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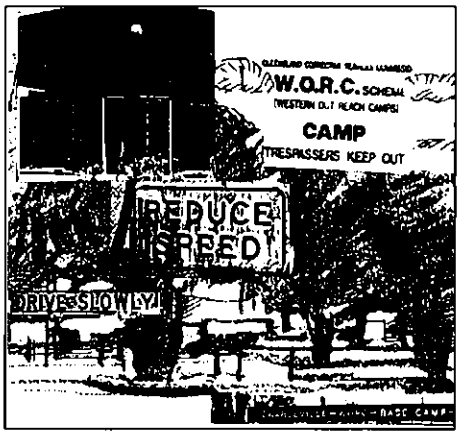

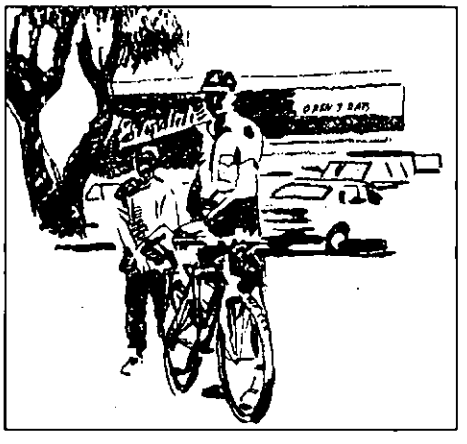

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The Editors
Criminology Australia
GPO Box 2944
CANBERRA ACT 2601
phone [06] 274 0255
fax [06] 274 0260

Editorial Board
A/Director: Dr Grant Wardlaw
Editors: Angela Grant and Merril Thompson
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Steve Tomsen

Hatred, murder & male honour:

gay homicides and the "homosexual panic defence"

*LECTURER, DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY, UNIVERSITY OF NEWCASTLE

The Discovery of Violence against Gay Men and Lesbians

Since the late 1980s, there have been claims of a marked increase in violence directed against lesbians and gay men in various nations including Australia (Herek & Berrill 1992; Mason 1993). This has led to some conjecture about the possible links between this violence and recent episodes of moral panic regarding the spread of HIV/AIDS. Public fears of disease and contagion have been linked to documented cases of discrimination in employment, housing and health service delivery, and some gay victims of assault have been directly denigrated as "AIDS carriers" by their attackers (NSW Anti-Discrimination Board 1992).

But a direct causal link to this form of violence is difficult to demonstrate. Furthermore, because these attacks have only very recently become a focus of police attention or researchers' interest there can only be speculation about their real level of increase. It seems instead that an increased concern with this violence may be a result of the efforts of activists themselves. It may be that their own actions—community research, protest rallies and other publicity—have provided the catalyst for homophobic violence to become a public issue.

This change has reflected the growing political strength and organisation of this particular group. Especially in NSW, the lesbian and gay community now has an increased and often open representation in party politics and parts of the State bureaucracy. Official concerns about assaults and harassment in NSW formed the political backdrop for the 1993 enactment of legislation against sexual vilification. This bill was introduced by Clover Moore, an independent MP representing a "gay" district of inner-Sydney, and passed with the critical support of Ted Pickering, a former Police Minister in the current Liberal government (*Sydney Morning Herald* 20 November 1993).

A heightened media interest and political concern about this form of crime has also begun to be reproduced in other parts of Australia. From the vantage point of criminologists, we are currently witnessing the formation of another new victim group demanding further responsiveness from the police and equal treatment in the criminal justice system.

A regular emphasis on standards of legal equality has proved to be a useful political strategem for Australian activists contesting laws which have obviously unequal effects, particularly those which specifically criminalise same-sex relations. Campaigns since the 1960s have resulted in the repeal of most State laws proscribing such activity by adults in private settings. The recent criticism of Tasmania's still remaining statute by a United Nations committee on human rights and discrimination, is a further clear example of the potency of appeals to liberal notions of individual rights.

These activists have had some striking successes in the politics of statutory change. In fact, it may be that Australian gay and lesbian organisations have outshone their British and American counterparts in the struggle for legal equality (Connell 1990). But the outer limits of the usefulness of the liberal discourse of equal rights is signalled by some of the dilemmas in dealing with an issue that has become an important recent focus for the anti-violence movement.

Gay Murders as a Political Issue

The negative impact of the long-term official silence on homophobic violence has been most evident with regard to the murder of gay victims in Australia. It appears that these killings are often the outcome of some of the most savage, sudden and least predictable attacks on crime victims that occur in either private or public settings. An ongoing series of attacks and a related brutal killing inflicted on gay men in the Illawarra district of NSW in the mid-1980s would probably have invited intense official concern and media interest if another victim group were involved. But this violence even went unnoticed in the minds of most locals.

The notable exception to this is cases where the victim has a higher than usual social status. These include the murder of a law academic from the University of Adelaide drowned in the Torrens River in 1972. So too are cases where the circumstances of the crime and lurid details of the victim's lifestyle incite press sensationalism. The killing of the Greek Consul by male prostitutes in Sydney in

the early 1980s, proved to be just such a mix of all of these elements. This death, and a spate of similar stabbing murders with homosexual victims, led the Sydney press to revel for several months in reporting what journalists had dubbed as the "gay blade" case.

Outside of these occasional media reports, the more general pattern of official and public disinterest in this form of crime has meant that these killings have only been of minor interest to serious researchers of homicide in Australia. But political activism has also recently served to create a greater consciousness of these attacks. Police officers in several States have begun to investigate fatal incidents through liaison and cooperation with local gay and lesbian groups.

The NSW Police Service was first in beginning a more systematic monitoring and recording of these killings. From this, some rudimentary information about the extent and pattern of these offences has been gathered. From 1988 to 1994 the NSW Police Gay & Lesbian Liaison Unit has recorded the details of twenty-four cases of "hate killings" in which the victim's sexuality formed the evident basis for a fatal attack (personal communication Liaison Unit 8 August 1994). This figure is equal to approximately one-quarter of all stranger murders occurring in NSW in the same period.

It has been too difficult to trace the assailants in most of these killings, but with determined police investigations a small number of cases have gone to trial. The subsequent hearings have served as rallying points for activists, and have even been regarded by some as litmus tests of the formal equality that gays and lesbians have increasingly won in the legal system. Key among these have been the prosecution of three teenagers arrested and charged with the murder of a Thai national bashed with a claw hammer and thrown from Bondi Cliffs in 1990, and the trial of three of eight youths involved in the killing of a schoolteacher who was punched and kicked to death in a public amenities block in inner-Sydney in the same year (*Outrage* March 1991).

The evidence in some of these cases was especially disturbing as it allowed rare insights into the motivations of the killers. Early statements made by one of the defendants to friends included bragging about his actions (*Outrage* March 1991). The initial response to police investigations also reflected a degree of bewilderment that these incidents were being taken seriously. Nevertheless, these recent NSW trials attracted a surprisingly broad media interest (*Sun-Herald* 14 April 1991). The hefty sentences imposed, and related judicial warnings against the perpetrators of this form of violence, appeared to offer a reassurance that the criminal justice system was now more focused on both prosecuting and punishing these crimes (*Outrage* March 1991).

"Homosexual Panic" and Australian Courts

But despite these positive developments, the process of rendering a more legitimate identity to gay murder victims in Australia recently appears to have faltered. In a growing number of trials this has been because of the use of arguments that fatal violence against a gay victim was either due to provocation or used in self-defence in order to repel a sexual assault made by the deceased. In this way, defending counsel have often been successful in having murder charges reduced to a finding of manslaughter, and in some cases, a full acquittal of their client(s).

This issue was brought to the foreground by a well publicised trial in Sydney in 1993. In this case a 22-year-old, named McKinnon, met an older gay man outside a city sex cinema, and accepted an invitation to go to his home. Soon afterwards, and in response to an alleged sexual assault, the youth bashed his victim to death. Despite the theft of personal items from the deceased and the testimony of two friends that McKinnon had boasted on the night of the incident of intending to "roll a fag", at trial the jury accepted this version of events, and the charge was subsequently dismissed (Galbraith 1994).

The pleas of self-defence and provocation, coupled with allegations of sexual assault, have been used to full effect by defendants in a run of subsequent cases with gay victims. In NSW, the best known of these include the *Gnome* case in which a youth drinking with an older male acquaintance repelled an alleged sexual assault by arming himself with a plaster garden gnome and then stabbing his victim twelve times (*Sydney Morning Herald* 14 April 1994).

The *McKinnon*, *Gnome* and similar cases in other States, have reinforced much of gay and lesbian community frustration about the viciousness of the violence they encounter, and some hesitation about the ongoing usefulness of the law and legal strategies to attain social justice for this group. These views were openly expressed in April at a public forum in Sydney organised to discuss the legal obstacles to countering gay killings. Speakers at this meeting also voiced concerns about whether what is termed as the "homosexual panic defence" has begun to emerge in Australian murder trials.

The evolution of this criminal defence, and the controversial circumstances of cases in which it has been raised, have become hot issues for activists in the United States (*Harvard Law Review* 1989). They argue that this term has created the misleading impression in courtrooms that many defendants have acted because of a pathological condition (Keenan 1993). Furthermore, this reduces levels of expected criminal responsibility, and exonerates this form of violence (Keenan 1993).

These same concerns have been echoed in NSW by both gay and gay-sympathetic parliamentarians. In early 1994, Attorney-General John Hannaford responded to this pressure by requesting that an internal inquiry regarding the possible development of the homosexual panic defence be conducted within the Criminal Law Division of his own Department. The inquiry concluded that this specific defence has no formal existence in NSW law (Hannaford 1994).

Despite this clarification, it is still evident that

A demonstrator adding the name of someone who has been bashed to the grille outside the church in which the Rev. Fred Nile, MLA, has his offices. This demonstration, the first to focus on violence against lesbians and gays, was held in Sydney in March 1990. Photograph reproduced courtesy Lesbian and Gay Anti-Violence Project, NSW. Photographer Jamie Dunbar.

existing rules regarding pleas of provocation and self-defence are often deployed in Australian criminal courts with a result that is similar to the American experience with the homosexual panic defence. Activist anxieties about the conduct and outcomes of gay murder trials in this country are still well justified.

These misgivings also seem to be partly reinforced by the potential divisiveness of developing an appropriate political response to the allegations of sexual assault made by the male defendants in these trials, and an apparent similarity to cases where women have defended themselves against such attacks from men. Scoffing at every defendant's claim of having been subjected to a sexual assault, or of acting on a real fear of being assaulted, would have an odd ring from activists who are well aware of the feminist struggle to have elements of victim-blaming removed from the direction of rape trials. It is undeniable that a real occurrence or a genuine apprehension of assault would arise in some cases.

However, the number of cases where murders have been accompanied by robbery suggests that criminal opportunism is a frequent motive for these killings. A perception that homosexuals are "easy marks", could well be linked to the common reluctance of gay men and lesbians to seek police assistance as crime victims (Mason 1993).

The often extreme and frenzied form of attacks in these killings (with some victims attacked at length, tormented and wounded repeatedly) also reflects their quality as "hate crimes"—motivated by an apparent deep loathing of the victim that is based on a simple judgment or knowledge of their sexuality. For example, in the *Godfrey* case, heard in Victoria in 1992, a 23-year-old defendant was found not guilty of either murder or manslaughter (Galbraith 1994). In retaliation for an alleged sexual assault, a 65-year-old man was bashed and stabbed seventeen times. The unconscious victim then had his head wrapped in a towel. His throat was slashed and his head finally severed from his body, before his flat was set on fire to conceal the crime.

Looking past the more sinister motives of some of these killers, it also seems likely that a common social bias against members of the gay community has a veiled but important role in trial outcomes. With the still frequent group stereotyping of homosexuals as sexually predatory, these negative images could partly excuse the actions of defendants in the deliberations of many jurors. It appears that all of these different circumstances (criminal opportunism, hatred and bias, and the experience or fear of a sexual assault) rest behind incidents of gay murder and the outcome of different legal proceedings. This could suggest that a perceptual impasse has been reached in understanding the social origins of this violence and the current legal response to it.

Violence, Sexual Advances and Male Honour

This phenomenon could also be understood from another framework which (while still acknowledging the historical significance of violence as a key aspect of the oppression of gays and lesbians by heterosexuals) draws parallels between this and other forms of intra-male and male-initiated violence. A considerable body of crime research suggests that many disputes between males that result in serious injuries and death are prompted by overreactions to trivial or minor affronts that challenge male honour (Polk 1993; Archer 1994). These disputes arise regularly in everyday social activities like drinking in bars, driving in traffic, sharing public transport, or simply milling around in the street.

The circumstances of some recent gay murders suggest that the preservation of the male "honour" of the assailant is a critical aspect motivating his

actions and shaping rationalisations for his violence. In a very commonplace style of masculinity, aggression and violence are viewed as the most appropriate response to a sexual advance by another male. Masculine heterosexual identity is generally built around ensuring the sanctity of the body, with rigid limits imposed on the circumstances and socially admitted forms of male physical contact (Connell 1983). The passivity and emasculation implied by homosexual touching or objectification can bring a sense of disgrace that might be quickly overcome with retaliatory violence.

Warding off the dishonour that can follow from a homosexual pass seems to be a distinct concern from either genuinely fearing or fighting off an actual sexual assault. But this sort of concern about masculine identity and honour appears to motivate many of the murderers of gay victims in cases where provocation and self-defence are argued.

This masculinist logic also seems to have a degree of courtroom acceptance that would not be accorded to killers' explanations of their involvements in fatal street and pub fights. For example, the defendant in the *Gnome* case, was convicted for a minimum of three years on a finding that provocation had occurred. In declaring his disapproval of the killer's "over-reaction" to a sexual pass, the judge also signalled some of the strength of this explanation of fatal violence in terms of the protection of male honour (*Sydney Morning Herald* 15 July 1994).

In a similar way, two defendants in a 1992 South Australian case were acquitted of any crime after almost bashing a gay man to death with an iron bar in a public toilet (Baird et al. 1994). In the circumstances of this case, it was difficult to argue that violence was necessary to repel a claimed sexual advance. But jurors appeared to accept that a high level of brutality and rage was appropriate male behaviour in restoring the defendants' self-respect.

It is well known by researchers that the issue of male honour enters into the logic of the criminal law in certain circumstances. The most common of these are incidents involving threats to male identity that arise in intimate heterosexual relationships. Anglo-American case law outlines a specific range of slights and insults (such as female infidelity) which may be regarded as provoking, and partly excusing, fatal male violence.

Australian researchers of spouse killings have demonstrated the group disadvantage to women that follows from the use of provocation pleas in homicide cases. Courts often reach a view that it is a lesser crime than murder for many men to kill their women partners in impassioned circumstances that threatened male honour. By contrast, women's fatal violence is often the final outcome of long-term abuse by male tormentors, but it has been harshly punished because of its apparently stronger premeditated quality (Allen 1982).

Detailed research is necessary to learn to what extent conventional notions of male behaviour may shape the actions of assailants, and the drift of court and jury room thinking in gay murder trials. It seems likely that in many cases elements of homophobia combine with a view of criminal responsibility that reflects masculines notions of social honour.

Concerns about a possible "homosexual panic defence" have served to mobilise Australian activist interest in the issue of gay homicides to its highest level ever. But the pattern of trial procedures followed in this country suggests that killers have not been able, or in some cases even needed, to resort to this American-style defence, and in so doing claim that an exceptional psychological state led to their violent acts.

In regard to local legal doctrine, it seems instead that the success of many pleas of provocation reflects a traditional tie between the classic model of the free legal subject and liberal notions of a male heterosexual identity built on the protection of honour in "private" social and sexual relations. This implies that state officials and law courts should only intervene with great reluctance in the disputes and strife that inevitably arise from the expression and protection of this form of male identity.

The problems being faced by activists in Australia are less enraging than developments in the United States that remarkably now appear to dignify the fear or hatred of a specific minority group with legal status as an acknowledged defence to murder. But the ingrained masculinism of the law and a still widespread ignorance or bias against homosexuals among legal officials and jurors, may prove to be more subtle and elusive opponents to combat.

Gay Murders, Violence and Law and Order

The political dilemmas faced by activists viewing these cases have dovetailed with wider activist concerns regarding the appropriate position of gays and lesbians in recent criminal justice politics, especially as regards the rights of crime victims. The international growth and spread of organised crime victim groups has also reached Australia in the last decade. These call for greater responsiveness to the needs of victims in the operation of the law (Elias 1993).

But at the same time, they often articulate a conservative world view that marginalises the interests of non-traditional crime victims (like gays, Aboriginal people and working-class youth) who often experience police harassment and are still frequently stigmatised within the justice system. These victim groups mostly adhere to a belief in full individual responsibility for criminal actions, and are impatient with explanations of the origins of crime in terms of social inequality or disadvantage. Their mobilisation has run in tandem with a political drift to tougher "law and order" policies in most Australian States since the 1980s—involving such measures as more intensive policing of street behaviour, harsher criminal sentencing and increasingly punitive systems of prison management (Cunneen 1991).

However, the creative borrowing of the victim mantle by groups like gays and lesbians signals that this victim-centred politics is not inherently conserv-

ative. Projecting this new public image can serve to rupture the traditional view of these marginal groups as "deviants" deserving the harsh repression by the police and courts that they have experienced in the past (Tomsen 1993; Galbraith 1994).

But it would be ironic if this new turn towards pursuing legal activism and growing gay and lesbian demands for police protection, led to a minority group that still incurs considerable repression in the criminal law, aligning itself with conservative forces. Australian activists have so far resisted the temptations of a self-interested politics that will undermine the legal rights of criminal defendants—individuals who are themselves mostly drawn from a range of disadvantaged social groups.

Accordingly, they have not offered any support for the recent abolition of dock statements by defendants in criminal trials in New South Wales. These statements (which were made free of cross-examination) had been perceived by some as a significant obstacle in the fair conduct of gay murder trials (Sydney Gay & Lesbian Legal Service 1994). But equal concerns have been raised within activist circles about the disadvantage that this reform now entails for very poorly educated, handicapped, migrant, and Aboriginal defendants.

The limited effectiveness of a constant tinkering with criminal trial procedure as the means of addressing a broader injustice, has become apparent to feminist lawyers concerned with meeting the stigma suffered by women rape victims (Naffin 1994). This sort of narrow strategy cannot substitute for a more broadly conceived legal campaign. With regard to gay murders, this means a more general concern with dealing with homophobia outside of the seductive drama of the courtroom, by such means as developments in the education and training of judges and police personnel.

The recent campaigning and publicity given to this issue has already had some effects on police, judicial and general public awareness, that cannot be discounted. A small decline in the annual rate of gay hate murders in NSW occurred soon after the conclusion of the highly publicised Johnson trial in 1991. Evolving a broader view of the obstacles presented to gay victims by the entire justice system, might also counter any future push for the adoption of punitive responses. Among conservative victim groups, a focus on punishment and retribution often derives from an almost exclusive concern and anger with the brutality of assailants.

For these reasons, gays and lesbians must also acknowledge the outer limits of the usefulness of this "politics of victimhood". The abhorrent quality of the actions of the small number of young men who have been tried and convicted in gay murder trials is apparent. But it is also worth noting that these youths have acted out in their violence the homophobic attitudes and masculines values that have been so thoroughly instilled in them by more respectable authority figures. These attitudes and values still have a considerable degree of acceptance in the criminal justice system that requires a continuous challenge.

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Tim Prenzler & Richard Wortley

The WORC ethic: offenders working in rural communities

TIM PRENZLER AND RICHARD WORTLEY ARE LECTURERS IN THE SCHOOL OF JUSTICE ADMINISTRATION AT GRIFFITH UNIVERSITY IN BRISBANE

The Western Outreach Camps (WORC) scheme is a recent innovation in corrections in Queensland which involves moving inmates out of large prisons located in urban centres and placing them in work camps in rural areas. The scheme has made a promising start and now involves up to 250 inmates. Inmate responses, together with other positive indicators, suggest that the scheme should be seen as a viable model of pre-release detention.

The Charleville Floods

In 1990 widespread floods in western Queensland focused their destructive energies on the small town of Charleville. Relief workers were overwhelmed by the size of the problem left by the retreating waters. Three inmates in a Brisbane gaol suggested that low-security prisoners might be sent to the area to help with the clean up. Permission was granted and approximately 130 prisoners worked in the area over an eight month period. The initiative received favourable press coverage, in part because of the good relations which developed between inmates and the town's residents. In light of the success of the operation Queensland Corrective Services Commission (QCSC) decided to establish a permanent program.

How the Scheme Works

WORC now involves ten camps scattered across south western Queensland. Camps hold between ten and twenty-five prisoners and are located on the periphery of towns in renovated buildings such as abandoned works depots. Officers and inmates work four weeks on and one week off. On their week off most return home to their families in other parts of the State. Inmates become eligible for the scheme toward the end of their prison term. Time on the scheme is counted as prison time and most participants are released directly from WORC.

While on the scheme inmates work a forty-hour week in a variety of community service projects such as landscaping, renovation of public buildings or maintenance work for recreation clubs. Some camps engage in recycling or production of small items such as pavers and garden edging. There is minimal

Entrance to the Mitchell camp. Inmates occupy part of an aged care home.

supervision. Outside work hours inmates spend most of their time in the camp. Permission is obtained to go shopping or attend local social functions.

Most camps have between two and three correctional officers who live on site on a twenty-four hour basis. QCSC attempts to employ at least one officer from the local area. Officers have constant interaction with inmates and all meals are eaten together.

The establishment of a camp occurs after negotiation between QCSC and the local community. The initiative to introduce a new camp has come from both parties on different occasions. Some towns have rejected approaches from the Commission. Detailed consultation takes place with local councils and in town meetings. Camps have varying degrees of permanency. Some close down within a year although others, such as the Charleville camp, have continued for several years.

Accommodation in relocatable huts on the Charleville site

The creation of the WORC scheme is in keeping with the current philosophy of deinstitutionalisation held by QCSC. The opportunity for meaningful work and the development of work skills are also seen as vital goals for the scheme (QCSC 1992, pp. 4-46). WORC differs from traditional "work-gangs" in the independence enjoyed by inmates and the cooperative living arrangements. It also differs from modern work-release schemes by locating the program in rural communities. Small, relatively remote, towns are seen as providing a more productive environment for the development of personalised social interactions.

The Evaluation

QCSC provided assistance for the two authors and a research assistant to visit camps at Charleville, St George and Mitchell. The study is part of a larger evaluation being conducted by the commission into all aspects of the scheme. The present study was concerned with inmates' perceptions of the personal benefits of the scheme and contrasts with normal prison life.

Inmates were approached to participate in the research project on a voluntary basis. Thirty-five agreed to be interviewed, making for approximately three-quarters of the available sample across the three camps. A structured interview schedule was used which took an average of one hour to complete. Inmates volunteered responses which were later coded according to themes. Where several responses were offered, respondents were asked to nominate the most important. Responses were stated in terms of contrasts with conventional prison.

The mean age of inmates was 30.5 years and the average sentence length was 42.3 months. Inmates had been convicted of various offences such as property crimes, fraud, driving and drug offences. To allay community fears, no sex offenders are allowed on the scheme. Most inmates had been in prison twice before. Seventeen were serving their first sentence. Fourteen inmates were married or in de facto relationships and twelve had dependent children. There were only two Aboriginal people in the sample.

Living Conditions

A substantial number of respondents saw greater autonomy as the best feature of the scheme (49 per cent). Family contact allowed through regular leave-of-absence was seen as being the best feature by 14 per cent. The country setting and positive camp environment were most highly valued by 14 per cent and 12 per cent respectively. The positive environment was seen in terms of inmate cooperation, and lack of tension and fights. Isolation was viewed negatively by 14 per cent, and 17 per cent complained of boredom as a result of a lack of activities outside work hours. Forty-six per cent identified the physical environment as the worst feature. This included food, and the standard of accommodation.

Preparation for Release

In terms of preparation for release, 32 per cent of respondents saw community contact as the best feature of the scheme. Autonomy, developing work skills and habits, and maintaining family contact were each seen as the most beneficial aspects by 17 per cent. Lack of training occasioned the most negative comment (31 per cent). Isolation (15 per cent), insufficient autonomy (9 per cent) and a negative camp environment (6 per cent) were viewed by some as retarding the transition to release.

Impact of the Scheme

Eleven per cent saw the maintenance of the family unit as having the most positive effect on them. Learning skills was nominated by 6 per cent. The large majority (77 per cent) saw personal development as the area of greatest benefit. This broke down into higher self-esteem (17 per cent), less bitterness (14 per cent), greater self-reliance (11 per cent), greater confidence (11 per cent), exposure to alternative lifestyle (9 per cent) and less stress (6 per cent). Seventy-four per cent of respondents did not identify any negative aspects of the scheme. Seventeen per cent declared they were more bitter and frustrated.

Suggested Improvements

Ideas for making improvements to the scheme covered a wide range of possibilities. Seventeen per cent had no suggestions while 14 per cent felt that there were too many unsuitable inmates on the scheme who were placing it in jeopardy. This group wanted to see more careful selection procedures and felt that a substantial length of time in prison was a prerequisite for properly appreciating the scheme's benefits. Another 14 per cent wanted to see closer articulation with community corrections. In particular, they felt that successful participation in WORC should guarantee early release. Lower levels of support were given to better officer selection and training, more community contact, more training and free phone calls (most inmates made regular long distance calls). Only a small number of respondents mentioned higher wages, better accommodation and more activities.

Compatibility with Official Goals

The results above show that most inmates had a very positive view of the WORC scheme in contrast to conventional prison. Enhanced opportunities for personal development and maintenance of the family unit were perceived positive outcomes in the context of transition to release. Support for the scheme in this regard means that there was a substantial degree of harmony between the official goals of the scheme and inmates' views.

Some inconsistency was evident between inmates' criticisms and suggestions. For example, although lack of training was identified as a major fault, it was not prominent in suggestions for improvement. There were also complaints that little was done by officers to create opportunities for social interaction with the community. However, this also received very little attention in the suggestions. It would seem nonetheless that these are areas that need to be addressed. In particular, inmates were clearly concerned about their lack of qualifications and felt that WORC could help them in that regard.

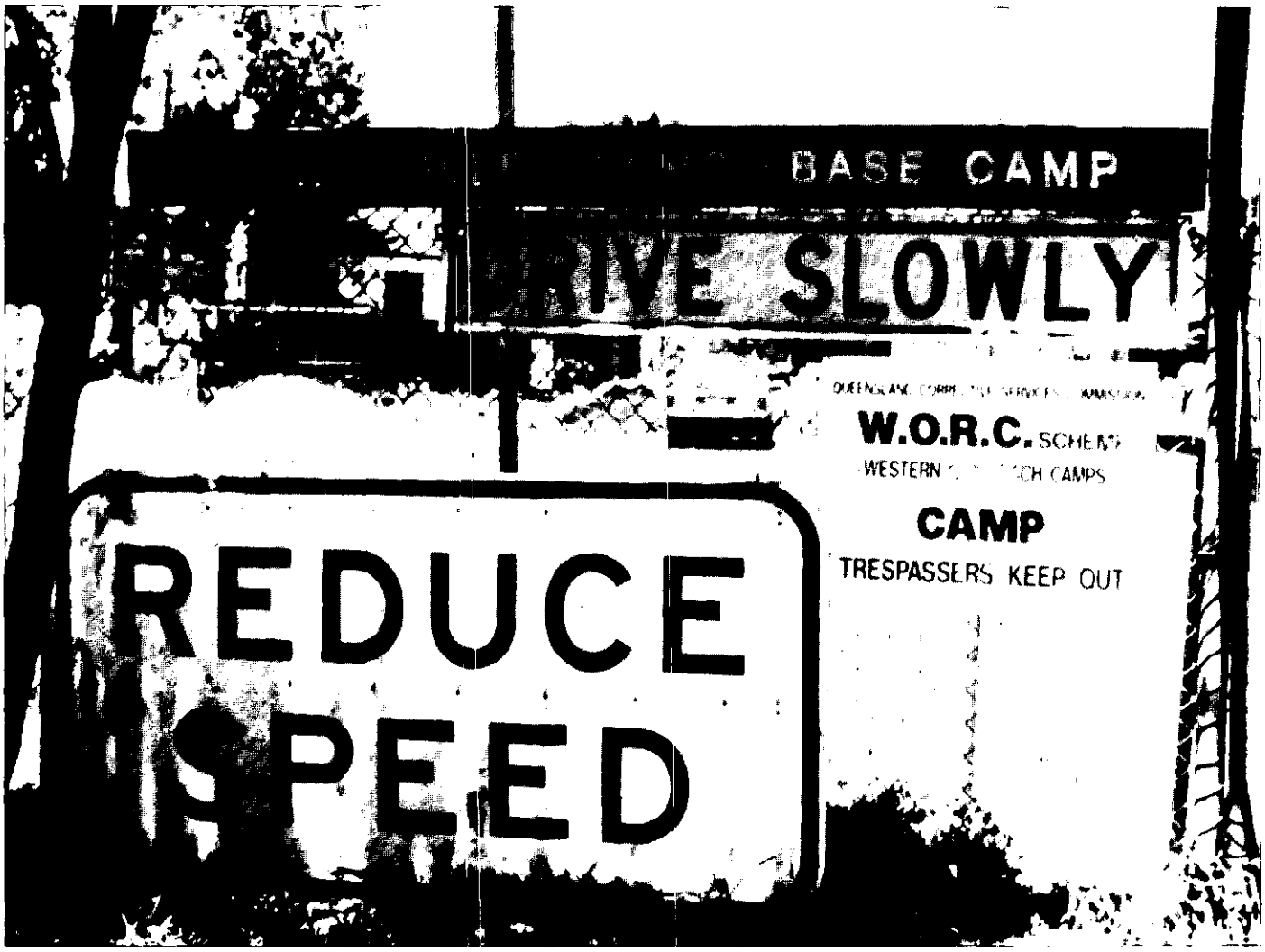
Other Benefits of the Scheme

While inmates may have had favourable personal views about the impact of the scheme, there will be inevitable questions about genuine reductions in recidivism. The QCSC is still gathering data on recidivism in what will be a long-term study. Encouraging findings have been indicated but it will be some time before results are available. One of the difficulties of assessing recidivism will be in identifying a matching control group, given that many of the inmates with better prospects eventually find their way onto the scheme.

Outdoor eating area, recreation tent and mess hall at the Charleville camp.

Some benefits can also be seen in the decentralised structure of WORC. The camps are akin to the type of small scale unit living now favoured for prisons. Unit management offers a more personalised environment and better opportunities for correctional officers to exercise greater responsibility in a service-oriented environment (Ditchfield 1990; Levison & Gerard 1978). Discussions with correctional officers indicated a much better view of the scheme than was held for work within prisons. This aspect of the scheme warrants further research. It did appear, however, that the breadth of responsibilities of officers in WORC is in line with calls for greater professionalisation of the correctional officer's role (Hill 1988).

From a humanitarian perspective the camps appear to provide a less stressful and dehumanising environment than prison. Devolved management also allows for greater attention to individual needs and preferences, and for a greater say by prisoners. Some of the more formalised means of consultation between staff and inmates had broken down, but



Entrance to the base camp at Charleville.

communication channels were seen as being much more open than in prison.

The WORC scheme can also be seen in the context of a renewed emphasis on offenders making reparation (McCarthy & McCarthy 1991). This is arguably another rationale for the scheme, although it is not an explicit goal and very few inmates saw their experience as an opportunity to repay a perceived debt to society. Inmate concurrence is not essential, however, for the scheme to fit this purpose. From the taxpayer's point-of-view, there are also early indications that WORC is substantially cheaper than conventional forms of incarceration.

The effect on inmates of the rural environment was very difficult to assess. If nothing else, the degree of remoteness is probably partly responsible for the low absconding rate. It appeared to the researchers that goodwill between inmates and the community was something that varied between locations and that could also change over time, but goodwill between the two groups was something that many of the inmates appeared to value. The dynamics of this relationship also require more detailed investigation.

Conclusion

The Western Outreach Camps scheme is now well established after developing in an ad hoc manner out of unforeseen events. Despite its unplanned beginnings, some solid justifications can be found for the scheme in current thinking in corrections. Not least of all, the scheme appears to be much less alienating than conventional prison life. Some fine tuning is needed in more formalised development of work skills and community/inmate interaction. Doubtless, also, there is a fairly low threshold beyond which suitable candidates cannot be found. Nonetheless, the scheme offers a more productive way of serving out a sentence and may be beneficial in integrating offenders back into mainstream society.

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P. G. Dawson

"country town policing" in the Australian Capital Territory

Traditionally, police respond to events rather than preventing them. However, it has become apparent in the last decade that this "traditional" approach to policing has neither reduced nor contained crime—particularly violent crime. This is true essentially because traditional policing methods are reactive. The challenge facing police today is to develop methods that will constrain growing crime rates, and ultimately reverse them.

The Australian Federal Police (AFP) in the Australian Capital Territory (ACT) intends to meet this challenge by supplementing reactive policing methods with a community-oriented crime prevention model called "Country Town Policing".

> The power of police to fulfil their duties is dependent upon public approval and on their ability to secure and maintain public respect.
>
> The police should strive to maintain at all times a relationship with the public that gives reality to the tradition that the police are the public and the public are the police (Peel cited in Inkster 1992).

Sir Robert Peel enunciated these two policing principles with the formation of the London Metropolitan Police in 1829. From them emerges the basic idea that a sound relationship between the police and the public is essential if police are to discharge their duties with any real success. But did the police and the public maintain the relationship that Peel said was so important? The evidence suggests they did not. It seems, in fact, that many lost sight of Peel's vision and that the policing strategies of the modern era actually alienated the public.

By the mid-twentieth century the principal strategy of most police organisations stemmed from the notion of reactive crime fighting. The bulk of police patrol time and of police resources in general were dedicated to "single-complaint, rapid-response, reactive mobilisation" (Sherman 1986, p. 357). As a result, the only contact between the police and the public was at times when police reacted to an incident. This reaction shrank in emergencies, the contact often limited to dealing with victims and witnesses. In addition, police became increasingly mobile spending much of their time patrolling in cars at random. Although their presence was obvious, the public did not have the opportunity to talk to police at a local level. Consequently, the police and the public did not readily identify with one another.

Furthermore, researchers discovered a large gap between the crime fighting rhetoric of police managers and the actual work of police. Although law enforcement is part of the police role, it is an over emphasised part (Travis 1983, p. 211). Most policing really involves work of a social service nature only subtly connected to law enforcement (Bradley & Cioccarelli 1989, p. 4).

Research also shows that "traditional" police patrol and deployment strategies are ineffective and inefficient. Studies in the United Kingdom and in the United States cast serious doubt on the deterrent value of both mobile and foot patrols by uniformed police (Bayley 1989, p. 68). Increasing a visible police presence in marked cars does not appear to have any effect on the crime rate, and uniformed patrols do not affect crime (Beyer 1991, p. 93).

On the other hand, information provided by the public most often leads not only to the apprehension, but also to the conviction of criminals (Bayley 1989, p. 68). Researchers have exposed the "myth" that detectives solve crime by following evidence to its perpetrator (Bradley & Cioccarelli 1989, p. 4). Generally, research shows that police effectiveness is crucially dependent on the ability of police to encourage the public to report crime, and provide information as to its perpetrator (Bradley & Cioccarelli 1989, p.4). Obviously, then, alienation between the police and the public reduces the capacity of police to solve crime.

Opinion leaders in police administration, both in Australia and elsewhere, have independently reached several common conclusions about the future of policing (Vaughn 1991, p.34). Firstly, police cannot deal with crime problems alone. Crime is a complex social problem that requires committed community involvement for a successful resolution. Secondly, the active prevention of crime is a more sensible policing approach and preferable to the traditional, incident-driven, reactive approach. Thirdly, the successful resolution of a criminal incident is a team effort. It requires coordination, cooperation, and

ASSISTANT COMMISSIONER P.G. DAWSON
CHIEF POLICE OFFICER FOR THE ACT

RESEARCH ASSISTANT SERGEANT CHRIS LYONS

communication from the first police officer on the scene through to the prosecutor in the courtroom. The victims, the witnesses, and community resources are all part of the team effort.

But leaders in police administration are not alone in their conclusions about the future of policing. The ACT community has also stated its case. Eight in ten ACT residents believe that the idea of joint police-community problem solving is important; nine in ten ACT residents also believe in community involvement to resolve local problems and local crime; and over eight in ten ACT residents feel that police should consider broader community problems when attempting to reduce crime (Frank Small & Associates 1994, p. 10).

New Directions or Back to Basics?

To summarise the arguments so far:

(1) a sound relationship between the police and the public is essential if police are to discharge their duties with any real success;

(2) traditional crime fighting methods have overwhelmed the relationship between the police and the public and led to single-complaint, rapid-response, reactive policing;

(3) crime fighting is not the dominant duty of police, for service work takes up most of their time; and

(4) crime is on the increase essentially because traditional crime fighting methods do not work effectively.

The solution to crime problems rests jointly with the police and the public--not the police in isolation.

What, then, are the options? My fundamental premise is that policing must "get back to basics". In other words, police must focus their attention on the public and on crime prevention—not solely on reactive crime fighting. To do this it is imperative that police sustain an:

> arrangement for policing which seeks to give some significant role to "the community" (however defined) in the definition and performance of the policing function itself (Stenning 1984, p. 83).

This does not mean that police should totally forsake reactive policing or stop investigating crime. Reactive policing and criminal investigation certainly have a *place* in the repertoire of police duties. Undoubtedly the preservation of the peace, the prevention and detection of crime, the protection of life and property, and the maintenance of public order remain fundamental police functions. These functions often require reactive mobilisation and police must therefore continue to provide such a capability for some incidents.

However, there is a need for alternative strategies that supplement—not replace—the traditional methods. Much of the time now devoted to reactive policing and "crime fighting" could be more usefully devoted to other approaches. I am not attempting to cast traditional policing methods aside, rather I want to reconsider and redefine the respective roles of the police and the public in the performance of the policing functions.

The Country Town Policing Philosophy and the Tripartite Structure

The AFP intends to enter "an arrangement for policing" that seeks to give a "significant role to the community" in the performance of policing in the ACT. The vehicle for this arrangement—and what the AFP intends to use for getting "back to basics"—is the Country Town Policing model.

As the name implies, Country Town Policing arises from commonly held perceptions about policing in a country town. Professor David Bayley has described the essential difference between policing in the country and policing in the city. Police in the city speed in and out of incidents, enforcing the law or not as situations warrant; they rarely know the people they meet and they hardly ever see them again; immediate circumstances define their relations with people (Bayley 1989, p. 77).

Country police, on the other hand, are guided by their knowledge of the people involved, the expectations and resources of the community, and an estimate of future consequences: the law and exigency do not totally shape their decisions (Bayley 1989, p. 77). Country police also have a high degree of autonomy and can do whatever they think is required, being unconstrained for the most part by departmental plans (Bayley 1989, p. 77). Finally, feedback from the community is ready and acute (Bayley 1989, p. 78).

The AFP selected the term Country Town Policing for several reasons.

- It suggests a style of policing that is quickly and easily understood by police and the community alike.
- It suggests a small country town with its own police officer who is in charge of policing, directly responsible to the community for its safety and protection, and is an integral part of the community both professionally and socially.
- It suggests that the police officer has the authority not only to make decisions, but to carry out plans designed to enhance the well-being of the community.
- Finally, the term connotes a sense of ownership. On the one hand, country police officers know that they have ownership of the plans adopted in their territory. On the other hand, the community knows it has an equal share in that ownership because it helped formulate those plans.

Country Town Policing is first and foremost a model designed to complement traditional policing strategies. As Figure 1 shows, the AFP's vision for the ACT is to incorporate the model into a tripartite policing structure.

The first part—Country Town Policing—converts each Canberra suburb into a small "country town", each with its own constable responsible for serving its various policing needs. It is not response oriented. Rather, Country Town Policing focuses on community safety and on crime prevention. It is pri-

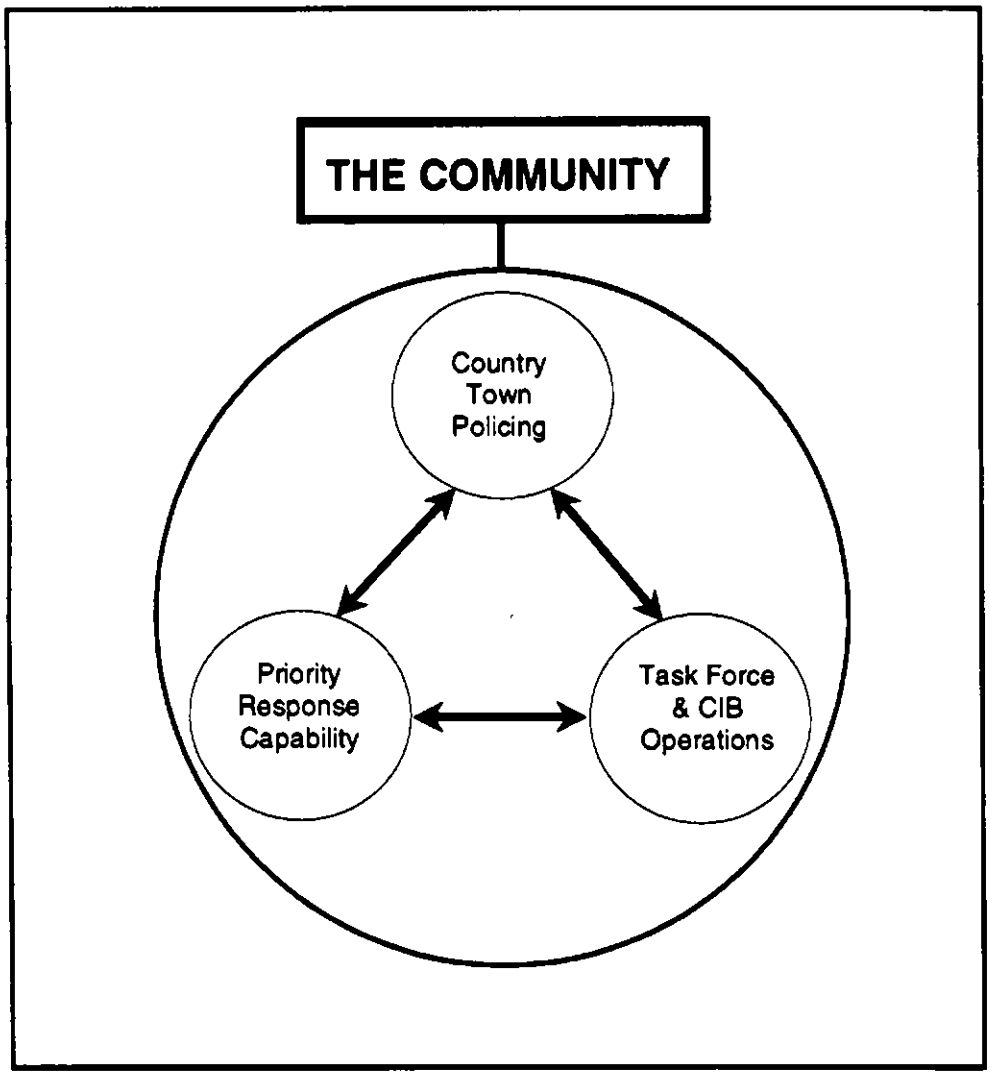

Figure 1: Tripartite Policing Structure in the Australian Capital Territory

marily concerned with helping a "country town" attend to its safety issues, and to solve its crime problems. The second part renders a rapid-response reactive-mobilisation capability at a district level. The third part provides task force operations and major crime investigations at a district level to investigate crime trends and serious criminal activity. In an operational sense, the second and third parts will function much as they do today.

The Model at Work

According to Bayley (1994), Country Town Policing turns the police organisation on its head so the brains and expertise at the bottom engage in crime prevention. Crime prevention then becomes concentrated on the people at the bottom who actually work in location. Policing consequently becomes accountable to local problems, locally defined, through local consultation.

Under the model, constables diagnose—through community consultation—what needs to be done in their "country town" to resolve community safety issues and to solve crime problems. The community and the constable—through discussion—then design strategies that will address the issues and remedy the problems. Of course, authority and autonomy are important ingredients here. Accordingly, the community and the constable will have the flexibility necessary to carry out their own "policing plan".

Country Town Policing requires supervising sergeants to facilitate rather than direct, to impart rather than merely practise their expertise, and to help country town constables manage themselves. In practice, supervisors are to delegate most of their traditional functions.

The role of the District Officers-in-Charge is to coordinate the delivery of police services to the various country towns under their command, to develop strategy, and to provide the necessary resources. In other words, the country town constables diagnose the problems: the District Officers-in-Charge coordinate the response. They are also responsible for evaluating the success of "country town" constables in terms of their community consultation and problem-solving. Success is easily judged: have the constables made a difference to the concerns of the community in their country town?

The Chief Police Officer and the Executive are responsible for maintaining the kind of organisation that has the features necessary to sustain Country Town Policing: the diagnostic capacity, authority and autonomy, the ability to develop strategy, coordinate and evaluate, and the necessary accountability to government.

Putting the Country Town Policing model to work rests ultimately with the country town consta-

ble: its success lies with the community. For both the constable and the community, Country Town Policing will have the following meaning:

1. Service Assurance:

- Service with assurances to the customer that the service provided is appropriate to the customer's needs.

2. Effective community policing:

- Crime prevention.
- Joint problem solving.
- Community consultation.
- Community safety.
- Community education.

3. Personalised policing:

- Police part of the community—not apart from it.
- Access and equity principles to apply to the full range of police services.
- Police responsive to community concerns.
- Joint police-community problem solving.
- Community involvement to resolve local problems and local crime issues.
- Ownership of solutions to crime problems.
- Local knowledge.
- An informed victim and complainant through frequent feedback.

4. Autonomy and Authority:

- To devise and carry out a "policing plan" that addresses local problems and local crime without the constraints imposed by the traditional hierarchical policing structure.
- Flexible shifts and working hours.
- The provision of a budget for policing a country town.

5. Accountability:

- Accountability to each other, to the District Officer-in-Charge, to the Chief Police Officer, and ultimately to government.

Putting the model to work basically means: here is your constable to facilitate crime prevention in your country town. How that process occurs is up to you and the constable. In addition, the AFP provides access to traditional policing services that already exist.

Country Town Policing begins—the Experiment

In the country we police people; in the city we police crimes (Bayley 1989, p. 77).

The AFP is trialing Country Town Policing in the Canberra suburb of Kaleen and the combined suburbs of Ainslie and Campbell. It began on 1 July 1994 and will continue for twelve months. A constable will lead the experiment in each of Kaleen and Ainslie/Campbell. The AFP will relieve them of all other duties during the experiment so they can operate under the tripartite policing structure and become country town constables. Their suburbs will become "country towns". They will perform duties solely connected with the first part of the policing structure. District police will attend to those matters connected with the second and third parts.

The objective of the experiment is to test the viability and strength of the tripartite policing structure and the Country Town Policing model. The specific hypotheses include:

The tripartite policing structure is operationally and administratively viable;

Country Town Policing is complementary to traditional policing;

Country Town Policing will reduce the demand for police services.

To assess the impact of the tripartite structure on policing in the Australian Capital Territory the experiment will be evaluated. This will entail comparing control suburbs with the experimental suburbs. The AFP will engage an independent expert to collect the comparative data through community surveys.

The Many Questions

Many questions arise with the introduction of Country Town Policing, but the answers will not be forthcoming until the model has had a fair test.

1. Industrial matters:

- The welfare and safety of officers.
- Their hours of duty including relief arrangments.
- Their remuneration.
- Enterprise bargaining considerations.

2. Cost and personnel:

- The effect of Country Town Policing on regional and district budgets.
- The selection of personnel.
- Equipment costs.
- Transport costs.
- Accommodation costs.

3. Supervision of personnel:

- Day-to-day supervision.
- Setting performance objectives.
- Measuring performance objectives.

4. Responsibilities:

- The Country Town Constable.
- Supervising Sergeants.
- District Officers in Charge.
- The Chief Police Officer.
- Australian Federal Police Association.

Conclusion

One can presumably conclude that traditional policing methods are not working effectively. Undoubtedly, there is a need to supplement existing methods with strategies that recognise the needs of the community. The tripartite policing structure meets these needs. It provides a response capability, yet introduces a capability that allows the AFP to focus on locally defined community problems.

Not only does Country Town Policing advance community needs and crime prevention, it recognises and encourages significant participation from constables who want more authority, more autonomy,

and more say in policing the community. Country Town Policing makes way for this new cadre of constables. Those who possess self-motivation and drive, are mature and responsible, forward thinking and original, and have integrity and honesty have the necessary attributes. Their reward and the pinnacle of their career is to police their own country town.

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Patricia Easteal, Kate Hughes & Jacki Easter

Battered women and duress[1]

PATRICIA EASTEAL IS SENIOR CRIMINOLOGIST, AUSTRALIAN INSTITUTE OF CRIMINOLOGY, CANBERRA.
KATE HUGHES IS A SOLICITOR IN THE ACT LEGAL AID OFFICE.
JACKI EASTER IS A CANBERRA LAW STUDENT.

The case of *Winnett v. Stephenson* (ACT Magistrates Court, unreported, 19 May 1993) is noteworthy in a number of aspects. Although its potential value as a precedent is limited, it has the potential for further instructing lawyers and judges about battered women and how the objective test for duress can be redefined for such women (Easteal 1992, pp. 220-3).

The case is of relevance given the continuing media and political attention to both the judiciary's sentencing practices and the need for judicial training about gender-based issues. The latter is almost always proposed in the context of classes or workshops; yet, expert testimony within the court itself can fulfil an education function, as will be shown.

The Case and the Defence

Shirley Stephenson was accused of seven counts of imposing upon the Commonwealth, contrary to s. 29B of the *Crimes Act 1914* (Cwlth). It was alleged that she had obtained two unemployment benefits and rent assistance from the Department of Social Security at a time when she was employed (the amount was approximately $45 000). The matter was defended on the basis of duress.

The defendant admitted to the acts but gave evidence that throughout the relevant period she was subject to constant threats of death and acts of violence by her (ex) de facto spouse. This violence escalated over time and correlated with her decrease in income. When she obtained employment and wanted to stop receiving the dole, the defendant alleged that her partner abused her and threatened her (with covert references to death) if she did. Although she left the violent relationship in 1989, the batterer followed her and continued to threaten her with death. As a consequence, at his insistence she signed up for the dole in another jurisdiction, in her maiden name. By consent, the matter was dealt with summarily in the ACT Magistrates Court.

Duress and the Use of Expert Testimony

To raise duress, the defence has to show that the defendant's will was overborne by threats of death or serious bodily violence, whether to herself or to another, "*provided that an average person of ordinary firmness of mind, of like age and sex, in like circumstances*" (*R v. Lawrence* [1980] 1 NSWLR 122, p. 143), "*would have yielded in the same way* (emphasis added). If, however, it appears that the accused person failed to avail herself of an opportunity reasonably open to her for her will to be reasserted, the defence will not be available. Again, this depends on whether "*an average person of ordinary firmness of mind, of like age and sex, in like circumstances, involving like risks in respect of the alternatives open, would have availed [her]self of the opportunity in question*" (emphasis added).

Expert evidence was necessary in order to show that what constitutes reasonable behaviour for a battered woman differs from reasonable behaviour as defined by a white middle-class male standard. Defence counsel called the evidence of criminologist Patricia Easteal in order to assist the court in understanding how a woman of "ordinary firmness of mind" would respond in the experiential context of domestic violence, that is, the objective element of the test for duress.

Kate Hughes led Dr Easteal through a ten-minute enumeration of her credentials as an expert on the subject of battered women and battered woman syndrome which included educational achievements, academic research, publications, and prior work with refuges and battered women.

The first question was: "What are the set of characteristics which identify the battered woman syndrome?" At this point the magistrate questioned the relevance of duress to the defence. Kate Hughes referred him to *Runjanjic and Kontinnen v. R* (1991) 53 A Crim R 362 and read the pertinent paragraphs relating to the need for expert testimony to describe battered woman syndrome, an entity beyond the comprehension of the average lay person (at 368).

Convinced of the legal relevance, defence counsel was permitted to continue questioning. It is significant that Dr Easteal did not testify about the defendant and her particular history. Instead, she discussed the possible effects of living in a violent situation, in particular the following:

- the cycle of violence and how it works to generate terror;
- that learned helplessness is a psychological response to particular environmental cues and its consequences on constraining choice making;
- that the notion that all battered women are

[1]Reprinted with permission from the *Alternative Law Journal*, vol. 18, no. 3, June 1993, pp. 139-40.

physically isolated housewives is false although emotional isolation may develop due to their inability to disclose;

- that a battered woman, no longer living in the violent situation, could continue to evidence the lack of decision making, high passivity and dependence, and low self-esteem characterised by Walker (1979 & 1990) as components of battered woman syndrome if the batterer is still making threats;
- the idea that due to her own shame, fear of the basher's retribution, and perception of the antipathy of police (and other practitioners), the victim is often reluctant to seek police protection.

The relevance of the last point was objected to by the prosecutor. The magistrate, however, admitted this evidence as going to the objective element of the "second limb" of the duress defence, that is whether an average person in the same circumstances as the defendant would fail to avail herself of an opportunity reasonably open to her to reassess her will.

The fact that a non-medical expert's evidence was admitted is a precedent in this area and may go some way to allaying the anxieties of those feminists concerned with the medicalising of women's experiences (*see* the debate between Easteal and Stubbs in *Current Issues in Criminal Justice*, 1992, vol. 3, no. 3, pp. 356-9). Instead of the defendant's individual psychology, Dr Easteal stressed the societal variables and the ongoing violence that can contribute to the situational response of battered woman syndrome.

A clinical psychologist's evidence was also heard. This related specifically to the defendant whom he testified "exhibited the indicia of battered woman syndrome": the subjective element of the test for duress.

The Magistrate's Decision and his in-court education

In the decision the magistrate stated that up to the close of the defendant's personal testimony he was sceptical about her evidence and the likelihood that an ordinary person would have failed to take opportunities available for escape. However, the expert testimony made him rethink his scepticism: "Many of my reasons for scepticism appear to be explicable by the symptoms of battered woman syndrome". The significance of this statement is that it implies that the expert evidence assisted him to understand the defendant's behaviour both in relation to the offences and to her credibility as a witness.

Given that newly acquired knowledge, he concluded that:

- expert evidence was relevant, and
- in light of that evidence, he could not be satisfied beyond reasonable doubt that the defendant's mind was not overborne by the threats or that a person of like age and sex in similar circumstances would not have done the acts or would have availed themselves of opportunities of retreat.

The information was therefore dismissed and the defendant was discharged. Of particular significance in this decision is that a magistrate learned that reasonable behaviour for a battered woman may not be the same as it is for others: a lesson for the judiciary in understanding that what they, as white middle-class males see as reasonable, is limited by their own narrowly defined perceptions. Another breakthrough was the acceptance of non-medical expert evidence about battered woman syndrome. All in all, this was a notable case which hopefully will act as a precedent or as a model in other similar situations. Certainly an essential first step for non-gender based "justice" is to enable the judiciary to understand the battered woman's experience.

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Roger Douglas and Kathy Laster

victims of efficiency?

restoring "lost" victim information in the summary court

ROGER DOUGLAS AND KATHY LASTER, SCHOOL OF LAW AND LEGAL STUDIES, LA TROBE UNIVERSITY, BUNDOORA VICTORIA

THE AUTHORS GRATEFULLY ACKNOWLEDGE THE SUPPORT OF A CRIMINOLOGY RESEARCH COUNCIL GRANT FOR THIS PROJECT. THE RESPONSIBILITY FOR THE VIEWS EXPRESSED, HOWEVER, RESTS WITH THE AUTHORS.

Recently, Victoria became the second Australian State to introduce Victim Impact Statements (VIS) in criminal proceedings. The legislation allows victims of crime to provide written or oral statements on the effect of injury, loss or damage suffered by them: *Sentencing (Victim Impact Statements) Act 1994*. The procedure has attracted considerable criticism because of its potential to erode the rights of defendants. Victim advocacy groups have also had reservations about what they see as mere "band-aid" law. They fear that such measures take the place of more meaningful reforms to substantive law and in the provision of services (Monash Seminar 1994). We would add a third line of criticism: VIS are inconsistent with the criminal justice system's commitment to efficiency.

Our research in the summary jurisdiction in Victoria confirms that courts are currently provided with inadequate information about harm to victims. At the same time the research also suggests that more victim impact information would have little effect on court outcomes. At best, VIS are a symbolic concession to meeting victim concerns. In a court system which places a high premium on efficiency, "add-on" mechanisms such as VIS are less likely to prove effective than simpler techniques which integrate the provision of victim information into existing criminal justice practices.

The Disappearance of the Victim in the Mention Court

In Victoria, managerialist priorities have seen dramatic reform to the administration, procedure and personnel of the summary jurisdiction (Douglas & Laster 1992). One of the most effective innovations has been the seemingly innocuous change to the courts' listing practice which provides an expedited procedure for the hearing of guilty pleas. The procedure known as the "mention court" allows defendants to be sentenced on the basis of a short summary of the facts prepared by the police informant and read out by the prosecutor to the magistrate. This (along with details of the defendant's prior record) is usually the main piece of information relied on by magistrates in sentencing.

Magistrates in Victoria recognise that the mention court system is the "greatest thing that ever happened to the courts", and "the greatest innovation since sliced bread or canned beer" (Douglas & Laster 1992, p.55). This efficient new system also saves victims the unpleasantness of having to participate in trials.

The average case takes 3.5 minutes. The net effect of these more streamlined procedures for efficiently sentencing defendants has been to make victims irrelevant. Under the old system, the police needed to coax the cooperation of the victim who had to attend court in case the defendant chose to plead not guilty. The new system operates on the basis of minimal information with more than 90 per cent of defendants pleading guilty. In most cases, there is little incentive for involving the victim beyond the mere reporting of the crime. It is not surprising that the experience of the majority of victims is that they are "forgotten and abandoned in the process" (Erez 1991).

Magistrates are keenly aware that efficiency has come at a price—the real "losers" under the new scheme are the victims of crime. They know that "there is more to a story than the 2-minute summary"; and they worry that "two punches to the eye" may be sanitised to "an open hand to the face", in order to bring the matter to a speedy close within the lower penalty range of the summary jurisdiction. The system leaves them "feeling like a mushroom", forced to second-guess the precise details of the crime and, implicitly, its impact on the victim. The anecdotal evidence strongly suggests the need to improve provision of information about victim harm to the courts. Our study of assault cases in two busy metropolitan Magistrates' courts over a five-month period confirmed this.

Tracking Victim Information

We examined information contained in 332 Victoria Police Summary and Result of a Charge Forms to establish the nature of victim and injury information presented by police in court. Examination of summaries suggests considerable loss of information. It is hard to imagine that there were no injuries when, for example, the assault involved the victim being "hit with a gemmy", or "struck with a full can of beer in the head", yet none were recorded in the relevant summary. Similarly, in only one case did

the summary note that a victim had been unable to attend work, and surprisingly, there were only two references to financial loss suffered by the victim as a result of the assault. Given even the recorded rates of hospitalisation, medical treatment, and psychological harm (7, 6 and 8 per cent), it is hard to believe that this was the sum total of such losses.

Tracing 109 of the summary forms back to the original file and seven cases forward to contested hearings in court provided an additional opportunity to gauge the extent to which victim impact information is "lost" as a case proceeds through the criminal justice system. Our findings suggest that a considerable amount of information about the harm suffered by the victim "gets lost" between its initial recording by police and its presentation in court. For example:

- In 31 per cent of cases where victims suffered physical injury, this information was not conveyed to the court.
- Information that the victim had required medical treatment was not reported in 82 per cent of the summaries.
- Details about the nature of the injury sustained were also frequently "lost". Information about injuries to the head was lost in 31 per cent of cases, and information about injuries to the arms, legs and body in 26 per cent, 56 per cent and 50 per cent of cases.
- In 75 per cent of cases where the file recorded information of psychological harm, this information was not conveyed to the court.

Comparing the written information available to the court under the mention system with oral testimony provided by victims in court in contested cases also indicates that current recording practices significantly under-report victim injury. In the seven contested cases studied where victim witnesses provided oral testimony, they detailed information not disclosed in the summary of physical injuries (three cases), and evidence of medical treatment in four cases, one of which involved hospitalisation. In two cases, there was evidence, not mentioned on the form, of psychological harm sustained by the victim. Information loss in assault cases is therefore extremely high. It seems reasonable to expect that loss of information would be even higher in non-assault cases since the relationship between the crime and victim harm is less direct.

Our findings support the need for a more systematic approach to the provision of victim injury information. This, however, needs to be put into perspective. Our findings are consistent with overseas evidence suggesting that the degree of information about victim injury seems to have little impact on sentencing outcomes (Erez & Tontodonato 1990). While there is a need to improve the provision of victim information, increases in this are likely to have merely symbolic, rather than real, effects on court decisions.

Symbolic concessions to improve victims' satisfaction with justice, psychological healing, and restoration (Erez 1990) do not sit easily with pressures on the court system for more efficient disposal of cases. It was these concerns which made the Australian Law Reform Commission reject the introduction of VIS: "Preparing a VIS would add to an already heavy workload" experienced throughout the criminal justice system (Australian Law Reform Commission 1988, p. 45). Given the criminal justice system's commitment to efficiency, measures which provide more victim impact information need to be resource-sensitive. There may well be simpler and more effective means of providing information about harm to victims other than "add-on" procedures such as VIS.

Alternatives to Victim Impact Statements?

The most popularly advocated means of redressing the absence of appropriate victim impact information is Victim Impact Statements. The form, content and means of implementation of these statutorily mandated procedures for providing information about the physical, financial and psychological consequences of crimes on victims varies enormously. Whether police, probation officers, counsellors or prosecutors are involved in the preparation of a VIS clearly has quite distinct resourcing implications. So too does the form of the statement - narrative, checklist or oral evidence in court. Nevertheless, even a "minimalist" VIS constitutes additional documentation which needs to be grafted onto existing processes. Such concerns are probably even more pressing in the high volume summary jurisdiction grappling with ever-increasing case-loads. Systematising police summaries may prove to be a simpler solution.

Systematising Police Summaries: VIS Through the Back Door?

Although police collect victim impact information, current court procedures have the effect of filtering this information. For example, greater emphasis is given to the legal issue of the harm which the defendant intended rather than the actual injury suffered by a victim. One option suggested by our research is to better integrate victim impact information into the routine documentation provided to the court. The logical choice would be to improve the major source of information about victim harm: the police summary. This would have the advantage of requiring no new or additional paperwork. Streamlining existing procedures would have significant benefits for victims, police and magistrates.

From the perspective of victims, requiring police and magistrates to routinely consider victim impact information may have the indirect benefit of sensitising them to victims' needs and experiences. Consideration of victims can thereby be built in to the process rather than requiring individual, and often vulnerable, victims to assume responsibility for making the system aware of their experience. Victims and victim needs should not be treated as " special" but rather accommodated within the "process values" (Summers 1974) of criminal justice and personnel.

From the perspective of efficiency, there is much to commend an economical mechanism which promotes consistency in decision-making. Both prosecution and defence have much to gain from ready access to more detailed information about the offence, including its impact on the victim. If parties have a common information source, they are better able to assess the relative strengths of their cases prior to hearing. This in turn might reduce the number of cases which proceed to a contested hearing.

Systematising provision of victim information through police documentation also gives magistrates greater control of cases. The limitations of the current "police summary" is that magistrates are left to second-guess the reasons for any omissions about the impact of a crime on a victim. It is unlikely that VIS will remedy this problem. For a variety of reasons the likelihood is that the quality and depth of VIS will vary. The absence of important victim information may be just as easily ascribed to oversight, inexperience or hard-nosed negotiations between defence counsel and the prosecutor. This merely exacerbates magistrates' current problems with the mention court—should they adjourn in order to obtain appropriate documentation or, press on by drawing inferences on the basis of limited information on victim impact?

There is undoubted political appeal in the introduction of special symbolic measures such as VIS. Such high profile "solutions", however, suffer from all the disadvantages of a targeted approach to rights. There is much more chance of disillusioning victims by raising expectations about the benefits of a "special" process imperfectly administered which, in any event, has little or no effect on outcome. As an easily identified concession to a special interest, VIS will continue to be the focus of challenge from other groups, and in particular the advocates of defendants' rights.

While VIS may have significant symbolic benefits for victims and the public in serious cases heard in the higher courts, the dominant paradigm in the high volume summary jurisdiction is the quick disposal of cases. Measures which are inconsistent with this institutional priority objective are therefore less likely to be workable in practice. A system which makes use of the information which police already record is less likely to marginalise victims, and more likely to ensure that consideration for victims can be reconciled with current criminal justice values.

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Senator Sid Spindler

the rehabilitation of prisoners as an Aspect of Crime Prevention

How hard do we try to get ex-prisoners out of crime and into the main stream of society? Do we use prisons as instruments of revenge and punishment, or do we attempt to use the correctional system to rehabilitate offenders?

As a member of the United Nations (UN), Australia is obliged to observe the UN's Standards Minimum Rules for the Treatment of Prisoners drafted by the 1955 Geneva Congress on the Prevention of Crime and the Treatment of Offenders

In Rules Applicable to Special Categories (approved by the UN Economic & Social Council in 1984), Rule 58 recognises that the period of imprisonment must be used to ensure that the offender, upon returning to society, "... is not only willing but able to lead a law abiding and self supporting life".

Rules 59 and 60(2) state:

> To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners. (Rule 59)
> Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society.... (Rule 60 [2])

Australia's international obligations confirm the basic civil rights principle that deprivation of liberty is punishment enough and must not be aggravated by the withdrawal of other human rights, including the right to education and training.

Even if one were prepared to ignore human rights, one should look at the financial cost which the community has to bear if we fail to get offenders back into society as law abiding citizens. To the estimated direct cost of over $50,000 (McNamara 1991 cited in *The Bridge* 1992) per annum to keep a person in gaol, can be added the costs of damage and loss caused by renewed criminal activity, the cost of law enforcement agencies and courts, and the opportunity cost of productive work and government revenue foregone.

The 1992 National Prison Census reported 15,559 people in Australian prisons (Walker 1993). In the same year the Australian Institute of Criminology found that the cost of running the corrections system in Australia was approximately $600 million (Walker 1992a). These figures illustrate the need to target rehabilitation of prisoners as a major crime prevention strategy. Unfortunately, despite the rhetoric of certain correctional institutions and justice departments, Australia's correctional systems are largely unsuccessful in preventing reoffending: some two-thirds of people in Australian prisons have been there before.

Senator Sid Spindler
Australian Democrats' Spokesperson on Law and Justice

Recidivism in Australia

Compiling statistics on recidivism and rehabilitation rates in the various Australian jurisdictions is difficult. State Governments are generally responsible for collating their own statistics, but as there is little or no coordination between them comparisons between the different States are largely meaningless.

There are also a number of definitional problems which affect the validity of comparisons. For example, an armed robber who is later imprisoned for driving under the influence of alcohol, may be included as a recidivist criminal in one analysis and not in another.

Further, sentencing policies vary from jurisdiction to jurisdiction. A state's record may look bad in a recidivism analysis simply because of its policy to use prison sentences more sparingly than other States. Obviously, so-called heavy or habitual criminals are more likely to reoffend than fine defaulters, social welfare cheats or some white-collar criminals.

Recidivism patterns and statistics

A survey by the Victorian Department of Justice in 1993 concluded that 69.5 per cent of prisoners in the sample had a prior conviction (Correctional Service Division, Victorian Department of Justice, June 1993).

Figures in Western Australia are similar. In Broadhurst and Maller's study of 16,381 prisoners released from Western Australian prisons, they found that around *four out of every five* male Aboriginal people returned to prison. The figure for non-Aboriginal people was *two out of every five*. Disturbingly, Broadhurst and Maller conclude that "in the case of Aborigines... such probabilities.... which approach absolute certainty of failure, indicate

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the irrelevance of prison to their offending behaviour" (1990, p. 102).

In terms of Australia-wide statistics, the 1991 National Prison Census (Walker 1992b) records that 56.9 per cent of Australian prisoners had a known prior imprisonment.

Australian Correctional Policy and Practice

There are two main reasons why rehabilitation programs in Australia are currently failing:

- Australian correctional services are not committed to rehabilitation as a main objective. Prisons are primarily a system to punish and even to exact revenge;
- correctional services are under-resourced and subject to severe cost-cutting pressures, as the current push towards privatisation illustrates.

Insufficient Resources

Details of rehabilitation budgets in the current system are difficult to obtain but an example of the level of resources we devote to the system generally may provide an indication of priorities.

In 1991 the New South Wales penal population was approximately 5,700 while prison cells numbered less than 5,000 (*The Australian*, 1 March 1991). This compares poorly with jurisdictions such as Sweden where, in 1990, there were approximately 3,500 prisoners despite their capacity to cater for over 4,000 (Norden 1990, p.3).

Rehabilitation—Policy

A rehabilitative environment must include:

- the promotion of humane and effective strategies;
- the provision of primary medical and psychiatric care;

- the provision of a crisis intervention service;
- a pro-social ethos which is:
  - just and fair
  - conducive to change
  - challenges rather than supports or accepts offending behaviour
  - provides pro-social modelling
  - minimises harm
  - promotes self-esteem
  - maximises prisoner's self control and sense of control over their environment and their future
  - encourages prisoners to take responsibility for their actions, and
  - promotes mature coping skills (Victorian Minister for Corrections 1993).

Rehabilitation — The Reality

Section 59 of the United Nations Standard Minimum Rules recommends that a prison seek to apply all appropriate remedial, educational, moral, spiritual forms of assistance, according to the *individual treatment* needs of the prisoners; and that a flexible system of classifying prisoners in groups should be adopted with the groups distributed in separate institutions suitable for the treatment of each (Section 63[a]).

In order for such classification to operate effectively, gaols should not operate at more than 90 per cent capacity. However, in Australia, this is not possible as "prisons in all jurisdictions, except Tasmania, suffer from severe overcrowding...." (Law Reform Commission 1987).

The failure of Australian penal systems to adopt finely delineated classification systems has thrown together prisoners of widely differing degrees of criminality with the obvious danger of retarding or even reversing the rehabilitation process.

The Social Context

Article 60 of the UN Standard Minimum Rules states that the regime of the institution should seek to *minimise any differences between prison life and life outside which tend to lessen the capacity of prisoners to function in society.*

Maintaining family connections are an important element of this. The reality, however, is illustrated by the report of a coalition of Church groups which reported that prisoners' visiting rights and their ability to maintain family ties were made difficult by the existing prison priorities.

> visitors are usually treated with indifference and sometimes with hostility. They can be seen as security risks or as mere inconveniences. Their access as free citizens is not seen as a right. Often facilities are sub-standard. If there are delays due to staffing shortages... they can be left standing outside in all weather without an explanation. (Anglican Social Responsibilities Commission (Australia) 1988, p. 46).

Work Programs, Education and Training

The UN Standard Minimum Guidelines section 66(1) state that all appropriate means should be used in order to encourage a prisoner's self-respect and develop his or her sense of responsibility with particular consideration for the prisoner's physical and mental capacities and attitudes.

Further, under article 71 it is stipulated that when a prisoner is involved in a work program, the work provided shall be such as will maintain or increase a prisoner's ability to earn an honest living after the prisoner's release and further that vocational training in useful trades should be provided for prisoners.

Regrettably, however, a large percentage of prisoners in Australia are not gainfully employed. In most States or Territories, it has apparently proven too difficult to provide productive work for prisoners. Only 66.5 per cent of the Australian prison population is reported to be engaged in regular meaningful work and of this percentage, all States other than Tasmania and the Northern Territory, registered the highest type of work available for prisoners as "cleaning" (Biles 1992, p.4).

It is difficult to envisage that this work equips them with effective vocational skills for their employment reintegration into society. In 1987, the Australian Law Reform Commission specifically reported that there was a lack of work and training programs in Australian prisons, particularly in maximum security institutions.

Indeed, in all States and in the Northern Territory, education or training constitute the smallest percentage of daily activities with manufacturing activities and cleaning disproportionately higher (Biles 1992, p.5).

Specific Target Groups

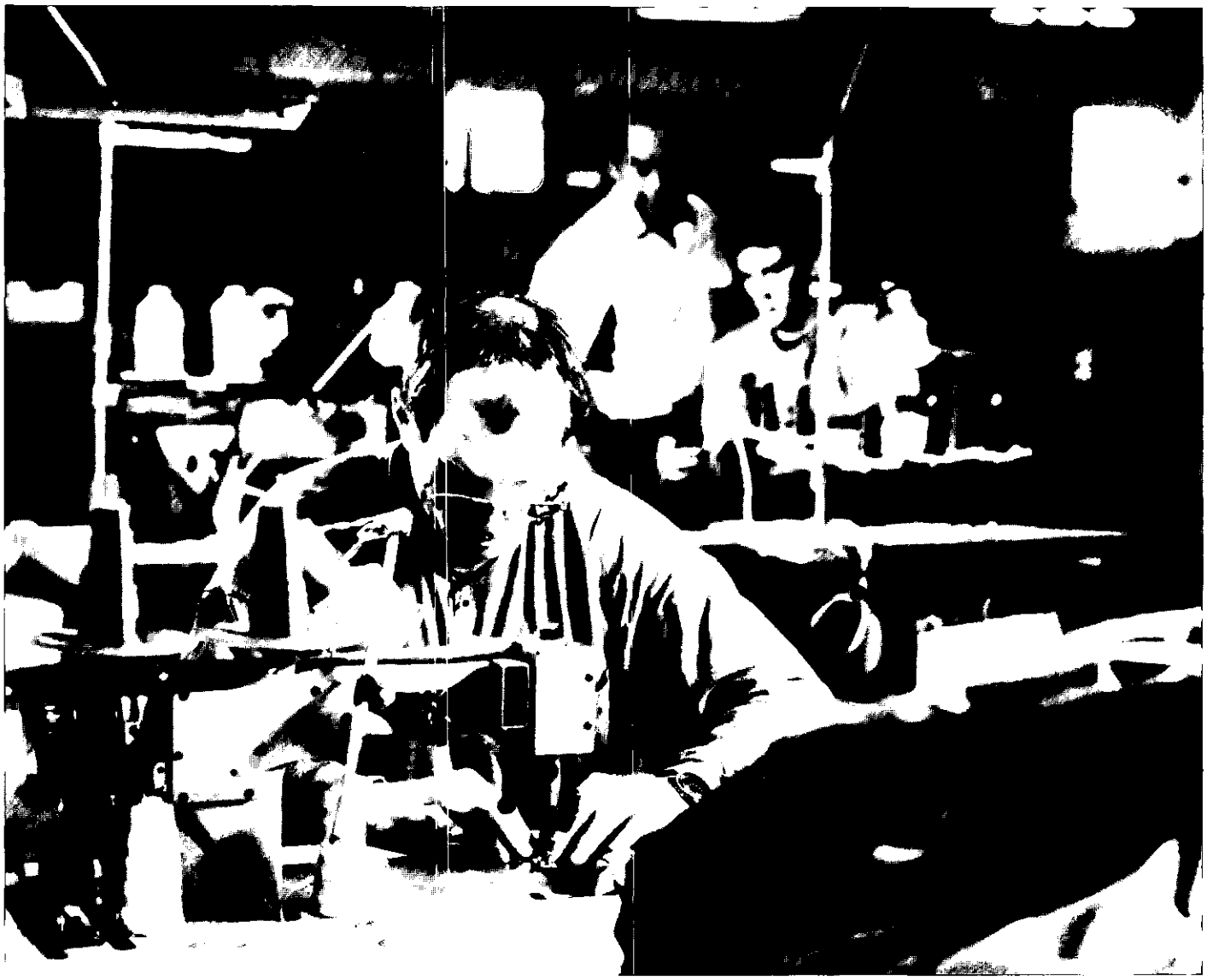
There is also concern in Australia that the needs of certain groups of prisoners are not met specifically by rehabilitation programs. Such groups include:

- Aboriginal prisoners who comprise 15 per cent of the total number of prisoners in Australia and yet less than 3 per cent of the population (Biles 1992, p.7);
- drug addicts;
- women, 80 per cent of whom enter gaol with legal or illegal drug dependencies (People's Justice Alliance);
- young offenders; and
- paedophiles and prisoners convicted of sexual assault.

It would be desirable for counselling and training programs to be specifically geared to the special needs of these groups, however, in an under-resourced and overcrowded prison system, the special needs of minority groups are largely ignored.

Pre-release schemes

The United Nations Guidelines state that prior to the completion of a prison sentence, it is desirable that steps be taken to ensure a gradual return to society. However, many attempts to establish half-way houses have been sporadic and largely unsuccessful.



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Post-release scheme

The UN Guidelines emphasise the importance of post release programs:

> "[t]here should ... be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him, and his social rehabilitation (Section 64).

However, in many Australian jurisdictions, the task of integrating ex-offenders into society is left largely to churches and other non-government groups with minimal funding support from government. For example, the amount of money allocated in Victoria for Community Corrections Grants for the years 1993/1994 was a mere $350,000: the annual cost of maintaining just over half a dozen prisoners in gaol.

Future Directions

Clearly the task is to enshrine rehabilitation as a priority of our corrective services system and, most importantly, to establish national standards and political levers for their implementation.

A Bill of Rights

Australia could follow the German example and incorporate the rights of prisoners to minimum standards of treatment in the Constitution. This was the basis of the German legislation implementing UN standards and has given them a mechanism of implementation and an avenue of recourse against government inaction.

In Australia this would require a Bill of Rights. This is a code of rights and freedoms that would provide certain fundamental freedoms to all Australians irrespective of whether or not they are incarcerated. For example, they may provide that "everyone has the right to be secure against unreasonable search and seizure, or that "everyone has the right not to be subjected to cruel, degrading or inhuman treatment or punishment".

We may have no chance of getting such a bill of rights passed straight away through a referendum, but it may just be possible to get a legislative version adopted by Parliament.

We could then follow Canada's example, leave it in place as a statute for a few years, test it, as it were, and then put it to the people in a referendum. Certainly this approach would enable applicants to go to the High Court to enforce proper treatment of prisoners instead of going to the UN Human Rights

Committee—as Tasmanian Nick Toonen recently had to do to persuade the Federal Government to overrule Tasmania's anti-homosexual laws.

National legislation

If Federal Parliament had the political will to do something about the rehabilitation of prisoners, it could legislate using its foreign affairs power since Australia is a signatory to the UN convention on the treatment of prisoners.

There is another more tenuous avenue, and that is to require State Governments to introduce uniform standards on the basis that State and Territory gaols hold some 700 prisoners who have been sentenced under Commonwealth laws and who therefore remain the responsibility of the Commonwealth Government

National Standards

In the push to privatise prisons, the State Governments could be induced to draft contracts that include tough performance standards. Clearly similar standards should then also apply to institutions under State Government control.

However, the fact that the Queensland Government has met a Freedom of Information request for the contract delegating one of the Government's core responsibilities, with "commercial in confidence" does not fill one with a great sense of confidence.

Changing Community Attitudes

One of the most immediate tasks must be to demonstrate to the community that punishment by imprisonment is not only inhumane and inordinately expensive, but that it is ineffective to the point of being counter-productive.

The size of this task is demonstrated by a 1990 Saulwick poll published in Melbourne's *Age* (20 November 1990) where only a quarter of respondents thought the main purpose of prison was rehabilitation. This may explain why politicians tell me that there are no votes in prison reform. It may be one area, however, where Parliament should lead rather than follow.

Indeed, it is time to press for a Bill of Rights, which in this area would give the basis for the reforms required by minimum standards of decency in a civilised society, as well as by the common sense requirement to contain the social and financial costs of crime.

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Roger Darvall-Stevens

Police Codes Of Ethics In Australia

ROGER DARVALL-STEVENS, BA, DIPCRIM, IS CURRENTLY FINISHING A MASTER OF ARTS DEGREE IN CRIMINOLOGY AT THE UNIVERSITY OF MELBOURNE. HE HAS BEEN A POLICEMAN WITH THE VICTORIA POLICE FOR TEN YEARS.

Four thousand years ago codes of conduct for occupational affairs existed as civil legal codes while about 2,500 years ago professional codes for medical practitioners were recorded (Vollmer & Mills 1966, p.129). This practice has continued to the current day with many occupations and professions having codes of ethics or conduct.

Many educational courses are encompassing subjects on ethical conduct, and in the last decade the majority of the eight Australian police services have developed their own codes of ethics.

For a code of ethics to be effective and act as part of an overall strategy to minimise unethical and criminal behaviour by police, three basic components need to be established and continually monitored:

- the formulation of a realistic code of ethics;
- the code must be propagated, inculcated, and enforced among the membership; and
- the code must be reviewed periodically to measure its effectiveness, and if the code is not being achieved, strategies to ensure its effectiveness need to be formulated and implemented.

These three components are particularly relevant to policing as this occupation moves to professionalise and formulate a national police code of ethics. This article discusses the second step of propagating, inculcating, and enforcing a code of ethics within the context of police work. As well, it discussed the move to transform policing in Australia into a profession, which involves the formulation of a national police code of ethics.

The Need for Codes of Ethics

"Ethics: a moral principle or set of moral values held by an individual or group" (Collins *English Dictionary* 1991, p.533).

> "a branch of philosophy concerned with that which is deemed acceptable in human behaviour, with what is good or bad, right or wrong with human conduct in pursuit of goals and aims" (Reber 1985, p.251).

Table 1

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (I.A.C.P.)
LAW ENFORCEMENT CODE OF ETHICS (U.S.A.)

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and, to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and, be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever-secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favour, malice or ill-will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...Law enforcement. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will co-operate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

A code of ethics defines the limits of acceptable behaviour and unacceptable or unethical behaviour. The trend for many private and public sector organisations and vocations to establish codes of ethics has been a reaction to public and sectional group pressures for better accountability and control mechanisms. No area of society is untainted by "...the deleterious effects of the seemingly insatiable greed of some members of our community" (Avery 1989, p. 160).

In acknowledging that the area of ethics and discipline within policing is problematic Greenhill states:

> In theory, the law, judges' rules and police discipline regulations together provide a strict and elaborate code of police conduct, but, in practice, there are wide areas of discretion, ambiguity and imprecision which resist formal regulation...Most police officers undoubtedly do have a marked ethical sense and do distinguish between proper and improper policing. They seldom, however, take that serious and critical attitude to ethical considerations which ethical professionalism requires (1981, pp. 62-3).

Furthermore, in a North American study of ethics in law enforcement, the importance of police culture to the discussion is raised:

Lawrence Sherman concluded that the following "values" were inculcated in police recruits:

- enforcement of a law depends on what it says and who the suspect is;
- disrespect for police authority is a serious offence that should always be punished;
- the use of physical force against people who "deserve it" or where it can be an effective way of solving a crime is justified;
- due process should be ignored whenever it is safe to do so;
- lying and deception are an essential part of the police job;
- you cannot go fast enough to chase a car thief or traffic violator nor slow enough to attend a "garbage" call;
- it is proper to take any extra rewards the public wants to give the police;
- police officers must protect each other, whatever the cost (quoted in Marin 1991, p.303).

Even though this is a North American study, the Australian historical and contemporary police environment is not all that dissimilar.

Recently the Mollen Commission inquiring into corruption within the New York Police Force released its report exposing, once again, the type of police corruption reminiscent of the early 1970s when Frank Serpico publicly alleged widespread kickbacks to police and police corruption (*The Age*, 9 July 1994, p.12). Although Australian police services are not tainted with the same widespread notion of corruption as some North American examples, nonetheless, Australia has not been without its examples of inquiries into police corruption and other matters. (For details of police related inquiries and reports the reader is referred to Swanton, Hannigan & Psaila 1985, pp.493-508) The Fitzgerald Inquiry (1989) in Queensland stands as a prominent example of the identification of widespread corruption in the Queensland Government and the Queensland Police. In the wake of the Fitzgerald Inquiry came the establishment of a number of investigative agencies external to police. These include the Independent Commission Against Corruption (ICAC) in New South Wales in 1989 and the Criminal Justice Commission (CJC) in Queensland in the same year. The most recent example of an inquiry into a police service is a NSW parliament initiated royal commission into police corruption to be headed by Justice Wood.

These types of inquiries serve to damage credibility in police ethical standards and police professionalisation. Regardless of the integrity of any one or more police services, their reputations are adversely affected by such inquiries. However, with the right commitment, innovation, initiative, and partnership between management and the rank and file, there is no reason why, over time, a positive police culture cannot be promoted to foster, and in some areas develop, an ethos of ethical awareness and understanding.

Table 2

THE VANCOUVER POLICE DEPARTMENT
"CODE OF ETHICS" (CANADA)

As a member of the community and as a police officer, I recognize that my fundamental duty is to protect lives and property, preserve peace and good order, prevent crime, detect offenders and enforce the law.

I will faithfully discharge my duties in a just, impartial and reasonable manner, preserving the equality, rights, and privileges of all persons as guaranteed by the "Canadian Charter of Rights and Freedoms".

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; and be constantly mindful of the welfare of others. Honest in thought and deed in both personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Vancouver Police Department.

I will preserve the dignity of all persons. I will be faithful on my allegiance to Her Majesty the Queen and my country. I will honour the obligations of my office and strive to attain excellence in the performance of my duties.

Police Codes Of Ethics and the Aim to Professionalise Policing

In 1957 the International Association of Chiefs of Police (I.A.C.P.) published the "Canons of Police Ethics" followed by the "Law Enforcement Code of Ethics" in 1987 (Offer 1994, p.4). As examples, the I.A.C.P."Law Enforcement Code of Ethics" and the Vancouver Police Department "Code of Ethics" are reproduced at tables 1 and 2. The English Home Office is currently drafting a code of ethics for all English police with a list of ten principles including the statement that police do not have to obey a superior's unlawful command (Offer 1994, p.4).

In the late 1980s the Victoria Police Force produced a code of ethics (Table 3) and published it as *Victoria Police Ethics and Professional Standards* (Victoria Police n.d.). Soon after, in the wake of the Fitzgerald Inquiry (1989), the New South Wales Police Service introduced a code of conduct which "...has gradually been extended from members of the Senior Executive to Commissioned Officers and other ranks working in designated 'sensitive' areas" (Avery 1989, p. 163). Avery later wrote that "(t)he cynical will suggest that this is a pointless exercise, but codes of ethics do provide guide-lines for the well-intentioned. The ill-intentioned will not be constrained by them, nor by the law, as our [NSW Police Service's] bitter experience has shown" (Avery 1991, p. 12). In the early 1990s the Queensland Police Service produced a code of conduct (Commissioner of the Queensland Police Service 1990). Other examples of police codes of ethics in Australian police services are at Tables 4 (Western Australia Police Force) and 5 (Tasmania Police Force).

Several writers have acknowledged the importance of codes of ethics as a necessary ingredient of a profession (for example, Carr-Saunders & Wilson 1934, p.479; Caplow 1954, pp.139-40; Greenwood 1957, pp.10-19; Becker 1970, pp. 94-6). In 1991 the Australian Police Ministers' Council and all police commissioners committed themselves to a ten point "Statement of Strategic of Direction' (reproduced in Etter 1993, p.52). This plan for Australian policing to achieve professional status is currently administered by the National Police Professionalism Implementation Advisory Committee (NPPIAC). With this move to professionalise policing, there is a commitment to formulate a national police code of ethics. One of the plan's ten points is the "... review and enhancement, followed by publication and promotion, of the Australian national Police Code of Ethics" (Etter 1993, p.52). This has since been reiterated by the Ministerial Council on the Administration of Justice (1993) in the endorsement of an "Australasian policing strategy" which includes aiming to "promote a common code of ethics" (p.8). Even though this has not yet come to fruition, the clear intention is to set uniform ethical standards for police.

A code of ethics may be seen as a pathway to professional status. However, the mere existence of a code of ethics is not necessarily a guarantee of anything unless it is propagated, inculcated, and enforced with the aim of maintaining the code's credibility and effectiveness.

How to propagate, inculcate and enforce a code of ethics

In arguing for maintaining high levels of professional standards in a changing environment, a former Victoria Police deputy commissioner summed up the Victoria Police Force's current strategy on a code of ethics when he wrote:

Table 3

VICTORIA POLICE CODE OF ETHICS

As a member of the Victoria Police Force, I have a duty to:-

- Protect life and property;
- Preserve the peace;
- Prevent offences;
- Detect and apprehend offenders; and
- Help those in need of assistance.

At all times:-

- I will carry out my duties without fear or favour, malice or ill will;
- I will act honestly and with the utmost integrity;
- I will make every effort to respect and uphold the rights of all people in the community regardless of race, social status or religion;
- I will strive for excellence and endeavour to improve my knowledge and professionalism;
- I will keep confidential all matters which I may learn in my official capacity, except as necessary in the course of my duties;
- I will practise self-discipline in word and deed both on and off duty;
- I will resist the temptation to participate in any activity which is improper or which can be misconstrued as being improper;
- I will not misuse my office for personal gain;
- I will accept responsibility for my own actions and for acts which I may order; and
- I accept the desirability of these ethics as an integral part of my personal and professional life.

> Any definition of "professional" includes adherence to ethical standards of self-regulation. The Force certainly has laid down the ethical standards and there is both self-regulation and external review and accountability...(O)ur Oath of Office and the Code of Ethics...form a strong foundation for excellence...(W)e can succeed if we remember— Do the right thing, Do your best, Treat others the way you would want to be treated (Frame 1991, pp. 10-11, 13).

This type of approach of "do the right thing, do your best, and treat others the way you would want to be treated" may appear over-simplistic to some observers. However, this pragmatic and practical approach is a positive start towards acknowledging the realities of promoting ethical behaviour rather than the possession of a rarely referred to and sanctimonious set of ethical guidelines.

A code of ethics, if it is to be effective, must acknowledge the realities of policing and the difficult nature of the policing role, especially with the wide use of discretion at all levels in policing. Careful consideration should be given to the compilation of a code of ethics for, as Niederhoffer has argued, a police code of ethics and ideals "...may actually impede professionalization" if they "...are not consistent with the force's sense of reality..." and especially if they display "...the vast disparity between the reality of police work and...bombastic sermonizing, which reads like the beatitudes" (Niederhoffer 1967, pp. 25-7).

A recent Morgan poll published in *Time Australia* (24 May 1993) on ethical standards in a range of professions rated police sixth out of twenty-two occupations. Professional codes of ethics have as much to do with actual public attitude and acceptance as realistic ethical performance. In terms of the professional occupational model, it is important that the public has confidence in the existence of ethical standards and credible mechanisms to deal with breaches of those standards.

As Menke, White and Carey point out:

> ... (t)he element that distinguishes the profession from the nonprofession is the existence of some mechanism through which the code of ethics is enforced. Established professions have the power to sanction, extralegally, those members found to be in violation of the code... (1982, p. 96).

There are a range of mechanisms to enforce ethical standards and behaviour on and off duty which include a variety of formal regulations as well as attempts to influence the police culture. In Victoria, there are a variety of disciplinary options to enforce the code of ethics and guide police behaviour and on 26 August 1993, the Victoria Police Force introduced a newly revised discipline system (Victoria Police Force 1994, p. 122) with amendments to the *Police Regulation Act 1958*. Disciplinary breaches under section 69 of the Police Regulation Act (1958, pp.62-3) are enforced by powers given under section 71 (pp. 63-4) to the chief commissioner, or an officer authorised by the chief commissioner, to charge police with a breach of discipline, which can result in a range of sanctions under section 76 (p.66) from a counselling and reprimand to dismissal. The entire range of criminal offences are, of course, available to be used for more serious police misconduct under statute or common law, such as perverting the course of justice. It is too early to evaluate the effectiveness of these enforcement measures. However, suffice it to state that effective mechanisms must exist to enforce ethics otherwise an effective code may exist as an illusive ideal.

Mechanisms to control police behaviour in turn enforce ethics. The following are from Victoria (although most are just as applicable to other police services):

- codified and common law (civil and criminal);
- the courts;
- codes of ethics;
- police manuals and other police formal and informal rules and regulations;
- training and educational courses attended by police;
- positive peer control;
- positive hierarchical control by superiors;
- the Internal Investigations Department (IID);
- the Deputy Ombudsman (Police Complaints);
- the threat of potential government commission inquiries and reports;
- the Victoria Police Board;
- and public and private pressure groups or forums of expression which perform a public watch-dog role such as the media and civil liberties groups.

Other mechanisms around Australia include the National Crime Authority (NCA), the New South Wales Independent Commission Against Corruption, and the Criminal Justice Commission (CJC) in Queensland.

Notwithstanding the quality in terms of effectiveness and efficiency of the previously mentioned mechanisms, in the context of the professional model it could be argued that policing is more accountable, more controlled and has more mechanisms to enforce ethical conduct than most established professions. However, this does not mean that nothing else should be done. The major dichotomy with codes of ethics and controlling police behaviour is between formal police regulation (in its many forms) and the police culture. The need to coalesce the two is of paramount importance. The objective of a national police code of ethics and its enforcement, whether nationally or locally, necessitates serious consideration of this coalescence.

Other avenues which could be pursued or strengthened to propagate, inculcate, and enforce ethical police conduct and behaviour include the following. There could be a strengthening of the teaching of police ethics within all police training and educational courses (for a further discussion refer to Kleinig 1990). The code of ethics and its meaning

Table 4

WESTERN AUSTRALIA POLICE CODE OF ETHICS

As a member of the Western Australia Police Force, I have a duty to
Preserve The Queen's Peace
Protect Life And Property
Prevent Offences Against The Law
Detect And Apprehend Offenders
Render Help To Those In Need.

At all times,
I will carry out my duties without favour or prejudice, malice or ill-will.
I will adhere to the principles of honesty and integrity.
I will make every effort to respect and uphold the rights and freedom of all the people in the community.
I will act with sympathy and compassion towards victims of crime, yet
maintain a fair and impartial attitude towards alleged offenders.
I will strive for excellence and endeavour to improve my knowledge and professionalism.
I will maintain the confidentiality of all matters which I may discover in
my official capacity, except as necessary in the course of my duties.
I will exercise self-discipline in word and action, whether on or off duty.
I will not misuse my authority or position for personal gain.
I will not participate in any activity which is improper or which may be construed as improper.
I will accept responsibility for my own actions and for those acts which I may order.

I accept the desirability of these ethics as an integral part of my personal and professional life.

Table 5

TASMANIA POLICE CODE OF ETHICS

As a member of the Tasmania Police Force, I will -
carry out my duties justly without fear, favour or affection, malice or ill will;
act honestly and with the utmost integrity;
make every effort to respect and uphold the rights of all people in the community, regardless of race, social status or religion;
strive for excellence and endeavour to improve my knowledge and professionalism;
keep confidential all matters which I may learn in my official capacity except as necessary in the course of my duties;
exercise restraint and self-discipline in word and deed both on and off duty;
never use more force than is necessary in the performance of my duty;
not participate in any activity which is improper or which can be construed as being improper;
not misuse my office for personal gain;
accept responsibility for my own actions and for acts which I may order;
and I accept the desirability of these ethics as an integral part of my personal and professional life.
(Commissioner of Police)

and effectiveness should be emphasised in promotional examinations and interviews. This could also be coupled with research by police on ethics and the propagation of this research. Currently there is only a small amount of Australian literature on police ethics. The message needs to be continually reinforced to the police membership that the pursuit of ethics is an integral part of daily police life, not the concern of other police or management alone. Police ethics, disciplinary and conduct codes could be placed within contract employment or employment agreements as is common in the USA (Swanton 1983, p. 25). There is a specific need for targeting police culture through a variety of additional mechanisms such as:

- fostering a positive police self-image;
- fostering positive peer control;
- peer review (for a further discussion refer to: Swanton 1983, pp. 29-30);
- updating and marketing a higher profile of the code of ethics;
- frequent reinforcement by senior police of expected ethical standards (for previous examples refer to: Falconer 1989, p. 195; Comrie 1994, p. 3);
- the use of some type of professional association to help inculcate ethical conduct especially involving the rank and file street level police person;
- a higher profile of police associations/unions in promoting ethical behaviour;
- and "whistle blower" protection strategies.

Conclusion

Policing is a difficult vocation often involving problematic ethical decisions at all levels, especially with the wide and regular use of discretion. Some may say that a code of ethics is simply window-dressing but a code is the beginning of a public commitment to ethical standards and behaviour. The Victoria Police Force and most other Australian police services have produced codes and have various mechanisms for their enforcement. A national police code of ethics is a feasible proposition.

Regardless of whether there are eight separate police codes or one national code, thought must be given to its propagation, inculcation, and enforcement in order to prevent the types of police criminality that have been well documented in Queensland and NSW. Otherwise a code of ethics will be meaningless.

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Changes at the Australian Institute of Criminology

ADAM GRAYCAR

1994 has been a year of great change and uncertainty for staff and clients of the Australian Institute of Criminology (AIC).

Over the last twelve months, the Institute has been the subject of two reviews. The first, the Review of Commonwealth Law Enforcement Arrangements, criticised aspects of the management and priority-setting of the Institute and recommended that a specific detailed review of the AIC should be established to refocus its activities and improve its management and accountability.

As a result of these recommendations, the Minister for Justice, the Hon. Duncan Kerr, established a detailed review of the AIC. This review committee was under the chairmanship of Mr Noel Tanzer AC, former Secretary of the Department of Administrative Services, with Mr Des Hill, Assistant-Director, Effectiveness Review and Strategic Planning, Department of Justice, Victorian Government, and Dr Grant Wardlaw, Consultant, Commonwealth Attorney-General's Department. At the same time as this review was established, Dr Wardlaw was appointed Acting Director for a period of six months. Dr Adam Graycar took up a five year appointment as Director on 7 November.

The recommendations of the second review centred on: a management overhaul; the more precise definition of the role, function and priorities of the AIC; the clearer delineation of the accountability mechanisms; structural changes; and the closer involvement of the AIC in serving the policy needs of the Commonwealth.

The critical factor in the AIC Review's consideration was the decision in the Federal Budget to reduce the Institute's appropriation. On the basis of financial constraints, the Review undertook a detailed examination of the structure and staffing levels which would ensure that the AIC continued to exist as a viable organisation able to carry out high quality, impartial research and policy advice on criminal justice matters.

The AIC will become more focussed on priority areas of research nominated by the Minister for Justice; the Commonwealth, State and Territory governments have been identified as the primary clients of the Institute. The AIC's main activities are to provide policy relevant research and advice for its clients. Working to these requirements within the budget allocation provided by Government requires a fundamental reassessment of the number, type and range of projects undertaken by the AIC, the number, type and range of clients served by it and the structure required to undertake the tasks at a high standard.

It was determined that the minimum sustainable staffing level for the AIC would be 37 full-time positions. This decision resulted in extensive staff and union consultations about the new structure. Following these consultations, action was taken to reduce the staffing of the AIC and the target structure has now been achieved.

The principal features of the reorganisation are the integration of the various research functions previously scattered throughout the AIC, the abolition of the Conferences section as a separate entity and the establishment of a Corporate Manager's position. Research will now be focused in two program areas: **Crime Analysis and Policy**; and **Crime and Violence Prevention and Control** and each will be headed by a program manager. Although the Conferences Unit has been disbanded, two former staff from that program are dedicated to conference work and now work from Administration. The Research Program will take on other responsibilities previously administered by the Conferences Program.

There are still many changes to be implemented: almost certainly there will be a change in accommodation because of the reduced number of Institute staff; the type and nature of future conferences needs to be established; and the question of whether all subscription items continue to be published has to be addressed. Currently there are no plans to discontinue *Criminology Australia* or Trends and Issues in Crime and Criminal Justice; but the future of the statistical series, Facts and Figures in Crime and Criminal Justice, has yet to be determined. However, all Australian Institute of Criminology clients will be kept informed of changes at all levels as new policy is implemented.

The staff of the AIC are looking forward to a period of consolidation and thank all those who have offered their support during this difficult time.

PUBLICATIONS

Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Tel: (61) (06) 274 0256
Fax: (61) (06) 274 0260

Conference Proceedings No. 25
Juveniles under Detention
edited by Lynn Atkinson
1994. ISSN 1034-5086. ISBN 0 642 21301 1. 220 pp. A$30.00. soft cover.

It has been said that lack of information about juvenile detention in Australia has led to complacency and ill-informed policy decisions. *Juveniles under Detention* goes some way to addressing this issue, and includes papers on topics such as: "A Profile of Juveniles in NSW Juvenile Justice Centres"; "In Need of Care: Delinquent Girls in a Delinquent System"; "Approaches to the Psychological Treatment of Juveniles in Detention"; "Vocational Training in Youth Training Centres in Victoria". There are also papers describing the approach to juvenile detention in New Zealand.

Preventing Violence: Cumulative Progress Reports on Implementation of the National Committee on Violence Recommendations 1991-1993
1994. ISBN 0 642 20238 9. 416 pp. A$50.00. (also available on disk @ A$30.00; book and disk A$70.00)
This document contains information on action which has been taken or is being taken by Australian governments or by organisations funded by Australian governments, to deal with the wide variety of factors that may impinge on levels of violence in our society. The information was provided by officers of State, Territory and Commonwealth agencies involved in the implementation of the National Committee on Violence recommendations and includes the responses from 1991 to 1993. It looks at such diverse areas as health and welfare, the criminal justice system, firearms law, policing, parenting and local government planning. It is a mosaic of social action policies and programs representing possibly one of the most broad-ranging contemporary collections of information about the social action activities of Australian governments.

Australian Rights only:
Implementation of United Nations Mandates on Juvenile Justice Administration in the ESCAP Region, with a Focus on Youth in Poverty
September 1994. ST/ESCAP/1430. 120 pp. A$30.00.

To assist governments throughout the Economic and Social Commission for Asia (ESCAP) region in addressing the problem of juvenile delinquency, ESCAP undertook this study to contribute to regional cooperation on this issue. It aims to disseminate information on juvenile justice systems in a number of countries and areas from within the region. This is a joint publication of the Asia Crime Prevention Foundation, ESCAP and the Australian Institute of Criminology, and funding for the project was provided by the Government of Japan.

National Centre for Epidemiology and Population Health (NCEPH) and the Australian Institute of Criminology (AIC)
Publications available from:
FREEPOST 440 Bibliotech
ANUTECH Pty Ltd
GPO Box 4 Canberra ACT 2601

Feasibility Research into the Controlled Availability of Opioids Stage 2
Working Paper No. 11
Civil liability issues associated with a "heroin trial"
Natasha Cica
June 1994. ISSN 1039-088X. ISBN 0 7315 2047 5. A$5.00 plus postage.

Working Paper No. 12
Statistical issues in planning a randomised controlled "heroin trial"
Robyn G. Attewell & Susan R. Wilson
July 1994. ISSN 1039-088X. ISBN 0 7315 2062 9. A$5.00 plus postage.

Centre for Continuing Education
Faculty of Education
Monash University
Peninsula Campus
PO Box 527
Frankston Vic 3199

Family Violence and Professional Education Taskforce Education Kit (A$15.00) and
Family Violence: Everybody's Business, Somebody's Life (A$25.00) plus postage and packing

The *Education Kit* has particular relevance to the undergraduate and postgraduate educational programs of professionals who deal with either the victims or perpetrators of family violence. It is also suitable for senior secondary students. The kit is divided into three sections: Social Attitudes and Power Structures; Family Violence-The Statistics; and Support Services and Legal Issues.

The accompanying book, *Family Violence: Everybody's Business, Somebody's Life* (published by Federation Press), will be useful to a wide range of people working in the health, social welfare and legal professions, as well as teachers and the clergy and for those in other fields in which contact with family violence is likely to occur.

Crime Victims Support Training Manual
A$25.00 (includes postage)

This manual provides a 10-lesson curriculum (including overhead sheets and handouts) in an easy to user manner for community educators and tertiary trainers. The lessons cover topics of Victimology, Crisis Response, Role of Police and Courts, Family Violence, Available Support Services, Crime Compensation, Worker Stress and Debriefing, Policy-Agency Referrals. Contact Centre for Continuing Education, Monash University, for further information.

Blackstone Press Ltd
c/o The Federation Press
PO Box 45
Annandale NSW 2038

Blackstone's Criminal Practice Law, 4th edn
February 1994. 2446 pp. ISBN 1 85431 325 8.
$295.00. Cloth cover.
This new edition of *Blackstone's Criminal Practice* is up-to-date as of 5 January 1994. It has been fully updated in the light of all recent legislation, including the UK Criminal Justice Act 1993. All of the major cases of the last 12 months have also been included.

Environmental Health Law
Francis McManus
April 1994. ISBN 1 85431 317 7. A$45.00.

This book is particularly concerned with that which has an immediate effect on human health. The author covers all the main areas of environmental health law in the UK in a clear and practical style, and the book is essential reading for practitioners, environmental health officers and students alike.

West Education Centre Inc
34 Kingsville Street
West Footscray Vic 3012

Hands Off! The Anti-Violence Guide to Developing Positive Relationships

This new educational resource is specifically designed to assist young people make sense of violence within the contexts of power and gender. It aims to prevent family and community violence, as well as violence in schools. This resource was developed in response to community concerns about the nature, level and incidence of violence in schools: specifically violence perpetrated by students against each other. *Hands Off!* comprises four sections of work: each section contains sequential activities, research topics and handouts. It is available from West Education Centre for $35.00. To obtain a copy, contact:

tel: (61) (03) 314 30121
fax: (61) (03 314 1075

The Law Book Company Ltd
44-50 Waterloo Road
North Ryde NSW 2113

Modern Policing, a Journal of Research, Policy and Practice

A new quarterly journal, *Modern Policing, a journal of research, policy and practice*, is being launched in March 1995. Dr David Bradley, Dean of Studies, New South Wales Police Academy, Goulburn, will be the editor. *Modern Policing* aims to strengthen the links between knowledge, policy and practice in policing. Each issue will consist of four sections: Research and Analysis; Policy Forum; Case Studies; and Network. For further information about contributions to the journal contact the Production Editor, *Modern Policing*, The Law Book Company.

Central Queensland University Press
c/o DDCE
Central Queensland University
Rockhampton Mail Centre
Rockhampton Qld 4702

A Healing Place: Indigenous Visions for Personal Empowerment and Community Recovery
Kayleen Hazlehurst
1994. Special launch price: $24.95 plus $5 postage

A Healing Place addresses the heart-breaking problems of alcohol addiction, family violence, and community breakdown. The author, Kayleen Hazlehurst, provides a powerful account of current problems and programs in preventive action. She focuses on the pioneering initiatives of Aboriginal leaders in Australia and Canada which, she says, "are revolutionary in human and psychosocial terms". They demonstrate that community recovery can be achieved through group healing processes and personal empowerment skills. She explores these in detail and provides workbooks illustrating the simple application of these techniques.

Penguin Books Australia Ltd
PO Box 257
Ringwood Vic 3134

A Father's Story: One man's anguish at confronting the evil in his son
Lionel Dahmer
August 1994. ISBN 0 316 91012 0. 256 pp.
A$35.00. hardback.

Jeffrey Dahmer was convicted of a series of murders over a period of many years. This book is written by his father, and is in fact the story of Lionel Dahmer's search for the reasons for his son's criminal behaviour. It reflects on the nature of fatherhood, the origins of madness and the role of kinship in the legacy of evil.

CONFERENCES

Australian Institute of Criminology
Please note that the Institute's Conference Program is currently under review and a revised program should be available towards the end of 1994. Any person wishing to receive the revised program should contact:

Conference Administration
The Australian Institute of Criminology
GPO Box 2944 Canberra ACT 2601
Tel: (61) (06) 274 0228/0224
Fax: (61) (06) 274 0225

International Year of the Family
National Conference
"Australian Families: the Next Ten Years"
20-23 November 1994, Adelaide

The program for this conference will address the nine key priority issues for the International Year of the Family identified by the National Council for IYF. The aims of the conference include: to portray the diverse functions central to the well-being of families in Australian society; to examine social and economic trends that will impact on Australian families into the next century; to assess social, economic and cultural factors essential to the well-being of Australian families; to endorse and recommend policies which enhance family well-being into the next ten years.
For further information, please contact:
Elisabeth Eaton
Festival City Conventions
PO Box 986 Kent Town, SA 5071
Tel: (61) (08) 363 1307 Fax: (61) (08) 363 1604

National Drug and Alcohol and Research Centre
National Women and Drugs Conference
30 November-2 December 1994
Gazebo Hotel, Kings Cross
For further information contact:
Organising Committee
c/o National Drug and Alcohol Research Centre
University of NSW
PO Box 1 Kensington NSW 2033
Tel: (61) (02) 398 9333 Fax: (61 (02) 399 7143

Commonwealth Department of Human Services & Health
First National Conference on Injury Prevention & Control
27-28 February 1995
Hotel Nikko, Darling Harbour, Sydney

This conference is being held as part of the lead up to the Third International Conference on Injury Prevention and Control to be held in Melbourne in February 1996. Topics to be included are work-related injury, sport and recreation-related injury, and intentional injury (interpersonal violence). General topics of interest to be discussed include alcohol and injury, and data collection.
For further information, contact
Expert Conferences
PO Box 150 Lyneham ACT 2602
Fax: (61) (06) 257 4038

Overseas

2nd LAWASIA Comparative Constitutional Law Seminar
4-6 December 1994, Kathmandu
For further information, please contact:
Professor Cheryl Saunders
Centre for Comparative Constitutional Studies
157 Barry Street
Carlton Vic 3053
Tel: (61) (03) 344 6206 Fax: (61) (03) 344 5584

International Society for Prevention of Child Abuse and Neglect
5th European Conference on Child Abuse and Neglect
13-16 May 1995
Oslo, Norway
The main theme of the conference will be "Prevention Today! Treatment may be too late".
For further information, contact:
Mental Barnehjelp
Conference Secretariat
Arbinsgate 1
N-0253
Oslo, Norway
Tel: (47) (22) 44 1451
Fax: (47) (22) 44 0569

NEWS

Director, Australian Institute of Criminology

Dr Adam Graycar has been appointed the Director of the Australian Institute of Criminlogy for a five year period from 7 November 1994. Dr Graycar is a noted academic in the area of social justice. In announcing Dr Graycar's appointment, the Minister of Justice, Duncan Kerr, said "Dr Graycar has a blend of proven management ability, experience in Commonwealth and State government, strong academic background and overall organisation experience that will enable him to successfully lead the AIC in the new direction set by recent reviews".

The National Aboriginal Youth Law Centre, Darwin

The National Aboriginal Youth Law Centre is a new research centre based in the Faculty of Law, Northern Territory University (NTU). The Director of the Centre is Margaret Friel, and it is funded by the Australian Youth Foundation for three years with additional funding support from NTU for that period. The aim of the Centre is to recognise and articulate the rights of Aboriginal children and young people by using and improving the law, legal systems and legal services, for the advancement of those rights.

The Centre welcomes volunteers and expressions of interest in joint venture projects. There is a similar Centre in Sydney.

"Cleartalk"; Police Responding to Intellectual Disability

"Cleartalk" policy, training and publicity materials were developed through the process of collating police attitudes and ideas about communicating with people with an intellectual disability. The components of "Cleartalk" comprise:

The "Cleartalk" report which is based on the perceptions and responses of police to intellectual disability and communication.

The "Cleartalk" training materials which have been designed as a direct response to the needs and perceptions of police officers.

The "Cleartalk" publicity materials.
Cost: A$15.00.

For further information, contact:
Mark Brennan, Charles Sturt University
PO Box 588 Wagga Wagga NSW 2678.
Tel: (61) (069) 33 2441

Postgraduate Studies in Criminology at Bond University

The Postgraduate Diploma and Master of Criminology provide an introduction to criminology for those who have no training in the field but whose work can benefit from a knowledge of criminology, such as lawyers, journalists, police officers, welfare officers, social workers, psychologists and others working in or dealing with the criminal justice system. Applicants will be assessed on undergraduate qualifications, referee reports, relevant experience and, in some cases, interview. For further information, please contact:

Heidi Piper
School of Humanities and Social Sciences
Bond University
Tel: (61) (075) 95 2508
Fax: (61) (075) 95 2545

Certificate in Security and Intelligence

Justice Studies, Faculty of Law, Queensland University of Technology (QUT) has introduced a Certificate of Security and Intelligence. The course is designed for staff in the security and intelligence professions, including Defence and Police. The course is offered by external study through QUT's Open Learning Unit. It consists of four units to be completed in one year, or a maximum of two years part-time external study. For further information, contact:

Continuing Professional Education
QUT, Kelvin Grove Campus
Locked Bag No. 2
Red Hill Qld 4059
Tel: (61) (07) 864 3354 Fax: (61) (07) 864 3529