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done about
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guidelines and/or outline of submissions
should be addressed to:

The Editors
Criminology Australia
GPO Box 2944
CANBERRA ACT 2601
phone [06] 274 0255
fax [06] 274 0260

Editorial Board

Director: Professor Duncan Chappell
Editors: Angela Grant and Merril
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Editorial Adviser: Professor John
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John Braithwaite*

Los Angeles and the pathologies of Criminal Justice?

Is the American criminal justice system more a cause of crime than a protection against it? The aftermath of the Rodney King case shows just how open a question this is. The question has long been asked in the capital punishment debate. For some time now, majority opinion among the world's criminologists has been that capital punishment probably causes more loss of life than it saves. We know that the marginal increase in deterrent effect from legislating for capital punishment is not significant in most studies. And we cannot be sure about the cost of life ensuring from the state approved message that when you have a legitimate grievance against a wrongdoer, violence is an appropriate way to deal with the problem.

Even when the system 'works best', for example through tough enforcement that drives violent drug dealers out of a neighbourhood, we can question whether America is made safer by the accomplishment. Does the disrupted drug distribution network just move onto another location? When it does, we know this will often involve invading the turf of another network. The result can be a spree of murders between the two networks. Good thing, some might say, when drug dealers kill each other off. But we know that drug wars are prosecuted with shocking recklessness. Killing the wrong person on mistaken identity does not seem to trouble these people deeply and children are sometimes caught in the cross-fire.

However bad the worst young offenders are, locking them up in an institution can make them even worse — angrier and better trained in the criminal skills when they return to the streets.

Recent evidence from Lawrence Sherman and his colleagues (1991)

suggests that mandatory arrest policies for domestic violence offenders may actually be increasing domestic violence in a black community where heavy-handed police intervention just increases the anger of black males. Feminists have bought a simplistic analysis on mandatory arrest that may be responsible for many black women and children suffering at the hands of violent males.

It is an open question whether fear of the police is as serious a problem in the black community as fear of crime. As one Los Angeles mother said the day after the King verdict: 'In 1992, my fear when my 16-year old son goes out at night isn't that he'll run into a criminal but that he'll run into the police.'

I do not raise these kinds of doubts about whether the criminal justice system does more harm than good because I think we should be engaged in a debate about abolishing it, but the doubts are deep enough to justify search for a new criminal justice paradigm. More of the same is a prescription for despair.

Admittedly, the big lesson to draw from the Rodney King case and its aftermath is not about the criminal justice system at all. It is about the need to respond to the desperate problems of America's cities — racism, obscene inequality between rich and poor, and the abandonment of the central cities by public and corporate policymakers. If it wants to tackle the problems of violence, America needs a visionary new leadership with a long-term plan to wear these problems down during the early decades of the twenty-first century.

But the malaise of the American criminal justice system is also a real part of the problem, even if it is not the central plank of a solution. It is time to recognise that it, like other Western criminal justice systems, is an abject failure. In fact, the criminal justice system stands out as the greatest failure of any of America's institutions.

President Bush pleaded for a stop to the rioting in Los Angeles with the words: 'The court system has worked and what's

needed now is calm and respect for the law.' But is the American criminal justice system worthy of respect? As an Australian criminologist with a deep affection for the people of the United States and for many of its other institutions, the thing that moved me in the Australian television coverage of the King case was the black prosecutor saying, like President Bush, that this was how our system worked and he believed in the system. How could he be saying that the system had worked when outside the window his city was burning?

I will outline three pathologies of the American criminal justice system that are illustrated by the King case: excessive individualism, neglect of shame as the soul of the criminal process and failure to set healing as an objective of the system. I will argue that the Maori people have shown white New Zealanders a practical path to remedying these pathologies of Western justice in the context of a contemporary urban Anglo-Saxon society.

These changes in New Zealand came from below — out of the frustration of Maori families with the way the Western state disempowered them through the criminal justice system. The path of transformation that the Maori people show us is not an easy one. It offers no panacea, no cookbook that allows Americans to add Maori solutions and stir. Americans of colour must assert their own ways of redesigning criminal justice institutions. Reform in the United States, as in New Zealand, will be better if it comes from below. My suggestion is that there are some principles that different American ethnic communities can draw from the wisdom of the Maori, while adapting those principles to their own special circumstances and traditions. Maoris learn from Americans, so why cannot Americans open their minds to learning from the Maori?

In the report prepared by Maori leaders that led to the radical transformation of the New Zealand juvenile justice system, the Maori critique of Western criminal justice was forceful:

* Professor of Law, Australian National University

'Imprisonment typified the Western response — the equation of individuals with animals distanced from their communities but later to be inflicted back on them. (Report of the Ministerial Advisory Committee 1986)

First, we must explain why the King case illustrates the three pathologies — individualism, neglect of shame and healing — which I will argue are better addressed by the contemporary Maori philosophy of criminal justice, particularly as it is manifest in metropolitan Auckland.

Individualism

An important, and apparently effective, part of the defence of the four Los Angeles police officers was that they were reacting to Rodney King with the force which they had been trained to use. Now I do not want to accept for a moment that this excuses the evil of their individual acts of violence. There is an important legal implication, however. If this was criminal violence, and if the individual perpetrators were not responsible on grounds that they were simply doing what they had been trained to do, then the Los Angeles Police Department was responsible for the crime as an organisational criminal. Indeed, there can be little dispute that the violence was an organisational, an institutional, problem.

In such cases we are likely to find that the truth is that neither the individual perpetrators nor the organisation is innocent of the violence. When bad things are done in contemporary societies, increasingly they are done at the hands of organisations. We become progressively more an organisational society as the organisational birth rate has been exceeding the human birth rate for many years now. Less and less do we

rely on individuals, more and more we rely on organisations to protect us, feed us, educate and entertain us. In a world where organisational action increasingly supplants individual action, we are stuck with a criminal law locked into the ideology of individualism.

Radical reform of the criminal law is needed to remove the impediments to an institutional analysis of serious crime. In cases like the King assault, Professor Brent Fisse and I have developed a new model of the criminal process for getting to the heart of the problem (Braithwaite & Fisse forthcoming). The first step would be to lay criminal charges against the Los Angeles Police Department as an organisation. Already, we are up against the first impediment to our proposal — the pernicious doctrine of crown immunity that the United States inherited from Britain. When America had the good sense to declare itself a republic, it did not have the sense to rid itself of the monarchical doctrine of crown immunity.

Having laid the criminal charge of assault against the Los Angeles Police Department, the court would quickly come to the conclusion that the actions required for an assault had occurred. But it would defer judgment on who, if anyone, was responsible for these actions. In the legal jargon, it would stop at proving the *actus reus* of the offence without going on to assess *mens rea* for the crime. The act of assault would be proved, but whether there was a guilty mind, whether there was corporate or individual criminal culpability for assault, would be left untested.

Instead, at this point, the Los Angeles Police Department would be sent away by the judge to prepare a thorough self-investigation report on all matters relevant to the assault, probably with the assistance of independent counsel

approved by the court. The self-investigation report would be required to identify all the institutional pathologies that contributed to the offence — the racism of the police culture, deficiencies in the training, defective policies and standard operating procedures, disciplinary and accountability breakdowns within the organisation, supervisory failures, and finally, individual responsibility. A public report would identify the individuals found by the investigation to bear some responsibility for the wrongdoing (not restricted to criminal responsibility) and would summarise the disciplinary action, or lack of it, that had been taken by the organisation against those responsible.

This general approach of enforced self-investigation has many precedents in police complaints management and business regulation. It is not really a foreign idea to the US state; it is just an idea that has not been systematically exploited in the work of criminal courts.

The thrust of the approach is to hold individuals responsible for their part in the wrongdoing while averting the usual problem of selected individuals being scapegoated for what is a deeper organisational malaise. To this end, Fisse and I propose in our forthcoming book on this model a number of procedural reforms to safeguard against scapegoating (Braithwaite & Fisse, forthcoming).

Once the court received the self-investigation report from the Los Angeles Police, it could react in three ways. It could decide that the report and the organisational reform in response to it were not done with satisfactory thoroughness. So it could be sent back to be done again. The judge could decide that no amount of pressure and supervision from the court would cause the Los Angeles Police Department to reform and discipline itself, so it would proceed with the criminal trial against the Police Department or individual officers of the Department, or both, with appropriate sentences being imposed should convictions be obtained. Or the court could decide that the report indicates that a good start has been made on disciplining officers responsible for violence and on cleaning up the institutionalised racism within the organisation. The court could then settle on a long-term plan of action to continue this process of reform, with provision for independent audits of progress in implementing the plan to be reported periodically back to the court.

The philosophy behind this model is to hold responsible all who are responsible (be they individuals or organisations) and to emphasise requital through reform and self-discipline. These might seem radical new principles, but they are in fact old from the perspective of Maori and many other cultures around the world. Unfortunately, they are principles that



Guns on the streets of Los Angeles.
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have in many places been crushed by the individualism of the criminal justice policies of the North Atlantic powers. The Western idea of corporate criminal liability is a narrow one. It excludes, as we have said, holding the Los Angeles Police Department responsible or a subunit (a tribe) of that Department collectively responsible.

Western individualism sought to crush Maori ideas of collective shame-based social control focused on kin-organised political units — the *whanau* and *hapu*. From the crushing of collectivist legalism among the clans of the Scottish highlands to the peoples of the African plains, the agenda of Western legal individualists has been prosecuted with no casualness of commitment. In the case of the Maori, Sir Francis Dillon-Bell, a distinguished 19th century politician, expressed his commitment clearly enough: 'The first plank of public policy must be to stamp out the beastly communism of the Maori' (Report of the Ministerial Advisory Committee 1986, p.6).

In the West, we like to delude ourselves into believing that we are doing something constructive about our deepest problems by throwing a few individuals in gaol. It is a delusion because the evidence does not support the view that the societies that are more successful at throwing people in gaol are the societies with the lowest crime rates.

Neglect of shame

In my book, *Crime, Shame and Reintegration*, (Braithwaite 1989) I argue that a better case can be made that the societies that shame effectively are the societies that deliver lower crime rates. Japan is an example of such a society. Western criminal justice has lost its soul because it has been denuded of shame. The Western criminal arrest and trial is a sterile production line process dominated by experts (mainly lawyers) who disempower the communities that might be able to plan some solutions to the underlying problems.

Traditional Polynesian justice places great importance on ceremonies to communicate the shame of the wrongdoing. This shame is communicated not only to individuals but to the *whanau* and *hapu* which are the basic organisational units in Maori society. The shame that matters most to young people is not the shame of a remote judge or police officer, but the shame of the people they care about most. Often this is their mother and father, but sometimes it is others outside the nuclear family.

Reforms to the New Zealand juvenile justice system since 1989 have had the effect of bringing shame and personal and family accountability for wrongdoing back into the justice process. This is accomplished by a family group

conference at which the victim of the crime meets with the young offender and his family and others invited to the conference by a youth justice coordinator. If, for example, the young offender's football coach is a person outside the family whose regard the young offender really cares about, then the football coach should be invited to the conference. I have attended conferences with thirty members of the community in the room.

The process empowers both the family and victims. For conservative politicians who say that they want to strengthen the family and do something for victims as the forgotten people in the criminal process, here is something they should support. Of course, when we empower families and victims that have traditionally been powerless in the criminal process they can use that power unwisely. This is why the exercise of their power must be monitored by youth advocates and constrained, as in the New Zealand legislation, by legal rights for offenders (for example, the right to opt for a court hearing) and upper limits on any punishments that can be imposed.

Victims confront offenders with the hurt, the loss, the fear, the disillusionment with their fellow human beings that they have suffered as a result of the crime. Often their anger is livid; frequently tears are shed.

Young offenders use a variety of techniques for protecting themselves from the shame for what they have done. This collective encounter with the harm done is the best chance for piercing the barriers young offenders have erected to shield themselves from shame. This is because there are rebound effects. Quite often the anger or grief of the victim will miss its mark, going right over the head of a young offender on whom it has no emotional impact. But the grief of the victim might pierce the heart of the offender's mother, as she sits behind him. Then it can be her sobbing that rips away the armour that protects the offender's emotions.

In short, the strength of the New Zealand process is that it is neither individualistic nor dyadic (as in traditional US victim-offender mediation) but that it engages multiplex communities of concern. Emotions of shame and feelings of responsibility are often brought out because shafts of emotion bounce from person to person within the room in unpredictable ways. When collectivities as well as individuals are targets of shaming, it is harder for responsible individuals to shrug off the shame.

In saying this, I do not want to understate the successes that are often achieved simply by the young person realising the full enormity of the impact he has had on a victim. The boy who breaks into the home of an elderly woman living alone is shocked to learn that his crime has transformed her life. She no longer

feels safe, even in her own home. She has become a terrified recluse. 'Collateral damage' caused by 'irrational' fears are in fact very common consequences of seemingly simple crimes. He thought that all he had done was to deprive a faceless person of fifty dollars. From the dialogue with the victim, he is staggered to learn that he has had such a destructive effect on the life of a vulnerable person. Accountability and shame for this is rarely brought out in traditional Western processes of criminal justice.

There are many who should be feeling shame about the Rodney King saga — the four policemen, their families, the hierarchy of the Los Angeles Police Department, the jurors, the rioters who killed and the looters who destroyed, indeed Rodney King himself (for driving while drunk). One suspects that the adversarial nature of the American criminal justice process has succeeded perfectly in shielding all of these actors from shame. Each and all of them probably feels more sinned against than sinning, more mad than bad, more angry and scapegoated than sorry. As a consequence, they will all continue to be part of the problem instead of part of the solution.

Neglect of healing

The American criminal justice interface with people of colour, just like the Australian criminal justice process with Aborigines, is a major institutional cause of the tearing, bleeding rift between the black and white communities. A well designed criminal justice system has the objective of healing rifts in the community. The King case is just another illustration of how a badly designed system opens up our most ugly wounds.

Again, for Western jurisprudence, healing is a peculiar objective to set for the criminal justice system. But in many contemporary urban cultures — from Maoris in Auckland to Japanese in Tokyo — it is justice that neglects healing which seems peculiar. Family group conferences in New Zealand empower families to come up with a plan, a package of measures, to heal the wound caused by the offence and to put an end to the offender's shame.

Typically the offender will apologise, both personally and in writing, to the victim and to the offender's loved ones. Often an elder will also apologise to the victim on behalf of the family as a collectivity. This will often be reciprocated by expressions of forgiveness. If there has been financial loss, reparation will typically be contracted. Community work (40 or 100 hours) will often be part of the contract. Often the victim will suggest where they would like this done. In addition, there will be elements in the plan to get the young person's life in order — perhaps employment, going back to school, a



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With the riots comes the looting.

curfew, a job training or life skills course, perhaps undertakings by parents to change some of their ways, or offers by aunts and godparents to lend a hand. The process both empowers the nuclear family and builds support around its weaknesses from a wider community of people concerned for the young person.

The state does not decide on the elements of the plan. The family and the offender take responsibility for them in consultation with the victim and the state. But the victim or the police can veto the plan as unsatisfactory and send the offender to court. Surprisingly, 90 per cent of the time consensus among these conflicting interests is reached.

Nominees of the family rather than the state also take primary responsibility for ensuring and certifying that the undertakings in the plan are implemented. This is one reason why the reform has saved the New Zealand state many millions of dollars off its criminal justice budget.

Sometimes moving gestures of healing come from the victim side. They waive their right to compensation from an unemployed young offender who cannot afford it. They invite them to their home for dinner the week after the conference. They help to find an unemployed young offender a job, a homeless young person a home. In one amazing case, a female victim who had been robbed by a young offender at the point of a gun had the offender live in her home as part of the agreed plan of action. People can be amazing when they are enmeshed in institutions that invite them to care about each other instead of hate each other. The surprising thing is that victims, who so often call for more blood in traditional Western justice systems, in New Zealand frequently plead with the police to waive punishment and 'give the kid another chance'. Partly this happens because victims get an insight through the process of dialogue into the shocking life circumstances the young offender has had to confront.

Healing requires that shaming of wrongdoing occurs within a process of respect for the wrongdoer. Healing

requires that shame is terminated by ceremonies of apology-forgiveness-repentance. Healing requires shaming in a context where the offender is surrounded by nurturing, concern from people who deeply care about the offender and who affirm their belief in the essential goodness of the offender as a person. There should be no soft-peddling on the evil of the criminal deed, which must be most dramatically condemned, but plenty of soft-peddling on affirming the goodness of the person.

In the collective confrontation over delinquency that occurs in the Maori community, this is precisely the nature of the accomplishment. Here is how one adult member of a Maori community communicated the contempt for the deed simultaneously with respect for the young person: 'Stealing cars. You've got no brains, boy... But I've got respect for you. I've got a soft spot for you. I've been to see you play football. I went because I care about you. You're a brilliant footballer, boy. That shows you have the ability to knuckle down and apply yourself to something more sensible than stealing cars... We're not giving up on you.' Tears trickled down the 15-year-old's cheek during this impassioned speech.

While the New Zealand process is clearly cheaper and less damaging for young people than traditional stigmatising and punitive juvenile justice processes, I would not deny that it often fails. Victims often do not show up; sometimes they arrive in a spirit of total unwillingness to come to an understanding of the circumstances of the young offender. Sometimes families are stigmatising, brutalising and unconstructive, though usually there are some persons in the family network who will be supportive of the young person, even if it is not their parents. The challenge is to build on whatever interpersonal resources the offender has. However limited they are, they tend to be a better resource than the state. It has taken a long time for the state to acquire the humility to realise how bad a job it does when it takes people away from their communities in an effort to run their lives for them in a better way.

From opportunity to disaster

Maori traditions show us very practical ways of transcending the individualism and neglect of shame and healing in Western criminal justice. The successful translation of these ideas for dealing with white young offenders throughout New Zealand and now in some parts of Australia (with both black and white offenders) shows that these principles are applicable to policing in contemporary urban multicultural societies. Of course, in different cultural contexts the principles of transcending individualism and bringing shame and healing back into the process must be negotiated in ways that are appropriate to the different cultures involved. Indeed, because the whole idea of the process is to empower local communities to come up with their own approach to dealing with the life problems of a particular young person and their victims, plurality and unpredictability is inherent in the strategy.

Also, the way we apply the strategy with police violence will be different than with juvenile offenders and different again with drunk drivers or environmental criminals. Only creative and determined American reformers can work out how to do that in the context of America's different crime problems. The priority, I would submit, is to transform the American criminal justice system from the bottom up. That means that the first two priorities are:

- reform of juvenile justice, and
- reform of the police, particularly the regulation of police violence.

A high-profile case like that of Rodney King was an opportunity for a decent criminal justice system to grapple with the institutional nature of racism and violence and to shame that violence collectively. It was an opportunity for healing between black America and the police. This did not happen because America has failed to develop a decent criminal justice system. It has an indecent system wherein each side screams for the blood of the other. The result is that a lot of blood does indeed flow.

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David Kirkland

Impressions of Papua New Guinea

These three extracts are taken from David Kirkland's recent publication *Impressions of Papua New Guinea*, a beautifully illustrated book which covers all aspects of life for an expatriate in this, Australia's closest neighbour. The increasing problem of law and order in PNG should be of concern to all, and it is hoped that these first-hand accounts will quicken interest in a way which brief media reports do not. *Impressions of Papua New Guinea* is published by Robert Brown & Associates (Qld) Pty. Ltd., Buranda.

Sudden Impact Lasting Damage

One of the saddest aspects of living in a developing country is watching it innocently mimicking the mistakes of the western world.

In many ways a new nation is like a petulant child. It demands what others have, with little regard for the cost; it duplicates what it sees, without knowing what it really looks like.

There is little doubt that expatriates are a role model for many of the young in this country. You can see it in the way they dress, hear it in the way they talk and feel it in the way they relate to you. They want

what expatriates have and unfortunately, sometimes unwittingly, we pass onto them the worst of what we have to offer.

Last night Clint Eastwood's movie *Sudden Impact* was playing at the local theatre. For two hours a stadium full of impressionable teenagers were glued to scenes of graphic violence, frontal nudity, swearing and—brutal rape.

In a country where government and police are struggling to convince people still coming to terms with a basic education that violence is bad, our hero was punching women in the face, condoning murder and abusing police authority. Arguably it may have its place in a modern world where people understand the difference between the movies and real life, but in a developing country it promises only tragedy to the future.

"What did you like most about the movie?" I asked a 15 year old boy during interval.

"I thought it was great when he smacked that woman to the ground," he said.

This country has a censorship board, in fact just recently it fined a tourist for trying to bring a picture of a naked woman into the country. Regrettably, however, like many fledgling organisations in Papua New Guinea, it is overworked and understaffed.

It's a sad fact that enforcement of censorship standards will remain a low priority in the context of this country's ambition to become a modern nation. Sad because the questionable moral standards being set by western example are likely to continue to have not just a sudden impact, but a lasting impact on the attitudes of Papua New Guinea's youth.



Rascals

Their Origins — Why They Commit Crime — Port Moresby Under Siege — Police Response — the Future

The rascal problem throughout Papua New Guinea dominates the news and thoughts of many people in this country. Reference to crimes committed is a daily occurrence — their frequency, their brutality and their vicinity.

Dr Bruce Harris titles his 50 page discussion paper "The Rise of Rascalism". After several years studying criminal social trends in America and Jamaica, he arrived in Papua New Guinea and spent two years at snooker tables and beer halls involved in what he calls "face to face research with the rascals and their gangs." He completed the report in March, 1988.

The following is a summary of his findings.

Dr Harris introduces his report by questioning past methods to combat the increasing level of lawlessness in PNG. "If we were forming a policy on the medical profession, we would talk to doctors and nurses. If we were making a policy in the legal field we would talk to lawyers and judges. Yet for several decades we have formulated and implemented programmes to deal with law and order without taking the time to talk to people involved in the criminal activity. Everyone has a solution to the problem of rascal gangs but no one understands what the problem really is."

According to Dr Harris, rascal gangs originated in Port Moresby in the early 1960s as loose groups of disillusioned youths, usually immigrants from outlying areas, bonded together by common circumstances. They arrived with high expectations of wealth and modern living but abruptly discovered both were in short supply.

Traditional village life and particularly the "Wantok" system did little to prepare them for what they found. The idea that one could suffer in the midst of plenty contradicted the individual's most basic traditional beliefs and values. In the village no one person went hungry as long as the community had food. As they quickly discovered, in the cities it was all different. Suddenly, they were left to fend for themselves.

For the young it was both perplexing and frustrating that there could be people with such immense wealth living alongside so many who had so little. Even more confusing was that there was a law that condoned the selfishness of the rich and

appeared to prevent the poor from sharing in their good fortune. The only way out was to work, but opportunities were scarce. As their circumstances became worse they started to resent the system they believed was responsible for their circumstances.

It was this social climate that gave birth to the rascal gangs.

Dr Harris identifies the lifting of prohibition in 1962 as one of the primary causes for the accelerated growth of rascal gangs. Drinking alcohol became a rite of passage for young men wishing to show they were "modernised". By 1970 domestic beer production had multiplied by eight times its 1964 figure, imported beer sales had doubled and Port Moresby alone had more than 100 outlets. With beer readily identified as a symbol of social status, associated crime increased — either direct theft of alcohol or theft of goods which were exchanged for alcohol.

Dr Harris says the rascal gangs in Port Moresby underwent considerable change between 1960 and the present day. From bands of rebellious youths they evolved into organised gangs — The Texas Gang, Raipex, Joes Mob, Laddies, The Mafia and KKK. Gang clashes in the early 1970s were common as small groups were absorbed into those more powerful.

It wasn't long before the rascals realised cooperation was more profitable than competition. By this stage they had merged into about a dozen primary gangs. In response to the escalating crime, police launched "sweeps" or raids to confiscate stolen goods and arrest offenders. But according to Dr Harris the tactic was ineffective and only served to alienate the general community. All valuable goods without receipts were liable for confiscation and those in possession were likely to be arrested. The police sweeps also encouraged the development of tighter gang organisation and greater secrecy. Dr Harris argues the police would have been better to seek the cooperation of the community by enlisting the assistance of village elders.

By the late 70s the gangs had become more organised. Educated youths — taught enough to want, but not enough to get it — started running with the packs. Many eventually led them. The rascal gang's methods became more sophisticated, break and enters were better planned and distribution of stolen goods was more efficient. A siege mentality swept Port Moresby. Houses were soon surrounded by barbed wire fences and iron bars were built into windows.



Ironically, Police statistics did little to reflect the enormity of the problem, in fact they indicated crime was on the decrease. Dr Harris refers to an authoritative law and order report commissioned during the period:

"This declining crime trend poses a perplexing riddle: how can statistics show crime is declining when everyone's experience suggests an exploding increase. Sadly the solution to this riddle is very simple. Police statistics are abysmally wrong!"

By the mid-1980s only five percent of stolen goods was being recovered. Seven percent of stolen vehicles and three percent of break and enters resulted in arrest. The situation was out of control. In 1985, a state of emergency was declared. Little has improved since.

According to Dr Harris, rascal gangs of the future will evolve along three distinct paths. They will become more organised, developing highly efficient distribution networks for stolen goods both in national and overseas markets. As profits increase, so too will the gangs' ability to recruit new members. The number of so-called victimless crimes — extortion and drug — will sky-rocket. Internally people will pay protection money to the gangs and incredibly powerful drug syndicates will develop, influencing all levels of the community.

Dr Harris says rascals will work with politicians and businessmen in their mutual interests. Both parties will use the rascals to exact "payouts" from their opposition or hinder the operations of their business rivals. He says it is already happening but, as with most of the operations rascals are involved in, it will become far more organised and widespread.

Rascal Project

The Gang Leader — Wanting Work — Say it Don't Spray it — Sad Ending — Glimmer of Light



It was hard to believe the band of youths squatting in front of me were typical of the rascals that roamed the suburbs of Port Moresby at night. They were kids — 10 to 16 years old — scruffy and barefoot; pushing at one another with boisterous bravado as they settled on the ground. It would have been easier to picture them rummaging for a football or playing at school, rather than cutting their way through fences and breaking into houses armed with guns and knives.

Two weeks earlier, the group's leader Ben, had come to our office to ask for assistance for "his boys" — the June Valley Gang from the Tokorara area. They had grown frustrated by government promises to help them and had heard the Foundation was working with youth groups. "We don't want to break the law. We just want to work," he said.

Unlike the rest of his gang, Ben was older, maybe in his late twenties. He was short with a wiry build, wearing torn jeans, a dark blue jumper and an expression that conveyed a suspicion and distrust born from years of hardship and struggle. Particularly unsettling were his cold, almost predatory, eyes. While curious faces turned away at my attention, Ben's gaze met me with blatant defiance. This was his home ground. These were his boys.

At our suggestion, the rascal gang had spent a week thinking of ways they could earn money and eventually settled on three suggestions. They would start a bottle collecting business, if we provided a truck; they were prepared to print T-shirts, provided we bought them the press and shirts; they would screen videos in the settlements and charge 20 toea a show — Once again — if we gave them a video player and a television set.

For about three hours we sat and considered the options. We talked about the cost of buying the truck, the printing press and the television. We told them we did not have that sort of money but maybe we could work together to raise it. We looked at the maintenance involved in the suggestions, the hours that would need to be worked, the commitment and organisation involved, and whether the money generated would be worth the effort. At every turn they worked out for themselves the difficulties inherent in their propositions, until eventually they arrived at the same point: "So what can we do then?"

What was needed was a short-term project that would involve about 50 youths. It had to be cheap to run and easy to manage with an achievable goal and fair reward. The Foundation's resources were limited. We did not want to get too involved, as providing work for youth groups was not our role, however, we thought it important to demonstrate to the community that youths — even a

known rascal group — will work if given direction and encouragement.

"It's the same old story," they said, "everything comes down to money."

Then, a spark: "What about painting over graffiti on the walls of public places?"

The boys looked at each other. "Sure, we can paint but what about the paint and brushes?"

"Well, the Foundation could approach business houses to supply the paints and materials. The NCDIC (City Council) may be willing to provide the transport, and the Department of Youth might even fund the project. It would be a pilot project, lasting maybe two weeks, but it would be a start," we said. Excitement swept the gathering.

Details still had to be worked out. We needed to reach an understanding about what was involved and how everyone was to play their part. It was made clear that the success of the programme depended on our ability to work together. They would have to be ready to work at a particular time every day, 40 hours a week, and if the job wasn't done properly they simply wouldn't be paid. It was all agreed. A working committee was also established to liaise with the Foundation. "This is how government works, but on a smaller scale" we said. "Four youths should be elected to represent 50 and speak on your behalf and in your interests. One of them will be the leader and the four will be expected to arrive at our office at 8am, Wednesday next week to work through the details if you all decide to go through with it. In the meantime, we'll contact the other places to see about the assistance."

The next week four of them turned up early — Ben, the elected leader, his "general" and two others. In the course of the meeting further emphasis was focused on the responsibility the group would be taking on. The Foundation would work with the media to publicise the project. If they did not fulfil their responsibility it would reflect on young people around the nation. Understood.

As the meeting closed Ben and I agreed that as "leaders" of our respective groups we would be singularly answerable to one another. If his boys let us down I would expect him to account for it. Likewise, if the Foundation fell short of its promises he would seek me. (A bit of a worry I thought in hindsight).

As we all parted apparently satisfied with the progress Ben turned secretly and asked me if he could borrow K10 to get him and his boys back to the settlement. It was one of those awkward situations where he appeared to be testing me and I was torn between assuring him of our intentions and the possibility of sacrificing a principle. It was difficult to overlook the fact that here I was about to "lend" 10K kina to a person who makes a living from robbing people.) Still, I handed him the money. "Ben this is

my money, from my own pocket. It's not the Foundation's. I'll lend it to you on your personal assurance that you will give it back to me. I trust you and I leave you to return it," I concluded. The cold eyes did not flinch. "Sure," he said and took the money.

By next week it was all happening. Burns Philp had supplied the paints, the City Council had provided transportation and the Department of Youth were prepared to part with K200 as its contribution to a youth project. The media gave the project extensive publicity — the front page of all three papers plus television and radio. The Justice Minister was the star attraction, sweeping policy and planning aside to don a T-shirt emblazoned with the words "Say it, Don't spray it." Even a small shop owner came to the party with free bottles of Coke for all the youths involved.

At the end of the week Ela Beach was spotless, as were scores of shop fronts. The general public was also showing its support in the editorial pages of the newspapers. But then problems. On the third day of week two, the truck that was to transport them broke down. That afternoon 10 of them turned up at the offices irate and demanding an explanation. We had the assurance of the Council it would be there we said. "Didn't matter" came the reply. "We want transport now. My boys are angry," said Ben.

For about half an hour we tried to work through the situation but it was only with the assurance that the truck would be there tomorrow and our offer to take them back to the settlement in the Foundation vehicle that placated the gang. It was concerning that they were so unreasonable. What the Foundation was offering them was being perceived as a right; they demanded it. If it had been a larger group and a problem not so easily remedied, it could have easily got out of control.

The two weeks rolled on until the work was done and once again about 10 of them appeared at the office, only they were drunk and demanding money. It was unfortunate that the project's completion corresponded with a government payday, generally regarded as a time to stay indoors as many people wander the streets drunk. Ten of the youths — including Ben — arrived at the office demanding to be paid. I said they were drunk and was concerned the money would only be spent on more grog. "But what about using this money for one of the bigger projects we talked about. This was the start remember?" They were not interested. Pay us, we have worked for it and we want it now," they said.

By this stage my office staff was concerned the gang might wreck the office if they were not paid. "I'll write you a cheque which you can cash on Monday," I said. No, we want the cash now they replied. The scene had grown tense. Ben's eyes once again drew cold.

"O.K. I will pay the money, but not to just you and not now. I will pay all 30 of you together at your settlement at Tokokara in one hour's time. You have all done your job well and we will pay you for your effort as agreed... but it will be at Tokorara.

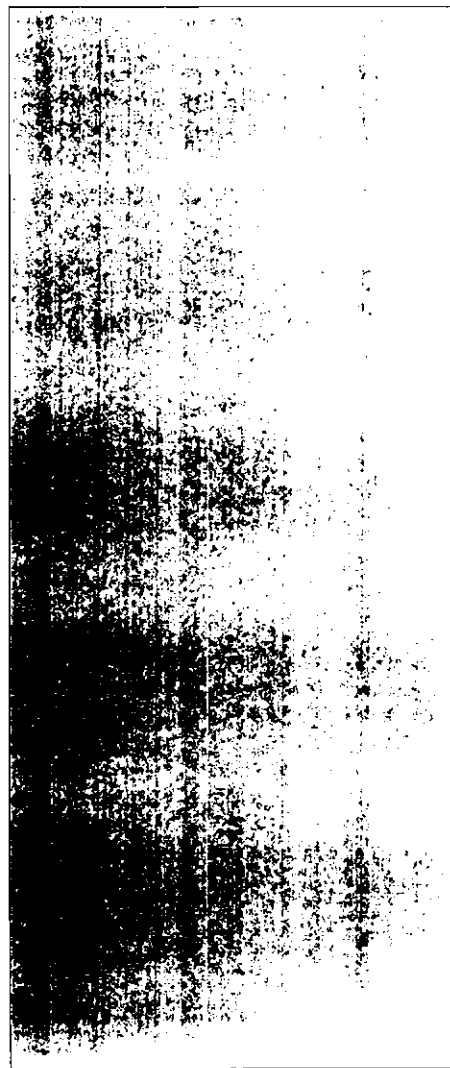
Unprepared for a compromise, they left.

An hour later I arrived to a group of about 20 boys. Some who were drunk at the office were not there, most who were sober had turned up. Once again, Ben demanded the money and I addressed the group, telling them how happy everyone was with the job the Tokorara youths had done. I talked about how we had worked together and successfully completed a project and then I presented Ben with the cheque saying that it was

now his responsibility as a leader to divide their money accordingly. Once again, he said he wanted cash but his plea did not have the same support it had in the office. "You have all done the right thing by us now we are doing the right thing by you," I said. On Monday, you will all have the money you have worked hard for and what you do with it is up to you. We can only hope, however, it is not used to buy more alcohol because the next day you'll be no better off than you were when you first asked the Foundation for help."

With that, I thanked them and said that if they wanted to use that money to seed another project we would again be prepared to assist. Then I left. It was the last time I saw the June Valley boys.

NOTE: It is now three months after the Graffiti project and I am preparing to go finish. Today there was a knock at the office door. It was Ben who said he had heard I was going and wanted to say he and the boys were sorry to hear the news. We talked for about five minutes, deliberately avoiding mention of the project until he stood to leave. But before he left he turned and shook my hand... leaving in my palm the 10K note.



Patricia Easteal*

Gender inequity in Australian courts

This article is based on information gathered by the author for two Australian Institute of Criminology publications: 'Battered Women Who Kill: A Plea of Self-Defence' in *Woman and the Law*, to be published late 1992; and *Women and Crime: Premenstrual Issues, Trends and Issues*, No. 31, April 1991.



In America, women are successfully pleading self-defence by proving battered woman syndrome (BWS) in their trials or appeals for murdering battering husbands. In the United Kingdom and Canada, women since the early 1980s have had their sentences either mitigated or their charges diminished with evidence concerning their premenstrual syndrome (PMS). Neither of these syndromes had been used as either defences or mitigating factors in Australia until March and April 1992 when BWS appeared in two cases.

Battered Woman Syndrome (BWS)

Battered woman syndrome has been presented as evidence in court-rooms in the United States since 1979. With this precedent, the use has increased exponentially. And, although not always successful in rendering verdicts of not guilty, a significant proportion of battered women who murder their husbands are being acquitted. For example, one study found that of 85 defendants who pleaded self-defence, 22 were found not guilty. These decisions of innocence have included cases in which the victim was asleep or unconscious, and in which the woman used a weapon whereas her partner had attacked her with ONLY his bodily weapons. The laws of self-defence have not been changed in the United States. What has changed is their interpretation.

Self-defence laws contain three critical elements which must be met to substantiate the defendant's claim: that the retaliatory action was **immediate**; that an **equal amount of force** was applied;

and that there was **no other recourse**. These three factors have traditionally been defined in the framework of what a reasonable man would do (in fact, what a reasonable white middle-class man would do).

In America this framework has been reinterpreted into what a reasonable battered woman would do. Expert witnesses in court give evidence which indicates that, for that woman in her circumstances, the force that she inflicted was indeed reasonable and that in her perspective it was both immediate and necessary. Details about the battered woman syndrome are explained by the court and proof is given that the defendant is a sufferer of the syndrome. The cycle of violence which such a woman lives within is described.

Stage one is marked by a growing amount of tension but little actual physical violence, stage two is the time of violence, and the last phase is that of contrition, the honeymoon period; the, 'I'm sorry honey and I'll never do it again' stage. Several other aspects of the cycle need to be stressed. First, it does not get better; the violence in stage two increases over time. Second, it does continue. And finally, as the length of the stages varies within each cycle, the episodes of violence are totally unpredictable.

What can be the results for someone living in this situation? Quite simply, she may become a hostage in her own home. Unlike a political hostage who is kept behind doors without the physical means of escape, the woman develops the psychological inability to unlock the door. This is referred to as the condition of learned helplessness which limits the ability to see or make choices. Over time the woman's self-esteem plummets as the emotional abuser tells her clearly, 'It's all your fault'. She may become isolated as battering is still a shameful and private

* Senior Criminologist, Australian Institute of Criminology

action in our culture. And, most importantly, her life becomes full of terror. She never knows when the violent partner will strike. Life is centred on survival, walking on egg shells, trying to please him in order to avert the physical abuse.

It is important to note that BWS is not a mental illness. Psychological tests show that marked abnormalities in self-esteem and dependency become normal after the woman is out of the battering situation. Her psychological condition is situational; the result of mental, emotional, sexual and physical violence.

The psychological gaol cell is also barred by the woman's lack of support and skills for coping on her own. In addition, she has frequently been told that if she leaves she will be killed. These are not idle threats. Research shows that wife-killing occurs most frequently at the time of separation. So, as time goes on, what would seem like a bizarre life to one on the outside becomes normal for those who live within the cycle of violence.

Then, for some, something occurs which falls outside of the boundaries of what has become the acceptable reality. Case studies indicate that it frequently involves the children. Perhaps the battered woman discovers that the batterer has been sexually molesting the children, or he may have begun to threaten them physically. Something snaps and she kills.

Since the woman is terrorised by the man and also usually possesses neither his strength nor the socialisation that provides the personality traits and skills needed for physical combat, she may wait until he is asleep or has passed out. She will tend to use a gun in America, but a knife in Australia although he may never have slashed her, restricting his weapons to his fists, feet, knees and hands. So, how indeed can this be an act of self-defence; how can her actions meet the three criteria of immediacy, commensurate violence, and necessity? Why not just leave? Why did she have to kill?

If one views her behaviour through the perspective of what a reasonable white middle-class male would have done, she would fail to fulfil the criteria on all counts. A man does not hit another man while his back is turned. However, in America, her actions are being compared not to the norms of a reasonable man but to those of a reasonable battered woman. In that context her behaviour can be shown to constitute self-defence.

Immediacy? Psychologically, the battered woman may be in a state of constant terror; for her the threat of danger is ever present... always impending. Commensurate show of force? It does not require the evidence of an expert to understand that if a woman attacks a man with her fists and knees, the outcome would, in all likelihood, be disastrous, perhaps resulting in her own death. No other recourse? The expert

witness explains the cycle of violence and the state of learned helplessness. Put into this perspective, the battered women's actions become comprehensible and reasonable.

Temporary amnesia or blackout of the murder is not uncommon. When battered women kill, their actions are often perpetrated in a psychological state of shock. This is important when one considers that initial interviews with police, which often carry a great deal of weight in later judicial deliberations, are conducted when these women are in an extremely stressed state of mind.

Battered woman syndrome had not been admitted as evidence in Australian courts until March 1992. In *R v. Konttinen*, a South Australian jury acquitted Erika Konttinen of killing her violent de facto spouse. This trial was a precedent for the use of expert testimony about BWS in this country. It was also admitted as evidence in New South Wales, *R v. Hickey*. Given that it has been used since 1979 in the United States, why is Australia lagging behind?



Reproduced permission Ohio State University Press, from the book jacket of *Justifiable Homicide: Battered Women, Self-Defense, and the Law*, by Cynthia K. Gillespie.

Premenstrual syndrome (PMS) in the court

Throughout the 1980s PMS has been used in British courts both as the basis for pleading diminished responsibility and as a mitigating factor. In Canadian cases, it has been employed increasingly in mitigation and most recently in the US as the grounds for dismissing charges of drunk driving. So, what exactly is PMS and how has it been brought into these overseas court-rooms?

PMS is a medical condition with a varying degree of favour among medical practitioners both within and between countries. Over 150 physical, emotional and behavioural symptoms have been designated by some of the medical community as premenstrual. The relationship between some of these, particularly dramatic shifts in emotion and behaviour with accidents, suicide attempts and criminal actions has been researched with ambiguous results. Diagnosis and treatment are equally equivocal with some physicians advocating various hormonal therapies while others encourage their patients to make life-style changes, such as increased exercise and reduced caffeine. Others simply strive to relieve the symptoms.

Those who advocate the use of PMS in the courtroom, such as Dr Katherine Dalton in the United Kingdom, believe that although a high proportion of menstrual aged women experience PMS, only a small number are severely afflicted to the extent that their symptoms have influenced their actions significantly. Thus, Dalton has established a strict burden of proof to show the court that certain defendants' criminal offences were perpetrated at a time when they lacked the necessary criminal intent.

In England it has successfully reduced murder charges to manslaughter and mitigated sentencing for a variety of different offences ranging from murder to shop-lifting. The former type of cases inevitably generate huge amounts of publicity with headlines which imply that any woman will henceforth be able to kill and be acquitted by claiming that her hormones made her do it.

PMS continues to be trivialised in this country by the anachronistic label PMT (premenstrual tension). Few doctors have acquired any training or specialisation in the syndrome. There is even apparently a group who disagrees with the use of the term PMS to describe the symptoms that most women experience, but believe that PMS should refer only to the rare and serious condition. This lack of both medical legitimisation and agreement may well have contributed to PMS's non-appearance in our courts. There are further factors which combine to impede the use of both PMS and BWS by solicitors, barristers and judges.

Patriarchy, feminism and tradition

Is the Australian court system patriarchal? The legal system of a society cannot be viewed in isolation from the rest of the community organisations and values. The legal system is in many ways a reflection or a microcosm of the rest of the culture. Thus, if our courts are dominated by men and by traditional male perspectives of behaviour, it is in many ways a sign that the rest of our society's structures and prevailing ideology are similarly orientated. The scarcity of female judges and the low proportion of crown prosecutors and senior level barristers who are female can be found in most organisational senior management levels in Australia. And therefore, as expected from a holistic perspective, attitudes toward gender roles that are manifested in adjudication of rape and domestic violence do not exist solely among the judicial elite. We find similar feelings, for example, about the acceptance of wife battering and the perception of its private nature among a large proportion of our population. Thus, if the courts are patriarchal, they are simply a reflection of the male dominance and attitudes about marriage and gender roles that permeate the rest of the culture.

A New South Wales appellate court judgment in 1991 summarises all of the above. The applicant was appealing her eight-year sentence for the homicide of her husband. She had pleaded guilty to manslaughter. The Appeals Justice reiterated the abuse which the defendant had endured for years including being hit on the head, made to sit in a cupboard, and forced to look in a mirror and listen while he made derogatory comments. A lengthy description of the events which had immediately preceded the killing were also enumerated. The deceased had held a knife to his wife, threatened to kill her, locked her in a closet, and urinated in her face. Although expert evidence on battered woman syndrome was not given, three reports from mental health practitioners attested to the defendant's passive dependency (the psychological profile found for battered women).

The judge, in upholding the sentence, made several comments which implied that the abuse, including urination, was not violence per se but simply humiliation.

The fact that this woman had killed with an axe while her husband was in bed, because of her 'loss of self-control', was also mentioned. Apparently if she had fought him in a manner that conformed to what is reasonable for males — with her fists while he was standing and alert, this would be perceived as more appropriate. The judgment further states that although the defendant was provoked, no provocation

can condone the act of killing as a solution to marital problems.

Australia, of course, does not have a monopoly on gender inequality. Only five years ago, in the state of Colorado, a male judge placed a man convicted of killing his estranged wife with five shotgun blasts to the face, on two years work release. The judge's remarks at the time of sentencing is typical of how some people regard gender relations and stratification. He stated that the defendant had been deeply provoked by the victim. The provocation? The woman, battered for years, had left her husband and obtained a restraining order. However, she had not warned him of her subsequent actions. In fact, she cooked his breakfast the same morning that she went. That was, according to the judge, provocation for murdering her. Therefore, the failure of Australian courts to hear BWS evidence cannot be attributed solely to the patriarchal nature of the judiciary here; it is alive and well in America.

The discussion of PMS gave rise to some controversy and debate. Grave concerns exist among many feminists that if it is used in the courts, women as a class will be stereotyped as potentially unstable or worse and that the age of biological determinism will return. These negative or ambivalent reactions to PMS appear in the literature, and through anecdotal evidence, and such reactions could indeed be used against women particularly with sensational media headlines and articles. However, the view that women's problems should not be medicalised or psychologised is part of the patriarchy which denies the experiences of women by translating their issues into male terms.

The response of a few, including a New South Wales domestic violence agency, to BWS is that women's experiences are being medicalised and that the theory neither applies to all women who are battered nor emphasises the role of the abuser sufficiently. However, the terrorising encounters imposed upon these women are not ignored by those who research and write about BWS, nor do adherents claim that the syndrome afflicts all battered women. Even if only a percentage of those who live within domestic violence developed battered woman's syndrome, that defence should be available to them.

Some feminists also disapprove of the use of expert witnesses with either PMS or BWS as they believe women should be allowed to tell their own story and be believed. However, the reality is far from that ideal. A paper by Jocelyne Scutt (1992) 'The Incredible Woman: a Recurring Character in Criminal Law,' enumerates example after example of how women's accounts are perceived as unbelievable in our criminal justice system.

Expert witnesses are a necessary component to the introduction of either

PMS or BWS into evidence.

Understanding the effects of being battered is beyond the comprehension of most people. And, non-medical practitioners cannot be expected to understand PMS and how some of the symptoms of severe sufferers affect their behaviour. Yet, expert testimony is still frowned upon in Australia — more so than in other countries, perhaps as a facet of our traditional British legal antecedents. The latter, however, appears to have overcome the obstacles; the same needs to take place here.

It seems that both the patriarchy and a feminist faction backlash are forces against the use of pleading PMS or BWS; a strange union indeed. Coming from totally different ideological perspectives, both are concerned about violation of equal rights. The former believe that these syndromes would violate the rights of men since they are exclusive to women. Such an argument borders upon the ludicrous and is premised on the erroneous belief that there is an existing state of gender equity. The views of some feminists that the syndromes should not be used since they are not equally applicable to all women is similarly harmful to the ultimate aim of equal justice.

Equality, both within the law and in society, should recognise the individual experiences of people through a subjective perspective that is neither monolithic nor dichotomous based upon gender. If more than lip service is paid to the concept of justice, then perhaps a woman who kills in a manner totally reasonable within a framework of what it means to be female and what it means to be battered will receive justice.

Reference

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Lateral Thinking in Crime Prevention — Holmes and the Case of the Disappearing Bicycle Thieves

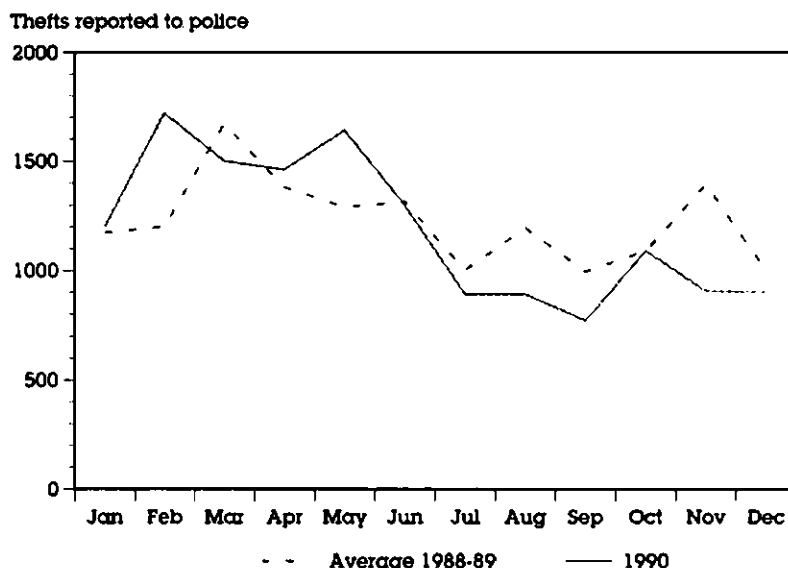
Elementary, my dear Watson! We simply make bicycle helmets compulsory and we'll cut bicycle thefts by almost half! Holmes spoke in that supercilious tone that made ordinary mortals' hackles rise. Watson, the ever faithful sycophant, stepped in with the inevitable question: 'But how's that Holmes? It won't make bicycles less desirable to thieves; it won't make thieves less inclined to steal bicycles. How can it possibly work?'

'But you're wrong, dear Watson, in the second part of your hypothesis, and it is because you have forgotten one of the key principles of crime prevention: It will make thieves less inclined to steal bicycles, and here is the reason why. Most bicycle thieves are opportunists — they do not go about equipped for bicycle thefts, but when they see an unattended and unsecured bicycle which suits their evil purposes they simply ride off with it. What you have forgotten is the villain's inevitable desire to remain undetected in his crime, and therefore his need to appear as just an ordinary bicycle-riding citizen, going about his business. Don't you see, Watson? Opportunist thieves do not go equipped for the crime — neither do they prowl the streets with a bicycle helmet secreted on their person. The minute they steal a bicycle and attempt to make their getaway their helmetless head will brand them as thieves!'

'Ingenious, Holmes! But do you have any evidence that this is in fact the case?'

'Well, Watson, the great Home Office criminologist Pat Mayhew noticed this same effect on motorcycle thefts in England and Wales when the wearing of helmets was made compulsory. And

Figure 1. Bicycle Thefts in Victoria
Effect of Compulsory Helmet Legislation
(Helmets compulsory from 1 July 1990)



figures I have recently obtained from both Melbourne and Sydney suggest that legislative changes there have had a similar effect. Just look at Figure 1, Watson! Prior to the Helmet legislation, monthly figures for bicycle thefts in Victoria were running well ahead of previous years' figures — after 1 July 1990 they were consistently below! In New South Wales, bicycle thefts fell by almost half in the twelve months after helmet legislation was proclaimed in January 1991 while other thefts remained constant!'

'Doesn't this suggest a different approach to crime prevention, which may be worth pursuing? Simple ways of making criminals easier to identify as they ply their wicked trade! Watson, think about this as an example. By the simple and virtually cost-free expedient of

requiring motor car drivers to display their licences while driving, we could substantially deter such foul offences as driving while disqualified! A small transparent plastic pouch super glued to the inside of the windscreen will suffice to display the licence, which could then be removed whenever the driver leaves the car. One day Watson, when Mr Daguerre has perfected his amazing invention, driving licences will have photographs of the driver sealed into them, and they will be colour coded so that police can readily identify those with restricted licences. Those who are disqualified or otherwise unlicensed to drive will of course have no licence to display, and so will be deterred by the risk of arrest.

'Think about it Watson — lateral thinking may be a useful tool in crime prevention!'

* Senior Criminologist, Australian Institute of Criminology.

Rape and the Sex Industry

Rape is a crime of violence. Women form the overwhelming majority of targets of rape and indecent assault; whilst men form the overwhelming majority of perpetrators of these crimes. Rape not only subjugates individual victim/survivors to the power of the attacker, but also impacts upon the whole community.

Rape, and the criminal justice system's treatment thereof (as evidenced by the sentencing in *R v. Hakopian*) are direct outcomes of legal, administrative and cultural frameworks which attempt to control the sexualities of women, transsexuals and men who sleep with men (in particular, sex workers) and which accept the denial of women's choices, in favour of men's freedom to exercise power and force.

The Prostitutes' Collective of Victoria (PCV) receives an average of twenty reports of violence against sex workers (women, men and transsexuals) each week. This is an under-representation of the level and incidence of violence against sex workers.

Moreover, they have unequal access to the criminal justice system. Consequently, and appallingly, such incidences of violence are not regarded as seriously as violence against other members of the community.

All people deserve the unconditional right to safety from rape and from the threat of rape. All survivors of rape and indecent assault should have equal access to the criminal justice system — including reporting, court and sentencing procedures.

The gravity or implications of rape cannot be measured by the 'class' of victim. Nor can they be measured by the 'class' of the perpetrator. The effects of rape are experienced differently by each victim/survivor — regardless of gender, age, class, cultural background, occupation and/or sexual history — and there is no appropriate victim/survivor response to this crime which can provide a basis for the sentencing of rapists.

Sentencing guidelines and procedures in rape trials play an important role in that they inform the community of the court's attitude to the crime and act as a deterrent to potential offenders. Sentencing in *Hakopian* relied heavily on misinformed attitudes towards sex industry workers and has compounded stress levels for those workers (through increased risk) and restricted legal access for many rape victim/survivors.

The difference between sex/sex work and rape

Prevailing myths around prostitution are the basis of misconceptions that sex industry workers are victimised by virtue of their work, and that they are disempowered to make decisions and choices regarding their sexualities and sexual behaviour. In fact, sexual acts within commercial sexual transactions are, commonly, more clearly negotiated than other sexual acts. Evidence given in *Hakopian*, for example, shows that the two parties involved agreed to both the payment for the acts which were to take place and the nature of those acts.

Given that agreement, the individual parties maintain the right, as within all commercial transactions, to re-negotiate the terms of the service to an agreed and mutually satisfactory resolution. In *Hakopian*, this right was exercised when the venue where the activities were to occur changed.

It is implied, however, that this right is not held by a sex worker if he/she wishes to cease engagement in, or change the nature of, sexual activity. William Keough (1991) cites a number of rape cases in which the 'court regarded the fact that the victim offered himself to the defendant for money as a significant mitigating factor' — *R v. Tutchell*; *R v. Butler*; *R v. Stewart*; as well as in *Hakopian*. Not only does someone's occupation and/or sexual history come to be regarded as a mitigating factor in rape crimes, but the victim/survivor 'is in some way deemed to be inviting the commission of such an offence upon their person' (Keough 1991).

The role of a client of a sex worker is clear within commercial sexual transactions.

* Keith Gilbert is a project worker at the Prostitutes' Collective of Victoria (PCV). PCV is a community based organisation established and developed by workers in the Victorian sex industry and their peers to represent sex workers' concerns around issues of prostitution.

The objectives of PCV are: to lobby for a legal and administrative framework which does not discriminate against people on the grounds of their involvement in the sex industry; to provide support, information and advocacy services to current and past sex workers; to educate the community about prostitution and related issues; and to communicate the ideas and opinions of sex industry workers.

PCV supports informed choice and challenges those barriers to choice which women face in their lives.

It is unacceptable to conclude that a sex worker should expect aggression or assault if he/she wishes to re-negotiate the terms of a transaction.

Further, it cannot be expected that his/her reaction would be less or greater than that of any other individual under assault. Violations of power/trust relations, acts of aggression and violence (including rape), or degradation are *not* a matter of course within commercial sexual transactions. They do not occur in a broad range of contexts and inter-relationships in our community, and all should be considered by the criminal justice system as factors in *rape*, not in sex or sex industry work. That is, rape is violent, *not sexual*.

Any person is betrayed, violated and abused by an act of rape. The type or nature of his/her work, sexuality or sexual history do nothing to 'prepare' him/her for rape or inform us of his/her likely response. Equally, the class or social circumstances of the individual rapist do not inform us of the malevolence of the attack. It is the nature of the crime that should be assessed — not the context or the victim.

The trauma of rape for the sex worker community

The current prostitution and related legislation ignores the realities of sex industry work, creates few legal options for sex workers, and forces most sex workers 'underground', where they must operate illegally and/or with no occupational health and safety measures in place. Apart from severely limiting those workers' access to the legal and criminal justice systems within a community that acknowledges widespread violence and rape of women, it creates an opportunity for men to attack certain classes of women with little or no fear of retribution. Rather than challenge some men's assertions that prostitutes are 'asking for it' or 'flaunting it and what do they expect?', the legal system forces many sex workers into 'high-risk' work environments — for example, street work — where those same men can easily target them.

Sex workers frequently do not report acts of violence to the police owing to the likely response. For example, a number of rape survivors have advised the PCV that they may be turned away instantly on the grounds that 'it's part of the job', they are suspected of fraud, or they may be charged with a prostitution-related offence as a result of making a statement.

The PCV believes that these factors have made rape and indecent assault 'occupational hazards' for sex workers. If rape is to be treated fairly by the justice system, it must be recognised that *all* women are targets of rapists, and that current legislation is what makes sex workers easier targets for rapists and not

the sex industry or its workers themselves.

The World Health Organization (WHO Press/42) has identified stress as the major health issue for sex workers, and one of the main contributing factors to that stress is discriminatory sex legislation coupled with unequal access to the criminal justice system. Whilst current laws and regulations continue to provide no health and safety measures for the majority of Victoria's 15,000 sex workers, fear of rape and violence contributes to high levels of stress for sex industry workers. This fear is compounded by the knowledge that crimes of violence against sex industry workers are often more brutal than crimes of violence and rape against other people in our community:

Sex workers tend to be raped in a more violent manner involving more weapons, subsequently suffering more (physical) injury than non-sex workers. Their attackers tend to have a record of sexual offences and other violent crimes (Harrington & Bourke 1991).

The criminal justice system has sent alarming messages to all people in our community and, in particular sex workers, through its inadequate response to rape crimes. Not only has it been shown that reporting and trial procedures in rape cases are distressing for victim/survivors (Law Reform Commission of Victoria 1991), but it has been made clear by judges' sentencing practices that the rape of sex workers is tolerated by the courts as a means of preventing violence and rape against so-called 'chaste' women.

The attackers of sex workers received universally lower sentences than other men convicted of rape. The lowest sentences in 1990 for rape and aggravated rape were received by men who attacked sex workers (Harrington & Bourke 1991).

The community would, rightly, be outraged were the harm inflicted by a shooting in a bank robbery considered relevant to the acknowledged 'high-risk' nature of work in the banking industry and that such incidents prevent aggressive behaviour towards 'innocent' community members — that is, those not employed in banking. Indeed, the courts would not take this into account. Rather, the inadequacy of safety measures for employees in the banking industry (such as bank tellers) is assessed independently of the criminal justice system.

Similarly, the community of Victoria sex industry workers and their peers condemns the judiciary's sentencing practices in both *Harris (R v. Harris, Supreme Court, 11 August 1981)* and *Hakopian*.

The Prostitutes' Collective of Victoria has been witness to the outrage and fear

caused by rape in the sex worker community. In April 1989, Amanda Byrnes (a street worker) was assaulted and murdered in St Kilda. The sex worker community suffered extreme grief and shock following this attack, and the resultant fear in this community was heightened by the knowledge that sex workers have severely limited options with regards to work and the law; have few or no occupational safety measures and standards; and have been viewed by the criminal justice system as being a more 'rapeable' class of people than other community members.

More recently, the sex worker community has responded to the *Hakopian* case and vocalised its distress at the sentencing decision in which Judge Crockett said:

...the likely effect on the victim of the forced oral intercourse and indecent assault is much less a factor in this case and lessens the gravity of the offences (R v. Heros Hakopian, Victorian Government Reporting Service, Dec. 1991).

The Victorian Government Reporting Service clarifies the judge's comments thus:

That statement... can be seen in the context in which it occurs to be a reference to the fact that the victim of the assault was a prostitute (ibid, p. 10).

and that further:

he was not in breach of any sentencing principle when he dealt with the matter as he did on the basis that the complainant was a prostitute (ibid, p. 11).

The judge's statements were, however, in breach of ethical principles and community standards. They extended the harm inflicted and, understandably, both the sex worker community and the Victorian community reacted strongly.

The *Hakopian* ruling provided a forum for the community to come out in support of sex workers and condemn discriminatory practices within the criminal justice system.

The PCV received approximately 50 calls from individuals and community groups after the announcement of the Supreme Court judgment. Non-sex workers demanded that a second protest be held. The public protest attracted widespread community and official support for sex workers. Letters to the editors in all major newspapers also confirmed that the community was outraged at this discriminatory treatment.

The trauma of rape for individual sex workers

Whilst it is evidently the view of the courts that sex workers would experience less harm than other victim/survivors of rape,

there are in fact circumstances specific to the sex industry and its workers which indicate that there are measurable harms which result from the rape of a sex worker. These have been exacerbated in light of recent judiciary decisions in *Hakopian*.

The Prostitutes' Collective has had contact with the defendant in the *Hakopian* case. She has reported to us several real harms which resulted from the incident, which are measurable but which the Country Court *Sentencing Manual* does not identify.

One of the main issues pertaining to the trauma she has experienced is the breaches of her confidentiality, and subsequent fear of incidents of assault upon her. She has been publicly identified as a prostitute, and the court has ruled that she is more 'rapeable' than other women.

Sex workers have been threatened and assaulted by male family members upon learning of their occupation through media reports. Others who have been raped and go to court have received abusive phone calls and mail, including death threats. There have also been incidents of harassment by the media seeking to sensationalise aspects of the experience of sex workers who have been raped. All of these occurrences are ongoing causes of trauma.

Apart from confidentiality issues (which all sex workers report to the PCV as having an impact upon their fears both of subsequent attacks and of reporting and court procedures), many sex workers who have been raped become unable to continue working and earn an income.

They can become frightened of men in particular violent men who may pose as clients. Not only are a sex worker's personal relationships potentially damaged through this fear and mistrust, but so are his/her relationships with those men who provide the source of his/her income: clients. In the instance of a sex worker being unable to return to work because of an attack which occurred in the workplace, he/she would not benefit from the industrial rights and financial support of workers in other industries who were similarly assaulted.

The issue of loss of income for a sex worker who has been raped has been ignored by the courts, yet, disturbingly, in sentencing *Hakopian*, Judge Jones placed weight on the offender's potential loss of income.

Sex workers are widely recognised as the main educators of men with regards to safe sex and sexual health. Surveillance reports from the Melbourne STD Centre support this, revealing again and again that sex industry workers, as a group, have lower incidences of sexually-transmitted diseases than other community members. The impact of contracting an STD through rape (whether or not a condom was used or

used properly) can be highly traumatic for a worker who takes great pride in being involved in safe sex education and the minimisation of the transmission of HIV and other STDs.

The fear of acquiring HIV from a rapist is a common concern expressed to the PCV by individual victim/survivors. Again, loss of income can be the outcome, as workers in the sex industry do not have access to sick leave and Workcare compensation and cannot work whilst infected with an STD (see further Women's Legal Resource Group 1992). In the case of HIV — a potentially life-threatening organism — concerns are exacerbated by the asymptomatic and unpredictable nature of the virus itself and by the fact that an accurate HIV-antibody test result is not possible until three months after transmission-risk activity.

Loss of employment options, and often blackbanning from working in the sex industry, are experiences of sex workers who have been raped. Many workers who inform their employers and managers of incidents of sexual assault are warned not to 'make a fuss', that is take legal action. (Employers' main concerns are about media sensationalism and potential threat to future renewal of licences). Sex workers who have taken action are unable to find work again and, in many cases, are forced to move interstate.

Occupation and sexuality of rape victim/survivors bears no relevance to the crime. Individual sex workers, and sex workers as a group, experience severe trauma arising from rape and other violent attacks upon them, and it is unacceptable to assume that sex industry work predisposes someone to any level of 'rapeability' or that there is an appropriate response to violent attack.

The stress of sex industry work brought about by inadequate, outdated legislation and occupational health and safety standards has been compounded by court decisions such as that in *Hakopian*.



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Psychological harm and victim impact statements

There is no 'appropriate victim/survivor response' to the crime of rape. There are, however, other factors related to harm — and to the culpability of the offender — which can inform the sentencing guidelines in rape trials.

Sex workers do not possess inherent psychological traits which determine their response to violent attack and distinguish that response from other survivors. In light of the recent decision in *Hakopian*, however, it has been argued that if a sex worker is the rape victim, then this bears relevance to the culpability of the offender.

However, the PCV does not support the introduction of Victim Impact Statements (VIS)¹ in rape trials. VIS are problematic for many reasons:

- rather than assessing the crime, they assess the victim and serve to trivialise the intent of the offender;
- psychological harm is not easily measurable — the extent of it cannot be assessed through VIS nor by the courts (given that long-term social and psychological effects and delayed trauma are reported by many individuals as part of their experience of rape);
- offering VIS as evidence in court provides the defence with the opportunity to question and/or cross-examine the victim yet again and to submit contradictory evidence. This situation forces the complainant to defend his/her response to the crime as 'appropriate' and sets up a situation whereby the class, occupation or sexuality of the victim/survivor are accepted as relevant to that response.

1. A VIS is a statement by the victim and addressed to the judge for consideration in sentencing.

- addressing the individuals' psychological harm is the role and responsibility of counsellors, mental health workers and, in the case of rape, Centres Against Sexual Assault (CASAs); it is not the domain of the justice system to address the issue of individual psychological harm.

It needs only to be acknowledged by the court that rape results in extensive short- and long-term serious trauma for individuals and that offenders are aware of this.

Sentencing practices and the court's responsibility

Current guidelines for sentencing, as outlined in Section 5 of the *Crimes Act 1958* (Vic.), have provided for inadequate responses to rape offenders and rely too heavily on judicial discretion. For example, Section 5 (1) (b) states that sentences may be imposed 'to deter the offender or other persons from committing similar offences'. The sentencing in *Hakopian*, however, has revealed judiciary attitudes that encourages deterrence of rape against certain classes of women only. The effect in the real world is a 'regionalisation' of crime, whereby a judge may accept evidence that anyone raped in the St Kilda area, for example, is aligned with a class of women that the judge may believe to be more 'rapeable'.

Similarly, with regard to Section 5 (2) (c), the judiciary has historically revealed its misunderstanding of the 'nature and gravity of the offence', particularly in its view that the victim/survivor's sexuality, occupation, psychological response, and/or legal status is of relevance.

Section 5 (1) (e) does nothing to direct the judiciary to acknowledge the fact that certain communities of people are at greater risk than others due to circumstances like: inadequate legislation and/or industrial safety standards; economic dependence; sexuality or perceived sexuality; and disability or perceived disability; and which change over time for individuals and communities.

The culpability of the offender must be of primary concern to sentencers in rape trials. There is a danger, as with the judiciary's historical view that the class of victim/survivor impacts upon harm, that the class of the offender is seen to bear relevance to the malevolence of the crime. In *Hakopian*, for example, the fact that 'Hakopian had only a relatively minor criminal record and did not appear to be a violent man' was relevant to sentencing indicates that certain classes of offenders are protected on the grounds of social status and appearance despite conviction and despite the malevolence of the attack.

Conclusion

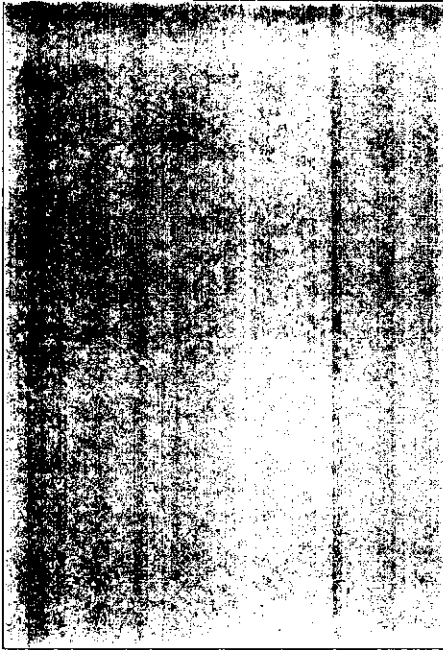
All rape is violent and unacceptable whatever the background of the victim. To be a sex worker is legal; to rape is not. The recent case (*Hakopian*) has revealed serious problems with the criminal justice system's response to the crime of rape, particularly where the victim/survivor is a sex worker.

Traditionally, the courts have judged the victim/survivor and not the offence or the offender. This core issue must be addressed with regards to: reporting and trial procedures; legal restrictions on the victim/survivor; and attitudinal changes within the judiciary and those enshrined in sentencing guidelines and practices.

The community expects and demands that *all* victim/survivors of sexual assault receive equal access to and fair treatment by the criminal justice system, regardless of sexuality, occupation, sexual history, legal status, economic status, cultural background, age, class, race, or gender. It is time to address the current imbalances and injustices which have been made obvious in the misunderstanding and mistreatment of sex workers who survive rape.

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Christopher Trotter*

Client Perceptions of Community Based Corrections

This survey was undertaken as part of a project on the effectiveness of community based corrections funded by the Criminology Research Council and the Victorian Office of Corrections.

In recent decades governments and corrections departments have increasingly looked towards community based programs as a cheaper and more humane method of dealing with offenders, and of reducing prison populations. Indeed, several Australian state governments have articulated policies which view prison as a last resort and therefore promote the alternative of community based programs.

There seems little to dispute the popular perception of prisons as inhumane places that do little to rehabilitate and which provide predominantly negative experiences for inmates. A study of Australian prisoners conducted by the Australian Law Reform Commission (1980) in fact found widespread dissatisfaction with the criminal justice system in general.

What, however, do participants think about community based corrections? Do they have the same negative views as they seem to have towards other aspects of the criminal justice system? Or do they believe that they are helped with their problems? Do they feel assisted or supported? Do they discuss their problems with their supervisors?

These questions are relevant to practising community corrections officers and probation and parole officers who often feel that their clients take them for granted and do not appreciate the efforts they make in the face of high caseloads and excessive work demands.

The results of this study are also relevant to those who argue that community based corrections provide an humane alternative to prison with the potential to rehabilitate offenders. If this is the case then it could be expected that offenders undertaking these programs would have a more positive attitude towards them than towards other aspects of the criminal justice system.

Procedure

Community Corrections Officers (CCOs) were asked to give a questionnaire to selected clients. The CCOs were asked to seek the clients' permission to undertake the questionnaire, read it through it with them, and explain any questions not understood. The clients then completed the questionnaire in private with a guarantee that it was confidential and would not be seen by anyone other than research staff.

The Sample

Forty-eight professional Community Corrections Officers (from a total of 180) were given 117 questionnaires for distribution to selected clients. Clients were selected on a systematic sampling basis from sixteen of the twenty-three Community Corrections Centres in Victoria. This included ten of the state's eleven metropolitan offices.

The clients were either on parole or community based orders and the average period under supervision was five months. This study focused on one to one supervision with the Community Corrections Officer.

Sixty-eight clients (58 per cent) responded to the questionnaire. Only one client declined to answer the questionnaire, although in a few instances the supervising officer completed the questionnaire on behalf of the client because the client was illiterate. The remaining unanswered questionnaires were not distributed by the supervising staff members.

The Questionnaire

The questionnaire sought information on general issues such as the extent to which clients feel that they receive support and assistance from supervision, how they view their supervisor and how frequently they are seen.

The questionnaire also sought comment about the practice of supervising officers

*Lecturer in Social Work at Monash University, previously a Regional Manager with the Victorian Office of Corrections.

in areas which various research studies have suggested are related to effective supervision in community corrections (Andrews et al. 1979; Andrews et al. 1990; Gendreau & Andrews 1990; Lipsey 1991; Trotter 1990). These studies suggest that effective supervision includes:

- the provision by the supervising officer of higher levels of contact to higher risk offenders and the provision of lower levels of contact to lower risk offenders;
- the provision of a clear explanation of the conditions of the order;
- the discussion of specific problems which seem to be related to the offending behaviour;
- the development between the supervisor and client of tasks or actions to deal with the problems;
- the provision of rewards or encouragement for the positive actions and behaviours of the client.

The Results

Level of support

Eighty-seven per cent of clients described the level of support given to them by their supervisor as good or very good. A similar response was received when asked to describe the level of assistance given by the supervisor.

Perception of the Community Corrections Officer's role

In answer to the question, 'What is your understanding of the role of the Community Corrections Officer?', it is clear that CCOs are clearly perceived in the categories of friend, counsellor and supervisor rather than as police or prison officers.

Frequency and duration of contact

Figure 1 illustrates the frequency of contact and figure 2 the duration of contact between CCO and their clients. The average client sees his or her CCO only once every three or four weeks for a period of fifteen to twenty minutes.

Targeting of high risk offenders

There was a tendency to see high risk offenders more frequently and to see low risk offenders less frequently. Figures 3 and 4 illustrate that high risk clients were more likely to be seen fortnightly in contrast to low risk clients who were more likely to be seen every three or four weeks. This, however, was not the case in relation to length of appointments. The length of appointments was only very minimally related to client risk levels. Note that risk levels are assessed for each client at the beginning of their order utilising a risk inventory (Office of Corrections 1987).

Figure 1 How often do you currently attend for supervision appointments?

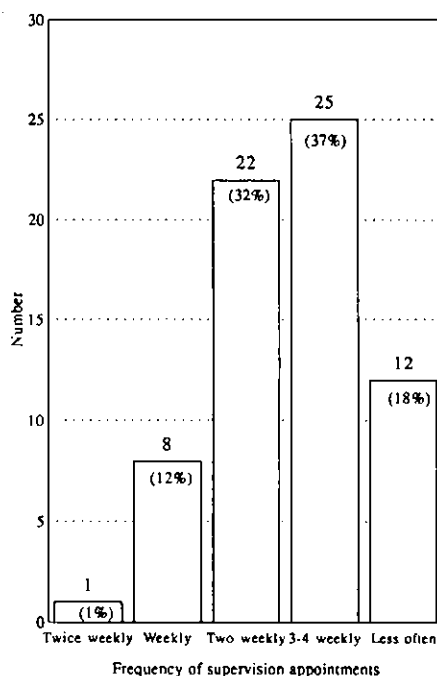


Figure 3 Frequency of appointments for high risk offenders.

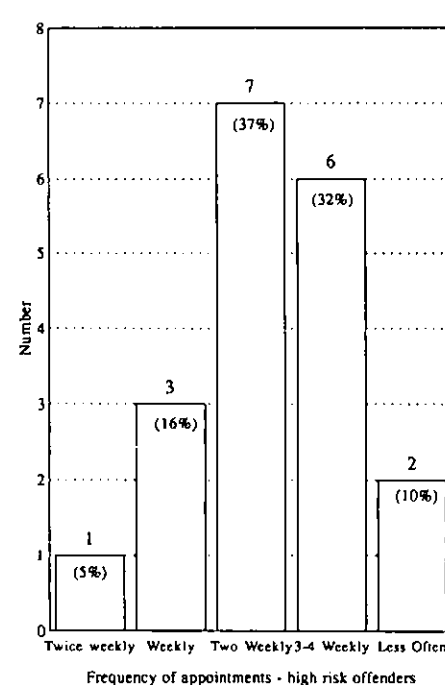


Figure 2 How long do your supervision appointments last at each visit?

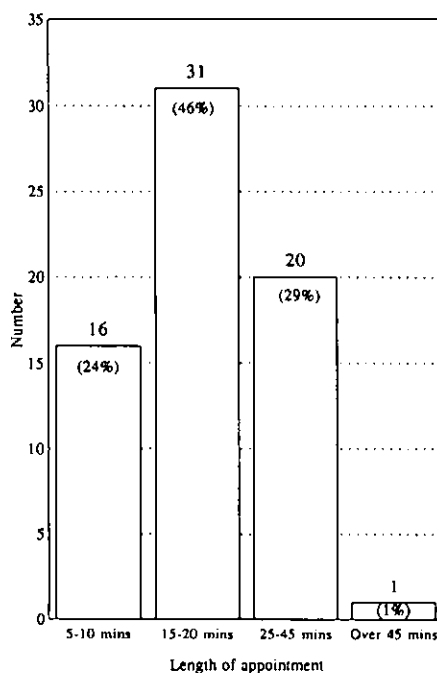
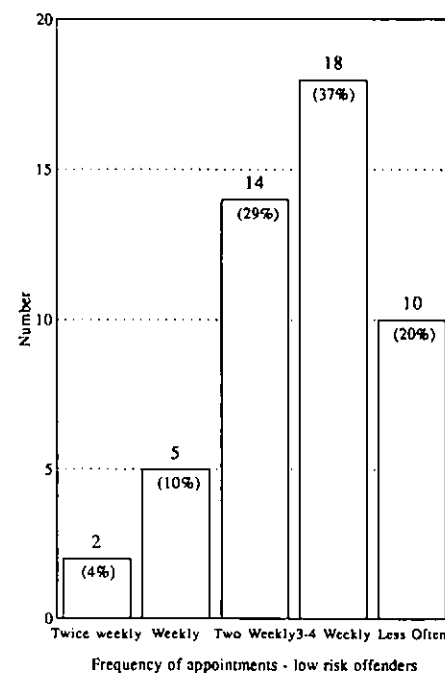


Figure 4 Frequency of appointments for low risk offenders.



Some care does need to be exercised in interpreting these results because of the relatively small number of high risk offenders.

Explanation of the conditions of the order

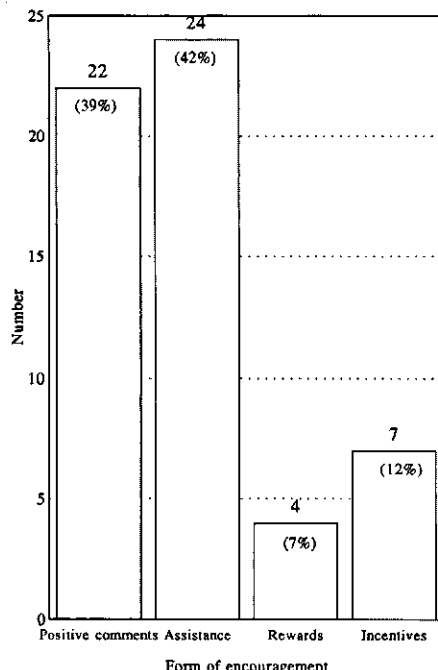
Eighty-two per cent of the clients who responded to the questionnaire indicated that the conditions of the order had been very clearly explained at their first appointment with their supervisor.

Encouragement from supervisor

Ninety-one per cent of those responding to the questionnaire felt that they received encouragement from their supervisor. Some research suggests that effective practice in corrections supervision involves providing positive encouragement and rewards for client progress and pro-social behaviour (Andrews et al. 1979; Trotter 1990). Figure 5 suggests, however, that the

encouragement was more in the form of general encouragement than reward for progress. Note that some offenders indicated that they received encouragement; however, they did not indicate how this encouragement was given, presumably because they were unsure or it was given in other ways.

Figure 5 How was encouragement from your supervisor shown?



Reduction of problems

Eighty per cent of clients said they had discussed specific problems with their supervisor. Eighty per cent of these indicated that they had discussed possible solutions to the problems and 65 per cent had decided on actions and tasks to deal with the problems. Seventy-six per cent felt that all or some of their problems had been reduced. Eighty-two per cent reported that they felt they were given assistance with their problems.

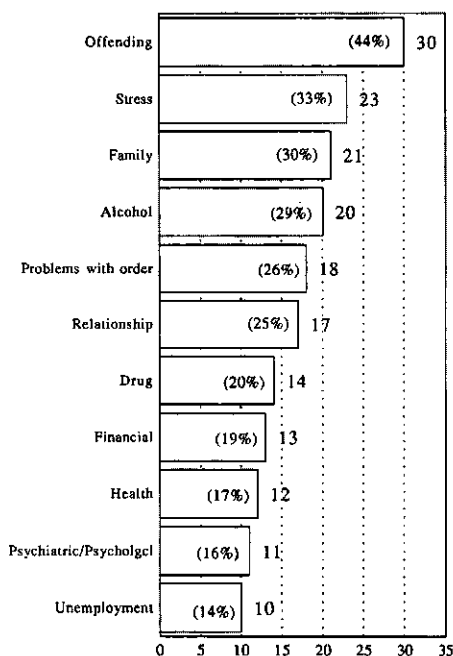
Figure 6 outlines the problems that clients indicated had been reduced. As can be seen in this figure, clients felt that their problems had been reduced in a range of apparently offence related areas. In fact 44 per cent indicated that their problem of offending had been reduced.

Limitations of this study

Perhaps the major limitation of this study is that the sample is relatively small and only 58 per cent of the questionnaires were returned.

However, it has been pointed out that the sample was drawn on a systematic basis from sixteen of the twenty-three community based corrections offices in Victoria. Also the return rate for the questionnaire is perhaps as good as

Figure 6 What problems have been reduced (of those that have been discussed with your supervisor)?



could be expected. It seems to be a reasonable rate of return in comparison to similar studies. For example, the National Survey of Offenders published by the Australian Law Reform Commission referred to above had a less than 50 per cent return rate.

On the other hand, it is recognised that the more transient clients and those who had their orders cancelled may have been less likely to be given the questionnaire and may have been less satisfied with their supervision. It could also be that the offenders wrote positive responses because they believed that negative responses might in some way disadvantage them despite the fact that they were given guarantees of confidentiality. This, however, was not the case with the Australian Law Reform Commission survey and there is no reason to believe it is the case in this study.

Despite these limitations the survey provides useful information about participants' opinions of community based corrections.

Discussion

The results of this study clearly suggest that offenders or clients undertaking community based orders in Victoria are generally happy with the supervision they receive. They feel supported and assisted by their officers, they feel that their problems have been discussed and, in most cases, that their problems have been reduced. They also feel that they receive encouragement from their supervisors.

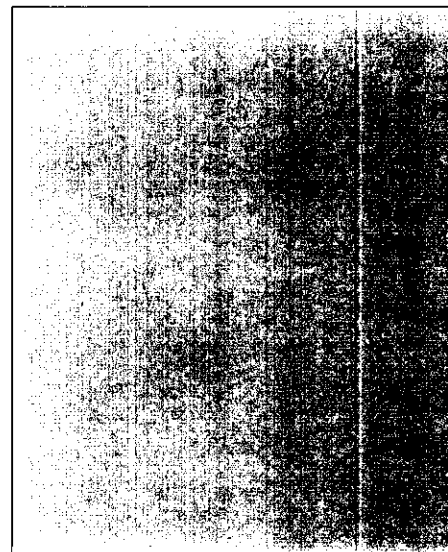
The clients in this study reported generally that they receive the kind of

supervision that numerous research studies have suggested is related to reduced offending rates. That is, high risk offenders tend to be seen more often, supervisors have clearly explained the conditions of the orders, supervisors generally have discussed specific problems and generally tasks or strategies have been developed to address these problems.

The Community Corrections Officer who often feels s/he is getting nowhere with the day-to-day grind of high caseloads and who receives little appreciation from his/her clients should take some comfort from the results of this study. It also provides some further support to the increasing body of research which points to the effectiveness of community based programs.

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May I shake you by the throat? Dealing with difficult clients

This is an edited version of a paper presented at The Eighth Conference for Librarians in the Criminal Justice System held in Manly, NSW, in March 1992



The extent of the problem

Since the late 1970s, there has been increasing concern by trade unions, health and safety committees, researchers and community service workers at the apparently increasing number of severe verbal and physical assaults against those in face-to-face helping situations. Despite the genuine concern about this perceived increase in work based aggression, there has been little research undertaken to test these claims.

In the United Kingdom, the Industrial Relations Service (1979), while stating that there was no clear evidence that attacks on employees were increasing, went on to rank what they perceived as the types of workers most at risk of assault. In their study the highest ranked were hospital employees, especially nurses in casualty departments or psychiatric hospitals. Next were ambulance personnel, then residential care workers, Department of Health and Social Security counter staff, Department of Employment staff and, finally, local government employees such as rent collectors, gardeners, home helps and car park attendants.

In 1987, the UK Library Association felt sufficient concern about aggression in the library setting to issue staff guidelines, *Violence in Libraries: Preventing Aggressive and Unacceptable Behaviour in Libraries*.

More recently (1990), the Education Services Advisory Committee of the UK Health and Safety Commission have identified some of the specific safety needs of library staff. The ESAC's working definition of violence is 'any incident in which an employee is abused, threatened or assaulted by a student, pupil or member of the public in circumstances arising out of the course of his or her employment'. To this list of potential assailants must be added, unfortunately, the category of other colleagues.

The other major source of information and research that is readily available on violence against people helpers comes from the United States. While the British research tends to focus on residential care workers and community based workers, the US data appears to be more centred on mental health personnel, general health and welfare staff, therapists in private practice and police. Little attention has been paid so far to library staff, except in perceived high risk situations such as prison or hospital libraries (see Mallinger 1991).

Increasing violence in the workplace

Some reasons for a possible increase in violence in a variety of health, welfare and community services are:

- Changes in the mental health act make it more difficult to gain admission for, or have scheduled, people with personality disorders.
- The move towards deinstitutionalisation means discharging into the community patients who have a variety of problems needing ongoing care. Community based organisations lack resources, the skilled staff and support available in hospitals to manage aggressive people
- The shift towards an older, but fitter, often mentally confused clientele, who sometimes act aggressively in community settings.
- During difficult economic times, services to those in need are reduced, raising their frustrations, anxieties and anger. Though agencies have less resources, the impact of their decisions upon disadvantaged service users has assumed greater importance for them.

* Lecturer, Department of Professional Studies, University of Western Sydney, Macarthur

- The increasing number of homeless people on the streets may give rise to situations of conflict over what is appropriate usage of public facilities such as libraries. Libraries may increasingly be used by such people as de facto drop-in centres or day care services.

Predicting violence

Efforts at predicting violence, even in very defined and controlled situations, have not proved to be particularly accurate. Trained mental health personnel, in clinical settings, often have not achieved more than a 50 per cent accuracy in predicting future violent behaviour in light of current information available to them about the potential aggressor (Monahan 1984).

There are a range of factors that are related to aggressive behaviour (see Bowie 1988).

Personal factors

Factors that do seem to bear some relationship to the likelihood of the occurrence of violent actions by a person are:

- a past history of violence;
- young, single males;
- low socioeconomic status;
- residential mobility;
- mental illness.

However, it needs to be made clear that not all aggressive incidents will arise from young males or those with psychiatric problems. The well-dressed professional with brief case is quite capable of acting in quite an aggressive fashion if his/her demands, of largely female library staff, are not met.

Besides these demographic and class-bound factors there can also be a variety of other personal and attitudinal factors that may lead to violent behaviour. Such aspects can include:

- unmet physical needs;
- unmet emotional and self-identity needs;
- displaced anger from past situations projected into the current situation;
- feelings, attitudes and expectations towards the service organisation.

However, there is more to a violent situation than just what the other person contributes; there is a dynamic interaction between that person, the staff, the organisation and other external constraints.

Staff interaction

Workers bring to the job a variety of world views, stresses and needs, which may effect the occurrence of violent situations.

These may include:

- attitudes and satisfaction with the work;
- feelings, understanding and attitudes towards particular people;
- previous personal and job history;
- particular words, incidents or types of people that are hard for that worker to deal with;
- the degree of support available on the job and at home;
- type and relevance of initial and ongoing training;
- compounding stress from external events and crises.

Organisational interaction

The organisation's functioning and setting can also play a major part in affecting the level of violence experienced within its domain. These factors include:

- type of staff selected and employed and the staffing ratio;
- induction and ongoing training opportunities;
- formal and informal power structures amongst staff;
- extent of mutual decision making available to service users and workers;
- degree of concern shown both for those receiving help and to staff;
- type of leadership given;
- amount of internal (for example, turnover of staff) and external change (such as changed procedures);
- extent of services and benefits available for users;
- how organisational power is experienced by the users through eligibility and discretion requirements and their use or misuse;
- the extent of clear aims, objectives, rules and regulations outlined for those seeking service;
- the general physical environment and emotional climate of the organisation.

Outside influences

Such factors may effect the efficiency, morale and expectations of both service users and staff. These may include:

- level of finance available to the service;
- staff shortages or inappropriate workers;
- type of reputation of the service in the community;
- worsening financial situation of those using the service;

- involvement and needs of the user's family.

Thus, any attempt to understand, prevent or intervene in violent situations must take into account a whole range of potentially interacting factors including the service user, worker, organisation and outside factors.

Furthermore, it should be noted that violent behaviour is not static or only of one type and needs to be understood as also changing and developing over time in response to differing circumstances.

There are left a number of pragmatic reasons for violent behaviour by people. Smith (1983) lists the following motives:

fear
frustration
manipulation
intimidation

To these four reasons for aggressive behaviour should be added those of aggression as a result of:

pain/illness or
brain damage/dysfunction

Responding to violence in the workplace

A balanced approach to aggression management by community service workers contains six major components. These components are usually run in sequence, though some parts may run in parallel, and others may be repeated in a cycle (see Bowie 1989). I refer to this as the SACRED strategy. The components are:

1. **Self-control** in community service workers
2. **Analysing** the situation
3. **Choosing** the methods of intervention
4. **Responding** appropriately
5. **Evaluating** intervention outcomes
6. **Deciding** future actions

In choosing the method of intervention, verbal methods of persuasion can be used by themselves or in conjunction with other non-verbal strategies. The response options to actual or threatened violence are usually one or more of the following (Dobson & Shepherd-Chow 1981):

negotiation
leaving (flight)
no action
surprise or diversion
blending
evasive self-defence

Crisis communication strategies

In a situation of potential or actual violence, there are three main ways of gaining or maintaining control. The first two are interrelated and rely on

intellectual and emotional processes (verbal persuasion and reasoning) and social pressures (family, culture, control agents), while the third relies on physical restraint.

Verbal persuasion

Persuading others can be done in five ways:

- by appeal to the other person's reason;
- by appeal to their emotions;
- by appeal of worker's own character and personality (persona);
- by appeal to consequences;
- by appeal to sociocultural pressures.

The choice of persuasion approaches to take will, as before, be influenced by the situation (context), the problem constraints and the participants. The worker's perspective and purpose also will guide selection of the appropriate approaches.

Non-verbal persuasion

Alongside of these types of verbal persuasion there are also non-verbal means or 'channels' of communication. These non-verbal channels include:

Paraverbal communication: utterances, sounds and pauses, as well as tone, inflection and volume, but not actual words;

Kinesic channels include: body posture, stance, eye contact, facial expressions, movements and gestures. Closely related to these are cues like physical appearance and clothing style;

Proxemics: relate to use and structuring of space with objects and people. Private space and territoriality are important factors to be taken into account;

Haptic channels involve the use of touch and how it is used.

Normally in communication, all these different channels must be used in an integrated fashion and not distract from each other, or negate the message of any other channel.

During times of increasing stress, the communication capacity of the above channels are lost from the top down, that is, with increasing distress to both the other's and the worker's verbal ability, and message perception may be replaced by non-verbal responses and needs. As the situation is resolved, the reverse may occur, with movement up towards the more verbal, conscious channels.

Basic intervention strategies

Concentrate on building relationships. In high stress situations, people begin

quickly to structure set rules for the relationship and the worker needs to be directing the development of this relationship while help is being given.

Communication for change

When library staff are in an aggressive situation, they should:

- Early on, try to get the aggressor to agree to something, either in word or action, thus building the first small step of cooperation.
- Wherever possible, accept and reinterpret their hostile actions in a more positive light, seeking points of similarity rather than differences, and enlisting their help as allies rather than as enemies.
- Comment on the other person's behaviour, not on their apparent motivation. Avoid the impression of trying to read their mind or of judging their intent. Give the person psychological room to explain or deny feelings attached to their actions.
- Deal with the 'here and now' rather than on issues of the past. Be aware that people in crisis often cling strongly to past, concrete ways of thinking and coping.
- Keep explanations or instructions simple, avoid complex or loaded words.
- Reassure, calm and support the aggressor, stating that the worker is there to help maintain control of him/herself. Encourage the other person to understand and accept the responsibility for controlling their own behaviour.
- Keep requests short, direct and non-condescending. Do not speak as a parent to a child, risking projection and further anger.
- When asking questions, avoid casting doubt on the other person's ability to perform a task, but rather their willingness to do so. The former can be seen as patronising or insulting and may further damage the person's low self-esteem.
- Avoid making promises or guarantees that cannot be kept or that are beyond your control. Talk about what is known, do not attempt to predict future outcomes or events.
- Wherever possible offer the person in crisis a face-saving alternative or a way out, as they are often feeling trapped or confused. Offer the 'illusion' of alternatives where there is a seemingly free choice amongst a number of alternatives, but with the same end result — the de-escalation of the situation.

Where limits need to be set for the person in crisis, they should be framed in a positive, non-superior-inferior way, conveying the worker's desire to help but not to allow manipulation. Any limits that are set should be reasonable and easily understood. Check that the aggressor understands the limits and reinforce the benefits for them in complying with them.

Limit setting can either be in the form of a direct command or request or in an indirect form in which the person is given a series of choices among acceptable behaviour alternatives. The worker must decide whether the direct or indirect approach to setting limits is the most appropriate to the person and context at that time.

- Slow and extend the communication where appropriate. This approach shows that the worker thinks the other is important and worth listening to. It also gives the worker time to listen, analyse and appropriately respond.
- Where the situation has not yet reached the crisis state, the situation may be defused or the person diverted by the worker seeking further information from the person in order to help them. However, the worker must be alert for any signs of irritation at such requests.
- Above all, the worker should let the other person know that they have heard what the problem is, and acknowledge it as a problem, and then let them talk about what has made them upset or angry. The worker should aim to clarify as much as possible what is motivating the person's aggressive behaviour.

Responding appropriately involves the worker adopting a specific role for the particular situation and context. Such a role is not insincere, but is rather the adoption of a flexible way of dealing with a changing situation. The source of the aggression will help determine the appropriate intervention.

Aggression based on fear needs a response that attempts to remove any external threat to the aggressor while providing them with personal support. Responses to 'frustrated' violence need to be based on building alliances between the worker and the aggressor as well as encouraging the other's internal control.

Attempts at manipulative violence need to be met with worker detachment and limit setting. Intimidatory violence may be best dealt with, in some situations, by pointing out the consequences of such acts for the aggressor. In extreme situations of intimidation, the worker may seriously need to consider temporarily yielding to such demands for their own ultimate safety. After using any of the above responses, the worker then needs to assess their effectiveness.

Evaluating intervention outcomes

involves the worker in assessing their own performance in intervening in the situation in the light of the SACRED response strategy.

S Was the worker self-aware and in control of their situation?

A Did they analyse the situation correctly?

C Was the best intervention strategy chosen?

R Did the worker respond appropriately?

Deciding future actions is the next step to be taken by the worker in the light of such ongoing evaluation. Future action could include stopping, modifying or continuing the current intervention.

However, even the most skilled worker may not be able to control totally or prevent acts of violence or aggression against others or themselves. The question of post-trauma support for community service workers who have become victims of violence needs to be more widely examined in the light of worker's responses to being both helper and victim. This support can be through the process called critical incident debriefing. Mitchell (1983) has developed a comprehensive model which he calls Critical Incident Stress Debriefing (CISD) to minimise the negative impact of crisis situations on helpers. This approach allows victims to talk about their feelings and gain understanding of their reactions, as well as providing practical assistance.

Prevention strategies

Naturally, any effective response to the issue of assaults against community service workers requires due consideration be given to the prevention of assaults as well as intervention after assaults have occurred. A number of preventative strategies of varying levels of difficulty with regard to implementation are suggested:

Staffing issues

- Sufficient and appropriate staff should be selected and employed.
- New staff should be given a full and appropriate induction into the work situation and the realistic risks involved.
- Staff should be given initial and ongoing training in the identification, prevention and reduction of violence.
- All staff should feel secure, supported and able to admit fears and negative emotions
- Staff should be given anticipatory information as to what constitutes normal worker reactions to stressful and abusive situations.

- Staff should feel confident in reporting violent incidents to their management and that such reports will be acted upon.
- The organisation must provide clear practice and emergency guidelines for their staff if faced with actual or potential violence.

Working environment

- All public contact areas and other facilities should be designed and furnished so as to provide adequate security as well as a comfortable and welcoming environment (see Swanton & Webber 1990).
- Alarm systems should be available and staff instructed as to their appropriate use.
- There should be methods developed to send a coded message indicating danger and needed assistance. Staff should be fully trained in how to respond properly to such calls for help.
- Wherever possible, all potential weapons should be excluded from public contact areas.
- The library should have a written code of conduct explaining to both clients and workers what is acceptable behaviour within the service.

Staff management issues

Brown et al. (1986) also suggest a number of specific agency responsibilities with regard to staff management. Namely:

- To keep staff aware of the dangers of particular high risk procedures, work situations and clients.
- To ensure that workers are not isolated and help is always readily available.
- High risk situations need to be allocated to those most able to cope with them.
- Appropriate back up and support must be available to those working in community based settings or clients' homes.
- Staff need to be made aware of the different approaches needed in working in a community or client based setting as compared with an institutional setting such as prison libraries.
- Good communication must be maintained between administration, staff and clients. Also, good contacts must be maintained with police and emergency service personnel.
- All staff rosters and staffing combinations need to be worked out to reduce the risk to staff of confrontation or dangerous situations without curtailing the service.

Conclusion

In this paper I have examined aggression aimed at us by others: however, we need constantly to be on guard against any actions by ourselves which may diminish others. I end by quoting the conclusion in my book *Coping With Violence*:

We all as members of a society, have a responsibility to find ways of lessening violence in all its forms. Violence includes racism, sexism, ageism, poverty, oppression and environmental pollution. Let us strive to be free; to be free of those aspects in ourselves as we also, in a practical way, attempt to release others from the oppression and frustrations that are often expressed through violence.

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Ugandan Assignment

In February this year, the Institute's Librarian, John Myrtle, visited Uganda to advise the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) on the development of library and information services.

The time that I spent in Uganda earlier this year, proved to be a most eventful experience. Firstly, I was privileged to work with a group of people at UNAFRI who are determined to make significant progress in addressing problems and issues of crime and criminal justice within the African continent. They are doing this work with extremely limited resources. Secondly, I had the pleasure of working for two weeks in an African country which has an strikingly attractive countryside and a very friendly local population. Uganda has much to offer for a Western visitor or tourist.

The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) was established in February 1989. UNAFRI is the African regional affiliate of the United Nations Crime Prevention and Criminal Justice Branch. The Branch, based in Vienna, assists member states of the United Nations with a variety of matters relating to crime prevention and control, and criminal justice. It also collects, analyses and disseminates relevant information on a worldwide basis.

Uganda was selected by the African Conference of Ministers in April 1989 as the host country of the Institute, and the offices of the Institute are based in Kampala, Uganda's capital. UNAFRI's Director is Professor Femi Odekunle formerly of Ahmadu Bello University in Nigeria and the Deputy Director is Professor Eric Paul Kibuka, formerly of Uganda's Makerere University.

UNAFRI is established in premises refurbished and furnished by the Uganda Government on the eastern outskirts of Kampala. It has extensive buildings, previously barracks and training college for Uganda's police. The various buildings are arranged around a flat, open area which had formerly been the parade ground for the training college.

My assignment with UNAFRI involved working with their Librarian and advising the Director on the development of library and information services for UNAFRI,

particularly the Institute's Library. I travelled with a Toshiba laptop computer which was donated by the Australian Institute of Criminology to assist UNAFRI in developing a computer-based system for their Library. The computer was supplied with INMAGIC database software and during my time in Kampala I trained UNAFRI's Librarian, Mrs Prisca Tibenderana, in the use of the INMAGIC software for indexing and cataloguing the Library's holdings and for the control of the Library's serials.

Mrs Tibenderana was appointed to her position in December 1991. She holds a degree of Master of Library Science from Ahmadu Bello University, Nigeria and has more than ten years professional work experience, mainly in academic libraries in Nigeria and Uganda. In the short time that she has been working with UNAFRI, Mrs Tibenderana has established valuable contacts in the local library and government community. These contacts include with Makerere University Library, where she was formerly employed as



Prisca Tibenderana

Education Branch Librarian, and with the British Council and the United States Information Service.

UNAFRI's Library is currently housed in one room in the same block as the Institute's seminar and meeting rooms. The juxtaposition of these rooms is ideally suited to the participation of the Library in the overall program of the Institute, and in particular its training and seminar program.

The current collection in the Library consists of books, reports and serials mainly donated from overseas sources. Some material has also been donated by UNAFRI staff members or acquired by staff as part of their work. Very little material has been purchased. The majority of titles in the book collection have a North American imprint and are more than fifteen years old. Few serial titles of significance are currently being received in the Library.

The Library is intended to serve four main client groups:

Staff members

Visiting dignitaries and scholars

Course or seminar participants

Other visitors

Apart from training Mrs Tibenderana in the use of the Toshiba personal computer and the INMAGIC software, I also worked with her in physically re-organising the Library's collection. The collection is now organised in the following way:

1. **REFERENCE BOOKS**

2. **BOOKS**, shelved in alphabetical order by author or editor, and in the event of there being no author or editor, by title. English, French, German, Arabic and other languages are all being grouped separately on the shelves.

3. **SERIALS/SERIES**, comprising all serial, journal titles, and all numbered monographic series.

4. **SUBJECT FILE**, to include files of information made up of pamphlets, photocopied articles, unpublished papers, or other ephemeral material. The collection will be physically located in a filing cabinet and each file will represent a separate subject heading, with the files organised in alphabetical order by file name.

5. **UNITED NATIONS**. UN documents relating to congresses, conferences and meetings will be grouped together as a collection. Most UN publications and documents are numbered according to the UN Document Numbering System and this offers a useful, practical guide for filing, and orderly maintenance. Other UN serial titles will be shelved with the Serials/Series collection.

A major task for UNAFRI will be development of the Library's collection from the following sources:

BOOKS AND SERIALS PURCHASED

by the Institute from local and overseas suppliers. This material could include basic reference tools, and texts required to support current research and training needs;

BOOKS AND SERIALS OBTAINED ON EXCHANGE or as gifts from member states and different organisations;

DONATIONS of books from staff, other local sources or overseas sources; and

WORKING PAPERS, publications and other documents acquired at United Nations, and other international or local meetings or conferences.

I have estimated that UNAFRI would need to set a non-salary budget of US\$10,000 (1992 prices) to enable the Librarian to make modest book purchases and to initiate a limited number of serial subscriptions. At this stage, funds for such library expenditure are not available. As a result, books are not being purchased and serials are not being acquired.

Because of the current lack of money, UNAFRI will in the short term be dependant on donations of books and serials for the development of its Library collection. The participation of the Librarian in UNAFRI's regular training seminars will aid this process. Mrs Tibenderana will make formal presentation on the work of the Library at each of UNAFRI's seminars. Such occasions will be used both to promote the Library's role in disseminating criminal justice information and also to solicit donations. Donations could come from individual participants in the seminars or from the organisations, agencies or countries that the participants represent. Donations of books, reports (including annual reports), statistical publications, and serials would all be useful additions to the Library.

Prior to my assignment with UNAFRI, the Deputy Librarian at the Australian Institute of Criminology, Mrs Gael Parr, prepared a paper on sources of published information for criminal justice libraries. This paper outlines some of the organisations, agencies and other sources which publish criminal justice material in the English language and which may be relevant for an agency such as UNAFRI. I have discussed this paper with Mrs Tibenderana and she will be using it to target overseas agencies who might possibly assist UNAFRI's Library.

In summary: UNAFRI's Director, Professor Femi Odekunle, is determined to develop a Library that will serve, not only the Institute and its staff, but also UN member states across the African continent.

Note: It is clear from this report that

UNAFRI would appreciate any assistance or donations for its Library from individuals or agencies. Both financial assistance and offers of books or serials would be appreciated.

With books and serials, please first check on usefulness of such donations by writing to:

Mrs Prisca Tibenderana
Librarian, UNAFRI

PO Box 10590

Kampala UGANDA

Fax: 256 41 232974

or 256 41 244801

(via the UNDP Office in Kampala)

New Publications

Australian Institute of Criminology

GPO Box 2944
Canberra ACT 2601
Tel: (06) 274 0256
Fax: (06) 274 0206

Conference Proceedings Series ISSN 1034-5086

Strang, H. & Vernon, J. (eds)
Conference Proceedings No. 12
International Trends in Crime: East Meets West
1992. ISBN 0 642 17359 1. 192 pp.
A\$20.00.

The latest in the Conference proceedings series incorporates papers from an historic conference, held in Bali, Indonesia, from 10 to 13 December 1990. *International Trends in Crime: East Meets West* provided the forum for the inaugural meeting of the Indonesian Society of Criminology. A number of major issues were debated which affect both East and West; for example, crimes against the environment, services for juvenile delinquents, narcotics, community centred crime control, and corporate crime.

McKillop, Sandra (ed.)
Conference Proceedings No. 13
Preventing Youth Suicide
1992. ISBN 0 642 17512 8. 306 pp.
A\$25.00.

Suicide among young Australians has been increasing in recent decades and the conference, *Preventing Youth Suicide*, was held as a forum for an exchange of views on this worrying topic. An attempt has been made to identify risk factors associated with youth suicide. Trends in various states are discussed and several innovative programs aimed at preventing youth suicide are described. The special cases of Aboriginal people and adolescents in custody are also discussed. The roles of the police, schoolteachers, counsellors, psychiatrists, nurses, custodial officers and the family in assessing and assisting young people are canvassed.

Corrections in Asia and the Pacific: Record of the Eleventh Asian and Pacific Conference of Correctional Administrators,
1992. ISSN 1030-4436
ISBN 0 642 170355. 44 pp. A\$10.00.

Australian Criminology Information Bulletin

ISSN 1034-6627

Vol 3. No. 2, April 1992

Subscription A\$20.00 p.a. (6 issues per annum)

Trends and Issues in Crime and Criminal Justice

General Editor, Peter Grabosky
ISSN 0817-8542

Subscription A\$30.00 per annum
(minimum of six issues per annum)

No. 35, Easteal, P. Weiser
Women and Crime: Impact, Detection and Regulation
ISBN 0 642 17514 4.

No. 36, Harding, Richard
Private Prisons in Australia
ISBN 0 642 17518 7.

No. 37, James, Marianne Pinkerton
The Elderly as Victims of Crime, Abuse and Neglect
ISBN 0 642 17588 8.

Facts and Figures in Crime and Criminal Justice

General Editor, John Walker
(Subscription A\$30.00 per annum)
Australian Prison Accommodation and Occupancy, January-March 1991
ISSN 1035-039X

Australian Prison Trends, December 1991
ISSN 1037-6925

Australian Government Publishing Service

Mail Order Sales
GPO Box 84
Canberra ACT 2601

Easteal, Patricia Weiser
The Forgotten Few: Overseas-Born Women in Australian Prisons
1992. ISBN 0 644 22344 8. 126 pp.
A\$19.95.

(also available from the Australian Institute of Criminology, Canberra)

This volume addresses the specific concerns of overseas-born female inmates in Australian prisons. The research for this book was undertaken by Dr Easteal on behalf of the Bureau of Immigration Research. It is one of the few books to examine the plight of women

prisoners in Australia and the first to focus on the overseas-born within the population. It is a candid account. A component of the research for this book included the observation of eight women's prisons in New South Wales, Queensland and Victoria; in-depth interviews were conducted with a sample of 56 overseas-born female inmates and analysis undertaken of 125 surveys returned by uniform officers and other prison staff.

Aboriginal Deaths in Custody: Overview of the Response by Governments to the Royal Commission
1992. ISBN 0 644 24572 7. 60 pp.
A\$7.95.

This overview is a summary of the controversial *Government Response to the Royal Commission into Aboriginal Deaths in Custody*. It looks at the Commission's proposals for law reform, justice systems and measures to address endemic Aboriginal and Torres Strait Islander disadvantage.

Government Response to the Royal Commission into Aboriginal Deaths in Custody
1992. 3 vols. ISBN 0 644 24572 7.
A\$24.95 each.

These volumes provide the responses of the state and territory governments to the 339 recommendations of the Royal Commission into Aboriginal Deaths in Custody.

National Crime Authority
Taken to the Cleaners: Money Laundering in Australia
1992. 0 644 24526 3. 172 pp. A\$14.95.

This report, one of the first of its kind in the world, is a report by the National Crime Authority to the Commonwealth Attorney-General pursuant to a reference which enables the Authority to inquire into money laundering in Australia. This published version of the report includes: a summary of the findings from industry areas; the extent, nature and impact of money laundering in Australia; current legislative approaches to money laundering; and the current law enforcement approach to money laundering.



Australian Institute of Criminology

(Please note that Conference information is subject to change. Check conference details with the Conference Program at the address below)

1992

3-5 August Measurement and Research Design in Criminal Justice (in conjunction with the School of Justice Administration and the Centre for Public Safety and Security, Griffith University), Brisbane

22-24 September National Conference on Juvenile Justice, Adelaide

27-29 October Without Consent: Confronting Sexual Violence, Sydney

Nov 30-Dec 2 Privatisation in the Criminal Justice System, Wellington, New Zealand

1993

23-25 February Crime and the Elderly, Adelaide

23-25 March Criminal Justice Planning and Coordination, Canberra

The Conference Program of the Institute is always keen to hear from people interested in participating in, or speaking at, Institute Conferences. If you would like to be involved in any of the above events, kept informed of planning for them, or have any suggestions for Institute Conferences that would address issues of national importance in the criminal justice or related areas, please contact the:

Conference Program
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Tel: (06) 274 0226/0223
Fax: (06) 274 0225

Australian Institute of Judicial Administration Incorporated

**1992 AIJA 11th Annual Conference
22-23 August 1992, Lennons Hotel on the Mall, Brisbane**

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

Australian and New Zealand Society of Criminology

**8th Annual Conference
30 September-2 October 1992,
Melbourne**

The conference theme will be 'The Cultures of Crime', and the keynote speaker will be Professor Stan Cohen, University of Jerusalem. For further information, please contact:

Kathy Laster
Convenor
Department of Criminology
University of Melbourne
Parkville Vic 3052
tel: 03 344 6801
fax: 03 344 6802

Overseas

**The Co-operative Programme on Affordable Personal Safety
HSRC/Department of Criminal Procedural Law UNISA/Criminological Society of Southern Africa (CRIMSA)**

**Managing Crime in the New South Africa: A practical and affordable approach
4-6 August 1992, Pretoria, South Africa**

Topics include: dimensions of the problem of crime in South Africa; police and policing; criminal prosecution and the court system; dealing with the offender; crime prevention.

For further information, please contact:

Ms M. Doorewaard/Ms L. Slabbert
Group: Social Dynamics
Human Sciences Research Council
Private Bag X41
Pretoria, SA 00001
Tel: (012) 202-2219/2418

Office of International Criminal Justice

**OICJ VII Annual International Symposium
17-20 August 1992, Chicago**

OICJ's VII Annual International Symposium on Criminal Justice Issues, to be held at the University of Illinois at Chicago, will address topics such as enterprise crime, drug trafficking, terrorism, political violence, and industrial sabotage. For further information contact:

OICJ
1333S Wabash
Box 53
Chicago IL 60605 USA
tel: (312) 996-0159
fax: (312) 413-2713

**School of Justice
Administration, University
of Louisville**

National Crime Prevention Institute

1992 Schedule of Seminars

September:

- | | |
|-----------|--|
| 1-3 | National Seminar on
Crime Prevention
Through Environmental
Design |
| 15-17 | National Seminar on
Crime & Incident
Analysis |
| 21-25 | Crime/Loss Prevention
Level I — Practice |
| 28-Oct 9 | Crime/Loss Prevention
Level II — Technology
& Programming |
| 28-Oct 16 | Crime/Loss prevention
Level III — Theory,
Practice & Management |

October:

- | | |
|-------|---|
| 12-16 | Crime/Loss Prevention
— Management |
| 20-22 | National Seminar on
Crime & Loss
Prevention Codes &
Ordinances |

November:

- | | |
|-------------------------|---|
| 3-5 | Prevention &
Investigation of Crime in
the Horse Racing
Industry |
| 2-6 | Crime Prevention
Through Environmental
Design (CPTED), Level I |
| 9-13 | Advanced CPTED,
Level II |
| 9-10 & 16-17
& 18-19 | Research Hearing on
Community-Oriented
Policing |

For further information, or to register,
please contact:

Admissions
National Crime Prevention Institute
Shelby Campus
University of Louisville
Louisville KY 40292 USA
Tel: (502) 588-6987 or
Fax: (502) 58-6990

**Cuban Society of Penal Sciences
Penal Sciences '92
1st International Meeting on Penal
Sciences
2nd Cuban Meeting on Criminology
13-15 October 1992**

**Havana International Conference
Center**

The Attorney-General's Office and the
Cuban Society of Penal Sciences
(National Union of Lawyers of Cuba) are
hosting this meeting, aimed at promoting
a scientific exchange of experiences and
extensive discussions on current
problems. Topics to be discussed
include: decriminalisation;
non-conventional crime; resocialisation of
offenders; punishment and its objectives
in criminal law.

Registration fee US\$155.00

For further information please contact:
Ramon de la Cruz Ochoa
Chairman
Organising Committee
Palacio de las Convenciones/Apartado
16046
La Habana, CUBA
Fax: 22-8382

News

Copyright Law – an update

The Attorney General's Department has issued an updated brochure on Copyright Law in Australia. Copies are available gratis, but requests for 50 or more copies will be charged 25 cents per copy. Please contact:

The Australian Copyright Council Ltd
245 Chalmers Street
Redfern NSW 2016
Tel: (02) 318 1788
or (008) 226 103

Criminal Justice Librarians' Conference

The globalisation of crime and responses to it, and the related information explosion, has resulted in increasing pressures on criminal justice libraries. The Eighth Conference for Librarians in the Criminal Justice System was held from 31 March-2 April 1992 at the Australian Police Staff College in Manly, New South Wales, and participants discussed common concerns and facilities for information exchange. International visitors attended from the Police School of Catalonia, Spain, the Department of Justice, New Zealand, the New Zealand Police Library, and Rutgers University, United States of America. For further information about papers given at the conference, contact Mr John Myrtle, Chief Librarian, Australian Institute of Criminology.



Australian Institute of Criminology Deputy Librarian Gael Parr at the Librarian's Conference.



Chinese Visitors attend the Institute

During the first week of May 1992, the Australian Institute of Criminology was host to three visitors from the Beijing Institute for Crime Prevention and Offender Rehabilitation Through Labour: Professor Jianan Guo, Professor Feng Shullang, and Professor Li Zenghui. During their week in Canberra, the visitors had a varied program which included discussions with all sections of the Institute, visits to the Belconnen Remand Centre, the Magistrates' Court in Canberra, the Supreme Court of the Australian Capital Territory, the High Court of Australia and a visit to Goulburn Gaol. The visitors presented the Institute with a wall-hanging (see photo), which conveys the message: 'Increase Academic Exchanges Promote Friendship between China and Australia'.

(From left to right) Professor Jianan Guo, Professor Feng Shullang, Professor Li Zenghui from Beijing, David Biles, Deputy Director; Dr Peter Grabosky, Director of Research; Merrill Thompson, Managing Editor; Julia Vernon, Conference Manager and Joe Millar, Senior Administrative Officer of the Australian Institute of Criminology.

Griffith University – Foundation Professor

The Foundation Professor of the School of Justice Administration is Professor Ross Homel. Professor Homel, who has spent the past 15 years at Macquarie University, is best known internationally for his research into the deterrence of drinking and driving, and, in particular, his strong public support of random breath testing (RBT). He has also been appointed director of the Centre of Public Safety and Security at Griffith University.

Occasional Seminars

The third 1992 Occasional Seminar at the Australian Institute of Criminology was given by **Dr Celia Phillips**, statistics lecturer at the London School of Economics, who spoke about 'The Risks in going to Work: violence and aggressive Behaviour'.

New National Institute of Forensic Science

The Director of the recently established National Institute of Forensic Science is Dr Alastair M. Ross. The Institute was established by the Australian Police Ministers Council to coordinate training and education, research and development and quality assurance in forensic science, and to set up a central reference service for all agencies with an involvement in forensic science. For further information contact Dr Ross at Forensic Drive, Macleod, Vic. 3085 (tel: 03 450 3591).