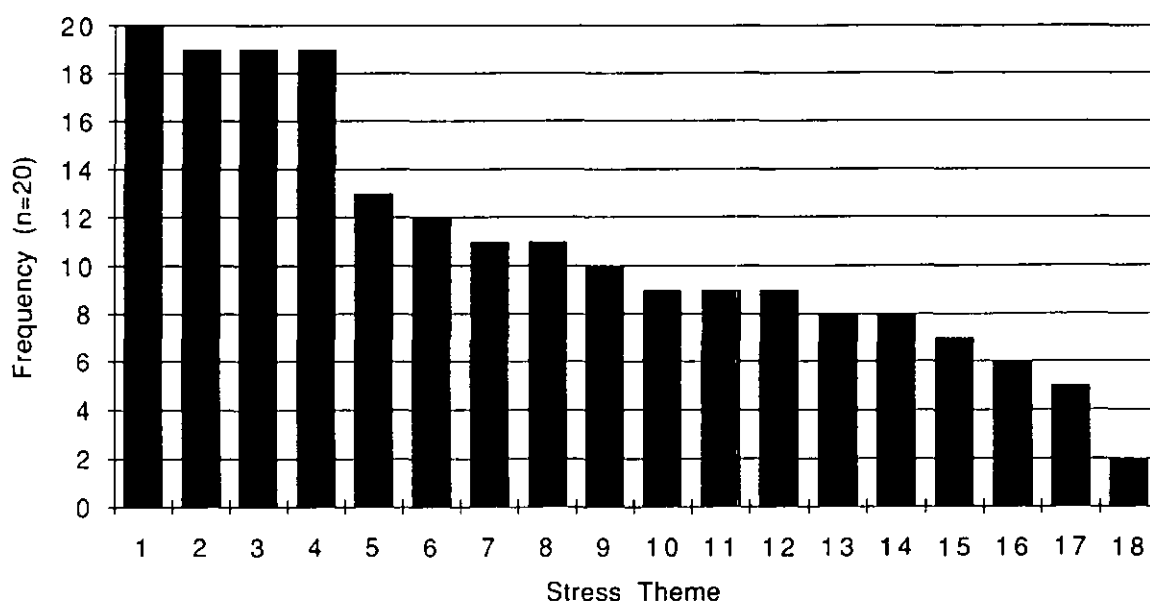
GB: It is well recognised that police develop a distinct working personality, different from other professions. It is often caricatured in some uncomplimentary ways, but this personality is essential for them to survive the psychological dangers of the job. When an officer is sworn in, they enter into a distinct subculture, a subculture which has evolved by default in order to manage the stress of their roles. My research shows that this police personality or 'blue mystique' is essential, not for handling the physical dangers, but as I said before, for handling the emotional ones. Previously, people took it for granted that when you become a cop, you become a part of this 'blue mystique', people say cops see the world through 'blue eyes'. I'm sure police officers recognise that this happens, but I don't think they know why it happens and what the consequences are.

HP: Sounds like this 'blue mystique' is central to understanding the issue of police stress. How did the 'blue mystique' develop?

GB: Yes, you're right, it is a major issue in police stress. I believe it goes a long way in explaining why police officers get stressed. In order for police officers to believe in their role and to appear consistent to themselves and the public, police officers tend to guide themselves by a rigid set of cognisant rules. These rules influence their work. For instance, police officers deal with people who are in conflict with the law and have to deprive these people of their freedom, and in rare circumstances take their life. But the values which drive a person to become a police officer are quite the opposite. People want to become police officers because they want to protect people's rights, they want to protect individual freedom, they want people to be healthy and happy. Yet, as a cop their job is to deprive people of those very rights. So the 'blue mystique' begins to evolve.

HP: Sort of an 'us versus them' way of thinking?

Figure 1 - Frequency of Themes



Stress themes 1 to 18

1. Anger and a sense of betrayal with management practices and administrative policies that cause unnecessary distress.
2. Officers care about people. They begin their careers because they want to help their communities, but they later discover that the job is not what they expected.
3. Lack of public support. Officers feel that most people do not care about them or their work.
4. The types of people that police officers work with and their peers change officers for the worse.
5. Poor use by management of individual officers' talents and skills.
6. Job dissatisfaction.
7. Few extrinsic rewards.
8. Little participation in decision making procedures that effect working conditions.
9. Being burned-out; emotional exhaustion. Need to control emotions according to group standards rather than own.
10. Having difficulty relating to others.
11. Anger at the system for ignoring or denying that officers have problems, and the lack of resources for those problems.
12. Role ambiguity; an inability to clearly focus on the job boundaries.
13. Distress from the threat of physical danger.
14. Fear of being sued over issues of responsibility for other people's behaviour.
15. Distorted media coverage of the police.
16. Inappropriate training.
17. Responsibility both on and off duty for a lethal weapon.
18. Issues of sexism and gender.

GB: Yes, exactly. It makes it easier for me as a cop to arrest you and take your rights away from you, which I would hate if anyone did to me, if I can call you a 'puke', or an 'asshole'. And it makes it a lot easier for me if you are a member of a minority. I can then rationalise it in all sorts of ways. But our society says that it is wrong to publicly verbalise and outwardly express these rationalisations. So then, as police officers we become polarised from the general community, and we rally together against these outsiders. That's where we get the 'blue mystique', or the 'blue barrier'.

HP: The perfect breeding ground for stress?

GB: Absolutely. Police have to prove to themselves that their work is ethical and correct according to their own values. Their values require them to care for and help people. To respect individual freedom. Therefore, when officers are required to psychologically violate these values in the performance of their duty, it is natural for them to rationalise that those on the receiving end deserve what they get. Yet, they chose the work because of those values. It is this conflict which leads to stress. Those who feel the effects, struggle in order to better understand themselves, their roles, and how it all relates to others.

HP: Given this picture, how do police officers make meaning of their work?

GB: It would be easy if they were baseball players, or in Australia, cricketers. They could measure how successful they are in the number of runs they scored, or the number of batters

they stump, or catch out, and so on. But measuring what police officers do is a different story. Can they, for example, measure their work by the number of people they arrest? By the number of parties they break up? By the number of speeding tickets they issue? Okay, if we accept that, then the next important question is, 'How many?' When does it end? When do cops see the value of their work? How many people do they have to arrest before they have to stop arresting people? Never. How many parties do they have to break up before they no longer have to break up parties? Never. How many speeding tickets do they have to issue before people stop speeding? Never.

HP: Sounds like this inability to derive clear meaning from their work contributes significantly to the way police feel?

GB: Certainly, so in order for police to get value and meaning, they go to each other. Let me give you an example. If I were at a social function—a party with various professionals—and I told a person I met that I had arrested over 500 people during my 13 years as a uniformed cop, would that person see me as a hero? I doubt it. However, if I was a surgeon and told the same person that I had just performed my 500th operation, I would be the talk of the party. How do police officers measure their worth? My research shows that some police measure their success by how stressed-out they get. At an operational level—on the street—if you don't get stressed-out; if you appear to be okay; if you go to church; if you coach a kid's sports team; if you get along with your wife; if you like people; if you stay out of the bars; then you are seen as a lousy cop. Because you can't be a good cop and do those things. You're seen to be a good cop if you drink; if you hang-out with the 'right crowd'; if you get stressed-out; if you develop high blood pressure; and if you push people around from time-to-time. This shows that you are committed and involved you're influenced by the stress of your work.

HP: Can you give me an example?

GB: Sure. A young police officer who was on the job for only a few years came to me for help. He said he was on a holiday cruise with his wife when he met a cop from New York City. The young officer said that he was impressed, he said 'Wow, I met a real cop'. When I heard this, warning bells went off in my head. My immediate reaction was, 'What does he mean, a "real cop"? 'Why isn't this guy who is asking me for help a "real cop"? 'What makes the New Yorker a "real cop"? 'The New York cop told the young officer that he had been married for 25 years; he was proud of his children because they were all attending university; that he was involved in Boy Scouts; he didn't smoke; he didn't drink

excessively; and he loved his wife. The young officer said that upon hearing this he backed-off. He said that he thought to himself, 'Who has this guy been sucking up to...' Just two years out of the Academy and already this young officer had crossed over the 'blue barrier'. Twenty three years old and he already dislikes and alienates himself from police officers who display normal, healthy behaviour. What he was looking for was a stressed-out, chain-smoking, hard-drinking cop; a 'real cop' in his words.

HP: Its as if stress becomes a form of initiation?

GB: Stress validates an officer's experience—it is the Purple Heart of policing. Stress becomes an officer's 'red badge of courage', and therefore becomes the currency through which officers exchange meaning. If you're a good cop, you have to be stressed. If you're not stressed, you're a lousy cop. That's the way it's seen. Stress can become a life vest in stormy seas. However, if worn for too long, it can become waterlogged and drag the wearer down...

HP: But police work is a high-stress occupation, wouldn't you agree?

GB: No doubt. Police work is without question a high-stress occupation. It is as stressful as other high-stress occupations. But what we are not aware of is why it is so stressful. It is my contention that it isn't the thought of danger and violence, or working with criminals which makes it so stressful. Cops don't turn to drink because they fear they may get into a fight one day. What makes them stressed is their inability to come to terms with the complexities of their role—in short, the inability to 'decompress', to release the stress which is a normal part of policing. The answer surely lies in education and training; training to allow police to help each other before they get to the stage where it is too late.

HP: What did your study find to be the most stressful events or situations?

GB: I identified eighteen separate stress themes (see figure 1). I'll quote you the five most frequently cited cases by the police officers I interviewed. The first and most common was, 'Anger and a sense of betrayal with management practices and administrative policies that cause unnecessary distress'; the second was, 'Officers care about helping people. They begin their careers because they want to help their communities, but they later discover that the job isn't what they expected'; the third was, 'Lack of public support. Officers feel that most people don't care about them or their work'; the fourth was, 'The types of people that police officers work with and their peers change officers for the worse'; and the fifth was, 'Poor use by management of individual officer's talent and skills'.

HP: No mention of fear of danger or violence as in those early studies

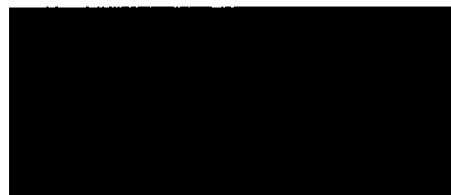
GB: In fact, 'Distress from the threat of physical danger' ranks as a single theme at a very low thirteenth position (see figure 1). I would venture a guess and say that these themes, in particular, the first five, would have close comparisons in Australian police work.

HP: In this regard, what would you say to Australian police administrators and managers?

GB: It is essential that further research into this area be conducted—specific to Australian conditions.

HP: I'm sure some Australian police departments will want to discuss these issues with you. Are you available for consultation and how can they contact you?

GB: I'd be most pleased to participate in, or assist with any Australian based research. Or, for that matter, just generally discuss the findings of my research. My contact address is: Amherst College, Department of Security, Amherst, Massachusetts, 01002-2247, USA, or by telephone on (413) 542-2291.



Privacy Act in Operation: Some Issues Relevant to Fraud Control¹



Kevin O'Connor

The *Privacy Act* has now been in operation for two years and was introduced with no lead-in time. It commenced operation on 1 January 1989, less than a month after its passage.

The *Privacy Act* so far as it impacts on Commonwealth administration forms yet another part of the administrative law mosaic of the last 15 years. While the earlier reforms (new individual rights of administrative appeal and review, consequent reforms in decision-making procedures, access to documents, access to statements of reasons for decisions) have exposed Commonwealth administration to a high level of oversight, the *Privacy Act* is more administratively-intrusive than any of the earlier reforms. Through the Information Privacy Principles it seeks to lay down detailed procedural standards to apply to all stages of the personal information handling process. The standards are not mere administrative instructions but binding laws. The access and correction rights given by the Information Privacy Principles basically restate those already given by the *Freedom of Information Act*. But otherwise most of the individual rights given by the Information Privacy Principles are new ones, e.g. in relation to the questions that can be asked of individuals, the security of their information and the limits to apply to use and disclosure.

The other administrative laws referred to depend for their enforcement on a positive action being taken by an aggrieved individual, e.g. complaint to Ombudsman, appeal to AAT or a request

for documents or reasons for decisions. In contrast, the primary instrument of enforcement of the *Privacy Act* is the Privacy Commissioner not the affected individual. The reason for this is obvious enough. As I have said often, the individual has no real ability to see behind the four walls of administration. Consequently overseeing compliance with the *Act* cannot be left to the individual alone. The area of the personal information handling process to which the individual will have the greatest exposure is collection—where the collection is direct from the individual. Often the individual will be applying for a benefit of one kind or another and consequently is not in a good position to assert any concerns over the propriety or intrusiveness of questions. Again oversight is probably best exercised by an authority with a systemic view, such as the Privacy Commissioner.

As you can see from these examples many of the matters addressed by the *Privacy Act* have traditionally been left to the discretion of administrators, guided by experience and the directions contained in ministerial and departmental policies.

The privacy discussion at federal level has gone on for the best part of 20 years and its modern genesis in Australia was probably the *Boyer Lectures* of 1969 delivered by Professor Zelman Cowen, as he then was. 1976 saw a reference to the Law Reform Commission; 1983 saw its report. 1986 saw a Privacy Bill brought forward in the unlikely context of the Australia Card proposal. 1987 saw the abandonment of the Australia Card proposal and 1988 saw a revised Privacy Bill, with a new companion the upgraded Tax File Number. 1990 saw the extension of the Tax File Number, major new data-matching programs under the auspices of Social Security and an extension of the *Privacy Act* to cover a major private sector activity, credit reporting.

* Privacy Commissioner, Sydney, NSW

1. This article was presented as a paper at a conference on Computer Fraud held in February 1991 in Canberra.

The Australia Card and the Tax File Number have not been the only odd bedfellows for privacy. Cash transactions reporting, confiscation of ill-gotten gains, new phone-tapping powers for drug law enforcement, new fraud-control schemes are all measures which the Government, often with the endorsement of Parliament as a whole, has implemented altering the traditional privacy boundaries.

Where the measures have a legislative basis their interaction with the *Privacy Act* can be defined with some confidence—for example, the Cash Transaction Reports Agency's powers of use and disclosure are clearly defined. As Privacy Commissioner I am able to audit its activities with clarity as to what conduct is lawful.

On the other hand, most of the fraud control activities currently in place or proposed in Commonwealth administration do not derive from statute. Therefore issues about lawfulness become more complex. For example, my discussion paper on data-matching identified a number of programs where data is exchanged between agencies for matching purposes. Yet some agencies, when asked, had difficulty identifying the statutory authority upon which they relied for disclosure. Others relied on authorities of a general kind—such as public interest discretions enabling the release of information. The Health Insurance Commission has released its Medicare enrolment database to Social Security on that basis.

A number of these programs have developed without the public being aware of them. A key element of all international statements on privacy protection is that of openness. One of my objects in undertaking the data-matching project is to bring light to bear on the extent of this activity, almost invariably justified on fraud control grounds.

One of the tricky issues that has emerged in recent months relates to the reprocessing of public domain data. Obviously, it is in the public interest for there to be open registers of, for example, electors, court judgments, shareholders in public companies and holders of Torrens system land titles. But does that mean that this data should be compiled into dossiers of the various interests disclosed, cross-matched or sold to direct marketers and the like? Over the next year or two there will be greater attention given to the way in which computer technology has transformed the accessibility of formerly relatively-dormant open record systems. In Canada the law circumscribes the availability of shareholder information so that it can only be accessed for reasons to do with the operation of company law. This restriction is aimed at inappropriate use by direct marketers.

For other reasons, the federal Parliament recently placed restrictions on old conviction information. Among the

information about individuals that ranks highest in its public significance is the fact of the conviction. But the Parliament has brought down a privacy screen on old minor convictions—after 10 years in the case of adult convictions, five years in the case of children's convictions. The law is complex (*Crimes Act* Part V11C) and I will not try to explain it in detail here. But it demonstrates some support in the Parliament for restricting on privacy grounds 'public domain' information in which there is a high public interest.

In 1989 the *Sydney Morning Herald* published the details as available from land titles records (if I recall it correctly) of all 2400 Sydney harbourside lot holders. The publication of this information seemed to me to be unfair — certainly, anyone could have obtained it if they had gone to the Titles Office and paid the search fee. But it seems to me that there was not sufficient public interest justifying dissemination of particulars such as consideration paid, encumbrances, details of proprietorship to millions of people in Sydney.

The economics and efficiencies involved in computer search techniques are such that public domain databases can be exploited much more fully. While fraud control may be seen by many as an acceptable justification, are other applications (direct marketing newspaper publicity) equally cogent?

How does the *Privacy Act* impact on fraud control techniques?

- When collecting personal information, agencies should make individuals aware of usual disclosure practices in relation to that information. If they include fraud-control purposes this should be made known. This requirement applies whether the information is being collected for inclusion in a confidential or in a public record.
- Personal information must be securely stored. What is meant in practice by this requirement will vary with the circumstances.
- Individuals are entitled to see and correct confidential information. Rights of access are limited by the exemptions in the *Freedom of Information Act*. The exemptions cover law enforcement interests and, for example, enable information to be withheld if to release it would prejudice the effectiveness of an investigation or reveal sources.
- Personal information may only be used for the purpose for which it was given, subject to certain exceptions. Basically similar exceptions apply to disclosure of confidential information.

The scope allowed by the exceptions to the use and disclosure principles has been the subject of some debate. Agencies have often tended to adopt broad interpretations of these provisions;

while I have argued, as you might suspect, for a narrower view.

In approaching the interpretation of the use and disclosure principles I have sought to be mindful of the objects of the *Privacy Act*, the explanatory material regarding the text of the Act and the approach to statutory interpretation set out in the *Acts Interpretation Act*, which emphasises the need to have regard to the matters mentioned.

Some points are reasonably apparent to me:

- the concept of 'purpose' is pivotal to the effective operation of the Act;
- the 'purpose' for which information is given and used must be judged primarily by reference to the reasonable understanding of the individual — it is not in my view open to an agency to define the purpose for which it receives information in a self-interested way which bears no relationship to the reasonable understandings of individuals;
- similarly, the basic proposition that information should only be used for the purpose for which it has been given must be kept in mind when interpreting the exceptions;
- the exceptions must be construed strictly and not permissively, so as to ensure that the object of protecting of individual privacy is maintained;
- the exception that gives the most difficulty in that regard is the exception allowing use and disclosure of personal information consistent with an individual's privacy where that is 'reasonably necessary' for the enforcement of the criminal law and the protection of the public revenue;
- it seems to me that this exception does not give carte blanche to agencies to assent to requests from law enforcement and tax authorities;
- agencies must carefully consider each request and be satisfied that there are grounds of high degree ('reasonably necessary' not just 'reasonably likely to assist') justifying the provision of an individual's personal information to the other body;
- the decision needs to be taken carefully and normally in the context of each affected individual's situation, a point reinforced by the logging requirement;
- moreover, the examples used in the Parliamentary Debates to illustrate this exception support the view put above.

Consequently I do not consider that the law enforcement/public revenue exception provides a basis for bulk disclosure of personal information. There

□ continued on page 20

Community Policing

Implications for Queensland

Internationally, the concept of police working with the community in the area of crime prevention has become part of an appealing but ambiguous reform agenda for police jurisdictions.

The term, community policing, as employed by some commentators, is used to invoke a vision of a better yesterday: an appeal to a golden age in which communities were harmonious and cohesive and provided a non-problematic basis for policing by consent (Weatheritt 1988, p.154). The promise of community policing is that this ideal can be recreated in the future. The appeal tends to be seductive because it can be made to appear central to a broader political vision in which the supposed ills of modern society can be cured by a return to traditional standards of behaviour, where neighbours looked out for each other, where traditional sources of authority were respected.

Other writers in the field describe community policing in terms of what small town policing has been presumed to be about. Policing stable integrated communities, active police-citizen contacts, decentralised management, responsive police services, and community accountability would appear to make small town or rural policing an ideal model for community policing even though this traditional stereotype of small town policing may be outdated and inaccurate (Murphy 1988, p.180). It may be, as Braiden points out, that small town policing is 'so far behind urban policing, that it can now be seen as being ahead of its time' (Murphy 1988, p.181).

The rhetoric has become as important as the reality of actual programs, and has generated a sizeable body of descriptive literature and general theorising. There has been, however,

only limited attempts to link empirical findings to program effectiveness, allocation of police resources or focussing of policing strategies.

The *Fitzgerald Report* has recommended that community policing be adopted as a primary policing strategy in Queensland. While this superficially appears a positive and directed recommendation, it is in fact ethereal. Community policing is such an elusive concept that commentators variously regard it as anything from Neighbourhood Watch to a strategic re-think of the goals and objectives of policing, and its role in a modern society.

Clearly Mr Fitzgerald's recommendation needs definition and direction before his objectives can be realised. This paper will seek to provide a platform for such an analysis.

Community Policing —A Definition

Community policing can be described as a necessary partnership between the community and the police forged to ensure that the justice system continues to operate effectively in maintaining community standards of behaviour. Four basic elements distinguish community policing from other forms of police and/or community endeavour:

- community-based crime prevention;
- proactive servicing as opposed to emergency response;
- shifting of command responsibility to lower rank levels; and
- public participation in the planning and supervision of police operation (Bayley 1988, p.226).

Elements of Community Policing

Community-Based Crime Prevention
Community-based crime prevention involves encouraging and facilitating

efforts by the public to take protective measures on their own behalf. It grows out of the realisation that the first line of defence against crime is not the police, but potential victims (Bayley 1989, p.65).

The basic philosophy of community crime prevention is that social interaction and citizen familiarity play an important role in preventing, detecting, and reporting criminal behaviour (Mukherjee 1987, p.5).

The term 'community policing' implies a semantic restriction on community-based crime prevention. It implies the formal involvement of police in any such programs. Indeed, the *Criminal Justice Act 1989*, Queensland, in focussing on the role of the Research and Coordination Division of Criminal Justice Commission (CJC), restricts the evaluative focus to that of reviewing on 'a continuing basis the effectiveness of programs and methods of the Police Department, in particular in relation to ... community policing' (Section 2.45 (2)(f)).

However, there are a multiplicity of community activities with an implicit or explicit crime prevention focus; for example, these may range from church-run youth groups, community service organisations such as Zonta, Lions, Rotary, special interest or advocacy groups, community centres, Arts Councils focussing on graffiti and vandalism problems.

As well as the small or largely voluntary organisations, there are professional organisations, both private and public, which have responsibilities in crime prevention. Clearly the police are not involved in all community crime prevention programs, and nor should they be. However, knowledge of available services and initiatives in the community is a necessary component of community policing endeavours to avoid needless overlap and duplication.

Proactive Servicing

Bayley also describes this element as patrol deployment for non-emergency interaction with the public (Bayley 1986, p.5). Around the Western world, patrol deployment is based on the patrol car.

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courtesy *The Canberra Times*

Research suggests that patrol and deployment strategies are demonstrably ineffective and inefficient (for example, Mukherjee 1987, p.18; Moore et al. 1988, p.6; Avery 1981, pp.47-57).

Non-emergency interaction contends that patrol operations should encourage a deeper involvement with the community, an involvement not instigated predominantly by emergency calls for service. This does not mean that the police arrogate social servicing functions carried out by other communities and organisations, but that they attend to non-criminal problems and are prepared to assist in constructing solutions, either with an organisational response or a referral service. This kind of reorientation of patrol, practised in the name of community policing, is being accomplished in a variety of ways.

The most dramatic change is the redeployment of patrol officers from motor vehicles into small, decentralised police posts (Skolnick & Bayley 1986, p.162). Foot patrols are often used in conjunction with neighbourhood stations; labour-intensive home visits and surveys are activated. However, like the concept of community policing, there is no fixed pattern, no clear operational procedure. Non-emergency deployment must be balanced with the emergency response required by the public, and defined in cooperation with the involved communities.

Devolution of Command Responsibility

Effective policing is dependent upon as many members of the police service as possible considering themselves parts of local teams and so identifying themselves with their local areas. The regionalisation of the Queensland Police

Service has commenced with Regional Commanders appointed with control over, and authority and responsibility for, resources including money, staff and equipment.

The enhancement of decision-making responsibility and discretionary power extends to the rank and file officer. The adaptation of law to circumstance often indicated by community-based policing places problematic demands on the officers on the ground. The job descriptions, training and consequent performance appraisals of more junior officers involved in community policing is a matter deserving of further attention.

Officers engaged in community policing endeavours often find themselves not regarded as engaging in real police work and are commensurately rewarded within their career structure.

... what is expected of them, although undoubtedly worthy and high-minded, remains in practical terms vague, ambiguous or vacuous. It is therefore not surprising that community policing activities have proved difficult to supervise, remain unrewarded, and are regarded as marginal to real police work (Weatheritt 1988, p.112).

Skolnick and Bayley refer to the need for a new breed of officer as well as a new command ethos.

In addition to their traditional duties, community police constables and patrol officers must be able to organise community groups, suggest solutions to neighbourhood problems, listen unflappably to critical comment, enlist the cooperation of people who are fearful or resentful, participate intelligently in

command conferences, and speak with poise before public audiences (Skolnick & Bayley 1988, p.14).

Community policing transforms the responsibilities of all ranks: subordinate ranks become more self-directing, senior ranks are to encourage disciplined initiative while developing coherent plans responsive to local conditions. There is no formula to incorporate community policing into the traditional areas of police work, and it will remain a minor speciality of policing until it is determined how general duties officers can further its goals within the operational structure. The process is not short term and involves full organisational commitment.

Public Participation in the Planning and Supervision of Police Operations

Many of the decisions which police have traditionally defined as operational, and therefore in their view, appropriate to be insulated from political control, entail fundamental judgements about moral values, the balancing of competing interests, and the allocation of finite resources (Grabosky 1989, p.50).

A key element of the community policing strategy is the notion that to accomplish safer, more orderly communities, police must acknowledge that they share that responsibility with the citizenry—that indeed without close cooperation these objectives can never be realised (Greene & Mastrofski 1988, p.56).

Mr Fitzgerald recommended the establishment of community crime committees consisting of members of the public, police officers, welfare and other community groups as an important step in the articulation of community needs on a consultative basis (Fitzgerald 1989, p.231).

However, as Skolnick and Bayley point out, this notion of police-community reciprocity or coproduction has the ring of a coequal partnership between police and public, but in practice its programs manifest a markedly asymmetrical relationship, with citizens doing what police think is best (Skolnick & Bayley 1986, p.231).

Morgan distinguishes three models (not mutually exclusive) of the role that consultative committees can play (Skolnick & Bayley 1986, p.12).

One is the steward or auditing role requiring the area officer to publish a report that gives an account of policing in the area of police authority. Policy and practice are the sole responsibility of the police. Other than the provision of information for annual reports, the writer is unaware of examples of this type in Australia.

The directive model puts police policy in control of democratically elected authorities, e.g. elected local committees. Morgan lists as 'core problems of this approach' that local political groups may disagree with the law, ignore minority interests or rights,

and be susceptible to corruption (Morgan 1988, p.12).

The partner model is much akin to community policing, and stresses the importance of police jointly engaging with citizens and other agencies in crime prevention and detection initiatives. Programs such as Neighbourhood Watch are examples of this type of approach, although the partnership almost always is uneven.

Murphy (1988, p.184) observes that in Canada, there has been aggressive promotion of neighbourhood involvement in used Block Watch and other crime prevention programs. However, these remain typically police managed community programs that seldom translate into broader public involvement in police and accountability issues.

An example closer to home is that of Neighbourhood Watch in Queensland. The objectives as distributed by QPOL clearly address issues related to personal and household security, the discouragement of theft, and the identification of property. However, the objectives as laid down by the Queensland Neighbourhood Watch Association (Inc.) in their Final Draft Constitution (1990) are much broader and include such elements as:

- to encourage and assist in arranging and providing community support for victims of crime, emergencies and disasters;
- to stimulate neighbourliness, community spirit and quality of community life; and
- to encourage and promote active participation in observing, recording

and reporting suspicious behaviour, and general community education in crime prevention and apprehension of culprits.

In summary, police and the public may have divergent requirements, different information bases and often times conflicting political motivation when considering the broad issue of policing.

As Cohen comments:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylised and stereotypical fashion by the mass media, the moral barricades are manned by editors, bishops, politicians and other right-thinking people; ... ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges, deteriorates or becomes more visible (Cohen 1972, p.28).

When discussing community policing, 'the community' has been widely taken to be an essential resource to be mobilised in order to reduce tension between police and public, and hopefully also to mobilise the public to participate in controlling crime (Clarke 1987, p.385).

However, local crime is not a continuously salient issue.

Concern about crime arises periodically in response to what appears to be a wave of crimes in the area. Action is demanded, and perhaps even taken. Eventually, the furore fades and more routine concerns, such as schools, traffic, zoning, and trash collection, return to the top of residents' agenda. Because of this, crime does not provide a very good basis for organising a

neighbourhood, strengthening its sense of identity, and getting residents involved on a continuing basis (Garafalo & McLeod 1989, pp.326-44).

It may be that Neighbourhood Watch and other crime prevention programs are most successful at attracting residents' participation in places where multi-purpose citizen organisations (such as block clubs or neighbourhood associations) already exist. Such organisations can accommodate the ebb and flow of concern about crime because they keep a variety of other local problems on their members' agendas, even when crime is not a salient issue. In summary, fear of crime per se is not much motivation for long-term collective action (Taub et al. 1984, p.184).

Some writers argue that part of the attractiveness of community solutions to crime and policing lies not in the effectiveness of such schemes in reducing the actual incidence of offences — as neighbourhood watch schemes are frequently argued to do, for example — but in the development through revived community institutions of a sense of control of crime and a sense of security. This is derived from an understanding that collective resources, formal and informal, are being directed at those kinds of conduct which are held to be most offensive (Clarke 1987, p.387). The sense of fear that a community has to its crime rate (perceived or actual) diminishes as a result.

The idea then that there is a consenting and enthusiastic community waiting to be discovered, and that the police are best placed to discover it and to give practical expression to it raises complex implementational issues which require clarification by the police and the relevant communities. The implementation of community policing in Queensland requires well considered mechanisms to facilitate community feedback that are established in conjunction with community representatives.

Community Policing Summary

It is the public participation element in the planning and supervision of police operation that is used in this paper as the major distinction between community policing and other police programs with community involvement. This is not an issue of semantic fastidiousness. The shift in the authoritative power base of policing is the crucial element which introduces complexity and emotion into the community policing debate. The other three elements can conceivably be present in community crime prevention programs that are entirely directed by the police with little or no community involvement.

Such programs are not contentious, expect little of the community and gain



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police acceptance. Shift the power base and both the community and the police feel threatened: the community—by how much the abrogation of their own responsibilities has removed them from the skills required to deal with crime prevention and detection; and the police—by a perceived loss of power and status.

There is little consensus amongst commentators on the nature or scope of the relationship envisaged by community policing. The complex relationship between the police and community will continue to generate considerable confusion and conflict until the implied relationships are made explicit, and the mechanism for establishing these relationships are developed.

There are no prescriptions for implementation. The role of the police and the community in community-based programs will to a great extent depend on the awareness of the need for crime prevention in the community, police ability to respond to that need, willingness on the part of the community to participate and the amenability of particular crime problems to preventive strategies (Murphy & Muir 1986, p.22)

While the empirical evidence in support of conventional policing is itself limited, the community policing model and its impact on community order, crime, and stability remains largely untested and empirically unexamined. Part of the problem in testing the community policing model is the lack of agreement on what constitutes its central propositions, assumptions and measurable objectives (Murphy 1988).

For example, QPOL, as a relative neophyte in the field of community policing, have interpreted their role in community policing as establishing a visible presence in the community, by such programs as Neighbourhood Watch, Adopt-a-Cop, and Blue Light Discos. Implicitly however, the dominant role is retained.

It is apparent that a clear formulation and interpretation of community involvement is absent. This has not been adequately addressed either within the Queensland Police Service, or challenged from outside. As a result, control over formulation and implementation of structures has remained within the Service.

Conclusion

The debate surrounding community policing has been characterised by an observed cycle of evolution in the literature, that is:

- enthusiastic grasping of the notion, or the rhetoric of the strategy;
- widespread implementation of pilot schemes;
- progressive and widespread



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implementation of Neighbourhood Watch;

- increasing realisation of the need for research and evaluation;
- questioning of the police role in community policing; and
- grappling with the more complex organisation, political and moral issues of the concept.

Is community policing, for example, a primary policing strategy rather than a separate adjunct to 'real' policing; to what extent is 'the community' involved; are the police best placed in the community to coordinate and organise community policing, or is the long-term measure of success of a community policing program one in which police revert to an essentially reactive role in the community again?

In this context of evolution, few of the community policing endeavours in Australia can realistically be labelled as failures. Initial programs become defunct and others arise to take their place amidst progressive organisational redefinition. Lessons are learnt and the translation of concept to reality becomes tighter. In a few years a new theory or strategy may take hold and sparks the imagination of police administrators and the spiral will continue.

However the concept of community involvement in policing activities is tenacious and has been discussed, argued and evaluated for nearly two decades. Differing on crucial dimensions, two albeit oversimplified phases can be observed. Each differ in their concept of community, in the degree to which they are concerned with the offender, or potential offender, as a focus of

intervention, and finally they differ on the balance to be struck between public and private responsibility for crime prevention and enhancement of community life (Currie 1988).

Phase 1 which dominated much of the 1970s was most typified by Neighbourhood Watch. In this phase the community was cognitive, a matter of collective attitudes and styles of interpersonal behaviour. Such programs were in the business of changing attitudes, or altering the symbols of community, in the hope that improved interpersonal relations would follow (Currie 1988, p.281).

However, programs based wholly on this approach simply do not work well, and sometimes not at all. Moreover, to the extent that they work at all they tend to work for communities with the least serious problems and the lowest risk (Mayhew et al. 1989, p.54; Garofalo & McLeod 1989, p.330). They work badly in resource-poor communities where victimisation is more severe.

Understanding of offenders in this approach is that they are outsiders, strangers; they do not live next door. There is no sense that these offenders against law and civility are members of the same community who may be amenable to forms of intervention other than surveillance or aggressive policing.

The Phase 2 approach looks at 'community' in much more structural terms and recognises that real communities thrive or fail to thrive, become healthy or pathological, mainly as a result of the strength or weakness of an interlocked set of longstanding institutions: work, family and kin, religious and communal associations, a vibrant local economy capable of generating stable livelihoods (Currie

1988, p.283). When these institutions are weak or shattered, all the Neighbourhood Watches will not put the community back together. Conversely, when these institutions are strong, far fewer of the traditional Phase 1 type crime prevention efforts are required.

This focus on community crime prevention rather than community policing is one which is pivotal to this paper—that is, the balance to be struck between private and public responsibility for crime prevention. Police generally do not and probably should not lead in community-based crime prevention measures, but on the other hand, crime-ridden communities expect an effective and visible police presence. The multi-agency approach to this problem, which implies a coordinated effort by both government and voluntary bodies, an avoidance of wasteful duplication and policy confusion conveys the sense of an unproblematically 'good thing' (Blagg et al. 1988, p.204).

However such inter-agency forums can become merely 'talking shops' intent on retaining their own power bases and ultimately failing to analyse and address the problems faced by local communities. Indeed the tendency to neglect power differentials between various agencies is a serious weakness in this approach. Voluntary and other state agencies may fear that the 'police view' will come to dominate to the exclusion of other interested parties.

Using the experience gained internationally and interstate, Queensland is well positioned to develop and implement a workable Phase 2 type strategy. Phase 1 programs have set the scene and established the need for, and willingness to participate in, community policing. Led by the Fitzgerald initiatives and driven by community involvement and police pragmatism, community policing is set to reform and reshape the application of law and provision of police servicing in Queensland communities.

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This paper was presented at The Police and the Community in the 1990s conference, held in Brisbane in October 1990. This and other conference papers are published in the Australian Institute of Criminology Conference Proceedings No. 5 *The Police and the Community* edited by Sandra McKillop and Julia Vernon, RRP \$20.

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must be a prior cause for disclosure showing its necessity in relation to each individual.

Consequently I do not consider that data-matching as it is practised currently in so many areas of administration can be justified by reference to IPP 11.1)(e). A statutory authority of a more specific kind is necessary.

That said, I do not have the same difficulty where a police agency, for example, seeks assistance in relation to the investigation of crime and has particulars in its possession (e.g. a report that the getaway car was white and had certain letters in the registration number). The agency holding the information may undertake a computer-scan or allow the police to do so, to locate suspects. Here the criterion of 'reasonable necessity' is satisfied.

There is considerable speculation about the meaning and application of several of the Information Privacy Principles.

Over the next year I will be issuing detailed interpretative guidelines on each of the principles and on particular areas of practice such as covert surveillance. I am conscious of the potential administrative impact of these interpretations. But ultimately the law must be respected and observed, regardless of administrative convenience.

Unwelcome interpretations are not incapable of being overcome. Two courses are open: explicit statutory provisions dealing with the area of doubt; or issuance of a waiver in the form of a public interest determination by the Privacy Commissioner which is then examined by Parliament before taking effect. The value of both of these approaches is that they ensure the justifications for a course of activity are aired publicly, with the ultimate decision being taken in Parliament.

Negotiating Justice in the Children's Court

In the adult jurisdiction of criminal justice, much attention has been paid to the informal practice of plea bargaining. This may take one of two forms. It may entail 'sentence indication' or judicial plea bargaining whereby defendants agree to plead guilty because of some indication from the judge that they will, as a reward, receive a more lenient sentence. Or it may involve 'charge bargaining', in which concessions are extracted by defence counsel from the prosecution in exchange for a plea of guilty.

Both practices have been the subject of heated debate. Many regard them as unsavoury and inappropriate activities and, at least in the Anglo-Australian context, their occurrence is not officially acknowledged. In theory, criminal justice is deemed to be a formal and highly ritualised process in which every effort is made to ensure that the accused person is placed in a favourable position in relation to the State. The presumption of innocence, the heavy burden of proof on the Crown, the requirement that defendants need say nothing in their defence, the extensive rules of evidence and procedure and the public nature of proceedings are all designed to ensure that accused persons act freely and are not badgered into incriminating themselves.

Prima facie, plea bargaining would seem to threaten all of these elements of due process of law, because it is an informal and covert practice in which the prosecution offers concessions of some sort in exchange for a guaranteed

admission of guilt. At least on the surface then, it smacks of dubious practices, of the application of undue pressure on defendants to surrender their right to insist on their innocence and have the Crown do all the work. Its essentially secretive nature adds to this slightly sinister aura.

And yet there are many who recognise that the wheels of justice could not turn without a good deal of unofficial give-and-take between the prosecution and the defence. Informal discussions, exchange of information and negotiation would seem to characterise much criminal justice and may contribute significantly to the fact that the vast majority of criminal defendants are expected to, and do, plead guilty. Indeed the wheels of justice would probably grind to a halt were not agreement, concession and the guilty plea normal features of the criminal justice process.

There are also those who would defend the practice of negotiated justice on the grounds that it is often in the interests of the defendant to have the matter dealt with as quickly as possible (guilty pleas tend to be much quicker than trials) and that, with the negotiated plea, the defendant is at least able to improve his or her position by having either some charges dropped or less serious charges substituted. Moreover, supporters of plea bargaining would argue that even in the absence of negotiations between the prosecution and defence, the defendant would still probably opt for the guilty plea as it is generally regarded as the less painful alternative.

Our present concern is to consider the practice of charge bargaining in the Australian context. Here research is piecemeal and a major study has yet to be done. This fact was recognised by the Australian Law Reform Commission in 1980 and it remains the case. A decade ago the Commission was nevertheless

sufficiently apprised of the practice to express the opinion that it was both 'well entrenched and enduring'.

While our understanding of charge bargaining in the adult jurisdiction is fragmentary, in the children's sphere of justice it is virtually non-existent. Given this dearth of information, we decided to inquire into the practice of charge bargaining between lawyers and police prosecutors in the South Australian juvenile justice system. This is an interesting jurisdiction to consider because it is one of the few places in Australia where pre-trial negotiations between prosecution and the defence are sanctioned by the Senior Judge of the Children's Court. This judicial sanction takes the form of a practice direction that whenever a 'not guilty' plea is indicated, the lawyer must seek out and discuss the case with his or her opponent beforehand to determine whether there is any common ground. This direction was issued soon after the inception of the *Children's Protection and Young Offenders Act 1979* when it was found that a number of trials listed for hearing collapsed either at the last minute or during the initial stages of the hearing itself. The result was a considerable waste of judicial and court time. In part, the large number of aborted trials could be attributed to the absence of any existing mechanism for filtering out weak cases. Despite the recommendation of the Mohr Royal Commission in 1977 that committal hearings be introduced into the juvenile justice system, this was not acted upon. Consequently the defence had no opportunity at the pre-trial stage to examine the prosecution case, determine common ground and challenge points of difference. The practice direction was an attempt, it seems, to provide a mechanism, albeit a more informal one than that offered by the committal hearing, whereby the defence could

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evaluate the strength of the Crown case before seeking a trial.

Methodology

Because charge bargaining remains an informal practice, even in South Australia, it is not officially documented. We were therefore obliged to resort to unofficial methods of recording the phenomenon. We asked a children's lawyer with extensive experience of legal practice in this area to record information on all of his juvenile cases finalised over a five-month period from May to September, 1989 inclusive. As part of this record, he detailed all instances of negotiation with the prosecution. These records formed the basis of our study of plea bargaining, along with supplementary information derived from our observations of Children's Court proceedings. Before presenting the findings, however, it should be pointed out that this lawyer worked exclusively in the Adelaide Children's Court. Hence the results apply to that location only and there is a number of reasons (some of which we will discuss later) to suggest that the degree of compromise between prosecution and defence may be somewhat greater in that court than in other locations in the State.

Findings¹

The records revealed that, of the 111 cases finalised during the study period, one half (56) involved at least one disputed charge which required negotiations with the prosecution. Of these, the majority (46) were resolved successfully to the extent that at least some concessions were elicited from the police.

From these figures, it would appear that pre-trial negotiations are highly successful in reducing, if not entirely eliminating, the need for disputed matters to go to trial. It seems, therefore, to be an effective mechanism for converting potential 'not guilty' pleas into admissions of guilt—thereby streamlining the processes of the Children's Court.

A closer examination of the nature and extent of charges negotiated for individual cases however, reveals a rather different picture. Although charge bargaining is undoubtedly endemic to the system of children's justice in South Australia, it may not have as great an effect on the final outcome of cases as one might expect. The reason lies in the nature and seriousness of the dispute.

A more detailed analysis of the data reveals that of the 56 negotiated cases,

the majority (32) involved relatively minor areas of disagreement which were rapidly resolved 'on the spot' during a brief casual conversation between the lawyer and prosecution during the few minutes prior to the Court hearing. In these cases, the defendant was usually charged with a number of offences and was willing to admit guilt to all but one or two of them. Often the main point of contention was that of 'back-up' charging, where one count was implicit in a second, more serious count (for example, minor possess and minor consume liquor). In nearly all of these cases, the prosecution, having already been assured of guilty pleas to the other charges, was quite willing to withdraw the backup charge. In effect, then, the negotiated changes were merely cosmetic, involving no major gains or losses for either party, and no major re-routing of the course of justice.

There was nevertheless, a core of disputes which was crucial to the outcome of the case and which, when successfully resolved, brought significant benefits to the accused. Of the 56 negotiated matters, 24 fell within this category. Here, the defendants were charged with usually only one or two counts and indicated their intention to dispute either one or both of them. Failure to reach agreement almost invariably meant a contested hearing. For both sides, therefore, the stakes were high. Because of the small number of charges involved, there was little room for manoeuvre on the part of the defence or the prosecution. Any concessions granted by the prosecution, whether these entailed the withdrawal of the disputed charge or the substitution of a less serious one, meant substantial gains for the defendant. Negotiations were therefore conducted in a fairly formal manner, over a protracted period, with the defence counsel usually outlining his client's position in writing and the prosecution then calling for a full police brief and, where necessary, obtaining further statements from witnesses or victims. Generally the prosecution was unwilling to concede ground during the initial stages of negotiation. But in the end, concessions were usually made: in 16 of these 24 matters, bargains were struck and a trial averted. Since this often involved the withdrawal of all charges, the benefits to the accused were considerable.

Overall, these findings reveal quite clearly that, in the central Children's Court in Adelaide, pre-trial negotiations are not only relatively common but are also highly successful, in the sense that most disputes are resolved without the need to resort to a trial.

Although we have yet to collate our empirical evidence, preliminary observations conducted in the central Children's Courts of Sydney and Perth suggest that the level of charge negotiations may not be as high in these places. This prompts us to ask, What

features set Adelaide apart? What is it about juvenile justice in Adelaide which is conducive to charge bargaining?

Our preliminary analysis suggests that the structure and the modus operandi of the police prosecution are relevant factors. In Adelaide, there exists a specialised Juvenile Prosecutions Unit within the Police Department, headed by a Chief Superintendent and staffed by a small group of prosecutors. Because they deal exclusively with juveniles, they become familiar with, and are, in general, prepared to function in accordance with the mixed justice/welfare philosophy expounded in the governing legislation. Although they are in sympathy with those policy sections of the Act which stress the need to protect the community and to make young people aware of their responsibilities, Adelaide prosecutors revealed to us that they also recognise and appreciate the importance of the Act's rehabilitative goals and are usually willing to respond accordingly. As one interviewee expressed it 'Even though I'm a police prosecutor, I'm not a persecutor. I've been around for long enough to be more concerned with the truth of the matter ... than I am with going along and getting scalps.'

By contrast, in certain other jurisdictions, such as Perth, the prosecution of juveniles is not regarded as a specialist function. Instead, prosecutors are assigned to the Children's Court on a rotational basis and so may not have the opportunity to become well versed in the ways of the court or in the philosophy of children's justice. There may, therefore, be a greater tendency for these prosecutors to function more as they would in an adult court, where an adversarial style, rather than compromise is more common and where punishment rather than rehabilitation assumes priority.

Another important feature of juvenile prosecution in Adelaide which may facilitate the process of negotiation is the existence of clear policies and guidelines which must be followed by prosecutors when deciding whether to proceed with the charges. In cases involving fairly trivial matters where no repercussions are envisaged (for example, where back-up charges are in dispute) the prosecutor handling the case is free to use his or her own discretion and withdraw a charge. In more serious cases, however, negotiations are conducted by one of the two supervising prosecutors in the Juvenile Unit and any decision which they make not to proceed with a charge must, in turn, be ratified by a commissioned officer (normally the head of their unit).

This process ensures accountability (something which police are particularly concerned about) and allows prosecutors to 'protect their backs' against complaints from the community. It also affords them a degree of independence and protection from officers on the street. As one prosecutor

1 For a more detailed presentation of these results, see Wundersitz, J. & Naffine, N. 1990, 'Pre-Trial Negotiations in the Children's Court', *Australian and New Zealand Journal of Sociology*, vol. 26, no. 3, November.

in Adelaide observed, operational police often lack an understanding of the purposes of children's justice and may therefore be unduly critical when prosecution decides not to proceed with the original charge(s). Accordingly, though the views of the apprehending officer may well be sought (partly out of courtesy and partly to determine whether there is any additional evidence which was not contained in the original brief), the guidelines make it clear that the decision rests entirely with the Prosecution Unit. In sum then, the existence of clear negotiation procedures and the degree of protection which they afford to individual prosecutors may well contribute to the high levels of negotiation in Adelaide.

Again, the situation in Perth seems to be different. Here, our preliminary fieldwork suggests that prosecutors usually seek the approval of the apprehending officer before they are willing to change the original charge(s). Not only may this lead to fewer and more protracted negotiations, but it also means that, depending on the degree of influence exerted by operational police, negotiating decisions may not always accord with the philosophy of the juvenile legislation.

The presence of a small number of full-time, permanent, salaried public lawyers also tends to facilitate agreement between the parties in the Adelaide Children's Court. Until recently, the bulk of the cases coming before this court was handled by only two lawyers who had occupied their positions for over eight years. The same small group of prosecutors therefore interacted, on a daily basis, with the same small group of lawyers. Over the years, a relationship of trust seems to have evolved between the two groups which undoubtedly fosters an atmosphere of compromise and cooperation. One lawyer for example, commented: 'In my experience, the police prosecutors at the Children's Court, probably because they have a lot more dealings with a smaller group of lawyers, develop more of a trust relationship and they are prepared to give us information in order to try and resolve things. They'll show us records of interview which in the adult courts we never get to see'.

By contrast, at the central Children's Court in Perth and in Sydney, there are no public lawyers based there full-time. Instead, private lawyers are listed on a rotating roster, attending the Children's Court possibly only once a month. As a consequence, they are less well placed to develop a close rapport with prosecutors. Both lawyers and prosecutors interviewed in Sydney have confirmed that the duty lawyer scheme tends to impede the development of close working relations between police and defence counsel. In Perth, the regular movement of prosecutors between the adult and the juvenile jurisdiction has a similar effect. This may

help to explain why there seem to be fewer negotiations between the two parties in these two states.

Conclusion

Negotiations would seem to be a normal part of children's justice in Adelaide. There is also evidence to suggest that they are more prevalent here than in the other jurisdictions considered. Whether this is a positive feature of children's justice is open to debate. At this stage, we remain agnostic about the practice of charge-bargaining in the children's sphere of justice. It is possible to identify clear costs and benefits for the young defendant. It is true that it is a covert and informal process which is therefore susceptible to abuse. It is also likely to constitute a real inducement to young people to surrender their rights—and with children, little pressure needs to be applied for this to happen.

On the other hand, charge bargaining can confer real benefits on the young defendant. As a general principle, it is probably in most people's interests if there is an open dialogue and exchange of information between the parties, even if it is only just to ensure that each party knows what to expect from the other and so can better prepare their own case. Such open dialogue then forms the necessary precursor to charge bargaining which may result in a lesser charge or fewer charges being laid, both of which represent obvious gains for the child offender.

Acknowledgements

This research was funded by a grant awarded to Professor Fay Gale by the Australian Research Council. The support of Professor Gale is gratefully acknowledged.

Two recent Australian Institute of Criminology Conferences

Kayleen Hazlehurst*

'Healing our people' Aboriginal Forum

This conference, held in Alice Springs between 2-5 April 1991, was structured as a series of talks, panels, and practical workshops, designed to bring to participants new skills and strategies for community-based solutions. The conference was organised by Institute staff with the support of an Aboriginal Advisory Committee comprising of Aboriginal representatives from Canberra and Alice Springs. There were about 50 speakers and workshop leaders and, with the exception of seven—three of whom were Canadian Indian—all presenters were Aboriginal and Torres Strait Islanders.

The three Canadian guests were Andy and Phyllis Chelsea from Alkali Lake, British Columbia and Eric Shirt, from Edmonton, Alberta. Through videos and workshops the Chelseas shared with the forum the Alkali Lake experience of how whole communities can become functioning and prosperous through sobriety. As a founding member of Poundmakers Lodge centres in Alberta, Eric Shirt described how Native-run and culturally relevant alcohol treatment centres have been most effective in freeing hundreds of Canadian Indians from addiction. (Mr Shirt will be visiting Australia to discuss further with Aboriginal organisations the setting up of similar Aboriginal treatment centres.)

The purpose of the conference was to examine practical ways of re-empowering

Aboriginal and Torres Strait Islander people to take charge of local problems and to play an assertive and active role in implementing community-based solutions. Community ownership of community solutions, and the nurturing of local talent and skills, were central to the objectives of this conference.

There was a strong emphasis upon holistic and preventative approaches. Topics presented included issues of treating alcohol and drug addiction, healing inter-personal and family fighting, and of developing innovative programs for offenders and victims—particularly juveniles. Issues of community and bush policing, alternative dispute resolution for communities, correctional and post-release programs and health were also discussed.

A copy of the program and a set of handouts from the conference can be purchased for \$12 from the Conference Unit, Australian Institute of Criminology, GPO Box 2944, Canberra, ACT 2601.

Boronia Halstead*

Public Policy and the Sex Industry Conference

The Sex Industry and Public Policy conference was held over three days, 6-8 May 1991 in Canberra.

Representatives of 'prostitutes' rights groups, brothel management, church groups, academics, the pornographic video industry, the Australian Film Censorship Board, local government

and others attended. The conference was well timed as five state governments are currently reviewing policy with regard to the possible decriminalisation of prostitution, and some others are reconsidering particular aspects of prostitution regulation.

Community health issues stemming from the spread of AIDS in the community have put pressure on governments to rationalise policy in this area. This pressure has also highlighted the role of prostitutes' rights groups as a channel between policy makers and sex workers. This interaction generated vigorous debate throughout the conference. For many policy makers it was a unique opportunity to speak with sex workers personally and consider issues from other points of view apart from their own immediate policy area. Preconceptions were challenged and stereotypes broken down.

A central theme throughout the conference was the movement from a commercial sex as sin perspective, to the notion of commercial sex as work. A preoccupation with criminalisation and marginalisation of prostitution was contrasted with emphasis on industrial issues and mainstreaming of sex work.

The keynote address was given by Professor Berl Kutchinsky from the University of Copenhagen, Denmark in a paper entitled 'Pornography, Sex Crime and Public Policy'. The paper considered the impact of the legalisation of pornography in Denmark, Sweden and West Germany on the incidence of rape in those countries over a 20 year period from 1964-1984. No significant impact could be demonstrated. Access to pornographic material via subscriptions to on-line computer services and the ramifications for controlling such access were also discussed.

The conference provided the opportunity for rethinking many aspects of policy and the sex industry, and initiated dialogue between agencies which may have previously been in conflict or misinformed. Future developments in public policy will be able to use this dialogue as a springboard to the development of more practical regulation.

Papers from this conference will be published in the Australian Institute of Criminology Conference Proceedings series.

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* Research Officer, Australian Institute of Criminology

New Publications

Australian Institute of Criminology

GPO Box 2944, Canberra, ACT 2601

Vernon, Julia and Francis Regan (Eds), 1991.

**Conference Proceedings No. 3
Improving Access to Justice: the
Future of Paralegal Professionals**
ISBN 0 642 15714 6. 168 pp. \$20.00.

Discusses the significant role of paralegals in the community and in many law practices. Their specialist skills provide a viable alternative method of legal service delivery. Training and accreditation of paralegals and their relationship to and interaction with the legal profession are discussed in detail.

Chappell, D., Grabosky, P. and Strang, H. (Eds), 1991.

Australian Violence: Contemporary Perspectives
ISBN 0 642 15763 4. 334 pp. \$30.00.

Papers delivered at the National Conference on Violence, convened by the National Committee on Violence in Canberra in October 1989. Topics covered include Perceptions of Violence on Television; Socioeconomic Determinants and Masculinity; and Patterns of Homicide in Victoria.

Perkins, Roberta, 1991.

Working Girls: Prostitutes, Their Life and Social Control
(Series: Australian Studies in Law, Crime and Justice)
ISBN 0 642 15876 2. 480 pp. \$40.00.

Working Girls is a major contribution to the literature on the issues surrounding prostitution. It presents an analysis of prostitution laws throughout Australia and includes detailed findings from a survey of Sydney prostitutes. Excerpts from in-depth interviews are included, giving a new insight into their lives. Apart from this original material, Roberta Perkins reviews a vast literature on the subject of prostitution.

Tomasic, Roman, 1991.

Casino Capitalism? Insider Trading in Australia
(Series: Australian Studies in Law,

Crime and Justice)
ISBN 0 642 15877 0. 174 pp. \$30.00.

A revealing insight into insider trading in Australia. Officials, brokers, merchant bankers, partners in law firms, financial advisers, financial journalists and many others were interviewed and invited to offer their perceptions of the incidence of insider trading and to comment on the effectiveness of regulation in the industry.

Annual Reports 1991

Australian Institute of Criminology
\$15.00.

Criminology Research Council
\$10.00.

Trends and Issues in Crime and Criminal Justice
General Editor, Paul Wilson
ISSN 0817-8542
(Subscription \$30.00 per annum)

No. 29, Bull, M., Pinto, S. and Wilson, P., January 1991.
Homosexual Law Reform in Australia
ISBN 0 642 15882 7.

No. 30, Halstead, Boronia, and Wilson, P., March 1991.
'Body Crime': Human Organ Procurement and Alternatives to the International Black Market
ISBN 0 642 15899 1.

No. 31, Easteal, Patricia, April 1991.
Women and Crime: Premenstrual Issues
ISBN 0 642 16022 8.

Sydney University, Law School

173-75 Phillip Street,
Sydney NSW 2000

Mackinolt, John and Judy (Eds), 1991.
A Century Down Town
\$60.00.

The story of the first 100 years of the Law School of Sydney University, it includes chapters by Emeritus Professor Bill Morison, Professor Richard Vann, law historian, J.M. Bennett, and former Director of the University Institute of Criminology, Gordon Hawkins.

The Law Book Company Ltd

44-50 Waterloo Road
North Ryde NSW 2113

Dean, Robert, 1990.
The Law of Trade Secrets
0455 208 069. 1629 pp. \$125.00 (hard cover)

A comprehensive and definitive statement on the law in relation to the

protection of secret commercial, governmental, artistic and personal information.

Jacob, Sir Jack and Goldrein, Iain, S. (Eds), 1990.

Pleadings: Principles and Practice
13th edition
ISBN 0 421 40760 3. \$215.00. (hard cover)

This book illustrates how to draft and adapt pleadings for the High Court and County Courts. It includes chapters on Formal Requirements of Pleadings, the Statement of Claim, Default of Pleadings and Parties and Pleadings. It also includes four appendices from experts in their respective fields: Alastair Mennie (Scotland), Dr Volker Triebel (West Germany), Michael V. Ciresi (USA), and Dr Philippa Watson (European Court of Justice).

Dickey, A., 1990

Family Law,
2nd edition
0455 210 020. 756 pp. \$110.00 (hard cover)
0455 210 039. 756 pp. \$85.00 (soft cover)

This work covers the whole area of family law—Commonwealth, State and Territorial aims not simply to describe the various statutory provisions and common law rules, but also to indicate and examine the underlying principles which they display.

Gifford, D., 1990.

Statutory Interpretation
0455 209 391. 209 pp. \$39.00 (soft cover)

A fresh approach designed to clarify many of the difficulties faced by the practising lawyer. The author examines the general approaches to statutory interpretation and looks in detail at the many rules developed by the courts over the years.

The Federation Press

PO Box 45
Annandale NSW 2038

Brown, David, Farrier, David, Neal, David and Weisbrot, David, 1991.
Criminal Laws
ISBN 1 86287 024 1. \$90.00. (\$87.50 if cheque with order)

This work provides a detailed analysis of the Criminal Laws in the State of New South Wales, and exposes the rules of the substantive criminal law in their historical, procedural and contemporary social context. The topics include the Criminal Process, Public Order, Drug Offences, Homicides and a chapter on the effects of the 'Truth in Sentencing' legislation.

CCH Australia Ltd

PO Box 230
North Ryde NSW 2113

January 1991.

Australian Corporations and Securities Legislation

Volume 1

Corporations Law, 2nd edition

1706 pp. \$41.00, or \$36.00 payment with order.

Provides the full text of the new Corporations Law and State application legislation. Comparative notes between the Companies codes and the new Law are incorporated into the text.

Volume 2

Regulations and Other Legislation, 2nd edition

450 pp. \$22.00, or \$19.00 payment with order

Contains the Corporations Regulations and other related legislation, such as the Fees Regulations, the *Australian Securities Commission Act*, Foreign Takeovers legislation and Foreign Corporations legislation.

La Trobe University Press

La Trobe University
Bundoora Vic 3083

Grbich, Judith (Ed.)

Feminism, Law and Society

ISBN 1186 324 404 2. \$13.95.

Includes articles by Kerry Carrington, Adrian Howe, Ann Blake, Bridget Brooklyn, Philipa Rothfield and Sandra Berns. The contributors issue challenges to the study of law and society. Some of the areas covered are female delinquency, women and prison, crime fiction and divorce.

Conferences & seminars

Australian Institute of Criminology

1991 Program:

20-23 August Gold Coast	Fraud Conference
24-26 September Sydney	Women in Crime & Criminal Law
29-31 October Melbourne	Serious Violent Offenders: Sentencing, Imprisonment and Release
26-28 November Melbourne	Local Government Creating Safer Communities
1-6 December Adelaide	The Window of Opportunity — First National Congress: An Intersectoral Approach to Drug Related Problems in our Society

For further information about any of these Conferences, please contact:

Conferences Section
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601

Tel: (06) 274 0226 or (06) 274 0223

National Crime Authority

The Presentation of Complex Corporate Prosecutions to Juries
22-24 July 1991, Melbourne

This Conference deals with one of the key questions that has bedevilled the pursuit of white-collar crime. The Commonwealth Director of Public Prosecutions, Mark Weinberg QC, will be the keynote speaker. Others include Allan Green QC, Director of Public Prosecutions in England, and Barbara Mills QC, Director of the Serious Fraud Office in England.

For further information, please contact:

Cath Mukhjar
National Crime Authority

Tel: (03) 412 1111

Australian Crime Prevention Council

Biennial Conference

2-6 September 1991, Wollongong

Some of the likely topics for discussion at the Conference include:

- Youth and unemployment
- The elderly as victims
- The problems for the disabled
- Child abuse
- Domestic violence
- Drugs

For further information, please contact:

The Secretary
ACPC Conference Committee
GPO Box 231
Sydney NSW 2001

Australasian Law Reform Agencies

Conference

6-7 September 1991, Clarendon, South Australia

For further details please contact:

Barry Hunt Tel: (02) 231 1733
Fax: (02) 223 1203

The Australian Institute of Judicial Administration Incorporated

Annual Conference

6-7 September 1991, Hindley International Hotel, Adelaide

Conference programs and information about the Conference can be obtained from:

Mrs Margaret McHutchison
AIJA Secretariat
95 Barry Street
Carlton South
VIC 3053

Tel: (03) 347 6815/18

Law Council of Australia

27th Australian Legal Convention Reflections

8-12 September 1991, Adelaide

For further information, please contact:

The Conference Secretary
27th Australian Legal Convention
c/o The Law Society of SA
GPO Box 2066
Adelaide SA 5001

Fax: (08) 231 1929

Australian and New Zealand Society of Criminology

Annual Criminology Conference 2-4 October 1991, University of Melbourne

The themes of this Conference include: Reform of the Criminal Justice System (the keynote address is to be delivered by John Braithwaite on 'A Republican Criminological Reform Agenda'); Ethical Issues in Crime and Criminology (the keynote address will be given by Mark Weinberg, QC, on 'Legal and Ethical Issues in the Prosecutions of War Crimes in Australia'; and 'Crime': "Old" and "New" (the keynote address by Professor Judith Allen will be on aspects of the image of women criminals over time. Professor Don Gibbons of Portland, Oregon, will be also be speaking at the Conference.

For further information, please contact:
Kathy Laster or Christine Alder
Department of Criminology
The University of Melbourne
Parkville Vic 3052
Tel: (03) 344 6801
Fax: (03) 344 7894

Anglican Province of WA, Catholic Social Justice Commission and the Uniting Church in Australia

Prison: The Last Option 18-19 October 1991, Sheraton Hotel, Perth

The objective of this Conference, to be chaired by Sir Ronald Wilson, is to draw together the churches, the decision makers and the practitioners from the branches of the judicial system, politicians, and leading members of sectional welfare and interest groups to discuss the treatment of offenders and their victims. Topics include: use of imprisonment; community based sanctions; an Aboriginal perspective; and a Christian perspective.

For further information, please contact:
Reverend H. Entwistle
Committee Chairman
7 Silvertop Terrace
Willetton WA 6155

Overseas

Society for the Reform of Criminal Law Equality in the Administration of Criminal Justice: Gender, Race and Class 5-9 August 1991, Edinburgh, Scotland

For further information, please contact:
Society for the Reform of Criminal Law
130 Albert Street
Suite 1519
Ottawa, Ontario, Canada K1A 0L6

Tel (613) 996 2417
Fax (613) 996 4294

National Crime Prevention Institute 1991 Training Schedule

All the following courses will be held in Burhans Hall on the University of Louisville's Shelby Campus, 9001 Shelbyville Road, Louisville, KY, USA

September 1991:

- 9-27 Sept — Crime Prevention Theory, Practice and Management,
- 16-17 Sept — Security Litigation, Research & Evaluation Techniques,

October 1991:

- 7-18 Oct — Crime Prevention Technology & Programming
- 15-18 Oct — Tactical Crime Analysis
- 21-25 Oct — Crime Prevention Through Environmental Design
- 28 Oct-1 Nov — Ritualistic, Satanic & Sex Crimes: Detection, Reduction & Prevention

November 1991:

- 4-15 Nov — Crime Prevention Technology & Programming
- 11-13 Nov — Fraud, Con Games and 'Gypsy Crime' Prevention
- 18-22 Nov — Contemporary Crime Prevention Strategies

December 1991:

- 2-6 Dec — Terrorism: Prevention, Planning and Preparing

For further information on any of the above courses, please contact:

Admissions
National Crime Prevention Institute
Shelby Campus
University of Louisville
Louisville, KY 40392 USA

Tel: (502) 588-6987
Fax: (502) 588-6990

CCJA and BCCJA of Canada Congress '91 23rd Congress on Criminal Justice 8-11 October 1991, Victoria, British Columbia, Canada

The themes of this Conference are: Access to Justice; Equality in Justice; and Safety in a Changing Society.

For further details, please contact:

Congress '91 Registration
816 Government Street
Suite 323
Victoria, BC V8W 1W9
CANADA
Tel: (604) 363-3267

Western and Pacific Association of Criminal Justice Educators Annual Meeting 17-19 November 1991, Reno, Nevada

Faculty, practitioners, researchers and students in the criminal justice field will be interested in this conference.

For further information, please contact:

Charlotte Shiangpyun Wang
WPACJE Conference Chair
Administration of Justice
Department
San Jose State University
One Washington Square
San Jose, CA 95192-0050 USA
Tel: (408) 924-2949

Cuban Attorney General's Office and the Cuban Society of Penal Sciences (National Union of Lawyers of Cuba) 1st International Meeting on Legal Protection of the Environment 19-21 November 1991, Havana International Conference Center

This conference will strengthen scientific, cultural and human relations among specialists and researchers working in this field, and will further the development of legal protection of the environment in the respective countries. Topics will include: international cooperation and legal protection of the environment; peculiarities of the legal protection of the environment in big cities; and environmental pollution as a non-conventional crime. The scientific program will include plenary sessions, round tables, and special lectures by scientists on major aspects of their work.

For registration and conference details, contact:

Miguel A. Garcia Aizugaray
J'Dpto. Relaciones Internacionales
Fiscalia General
San Rafael No. 3, Habana 2
Havana, CUBA
Tel: 62-0681, 62-9506 and 62-0866

International Police Association World Congress 27 November-3 December 1991, Wellington, New Zealand

For brochure please contact:

International Police
Association World
Congress
Police National HQ
PO Box 3017
Wellington, NEW ZEALAND

NEWS

Foundation Chair of Criminology

Professor Arie Frieberg has been appointed to the University of Melbourne's Foundation Chair of Criminology.

After taking his Bachelor of Law Honours and Diploma in Criminology at the University of Melbourne, Professor Frieberg gained a Master of Laws at Monash University. Professor Frieberg spent 14 years at Monash University, most recently as a Reader in the Faculty of Law. Dr Frieberg's main areas of research and publication are sentencing, confiscation of the proceeds of crime and tax compliance. In the early 1970s Dr Frieberg was a Senior Research Officer at the Australian Institute of Criminology. He has been a consultant to state and Federal governments on sentencing law and spent a year with the national Director of Public Prosecutions.

New Institute Director of Research

Dr Paul Wilson, Assistant Director (Research and Statistics), leaves the Institute at the end of June to take up the post of Dean of the Faculty of Arts, Queensland University of Technology. Dr Peter Grabosky, Senior Criminologist, Australian Institute of Criminology will be Acting Director of Research effective from 1 July 1991.

Griffith University Foundation Dean of Law

Dr Charles Sampford has been appointed foundation professor and Dean of Law of Griffith University. Professor Sampford has an international reputation as a legal philosopher, constitutional theorist and legal educationist.

Award to Institute Board Member

Professor Gordon Hawkins, Member of the Australian Institute of Criminology Board of Management, has been awarded the American Society of Criminology's Sellin-Glueck Award. This Award recognises outstanding scholarly contributions to the discipline of criminology by a non-North American criminologist. Gordon Hawkins will be presented with the Award at the 1991 Annual Meeting of the Society to be held from 20 to 23 November in San Francisco, California, where, as recipient of the award, he has been invited to give an address.

Visitors to the Australian Institute of Criminology

Professor Roman Tomasic, Head of the Department of Law at the University of Canberra, has been on study leave at the Institute from March to May 1991. Professor Tomasic has been working on a number of research projects in the area of corporate law and corporate crime. Professor Tomasic's new book, *Casino Capitalism? Insider Trading in Australia*, based on a project funded by the Criminology Research Council, has just been released by the Institute.

Mr Richard Sikani, a senior officer of the Papua New Guinea Correctional Service, will be on secondment to the Institute during 1991. Mr Sikani will be developing an improved system of correctional statistics for the Papua New Guinea Correctional Service.

Dr Edna Erez, Associate Professor of Criminal Justice Studies at Kent State University in Ohio, visited the Institute from mid-March until the end of May. Dr Erez's special area of interest is victimology.

Dr Robert Andry visited the Institute for two days in February 1991. Dr Andry gave an informal talk on criminology in Hong Kong. Dr Andry was Deputy Commissioner of Corrections in Hong Kong and now teaches at the Chinese University of Hong Kong.

Defamation Law

Progress towards achieving uniform defamation law in Australia's east coast mainland states was outlined by the Queensland Attorney-General, Mr Dean Wells, in an address to the Law and Society conference held recently at

Griffith University. The Attorney-General said that he and his counterparts in New South Wales and Victoria had agreed to agree on uniform principles for defamation legislation.

New Centre for Public Safety and Security

The Griffith University is establishing a Centre for Public Safety and Security to meet an increasing demand by public and private security organisations for programs of professional training and research. The Centre will be located in the Division of Education, which from this year will be providing a Bachelor of Arts degree in Justice Administration and an Advanced Certificate in Policing. In addition to the development and provision of a wide range of tertiary award and non-award courses, the Centre will convene conferences, seminars and open forums on matters of public significance in relation to public safety and security.

Occasional Seminars

The first of the Institute occasional seminars for 1991 was held on 31 January. Lorna Smith, a leading Home Office researcher specialising in the study of violence, spoke on contemporary research on violence in the United Kingdom.

The second seminar was given by Professor Peter Unsinger on 14 March. Professor Unsinger is a Professor of the Administration of Justice Department, San Jose State University, California. Professor Unsinger spoke about the effects of litigation on police training procedures.

The third seminar on the topic: Policing in Queensland: Changes for the 1990s, was held on 22 March. Dr Dalglish is the Manager of Corporate Planning, Queensland Police Service. In this seminar, Dr Dalglish explained the changes being brought about within the Queensland Police Service following the *Fitzgerald Report*, and identified particular organisational issues that needed to be addressed in the reform process.

The fourth seminar was given by Dr Edna Erez on 20 May. Dr Erez is Associate Professor of Criminal Justice Studies at Kent State University in Ohio. Dr Erez spoke on the topic: Victim Impact Statements: much Ado about little Impact.