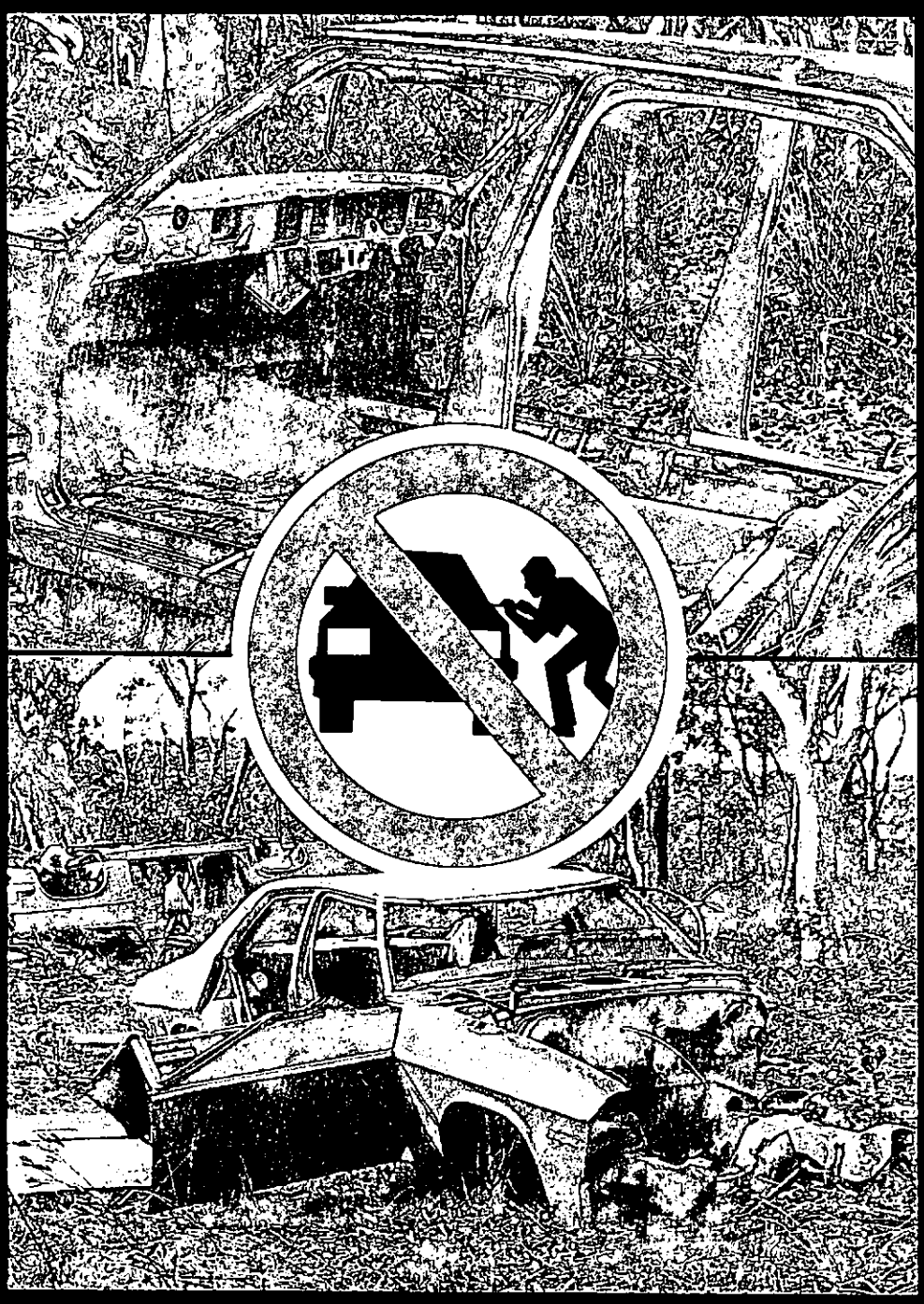
reporter

CAR THEFT
PUTTING ON THE BRAKES



NRMA COMMUNITY SERVICE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

AUSTRALIAN INSTITUTE OF CRIMINOLOGY QUARTERLY

VOLUME 8 NUMBER 2 JUNE 1987

reporter

Prepared and published by the Australian Institute of Criminology, 10–18 Colbee Court, Phillip, ACT 2606. Printed by Union Offset, Canberra, ACT.

ISSN 0157-7921

Editors: Geri Badham and Jack Sandry
Typesetting and layout: Peter O'Keefe

The Australian Institute of Criminology conducts criminology research, training courses and seminars, provides library and information services, publishes results of research and other materials, and services the Criminology Research Council.

The opinions expressed in this publication are not necessarily endorsed by the Institute.

Further information may be obtained from:

The Executive Officer,
Australian Institute of Criminology,
PO Box 28,
WODEN, ACT, Australia 2606
Telephone (062) 833 833

NEW INSTITUTE DIRECTOR

Professor Duncan Chappell has been appointed Director of the Australian Institute of Criminology, and will take up his post on 20 July 1987.

Professor Chappell has headed the School of Criminology at the Simon Fraser University in Vancouver, Canada, since 1982 and is recognised internationally for his work in the field.

As Commissioner in charge of the reference on sentencing, Professor Chappell was responsible for the preparation of ALRC 15 (1980) *Sentencing of Federal Offenders* for the Australian Law Reform Commission. He was also a Member of the Divisions on Aboriginal Customary Law and Child Welfare Law References.

From 1973 to 1977, Professor Chappell was Director, Law and Justice Study Center, Battelle Memorial Institute, Seattle, Washington.

An Australian, Professor Chappell was educated at the Universities of Tasmania and Cambridge and has held many distinguished positions in different countries.

While his main interests are sentencing, police, victimology and domestic violence matters, Professor Chappell has authority in the broader range of criminological studies and has been associated with the Institute in many ways since its inception.

Recently, Professor Chappell co-edited, with Dr Paul Wilson, *The Australian Criminal Justice System — the Mid 1980s* (third edition, Butterworths, 344 pages, $42.50) which contained chapters written by no fewer than eight of the past or present staff of the Institute. In fact, if one looks into the very first issue of *Reporter*, September 1979, we find a 2-page article written about Professor Chappell at a time when he was preparing to take up the Chair of Criminology at Simon Fraser University.

In it, he is quoted as saying

> I'm certainly not a black letter lawyer nor an academic in the true sense of the word. I have a genuine interest in the way in which the law is administered and in changing it where I believe it should be changed.

Professor Chappell co-authored in 1969 (with Dr Wilson) *The Police and Public in Australia and New Zealand* (St Lucia: University of Queensland Press) and has many other publications to his credit.

INTELLECTUALLY DISABLED OFFENDERS

The increasing trend in Australia for persons with intellectual disability to be settled in the community rather than isolated in large institutions, as in the past, has caused numbers of such people to fall into the criminal justice system. These intellectually disabled offenders were the focus of a seminar held at the Institute in April.

The keynote speaker at the seminar was Mr Ben Bodna, Public Advocate in Victoria and long-time friend of the Institute.

He outlined the ways in which intellectually disabled offenders were often not competently dealt with by the criminal justice system and referred to his important report, 'Finding the Way: The Criminal Justice System and the Person with Intellectual Disability'.

In that report, he pointed out that police, lawyers and courts were often unaware that defendants or witnesses were intellectually disabled. Defendants with such a disability often had difficulty understanding charges and evidence against them, pleading and challenging evidence.

Moreover, intellectually disabled prisoners were more often raped, assaulted, victimised and bashed, than other prisoners. And while less than one per cent of the community could be described as intellectually disabled, some three to four per cent of the Australian prison population could be thus described.

The seminar considered in turn the interaction between intellectually disabled people and the various components of the criminal justice system.

Police

Ms Dianne Beckey, from the Queensland Department of Health, spoke about developing formal working arrangements with police, a task she undertook after observing the introduction of normalisation programs for intellectually disabled people in Queensland.

Ms Beckey explained how in the early days of those programs, members of the police force on finding people roaming the streets whom they recalled as patients in a large institution, would return them to that institution. In fact, many of those people had been discharged from the institution as part of the normalisation program and were living in community homes.

The concern of the police for those people was genuine enough but their ignorance of what the Health Department was trying to achieve led them to take inappropriate action. The working arrangement devised by Ms Beckey was intended to make sure the police and health professionals were working towards the same end.

A further difficulty that arises from what might be called the kindness of the police with respect to intellectually disabled people was that of considerable tolerance when they were detected offending. That is, police on occasions would extend considerable discretion to such offenders thinking that this was the best thing to do with them. In reality, those people's interests might best be served by the police taking a firm view of the incident and impressing upon the offenders that the behaviour in question was unacceptable. Failure to do this could simply reinforce in the mind of the intellectually disabled person that offending was behaviour which did not bring with it any negative consequences. Indeed, a trip in a police car might even provide a positive reinforcement!

Dr Peter Bush, the Victorian Police Surgeon, highlighted the sort of difficulties that the police face on the street and indicated that in Victoria it was often he or his colleagues who were called to an incident where the police were concerned that the person with whom they had to deal was possibly intellectually disabled. He indicated that there was still a real problem with respect to dealing with such offenders and applauded the creation of the Public Advocate's Office in Melbourne.

Further problems can occur at the time of the police interview. Mr Lu Papaleo, a Melbourne lawyer, indicated to the seminar that people with intellectual disability when formally interviewed by the police are likely to give answers which they believe are expected of them and, in that way, may well confess to offences they have not committed.

He argued that it was necessary to develop appropriate procedures for police interrogation of suspects who had an intellectual disability.

Courts

Mr Papaleo also indicated that lawyers representing offenders with intellectual disabilities could face difficulties with respect to taking instructions from them.

Mr Mark Ierace, a Sydney barrister, agreed that this was a problem but so too was that of making clear to the court how the offender's disability was relevant in the commission of the offence.

Mr Ron Cahill, Chief Magistrate in the ACT, and Mr Ray White, a Children's Court Magistrate from Victoria, indicated that further problems were faced

The seminar on intellectually disabled offenders attracted participants from a wide range of workers from all states of Australia.

by the court with respect to the appropriate sentences for offenders with intellectual disability.

In many instances, appropriate resources were simply not available, and while imprisonment of such offenders was undesirable, it was often the only option.

Corrections

Professor Susan Hayes, from the University of Sydney, pointed out that 'there is no doubt that intellectually disabled offenders do not fare well in correctional institutions. Sometimes the extremes of misery emerge into the light, as in the case of the 19-year-old intellectually disabled man who hanged himself in a NSW prison in 1984, after having been raped.

'There is also no doubt that the lot of the intellectually disabled offender could be greatly improved, with greater awareness on the part of the corrective services staff, provision of funds for appropriate programs, and adoption of a correctional philosophy which did not doubly penalise the individual for being both intellectually disabled *and* an offender.'

Professor Hayes further pointed out that development of appropriate programs or services for intellectually disabled prisoners required considerable resources, but may well not differ significantly from those offered to non-disabled prisoners.

To achieve maximum benefits from those programs, there would need to be comprehensive assessment of, and consultation with, the prisoner, no sort of coercion to form a program, comprehensive assessment and sufficient flexibility within the program to take into account a prisoner's changing needs.

Helping the Intellectually Disabled

The ways in which intellectually disabled people might avoid involvement as offenders in the criminal justice system were also canvassed at the seminar.

Mr Peter Gant, from Self Advocacy New South Wales, pointed out that being intellectually disabled did not mean being unable to learn and that efforts should be made to teach intellectually disabled people just what behaviour was inappropriate.

Ms Heather Hindle, from Citizen Advocacy Victoria, spoke of her work which involves building one-to-one personal relationships between an adult with an intellectual disability and a volunteer from the community, known as a citizen advocate.

Mr David Llewellyn, Disability Adviser to the South Australian Premier.

While such citizen advocates may not be able to solve problems, the mere fact of their being there can provide much-needed support in their (intellectually disabled) friend's life.

Further support can be gained from involvement in existing community organisations. Ms Marie Little, President of the Australian Sport and Recreation Association of Intellectually Disabled Persons, pointed out how involvement in established sporting and recreation organisations could provide a sense of belonging and recognition for intellectually disabled people. Ms Little argued that offenders with intel-lectual disability may well have drifted into illegal behaviour in an attempt to receive some sort of community recognition, and suggested that membership of some community organi-sation might divert offenders from further criminal activity.

The problem of community recognition could be even more important in isolated communities and Michele Castagna, from the Disabled Persons Bureau in Alice Springs, provided an insight into the problem of people with disturbed behaviour from remote communities.

The particular problem in outback Australia is the prevalence of petrol-sniffing which could lead to intellectual impairment and subsequent offending. According to Ms Castagna, 'No existing medical, psychiatric, therapeutic, disabled, housing, legal or custodial service is readily able to meet the needs of people with behaviour problems who are causing disruption and strife within their family and community'.

In Central Australia then, the paucity of services for the intellectually disabled is severe. In the larger cities, the seminar participants learned, there were moves to try and ensure that intellectually disabled people would be more sensitively and appropriately dealt with by the criminal justice system.

Other speakers at the seminar included Dr Bill Glaser, a Victorian psychiatrist, Mr David Llewellyn, Disability Adviser to the South Australian Premier, Mr Geoff Jones, Chief Clinical Psychologist from Irrabeena Authority for Intellectually Handicapped Persons in Western Australia, Dr Paul Gannon of the Queensland Intellectually Handicapped Citizens' Council and Mr Mike Quaass from AAMR, the National Association on Intellectual Disability in Canberra.

The published proceedings of this seminar will be available for purchase from the Institute in August.

CRIME AT SCHOOL

Over a hundred teachers, counsellors, administrators and academics looked at the problem of crime in schools at an Institute seminar in Canberra from 2 June to 4 June.

Many of the papers dealt with students who commit anti-social acts that straddled the uncertain line between criminal and non-criminal behaviour. Later the problem of teachers who were also criminals was discussed.

Although the participants came from differing fields and brought their own distinctive viewpoints to the seminar, they left acknowledging that the exchange of information had been of enormous value.

In some papers the technical problems such as the building of vandal-resistant schools — $16 million damage has been caused in New South Wales in recent years — vividly illustrated why the community must be alarmed at the way crime in schools is developing.

But mostly participants were simply concerned at the cost in terms of the malfunctioning of the lives of young people who should be at the beginning of their most rewarding and interesting years.

Through all three days of the seminar, speakers and audience saw that the common problem to be handled was the change from an authoritarian society, where teachers, like other power figures, were accepted as being in a position of cane-wielding dominance, to today's society, in which physical violence perpetrated on students by teachers for the purpose of discipline is not accepted, and is regarded anyway as totally ineffective.

Most of the papers concerned the crime committed by children at school, which was considered by Professor Maurice Balson of Monash University, in the context of understanding and preventing behavioural problems at school.

Professor Balson said that essentially teachers and parents had to accept the fact that they could no longer make students do what they were told. It would necessary to look into the development of ways in which to influence their charges to co-operate and learn.

'The main import . . . is that the bulk of disciplinary problems can be prevented through the application of mastery learning strategies which ensure successful learning for all students', Professor Balson maintained.

He listed four deficiencies in curent approaches to behaviour problems in school. They were:

(a) students are not consulted in the planning of disciplinary programs;
(b) proposals to re-educate teachers and parents are based upon mistaken views of student behaviour;
(c) the view that problem students are maladjusted, deviate, abnormal, culturally deprived, pathological or emotionally disabled; and
(d) changes in schools such as curricula, assessment, organisation, administration, instruction, technology and the like ignore the most important person: the student.

In explanding on the third of these, Professor Balson said it was wrong to look at causes such as social and home conditions. What was necessary was to recognise that humans were essentially self-determining, purposive and creative in their approaches to making a place for themselves in life, that a student's destiny is not a matter of fate but a matter of choice.

If we were to recognise juvenile offenders and others who transgress societal values and expectations as discouraged individuals rather than pathological, emotionally or mentally disturbed persons, our approach would be vastly different.

There was nothing wrong with their emotions or mentality, but it was their intentions which were faulty. When a youth was already discouraged, as was the case with a juvenile offender, encouragement was particularly important. Unfortunately, those who needed encouragement the most were unlikely to receive it as their behaviour was far more violent and disruptive than the less discouraged individual.

The essence of encouragement was to increase the youth's confidence in himself and to convey to him that he was good enough as he was, that he was accepted as a valued, participating and equal member of society.

Behind the crimes of violence and aggression were discouraged individuals who felt that they did not belong through constructive efforts and had turned to power and revenge in their attempt to gain a sense of significance, of importance, of worth.

Professor Balson, of Monash University.

Professor Balson said: 'The ability to encourage is the ability to instil self-confidence; this is by far the most important single quality which must be learned today'.

Bringing the amount of criminal activity among school students out in the open, Mr Shane Carroll of the Western Institute, Victoria, presented a study of self-reported offending by Victorian adolescents.

Mr Carroll contacted 41 Victorian schools for permission to carry out a self report survey of students about offending behaviour. Permission was given by only nine principals, the others citing reasons for refusal such as: the sensitivity of the questionnaire (13); too busy (7); school 'over researched' (4); and timetable problems (4). No reason was given in four cases. From the schools available, which included no schools in rural areas, 961 respondents took part.

The students were asked to indicate how many times since the previous Christmas they and their friends had committed any of 24 different offences. Mr Carroll went on to compare the incidence of five school offences with five community based offences (Table 1).

The seminar then heard from a person who took the uncontrollables from schools and returned them later to take their places as ordinary students.

Ms Chris Woithi is the principal of The Haven Alternative School in Whyalla, South Australia. The Haven was set up after a meeting of principals expressed concern about the havoc caused within their schools by a small group of seriously disruptive students.

The new school was established to cater for students who were unable to be controlled by any teacher, regardless of

their level of professional development, within the normal school system; students who acted irrationally; could not be reasoned with; were erratic and who prevented support systems from functioning in their intended role, within secondary schools.

Since October 1986, three students formerly regarded as hopeless have been returned to schools, out of the fourteen that have attended. There are five currently attending; an average stay at The Haven is thirteen weeks.

Ms Woithi stressed that The Haven was a small secondary school, not a drop-in centre or youth club. Its curriculum tried to build on and broaden each student's life experience and bring about a change in behaviour so that the student could function acceptably.

While responsive to changing needs, the curriculum emphasised skills needed to solve real problems: literacy and numeracy; domestic management; time and money management; management of emotions, feelings and sexuality; problem solving and decision making; and discovering values and beliefs. Students were taught to manage with societal rules and laws and helped to develop genuine interests.

Ms Woithi said that all her students had histories of violence, trouble with the law and involvement with drugs and alcohol. To achieve the level of success already seen from the school, she had worked according to a set of beliefs which she expressed as:

- Most disruptive teenagers want to experience success at school and be like others. They lack the skills and knowledge to help them do this.
- Young persons who 'are out of control' can do very little to break the cycle they find themselves in.
- 'Out of control' disruptive teenagers really seek someone to impose a structure and some control over them (initially).
- Many disruptive students are highly intelligent and often very talented. School achievement is not necessarily indicative of intelligence or potential. It is crucial to recognise and develop each individual's gift or talent.
- Disruptive behaviours are unlikely to be modified simply by 'tender loving care' — kindness tends to be percieved as 'weakness'.
- Even highly emotional students tend to respond well to the notion of fairness.
- Most students at The Haven have a good idea of what it is *they* need to learn to manage better in real life; they like to direct their own learning, to be involved in the educational process.
- It is important to ensure students are exposed to the logical consequences of their actions.
- Most students get real satisfaction from achievement. If expectations and standards are high they rise to the occasion.

Table 1: Prevalence and Incidence of Total Self-Reported Offending in the General Population (N=906)

	Number of Offenders Admitting Offence	Percentage of all Respondents Admitting Offence (Prevalence)	Total Number of Offences Admitted	Average Number of Offences Admitted (Incidence)
School-based Offences				
Stole from school canteen	106	11.7	693	6.5
Stole from another student	403	44.3	3008	7.4
Stole school property	280	30.9	1574	5.6
Carved up or damaged school property	556	61.4	12562	22.6
Truancy	213	23.5	2221	10.4
Community-Based Offences				
Stole property from relatives	382	41.2	3589	9.3
Stole goods from a shop	310	34.2	2699	8.7
Vandalism	275	30.3	3800	13.8
Travelled on public transport without a ticket	414	45.7	5761	13.9
Drank alcohol	594	55.6	11462	22.7

- Most parents are concerned about their child, appreciative of genuine help and want to be supportive.
- A few clear enforceable rules are preferable to many.
- There are many more effective responses to disruptiveness than the cane.
- The removal of artificial or unnecessary structures (e.g. petty rules) gives oppositional youth fewer opportunities to resist, thus co-operation becomes the norm.
- The more students are involved in the educational process the more likely they are to co-operate.
- Students must be able to transfer and apply newly learned skills in real life situations; to cope well within The Haven is *not* sufficient.
- Labelling of students is not helpful, and can provide students with an excuse for poor behaviour.
- It is best for disruptive, difficult students to be taught by people who wish to do so.

The unfamiliar idea of policemen permanently on school premises was presented to the seminar by the Principal of Sadadeen Secondary College, Alice Springs, Mr Roy Harvey.

Inevitably, first mention of such a scheme brings about fears of heavily armed police patrolling the corridors for the protection of staff and students.

Mr Harvey explained that not only was this mental picture the opposite of what really happened but that the scheme had been a tremendous success in the Northern Territory.

From an initial one school-based policeman in 1984, there were now 13 community police officers based in Darwin, Alice Springs and Tennant Creek schools.

There were benefits for all concerned in the scheme. For the police, it was a beginning to overcoming the strained relationship between them and the public.

It also became possible to pay more than the usual lip service to the concept of crime prevention. The policeman at school became involved in both formal and informal counselling with students at a time when it was possible their problems could be averted from leading to actual criminal behaviour.

For the school, there was an extra staff member, paid for by the police authorities, who could be involved in teaching (legal studies), welfare (thus freeing staff members from child abuse and welfare matters) and security (his very presence acts as a deterrent to vandals).

To date, according to Mr Harvey, the

scheme had been successful and other educational authorities were watching its development with interest. (See box for comment by Canberra Year 10 student Stephanie Jones.)

Teachers as offenders were addressed directly in only one paper: that of Peggy Mares, Assistant Director of Education, Education Department of South Australia.

Dr Mares quoted three cases, each of which showed the position of a criminal teacher in a different part of the system or at a different stage of his or her career. The cases quoted underlined Dr Mares's call for benchmarks to be laid down for future guidance in situations often morally and legally uncertain.

While Dr Mares stressed that her remarks were to be taken as applying strictly to her home state of South Australia, the general implications would be relevant elsewhere.

> Dr Mares asks: which offences should we, as employers and perhaps as parents, concern ourselves with? At what stage, and for how long, should these offences be the subject of our concern? And, what action should be taken so that the duty of care can be exercised?

The three cases in point were those which Dr Mares entitled the embezzler, the seducer and the addict.

The embezzler was a teacher in a position of responsibility who managed, over a period of years, to convert several thousand dollars of school funds to his own use. When the law caught up with him he served his jail sentence and then applied again for renewal of registration and employment. The seducer was an applicant for a position as a primary school teacher who admitted on his application form that ten years before he had been convicted on three counts of carnal knowledge. The addict was charged, while employed as a teacher, with several counts of breaking and entering chemists' shops and stealing drugs.

The embezzler's crimes had been committed over a number of years and in more than one school, and further investigation revealed he had three prior convictions and an earlier suspended sentence.

By all accounts he was an excellent classroom teacher who succumbed to temptation when he was put in a promotion position in which he had charge of the funds. The issue here was not simply would he put his hand in the till again, given the opportunity, but also whether the fact that he had done it, or something like it, several times before indicated that he was not a fit and proper person to be passing on his skills to the next generation.

The case of the embezzler raised a further question. He had been admitted to a pre-service teacher education course after his first conviction and, indeed, while he was still on parole. Should he have been?

Is it the business of the accrediting institutions, on which the professionals rely, to check the moral standing of those they admit to courses of professional training (at public expense, one could add), or is their responsibility properly limited to assessing and later attesting to, formal professional and academic qualifications?

Similar questions arise in the case of the seducer. He admitted, both on his application for registration and when he first applied for a teaching position, that as a youth he had been convicted on several counts of carnal knowledge. (He added that it was always the same girl).

He too held his conviction before he enrolled in a course of teacher education. Should it have prevented him from training as a teacher? Should it preclude him from being employed?

> In discussing this case, the Teachers' Registration Board considered three routine questions: How recent was the offence? Had the teacher any other criminal record? And, what evidence was there that in all other respects he was a 'fit and proper person'?

The Board came to the decision that this applicant should be granted registration, and it was then up to the employers to decide whether or not he should be offered a job.

Clearly opinions on this case differed, just as opinions differ on whether a registered teacher with a recent or long-ago conviction for shoplifting or for smoking dope should be given a job.

The critical questions for an Education Department then becomes, who should decide? Whose standards should prevail in a society with shifting values? And how can the matter be dealt with in a way that will protect the interests of all parties and at the same time preserve confidentiality?

Because it is about sexuality, the case of the seducer raises other difficult questions to which there can be no easy answers. Students, or their parents on their behalf, not infrequently claim sexual harassment by teachers and in investigating such cases employers often find that while the complainants want the behaviour to stop, they are reluctant to involve the police or to allow the student to be questioned in court.

Mrs Helen Szuty, who gave the seminar the parents' view of crime at school.

One consequence of this is that it becomes virtually impossible to sustain a charge of misconduct against the teacher. Even if the employer's internal investigations lead to the conclusion that there are grounds for disciplinary action, because, at least in South Australia, the teacher has the right of appeal, legal advice has usually been not to proceed since the student would almost certainly be required to appear and stand up to cross questioning when the case eventually came before the court.

While Dr Mares accepted the necessity to protect teachers against false accusations, she believed this was one of those situations where the rights of the employee to natural justice appeared to override the obligation of the employer to provide an education in a safe environment.

A final example was the teacher Dr Mares called the addict.

At the time he was charged with breaking and entering a chemist's shop and stealing drugs. He was employed to teach physical education in a country school.

Police enquiries revealed that an earlier charge of forging and uttering prescriptions had been dropped at the request of the local doctor. The second charge came to light in an interesting way: the local policeman mentioned it to someone on the school council during a round of golf.

What should a school do with such information passed on in such a way?

Should there be some obligation for the police to give formal notification to the employer? Should the conditions of employment put the onus on the employee to report a criminal charge? If so, what sanctions should apply if the teacher does not tell?

Any teacher on a charge, of course, must be presumed innocent until proven guilty. As it is likely severl months will pass before the matter can be brought to court, the immediate issue for the employer is what to do with the teacher in the meanwhile.

Should he/she be left in charge of students, particularly of students actively engaged in sport and other potentially dangerous physical activities? Could he/she be required to undertake a medical examination, and if found to be not physically fit, would there be grounds for terminating employment?

Dr Mares repeated that there were no simple answers to the questions she posed, but pose them she must to have them considered and discussed for future guidance.

Canberra Year 10 student Stephanie Jones comments on the paper by Mr P. Harvey.

The concept of police in schools started when an expensive gym was built in a school and the question of vandalism was raised.

It was answered by bringing in a policeman.

According to Mr Harvey, it was not long before students were speaking to the policeman and 'breaking the ice'.

The idea of police in schools has since grown and flourished. However, trouble was anticipated with the fact that the police came in uniform and the image of the law is not generally thought to be popular with teenagers.

The uniform, and the approach of the policeman helped to bring back the image of the 'friendly bobby' — the local copper who knows everyone by name.

The attitudes and personalities of people involved in the scheme are important for its success. Mr Harvey mentioned more than once that the policeman had to be 'the right type of person' and obviously the attitudes and number of individual troublemakers in a school plays a big part in how the policeman is treated.

However, despite the problems which the project will inevitably run into as it expands, the program is feasible, although it may take up to fifteen years for it to have its full effect.

I'm sure it will spread out of the Northern Territory and through Australia. In Queensland a Juvenile Aid Bureau, although different in its method, has the same aims. And police-run blue light discos can't help but better relations between teenagers and the police.

So although the program is balanced on the fine line of human relations, it has the structure and aims to make it worthwhile expanding.

DOMESTIC VIOLENCE STATISTICS

To find out how much domestic violence actually occurs, Jane Mugford, from the Information and Training Division, has suggested that it is important to look beyond official statistics which attempt to record the crime.

At the moment, we are unable to confirm how much domestic violence actually occurs, she said, in a paper presented to the Office of the Status of Women. There is no doubt, however, that domestic violence is a massive problem.

The statistics that are available have come from the responses to phone in or mail in surveys, victim surveys, or refuge or other agencies' statistics.

The results of a survey just released by the Australian Council of Churches suggest that three out of every ten women experience domestic violence.

Official statistics are also extremely limited in determining total incidence, she said.

'Generally, it is very difficult to extract figures on domestic violence from police statistics because domestic violence is not categorised as a separate offence. Incidents of domestic violence have to be classified under other offences, e.g. assault, murder, or public nuisance.

The South Australian Police, however, have a restraint order system which covers domestic violence offences, and from the number of completed restraint order forms and other research evidence, it is estimated that 10,000 calls are received annually.

Ms Mugford said that while these provide the best police figures available, there are still problems in interpreting these statistics.

'First, the figure of 10,000 calls in South Australia annually is an estimate only; no regular analysis of calls is available.

'Second, a domestic violence call may not be classified as such, and is therefore not recorded as a domestic violence incident.

'Third, increases in restraint orders may indicate an increase in reporting and classifying offences rather than an overall increase in actual domestic violence.

'Fourth, the restraint orders include other offences such as neighbour disputes as well as domestic violence offences.

Police often comment that it is only 'the tip of the iceberg' that they know about when discussing domestic violence.

'The phrase "the tip of the iceberg" nowadays refers to the existence of an unknown quantity lying under the surface. The problem is that this "iceberg" metaphor hides the true nature of the problem,' said Ms Mugford.

'With real icebergs the proportion of mass which lies under the surface is known; with domestic violence, this proportion is not known, nor its relation to statistics of reported behaviour.

'This is why a better way to monitor domestic violence is needed. The first step is for police and other agencies to be encouraged to co-ordinate the collection and classification of domestic violence statistics.

'The second step is to compare official statistics on domestic violence (from police and other agencies) against actual incidence (via specialised intensive surveys).

'It is the nature of domestic violence, as highly privatised and largely unreported behaviour, which calls for a different monitoring method to be used.

'Incidence data are therefore vital, not only to measure the hidden part of the iceberg but to establish the ratio between it and the tip of the iceberg and to monitor changes as a result of intervention and prevention practices.'

WITH A LITTLE HELP . . .

With a little help from its friends, the courts system is adjusting, slowly, to the human needs of those who come before it. Not that the system is inhumane as such; indeed, the tenets of the law are founded on notions of equality, fair dealing, and acceptance by the community. Whilst members of the courts apply these principles in good faith, however, the experiences of those on the receiving end are often far from positive.

The offender, naturally, is unlikely to feel positive about any sentence other than an acquittal, though he or she may feel that some form of punishment is 'fair cop' for the offence committed. But the criminal justice system does respond to what it sees as the needs of the offender. The many other individuals who find themselves involved often feel they get no consideration at all from the system. Their plight was discussed at a recent Institute seminar on court support and advisory services.

Victims often suffer extreme distress and frustration, not least because they feel that they are the forgotten element in the criminal justice system, and that the offender receives superior attention under the law. The strength of the message that has been elaborated by victim support groups has started to raise public awareness of the issues. Some would go so far as to say that the criminal justice system is becoming victim rather than offender-oriented and thereby more attuned to the needs of victims; others are afraid that as a consequence the fundamental principles of justice could be denied the offender.

Other groups perhaps are even more 'forgotten', and equally distressed by their appearance before the law. These are the families of offenders or of victims, witnesses to the offence, or jury members who may have to sift forensic and other evidence and arrive collectively at the 'right' answer. There are also those social groups who tend to appear or suffer disproportionately before the law — Aboriginals, children, persons from non-English speaking backgrounds, and so on.

The criminal justice system was established to apply the law, and adversarial principles were designed to ensure that each party received a fair hearing. In the process — essentially a competitive one — humanitarian principles are secondary to legal principles, which must be applied scrupulously. In a recent Institute seminar on the topic of alternative dispute resolution, Jenny David described the adversarial process as one which is:

> like a contest between opposing parties played according to definite rules with an umpire (the judge or judge with jury) deciding in favour of the 'winner'. Each party is like a side in a game or contest, vying to win with the winner taking all. Hence the saying 'fight it out in court'.

For most people, entering the court is likely visiting a foreign country. The terrain is unknown, the language in need of interpretation, and the social norms a mystery; signposts are inadequate, social comfort facilities lacking, and court personnel often do not realise how daunting this is to the newcomer.

According to Carmel Benjamin, Director of the Victorian Court Information and Welfare Network, the overriding feeling of those who become caught up in the justice system is one of powerlessness, accompanied by personal anxiety and frustration. For them, said Ms Benjamin, justice is not something which automatically follows the conclusion of the legal process, but a subjective interpretation by the parties concerned. Where the parties have no control over decision-making and do not understand the legal and court processes, the notion of 'justice' may well be one that eludes them.

Mr Bruce Garmonsway, Manager, Salvation Army Lasa Youth Centre, Canberra, and Mr Maurice Gerkens, Co-ordinating Magistrate, Melbourne City Court.

A number of services have developed in response to perceived gaps between the legal and the human sides of going to court. Most of these work on a voluntary or semi-voluntary basis and address the needs of persons who go to court. They provide information about the court process, the physical layout of the court buildings, the legal language that is used, and so on. They also provide direct comfort, support and assistance to those in need, to the extent of accompanying distressed persons into the courtroom, or providing support between court appearances.

'In human terms', Ms Benjamin said, 'the amelioration of personal anguish is of great importance'. Such services, however, should not simply be imposed upon parties by the welfare oriented; something far more creative is warranted. Firstly, it must be an enabling experience for the persons concerned, through emotional support and information about the court and other relevant community services. Secondly, it is important that such services should be non-partisan and objective, and available to *all* persons attending court. Third, this means that the service providers must be particularly well-trained in crisis intervention theory and practice. Last, but by no means least, it is vital that all court personnel contribute as far as possible towards this process, and that all support services begin to co-operate to maximise effective service provision.

The Acting Director of the Institute, David Biles, elaborated the aims of the seminar, which were to 'draw attention to the human needs of the people who go to court' and to identify the 'steps that need to be taken to reduce the stress experienced by people in this situation'.

Another aim of the seminar, described by David Biles, was to 'focus on the needs of the courts themselves for expert advice on the difficult task of sentencing'. He felt that this was particularly sensitive area with respect to 'the imposi-

Mr Denbigh Richards, Judge Kingsley Newman, and Ms Jane Mugford at the seminar.

tion of community-based orders such as probation, community service orders and attendance centre orders'.

Mr Biles concluded that the point of the seminar was 'to assist the two major movements to humanise and professionalise our courts at the same time'.

'The seminar follows other seminars that we have held recently dealing with prosecutorial discretion, pre-trial diversion of adult offenders, and alternative dispute resolution.'

The seminar welcomed as the opening speaker, the Honourable Jim Kennan, Attorney-General of Victoria. Mr Kennan is a strong supporter of both court support services and advisory services to the court, and has himself been involved recently with both types of developments in Victoria. The backdrop to these and other programs recently developed in Victoria is a concern that the court should be seen as a point of last resort. For example, two new Neighbourhood Mediation Centres in Melbourne are available for parties to resolve civil disputes without going to court, and in the magistrates courts, parties are now encouraged to seek conciliation of formal arbitration at an early stage. The point of each of these devices is to limit 'the need for a dispute to be resolved by way of full scale adversary conflict'. Once disputes enter the full adversarial process in the courts, however, various court support services assist the parties to cope with the foreignness and formality of the experience. Furthermore, as part of a move to make Victorian courts more accessible to the community, court staff have new responsibilities for which they are being thoroughly trained, and various other initiatives are being supported, such as the simplification of language used in drafting legislation.

Whilst new projects are undoubtedly needed, it is also important to realise that many mechanisms are already in place, but are not necessarily used to advantage. Bill Wheeler, Clerk of the Local Court at Bankstown, Sydney, drew to the seminar's attention a number of changes over the last two decades which:

> showed a willingness to shed conservative values and to question the role of government in society. In subsequent yers traditional institutions came under close scrutiny, and there was more awareness for service providers to be more responsive to community needs. In many cases, bureaucratic structures were inappropriate and in need of change.

These changes included equal employment legislation, reforms relating to ethnic issues, efficiency and accessibility of courts and provision of legal aid, and the development of alternative dispute resolution mechanisms. The structural changes are in place but the reality, said Mr Wheeler, 'may be quite different'. He therefore strongly advocated improved interaction 'between court administrators at a local level with the community which they service'.

The seminar canvassed a wide range of perspectives, looking at court support issues from the viewpoints of paid professionals and volunteers, from support services, corrections, the legal profession, and court personnel. It also included a media perspective. Prue Innes, Law Reporter for *The Age*, asked to examine the issue of 'responsible court reporting' and the impact of media reports on those in court. As an experienced court reporter, Ms Innes strongly supported the principle of 'presenting a good story fairly and accurately'. Admitting quite frankly that much reporting has a salacious interest, she argued that reports of court proceedings are a necessary part of 'informing the public how their rights can be upheld and enforced, and what courts are doing that could affect their lives', and enabling the community to 'see that justice is done in public and not behind closed doors'. Ms Innes made it quite clear that there are certain provisions which protect against invasion of personal privacy (for example, names of rape victims cannot be published), and that reporters are also human beings and not insensitive to the feelings of those about whom they write — at least, she added, in Melbourne.

One important perspective remained to be aired: that of the judge or magistrate. The viewpoint from the 'other' side of the bench is vital, because the judge or magistrate is in many ways a lynchpin to the success of court support services. Maurice Gerkens, Magistrate at the City Court in Melbourne, took on the critical task of assessing the material presented to the seminar. In so doing, he recognised the isolation of those on 'his' side of the bench from those whose lives are affected by court judgements:

> The general picture . . . is one of a system which operates in something of a vacuum with the sentencer having little enough satisfactory information upon which to perform his or her task and generally no follow-up information which would enable ongoing assessment of sentencing policy.

One of the seminar workshops took up the theme of co-operation and communication. As far as court support services are concerned, participants concluded that the picture is still one of fragmentation; self-help groups versus the more broadly-based support and information agencies, volunteers versus the paid professionals, voluntary services versus mandatory services. In many ways the supporters are unsupported; they work in a stressful environment, funds are generally scarce, and volunteer groups in particular function with dubious legitimacy in the eyes of court personnel who do not recognise the need for such services.

The group discussed the fact that there is a duplication of services, jealousy between services, and both miscommunication and non-communication between services. This appears to be in large part because of the lack of knowledge of what other services do (for example, fear from lawyers that support workers might make their job more difficult by disseminating 'legal' advice) and also because of the entrenched attitudes of those involved.

Time and familiarity, however, break down many barriers. The paper by Bill Wheeler mentioned two critical steps which would ease the communication process. Firstly, there should be clear guidelines about the role of volunteers, which should be agreed to by the court administrator and support groups in each case. Secondly, it is necessary to integrate

volunteers into the daily round of court life, for example by making staff room facilities available on an egalitarian basis. There should also be a reciprocal flow of information; support workers are as much in need of information about the working of the court as court staff are about support workers.

Much of the discussion at the seminar addressed the legitimacy of a volunteer role in courts. Both volunteer workers and others at the seminar clearly felt that there is an important role for volunteers in courts, and that their services are able to fill in the gaps created unwittingly as a by-product of our legal and courts structure. Quite heated debate arose over whether volunteers or paid professionals should be expected to do court support work. One argument stated that voluntary work is seen as a charity and is therefore degrading. A contrary argument stated that the great value of volunteer work is its autonomy, which permits non-aligned assistance to people in need, and independent feedback to court personnel.

In summary, this seminar was about those who assist people who go to court — with information, comfort, counselling and referrals. It was also about the provision of relevant advice — recognising those suffering trauma and needing assistance, informing the courts about alternative sentencing options, co-operating with other services, and so on. This was the first time that such a wide range of groups had been brought together to discuss these issues and it generated much energy, enthusiasm, and good will — one more step down the track towards the provision of better services and more enlightened responses by all concerned.

The proceedings of the seminar are available from the Institute at a cost of $12.

AND, IN BRIEF...

EXPERTS ON TRIAL

A new publication on the rules of expert evidence has been released by Oxford University Press in Melbourne. *The Trial of the Expert, A Study of Expert Evidence and Forensic Experts*, by Ian R. Freckelton, is a timely analysis of the difficulties experienced when experts from non-legal disciplines are called as witnesses. It provides a comprehensive statement of the law of expert evidence as evolved by courts and legislation, both in Australia and elsewhere in the common law world. Its discussion of principle is interspersed with reference to recent notorious cases. This is the first book of its kind outside the United States.

Freckelton deals with the difficulties besetting judges and juries by unreliable esoteric, conflicting and biased evidence. He proposes ways in which the laws of procedure and evidence should be changed to meet the new challenges presented by expert evidence in the wake of the Chamberlain, Splatt and Helen Smith cases. In particular, the author investigates the nature and quality of the contribution being made to legal proceedings by psychologists, psychiatrists and other members of the health care professions.

Finally, Freckelton analyses how the forensic expert's duties to maintain the confidentiality of communications made in the course of professional relationships may conflict with the courts' need for all relevant and probative evidence. He assesses recent reform proposals and looks toward the future.

The Trial of the Expert is a provocative and informative work that will be an essential reference book for barristers, solicitors and law students, as well as for those who appear in the courts as expert witnesses, or simply have a concerned interest in the administration of justice. It is available from OUP, Melbourne, for $65.

Ian Freckelton is the Manager of Investigations at the recently established Police Complaints Authority in Victoria. He was previously a Senior Legal Officer at the Australian Law Reform Commission and a ministerially appointed member of the Southern Metropolitan Psychiatric Services Advisory Council in New South Wales. He has published extensively in journals in Australia and overseas.

MIGRANTS AND CRIME

A new program of research has begun at the Institute on migrants and crime. Initial research into the area is being undertaken by Mrs Kayleen Hazlehurst. Discernible trends in crime committed by first and later generations of migrants to Australia will be examined, in addition to a range of issues related to justice administration for the various migrant sectors.

A discussion paper on the advantages and disadvantages of migrants in Australian society, with special reference to Australian law, policing, courts and corrections will precede proposals for controlled studies in these areas.

The kinds of questions to be examined include the experiences of different national groups; problems encountered as a result of language and cultural difficulties; criminal activities within national groups; the possible links between local and overseas criminal organisations; correlations between crime rates and areas heavily settled with recent immigrants; the response of various government and criminal justice agencies to the special problems of immigrants; and community attitudes and the media.

In the final phase of this program Mrs Hazlehurst is gathering information on studies already carried out and in progress. She would be glad to hear from anyone who is involved in research in this area.

FRAUD AND THE GOVERNMENT

The Australian Federal Police Association has been lobbying strongly for the release of a report said to be highly critical of the Government's attitude towards fraud against the Commonwealth. Recently the Institute's staff were able to co-operate with members of the inquiry which produced the report.

Mr Chris Whyte, from the Department of Special Minister of State, spoke at an inhouse seminar at the Institute in April. He said that certain departments are high risk areas for fraud, and those departments such as social security, education, housing, welfare, customs and tax, need to have safeguards to protect themselves against fraud.

Methods should be developed within each department to prevent, detect and deal with fraudulent practices.

He recommended that police and government departments keep statistics on each fraud case that is detected. Once the type of offences and the methods used to commit the crimes are determined, systems can be developed within the organisation to reduce the incidence of fraud.

PUTTING THE BRAKES ON CAR THEFT

The Australian Institute of Criminology joined with the NRMA in a campaign to cut down car thefts by co-sponsoring a seminar on the subject.

The seminar was held at the Holiday Inn Menzies in Sydney on Thursday 21 May 1987. It was attended by 120 representatives of the automotive trade and insurance industries, along with academics, police and the legal profession.

The Acting Director of the Institute, Mr David Biles, chaired part of the meeting, and papers were delivered by Dr Sat Mukherjee and Mr Dennis Challinger.

Dr Mukherjee's paper *Car Theft, the Size of the Problem: An Australian View* covered the Australian car theft statistics that were available and cautioned against making too much of the characteristics of the car thieves that were revealed by such statistics.

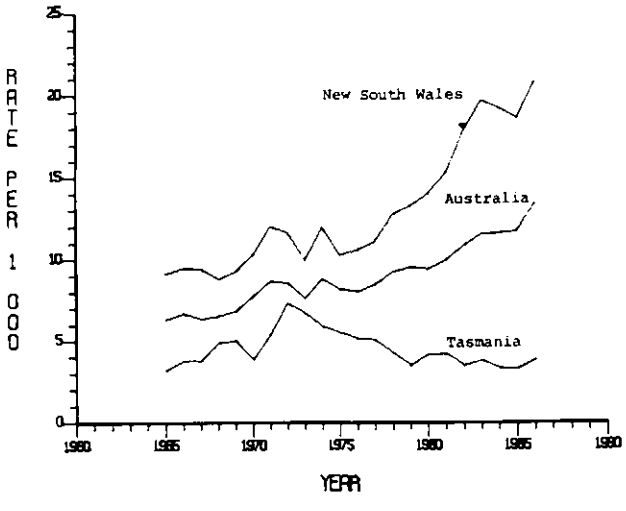
Dr Mukherjee claimed that the number of motor vehicles stolen in Australia had increased by about 400 per cent since 1965 (from 24,285 in 1965 to 120,857 in 1985-86). Approximately 50 per cent of the vehicles stolen in Australia in 1965, and a similar proportion in 1985-86, were reported in New South Wales.

According to the most conservative estimate, the value of stolen cars had jumped from $25 million in 1965 to $400 million in 1985-86, a fifteen-fold increase.

Dr Mukherjee then presented the motor vehicle theft data in relation to the number of vehicles on the road. During the period 1965 to 1986, the number of car thefts increased by 400 per cent but the number of vehicles registered increased by only 135 per cent. Nationally, 6.3 cars were stolen per 1,000 registered in 1965; in 1985-86 the ratio was 13.4 per 1,000.

Among the States, New South Wales appeared to show the highest vehicle theft to vehicle registered ratio. In 1985-86, for every 48 vehicles registered in New South Wales, one was stolen. Tasmania had the lowest ratio: one theft for every 261 vehicles registered.

Figure 1: Number of Motor Vehicles Stolen per 1000 Registered 1965-86.



Dr Mukherjee pointed out that such statistics as the above, while throwing some light on the situation, were not much help in devising measures to respond to car theft. With this in mind he suggested that data that might help could well include: location of thefts; timing of thefts; how many vehicles were unlocked at the time of the theft; and the makes and models of particularly vulnerable vehicles. A great deal of this information was available through the NRMA Insurance special report on car theft in New South Wales.

When Dr Mukherjee turned his attention to the information available about the car thieves, he stressed that the offence had such an appallingly low clearance rate that it would be extremely risky to draw any inferences about offenders on the very small number arrested. After all, he said, in 1985-86, 60,831 motor vehicles were stolen in New South Wales, of which only 2,193 or 3.6 per cent were cleared by arrest.

Mr Challinger agreed with Dr Mukherjee in declining to describe car thieves on the basis of the available statistics. 'A frequent comment that results from consideration of arrest statistics is that car thieves are disproportionately young', said Mr Challinger. 'The correct interpretation of the statistics is that *detected* thieves tend to be disproportionately young.'

A particularly young driver was highly likely to attract police attention precisely because of the way he looked, the unskilled way in which he might be driving, or simply because he was driving a vehicle without P plates.

Mr Challinger's paper *Car Security Hardware — How good is it?* then suggested that to see how good the hardware was, it might be possible to look at devices from the point of view of the three possible orientations: recreation, transport and money-making.

Table 1: Orientations of Car Thieves

Main Orientation	Includes
Recreational	• Non-utilitarian (fun) • Status seeking • Challenge meeting
Transport	• Short-term temporary travel • Extended personal use • Use for commission of another crime (e.g. robbery)
Money making	• Amateur car-strippers • Professional sale of parts • Professional re-sale ('re-borns') • Fraudulent insurance claims (organised thefts)

The array of devices available to prevent theft are included in Table 2.

Some devices would simply not prevent theft by some thieves. For instance, an opportunity maker whose only concern was to quickly acquire a car for immediate transport might simply smash a window in order to do that, thus overcoming entry-preventing security devices.

Mr Challinger said that, similarly, all security devices could be shown to have weaknesses.

'Consider the case of window etching. A thief who intended stealing a $50,000 car for re-sale, might well calculate that window etching would require his spending $2000 to replace all windows before he could dispose of that car. On the other hand, a thief who only wished to get home would not be concerned his stolen car had etched windows, and would not have to make any such calculations,' he said.

'This sort of consideration of the possible behaviour of thieves that can reveal the relative failings or drawbacks of

Speakers at the seminar, left to right: Dr Mukherjee, Professor Ron Clarke, Temple University, Philadelphia; Mr Ray Whitrod, Australian Victims of Crime Association; and Mr Dennis Challinger.

security devices can be somewhat depressing. However, there are two further considerations that affect the practical utility of any security devices: carelessness by users, and lack of interest within the community.

'We have all seen examples of user carelessness: the unlocked door, the unused steering lock?'

Mr Challinger went on to discuss the community's lack of interest in car thefts and detailed the findings of one study in 1980.

'This study involved 16 incidents of theft from cars being deliberately perpetrated by researchers from the University of Alabama. Eighty-three persons walked past the thefts while they were being committed — 16 per cent paid no attention, 53 per cent gave the incident a quick glance and 31 per cent stared for at least five seconds. But none of those intervened.'

One intervention did occur when a passer-by asked the researcher-thief, 'Is that your car?' The thief responded, 'Yes,' and the woman shrugged, 'Well, okay then,' and kept walking.

And a second intervention involved two thieves who were observed by five staff in a nearby shop. An observer noted, 'I walked into Murphy's Mart. Five employees were standing at the window. I heard them talking about the robbery. 'Did you see that?' 'Yeah, quick call the cops.' 'You do it.' 'No way.' 'Where did they go?' 'There they are.' Then as I walked away, I heard, 'Oh well'.

These and other positive interactions involved members of the public assuming the person breaking into the car actually owned it. It was interesting to note that the incidents just described involved female researcher-thieves. The likelihood of a bystander assisting a scruffy youth break into a Porsche would, of course, be qualitatively different from the case of a well-dressed young woman with children at her side trying to break into a Commodore wagon.

But the fact remained that, in general terms, there would seem to be little likelihood of a thief who was actively, and brazenly, breaking into a car, being troubled by any member of the public.

Mr Challinger concluded that the best that could be said was that:

'Some car security hardware is undoubtedly *good* for preventing the theft of some cars at some times.'

The proceedings of the seminar will be available from *Media Relations*,NRMA, 151 Clarence Street, Sydney 2000. $15.

Table 2: Anti-Theft Devices

Objective	Mechanical	Electrical and Electronic
Detecting tampering		Motion detector
Preventing entry	• Warning decal • Door locks • Door latches (shrouds) • Sill lock button • Internal bonnet release • Boot lock • Toughened window glass	• Keypad • Hand-held remote control • Keys/plastic • Lock actuation • Electronically operated (central) locking system
Detecting entry		• Tilt sensor • Door switch • Ultrasonic detector • Infrared detector
Immobilising	• Disable/remove rotor arm • In-built steering lock • Independent lock (e.g. Krooklok) • Wheel nut rod • Transmission lock • Fuel line lock	• V.A.T.S. • Starter motor • Ignition • Fuel • Engine control (carburation, timing)
Preventing resale	• Vehicle identification number • Window etching	• Electronic coding • Bar strip coding

SENTENCING: THE PUBLIC'S VIEW

'How the public sees sentencing: an Australian survey' is the fourth report in the series *Trends and Issues in Crime and Criminal Justice*, and was compiled by Mr John Walker and Dr Paul Wilson from the Institute, with Dr Mark Collins from the Australian Defence Force Academy in Canberra.

The full text of *Trends and Issues* No. 4, 'How the public sees sentencing: an Australian survey', is available from the Institute.

While the justice system does not allow private citizens to punish criminal offenders, the Institute's survey on the public's attitudes towards sentencing should be of interest to law makers and judicial officers.

The researchers found that there is no single public view of sentencing, but many different views. These differences can result from variations in attitudes to the seriousness of crimes, the culpability of offenders or the punitiveness of sentences (i.e. some individuals rate a crime more seriously than others do while some will differ in their assessment of the culpability of an offender); and, even where individuals agree on seriousness of offence and culpability of offender, some may be more punitive in sentencing than others.

In combination, these three factors lead to wide differences of opinion between different community groups, and we set out below both the ranges of attitudes in the community as a whole, and the differences in attitudes between the various components of the Australian public.

The average response shows broad agreement with typical court decisions including a tendency to punish violent offenders by way of prison sentences and to punish property offenders with non-custodial penalties, particularly fines. But there were significant areas in which public opinion appears to be at odds with court practice, sometimes being more punitive, sometimes less.

'Life' for murder and heroin trafficking

Life in prison is seen by the majority of the sample as appropriate for persons convicted of stabbing to death or of heroin trafficking. Significantly, only one in four respondents called for the death penalty for the stabbing and one in six for the drug offender.

In general, however, 'head' sentences of ten years and above are commonly preferred over the indefinite life sentences for the drug offences, and the effective time to be served may be not much less than if the original sentence were 'life'.

Severe punishments for pollution and negligent employers

Respondents were distinctly more punitive than current judges in sentencing persons convicted of the two corporate offences, namely, factory pollution and employer negligence causing severe injury to a worker. The most common sentence suggested was a fine of at least $50 000, but one in three demanded prison sentences where a person died from pollution, and one in five would also sentence the defendant to prison for causing the loss of an employee's leg. One in twelve respondents specified life imprisonment for the fatal pollution offence which, from other studies conducted by the Institute, is far in excess of any penalty ever handed down by an Australian court for any pollution offence. An industrial negligence case described in exactly the same terms as the survey resulted in a fine of $250 in the Industrial Court of South Australia in 1982, while fines of up to $10 000 have been imposed for potentially fatal pollution offences.

Prison for armed robbery, domestic violence and burglary

Imprisonment was the almost unanimous choice of respondents for armed robbery, and was also the most common sentence type for domestic violence and burglary. Two to five years gaol were suggested most frequently for armed robbers (25 per cent of respondents), while up to two-year terms were specified for domestic violence and burglary. The less-punitive interviewees clearly regarded both prison and financial penalties as inappropriate for domestic violence — since they would often penalise the victim as well as the offender — and about one in three preferred terms of probation or community service orders. The courts appear to agree with this line of reasoning except in the most serious cases.

In regard to burglary of $1000 of property, the community generally perceived this as a very minor offence in terms of seriousness. However, the level of punishment preferred by the respondents was quite high: commensurate in fact, with offences rated three times as serious. Institute studies show that actual sentences of two years in prison for burglary are generally meted out by the courts only for persistent offenders.

Heavy fines for white-collar crime

Although the $1000 social security offence is regarded as more *serious* than the $5000 medical or tax frauds, the offender appears to be more leniently treated by the public. Almost two fifths of the sample would give a person who commits a social security fraud a non-custodial sentence, while about the same proportion would hand down a fine, generally within the range $1000–$2000. Over one fifth of the sample would allocate a community service order to the offender. In contrast over half the sample would fine the other fraud offenders, with the most likely ranges being $5000–$10 000 in the case of tax fraud, and $5000–$50 000 for the doctor.

Warning preferred for petty shoplifters

In the case of a $5 shoplifting offence, the respondents were mostly in favour of a police warning, with a wide range of other options supported by a small but not insignificant number of respondents. In view of the amount stolen ($5) the courts would probably agree with the majority of our respondents in this case.

Differing opinions about homosexuality

The consenting adult male homosexuals, whose activities are not illegal in most states of Australia, would be given no penalty by almost 60 per cent of the sample. By contrast, one in twenty would send them to prison.

INTERPRETATION OF CRIME STATISTICS

John Walker was recently interviewed about the interpretation of crime statistics.

Reporter: Mr Walker, you performed some of the statistical analyses in the Institute's book *Crime Trends in Twentieth Century Australia*, in which your colleague Dr Mukherjee examined annual police and court statistics, including the 'post-World War II crime wave'. Whatever measure we use, the book shows that there was a major increase in rates of offending in those years. Was there really a crime wave?

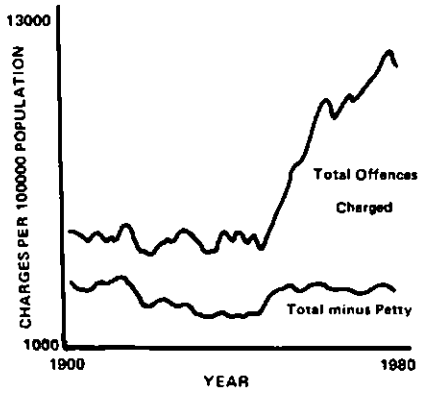
Mr John Walker: Well, statistically speaking we could say there was, since total offences charged virtually doubled between 1950 and 1960. But when you break it down by offence-type you find the increase was almost entirely due to demographic change and a rise in traffic-related offences. Figures 1 and 2 make the point beautifully.

Figure 1 shows charge rates per 100 000 persons aged 10 and over, which takes out the population growth component of the crime 'wave'. There is still a big increase in total charges, but if you take out the 'petty offences' (mostly traffic infringements) you completely eliminate the rising trend. To understand why there was such a growth in traffic infringements just look at Figure 2.

R: So it was a statistical phenomenon — people hadn't properly interpreted the figures?

JW: There certainly was no need for moral panic, was there! Actually, Figure 1 here tells us a lot about the interpretation of crime statistics. That tremendous rise in petty offences, related to car-ownership, looks like being repeated today in relation to the use of credit-cards, don't you think? So changes in technology, and in the laws relating to that technology, are very important. Also, look at the low rates of crime during 1914-18 and then again in the thirties and early forties. What was so special about those years? Were they actually a golden age when crime wasn't as bad as it is today? Not really! — the most significant fact about those years is that a high proportion of our males in their late teens and early twenties were in the armed forces stationed overseas. Perhaps this can also teach us something in these days when so many of our young people can't find jobs. I'm not going so far as to say that unemployment *causes* crime, but it certainly leaves people with idle time in which illegal or anti-social activity can take place.

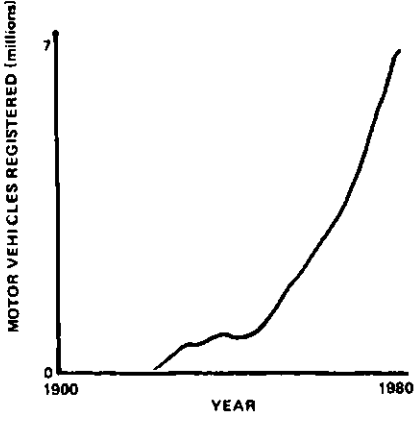
Figure 1: Offences charged before magistrates courts per 100 000 population aged 10 years and over, Australia, 1900-87



R: You raise a question which is worrying many of us these days — that of rising levels of youth crime, particularly in the large cities. Is this a modern phenomenon, is it also a rural problem, or are we getting the figures wrong?

JW: I don't think the figures are wrong in any serious respect. I'm sure it's not a modern phenomenon, and I'm equally sure that I can explain most of the differences between metropolitan and rural crime trends. Crime is so much related to age that most police officers would have a pretty good idea of the probable age of the offender as soon as you describe the offence. Burglars and shop-thieves are often still at school; violent offenders are more likely to be in their late teens/early twenties; fraud and traffic offenders come from a much broader age-range and include a higher-than-average proportion of women; murderers come in all age/sex categories. The large-volume categories of offending, i.e. theft, burglary, motor-vehicle theft and assault, are all fairly specific to distinct age-groups. (See Figure 3). The peak age of arrest for burglary appears to be about 14 years, for other theft 15 years, and for assault about 17 years.

Figure 2: Motor vehicles registered, Australia, 1921-76.



Now think back to the early seventies, and remember the tremendous explosion of home building that took place on the fringes of the metropolitan areas, to accommodate the young families whose parents were born in the post World War II baby boom. How old are the children of those families now? That's right, they are going through their late teens, still living in dormitory suburbs, without entertainment centres or employment (long journeys on public transport? Nothing much to do other than the pub or the video shop?). With a bit of luck, they'll mostly be growing out of the burglary/theft stage soon, but we'll still have cause for concern until they've grown out of the Rambo years. According to Australian Bureau of Statistics population projections, the 1990s should bring some relief!

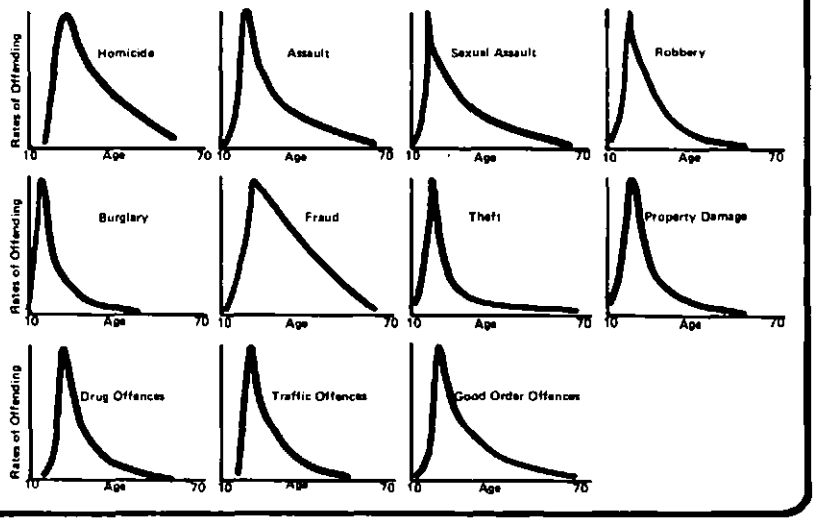
R: So, what about Neighbourhood Watch — is it a pointless exercise if crime levels just depend on population age-distributions?

JW: Not at all — I would just caution that we shouldn't expect too much of it as a crime prevention tool. The latest statistics from those areas which have adopted the concept are a little discouraging: recorded burglary rates have actually gone up in some areas, and there is some evidence that where reductions have been achieved it is at the expense of other 'targets'; i.e. the burglars have gone for commercial premises or houses in other suburbs. We don't know, of course, if those increases in *recorded* burglaries are the result of greater levels of reporting or of offending. (We really ought to do more 'victim surveys', because this is the only way to identify trends in reportability of crimes.)

R: But many people seem to agree that Neighbourhood Watch is a positive program. Are there, in your view, positive aspects which perhaps cannot be identified statistically.?

JW: Yes, of course there are — I'm a strong supporter of the Neighbourhood Watch idea, but not for the usual reasons. 'Crime Trends' describes the

Figure 3: Typical Age Profiles of Offenders, by Offence Type
(based on Victorian and Queensland Courts Statistics for the year 1982. Sources - Australian Bureau of Statistics.)



large part played by traffic offences in the post-war 'crime wave'. With mass car-ownership, a large proportion of the population was brought into a potential conflict with the police for the first time. Whereas previously most people only ever saw the sympathetic side of the police — trying to recover their stolen property, helping victims of violence etc. — now we are all potential law-breakers. When the police themselves took to cars instead of pounding the beat, they distanced themselves even more. I see Neighbourhood Watch as a real step in a better direction — helping people to know their local copper and break down the us-and-them attitudes that both sides have developed over the years. I don't expect any consistent statistical effect either way in terms of changing offence rates — I suspect that the demographic and economic aspects are far too strong — but increased public confidence might, in the long run, result in more effective co-operation and more realistic expectations on both sides.

Another positive aspect of Neighbourhood Watch is that it is an initial response to a very obvious statistical trend which people tend to overlook. Today's historically high rates of female participation in the paid labour force mean that a high proportion of homes are empty for most of the day. Household property has never been at risk to the extent it is today, simply because there was usually someone around. This means that nowadays there are more opportunities and fewer potential witnesses. No wonder that Australian clearance rates for Break, Enter and Steal are falling (19 per cent in 1973-74, 12 per cent in 1984-85) — we can hardly hold the police entirely responsible for that. The public can react in three ways to this phenomenon: first, pay ever-increasing insurance premiums; second, put bars on the windows and locks on the doors; and third, organise themselves into informal neighbourhood schemes. My guess is that they will soon get sick of high insurance premiums (happening already?), that they will find barred windows distasteful, and that more formal neighbourhood schemes will increase in popularity. After all, this is only what we've been doing for years when we go off on holidays — we ask a reliable neighbour. Official Neighbourhood Watch schemes probably work best when they encourage this self-help attitude in the community.

Even Sir Robert Menzies once said 'I never feel comfortable in the presence of policemen, unless they're sitting beside me at a function'. Presumably lesser mortals feel even less comfortable than Menzies. The best contribution Neighbourhood Watch can make is to maximise the opportunities to sit together and minimise the levels of discomfort!

R: We discussed earlier the problems of interpeting statistics when, for one reason or another, the reporting rate might have increased. Now, most of the reporting is by police, and they are just doing a job they're paid to do, or their superiors are responding to some perceived public demand. Is there any way we can keep track of these increased reporting rates so that when the statistics appear we don't all fly into a mad 'shock horror' panic.

JW: The 'traditional' statistician's response would be to suggest a regular full-scale Victims Survey, as the Australian Bureau of Statistics conducted in 1975 and 1983. This would certainly be helpful, but such surveys are extremely expensive to undertake. Similar techniques on a smaller scale — perhaps conducted by the police via your Neighbourhood Watch contacts — could be quite effective. From the police management point of view, though, the additional statistical effort will not be very popular. So it really depends on how important it is to counter the 'shock-horror' brigade. A cynical observer might say that 'horror' statistics provide the police with an argument for better pay and resources, while 'success' statistics provide the police with an opportunity to pat themselves on the back.

R: A final point. I recall reading some road accident statistics in the fifties, when it was discovered that over a century in Britain, road deaths had actually fallen, when most people thought they had increased. I think that was per head of population. Then there was the high infant mortality rate of a century or more back. I suppose many of those deaths would, if we were to analyse them today, appear as child-abuse statistics. What I'm getting at is, do we have more crime today, or are we merely counting more crime?

JW: The American criminologists Hirschi and Gottfredson consider that 'the age-distribution of crime... has remained virtually unchanged for about 150 years'. My own research suggests that in Australia the same can be said for at least the whole of this century. All we have done is live through several cycles of major demographic change, and invented different opportunities to break the law, some of which lead effectively to changes in offence counting rules (e.g. credit cards make it possible to commit many offences in a very short time — an impossibility in days when distances between potential victims restricted the rates of offending). As far as what some people see as *real* crime — i.e. crimes of violence — we probably are committing fewer offences and reporting more (this is most clearly so in relation to domestic violence, and possibly also valid for sexual assaults.) The murder rate has been falling slowly for decades. I don't think the nation is more criminal than it used to be.

This interview was carried out by Brian McNamara, who has kindly allowed us to publish it in full. The views expressed, of course, are those of Mr Walker.

VIDEO VIEWERS' ATTITUDES

A report on video viewers' attitudes, prepared by the Institute in collaboration with the Commonwealth Attorney-General's Department, has been released. Intended as a preliminary investigation, its findings are limited in the extent to which they can be generalised beyond the sample. However, the study does provide some valuable data and it does raise a number of issues which have direct policy relevance.

A questionnaire was sent to a sample of video hirers in Canberra and the surrounding district. One hundred and seventy-five people returned completed questionnaires allowing comparisons to be made between different groups of video viewers.

Questions relating to general video viewing behaviour elicited the following responses:

(i) Most respondents said they watched either a few video movies each week (31.4 per cent) or a few each month (47.4 per cent).

(ii) The most popular time for watching movies was between 8 pm and midnight. The early evening between 3 pm and 8 pm was the second most popular time.

(iii) Comedy movies were the most popular type amongst respondents. Action movies were the next most popular.

Behaviour and attitudes in relation to sexually explicit and violent material in video movies was one of the primary areas of interest in the present study. Findings in relation to this indicate the following:

(i) Nineteen per cent of respondents fell within the category of regular X-rated movie viewers (defined as those who said they watched this classification at least once a month). A much larger number fell within the category of regular R viewers (59.4 per cent).

(ii) A large proportion (87.9 per cent) of the regular X viewers were males. A smaller proportion of the regular R viewers were males (68.9 per cent).

(iii) Regular X viewers did not differ markedly from video viewers in general in terms of a series of characteristics including age, marital status, church attendance, education and work situation.

(iv) Viewing X-rated movies was predominantly done alone or with one other person.

(v) The two most popular reasons given for watching X-rated videos we that 'I find the sex scenes stimulating' and that 'my partner and I find they stimulate us'. Seventy three per cent of those who responded to the first of these reasons either strongly agreed or tended to agree. The equivalent figure for the second resons was 70.0 per cent.

(vi) Respondents who had bought or rented an X-rated video in the last year expressed a strong liking for sexual movies and people who said they liked sexual movies tended to be less satisfied with various aspects of their life and more liberal in their attitudes toward the availability of videos containing sexually explicit and violent material.

(vii) Those who had not bought or rented an X-rated movie in the last year were more likely to believe in a link between crime and X-rated viewing and the people who were strongest in this belief were older and female. Crime included both sexual crimes and crimes of violence even though movies in the X category contain little violence.

(viii) Only five per cent of respondents thought that X-rated videos should be banned. Over 60.0 per cent said that there should be no public display of such videos, while 30.0 per cent said there should be no restriction for adult audiences.

(ix) Attitudes to materials containing sexual violence were far more conservative. Over 60.0 per cent of respondents said that such material should be banned.

(x) A large proportion of respondents agreed with the present restrictions on the availability agreed with the present restrictions on the availability of X-rated videos. Over 85.0 per cent thought that X-rated videos should be kept in a restricted area of the video store, while just over half agreed with the present age restriction of only those over 18. Thirty five per cent of respondents said that 21 should be the minimum legal age for hiring X-rated videos.

(xi) Over 42.0 per cent of people who had children under the age of 18 said that their children had (or probably had) seen an R-rated movie. The equivalent figure for X-rated videos was 19.1 per cent.

(xii) Videos with an X classification were apparently seen as being potentially more harmful to children than R-rated movies. Respondents were more willing to allow their children, of whatever age, to watch R-rated videos than they were to allow them to watch X-rated movies.

(xiii) Factors which increased the frequency that respondents would allow their children to view R-rated movies were a liking for violence movies, a liberal attitude to the availability of explicit material in theatres, and disagreement with suggestions that there was a link between crime and R-rated movies.

(xiv) The most popular reason given for viewing R-rated videos was that the movie was recommended as worth seeing. Males agreed more frequently than females with reasons suggesting that they liked the violence in R-rated movies (e.g. I find the violent scenes exciting, I prefer violent scenes to be shown as they really happen).

(xv) Seventy three per cent of respondents said that R-rated videos should only be able to be hired by those over the age of 18. A further 10.9 per cent said that a more appropriate age limit was 21.

Knowledge of the censorship ratings used for videos was assessed by the questionnaire. Over 60.0 per cent of respondents were able to identify the correct group of censorship ratings from a series of options. However, over a third either picked an incorrect group of ratings or said that they did not know which ratings were used for videos. This finding suggests there is a need for further education on video-tape censorship classifications. It is possible that the level of knowledge in the community in general, or in other parts of Australia, is lower than that found in this sample. Other findings relating to the censorship ratings include the following:

(i) The 40+ age group appeared to be the group in greatest need of education on censorship ratings. A little over half of this group identified the correct list of censorship ratings, as opposed to well over 60 per cent of the two younger groups.
(ii) Fifty six per cent of respondents said that they always or sometimes checked to see what the censorship rating of a video was before hiring.
(iii) The censorship rating of a video was not an important factor in choice of video for many people.

A number of other findings are of general interest in relation to video viewing behaviour:

(i) Respondents living in New South Wales tended to have a higher frequency of video viewing than did Australian Capital Territory residents.
(ii) People who expressed a strong liking for 'adrenalin' movies (horror, spy and thrillers), tended to watch videos more frequently than others, and tended to have spent fewer years at school.
(iii) Younger respondents expressed a greater liking for violence movies than did those in the older age groups.
(iv) People with a preference for 'macho' movies (action, sport and westerns), were more likely to be male than female, more likely to have spent fewer years at school, more likely to believe in a link between crime and X-rated movies, and more likely to be younger than older.

Video Viewing Behaviour and Attitudes towards Explicit Material: A Preliminary Investigation (see New Publications).

POLICE BUDGETS

An expert on police budgets has recommended that all Australian police forces work together to find financial solutions to common problems.

Professor John Hudzik, from Michigan State University, visited the Institute in April and conducted a workshop for police fiscal administrators.

Police budgeting presents more problems than budgeting in other organisations because the outcome of some police work is hard to measure, said Professor Hudzik.

'If you build a concrete bridge, then the end product is clear. But much of police work has no measurable end product. How do you measure the feeling of safety and security that the police provide to the community by being visible, e.g. by having patrol cars on the streets?'

The police have to consider the cost of making themselves visible to the public against the long term benefit. Professor Hudzik referred to an American study in which Kansas City had varied police patrol activity to see if it had any effect on crime rates. The end result was that increasing police patrols had no measurable effect on the crime rate: prevention or deterrence.

'This raises the question of why should the police be paid to drive around just to make the community feel safe?' he said.

The police workload also includes activities besides crime prevention which affect budgeting. He said that if a cat is stuck in a tree, then the police are called. But it is hard to figure out, in dollar terms, the value of this type of service to the community.

All these things need to be considered when planning program budgeting.

Professor John Hudzik, at the end of the table, discusses police budgets with (from Professor Hudzik clockwise) Mr David Biles, Mr Peter Dougan, Mr Terry Russell, Mr Frank Baldwin, Mr Des Hughes and Mr Denis Leys.

MISSING PERSONS PROJECT

Dr Paul Wilson and Mr Bruce Swanton, from the Research and Statistics Division of the Institute, have begun a project into missing persons.

The study will examine the broad nature of the problem and spell out the sorts of actions that can be taken to trace missing persons.

The police succeed in finding a high percentage of missing persons, as do private and voluntary agencies. However, by examining how police and these other agencies process, locate and identify missing persons the researchers hope to be able to provide ideas, directions and encouragement for further tracing and identification initiatives.

The study comprises a number of separate undertakings, including:

- discussing with police, private and volunteer agencies, their practices and procedures
- quantifying the problem
- formulating a classification of missing persons
- comprehensively listing all relevant agencies and contact points
- compiling a bibliography of missing persons written materials
- outlining case studies

There is understandable public concern on the topic, and every so often a case provokes a considerable publicity to which the administrators are expected to react.

The study's report will be of use to government and private bodies alike in helping them to place such matters in realistic perspective and in making accessible to them all available information on which to act.

NEW PUBLICATIONS

GOVERNMENT ILLEGALITY

Peter Grabosky (ed.)

In these papers from a seminar held by the Institute, contributors discuss misconduct in furtherance of government operations, including maladministration and waste or inefficiency in the expenditure of public funds.

Topics include whistle blowing in the public service, police and prison misconduct, freedom of information and the activities of federal and state ombudsmen.

Peter Grabosky is a Senior Criminologist with the Institute.

Proceedings, 1987, 232 pages, $12.

VIDEO VIEWING PATTERNS: A PRELIMINARY INVESTIGATION

Terry Brooks, David Fox, Paul Wilson, Anne Walters and Tammy Pope

VIDEO VIEWING BEHAVIOUR AND ATTITUDES TOWARDS EXPLICIT MATERIAL: A PRELIMINARY INVESTIGATION

Tammy Pope, Paul Wilson, Terry Brooks, David Fox and Stephen Nugent

A joint research project between the Australian Institute of Criminology and the Commonwealth Attorney-General's Department was conducted to provide a sound basis of knowledge on which to consider the availability of video movies in the more restricted classifications.

The first report examines the viewing patterns of video hirers in the Australian Capital Territory compared with those of video hirers in Queanbeyan, a non-rural town in New South Wales. The second analyses the attitudes among video viewers towards explicit material.

Terry Brooks is Director, Censorship Section, Attorney-General's Department. **Paul Wilson** is Assistant Director (Research and Statistics) with the Institute.

David Fox is Principal Psychologist, Attorney-General's Department. **Anne Walters, Tammy Pope** and **Stephen Nugent** have been employed as research officers for this project.

Research Reports, 1986, 50 pages, $10.
1987, 40 pages plus appendices, $10.

GRAFFITI AND VANDALISM

Paul Wilson and Patricia Healy

The State Rail Authority of New South Wales commissioned this research from the Institute to assist in dealing with the problem of damage to railway property.

Quoted estimates of the costs of vandalism and graffiti to NSW State Rail for 1984-85 included $4.76 million for train and $284,000 for station repairs and graffiti removal. This total of $5.04 million does not include hidden costs from train delays, services cancellation or the very real safety risks that may be involved.

The researchers present a number of recommendations under the heading of policy formulation; information system; repair of vandalism and graffiti removal; police and security services and deterrent measures; media and public attitudes to State Rail; and community liaison.

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

Patricia Healy is a research consultant.

Research Report, 1987, 94 pages, $10.

REVIEW OF AUSTRALIAN CRIMINOLOGICAL RESEARCH 1987

Edited by Paul Wilson and Vicki Dalton

Every two years, the Institute plays host to Australian research criminologists who discuss their problems and progress. Subjects range through corrections from police to courts.

In the proceedings of the latest seminar, 38 current projects in criminological research are described in terms of methodology and their relevance to other work done in the field.

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

Vicki Dalton is a steno secretary at the Institute.

Proceedings, 1987, 123 pages, $12.

• EVENTS

FUTURE CRIME AND ITS PREVENTION

The Australian Crime Prevention Council, the World Society of Victimology and the International Prisoners' Aid Association will combine to hold a conference called 'Criminal Justice, Towards the 21st Century' from 10 to 14 August 1987.

It will be opened by the Governor-General, Sir Ninian Stephen and other speakers will include Dr Peter Greenwood wood of the Rand Corporation; Professor Hans-Joachim Schneider, University of Muenster, Federal German Republic; Professor J.C. Freeman, University of London; Mr Justice L.J. King, Chief Justice of South Australia; Mr C.J. Sumner, MLC, Attorney-General of South Australia; Mr Ian Temby, QC, Director of Public Prosecutions, Canberra; and others.

Delegates will have the opportunity to hear speakers and debate, not only in the areas of their own direct professional experience, but also in a wide range of associated areas. It is hoped that the resultant cross-fertilisation of ideas will result in stimulating discussion about the complex issues that affect the future. At the end of the conference, it is proposed to draw together the major challenges and the proposals raised for meeting those challenges.

For further information, contact Mr J.P. Maynard, GPO Box 1068, Adelaide, South Australia 5001.

LABOR LAWYERS

The Ninth National Conference of Labor Lawyers will be held in Perth, 15-20 September 1987. The conference will be opened by Neville Wran, Q.C., speaking on the achieve-ments of Lionel Murphy.

The next day, Mr Justice Michael McHugh of the New South Wales Court of Appeal will speak on 'The Law-Making Function of the Judicial Process'. Succeeding sessions will cover the media, industrial law, taxation, welfare rights, police powers, privacy and internal human rights law.

In the last session, five Labor Attorneys-General will form a panel to discuss 'The Politics of Law Reform'. This conference will immediately precede the Australian Legal Convention in Perth, 20-25 September 1987.

For further details, contact Nuala Keating, GPO Box P1596, Perth, WA 6000. Telephone (09) 2727759 home or (09) 3256666 work.

INTERNATIONAL CONGRESS ON CORRECTIVE SERVICES

The first major international congress on corrective services to be held in Australia will take place 24-28 January 1988, in Sydney.

The congress has been made part of the bicentennial celebrations and will be opened by the Governor-General, Sir Ninian Stephen. The title of the congress, *Australian Bicentennial International Congress on Corrections*, accentuates the part that corrections played, for good or otherwise, in the formation of Australia. The appropriateness of Sydney as the congress venue has been commented on. Both the circumstances of European settlement as the penal colony of New South Wales and the fact that the NSW Department of Corrective Services is arguably the oldest government department in Australia, make Sydney the obvious host city.

Topics to be discussed at the congress include: women in prison; the intellectually disabled; prison architecture; security issues; programs for young people; forecasting prison numbers; health issues; and training and professional development.

For further details, contact the Secretariat, Australian Bicentennial Congress on Corrective Services, PO Box K390, The Haymarket, Sydney, NSW 2000.

CRIMINOLOGY RESEARCH COUNCIL

CRIMINOLOGY RESEARCH GRANTS

For the two quarters to March and June 1987, the Criminology Research Council has awarded grants totalling $199,000 to the following applicants.

Professor Neil McConaghy and Mr Alexander Blaszcynski of the Psychiatry Department, Prince of Wales Hospital, Sydney, received $25,246 to study crime patterns of pathological gamblers and produce a manual to assist in treating gamblers who commit crime.

Dr Mark Collins of the Department of Mathematics at the Australian Defence Force Academy, Canberra, received $5,500 to measure public perception of crime and sentencing.

Professor A.W. Murray, Dr L.A. Burgoyne and Mr J.C.S. Fowler of the School of Biological Sciences, Flinders University, Adelaide, recived $6,460. They will study human body fluid stains to pinpoint peculiarities which may assist investigation of sexual and other assaults.

Associate Professor Susan Hayes of the NSW Department of Corrective Services received $30,000 for a study of the prevalence of intellectually handicapped offenders serving cusodial and non-custodial sentences. The study aims to produce data to facilitate the efficient planning of staff resources for the habilitation/rehabilitation of such offenders, assist in the planning of custodial and community facilities for such purposes and produce guidelines for training appropriate corrective services personnel.

Dr Roman Tomasic of the Canberra College of Advanced Education received $20,430 to study the limits of criminal law as applied to insider trading activities. The study will explore why criminal law has frequently failed in this area, examine and report on the deterrent effects of the applicable legislation and attempt to identify any obstacles preventing successful prosecution.

Dr Ross Homel of Macquarie University, NSW, received $16,450 for a study on drinking and driving prevention. While the primary objective is to explore the general prevention of drinking and driving, clarification of the law's role in that process involving interstate and international comparisons will also be examined.

Mr Peter Priest, Dr Monika Henderson and Mr Stuart Ross of the Office of Corrections, Victoria, received $13,600 for a study on prison environment indicators for prediction or early identification of potential major prison disruptions. The study also hopes to estabish an information base to allow analyses of inter-relationships, including casual ones, in a prison environment.

Mr B.D. Bodna, Office of the Public Advocate, Victoria, received $29,550 for a study of intellectually disabled persons as victims of crime. The study will research the nature and extent of crimes against the intellectually disabled, the degree of acceptance of such persons as witnesses by courts *et alia*, and the constraints or otherwise of bringing charges where such persons are involved.

Mesdames Ursula Dahl and Anna Burgess and Messrs Tim Anstey and Don Tustin of the South Australian Health Commission received $9,896 for a preliminary investigation into persons with severe behavioural disorders registered with the South Australian Department of Correctional Services. The study aims to further develop and test a specific means of assessing severe behavioural disorders and related conditions in correctional services populations including prisons, parole and probation.

Dr Terence Donald of the University of Tasmania received $15,203 for a study of forensic aspects of physical and sexual child maltreatment. The study hopes to assist in formulation of court opinions, and to establish a better understanding of relationships between patterns of injury and maltreatment, leading *inter alia*, to more effective treatment regimes for offenders.

Dr Malcolm Hall of Forensic Science Technology International Pty Ltd, The Levels, South Australia, received $18,590 to study forensic audiovisual evidence analysis procedures. It is hoped to produce a reference manual to facilitate more effective utilisation of audiovisual tapes for recording contemporaneous evidence and thereby reduce costly delays and challenges presently experienced where such material is proffered as evidence in court.

STATISTICS

Australian Prison Trends

by David Biles, Deputy Director

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

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

	Males	Females	Total	Changes since January 1987
NSW	3877	191	4068	+ 166
VIC	1864	103	1967	+ 39
QLD	2197	82	2279	+ 79
WA	1568	83	1651	+ 44
SA	817	37	854	+ 25
TAS	266	10	276	+ 32
NT	456	14	470	+ 55
ACT	82	3	85*	+ 13
AUST	11127	523	11650	+ 453

* 65 prisoners (including 1 female) in this total were serving sentences in NSW prisons.

Table 2 shows the improvement rates (daily average prisoners per 100,000 population), for April 1987. The national rate of 72.2 compares with 70.0 found in January 1987.

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

	Sentenced Prisoners Received	Prisoners	General Pop.* '000	Imprisonment Rates
NSW	580 (198)	4068	5589	72.8
VIC	238 (92)	1967	4196	46.9
QLD	402 (194)	2279	2630	86.7
WA	324 (141)	1651	1469	112.4
SA	280 (174)	854	1380	61.9
TAS	71 (16)	276	450	61.3
NT	143 (34)	470	150	313.3
ACT	—	85	268	31.7
AUST	2038 (749)	11650	16132	72.2

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

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

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

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees/ 100,000 of Gen. Pop.	Federal Prisoners
NSW	4074	946*	23.2	16.9	196**
VIC	1959	275	14.0	6.6	67
QLD	2266	148	6.5	5.6	70
WA	1698	227	13.4	15.5	65
SA	850	175	21.0	12.9	41**
TAS	279	51	18.3	11.3	3
NT	463	51	11.0	34.0	4
ACT	84	19	22.6	7.1	1
AUST	11673	1892	16.2	11.7	447

* 221 of these remandees were awaiting result of appeals.

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

Asian and Pacific Series

Compiled by David Biles, Deputy Director
Assisted by Lavinia Hill

Correctional administrators in the countries listed below have supplied the basic information which is incorporated in the following tables. The footnotes over the page contain a number of explanations that should be borne in mind when making comparisons between countries. For countries marked * the data refer to 1 October 1986; ** to 1 July 1986; *** to 1 April 1986.

Table 1: Total Prisoners as at 1 January 1987

	Males	Females	Total	Population ('000)	Rate[1]
Australia[2]	10697	540	11237	16074	69.9
**Canada[3]	12305	185	12490	25445	(49.1)
Fiji	917	18	935	650	143.9
Hong Kong	5891	234	6125	5533	110.7
Indonesia	29874	684	30558	160000	19.1
Japan	53194	2447	55641	121590	45.8
***Korea (Republic)	45998	2534	48532	41440	117.1
*Macau	408	8	416	400	104.0
Malaysia	19583	602	20185	15300	131.9
*New Zealand	2764	115	2879	3350	85.9
**Papua New Guinea	2643	191	2834	3300	85.9
***Philippines	12886	199	13085	48500	27.0
**Singapore	3398	67	3465	2558	135.5
*Sri Lanka	11359	368	11727	15189	77.2
Tonga	128	2	130	97	134.0
*Western Samoa	155	9	164	160	102.5

Table 2: Convicted and Remand Prisoners as at 1 January 1987

	Convicted Prisoners	Remand Prisoners	Percent on Remand	Remand Rate
Australia	9502	1723	15.3	10.7
**Canada[3]	12490	—	—	—
Fiji	902	33	3.5	5.1
Hong Kong	5.675	450	7.4	8.1
Indonesia	21391	9167	30.0	5.7
Japan	46160	9481	17.0	7.8
***Korea (Republic)	26122	22410	46.2	54.1
*Macau	292	124	29.8	31.0
Malaysia	12959	7226	35.8	47.2
*New Zealand	2527	352	12.2	10.5
**Papua New Guinea	2190	644	22.7	19.5
***Philippines	12946	139	1.1	0.3
**Singapore	3110	355	10.2	13.9
*Sri Lanka	4726	7000	59.7	46.1
Tonga	122	8	6.2	8.3
*Western Samoa	157	7	4.3	4.4

Table 3: Offenders on Probation and Parole as at 1 January 1987
(in those countries where these options apply)

	Probationers	Rate	Parolees	Rate
Australia[4]	25690	161.1	4851	30.4
**Canada[3]	—	—	7122	(28.0)
Fiji	165	25.4	40	6.2
Hong Kong	3655	66.1	3713	67.1
Indonesia	—	—	26	0.02
Japan	20279	16.7	8695	7.2
***Korea (Republic)	1644	4.0	2116	5.1
*Macau	—	—	158	39.5
*New Zealand	4978	148.6	1538	45.9
*Sri Lanka	—	—	77[5]	0.5
*Western Samoa	272	170.0	49	30.6

Footnotes:
1 Per 100,000 of population.
2 Australian statistics in this table are based on the daily average number of prisoners for the month of December 1986.
3 Federal prisoners only.
4 As at 1 January 1987.
5 Released on Licence.

Please note that no bulletin was issued for the October 1986 quarter. The relevant data are incorporated in this issue.

Prison Accommodation and Occupancy

Compiled by David Biles, Acting Director

The Institute conducted a survey in June 1986 which showed that all Australian mainland jurisdictions were experiencing severe difficulties in coping with the increasing numbers of prisoners at that time. That survey showed that all jurisdictions except Tasmania then had occupancy rates well over the desirable operating level of 85 per cent, and in five jurisdictions the occupancy rates were over 100 per cent.

The current survey was requested by the Conference of Correctional Administrators held in Melbourne in November 1986, and, as in the earlier survey, all of the information was collected by telephone. The Institute would like to express its appreciation of the prompt and efficient co-operation it received from officials in all States and Territories who supplied the necessary data.

The accommodation statistics shown in Table 1 refer to optimum design specifications and not to actual usage. On this occasion, a distinction has been drawn between single cells and multiple cells, the latter being cells or rooms or huts on prison farms that were designed for two to four prisoners. Dormitories are defined as including all other accommodation. Hospital beds and punishment or observation cells have not been counted in the accommodation statistics.

Table 1: Prison Accommodation in Australia, April 1987

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Aust
Male									
Single cells	3364	818	1966	1280	689	426	180	16	8739
Multiple cells	90	855	—	283	—	—	16	—	1244
Dormitories	98	230	68	102	89	—	157	—	744
Total Male	3552	1903	2034	1665	778	426	353	16	10727
Female									
Single cells	213	115	73	81	72	23	10	2	589
Multiple cells	27	20	—	42	—	—	—	—	89
Dormitories	29	—	—	12	—	—	—	—	41
Total Female	269	135	73	135	72	23	10	2	719
TOTAL	3821	2038	2107	1800	850	449	363	18	11446

From this table it can be seen that Tasmania is the only State to have a fully cellular system while Victoria provides proportionately fewer single cells than any other system.

Table 2 shows the total capacity of each prison system and the numbers of prisoners (male, female and total) held in each jurisdiction on any day from January to March 1987. (It should be noted that the highest numbers of male and female prisoners may not have occurred on the same day and therefore cannot necessarily be added to equate with the highest total.) This table also shows the percentage occupancy of each system which is based on the highest total number of prisoners.

Table 2: Prison Occupancy in Australia, January/March 1987

	Total Capacity	Highest Number of Prisoners			Percentage Occupancy
		Male	Female	Total	
NSW	3821	3898	183	4081	106.8
VIC	2038	1872	116	1975	96.9
QLD	2107	2192	91	2278	108.1
WA	1800	1601	99	1684	93.6
SA	850	813	43	841	98.9
TAS	449	263	11	273	60.8
NT	363	448	18	463	127.5
ACT	18	19	3	20	111.1
AUST	11446	(11106)	(564)	(11613)	(101.5)

This table confirms the major findings of the June 1986 survey to the effect that nearly all Australia prison systems are severely overcrowded. The most serious problems are clearly located in the Northern Territory, Queensland and New South Wales, but the situation is only marginally better in the other mainland States. In most jurisdictions the overcrowding problem seems to relate particularly to male prisoners, but in Queensland and the Northern Territory there has also been overcrowding of female prisoners.

To some extent the data presented in the above tables understate the seriousness of the problem, as in all jurisdictions the average level of occupancy varies considerable between individual institutions. It is virtually impossible to ever achieve exactly the planned proportions of male and female prisoners, convicted and unconvicted prisoners and those needing special protection or treatment. Furthermore, the unknown numbers of convicted offenders who were in police cells or who were undergoing home detention in many jurisdicions are not shown in these tables.

The unavoidable conclusion that must be drawn from this survey is that Australian prisons are currently facing a crisis of very serious proportions. Immediate action is needed to reduce prisoner numbers, either by reducing the duration of sentences or by providing more viable alternatives to imprisonment, but in the longer term it is clear that more prison accommodation must be provided.

reporter