

PAPERS – Training Project No.3

PLANNING AND POLICY FOR CRIME CONTROL PERSONNEL

AUSTRALIAN INSTITUTE OF CRIMINOLOGY

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TRAINING FOR CRIME CONTROL PERSONNEL

HAROLD G. WEIR

INTRODUCTION

Training, passing on to others knowledge or skill acquired by experience, is as old as human history but it is only within comparatively recent times, as a result of the immense technical and mechanical developments of the industrial revolution, that training was recognised as a legitimate claim on the funds of commercial enterprises and public services. The demands for a greater number and wider range of skills in World War II accentuated the need for training services - a need which is still unsatisfied. The present Australian Government has made provision for considerable funds for the training of trade unionists. It has also provided the funds which enable the Australian Institute of Criminology to invite people for the type of project we are commencing today.

TRAINING FOR CRIME CONTROL

Training for crime control personnel has been advocated by the United Nations Organisation since the First Congress on the Prevention of Crime and Treatment of Offenders which was held in September 1955. At that Congress the Standard Minimum Rules for the Treatment of Prisoners were adopted with an annex making recommendations on the selection and training of personnel for penal and correctional institutions.

The preamble to the United Nations recommendations draws attention to the modern conception of prison service resulting from the change in the nature of the duty of staff from that of guards to that of members of 'an important social service demanding ability, appropriate training and good teamwork on the part of every member'. A new concept of prison service is seen in the additions to the staff of an increasing number of specialists such as doctors, psychiatrists, psychologists, social workers, teachers and technical instructors. The danger that increasing specialisation could hamper an integrated approach is recognised with teamwork proposed as the antidote.

Preappointment training for all staff is recommended with compulsory theoretical and practical examinations. A three stage programme of intensive professional training for custodial staff is suggested. Specialised and executive staff are not excluded from training unless such persons hold either a diploma granted by a specialised vocational school or a university degree in a relevant subject.

The Standard Minimum Rules also advocate periodic in-service training courses, supplementary training for promotion, and a programme of discussion groups, visits to institutions, seminars for senior personnel, joint consultations and visits and meetings for all grades of staff.

Lest at the beginning of a seminar for crime control personnel, undue emphasis seems to be given to crime treatment staff, attention is also directed to a paper by William Clifford. He points out that a contrast

between treatment and prevention is largely a matter of semantics. The term prevention may include the treatment of offenders. Insofar as the police have responsibilities for crime prevention they are also treating crime. In Clifford's own words

'To prevent crime or to treat offenders means to take all possible measures for the wholesome development of a society, politically, socially and economically, and it involves specialised or semi-specialised treatment not only for those in danger of becoming criminals, but also for those who have already offended or are likely to do so again'.

With particular reference to police training, Clifford points out that it is now generally recognised throughout the world that the training of police officers is 'an inescapable commitment'. It is assumed that 'training courses increase the competence and efficiency of police officers ...' although as with all training programmes, it is difficult to demonstrate that there is a positive correlation between the amount spent on police training programmes and the incidence of crime. There is 'the unprovable conviction that better trained officers prevent more crime'.

FUNDING

There have been some interesting new developments in policies, plans and programmes for the training of crime control personnel in Australia and we are fortunate in having participants in this seminar who have been, and are now, involved in such developments. However we have yet to achieve recognition by all parties in the national and state political fields of the need to include the prevention and control of crime and delinquency as essential components in plans for economic and social developments. When we achieve that objective it may not be necessary to stress, as I am now doing, the importance of training for crime control personnel.

Crime control is part of the total welfare programme of a country. It is not always easy to accept the priorities which politicians and the public seem to put on crime control programmes. Police, prison officers, social workers and even criminologists see too much of the unpleasant aspects of crime and delinquency to be unbiased in such matters.

One of the difficulties in achieving recognition of the claim on public funds of training programmes is that training is concerned with the acquisition of skills and changes in attitude as well as an increase in knowledge, and skills. Attitudes and knowledge are intangibles. That may be one reason why business firms faced with the need to curtail spending tend to regard training as the easiest expenditure item to eliminate. One wonders if, until at least fairly recent times, training for crime control personnel has also been regarded as an optional extra to other budget items.

A further difficulty in establishing the significance of personnel training in crime control is the lack of evidence to demonstrate the value of training. Evaluation is a catch-cry in literature about training and research methodology. All the best writers say that evaluation techniques are signs of a 'proper' project, yet, how does one evaluate, in a scientifically acceptable manner, the effectiveness of a training course? Perhaps the answer would be easier if our objectives were clearer!

THREE RELEVANT FACTORS

In the consideration of policy and training programmes for persons involved in crime control - policemen, prison officers, probation officers and such like - there are three relevant factors of which the third concerns objectives and is probably both the most vital and the most forgotten.

The first factor is the scientific and technological developments which revolutionised civilisation. Science and technology have combined to give us supersonic travel, Telstar communications, high rise apartments, overcrowded cities, polluted air and water, shortages of energy and almost incredible capacities for invading the privacy of individuals as well as nations. It has made crime on an international scale possible to an extent that goes beyond the wildest dreams of the pirates of an earlier age. It has made it necessary for prison exercise yards to have protective covers so that helicopters cannot whisk escaping prisoners away. Science and technology have given us new forms of chemotherapy which can open the wards of mental hospitals, tranquilise irrational crowds and make the techniques of the neuro-surgeon of a decade ago seem almost primitive. There is still a good deal more to be learnt about the use of modern techniques in prison architecture and in prison treatment but it is indisputable that scientific and technological advances, including the forensic sciences, have revolutionised crime detection, crime prevention and crime treatment methods. They have also been responsible for new forms of crime and delinquency and for adding complications to older forms.

In this respect the misunderstandings between behavioural scientists and policemen, between treatment and custodial staff in prisons, has been both harmful and unnecessary. It has highlighted inadequate training on both sides of the gap.

The second important development against which training processes for crime control personnel must be considered is the vast increase in the amount of knowledge presently available. Ability to handle firearms and to engage in unarmed combat is still relevant to security but a lot has been learnt about human behaviour which has not yet been taught. Both parties can learn from each other.

This Institute was planned in the belief that there should be a close connection between training and research programmes which relate theoretical development to action. Research results can be related to training to the extent that those results are capable of application within the range of activities conducted by the trainees. In some small way we hope to reduce the gap in this process.

An encouraging recent development is that many policemen have recognised the need for further training and have included criminology and law studies in their personal programmes. Regular refresher courses are essential as old knowledge becomes out of date and irrelevant and as new information is provided by the researchers. The information explosion has made another science out of the dissemination of information. It is difficult to be completely informed even in one subject. Abstracts, digests, summaries, together with computerised storage and retrieval techniques are inescapable. The great advances in knowledge, then, provide the second important background to modern training.

The vast increase in the available amount of information and expansion of knowledge does not, however, necessarily and inevitably lead to control

over human behaviour and events. In 1964, Lord Brain, President of the British Association for the Advancement of Science said

'The more scientific our knowledge of human nature becomes, the more likely are we to understand the origins of crime, so that by 1984 there should be a more rational basis for the prevention of crime and the treatment of the criminal than our present empirical and manifestly ineffective methods'.

We shall have to work much harder in the next ten years if the more rational basis for crime control and treatment which Lord Brain expected to flow from increased knowledge is to replace our admittedly 'empirical and manifestly ineffective methods'.

The vital and most forgotten factor is the awareness of the inestimable value of human resources. Some objection has been raised to the term 'human resources' on ideological grounds. The popularity of the term amongst North American economists and educators, as well as business men, has made the term suspect. Yet it is necessary for crime control personnel to remember that their main concern is with the human resources of the nation. In dealing with criminals and criminologists alike it is people that matter! Martin Buber summed up this idea in the following words

'Consider man with man, and you see human life, dynamic, twofold, the giver and the receiver, he who does and he who endures, the attacking force and the defending force, the nature which investigates and the nature which supplies information, the request begged and granted - and always both together - completing one another in mutual contribution, together showing forth man'.

The crime prevention, detection and treatment processes are basically matters of personal relationships. Professor Alper is going to discuss, in this course, the question of prisoner unions. Police officers say that too much consideration is given to offenders and too little attention paid to the victims of crime. Members of the public accuse prison administrators of providing amenities which are thought inappropriate for convicts. A probation order may be regarded as a less unpalatable alternative. During the Sentencing Seminar which the Institute held in Canberra last February for judges and magistrates it was reiterated that the responsibility of the courts must be the protection of the public; justice must not be tampered with through too much consideration for the needs of an offender.

Each of these issues concern people. It must be remembered that officers in police, probation and prison services are individuals with personal emotions. Policemen sometimes feel that within the court system justice is weighted against them and they are subject to indignities which are most unnecessary and hurtful, resulting in lack of enthusiasm for their job because of what they regard as unfair criticism in the courts. Complaints against prison officers have sometimes had their basis in failure to understand how human beings react to unnatural relationships with their fellow men and to situations which provoke personal resentment and hostility. While it is true that individual officers must find their job satisfactions within the overall objectives of the organisation to which they belong, those organisations will fail in reaching their objectives if staff feel frustrated, ignored and under-rated. Perhaps this danger is not so great for those involved in extramural treatment programmes although there could be the danger of treating individuals as cases rather than as persons

with whom meaningful relationships are developed with the definite objective of advancing the social maturity of the client.

Crime control is concerned with persons, not inanimate objects, and this human resource aspect needs to be kept to the fore in the planning of training programmes.

AUSTRALIAN INSTITUTE OF CRIMINOLOGY
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Later in this training project we shall have an opportunity to look at cultural differences and similarities in relation to regional training activities. At this commencement point the Institute is reminded by the presence of colleagues from overseas in this project that crime and delinquency are both multi-national activities. The nature of unacceptable social behaviour may vary from one country to another and methods of crime control and treatment which suit one culture may not suit another. However we are coming to learn that the things which unite us are greater than the things which divide us and this awareness will increase rapidly in the not too distant future. As Solzhenitsyn reminded the Writers Union of the U.S.S.R. in 1969, the very nature of the prevailing threats to our eco-systems and the dangers of destruction of the human race by nuclear fallout cannot be ignored

'If tomorrow the Antarctic ice melted, the whole of humanity would be drowned, and in whose face would you then fling your ideas of the class struggle? To say nothing of what would happen if a few surviving bipeds were left wandering and dying on an earth that had become radio-active. It is time to remember that we belong in the first place to humanity, that men are distinguished from the animal kingdom by thought and speech. And that they must naturally be free. And that, if men are put in chains, we return to the animal state.'

Right from its earliest conception this Institute has been regarded as one which has international responsibilities and it is to be hoped that those who have come to this course from outside Australia will forgive speakers who may tend to be limited in their outlook by national interests from force of habit - it is only habit and from this session on it is to be hoped that each participant will feel himself involved in the issues that are to be considered.

Let me turn now to consider how those issues are to be approached. In drawing-up the programme the Training Branch endeavoured to provide good accommodation, palatable meals and a pleasant conference experience with provision for entertainment. However it is Institute policy to treat training projects such as these as working sessions. Within our training courses we reject the notion that information flows only in one direction; we do not draw distinctions between the teachers and the taught. During this course we shall all be involved in a project which will include a search for new ideas, the diagnosis of problems and the matching of needs with resources. It will be a strenuous but exciting project.

The facilities of this Institute are available to course participants. The J.V. Barry Memorial Library is still small but it is growing and it has useful inter-library loan arrangements. All members of the Institute staff, the Visiting Experts and the Visiting Scholar will be happy to make their time available on an individual or small group basis for discussions.

Arrangements have been made for the library to be open several nights a week for those who wish to pursue their own interests there.

Without wishing to be unkind we endeavour to explain to applicants for training project participation that these are not conventions where people are not expected to attend every session. Those who indicated they could not attend the whole course were invited to nominate substitutes. The reason for this is that training is regarded as part of the Institute's contribution to crime and delinquency control and prevention. Each course focuses on a particular problem and endeavours to find possible solutions to that problem or to make suggestions about it which can be recommended to governments where appropriate and to persons responsible for policies and programmes.

On this course we are fortunate in having three distinguished Visiting Experts from overseas, Dr V.N. Pillai from Sri Lanka, Professor Ben Alper from the United States of America and Dr John Robson from New Zealand. The Institute Visiting Scholar at this time is Professor Tomiyoshi Kawahara from Japan. Each of these distinguished persons will conduct formal plenary sessions in which they will present their own observations on particular aspects of planning and policy for the training of crime control personnel. They will be supported by visiting lecturers from other Australian States and by staff of this Institute. Each plenary session will include time for discussion and clarification. Persons have been nominated well in advance to open discussions and it is expected that such persons will have given thought to the subject area and may even have had an opportunity to discuss their particular presentation with the speakers. As this is essentially a do-it-yourself exercise, most of the sessions will also have conference participants as chairmen.

Five afternoons will be taken up with working groups in syndicates. The grouping arrangements for these sessions will vary; sometimes they will be arranged on the basis of separate professional divisions and at other times the groups will be mixed. Institute staff members and consultants have been appointed to each of these working groups and it is expected that groups will come up with definite written findings which will be submitted to discussion by the course as a whole.

Apart from the course dinner which precedes the closing day the only other evening commitment will be on Wednesday night when members of the Canberra Branch of the Australian Crime Prevention Council and the Civil Rehabilitation Committee will join together to listen to Dr Pillai's paper on 'Human Rights' and to join in a discussion on the subject to be opened by Professor Alper.

Various tours and visits of observation have been organised including an opportunity to see something of the major developmental project which has been completed in the Snowy Mountains region. Attention to the use of modern methods of training and the use of instructional media will be directed during a programme which has been arranged for the whole of next Friday at the Canberra College of Advanced Education.

When it comes to the concluding session on Friday week it is expected that this course will have reached certain conclusions which will make a contribution to the policies and programmes with regard to training of crime control personnel.

THE PRESENT TASK

This then is the task on which we are now engaged. What forms of training are presently being conducted for crime control personnel? What are the strengths, and weaknesses, of the present policies and programmes? In what way can they be improved? How can we make best use of the available resources in terms of trained manpower and modern instructional media? What can crime control personnel learn from other specialists such as the professional educators? Should the different parts of the criminal justice system each have their own training schemes? To what extent can the activity of various experts be used to the best advantage in the criminal justice system as a whole? What common elements are there in the various courses for police officers, prison officials and social workers? What are the respective roles of the university, college of advanced education, institute of criminology and a specialised training institution such as a police college? In what way can regional, national and international training be developed in our fields of common interest? Is distinction between prevention, detection and treatment of crime justified? Have we placed too much emphasis on individual offenders rather than on the immediate family groups known to produce deviants? Can we evaluate training courses?

Finally, let us set about the task of discovering the extent to which the activities of the next two weeks can contribute to a reduction in the incidence of crime and delinquency and a contribution to the well being of men and women and girls and boys in the communities we seek to serve.

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ACCOUNT OF UNITED NATIONS ASIA AND
FAR EAST INSTITUTE INVOLVEMENT

V.N. PILLAI

I have been asked to give an account of the involvement of the United Nations Asia and Far East Institute in Tokyo, with the work of this Institute.

The idea of training in the field of correction or in the broad field of criminal justice is a comparatively recent one. The idea that there should be national or regional institutes which could undertake training in this field was one that was mooted way back in 1954 at an international seminar which was held in Rangoon by the United Nations. This was one year before the adoption of the Standard Minimum Rules for the Treatment of Prisoners, and when the discussions on this topic were initiated at this meeting it was the unanimous desire of 24 countries in the Asian region that the United Nations should set up training institutes in the field of crime prevention and treatment. This resolution was subsequently adopted at the first United Nations world congress on crime prevention and treatment which was held in Geneva in 1955. It was later adopted at the sessions of the Economic and Social Council and then it was passed on to the appropriate division for implementation.

In trying to establish a regional institute for the training of correctional personnel the United Nations made efforts to find host countries, and it is interesting to note that among those who offered to host a United Nations Institute were two of the developed countries in this region, Australia and Japan. You will also be interested to hear that in 1960 in the course of my visit to this country, I did make some effort to persuade the Australian Government to host such a training institute, but the decision took time.

In the meanwhile Japan was keenly working on the project, and this resulted in it being accepted, and the first regional training and research institute of its kind in the field of crime prevention and treatment was established in Tokyo in 1962. Between 1962 and 1974 that Institute has conducted a number of training courses for countries in the region. It had as its purpose, not only training, but research. It was expected to render advisory services to countries in the region when requested to do so, as well as collect and disseminate information in this field of work to those who would need it.

During the same period the Japanese Institute had also the honour and the privilege of having on its teaching staff as its visiting experts some who came from Australia. Among those who came to the Institute was the late Sir John Barry who was then Judge of the Supreme Court of Victoria; his fame had already spread abroad as a distinguished criminologist and the author of a number of well known works on penology and criminology. During the period that he was there, were sown the seeds for the establishment of this Institute at which all of us have the honour to be present today.

The idea was taken up by the Government and there were lengthy consultations about the creation in Australia either of a national or an international institute which would supplement the work which had already commenced in Tokyo. Subsequently the matter was discussed during the 1965 World Congress on the Prevention of Crime and the Treatment of Offenders. The present Chairman of the Board of Management of this Institute himself came to one of

the courses in Tokyo to see for himself the organisation and the relevance of the work of such an institute.

It is therefore, to me personally, a very great and important event that this Institute has come into being; it has as far as I can see, been organised on a sound and effective basis, and it is my hope - in fact I am confident - that the work of this Institute will contribute significantly, both in the field of training and in the field of research to the development of ideas and practices which will help in the prevention of crime and its treatment, not only in this country, but also in the countries of the Asian region. And I am particularly glad that right from its inception the Institute has provided facilities for participants from neighbouring countries to take part in your proceedings.

What has been the effect of this type of international training institute on the countries of the region? We are going to discuss in future sessions the effectiveness of such training, and I shall not at this stage take up your time with this aspect of our work. We have also been told that different cultures and different backgrounds create differing problems in the field of crime and its treatment, and in the solution of these problems, and you may therefore tend to doubt the value and the usefulness of an international institute of this kind. There is also the question of the inter-relationship of the different components of the criminal justice system and the extent to which training in one field or in one of these components could influence the others. We were concerned as to whether the type of training suited to the needs of a particular country was relevant to the needs of other countries. Eventually we did come to appreciate that there was great relevance in the universality of the underlying problems of crime and its treatment, in the methods by which problems are dealt with in differing situations, and in the common denominators of humanity and human relationships.

We began to place great emphasis on the human factor. I think we learnt that any changes that could be effected or created in personal and community attitudes towards problems in this field paid ample dividends.

We have also attempted to follow up the work that had been done at the Institute by those who received training from time to time. I am glad to say that we did perceive in the course of our visits to different countries, something of the sort of contribution made by those who had come to the Institute. There was little doubt that those officials who came together at these training courses to discuss common problems, who were exposed to the views and actions of other persons and systems were able to benefit from their experiences. They were in a position to adapt to their own situations in a more practical way. In fact within a few years the impact of the Institute on Japan itself began to be felt to a considerable extent. They have now, within the field of the administration of criminal justice, something like three hundred senior officials who have been through this training, and who have taken back to their work some of the attitudinal changes, much information and some broadening of outlook from their exposure at the Institute.

There is therefore no doubt in my mind that training institutes of this nature have an enormous contribution to make to the improvement of our crime prevention and treatment services. After all is said and done, we know that the problems relating to crime have not been solved anywhere in this world, though much work has been done in the various disciplines involved. All of us are continually going through learning processes, and the more we delve into this field of work, the more we find we have to learn. The last decade has seen vast social changes in every part of the world, and these changes require that our approach to the problems created by them has also to change and adapt. In fact, social

changes have been so rapid that one can hardly keep pace with efforts to come to terms with them.

We are now living in a world of trans-national and international crime unheard of ten or fifteen years ago. Crimes such as kidnapping, hijacking, holding persons to ransom have become common. With the rapid improvement of communications and mass media influence, crimes which take place in one country are repeated at the other end of the world within a short time. Institutes of this nature have to be concerned with such trends in human behaviour. We are already faced with a world population explosion leading to increasing prison populations. People are now asking whether prisons are out-moded and out-dated, whether there are any other methods of dealing with offenders. We are deeply concerned with alternative methods of community treatment, but wonder whether the community is ready for it.

These are aspects of our work which need close study. However, it would appear that one of the most important factors in our training is the attitude of the worker himself. If all those concerned in this work are prepared to make this an adventure in learning, if they are prepared to understand and appreciate the views of others, to relate practical measures to theoretical concepts, then I think we shall find this experience a fruitful one. It has been said that the youth protest movement of a few years ago during the last half decade had much to do with what has been called the generation gap and the attitude of parents and elders and the establishment as distinct from the newer attitudes of the younger people. Perhaps we have to question ourselves whether all the rights were on one side and all the wrongs on the other side. I wonder whether we of the older generation have been prepared for change as much as those who are in the younger group.

This is the sort of thinking that I would like to leave with you as we start our work during the next fortnight - let us learn from each other, let us understand each other's viewpoints, let us be prepared for practical compromises, let us not lose touch with the world of ideas both from our academics and from our practitioners. But let us consider these ideas, and try to plant them firmly on the ground and test them so that they will be of practical use in our field of work and in the particular areas in which we are working. And if we approach our work in this spirit, I have no doubt that we shall find the next two weeks extremely useful and productive in the path that lies ahead.

POLICE TRAINING FOR TOMORROW

R.A. WILSON

This paper has attempted to look at 'Police Training' from the point of view of the responsibility of a Commissioner or senior police administrator, because the onus is on the chief of a police force to develop the force's public image in terms of community respect, confidence in its integrity, and in its efficiency as a public service. This can only be achieved by a continual programme of training at all levels. Such training must encompass the recruit, the seasoned men in the field, and also the development of potential in personnel for future managerial positions.

The whole content of such training courses must be structured to meet changing standards and attitudes in the community; to be aware of different interpretations in the law, because these vary with changing public standards of morality; to be conscious of the fact that community attitudes change more quickly and reflect themselves in social and judicial reactions more rapidly than legislators publicly recognise.

Everyone knows that the police are the instrument for enforcing the laws, protecting persons and property, preventing crime and apprehending criminals. Basically their task is the preservation of 'Law and Order'. In a general way it can be said that the purpose of a police force does not change but its members work in a changing society encountering a wide range of experiences as there is nothing constant about the behaviour of individual criminals, or the state of public order. Criminologists are intrigued by the trends in society that predispose men to crime, that give rise to delinquency and unpredictable deviations in behaviour. We do know that particular crimes and misdemeanours are closely related to age groups.

The Royal Commission on the Police 1962 in England affirmed that 'the powers of the Constable like the office itself, are of very ancient origin'. Also, that despite the imposition of many extraneous duties arising from police involvement with a changing society, that a constable possesses few powers not already enjoyed by the ordinary citizen. The police authority, in the view of the Royal Commission, must 'rely on the basis of the consent and active cooperation of the law-abiding section of the public' in order to function effectively.

So, apart from specific statutory powers vested in the police, the level of their efficiency as a law enforcement body depends greatly on the degree of respect and confidence given them by the community in which they live and work. It follows that today's police administrator must recognise that the training of all personnel under his command must be directed to prepare them to meet demands made by a restless society. Within that society are pressure groups, sometimes small but frequently vocal and dedicated and constantly questioning the rights of others, of the government, or of some establishment or institution.

It is into this welter of mixed and frequently confused community of different philosophies and attitudes that the young constable moves when he leaves the police academy. However, if his training has prepared him to meet the challenge of society today and tomorrow he will be quite aware that the apprehension of those persons who commit murder, armed robbery, rape and

other crimes of violence is only a minor part of his chosen career, and that more than 70 per cent of his official time will be absorbed in advising or assisting in many ways members of the public.

The keynote of 'Police Training' at all times is that 'Police work is People'. The business of training personnel does not basically differ from that of private enterprise. The fundamentals of good administration and of the essential rules involved in human relations must be recognised at all times.

Police administrators are well aware that the public are better informed on social and community affairs today, and are more conscious of their rights than in the past, but better education, as it were, has not brought a greater realisation of the duties and responsibilities which should be assumed by every citizen. Some individuals do not recognise the fact that man cannot live in our complex society without a system of laws, and there must be some regulation of conduct in the interests of the community as a whole.

Law enforcement represents the first line of defence of our social order - and it is inevitable that it must represent a challenge to those who are opposed to established authority. So, it is the police with whom such persons are in conflict, and it is for a variety of reasons quite divorced from normal crime and traffic law enforcements. To some people their catch-cry, 'freedom for the individual', means freedom from restraint of any kind and they tend to go from liberty to license.

Probably in no other calling is the conduct of an individual so critically examined at all times by the press, public and government as is the police officer's. Rightly so, because he is a public servant. However, there are few callings in which a person is called to intervene in which the situations are so full of grief, tragedy, hatred and jealousy. In some of these interpersonal encounters the police officer is welcomed and his assistance eagerly sought, whilst in others he is regarded as an intruder.

It is in these emotionally laden situations that the police officer frequently has to make a decision - a decision that could affect the life, liberty, family or career of the individual concerned. The success or otherwise of the action taken by him is determined by the decision made at the time, and this in turn is decided by his training, experience, judgement and commonsense. The term 'discretion exercised at the time' has provided subject matter for academic exercises on occasions, but quite apart from that the deeper legal implications can become a contentious issue in a superior court. How different the law looks from a judge's chamber than it does in the street outside.

Police training must be a continual process. A senior police administrator must readily accept new ideas and practices, and it is important that there is no developing hardening of attitudes by his senior officers like the muscles in a tired athlete. No Commissioner of Police can expect his Force to do today's job at the level of efficiency expected by his government and the public with yesterday's ideas; nor expect it to function as an enlightened force in tomorrow's community. It has been said by management experts that the professional knowledge you gain in today's course will be obsolete in less than ten years time. I venture to say that many of the views held today on sociological problems will be of doubtful value in less than five years.

This means that every police administrator must ensure that his day-to-day

paper work does not absorb him to the extent that he loses touch with what is happening in the police social environment. There must be an appreciation of crime trends, social problems, and undercurrents in the community, and of the media which are indicative of trends that require police interest, either in some supportive or preventive role.

No member can hope to be an effective member of a police service unless he is prepared to continue his education during the whole of his professional career. Police business means 'people' and without being an expert in any of the many sciences that are relevant to law enforcement, he must be aware in general terms of the role and responsibility of the police of today and tomorrow.

In the modern police force, it is not uncommon for some tasks to outgrow the man. Duties and responsibilities have to be re-defined. Special 'in-service courses' may have to be conducted. A most important function of a Commissioner is the appointment of members to intermediate and senior supervisory positions in the establishment. These are the men whose decisions will direct the force tomorrow. In making such appointments, it must be asked if the appointee has accomplished the following

- (a) devoted time and study to self-development,
- (b) shown the potential to be able to plan future developments within the force,
- (c) displayed an awareness of changing conditions in a modern society,
- (d) effectively managed time,
- (e) recognises priorities (there is a difference between 'important' and 'urgent'),
- (f) shown the motivation and dedication to his job that will influence his subordinates.

Someone defined 'training' as the process of aiding employees to gain effectiveness in their present or future work through development of appropriate habits of thought and action, skill, knowledge and attitudes. Briefly, its purpose is to ensure that a person can do a more effective job. But it goes further than this in the preparation of a police officer to enable him to efficiently and responsibly carry out his duties with due regard to the powers vested in his office and according to law. These powers must be exercised with tact, commonsense and courtesy.

Police training programmes must recognise the following

- (a) that training represents change - a change in attitude and skill, or both - and some people resist change,
- (b) it may include personal education,
- (c) it must develop job knowledge,
- (d) it must show that training and professionalism are closely related,

- (e) that it is a continuous process,
- (f) that it must develop teamwork and loyalty to the organisation's lawful objectives,
- (g) it must stimulate a desire for self-development and progress in the service, that is motivation,
- (h) that the projection of a good police image is an individual responsibility,
- (i) that the standards and philosophy behind the training express the policy of the administration of the force.

TRAINING THE NEW RECRUIT

This course of twenty-eight weeks includes twenty weeks class-room instruction, four weeks attachment to an operational general duties division, and a final four weeks refresher instruction in the class-room. It covers the following

History of police organisations.

Application and interpretation of laws, acts and ordinances in the Australian Capital Territory.

Understanding of orders and instructions and disciplinary regulatory practices.

Public relations, community involvement and relevant organisations.

Functions of the judicial system, including industrial arbitration.

Basic powers of arrest, search and seizure of property.

Preparation of reports, briefs of evidence and presentation of evidence.

Practical exercises and study groups relevant to daily police problems.

Lectures from specialist police on narcotics, accident investigation, crime scenes, fingerprints, identification of explosives and breathalyser.

Training in use of firearms, legal responsibility regarding use of firearms.

Physical training.

Juvenile offenders - the respective law, court procedures and policy regarding treatment.

Guest lecturers on mental health, social welfare and emergency medical techniques.

Joint legal workshop exercises in conjunction with law students of the Australian National University in court room procedures.

IN-SERVICE COURSES

These vary from two weeks to four weeks, and provide training in

- (a) Investigators' courses.
- (b) Accident investigation.
- (c) Preparation for promotional examinations.
- (d) Sergeants supervisory and management principles.
- (e) Identification of explosives.

Guest lecturers on criminology, criminal law, and mental health attend the courses.

Officers Courses (held Australian Police College, Manly, New South Wales)

These are to prepare newly promoted Inspectors for their new executive positions. This is a twelve week course covering projects, lectures and discussion groups on administration, personnel management, emergency operations, introduction to liberal studies, the law and criminal processes, criminology, sociology, statistics, government and penology. The lectures are given by experts in the different disciplines.

Senior Police Executive Course

This course is to be held every three years at the Australian Police College and the students, who are selected from the various police forces of Australia, are considered as having the potential to be promoted to the most senior positions in a force. There have already been held two such courses.

- (i) Relations with the Community.
Industrial Relations.
Relations between the Commissioner and his Subordinates.
Relations between Government, Minister and Commissioner.
- (ii) Police Operational Practice and Procedure.
Administration of a Police Department.
Budget Control.
The Scope and Role of a Planning and Research Branch.
The Application of Computers to Law Enforcement.
- (iii) Delegation of Authority.
Leadership - Motivation - Morale.
Management by Objectives.
Staff Appraisal Systems.
- (iv) Sociology and Law Enforcement.
The Judiciary and Law Enforcement.
The Corrective Systems.
Civil Liberties.

Although modern police training methods give due emphasis to management principles, the fundamentals of personnel supervision, and the importance of police awareness in community involvement, there is the other side of police work which presents a challenge to every law enforcement agency, and it is one that must be met at the time, and unhesitatingly. That is the confrontation with the violent mentally deranged person; the armed and homicidal criminal; the criminal at bay in a house and possibly threatening the lives of hostages.

This is another aspect of police administration and means the establishment of a special task force, properly trained and equipped with protective garments, weapons, vehicles and communications. In today's climate of violence with the ready use of explosives and automatic weapons by criminals and terrorists, and with abduction and extortion under threats of death to hostages, this means that police training must include specialist instruction for selected personnel in order to meet on equal terms armed and sometimes fanatical criminals.

This type of training is a necessary one and it is in the community's interests that an adequately equipped police unit be established, but it is an aspect of a police force's role that some people prefer to ignore, or pretend, does not exist until an emergency arises and then they expect it as a matter of necessity. We should not be deceived by views to the contrary, but senior police management recognise a trend towards a class of crime, possibly with political overtones, in which abduction, extortion, and the use of sophisticated weaponry and bombs will become a more regular form of criminal activity.

What is the role of higher education or tertiary studies in the profession of law enforcement? Overseas, to a greater extent, there has been encouragement for rank and file police officers to acquire degrees in Police Science, or Criminalistics. This has been encouraged particularly in the United States. Some forces have recognised the degree by the payment of an additional annual allowance. It is also recognised that to achieve any senior executive position an applicant to be successful should hold such a degree.

Members of the Board of the Australian Police College are much aware of the content of such courses overseas and have endeavoured to include them in the syllabi of Officers Courses. The question whether graduates in Law, Commerce or the Social Sciences should be recruited directly into a police force and credited with such higher learning to the disadvantage of other recruits in terms of salary or seniority is one that poses a problem to the police administration. The generally accepted practice is to encourage serving members who possess the basic educational requirements to matriculate to attend a university in the faculties of Law, Economics or Business Management. Such students have their fees remitted by the force, and are granted certain time to attend lectures.

It will not be conceded by experienced police administrators that the possession of a degree in any particular discipline would necessarily make for the qualities desired of a sound, commonsense police officer in the field. There are so many situations in the daily life of a police officer operating in the street in times of national disaster, in community involvement, and in the court room that call for a training oriented towards police duties. However, it goes without saying that the recruit must possess the basic educational standard of a high school or Public Service equivalent in order that he has the fundamentals to communicate at all levels with the public,

within his own organisation, and with those professions with whom he comes in contact. His training in the early part of his career is more as a generalist because of the variable needs of the service. This does not of course refer to those police or civilians employed in the forensic science fields, ballistics, fingerprints, or the identification of explosives.

What are the responsibilities of police management today in planning the organisational and personnel needs for tomorrow? We know that methods and techniques once acceptable will not meet the challenges of tomorrow's complexities in terms of business management, nor of crime. Police 'know-how' must extend into the field of sophisticated electronics in the communications and security areas; the latest photographic techniques must be utilised; management must keep abreast of computer systems, and of methods of transmitting information to and from mobile units. Really, there is no difference in the practices used by successful management in private enterprise than in police business, except in the latter its members are more deeply involved in every conceivable emotional situation that can beset Man.

Unfortunately, police higher education and police professionalism have lagged behind other professional training. Future police education should also consist of a broad liberal education in conjunction with highly professional courses built about the service's requirements. The police officer of tomorrow must have a broader intellectual background - he must have some ground-work in psychology, government administration, criminology, and human relations, and acquire this knowledge at entry point into the service. Police education in Australia is only in its infancy when compared with overseas countries, but it has been accepted and is developing in its initial stages in most of the states of Australia. Every progressive police administrator looks forward in the near future to Police Science Courses at diploma or graduate levels being available at all universities or technical institutions, and the acceptance of such tertiary education as an academic discipline. When this happens then the police service can well be regarded as a profession.

THE SIGNIFICANCE OF DIVERSION FROM THE TRADITIONAL CRIMINAL JUSTICE PROCESS

BENEDICT S. ALPER

The seriousness of this whole problem is probably best illustrated in a speech given by the Secretary-General of the United Nations in September 1972. I wish that document could be circulated to you because for the first time the Secretary-General of the United Nations came before the General Assembly on the problem of crime. With special reference to the developing countries, he pointed out that a recent United Nations survey had revealed that from 3 to 26 per cent of the national income of many of the United Nations member countries was being drained off by the problem of crime. Consider that any developing nation which can increase its production by as much as 6 per cent a year is doing very well indeed and most of them do much less than that. If a minimum of 3 per cent of national productivity is drained away by crime, that means that much of what should be the surplus value for investment in the economy and in social development goes for naught. Therefore, anything that can be done to divert persons from the criminal justice process, which is an increasingly expensive process, reduces the loss to the economy and at the same time saves the individuals concerned from criminal careers.

We talk about the criminal justice process as though it were a continuum even though it is made up of disparate sections which for purposes of discussion we divide into police, courts and institutions. And we think of this as an on-going continuum, starting with apprehension, through trial to conviction and imprisonment, because that is the path which the defendant takes. I would ask you to consider for a moment, reversing that continuum, and looking at the three component parts of it, and the retroactive effect of each of these steps upon the preceding steps. By that I mean that the police, the courts and the institutions affect one another, not only in the forward movement of the continuum, but retroactively as well.

I would illustrate that somewhat as follows: the manner in which the police treat apprehended offenders, or persons who are suspected of criminal activity affects the crime rate. In other words, not only does the crime rate affect the police, but police activity actually affects the crime rate. If there is a drive against drugs or prostitution or gambling or speeding or whatever, on the part of the police, for policy reasons, that has an effect on the crime rate in those different offences.

Do the courts have an effect on police activities? Indeed they do, because depending upon the attitude of the court towards particular offences, the police are either motivated, or discouraged from concentrating on certain forms of criminal activity and thus, sentences which the courts hand down have an effect on the police as well. If the police pick up a person charged with drunkenness in public, and he is brought into court and is dismissed through a 'revolving door' process the police will be discouraged from picking up such persons.

In my own State of Massachusetts may I say, that we abolished the crime of public drunkenness on 1 July 1973 with some very interesting results on reducing police, court and gaol time spent in dealing with this problem.

Similarly the institutions have an effect on the courts because there are some jurisdictions (probably not represented in this room) where the capacity

of the institution affects the sentencing policies of the courts. I know courts, especially at the juvenile level, where if a training school is over populated and there is no room for children in the institution, probation is more largely resorted to than it would be otherwise. Japan is the only country to my knowledge, among the large industrialised nations, that has consistently over the past decade shown a decrease in crime. The penal institutions in that country, as a result operate at about 80 per cent of capacity so that a judge in a court of Japan has available to him a wide variety of penal stations to which he can commit an offender because there are vacancies in their institutions.

I come now to my main point that today, in many parts of the world efforts are being bent in the direction of keeping people out of the criminal justice process at every level: out of the hands of official police intervention, out of the criminal courts and the juvenile courts, and out of institutions. Here I raise the question, not only rhetorically: what does it say about a system (the criminal justice system in this instance) that the most forward looking thinkers are emphasising the value of diverting people from it? There is no other social institution where there is a parallel drive or tendency to keep people out of it. What would we say of our hospital systems for example if the doctors were to say 'for heaven's sake keep people out of hospitals; keep them out of the clinics'?

The fact of the matter is that increasingly we have come to realise that the criminal justice process is by and large a failure, and no matter at what level you look at it. Now what I have to say is not directed at anyone in this room nor at any institutions which any of you represent, I am referring to a universal phenomenon at least in those countries and those jurisdictions that I know of.

We are all aware that the persons who come into the hands of the police represent a very small percentage of all those who commit offences. In my own country all the studies that have been made - whether of young people or adults - clearly establish that upwards of three-quarters of the population have at least once in their lives committed an offence which, had it been committed in the presence of a police officer, would have resulted in apprehension. In Japan hidden criminality, so called 'dark crime', is in the neighbourhood of 50 per cent and it was that very finding, established as a result of research in Japan about ten years ago that led to a re-organisation of the police in that country. In France, the figure from a recent study is somewhere in the same vicinity.

Obviously, we are failing somewhere in having offences reported to the police, of having the police take cognisance of offences that are committed that go undetected. This takes on particular importance with regard to juveniles, because we all know that as the percentage of hidden criminality among adults is as high as it is, among young people it must of necessity be very much higher. And there is a large amount of what is called delinquency today, which in an earlier and less complex time was called mischief. The recent showing of the film, 'The Adventures of Huckleberry Finn' raises a very interesting question: what would have happened to Huckleberry Finn and Tom Sawyer if there had been a juvenile court in Hannibal, Missouri in 1840? Tom Sawyer would probably have been placed on probation, in the custody of his aunt, and Huckleberry Finn would probably have been sent up to the training school; Jim, being black, would of course have been sentenced to the state penitentiary. Today we read that book and recommend it to our children because it is a charming story of boyhood, of mischief, of young people growing up. Young people have always had difficulty growing up,

perhaps more so today than in Huckleberry Finn's time, because life is that much more complex and the goals of our society are being questioned to a degree unknown in times gone by.

So if we can keep young people out of the court and out of the official hands of the police and if we can keep them out of institutions we will have gone very far, in my view, in diminishing the whole problem of crime. Especially if we concentrate on diversionary efforts at the juvenile level because we all know that delinquency is an early established attitude or pursuit, and that if young people can be kept out of the criminal justice system until their middle or late teens, the possibility of their going on to adult criminal careers is greatly reduced. It is the youngsters who go into the system when they are twelve or thirteen years old who are treated officially by the traditional forms of treatment, who are labelled and stigmatised by courts, by police and by institutions who have the longest subsequent history of adult criminal behaviour. Therefore anything that can be done to keep them off the official lists is bound ultimately to rebound to the advantage of our crime preventive programmes.

May I say at this point that if the police, the courts and the institutions create crime, our legislatures are probably more responsible for the creation of crime than any of those three official criminal justice agencies. Every time the legislature passes a law with a penal sanction it is creating crime, it is making an activity illegal which hitherto had not been forbidden. Look into your own legislatures and see how many new crimes you have created last year. A young law student was interested in following this question through, and set out to find out how many new crimes had been created in our state legislatures in a single year. He selected four representative states, and came up from just those four, in a single year, with 4,500 new crimes, new offences, carrying penal sanctions which had not existed in the year before. If our legislators could be persuaded, on a swap basis, to at least repeal an old law for every new one they passed, then maybe the responsibility of the legislators for creating crime would be somewhat reduced.

Increasingly throughout the world we are looking at the calendar of crime and striking from it many of the offences which are, you might say, time-honoured. Public drunkenness is no longer a crime in my own state. Vagrancy - being abroad without visible means of support - one of the oldest crimes which goes back to pre-Elizabethan times, has been stricken from the books in New York. Prostitution, homosexual activities between consenting adults, gambling, possession of drugs - all these are coming to be questionable as to their suitability for criminal law intervention. The same is true for the juvenile offences of stubbornness, waywardness, run-away, truancy. Another crime to be stricken from our law books is one called lewd and lascivious cohabitation, which in New Zealand is called 'de facto' marriage. So that we are reducing the load on the police, for many of these offences, which came in through religious channels, which are waning as the influence of religion itself is waning.

To give you a notion of the significance of all this: in Massachusetts when we removed public drunkenness as a crime we reduced our arrest rate by something like 40 per cent; we emptied our gaols by something like 50 per cent, and we reduced our court calendars by over 40 percent. Today when the police pick up a drunk, they take him to a detoxification centre, to sleep the night. If they want, there are people there to give them medical and vocational and social welfare assistance.

LAW TRAINING FOR CORRECTIONAL PERSONNEL?

MARY W. DAUNTON-FEAR

Dostoyevsky has said '[w]ith ready-made opinions one cannot judge of crime. Its philosophy is a little more complicated than people think'.¹ Few would disagree with this foresighted statement but if we accept its truth, immediately a question is raised. What is the most appropriate educational equipment for those whose job it is to deal with the criminal population? In 1973, the Mitchell Committee in South Australia expressed the view that '[a] good correctional system at the present day requires the highest attainable degree of professional skill in its personnel'.² What is the 'highest attainable degree of professional skill'?

Let me emphasise at the start that I find it impossible to confine my remarks to the desirability of correctional officers receiving 'law training'. To both terms 'correctional officer' and 'law training', broad definitions can be given. Correctional officers comprise a wide ranging number of persons of varying ability. For present purposes I have interpreted the term 'correctional officers' as being wide enough to cover all police, all prison and all probation and parole officers. 'Law training' is a sufficiently ambiguous phrase to extend at one extreme to rote learning of the wording of Acts and Regulations and at the opposite extreme, to a consideration of the apparent rationale behind legal provisions and the need and the means of improvement. Anyone who has had even a nodding acquaintance with the criminal law will realise that the student does not proceed far before he is confronted by a mass of technical detail and fine distinctions. To take but a simple example, what is the precise difference between a false pretence and a false promise? Why should a false pretence have been traditionally regarded as more heinous than a false promise? What is the distinction between a vigorous sales campaign to present one's goods in the most favourable light and a false pretence which is perpetrated generally on members of the unsuspecting public? Presenting one's own goods may involve drawing express or implied unfavourable or unjustified comparisons with the products of business rivals. Obviously fine distinctions cannot be explored by everyone whose job involves law enforcement, administration and rehabilitation. Another difficulty with the term 'law training' is that law can hardly be considered in isolation from neighbouring disciplines. Certainly there are aspects of it, such as the technicalities I have referred to, which could be described as 'hard-core'. But law is essentially the creation of human society and as such it reflects certain human values. It certainly has its fair share of human weaknesses! Owing to the close relationship of law to its neighbouring disciplines, I have elected not to confine my remarks exclusively to 'hard-core' law. The more general question then arises, how much information of a legal type needs to be known for the adequate fulfilment of particular correctional duties?

In considering this question, I propose to divide my remarks into three main groups:

- (i) the educational needs of correctional officers of high executive, supervisory or specialised functions
- (ii) the educational needs of senior correctional officers
- (iii) the educational needs of police cadets and adult trainees, and base-grade prison officers.

COURSES FOR CORRECTIONAL PERSONNEL

(i) OFFICERS OF HIGH EXECUTIVE, SUPERVISORY OR SPECIALISED FUNCTIONS

Although it is difficult to generalise when speaking of the very wide range of tasks undertaken by police, prison and probation and parole officers, I can assert with a strong degree of confidence that each correctional service needs university graduates.³ Just as it is obvious that police departments require forensic scientists, I am convinced that each of the correctional services would find it an advantage to have some law graduates who can provide ready advice on legal technicalities. I believe, for instance, that it would be valuable from the point of view of prison administration for officers and prisoners to have a resident lawyer within the main prisons to advise on legal problems of frequent occurrence in that environment. The number of inmates who have acute matrimonial problems is well-known and I believe that a lawyer who is located at the prison could resolve a great many worries and hence reduce a certain amount of emotional tension which can be an aggravating factor to the maintenance of discipline.

I believe also that probation and parole officers should, and already do, include among their ranks graduates in arts, particularly those who have majored in psychology and sociology. Clearly prison services need psychiatrists, psychologists and social workers, and in some Australian States, there seems to be a growing recognition of the role which such specialists can fulfil within the prison environment.

The advantages of having some graduates within the correctional services are self-evident: they should combine specialised knowledge with breadth of perspective. They should be able to talk on equal terms with those who question frequently the administration of their departments. Ideally they should be instrumental in curbing the unnecessary polarisation of views between those who believe in traditional methods of law enforcement and community protection and those who are acutely sensitive to the need to preserve individual freedom.

(ii) SENIOR CORRECTIONAL OFFICERS

Obviously relatively few people hold the top-ranking and specialised posts within the correctional services and the question arises as to the desirable minimum requirements for appointment to less elevated but nonetheless senior positions.

In its *First Report*, the Mitchell Committee was concerned primarily with training courses for prison, probation and parole officers. The Committee formed the view that for senior prison personnel and for all permanent probation and parole officers, it is desirable that there should be established a three year full-time course (or the equivalent in part-time study) probably run by a College of Advanced Education, and to lead to such a qualification as a Diploma in Correctional Science. The Mitchell Committee did not refer in its *First Report* to the training of police and indeed there is already in existence in Queensland a three year Certificate Course in Police Arts and Sciences.⁴ I understand that this course includes as a substantial part of its third year syllabus the subject of Criminal Law which is taught by an experienced police officer. The course is primarily for policemen and in fact most of the students who are currently enrolled for the course are members of the police force and include Sergeants and officers up to the rank of Inspector. As from 1975, the Commissioner for Police in Queensland has announced that to have obtained a Certificate in Police Arts and Sciences will

be a promotional advantage. Apparently there are also a few prison officers who are enrolled for the course but it seems doubtful that the Certificate will be accepted as an advantage for promotion. The Queensland course has only been in operation for three years and it is too early to assess its merit. However, in principle, the existence of such courses, particularly if they lead to diplomas rather than certificates, seems highly desirable and perhaps there would be added benefit if the students were to include non-graduate probation and parole officers and aspirants for promotion to senior positions in the prison service.

As far as the content of such courses is concerned, I believe that all enrolled students should be given some legal training in the fundamental principles of Criminal Law, Evidence and Procedure. I feel that they should be instructed, for instance, in the basic approach of the Criminal Law that before a defendant can be convicted the prosecution must show beyond all reasonable doubt that he substantially caused the external circumstances of the particular offence with which he was charged and that the external circumstances were accompanied, where appropriate, by proof that the relevant mental state of the defendant was sufficient for the crime. Obviously the students will need to know the external circumstances and minimum mental states which constitute the more common crimes and the sorts of defences which can be raised and their scope of operation. From experience, I know it is a demanding task to teach a course in Criminal Law which avoids the opposite evils of bewildering students with a mass of technical detail on the one hand and making crass over-generalisations on the other. Inevitably a grasp of some technical detail is required if the course is to be of value but I have found, teaching law students, that it is necessary to relieve the microscopic view by constant references to the macroscopic. This is generally undertaken by an examination of the rationale behind legal trends. For instance, students can see quite readily how some areas of Criminal Law are expanding while others are contracting and that these trends are related to technical change and to shifts in value-systems of many members of the community. In the 1970s we may expect to see an increasing series of measures which are designed to control the way that the business world operates and a relaxation of the Criminal Law in areas where there are sometimes said to be no victims but only consenting parties.

While students need to have a general grasp of fundamental principles of the Criminal Law and a sense of direction as to likely areas of expansion and contraction, I believe it is at least of equal importance that they should learn something of the nature of the legal process. The point at which Criminal Law shades off into and becomes Criminology is doubtful, but I propose to deal briefly with material which falls between these subjects. In a sense, this material is of even greater importance than the Criminal Law itself because it gives some idea to the student of the fallibility of the system and the built-in possibilities for discrimination against the underprivileged. To begin with, I think all students need to know something of the 'dark figure' of crime, the extraordinary percentage of unrecorded crime and factors which are likely to affect this phenomenon. A useful and readable book on this topic is Nigel Walker's *Crimes, Courts and Figures*.⁵ Although research into the dark figure has probably yielded conservative results in the sense that the actual volume of crime is in many respects higher than research indicates, self-report and victim-report studies have produced some interesting findings. I have noticed that it usually comes as something of a shock to law students to realise the variety of reasons why victims may fail to notify the police that an offence has been committed. The table below shows an example of findings from a survey of victims of crime in the United States, including those who did not notify the police.⁶

VICTIMS' MOST IMPORTANT REASON FOR NOT NOTIFYING THE POLICE* (in percentages)

| | | Reasons for not notifying the police | | | | |
|---|--|---|--|---------------------------------|---|---------------------|
| | Cases in which police not notified | Felt it was private matter or did not want to harm offender | Police could not be effect- ive or would not want to be bothered | Did not want to take time | Too confused or did not know how to report | Fear of reprisal |
| Robbery | 35 | 27 | 45 | 9 | 18 | 0 |
| Aggravated assault | 35 | 50 | 25 | 4 | 8 | 13 |
| Simple assault | 54 | 50 | 35 | 4 | 4 | 7 |
| Burglary | 42 | 30 | 63 | 4 | 2 | 2 |
| Larceny (\$50 and over) | 40 | 23 | 62 | 7 | 7 | 0 |
| Larceny (under \$50) | 63 | 31 | 58 | 7 | 3 | ** |
| Auto theft | 11 | 20 *** | 60 *** | 0 *** | 0 *** | 20 *** |
| Malicious mischief | 62 | 23 | 68 | 5 | 2 | 2 |
| Consumer fraud | 90 | 50 | 40 | 0 | 10 | 0 |
| Other fraud (bad checks), swindling, etc.) | 74 | 41 | 35 | 16 | 8 | 0 |
| Sex offences (other than forcible rape) | 49 | 40 | 50 | 0 | 5 | 5 |
| Family crimes (desertion, non-support, etc.) | 50 | 65 | 17 | 10 | 0 | 7 |

SOURCE: NORC survey [Survey by the National Opinion Research Centre of Chicago University].

* Wilful homicide, forcible rape and a few other crimes had too few cases to be statistically useful, and they are therefore excluded.

** Less than 0.5 per cent.

*** There were only five instances in which auto theft was not reported.

You will see from the table the relative numbers of victims of a wide range of criminal offences who did not report the offences for such reasons as they felt the offence was a private matter between themselves and the offender, they believed the police would be ineffective, they did not want to take time off to report the offence, they were too confused to know how to report the offence and there was fear of reprisal.

No doubt the dark figure varies from country to country, from State to State and from time to time, but even taking those factors into consideration, the findings from a number of surveys have yielded remarkable results. There is a useful chapter in Hood and Sparks' *Key Issues in Criminology* on this subject.⁷

Assuming criminal offences are observed by or reported to the police, there are many demonstrations in the Criminal Justice system of the truth of the old proverb 'there's many a slip twixt cup and lip'. Although the American system does not correspond in every particular with the Australian, I have always found it well worthwhile when teaching law students to reproduce the table below which is drawn from the Report of President's Commission on Law Enforcement and the Administration of Justice.⁸ This table demonstrates, *inter alia*, the many levels at which proceedings against an alleged offender may be dropped so that the people who go right through the system, from commission of the offence to being sentenced by a court, are relatively few in number.

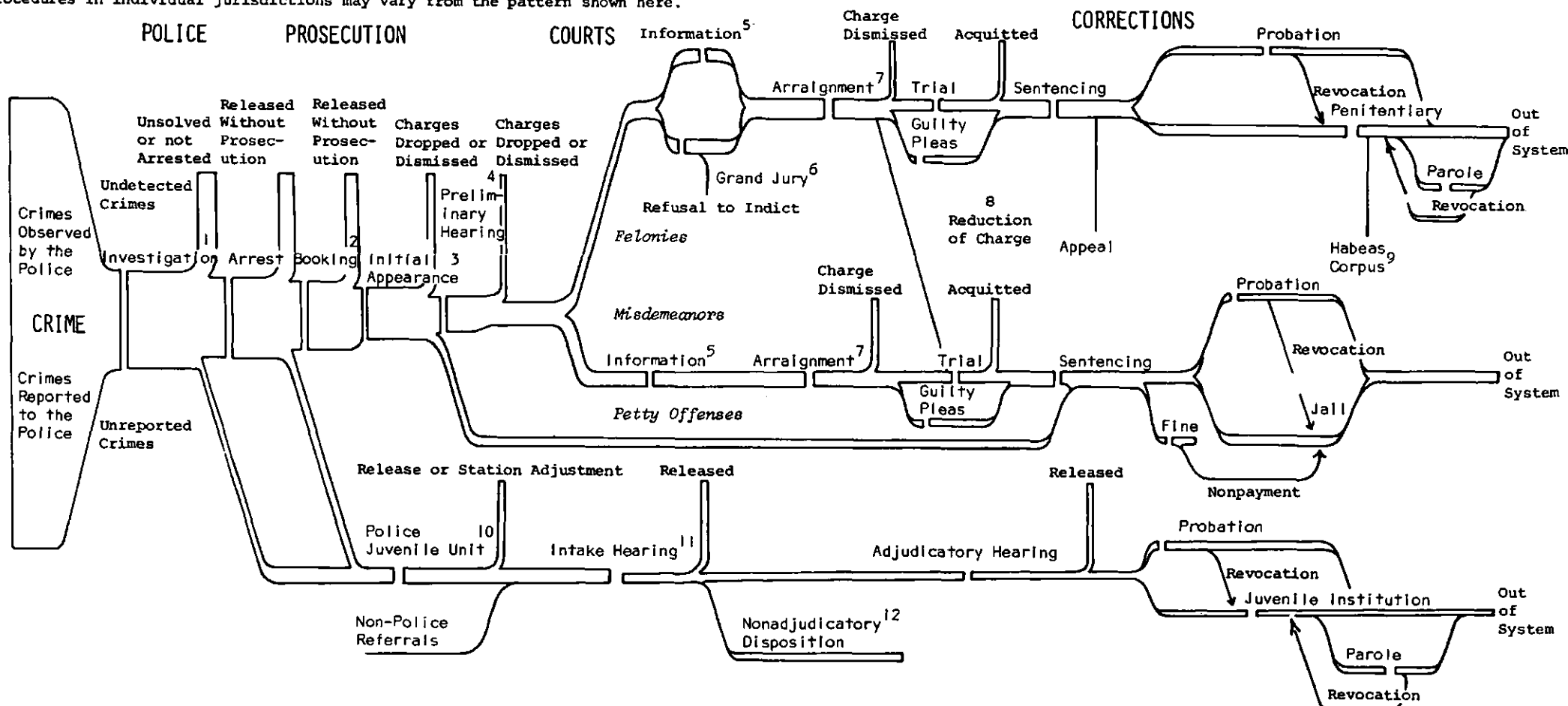
Once the student has observed the multiplicity of the loopholes through which it is possible to slip in the Criminal Justice system, he becomes quite naturally interested in the residue in the net when the others have slipped out. It is at this stage I think it is important that he reads a work which is as provocative as Dennis Chapman's *Sociology and the Stereotype of the Criminal*⁹ or Michael Philipson's *Sociological Aspects of Crime and Delinquency*.¹⁰ He will not agree with all that he reads and indeed it would be unhealthy if he did. Nevertheless, in the course of his reading, he will learn something of the relative visibility of certain groups of people within the structure of our society and the way in which people who are visible tend to come more readily to the notice of the full range of correctional and social welfare agencies. In some respects, a high level of visibility can actually be an advantage: medical and social needs are more apparent and remedial steps can be taken promptly. By contrast, low visibility combined with personal pride on the part of the individual can conceal from others illness and poverty until suffering is acute. High visibility, however, does not always militate in favour of the individual. For instance, drunkenness is by no means confined to one segment of society yet the destitute drunk is much more likely to come to police attention than the inebriated but sophisticated socialite.

(iii) POLICE CADETS AND ADULT AND BASE-GRADE PRISON OFFICERS

In considering the type of training which base-grade prison officers should receive, I know of no better article than one by J.E. Thomas.¹¹ Although the author is not confining his attention to the base-grade officers many of his remarks have application to them. In particular, Thomas points to the two elements of the prison officers' role, first the statutory, mandatory element of custody and secondly the discretionary element which requires that prison officers, whatever their role, act with humanity towards prisoners. Thomas emphasises that the prison officer has no occasion to be ashamed of his role of being a custodian: he is no more responsible for the fact that prisons exist than the community is as a whole. As far as the discretionary

A GENERAL VIEW OF THE CRIMINAL JUSTICE SYSTEM

This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here.



SOURCE: Challenge of Crime in a Free Society, Presidents Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, pp.8-9.

1 May continue until trial.

2 Administrative record of arrest. First step at which temporary release on bail may be available.

3 Before magistrate, commissioner, or justice of peace. Formal notice of charge, advice of rights. Bail set. Summary trials for petty offences usually conducted here without further processing.

4 Preliminary testing of evidence against defendant. Charge may be reduced. No separate preliminary hearing for misdemeanors in some systems.

5 Charge filed by prosecutor on basis of information submitted by police or citizens. Alternative to grand jury indictment; often used in felonies, almost always in misdemeanors.

6 Reviews whether Government evidence sufficient to justify trial. Some States have no grand jury system; others seldom use it.

7 Appearance for plea: defendant elects trial by judge or jury (if available); counsel for indigent usually appointed here in felonies. Often not at all in other cases.

8 Charge may be reduced at any time prior to trial in return for plea of guilty or for other reasons.

9 Challenge on constitutional grounds to legality of detention. May be sought at any point in process.

10 Police often hold informal hearings, dismiss or adjust many cases without further processing.

11 Probation officers decide desirability of further court action.

12 Welfare agency, social services, counselling, medical care, etc., for cases where adjudicatory handling not needed.

element is concerned, Thomas does not necessarily equate this with a responsibility to assist 'reform' of the offender, rather he should charge his contact with prisoners 'with sympathy, with dignity and with respect. He is required, in a word, to display "wisdom" in his dealings with them'.

The rest of Thomas's article is devoted to a consideration of the sort of training course which will best equip prison officers to undertake their role and in particular, to cover both elements of it. He argues that for the custodial element, and with this I totally agree, prison officers must know all about administrative procedures and routines, rules and standing orders of various kinds. If they do not, they will feel at a disadvantage when handling hostile, often sophisticated prisoners. This comment, of course, is equally applicable to police cadets and adult trainees but I do not imply that the present categories of recruits to the police forces and base-grade officers should all undertake precisely the same training course. Rather, I think that training at this level must be an in-service function and that police recruits will obviously be concerned with Acts and Regulations which are of closest relevance to their function whereas base-grade prison officers will be primarily concerned with Prison Acts and Regulations.

I give my unequivocal support to Thomas's second proposition, namely that base-grade prison officers should charge their contact with prisoners with sympathy, dignity and respect. Furthermore, I feel that the principle should be extended to police cadets and adult trainees: they should display wisdom in their dealings with suspects, witnesses and all whom they question. While it is relatively easy, however, to devise methods of imparting factual information, it is considerably more difficult to instil into trainees such qualities as wisdom, particularly if their earlier lives have endowed them with an inflexible orientation. Thomas resists the idea, and I think rightly, that wisdom in dealing with people necessarily flows from a study of such subjects as psychology, sociology, criminology, elements of social work including group work and case work. He says of these subjects that an understanding of many of the difficult concepts with which they deal depends upon an advanced degree of basic general education. An effort to teach such subjects to those without the necessary basic education can lead to a treatment of the topics which is incomprehensible, or to a tendency to trivialise in which case the intricacies and substance of the topics are missed. Thomas emphasises that prison is not a social work agency and the same could be said of the police force.

He argues, then, that inclusion of subjects generally found in social science courses needs careful examination although there are various sub-topics from such courses which may be meaningful to correctional personnel, whatever their grade, because of their obvious relevance to their work. One such sub-topic which Thomas suggests as being of obvious relevance to prison officers is the sociology of total institutions such as Erving Goffman's work on Asylums.¹² Equally interesting would be Albie Sachs's *Jail Diary*¹³ and Cohen and Taylor's¹⁴ recent publication on maximum security institutions. The sociology of institutions deals with the dynamics of life in prisons, psychiatric hospitals and old people's homes and on the likely effects on inmates of institutionalisation. Various theories have also been advanced concerning the structure of inmates' society. Thomas suggests that the sociology of institutions is a sub-topic of sufficient relevance to prison officers to make such reading valuable for them. Other books which are relatively easy to read and yet can convey considerable insight to the earnest student are Tony Parker's series, the best known of which are *The Courage of His Convictions*,¹⁵ *The Unknown Citizen*,¹⁶ *The Twisting Lane*¹⁷ and *The Frying Pan*.¹⁸

THE NEED FOR CONTINUING EDUCATION

For all correctional personnel, from those of executive and supervisory status through to base-grade prison officers and police constables, there is a need for continuing education which may take the form of study leave, time off to attend conferences, in-service refresher courses and access to good professional journals. To single out one such journal is invidious: to cover them all would be impossible so I will adopt a compromise course and suggest that the *Australian Police Journal* seems to be a very useful publication for police officers and I think the editors are to be especially commended for their valuable information on recent court decisions. Every lawyer needs to keep abreast of recent changes and developments in the law and the same can be no less true of the police. The other journal which I feel can be of particular value to correctional personnel is the *Australian and New Zealand Journal of Criminology* although so far the legal content (no doubt an indictment of possible contributors) has been slight.

CONCLUSION

In an increasingly sophisticated society, the need for training of correctional officers is abundantly clear. In the past, training has not been so readily available as it is now and there are in each of the correctional services officers whose sole qualification is experience. For them it is perhaps bewildering to find so much current emphasis on academic study and this can lead them into a somewhat defensive attitude to protect themselves from real or perceived threats to their status and security.

For those officers, I feel that training courses are desirable too, but that such courses should not be offered in a way which implies denigration of experience. Rather, as Thomas suggests, the function of training for such officers, is to put experience into some kind of generalising context, to provide an opportunity to reflect upon it and to measure it against the experience of other people.

Footnotes:

1. Fyodor Dostoyevsky, *Crime and Punishment* (Penguin, Melbourne, 1972).
2. Criminal Law and Penal Methods Reform Committee of South Australia, *First Report: Sentencing and Corrections* (Government Printer, Adelaide, 1973), para. 5.
3. Note the recommendation of the United States President's Commission on Law Enforcement and Administration for the police, that there should be a minimum requirement of a baccalaureate degree.
See President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (United States Government Printing Office, Washington, 1967) p.110.
4. I am indebted to Mr Colin Bevan, Principal Probation and Parole Officer in Queensland for this information.
5. Nigel Walker, *Crimes, Courts and Figures; an Introduction to Criminal Statistics* (Penguin, Harmondsworth, Middlesex, 1971).
6. *ibid.*, p.20. The symbols used have been slightly modified.

7. Roger Hood & Richard Sparks, *Key Issues in Criminology* (Weidenfeld & Nicholson, London, 1970), Chapter 1.
8. President's Commission, *op. cit.*, pp. 8 - 9. Reproduced in Norman Johnston, Leonard Saritz & Marvin E. Wolfgang (eds), *The Sociology of Punishment and Correction* (2nd edn, John Wiley & Sons Inc., New York, 1970), pp. xiv - xv.
9. Dennis Chapman, *Sociology and the Stereotype of the Criminal* (Tavistock, London, 1968).
10. Michael Philipson, *Sociological Aspects of Crime and Delinquency* (Routledge & Kegan Paul, London, 1971).
11. J.E. Thomas, 'Training Schemes for Prison Staff: An Analysis of Some Problems', *Australian and New Zealand Journal of Criminology*, 4 (1972), p. 199.
12. Erving Goffman, *Asylums* (Anchor Books, New York, 1961).
13. Albie Sachs, *The Jail Diary of Albie Sachs* (Harvill, London, 1966)
14. S. Cohen & L. Taylor, *Psychological Survival: The Experience of Long-term Imprisonment* (Penguin, Harmondsworth, Middlesex, 1972).
15. Tony Parker, *The Courage of His Convictions* (Arrow, New York, 1962).
16. Tony Parker, *The Unknown Citizen* (Hutchinson, London, 1963).
17. Tony Parker, *The Twisting Lane: Some Sex Offenders* (Panther, London, 1970).
18. Tony Parker, *The Frying Pan* (Panther, London, 1971).

SOME ASPECTS OF THE EFFECTIVENESS OF TRAINING FOR CORRECTIONAL PERSONNEL

V.N. PILLAI

The purpose of training, whether it be professional or vocational, is to impart accumulated knowledge and experience as well as the theories and philosophies relating to practices and procedures. In the field of corrections it is now accepted among progressive administrators that untrained or poorly trained personnel are not only ineffective, but also detrimental to the purposes and policies of rehabilitation. Rising crime, social, economic and political unrest and the ever increasing complexity of law enforcement, crime prevention and treatment methods, have begun to make fairly universal the demand for trained personnel of competence and integrity.

The ideal method of training personnel for a growing professional field of service such as corrections would be, of course, pre-service training in universities or in specialised institutes prior to entrance to the service. This has to be distinguished from on-the-job training or in-service training. Pre-service training in a university or in accredited specialised schools is the accepted method of admission to professions such as law, medicine, engineering, teaching, social work, nursing and similar pursuits. Each one of them emerged from traditional systems of apprenticeship which were not dissimilar to training on the job.

In corrections, as in many other fields, pre-service training alone cannot be considered as being sufficient for effective work over a period of time. Periodical in-service training through courses of study and seminars to keep abreast of progressive measures and new techniques is essential and complementary to pre-service training if we are to face up to the problems of crime and its treatment. Such in-service training has to be organised and conducted at different levels and must be reckoned as a continuing process of education in which the useful literature in the field of penology and corrections and the accumulated experience of workers in the field is correlated and combined into a practical and workable system which can be applied to the realities of differing correctional processes and rapid social changes.

In considering the relationship between the training of those engaged in the various areas of crime prevention and its treatment and the effectiveness of such training in implementing correctional policies, certain basic elements in the training process itself would appear to be of relevance. Unlike in the physical sciences, and in medicine, where cause and effect are known with certainty, where diagnoses and cures have been proved effective, the entire field of human behaviour is so complex and problematical that the path to successful rehabilitation is strewn with more doubt and disillusionment than in any other area of human endeavour - not to speak of the human wreckage in some penal and mental institutions. It is not surprising that career-wise, corrections is an unattractive profession; governmental policies have, in most instances, tended to give it low priority. It seems therefore all the more essential that those being trained in this field should have, or have had, some theoretical and operational concepts to serve as a basis for, and to give a positive lift to their endeavours. The correctional worker needs some basic concept - to say the least - which does not render him impotent but rather reinforces his efforts. For example, if the attitude of the correctional worker is that correctional institutions are abnormal and

artificial and not of much use, or if he accepts the theory that all offenders inherit criminal tendencies and instabilities, he might reduce himself to the status of a mere custodial agent. Or, if probation officers subscribed to the view that all probationers are anti-social in the structure of their personalities because they are neurotic, they would have to refer all their clients to psychiatrists for treatment and they would be incapable of making any impact on them. There is ample precedent and a wealth of experience in the area of human behaviour and social psychology for us to accept that attitudes, habits, values, points of view, approaches to life and life's problems can be changed and re-cast by personal relationships and by ordinary means of social control. The correctional worker can be as effective as a good salesman or a parent, a teacher, a minister or even a gang leader. The impact may not be effective all the time, but neither are expert therapists on all their clients all the time. Psychologists tell us that the implantation of a new habit, a new value or a new attitude is practicable and that injecting something into the personality of a subject determines what comes out. Lessons can be learned from studying the impact of fellowship in religions and political conversions, from parent-child relationships, even from team work in the sports arena.

True, there are limitations to the nature and degree of social impact in correctional work. Not all persons respond to this type of treatment no matter how good the worker is or how efficient his training has been. And, some cases will certainly require deep level therapy rather than mere social action. Still, it is the experience of many workers that a good number of cases do not need deep-level therapy, and if treatment is indicated, they could be handled with reasonable success by good personal relationships.

A second and perhaps more important basis for the training of the correctional workers is the concept of looking at the field of activity as an integrated operation which embraces all the elements in the criminal justice system. The true correctional approach in training must take into account the inter-relationships between all the components of the criminal justice system and cannot be isolated. The range of the correctional job must be considered as starting from arrest and interrogation by law enforcement agencies and proceeding through pre-trial detention, court procedures, prosecution, trial and sentencing, through probation, community treatment measures, institutional confinement and finally ending with the parole and after-care services. The practices and procedures involved in this comprehensive approach may be partly technique, partly sociological, partly legal, but knowledge of these procedures has to be imparted through the general training process, with specialisation in appropriate stages, if the training of the correctional officer is to have even minimal effect on the system.

The question might be posed as to whether officers at all levels and from each of the component agencies should receive instruction in the work of all the others. The answer would, in my view, be a definite affirmative. Every worker in the entire field of the criminal justice administration system should know, understand and appreciate the role of the others within the system. Only then will the effect of his own particular role be placed in its perspective. As a corollary to this comprehensive approach is the fact that the policies of the state in regard to crime prevention and treatment must be clearly and precisely known to each officer, be he only a police officer on the beat or a prison worker on the landing. Explicit instructions on the role of the police, and the cultural uniqueness of the community for which he works, must form an important part of the training process. For example, the police officer's work involves many contacts under a variety of situations and his work-day fluctuates between periods of calm and periods of intense pressure. He is forced to make decisions during encounters involving conflict within a few

seconds. And he often sees people at their worst, seldom at their best. Naturally he carries his own biases and human emotions with him, and these are heightened in critical situations. His position is further complicated by the conflicting views within the community. If he is not given a clear understanding of his role during pre-service training, and reinforced during in-service training, it is unlikely that he would be effective in the performance of his duties. Similarly with the training of prison and probation officers, public prosecutors and judges, the policies and purposes of the system must be explicitly understood before training can be effective in any way.

It might be appropriate to point out that at least in respect of the area relating to crime prevention and treatment, a distinction might be drawn between 'learning' and 'training'. While 'training' always involves learning situations, 'training' must be considered as more specifically geared to putting into practice what is learnt in theory, from observation or from the experience of others.

The interrelationship of all the elements within the criminal justice system needs to be stressed just as much as the inter-disciplinary approach towards making effective training programmes within the system. It would appear that under such an integrated organisation law enforcement policies have a better chance of being uniformly and equitably applied, than under systems where the component elements work in isolation. The criminal justice system is like a relay race. Delay and confusion in handing the stick to the next runner affects all the others, however skilful or speedy each by himself may be, and results in the breakdown of the entire effort. Effective training systems can go far towards avoiding or reducing the likelihood of such situations.

It is somewhat surprising that the task of training the trainers has, until now, not been given the importance it has been increasingly assuming. The training of trainees has to be regarded as an important additional sector in the criminal justice system. They need specially to have a philosophy of law enforcement and corrections in changing situations that demand sensible innovations at various levels.

Training must also be divided towards specific needs and requirements and its effectiveness has to be evaluated by the extent and manner in which it achieves its objectives. In the difficult task of trying to change human behaviour patterns, and in the creation of more humane and better correctional systems, results are not likely to be seen overnight, and the process must inevitably be a long uphill struggle and of slow growth.

TREATMENT IN THE COMMUNITY - THE EFFECT ON CUSTODIAL PERSONNEL

BENEDICT S. ALPER

We have spoken about the generally acknowledged rate of failure of the criminal justice system itself to deal adequately with offenders, all too many of whom are labelled and stigmatised in the process. The same is certainly true of our institutions. One fact on which I think we would all agree is that, by and large, the rate of recidivism from peno-correctional institutions is a disappointment, when one considers the very high hopes that were held out for them when they first appeared on the scene about two hundred years ago. It is important to keep in mind that there was once a time when offenders were dealt with in the community to a much larger extent than is the case today and that in talking about community treatment we are going back to where we once were.

In the field of peno-correctional treatment, as with so many other social problems, the pendulum is perhaps the best gauge of what we think of as progress: from where we were to where we hope to be. There was a time when an over-large percentage of offenders were dealt with in most drastic fashion, when death was the penalty in Great Britain up to about 1810 for over two hundred offences. Those offenders who did not meet death were maimed or branded, or shamed in the stocks, and thereafter released into the community. While a man might walk around with 'T' for thief branded on his hand, or an adultress with an 'A' on her forehead, or other offenders still with the chafe marks from the stocks, they nevertheless came back into the community. They were not exiled as they were after we established the penitentiary. The penal form of transportation was the lot for other convicts who were shipped overseas. Thus the penitentiary represented really another form of exile, or banishment from the community. It is interesting that not only was the convict dealt with in this way but so was the 'lunatic' of that time, whom today we call the psychotic or the mentally disturbed. Just as we see today a return to community dealing with mental health problems so we are seeing a return to community dealing for persons involved in the criminal scene.

A most informative book which I commend to you, is *The Discovery of the Asylum* by Professor David Rothman (Columbia University Press, 1971) which describes the times when the 'lunatic', the offender, the orphaned, the aged and the 'village idiot' were dealt with in the community. Today, in effect, we are talking about re-establishing what once was.

Findings of recidivism range almost universally from one-half to as high as three-quarters or four-fifths. Ramsey Clark, former Attorney-General of the United States has stated that 80 per cent of serious offences in the United States are committed by persons who have passed through the penitentiary or the reformatory.

Alan Nixon, Senior Lecturer in Criminology at Auckland University, recalled in the *New Zealand Listener* several weeks ago, a famous dictum of Cesare Beccaria, the great Italian jurist, that every time a penalty is imposed it proves its own futility because it demonstrates that it did not in fact prevent the crime it was intended to deter.

Let me cite some figures from my own State of Massachusetts as to rates of failure from juvenile institutions: when the period of confinement was

dropped from nine months to four and a half months, the recidivism rate dropped by almost 60 per cent. In the maximum security institution for particularly difficult adolescents there was a recidivism rate of 90 per cent. In other words, the tighter we screwed down the valve the greater was the relief from that pressure, in a sense, demonstrated by those who were released from that institution. I believe Massachusetts to be a very distinctive jurisdiction, because it was the only State which did not vote for Nixon.

We are also penologically most distinctive. But before coming to that I would like to quote some data from New Zealand to show that we are really not so distinctive as we think we are. Their Borstal institution for young women at Arohata reports that between 1970 and 1974 the average muster dropped from 78 to 54 (about a third). During that same period, the average length of training went down from almost twelve months to a little better than six (halved). During those years the number of misconduct reports dropped from 859 to 32. In other words, the population was reduced by a third, which made for a more intimate relationship between staff and inmates, the average length of training was cut in half, and the number of misconduct reports dropped to 4 per cent of what it had been before. The number of trainees who assaulted staff members dropped from 7 to nil; the number of trainees who broke windows dropped from 14 to nil; the number of trainees who absconded dropped from 10 to nil. I leave it to you to derive from that whatever you think is the appropriate conclusion.

I would like to embark now on a description of the most unusual step which has taken place in Massachusetts. Tomorrow, the first of May, will mark the end of the second year of this development. In 1846 we had established in Massachusetts the first publicly supported training school for delinquents, an historic landmark in the development of juvenile institutions in our country. A hundred and twenty-five years later the Commissioner of Youth Services, Dr Jerome Miller, abolished the 4 institutions for about 1,000 delinquents who were in custody at the end of April 1972. He embarked on what he called a 'Children's Crusade' and without legislative authority. I cite this to those of you who may be caught up in whatever governmental bureaucracy you may find yourselves, as an example of individual enterprise, within the limitations of that bureaucracy. He announced publicly that he was going to take certain steps while the State Legislature was adjourned, acting within what he construed to be his statutory mandate to deal in effective fashion with committed juvenile offenders. And he would leave it to the Legislature later to codify into law the measures which he had taken. It was a very bold step. He has since left Massachusetts to go on to Illinois where he confronts a problem probably twelve times greater.

One of the reasons why Dr Miller took this step was because of the spiralling costs of caring for offenders in a walled setting. He had the Governor on his side, and probably more important, the Governor's wife; after he had taken her on a tour of the institutions she became his best advocate. The Governor of Massachusetts gave his views on the steps which Miller had taken in the following words: 'As we have begun to move toward a community based programme we have discovered an interesting fact; we can provide better services at lower cost through community programmes. Under the old system we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately \$10,000 a year (\$A6,700) to keep a child in an institution. For this money we could buy each child a complete wardrobe, give him \$20 a week allowance, send him to a private school and in the summer send him to Europe with all expenses paid. We could do all that and still save the taxpayer \$1,300 per year. This is the kind of money we had been spending in our institutions and all of you know the results as

70 per cent of failure. If, on the other hand, we invest in a community treatment programme, we can provide individual services, personnel counselling, job training, specialised education and healthy group home settings for about half the cost. Even more important, we can begin to help a child understand his behaviour and motivation in an atmosphere of trust and support'.

For the child who needs intensive counselling, the cost is a little over \$2,500 per year, one quarter of what it was in institutions. A foster home which provides needed parental guidance costs \$1,200 per year per child, and for those children who need a group home the cost is approximately \$7,500 per year per child. (Those interested in reading more about the Massachusetts experience are referred to *Closing Correctional Institutions* by Yitzhak Bakal, Lexington, Massachusetts, United States of America, Heath Lexington Books, 1973.)

Among other relevant data which resulted from the surveys and researches which preceded this drastic step were the following with regard to the population of those 4 juvenile institutions: 90 per cent were from families which were on welfare, that is receiving public aid of one kind or another. Of those same children, 60 per cent had histories of parental alcoholism, drug involvement, criminal activity, mental instability or child abuse. Thus, children who were punished in our state institutions, at a cost of \$10,000 a year came, in the very highest percentage of instances, from the most inadequate families. The inference is very clear: that the state was undertaking at inordinate cost to punish children for family situations into which all too innocently they had been born and in which all too frequently they had been the victims of parental neglect, cruelty and abuse.

In the juvenile court in Wellington one morning I heard the story of a Maori boy born of unwedded parents whose father decamped shortly after he was born: his mother died in childbirth; he was placed with a grandmother. During the first ten years of his life he had been in six or eight foster homes. One day, with a group of white kids he stole some coins from milk bottles. The non-Maori boys were reprimanded and sent home, the Maori was sent to Borstal. After he was released, the only friends he had were boys he had spent time with in Borstal. One day he was picked up by a group of these boys and pressed to join them in the armed robbery of a service station. He was a scared kid, he did not want to be 'chicken' in the presence of his peers, he did not know that a gun was involved, he sat in the back seat of the car while they went out to hold up the station operator. The police were alerted, the other boys took off, he was sitting in the back of the car, was arrested as an accessory and served another term of imprisonment.

I leave it to you to draw again whatever inferences you may from that. But I learned in New Zealand that of all the Maori boys ten years old at the present time, 50 per cent of them will appear in juvenile court before they are seventeen. I could not help but think of the situation in the United States where our minority, the blacks, who form at most 12 per cent of our population, now constitute over one half of our total institution population whether juvenile or adult.

The lesson is very clear: that it is those who do not have anyone to intercede for them who get sent away to institutions. While those who have families and friends who will support them during these difficult times are allowed to grow up in the community without penal treatment until they arrive at the point of maturity when they put away childish things and behave in more mature and responsible fashion.

To keep children in the community during their difficult years, rather than to send them into institutions is one of the major developing trends in correction, not only in my own country and among juvenile institutions, but in other countries and in adult institutions as well. Deinstitutionalisation is already taking place in Maine, in Wisconsin and in nearby Hawaii.

To get back to the Massachusetts scene, where did these 1,000 boys and girls go when the institutions were closed? 400 of them were sent back to their own homes where, at the end of a nine or twelve month period they would return anyway in exactly the same way that 97 per cent of all imprisoned offenders ultimately go back into the community. These 400 boys and girls went back to their own homes with this additional proviso: that for the first time they had assigned to them individual advocates, as they were called, like probation officers, who helped them to meet the problems in school, on the street, in the family, with the police, with their peers, the kind of unsolved problems which resulted in their apprehension and commitment to an institution in the first place.

An additional 300 of them, for whom their homes were considered unfit or not ready, to receive them, or who were literally homeless, went to halfway houses and to other residential centres in the community created under the widest kind of auspices. It is simply amazing how many groups have sprung up - I am sure we are not unique in this respect - to deal with the problems of children who were previously detained in institutions, when there are no longer institutions to contain them. Many under religious auspices, in some cases started by volunteers or other dedicated groups of citizens, these halfway houses, hostels and other residential forms of treatment were created or expanded to deal with three hundred children formerly in institutions.

An additional 150 were placed in foster homes, or in group foster homes. As a result of the necessities created by the deinstitutionalisation process, a system of subsidising the homes of relatives of these children who had no homes of their own to go back to was 'introduced'. It is not only in Polynesia that the extended family, rather than the nuclear family that characterises our own society, is found. Even in societies where the nuclear family is dominant, cousins, uncles, aunts and grandparents are willing to accept children except that they may be ashamed to admit that they cannot afford the extra mouth to feed. Therefore we are searching out relatives to take children in, with a subsidy for the increased costs. An additional principle is not only to pay foster parents a minimal subsistence for taking a young delinquent in, but rather paying them a little more adequately than formerly. There used to be a feeling that if a family would take in a foster child it was only for the money. Therefore the less they were paid the less the financial would be a motivation or an inducement. Today we have reversed the principle of making sure that people do not make money out of children, by giving them more than enough to get by on. We pay them a fixed rate per month for each bed whether it is occupied or not, and when the child moves in, a further rate is paid, additional to medical and dental costs, clothing and pocket money. When foster parents are adequately recompensed, the economic factor no longer becomes the determinant one in the placement of children with special needs.

Fifty boys from the juvenile training schools were placed in an experimental programme in Amherst, the western part of the State - boys who could not be placed anywhere. Someone came up with the idea that they be placed in the State University (the 16, 17 and 18 year olds) and so the Commissioner of Youth Services contracted with the University for 50 college students each to adopt, as an 'advocate', as a big brother, one of these boys until

another placement could be found for them. The boys lived in the college dormitories, they slept under beds or in sleeping bags. They went to classes with their student advocates, went to football games, to the movies and the dances. Two advocates took 8 kids to Florida in a van during Christmas vacation.

Outrageous, surely! 'Very much better' said the Commissioner of Youth Services, 'very much better to treat kids this way than to have them abscond and have the police and the dogs and everybody out looking for them'. One interesting result was revealed in some of the letters these boys wrote home which they showed to the advocates. Letters like, 'Dear Mom: Last week I was in Lyman School, locked up in a room with barred windows with another kid. Where do you think I am today? On the Campus of the University of Massachusetts in Amherst. Jim, a senior, he plays on the football team, is my friend and is looking after me, and I went to a lecture on Geology yesterday and I am going to a movie this afternoon and tonight there is a swimming meet . . .' and so it went. A sizable proportion of these kids, as a result of that experience are interested in going on to further education, boys, a majority of whom were dropouts, to whom the very mention of school was anathema. 'Project Joe' this was called, after the first boy who was sent out.

Some of you are, I am sure, wondering how it is possible to return to the community 1,000 delinquent kids, when you will rightly say, among them there must be some who simply cannot be permitted back into the community. Each of you has, without any forethought, a figure in the back of his mind as to how high that percentage would be. Whatever that figure, I am not going to quarrel with it. I was interested in New Zealand in asking everyone I met what percentage of the total population presently incarcerated at the juvenile level, in their opinion, clearly required institutionalisation. The answers ranged from a high of 20 to a low of 2. This last figure was given me by a police constable who had been seventeen years in the force, Bob Murphy, who runs a Periodic Detention Centre outside of Wellington called 'Casa-Loma'. Bob has been dealing with boys, who would normally be sent off to training school or Borstal or prison, for about seven years. He proffered the lowest percentage of anyone, where you would think he would be the most disillusioned and cynical of all and give the highest percentage.

In Massachusetts the boys considered too dangerous to release to the community out of the original 1,000 came down to 45, which is 4½ per cent. They included a lot of habitual auto thieves, some sex offenders, some arsonists, some of the fairly violently assaultive, including a sprinkling of homicides. These 45, after a careful screening of the total population, were deemed to be unsafe for handling in the community. For them, two special therapeutic communities were established - one in the eastern, more populated area around Boston and one of them across the State in Worcester. Here the emphasis was purely on the therapeutic and they were heavily staffed with those things that we all like to talk about - psychiatric services, psychological services, social workers, educational experts, remedial reading people and so on.

Interestingly enough, the persons discovered to have the greatest influence over these most dangerous and difficult kids, were themselves ex-convicts. There is a growing movement in the United States to use the services of ex-convicts in dealing with offenders, on the same principle that Alcoholics Anonymous depends on reformed drunkards and many drug treatment centres depend on ex-addicts, especially the hard drug ex-addicts, as role models for setting an example to those still caught up in the toils.

No one is clear about what the outcome of these programmes is going to be. However, before I came away, I received from our Department of Correction some statistics; the percentage of men with prior juvenile records coming into the adult peno-correctional institutions has dropped by a very small percentage, something like 2 or 3. But one might expect if we were unloosing into the community 1,000 of the worst youths in the State, that we would have the reverse: the trend so far is that that percentage has dropped.

I am thinking of a parallel development at the court level for juveniles. Newark across the Hudson from New York City is a high delinquency area. There, the backlog of cases awaiting a hearing before the juvenile court grew to about 2,500 boys and girls charged with offences who were allowed to remain on the street because the court was hesitant to deal with them until the implications of the recent Supreme Court *in re Gault* had been clarified. The Newark Police Department reported that the number of cases of delinquency complaints did not increase at all with 2,500 kids roaming the streets of Newark, who should have, under normal circumstances, passed through the Juvenile Court procedures.

The notion of deinstitutionalisation of offenders is being introduced at the adult level, not only in institutions where prisoners serve sentences, but in the gaols where persons are remanded in custody. One reason for applying deinstitutionalisation to the gaol is because approximately 50 per cent of all the persons there confined are ultimately released after they have had their day in court: found innocent, or charges dismissed, or witnesses do not prosecute, or they are fined or required to make restitution, or placed under probation and suspended sentence. Why confine so many of these persons then, awaiting the outcome of a court process which will release one-half of them from any supervision? Coupled with that finding is the heightened realisation that most places of detention, because they house both the innocent and the guilty, because they contain a high percentage of first offenders who have never been in confinement before, are, in reality, schools of higher education in criminal practices.

In my consideration of what 'diversion' means for correctional personnel let me refer again to the Massachusetts experience. Many of the hardliner staff members were upset by the closing of the juvenile institutions because their only means for dealing with kids had now been removed from them - punishment, locking them up, dietary and other restrictions, corporal punishment. They did not have any alternative means for dealing with these youths. They were also greatly concerned that their livelihood was going to be lost, even though they had tenure under civil service.

As a result, one of the ways in which they reacted was by blocking the programme in every way they could. They have a very strong union and are an effective lobby in our State Legislature. A large number of correctional jobs are patronage jobs, which legislators hand out in exchange for votes, to put it simply. It is not entirely a merit system, to understate it greatly. They even went so far in opposing the programme as to post on the bulletin board a map of routes by which these kids could most safely escape, so that they could then call the press and say 'Look what has happened to this new programme of Jerry Miller's, all the kids are leaving, the place is going to hell'.

Some of them could not take it, and resigned: these are some of the things that you expect to happen if any kind of deinstitutionalisation programme takes place. Some who are near the point of retirement will retire; some can and will be assigned to other duties. Some can be retrained, especially the younger ones, for new assignments, as community workers, as 'advocates', social workers and probation officers to deal with boys and girls in the

community instead of within the institution.

I would like to jump a little ahead and present the abolition of institutions not as a warning but as a possibility of anticipating it by planning ahead for what is inherent in today's developments, if this trend toward deinstitutionalisation continues, as I think it is likely to.

I cite the Minister for Justice in New South Wales, who is reported in the *Sydney Morning Herald* of 27 April to have said that imprisonment has failed as a form of punishment and that his Government was seeking acceptable alternatives. He stated that only 27 per cent of convicted offenders in the care of the Department of Corrective Services were in prison, and 73 per cent were under supervision in the community. In the United States that ratio is, at best, 50:50 at the adult level; here it is 1:3.

Dr Findlay, New Zealand Minister for Justice, gave a statement to the press that the trend of corrections in New Zealand would be toward open institutions and community dealing. His words were echoed by his newly appointed Secretary for Justice, Mr Orr. So that in both Australia and New Zealand you have had just in the last week policy declarations from the most important people in the field in the direction of community treatment.

When we talk about correctional training can we consider the benefits of training all-purpose personnel? If our basic attitude towards offenders is rehabilitative, reformatory or reintegrative, and we mean it, then what is the difference, really, between what should be the attitude of correctional personnel, whether in the institution or outside? Why should we have a rough tough screw as a guard in a correctional institution who would be unfit for probation? Why should we allow in our prisons a person so unskilled that he can deal with others only when he has the support of bars and other security measures? What is the difference, given a consistent philosophy, between the manner in which a probation officer, a parole officer or a prison guard should be trained to deal with offenders? And now I will go a step further and add the police constable to that too, and ask why should not there be much the same elements of training for all personnel across the entire criminal justice system, people who can deal with offenders at all levels with the same consistent attitude instead of dividing them up into police, probation, after-care, institutions and so on.

HISTORY OF INTERNATIONAL CONCERN AND ACTION IN THE FIELD OF CRIME

BENEDICT S. ALPER

The first international congress on the prevention and treatment of crime was convened in London in 1872. On the Centenary of that occasion it can be said that crime in all its ramifications has been the object of world-wide collaboration longer than any other social problem. This concern takes on added emphasis when we realise that in so many countries of the world today crime presents a more serious challenge than in any preceding period.

While the London Congress of 1872 was the first large-scale effort, its origins go back to 1835. In that year a conference was held in Switzerland at which, interestingly enough, the problems of pauperism and of crime were brought together as matters of twin concern. Just at the time when sociology was being born as a new discipline, the connection between poverty and crime was viewed as a matter worthy of international inquiry. Thereafter, this same item will appear repeatedly in international crime conferences as a matter deserving attention. In Frankfurt in 1846, 1847 and again in 1857, conferences on crime were held, of a limited European scope - not really international, attendance being drawn chiefly from the Continent of Europe and from Great Britain.

Against these early efforts, the precipitating impetus for the first international conference in London in 1872 is probably to be found in the first National Prison Congress in the United States in Cincinnati in October of 1870, which adopted a Declaration of Principles considerably in advance of the penal practice of its time.

Considering the current world-wide political situation, it is not without interest that the two countries which share the honour or responsibility for calling the London Conference are the two super-powers of the world today - the United States and Russia. The result of the joint efforts of East and West, now divided between capitalism and socialism, agreed on the value of such a meeting and joined efforts to bring about the first international conference in 1872. This was at the time when the idea of the reformatory was much to the fore, an idea in which three countries had pioneered - Bavaria (Obermaier), Spain (Montesinos), and Ireland (Maconichie).

Problems of crime have not greatly changed in the past one hundred years, judging by the thirty items on the agenda at the London meeting. More than a few are still pertinent today, to which answers are still being sought. Criminologists may draw solace from the fact that if their professional efforts are not always marked by successful outcomes, they are at least partaking in the very honourable tradition of seeking answers to questions of such serious import as to defy answers up until now, and to which, mayhap, conclusive solutions shall never be found. Briefly, some of the questions considered at London one hundred years ago

What ought to be the maximum number of prisoners detained in prisons?

Should corporal punishment be admitted in the disciplinary code of a penitentiary system?

The answer to the next one is 'yes', but here is the question:

Should training schools for prison officers be formed and for what class of officers?

Should deprivation of liberty be imposed for natural life?

In other words, should a man spend all of his life in prison?

Is the supervision of discharged prisoners desirable?

Should prison labour be merely penal (that is, punitive) or should it be industrial? (Today we would say for vocational or production purposes.)

Should the governing of prisons be placed entirely in the hands of one central authority or should it be subdivided?

Is it desirable to establish international prison statistics and if so, how may this be accomplished?

This last question, which appeared in 1872, had appeared earlier in 1835 and 1850. Countries have still to agree to establish any kind of an international system of criminal statistics while criminal statisticians are still questioning the validity of the entire process whereby crime is measured.

The next is rather interesting:

What are the best means of repressing criminal capitalists?

This is the first recorded reference to what is today called white collar crime, although a paper had been contributed on this subject by Edwin Hill, an Englishman, at Cincinnati two years earlier.

As a consequence of the collaborative efforts by both Russia and the United States, this first London conference evidently met with tremendous success. As a result, there was formed an international organisation which has gone on, in modified form, up to the present time - the International Penal Commission. It carried that name until 1930 when it became known as the International Penal and Penitentiary Commission. This group represented member governments, met two or three times between the five year intervals of the Crime Congresses, and managed the affairs of the Commission. It also set the pattern for the quinquennial congresses, a pattern which the United Nations has followed since it held its first meeting at the Hague in 1955. This pattern of five year international crime conferences was firmly established by the International Penal Commission in 1885.

A few years later the first juvenile court was created in Chicago in 1899, a proposal which had been urged fourteen years earlier at Rome in 1885. It may help to perceive how the original idea of the juvenile court was first embodied, by reviewing the terms in which the question was originally raised:

It would be necessary to eliminate the question of guilt as relating to children, that is, to individuals under sixteen years of age and to replace them with the following questions:
Does the child need the guardianship of public authority?
Does it need merely education or a correctional regime?

Referring to the treatment of delinquents, the 1885 conference further declared that 'the choice of a measure should be determined by the motive which induced the child to commit the offence, by the seriousness of his offence, by the degree of his intellectual development, by the surroundings in which he was brought up, by his antecedents and his character. The age of the child is also of great importance as indicating his moral development'.

That brief quotation sums up the major circumstances which are considered by children's courts which rely upon a clinic to help in the determination of the child's physical condition, his intellectual or mental ability, the degree of his emotional maladjustment, his family background, and his educational attainments. Here, a full quarter of a century before the child guidance movement began, we find posed some of the pertinent questions.

The deliberations of these and later Congresses - St. Petersburg in 1890, Paris in 1895 - record the great emphasis which was placed in that time on the classification of prisoners; whether they were psychopathic personalities; whether they should be divided on the basis of their dangerousness as individuals or on the basis of their offence, or on the basis of their likely response to different methods of treatment. Very little concern with causation can be detected in this period. Criminology, from the vantage point of these international forums, appears clearly to have evolved through the stages through which any science develops, beginning with observation and classification, before proceeding to the stage of hypothesising.

If one can be critical of the manner in which the science of criminology has developed, it is not because it has not followed the same steps as other sciences, but only because it has not yet mastered the methodology by which either to measure or to predict. At the same time, it confronts the challenge of other social sciences: that it deals with human data, with facts about people, while the experts, as people, are themselves prey to or troubled by many of the same phenomena which they are attempting to understand in the area under examination.

This period also reveals a strong parallel between classification in the field of crime and in the field of psychiatry. The history of psychiatry in the latter 19th century shows that the psychiatrists were similarly arguing about 'classification': was the 'lunatic' a manic depressive, a schizophrenic, an hysteric or a psychopath? Very little was being done to discover the dynamics of what is called mental disease today.

Meanwhile, in his clinic in Vienna and on the couch in his office, a clinical psychiatrist was quietly seeking for an understanding of the forces underlying mental disease, trying to discover 'why we behave like human beings'. Criminology and penology were to benefit greatly from the contributions made by Sigmund Freud, even though during these years, the penologists themselves were concerned largely with problems of classification.

And, south of Vienna, in Italy, another physician was at work trying to prove that the well-springs of crime lay in the biological equipment of human beings, some of whom - in his view - were at a lower stage of evolution than others. With this came an emphasis on physical characteristics, on the biology of the criminal, which although later proven to be not wholly valid, nevertheless gave a tremendous impetus to the new science which began to call itself criminology, instead of criminalistics.

For no idea ever dies, and in that same sense, no idea is ever really new. Although the work of Charles Goring, an Englishman, was later to disprove the

work of Cesare Lombroso, there were others like Ernest Hooton, the anthropologist, as well as William Sheldon, both of whom took up where Lombroso left off. So strong was the influence of the Italian Positivist School of Criminology, founded by Lombroso, that between 1895 and 1911, the International Society of Criminal Anthropology convened no less than seven international congresses.

Their Paris meeting of 1889 heard some important contributions by anthropologists to the understanding of crime. They recommended that courses in Criminal anthropology be required in medical and law faculties. (Today, criminologists, sociologists and psychiatrists occupy chairs in some of our leading law schools.) These criminal anthropologists also urged all countries to adopt a system of measuring and reporting anthropological data on criminals. The Paris Conference encouraged the establishment of special asylums, distinct both from prisons and from mental hospitals, to deal with seriously disturbed offenders, whom they suggested, should be handed over to medical rather than to penal treatment. They urged as desirable, a medical inspection service for the care of all inmates of penal institutions.

They further recommended that governments gather criminal statistics, together with data relating crime to economic fluctuations. This was in line with the widely prevailing beliefs of that time that in changes in economic conditions could be found the cause of crime, as others advocated a study of variations in barometric pressure, and the influence of climate on rates of crime. From these sources came the idea - still held in some places - that August is the most popular month for rape. The criminal anthropologists also recommended inclusion in criminal and correctional files of data relating to physiology, psychology and what they called 'the morality of the personality' in order to provide lawyers and judges with medical knowledge in these areas. They stressed what are known today as medical, psychological and psychiatric profiles of offenders - procedures which now are taken for granted, but which in 1889 were radical indeed. Further conferences under the same International Society were held in Geneva, in Amsterdam, in Turin, and in Cologne in 1911.

By the time of that final conference, Lombroso had died and one of the sessions was devoted to tributes to him concluding with a very beautiful speech by his daughter. In it she claimed credit, in her father's name, for probation, for the juvenile court, for the idea of the reformatory, and for specialised and enlightened treatment of women offenders. While some exaggeration may be ascribed to the devotion of an affectionate daughter, in the broadest sense she is right that these things flowed from Lombroso's work. For he had pioneered in bringing into focus the dynamics of the individual criminal in the same way that Freud was clinically studying the hysteric and the neurotic.

Only a few years thereafter there appeared the landmark work, *The Individual Delinquent* by William Healy, who stressed the need to study the individual offender from his social, psychological, psychiatric and physical background. Today these ideas are points of departure for new researches, but it is important to recall that there was a time when they were new.

The intellectual history of mankind is studded with the names of great innovators to whose work was originally ascribed a significance exaggerated far beyond what the original contributor anticipated. Darwin's influence during the 19th century, for example, was reflected all the way up to World War I in the then prevailing notion of the infinite perfectability of mankind. After a while, the innovative settles down, the man and his idea are cut down to size, and both take their appropriate place in history. We tend to forget the origins of ideas whose currency in the market place was not always

universal. Psychiatry, for example, derives its origins from hypnotism, or mesmerism, in the same way that chemistry owes its existence to the alchemists. One of the most exciting of these early accounts is found in the scientific and political influence of hypnotism when it first burst on the world in the late 1700s and early 1800s: the idea that 'animal magnetism', an electrical force in all human beings, could, if properly directed, be a panacea for all individual ills, mental as well as physical. Today's use of the encephelogram owes its origins both to the early 19th century work on hypnotism - as this was developed by Charcot, Janet and the later psychoanalysts - and to that pseudo-science, phrenology, much as today's sophisticated electronics stems from Volta, Faraday and Franklin.

Whether Lombroso did or did not father the juvenile court and probation, it is nevertheless interesting to note, after World War I, that the League of Nations actively contributed between 1925 and 1939 to the spread of these two ideas around the world, together with campaigns to improve juvenile penal institutions and to promote the first formulation of what are today known as the 'Standard Minimum Rules for Treatment of Prisoners', a perennial topic on every international crime conference since that time.

Then came World War II, and in 1945, with great expectations, was born the United Nations, which, despite all that may be said in criticism of it, has already survived ten years longer than its predecessor. Some may be discouraged about the United Nations: from such high hopes, such small returns. But it is important to be reminded that United Nations Organisations' charters say something different from what the League of Nations said: that war begins in the minds and hearts of men. This gives the United Nations an impetus in the direction of social and economic concerns, an impetus which is reflected in a recent statistic; that of the total annual budget of the United Nations in recent years, 85 per cent has been devoted to social, economic and cultural activities. Maybe that leaves 15 per cent for peace. Compared to some governments which devote 85 per cent of their budgets to war, this may be seen as an encouraging figure.

Another interesting difference between the United Nations and the League of Nations is that the League did not maintain its own staff to carry out activities in the field of crime but rather farmed out this work. The United Nations, on the other hand, has had a Section of Social Defense since 1946, which has managed in the past quarter century to roll up an impressive record. It has created a network of national correspondents with all the member countries, to provide a constant flow of information into headquarters and keep them abreast of developments in the field. It has convened an impressive number of expert and consulting groups which meet at the New York Headquarters, in Geneva, and in various regional meetings. It has carried out a full programme of publications and studies, including thirty issues of *The International Review of Criminal Policy*. It has continued the tradition of five year conferences of the International Penal and Penitentiary Commission with meetings in Geneva in 1955, London in 1960, Stockholm in 1965, and Kyoto in 1970. The next congress is scheduled to be held in Toronto in 1975. Students of criminology and penology should find participation in its deliberations to be exciting and rewarding.

United Nations specialised agencies: World Health, UNESCO, and the International Labor Organisation, have also contributed to the field of international action in the field of crime, as have more than a score of international organisations, governmental, and non-governmental, including the International Society of Criminologists.

The Council of Europe, which serves as a Secretariat to the Common Market, concern themselves with the economic and social problems of the Continental European nations. Its Division of Legal Questions has convened many meetings of criminologists and penologists, as well as publishing important results of research on crime prevention, on alternatives to institutional treatment of offenders, and the problem of drunken driving, to cite but a few.

The main stem of international organisation in the field of crime since the London Conference of 1872 derived from the work of the International Penal and Penitentiary Commission, which held a total of twelve congresses up until 1950, when its library, staff and main responsibility of continuing international collaboration was assumed by the United Nations. (It continues today in attenuated form as the International Penal and Penitentiary Foundation.) In addition should be cited the contributions made by other major international organisations in this and closely related fields: the Howard League for Penal Reform, and international associations representing maladjusted children, youth magistrates, comparative criminology, jurists, police organisations, prisoners' aid, social defence, and child welfare.

Altogether, there have been some eighty major international gatherings in the problem of crime since 1835. The records of their transactions, deliberations and resolutions run to tens of thousands of pages. It is fair to ask, 'What good did it do?' besides keeping criminologists and printers occupied. (To which others might add: 'What good does anything do?')

For an understanding of why more has not been accomplished by all of this international effort we refer to a statement made in 1857 at the Congress on Poverty and Crime, by the President of the Section on Penal Reform, Dr Rickenmeyer of Heidelberg which gives a partial answer: 'that while I would like to see universal understanding of penal matters, I have little hope that such will be attained for a long period of time due to the wide differences of opinion expressed and cherished'. That last is the key word - 'cherished' - because if what a particular nation is doing is right, (because it is the one that is doing it, or because they have done it that way for a long time) it is very hard to persuade it to yield to newer ideas or methods. Most administrators of correctional institutions, like members of the other court-correctional professions, tend to be conservative people, to whom the traditional ways are the correct and 'cherished' ways.

Today's penal scene makes clear that if fundamental changes are to be made in correctional attitudes and practices, they are more likely to be precipitated by a riot at Attica or Brisbane or by pressure from prisoners, rather than by the deliberations of international gatherings of criminologists.

Yet, the basis of the changes which must be made to meet the challenge of the problem of crime today can be found in the pages of these deliberations. They record the battles waged over the idea of the reformatory and the indeterminate sentence, of the juvenile court, of clinics and probation. They directed attention by psychological and psychiatric factors. Slowly they shifted the emphasis from penitentiaries to reformatories to open institutions.

One of the forerunners of the open Borstals in Great Britain is the forestry camps of California. The honour system established in Sing Sing by Thomas Mott Osborne was for a time replicated in the prisons by Belgium. The reformatory, which some see as an American innovation, was first the subject of experimentation by a Spaniard, a German and an Irishman. The first separate institution for juvenile offenders was created by Pope Clement XI in Rome as early as 1703. Today's system of finger printing as a means of individual

identification was the joint product of men from China, France, England, Japan, India and Argentina. The list could be continued almost indefinitely.

Concern today at international conferences centres on research, on prevention, on the role of volunteers and ex-offenders at all levels of corrections, on community dealing with delinquents in residential and non-residential centres. Older ideas die hard: the idea of forced labour for its own sake, corporal punishment, the resort to solitary confinement for the incorrigible, the imposition of silence - as if silence were to make the prisoner more open to communication of ideas. And yet, as recently as ten years ago, in a State not noted for its progression, a State not far from my own home, Massachusetts, the rule of silence prevailed in the Reformatory for Women, as that rule had been initiated a century ago. The female inmates still dressed in striped uniforms; their cells were barred; a wall surrounded the perimeter.

Today all that is changed - the wall is down, the uniforms are gone, conversation goes on normally among staff and inmates. So progress can and does take place - slowly, but inexorably, and if in that same Reformatory two halfway houses on the ground prepare inmates - now men and women - for release back into the community, it is at least partially as a result of the impetus of the ideas proclaimed - not always to a waiting world - at the international gatherings of the past 125 years.

If the problem of crime were to be found in words, crime would by this time have been cleared from the world. The contribution that the United Nations is making in providing experts, in the financing of fellowships, through the convening of seminars, through the creation of a training institute for correctional administrators in Japan and a research institute in Rome, is helping to spread around the world today the best in thought and practice.

In the search for peace, in the more recent disciplines of criminology and penology, the United Nations is but the latest in a long tradition of international collaboration. 'Those who do not study the mistakes of the past are destined to repeat them' said Santyana. From a review of efforts dating back almost 150 years, some wisdom and many ideas may be drawn - even the hope that the way ahead may yet be made brighter for the least among us, and thereby for us all.

RECRUITMENT AND TRAINING FOR PROBATION AND PAROLE

R.M. DURANT

Before proposing any recruitment and training scheme for probation and parole, some understanding of the role of probation and parole officers is necessary. The first point of clarification I wish to make, is that I see no essential difference in the overall role of either a probation officer or a parole officer. Hence, throughout this paper, probation and parole is considered as one field, as is the case in practice in the South Australian Department of Correctional Services.

The second area of clarification is that probation and parole is an area of social work. In each state, legislation exists that defines in a legal sense, the responsibilities of a probation and parole officer, in terms of responsibility to the court system, and to parole boards. There is, obviously, a clear understanding that probation and parole functions within a structure imposes certain obligations upon an officer. It is a fact that probation and parole incorporates elements of authority into the relationship between the officer and the client. To a disturbing degree, this is often as far as any analysis of the role of an officer progresses.

In the field of adult corrections, which is the field we are presently examining, the ultimate objective of the system is a crime preventative one. It is so by virtue of our efforts to reduce the rate of recidivism among the offenders with whom we work. If probation and parole officers are to contribute fully to this objective, they will need to be at the place where it all happens. This is not in their offices, or at a reporting centre; it is out in the community, in the homes and the work places of their clients. If we are to effect changes in attitudes, improvements in personal interaction, help clients face up to, and work towards solutions to social problems, then we need to be involved in the patterns of social interaction that are the fabric of the social environment in which our clients function.

Foren and Bailey, in their book *Authority in Social Casework*, cite a 1962 report on the English Probation Service, which says 'Today, the probation officer must be seen, essentially, as a professional caseworker, employing, in a specialised field, skill which he holds in common with other social workers: skill which, if it opens up to him hopes of constructive work which were not enjoyed by his predecessors of twenty years ago, also makes more complex and subtle demands upon him reflecting, as it does, growing awareness of the difficulties of his task. It must be added that while, as a caseworker the probation officer's prime concern is with the well being of an individual, he is also the agent of a system concerned with the protection of society and as such must, to a degree which varies from case to case, and during the course of supervision, seek to regulate the probationers behaviour. He must also be prepared, when necessary, to assert the interests of society by initiating proceedings for breach of the requirement of the probation order'.

This seems to me to accurately set out the essential role of probation and parole as a crime preventative measure within the criminal justice system. The main skill we have to influence the changes of behaviour patterns necessary to avoid recidivism, is casework skill. This implies the need to operate with individuals within their social environment.

Variations already exist between the probation and parole services in Australia, in the policies of recruitment and training. In part, these variations reflect the historical and political facts surrounding the establishment of each service, the bureaucratic context in which they function, and the views of those who oversight and control their function. This is equally true of South Australia and the ideas put forward in this paper are a mirror reflecting my own ambitions for the service in South Australia. In our State, changes are occurring throughout the whole correctional field, and in the case of adult corrections, the impetus for change is provided by the First Report of the Criminal Law and Penal Methods Reform Committee. For the probation and parole service, one of the most important items in that report, is the support given for a maximum caseload of 45 clients per officer. This provides a basis on which to plan future recruitment realistically.

Probation and parole officers in the South Australian Public Service are within a salary classification that includes all social workers employed within the Public Service. Salary levels are determined by the movement of salaries for professional social workers, particularly those employed by the Australian Government. This situation is one of the factors that supports our present policy of recruitment and training. For the probation and parole service in South Australia there are two methods of recruitment and training.

The first is recruitment of professionally qualified graduates from the two schools of social work in Adelaide; graduates with a post graduate Diploma of Social Administration from Flinders University, and those with a Diploma of Social Work from the South Australian Institute of Technology.

The course at Flinders University is a two year course, the prerequisite for which is a three year degree with a major in the social sciences. The course at the South Australian Institute of Technology has been a three year course, with matriculation an entry prerequisite. It is now to be a four year degree course. The South Australian experience with tertiary level students in social work, is no doubt similar to that in other states. The correctional field receives little attention within the generic courses provided, and few graduate students have strong leanings to work in the field after graduation. Further to this, the majority of students are female, who in the case of the South Australian Institute of Technology are only twenty or twenty-one years of age at the completion of their course. In general, they are not suitable material for immediate employment in the probation and parole area.

To overcome this problem, and it is recognised by the schools, more places are being made available to mature age students. However, our main success in recruiting social work graduates, is through the use of studentships. Each year the South Australian Public Service awards a number of studentships in social work, a proportion of that number granted go to each of the various departments. The South Australian Department of Correctional Services has approval for six studentships each year for the next five years.

An advertisement is placed in the newspapers, advising that the studentships are available, and which departments are seeking students. Details of allowances and conditions are included. Selection is made by a panel, composed of representatives from the departments seeking students, who interview the applicants. At the interview, the applicants are asked to state their preferences for employment, and they are told that an effort is made to match assignment to preference wherever possible. Following interviews the panel discusses the applicants potential and decisions are made as to allocation of the applicants to each department, based upon their suitability and preferences for areas of work. For probation and parole, preference is given to applicants

with a higher level of maturity, self-confidence and positive personality traits. If possible, some spread of background and socio-economic level is aimed for. In 1974, no preference was given to male applicants, the six most suitable applicants were selected.

All of us who have recruited social work graduates are aware that they have high levels of employment mobility. It is also a common problem to find that they have initial areas of conflict in their personal philosophy, when they first enter probation and parole work. To assist in overcoming these difficulties, we have found it useful to require the students to come into the department to collect their fortnightly studentship allowance, encouraging some growth of identity with the department, during the tenure of the studentship, and an interest in the work.

Studentship holders who do not have a field work placement in the Christmas vacation are required to work in the department. This also has obvious benefits. Hence, students, upon graduation do not come into the situation entirely unprepared.

The second method of recruitment is through an in-service training scheme. It is a fact of reality, that there will not be sufficient social work graduates to entirely meet the staff requirements of government departments within the next decade, at least. This has been accepted, and in South Australia the Public Service is in the process of determining a suitable ratio of professionally trained staff, to sub-professionally trained. It is hoped that an alternative course will become available at one of the tertiary institutions, to provide uniform sub-professional training.

To the present time, the probation and parole service has shared with the Department for Community Welfare, a twelve-month in-service training scheme, as a major source of recruitment and training. The course consists of alternative blocks of study and field practice. Theory covers a basic grounding in human growth and development, sociology, interviewing and counselling techniques, and the role and function of the service. Field practice is a graduated process, placing individual trainees with field staff, to provide the trainees with an opportunity to integrate the theory taught, with the realities of practice. Upon successful completion of the twelve month course, trainees are appointed as probation and parole officers.

Advertisements are inserted in the newspapers, setting out details of the course. Although sharing the course with another department, for the current course, separate advertisements were placed by each department. Selection is made by our own department, and based upon the return of a comprehensive application form, an interview by the selection panel, and a personality profile provided, after testing applicants, by the departmental psychologists.

In general terms, factors sought in selection are, an age range of twenty-five to forty years, a stable personality, average level of intelligence, an interest in people, and some background experience in dealing with people. Other cues to suitability are some level of community interest and involvement, efforts to improve educational levels by part-time study, acquaintance with people already in the social work field. Educational level must be flexible, although completion of four years secondary schooling is desirable. A reasonable level of education is necessary to cope with the course, which is bordering on tertiary standard. However, the object of recruiting through an in-service course is to provide people to be case workers. If the entry requirement is too high, long term difficulties relating to advancement may occur, and potentially the course could produce a large number of frustrated

people. Our experience, however, shows that this form of recruitment and training produces numbers of people who provide the backbone of a successful service.

During the training course a training allowance, which is one step below the commencing base rate salary level is paid. The present salary levels for probation and parole officers has encouraged a wider range of people to apply for the training courses. As with studentships, no preference is given to male applicants. Our service has established a policy of integration of male and female case loads, supported by the existence of equal pay. So far, experience shows that this policy is a successful one, helped in part by the recruitment of female staff through in-service training who are proving to be excellent officers.

From the recruitment and training policies outlined, the field staff of the service in South Australia is composed of trained staff, trained at two levels. The majority having at present, in-service training, and a much smaller number, professional training. For the next decade at least, this will continue to be the pattern, although in probation and parole I am anxious to increase the number of professionally trained staff to about a quarter of the total. It is anticipated that some course of a diploma level will soon be available to replace the present in-service course, and become a recognised second level training source for social work in the whole of the South Australian Public Service. Provision already exists within the salary structure for social work to incorporate this. There is one salary scale with different commencing and finishing levels that recognises the two levels of training for social workers in the South Australian Public Service.

From the plan outlined, the total staffing composition aimed for is a mixture of professional social work, and a more specifically task orientated sub-professional training. I consider it of long term importance that the probation and parole service maintains and strengthens its role as a part of professional social work, if the major contribution it has to make is a crime prevention one. As the agents of social defence become more skilled in the management of social deviance, probation and parole measures must keep pace, and for this reason, the knowledge and training of professional social work is important. However, to operate in a professional manner, I do not consider it to be either necessary or desirable that all probation and parole officers should have professional qualifications. A significant proportion of the day to day management of offenders successfully derives from the personality of the individual officer, and the ability of that officer to develop a working relationship with the probationer or parolee. This is where careful selection and task orientated training of the majority of the staff has immense impact. If the oversight of the probation and parole service is made by experienced professional staff, so that the individual skills of all the staff can be used, to the ultimate benefit of both clients and staff, such a service is operating in a professional manner.

I do not know of any service in Australia that claims to have adequate staff. The lack thereof, is the major prohibiting factor in providing good social casework services, where the skills of all staff are maximised. Flexibility in the use of individual skills is an essential feature of good social casework; individual offenders have differing problems, which should be carefully assessed, and become the case work goal of the officer best suited to deal with them. It is here that the variations in personality and training combine in meeting the needs of clients, and out of which mutual respect between staff of varying levels of training and experience should emerge. Heavy work loads reduce the opportunity for flexible use of staff, reduce work satisfaction and

and contribute to the present problems in recruiting well trained staff, and retaining their services.

Promotional opportunities are a further consideration, in setting policies for recruitment and training. In this paper I have placed emphasis on professionalism. I believe that part of this necessitates that senior positions that include responsibility for setting and maintaining casework standards, should be held by staff who are professionally trained, and ideally, with adequate field experience. However, the size of the organisation may provide opportunity for promotion of experienced and competent staff who are not professionally trained; the greater the organisational scale the greater the degree of flexibility in the use of individual skills.

So far, concentration has been on recruiting and training statutory staff. Several services utilise volunteers, and in South Australia the Department agrees in principle with the recommendation of the Criminal Law and Penal Methods Reform Committee on the use of volunteers in probation and parole. Thus, having not experienced the problems of recruiting and training volunteers, let alone utilising them successfully, I intend only to present some observations and ideas, which may provide one basis for subsequent discussion.

In discussion with staff, I have found mixed reaction to using volunteers. This suggests, apart from the obvious need for future volunteers to be directly responsible to the department, that the initial recruitment should be made by the staff interested in using them. It also suggests that those staff who do so, and eventually all staff, require some training in the use of volunteers and their role. As to the training of volunteers themselves, I can only say that I feel it should be sufficient to meet the problems of knowing adequately the function of probation and parole, the expectations of the statutory staff, and when to recognise ones own limitations and seek help. On the question of who to recruit, it is no doubt ideal to provide as wide a range of background and personality as is possible. It seems to me, however, that the widow or deserted mother who raises a family of well adjusted children, while living in a high risk delinquency area has something of great value. If she can make that something available to other families, volunteers in probation and parole will have a valuable contribution to make.

Crime is talked about as one of the major urban problems in western industrial society. Australia is one of the most highly urbanised nations in western industrial society, and the inter-relation of these two facts is no doubt self-evident to all of us at this training course, from first hand experience. It should also be evident, that whatever theory each of us maintains individually, as to why crime is an increasing problem, the place where it all happens, both cause and effect, is out there in society. Whatever punitive sanctions we utilise, to provide temporary respite from the behaviour of socially deviant members, part of the battle to reduce the tendency to criminal forms of social deviance, and I believe it is the major part, must be fought outside, with both the individual and the people who are part of that persons social context. This is the area in which some hope of long term change can be effected, and this is the role of probation and parole services. An appearance in court may be a salutary experience at the time, but it is a once only happening, of brief duration. More frequent use of parole reduces the length of time spent in prison by many offenders who are actually sent there, and opinion suggests that few prison services have the resources to provide programmes that have real positive value to the recipients, even if well organised post-release continuity of programme was available.

Probation and parole services have existed in all states now for some time, and in other countries for many years. The various measures devised to establish success rates have never been below those of other formalised methods of management of offenders; in some instances they have been much better. Whatever the rate of success presently enjoyed, I believe that rational recruiting and training methods, matched with adequate staff numbers provides society with a proven method of crime prevention that should gain the support of society, and the other sections of the criminal justice system in particular. The suggestions I have outlined in this paper I believe to be a correct step in that direction.

HUMAN RIGHTS IN THE TREATMENT OF PRISONERS

V.N. PILLAI

With the remarkable increases in reported crime in most of the countries of the world in recent years, criminal justice systems have come in for much criticism. Hitherto, the main focus of public concern, of academic research as well as of reform movements has been for decades, on the offender and his personality, on the prison and probation systems, and at times on the legal and sociological background of criminal behaviour. Planners and policy-makers have tended to treat the whole area of criminal justice as a branch of the general public administrative system to be taken for granted. It had either little political value for vote-catching purposes, or it was too sacrosanct for ordinary mortals to peer into its mystic depths. The administrators and the bureaucrats, for the most part, have tried to rationalise their own prejudices, or been involved in the preservation of the status quo. The research efforts to which most sociologists and criminologists have devoted time, energy and money, though of academic value, have given scant attention to the values of human dignity and freedom of the individual or of the community of which he is a part. It has been pointed out, not entirely without justification, that when social scientists measure the attributes of a person, they somehow transform him into an abstraction capable of measurement, thereby depriving him of his humanity. Reform movements there have undoubtedly been, but such as have surfaced, have meant more of everything that preserves the system, more police, more judges, more prisons and prison personnel, and more of the same kind of esoteric research. In more recent times a new breed of social scientist, the social planner, has sprung up out of the *milieu* of conflicting efforts in this field, whose aim is to inject the social element into measures of economic planning with which most developing countries are preoccupied.

Since none of the above approaches, or combination of approaches, to the problem of crime has yielded significant results, it would seem appropriate and necessary to take a harder look at the criminal justice system as a whole, and more especially at some of its basic humanitarian aspects which tend to defy sociological or criminological measurement, but which on the other hand have increasingly become matters of considerable concern to the community at large as well as to the quality of life of the individual. In the final analysis, any criminal justice system must be judged by the efficacy of such measures as will ensure, in actual practice, that those fundamental principles contained in the Declaration and in the Covenant on Civil and Political Rights, such as the equality of all persons before the law, the presumption of innocence and the protection of the rights of accused persons, are translated into the arena of day-to-day procedures. The central difficulty with most systems of criminal justice has been not with the principles of civil liberty which are proudly displayed in statute books, but rather with the manner in which these principles have been institutionalised without reference to the social and economic conditions in which they operate. It was Anatole France who once remarked that the 'law in its majestic equality punishes the rich and the poor alike for sleeping under bridges, begging in the streets and stealing bread'. Equity and justice within the system itself must be the means to achieve its objectives.

Of primary importance is the structure of the system itself. The inter-relationship of all the elements within the criminal justice system needs to

be stressed. Too long have the different elements, the police, the prosecutors, the courts, the correctional services, isolated themselves and worked within water-tight compartments. Cooperation and coordination among all the components are not only essential, but each has a direct interest in the effectiveness and efficiency of the others. It is only under such an integrated organisation that law enforcement policies can be uniformly and equitably applied with appropriate regard for the rights of the individual and for the rights of the community. The criminal justice system is like a relay race. Delay and confusion in handing the stick to the next runner affect all the others, however skilful or speedy each by himself may be, and results in a break-down of the entire team effort.

Two specific elements of the criminal justice system merit special consideration. They concern the rights of those who are detained in custody pending their trial and the rights of those serving sentences of imprisonment after conviction. For centuries, the rationale of treatment for these categories of persons has been based on the classical theories of retribution, deterrence and punishment. With the great expansion in education and the concern of the public with those human rights relating to criminal justice which are of universal application on the one hand, and with the general acceptance of the principles contained in the United Nations Standard Minimum Rules for the Treatment of Prisoners on the other, there is now a slow but steady move away from older attitudes.

Rights of Under-trial Detainees

The presumption of innocence dictates that the rights of under-trial detainees should be different from those convicted of offences after trial. The purpose of detaining persons who are deemed to be innocent until proved guilty is to ensure their presence at the trial, or because there may be reasonable grounds for believing that witnesses and victims will be harmed. It therefore seems incumbent on the administration to provide a system of bail which would be practicable and readily available to most persons charged before the courts. Existing systems of bail in most countries have, as their basis the provision of guarantees through professional bondsmen on the security of money or property beyond the resources of poor and indigent accused persons.

Bailing practices in most countries tend to favour affluent accused persons, and the right of equality of all persons before the law becomes a mockery. Under existing conditions few administrations can hope to survive for long under procedures which in effect mean that there is one law for the rich and one for the poor. It is claimed that the common man in his struggle for existence is always driven to the wall. The least that systems of justice could ensure is that the wall is climbable.

The Standard Minimum Rules for the Treatment of Prisoners injects the humanitarian spirit of the Universal Declaration of Human Rights into the correctional system. The purpose of most of the rules is to humanise the treatment of prisoners - a term which includes both those detained while under trial as well as convicted persons. The provisions most relevant to the humanisation of prison treatment are to be found in Rules 4, 6, 30, 31, 32, 33, 84 and 93. The provisions relating to the question of judicial guarantees for untried prisoners are contained in Rules 84 and 93. An examination of these rules will show that the Rules are somewhat more developed than the Declaration, and in some respects, more than the Covenant of Civil and Political Rights. Articles 7, 9, 10 and 14 of the

Covenant describe in detail the rights of detained persons, and is perhaps the only United Nations instrument containing provisions on the human rights of detained persons, and having a legally binding force similar to other international conventions insofar as it is subscribed to by member states.

Neither administrative costs nor political inconvenience can justify limitations on the fundamental rights of persons awaiting trial. If the cost of authorising the incarceration of pre-trial detainees is prohibitive, the canons of elementary justice require that society should develop alternative means of ensuring the presence of accused persons at their trial. It is not sufficient that provisions may exist whereby pre-trial detainees can seek judicial redress for the violation of their rights. The period of pre-trial detention is often too short to pursue legal remedies. By the time the court could render a decision, the detention would be over and the complainant would either be a convicted person or a free citizen.

The following practical alternatives to pre-trial detention are suggested for consideration where appropriate

- (i) release on a personal recognisance with or without conditions;
- (ii) release into the care of a qualified person or organisation reasonably capable of assisting the accused to appear at the trial;
- (iii) release under the supervision of a probation officer or similar public official;
- (iv) release on the basis of personal security to be provided by the family or employer or persons similarly interested in the accused;
- (v) release on the basis of the accused reporting periodically to the police or prosecuting authority.

Society has a rightful interest in insuring that persons accused of crimes are available for trial. The accused on the other hand is presumed innocent and should not be detained unless there is substantial risk of his not appearing when required, or of his tampering with witnesses or evidence. This is specially relevant in the case of minor offences or crimes where it is unlikely that conviction will result in imprisonment. The disruption in an accused person's life during the period of his presumed innocence should not be greater than that likely to be suffered if convicted. Further, the costs to the administration in maintaining large institutions for this purpose is a considerable drain on the resources of developing countries.

It will be apparent from the provisions of the Standard Minimum Rules that treatment, the conditions of confinement and the rules of conduct authorised for persons awaiting trial should be the least restrictive alternative that will give reasonable assurance of the presence of the person at his trial. They have to be kept apart from convicted offenders, but they should be afforded the same privileges as convicted persons. Where modification of the rights is required by the over-riding needs of security, order or discipline within the institution, such modification should be as limited as possible.

Rights of Convicted Prisoners

Common sense dictates that in order to learn to respect the law, the offender must see that respect demonstrated in practice as it is applied to him. The United Nations Standard Minimum Rules for the Treatment of Prisoners is intended to do just that. They are not intended to describe in detail a model system of penal institutions. Rather, they attempt to set out those standards of humanitarian conduct which are generally accepted by the civilised world as being sound in principle and least harmful to the process of rehabilitation. They accept the limitations inherent in systems of imprisonment which always result in cutting off an offender from the outside world and which are afflictive by their very nature. They require that prison systems shall not aggravate the suffering involved in such a situation. The term 'treatment' could be understood in two ways. In a broad sense it refers to the general conditions of the day-to-day life in the institution, to the manner in which prisoners are looked upon and handled by the staff, and to the relative standards of prison life and life at liberty.

In a technical sense 'treatment' also refers to the rehabilitation purpose of the prison regime. It is admitted that the justification for any sentence of imprisonment is ultimately to protect society against crime, and that the period of imprisonment must be used, as far as possible to ensure that upon his return to society, the offender is willing and able to lead a law-abiding life. Hence the system should be organised in such a way as to utilise appropriate educational and vocational training methods as well as psychological counselling and similar therapeutic devices to suit the individual needs of the prisoner. In setting such minimum standards the Rules did not lose sight of the essential human rights of the individual either in the original recommendations, or in the many subsequent seminars, congresses and meetings directed specifically to this subject.

Much water has flowed under the bridge since the original recommendations were made. The individual rights of those who are sentenced to imprisonment have been a matter of concern at many international meetings. The International Covenant on Civil and Political Rights (1966) laid stress on fundamental rights such as the right to be free from torture, cruel, inhuman or degrading treatment or punishment, and the right to be treated with humanity and with respect to the inherent dignity of the human person. The United Nations Consultative Group on the Prevention of Crime and Treatment of Offenders, which met in 1968, reiterated that the 'Standard Minimum Rules have a two-fold purpose - to safeguard fundamental human rights in case of imprisonment, and to promote treatment based on progressive principles of correctional practice'. (ST/SOA/91). The Group went on to show that the balance between human rights and corrective treatment was delicate and needed further consideration. However experience has left penal administrators in no doubt that the exercise of a person's basic rights is crucial to the success of his rehabilitation. It is only his active cooperation and willing involvement in such a programme that can produce constructive changes in his attitudes. If he is treated inhumanly, broken in spirit or frustrated by a lack of fulfilment, he is not likely to benefit from his imprisonment and the system may have paved the way for another criminal career.

In the past, considerable attention has been paid to the problem of defining the legal status of prisoners. Legislative bodies, courts and correctional agencies have been major participants in this process. The area of prisoners' rights, however, has remained blurred and uncertain, but there is now a growing concern for the rights of persons under correctional control. If the philosophy of rehabilitation and reintegration of the offender is to gain

both community favour and individual acceptance, a correctional system centred round fair and humane practices will do a better job in carrying out its mission than one that is not. There is convincing evidence from most parts of the world that current practices in penal institutions do not correct or improve the offender, but rather, intensify and compound the problems they profess to correct. Imprisonment appears to have negative effects on the offender's ability to lead a law-abiding life on his discharge. Rates of recidivism indicate that time spent in confinement is inversely proportionate to success on parole or in post-institutional community life. We may not be far off the mark if we assume that one of the basic factors in the failure of imprisonment as a corrective measure has always been the lack of consideration for the individual offender as a human being with a measure of human dignity and with certain inalienable elemental rights.

The major responsibility for protecting prisoners' rights must be with those who administer correctional systems. It may be necessary that there should be a realignment of correctional practices to meet this need, and in such a climate of change, the following standards relating to the rights of prisoners are worthy of special consideration.

A. The Right of Reasonable Access to the Courts

The prisoner should have readily available means by which appeals against his conviction as well as suits and claims which concern his interests are transmitted to the courts in the same way as free citizens. The main problem relates not to the general principle as much as to implementation. Many systems do have administrative rules designed to give effect to the principle of access to courts, but they have a tendency to be complex, slow and unwieldy. When prisoners have to wait months, and sometimes years to commence or pursue action, they are placed at considerable disadvantage in obtaining evidence and keeping up with witnesses. Justice delayed is often justice denied.

B. The Right of Access to Legal Services

The right to, and availability of, counsel has been a major trend in the expansion of prisoners' rights in a number of countries. The right to counsel is not disputed. The availability of lawyers either privately or through legal aid systems is however problematical even in the developed countries. Law students or substitutes, if approved by rules of court or other proper authority, may provide consultation and advice to prisoners. Even lay representation to meet the needs of prisoners without financial resources to retain such assistance privately, might provide a safety valve for grievances and help reduce inmate tension in this particular area. Ready access to such assistance in proceedings challenging conditions of treatment, in probation revocation or parole hearing, in disciplinary proceedings within the institution and in civil legal problems relating to debts, marital status, property or other personal affairs, should be considered as a right to which the prisoner is eligible. Correctional officials admit that the absence of such a facility tends to provide a flourishing business for 'prison lawyers', creates power structures within institutions and has adverse effects on rehabilitation programmes where such exist.

C. Protection Against Personal Abuse

The right of prisoners to be free from personal abuse by correctional staff

or other offenders is closely linked with the new philosophy of corrections as a rehabilitative force rather than a punitive one. The list of prohibited acts has to commence with a basic ban on corporal punishment; it should proceed to prohibit the use of any form of physical force except in self-defence, in the defence of staff or other inmates or to prevent riot or escape. In these instances, the rule should make it clear that the amount and type of force to be used should be such as to secure order or control and no more.

One of the most inhumane and controversial aspects of current penal practices is the use of solitary confinement. Though it would be doubtful whether this practice could be classified as 'cruel and unusual punishment' there is a growing consensus of opinion advocating a maximum limit on the use of this method as a punitive or disciplinary measure. Such a limit should take into consideration the general conditions of the institution, the culture of the country and the moral and ethical standards of the community.

It is recognised that mental abuse can be as damaging to an offender as physical abuse, and the infliction of mental distress and humiliation as a disciplinary measure should be prohibited.

Any deprivation of the basic amenities of humane institutional life such as basic clothing appropriate to the climate and the country, bedding, sanitation, ventilation, exercise and diet, or any wilful neglect that impairs physical or mental health would be considered as a violation of a basic human right and should be prohibited. The setting up of relatively modest minimum standards in these areas in accordance with the resources of the penal administration and the standards of living in the general community should be a matter of priority for the criminal justice administration.

Protecting prisoners from the violent acts of other inmates and of staff members is an essential measure that does not appear to have received adequate attention. It is contended that a person convicted of a crime and placed under the authority of the state should not be forced to fear personal violence and abuse. Correctional authorities should periodically evaluate institutional staff and identify those who may constitute a threat to prisoners in their charge, as well as develop classification procedures that will separate violence-prone offenders from others.

D. Disciplinary Procedures

Prison discipline is a very sensitive issue both to correctional administrators and to prisoners. The administration of some form of discipline is necessary to maintain order within the institution. However, when the procedures utilised to impose it violate constitutional or legal safeguards or inhibit or seriously undermine reformatory efforts, it becomes counter-productive and indefensible. The history of inhumane and degrading forms of punishment has been adequately documented in the past, but some of these practices are still fairly widespread. The imposition of drastic disciplinary measures can have a direct impact on the length of time a prisoner spends in prison, on the nature of his confinement, on the level of his custody or on the privileges which he may have earned. The correctional administration has the power to authorise or deny every aspect of living from food and clothing to the use of toilet facilities. It is this power, often unpublicised, more than perhaps any other within the system, which has to be brought under some rule of law. The very nature of a closed, inaccessible prison makes safeguards against the exercise of arbitrary power difficult.

The concept of due process is one which authorises varying procedures in the differing contexts of governmental action. Such a process may be too formal or too complicated, and administratively impractical as a disciplinary procedure within an institution. But there must be a respect for the basic essentials of justice and fairness. The inmate should understand what is expected of him so that he may avoid the consequences of inappropriate behaviour. If he is charged with a violation, he should be informed of what he is accused; and he should be given an opportunity to present evidence to refute the charge or to mitigate the offence. In addition to these basic requirements, there could be further refinements in the procedure to permit the cross-examination of witnesses, to provide for assistance in presenting one's case and the right to appeal to a higher authority. When the punishment to be imposed is likely to extend the prisoner's confinement, or substantially change his status, such as by placing him in segregation, the range of procedural safeguards should be proportionately extended. These decisions are crucial not only to the offender, but also to the administration and the larger world outside, in that they would tend to create the best possible prelude for the rehabilitation of the prisoner in the community, and for inculcating within him respect for the law for the violation of which he was presumably incarcerated in the first place.

E. Grievance Procedures

Prisons all over the world have shown an unlimited capacity to produce unrest, dissatisfaction and tension. It is admitted that the prison is an abnormal institution, with a culture of its own where the inmate deprived of his liberty and perspectives (not to mention sex) tends to focus his attention inward. Minor facets of day-to-day living which in normal life one would ignore, avoid, or otherwise take defensive action against, tend to be magnified within the institutional setting. Minor complaints become major grievances. Too often have such grievances multiplied into violence and riot, with tragic results.

The development and implementation of procedures for the reception of complaints and for resolving grievances cannot be too highly emphasised both for the purpose of sound administration, and from the point of view of the basic rights of inmates. Situations exist where staff and inmates do not communicate freely with each other because of age, lack of training and other differences. In many instances there is a tendency for the staff to play down complaints, or fail to transmit them through the proper channels. Often, investigators are too close to conditions, or too involved in the system, to evaluate grievances in their true perspective or find reasonable alternatives.

Correctional agencies have not only a responsibility, but also an interest, in maintaining procedures that are designed to deal with complaints fairly. Such procedures should not only exist, or be known to the staff, but be manifestly seen by inmates as fair, reasonable and readily accessible. To encourage their use, the procedures should be available to every inmate, and most importantly, no reprisals should follow from their use.

Experience has shown in many systems that the function of investigating complaints is best served by the involvement of persons in the community or outside the penal administration, who could be trusted to bring to their task an objective attitude free from bureaucratic or self-serving interests. Open lines of communication between inmates and staff, between inmates and specified authorities outside the institutional staff, can be most helpful in keeping correctional authorities alert to developing problems.

F. Exercise of Religious Freedom

In most countries freedom to practise one's religion is a basic right expressly provided in constitutions. Concepts of individual liberty and expression have always given a fundamental status to religious freedom. Besides, the criminal law in each state generally reflects a number of moral judgements that have deep roots in religious doctrines. Religious instruction has been used extensively as a tool in the rehabilitative process. It would therefore seem appropriate for correctional agencies to develop and implement policies and procedures that will ensure prisoners fulfilling the right to practice their own religious beliefs to the maximum extent consistent with the law. The demands of security and order within the institution would of course, impose some limitations on the right. In the case of multi-religious societies, the practice of an inmate's religion would have to be carried out in such a way, and at such places and times, that the rights of prisoners professing other beliefs are not affected adversely. The essential principle in this somewhat sensitive but nebulous area is for the correctional authority to give equal status and protection to all religions. Other principles involved are the provision of access to facilities for worship or meditation, arranging the institutions' schedule to the extent reasonably possible so that inmates may worship or meditate on the days and at the times prescribed by their faith, allowing access to clergymen or spiritual advisers of all faiths represented in the inmate population, and permitting the use of religious tokens, religious literature and other symbols that are not unduly obtrusive.

G. Rights Relating to Communication With the Outside World

From time immemorial, prison walls have served not only to keep prisoners from escaping physically to the world outside, but also to isolate them mentally and emotionally. Institutional security has required that restrictions on communications are necessary for effective management, but this attitude has created difficulties for rehabilitative programmes. It has also helped to keep the public in general, and families and friends in particular, isolated from inmates. If an offender is to readjust himself to a life of freedom within the society from which he was excluded, the adjustment process must be a continuing one, or if it has been broken, it must commence long before his day of release. The offender should be in a position to retain essential ties with his family and friends, to know about social and economic changes that are taking place in the community, and above all, to create within himself some glimmer of hope for the future through contact with the world outside. Experience has shown that whenever people are incarcerated, whether in a prison, or an asylum, or in institutions for the aged and retarded, opportunities for human indignities and insensitive administrative acts begin to emerge. Failure in an institution to adhere to minimum standards is rarely exposed, except when sparked by excesses and revealed through press reports. Areas of concern in this context are mainly those relating to correspondence and visits. The rights of a prisoner to keep in touch with his family and friends through letters, and to be visited by them from time to time, must be considered as inalienable to his human needs as well as to successful rehabilitation.

The Standard Minimum Rules specify broadly that prisoners shall be allowed to communicate with their family and friends (Rule 37) at regular intervals as well as receive visits under necessary supervision. However the words 'under necessary supervision' have lent themselves to varied interpretations generally to the detriment of the prisoner.

The censorship of incoming and outgoing letters has been a source of irritation not only to inmates and their correspondents, but also to institutional managements who have often deemed themselves to be threatened or harmed by criticism or exposure to public notice. Prison administrators are now generally agreed that the stifling of criticism, if any are in fact made in correspondence, lead to greater dissatisfaction, and that the manpower resources expended in censoring letters could be better utilised on more useful tasks. On the one hand, contraband, dangerous weapons and similar harmful material must be excluded from correctional institutions to maintain security and good order, while on the other, the prisoner must have the right to correspond freely with family and friends with a sense of privacy in keeping with his dignity as a human being. A reasonable solution to the problem would be for the correctional authority to inspect incoming and outgoing mail for prohibited articles, but not to read or censor the contents.

The critical value for the offender in visiting with his family, his relatives and friends is now recognised, as is the necessity of providing surroundings and facilities conducive to the maintenance and strengthening of family ties. Even when the right to visit is accepted and provided for, the existence of glass partitions, wire screens and similar artificial devices tend to emphasise separation between the inmate and the visitor rather than to confirm existing bonds and interests. While conjugal visits for prisoners are still a matter of controversy, and are likely to remain so for some time to come, the right to normal visits from family and friends should be one that is not withdrawn except under the most exceptional circumstances. In fact, correctional authorities should not merely tolerate such visits, but do everything possible to encourage them as an additional tool in the task of rehabilitation.

H. Remedies Against the Violation of Prisoners' Rights

No system for the recognition and maintenance of prisoners' rights can be effective unless mechanisms are created for dealing with their violation. Basically, there should be recognition of the fact that a convicted prisoner, imprisoned according to the law, retains all the rights of an ordinary citizen, with the exception of those that are expressly, or by implication, denied to him by the fact of his conviction and imprisonment.

Redress against the violation of any right may be either administrative or judicial. Administrative remedies should provide for periodical and surprise inspections of institutional activities by responsible officials, judges, and citizens of repute specially appointed for this purpose. Wide publicity and understanding of the fundamental nature of such rights among both prisoners and prison staffs should be a basic requirement within institutions. In the case of the prison staff the justification for, and application of, human rights as it involves prison inmates would be best served by such principles being incorporated as an essential ingredient in pre-service and in-service training programmes. In the case of inmates some form of instruction regarding the rights and obligations of life in an institutional setting could well form part of admission-orientation procedures.

Judicial remedies for the violation of rights exist under most legal systems. Courts have become increasingly concerned with methods by which the rights of incarcerated persons could be protected both by recognising civil suits as well as through criminal sanctions. In one country a court has barred

further commitments to a specified institution because of inhuman conditions. In other instances courts have attempted to exercise continuous jurisdiction over sentenced offenders on the ground that such an interest would ensure that the sentence of the court is carried out under reasonably human conditions. Yet in other cases the existence of an ombudsman and simple procedures by which appeals could be made to him directly by petition has served as an effective remedy against violations. It must however be pointed out that the requirements of a lawsuit tend to be cumbersome and expensive to the average prisoner. While the existence of criminal penalties or civil liability for violating an inmate's rights may be reassuring, such methods should not be considered as being practical or readily available to inmates in the situation in which they find themselves placed. In the final analysis, the most effective means of ensuring respect for such rights is recognition by correctional personnel at all levels that their protection is an essential requirement both for their own security and advancement as well as for the purpose of carrying out the rehabilitation policy of the State.

METHODS OF TRAINING IN THE CRIMINAL JUSTICE SYSTEM IN JAPAN

TOMIYOSHI KAWAHARA

INTRODUCTION

Before commencing my main topic, I would like to give a brief description of the general education scheme in Japan.

Compulsory education is for nine years; elementary school for six years and junior high school for three years. Children aged from six to fifteen years must attend one of these schools. Attendance rate is 99.9 per cent so there are very few illiterates in our country.

Approximately 87 per cent of the graduates from junior high schools go on to senior high school, and 29 per cent of senior high school graduates entered colleges and universities in 1972. In Tokyo, 97 per cent of the graduates for junior high schools proceeded to the higher schools in the same year.

THE NECESSITY OF IN-SERVICE TRAINING

In Japan, whether it is a governmental agency or a private enterprise, in-service training is very popular. In some countries, employees who have been given better in-service training and are well qualified are likely to seek more payment and higher positions. In our country, the situation is quite the reverse. By the influence of the loyalty to the emperor and loyalty to the feudal lords, they are averse to changing their occupations. It is still traditional thinking that change of trade and divorce are degrading elements in evaluating a person. Most Japanese are firm believers in the proverb 'A rolling stone gathers no moss'. By giving better in-service training, more effective administration is guaranteed for the government and for commerce the more profitable to the company it will become. Payment for seniority and employment for life are two major characteristics in Japanese enterprises and governmental agencies. Accordingly, investment is always paid back with interest in the field of in-service training.

RECRUITMENT, EDUCATION AND TRAINING FOR POLICE OFFICERS

Recruitment

Recruitment for the police is administered by the respective prefectural police headquarters. The minimum educational requirement is a graduate of senior high school or its equivalent.

Ranks of the Policeman

Japanese police ranks are divided into ten categories: Policemen, Senior Policemen, Police Sergeant, Assistant Police Inspector, Police Inspector, Police Superintendent, Senior Police Superintendent, Supervisor and Superintendent General of the Metropolitan Police Department. Ranking police officers holding the rank of Senior Police Superintendent and higher and those police officers who are assigned to the National Police Agency

are termed as 'National Public Service Personnel'. Others are the Prefectural Civil Servants.

Education and Training

The education and training given to police officers consists of two types: 'school training' and 'on-the-job training'.

a) School Training

i) Recruit Training

Newly recruited police officers of the prefectural police are admitted to the Prefectural Police Schools for a year if they are high school graduates, and for six months if university graduates and policewomen. In the school, they receive basic education and training necessary for police officers. They study primarily, law and police practice, and are required to master such Japanese traditional martial arts as Judo and Kendo (Japanese fencing) which build strong bodies and minds and are useful for self-defence and the apprehension of criminals. All the newly recruited officers are accommodated in well-furnished dormitories at the Police Schools and acquire a disciplined group life. They also enjoy club activities in sports, movies, music appreciation, tea ceremony and flower arrangement.

ii) In-Service Supplementary Training

Police officers, who have graduated from the recruit training course and performed field duty for a year at police stations, must return to the Police Schools for six weeks to improve their abilities in police practice and techniques based on their experience.

iii) Special Training

Police officers of the rank of Assistant Police Inspector or under are selected for advanced special training at the Regional Police Schools for periods of one week to three months, studying such subjects as traffic control, public security, criminal investigation, crime prevention or juvenile guidance. Police officers who are assigned to new branches receive basic training there.

iv) Other Training

Police officers who have passed promotion examinations to the rank of Police Sergeant or Assistant Police Inspector are admitted to the Regional Police Schools which are administered by the National Police Agency; officers who have passed the examination to Police Inspector are sent for training to the National Police Academy which is located in central Tokyo.

Police officers are also sent to other institutes to study such subjects as foreign languages, automobile repair and maintenance, or special techniques for criminal investigation.

b) On-the-Job Training

The training Section of each prefectural police headquarters prepares the annual training programmes for police officers at different posts, and

issues instructions and materials for carrying out such programmes.

Based on these programmes and materials, practical and technical training is systematically given by senior officers to their subordinates in the course of daily police routine at police stations and other posts.

TRAINING FOR CORRECTIONAL PERSONNEL

Correctional Institutions in Japan

Under the jurisdiction of the Minister of Justice, the Commissioner of the Correction Bureau takes direct charge of all the correctional agencies.

We have a centralised and uniform correctional system, consequently, all correctional institutions are national.

There are 7 detention houses, 57 prisons, and 9 juvenile prisons (Staff: 16,915), 62 juvenile training schools (Staff: 2,896), 51 juvenile detention and classification homes (Staff: 1,202) and 3 women's guidance homes for the prostitutes (Staff: 53).

General Purpose of the Staff Training Services

The purpose of the staff training services provided at the Training Institute for Correctional Personnel is to promote the efficiency of the personnel by teaching them academic knowledge and practical skill required for the performance of their duties, and cultivating character through moral and physical training.

Training Courses

The annual routine training courses are as follows

a) Junior Courses

These courses are conducted at Branch Training Institutes for Correctional Personnel in each Correction Region.

i) Primary Course (Duration: 12 months)

This course is for newly recruited correction officers, and is intended to give them basic training and education on both academic and practical subjects that are necessary for a correction officer.

ii) Regular Secondary Course I (Duration: 6 months)

This course provides a higher level of training and education required for senior correction officers. Trainees are selected by a competitive entrance examination from among officers working in detention houses, prisons and juvenile prisons.

iii) Regular Secondary Course II (Duration: 6 months)

The level of this course is the same as the Secondary Course I. Trainees of this course are, however, those working in juvenile training schools, juvenile classification homes and women's guidance homes, selected through a competitive entrance examination.

iv) Special Courses (Duration: less than 2 months)

These courses are occasionally organised on a specific subject of correctional practice or institutional operation, inviting those officials who are engaged in the type of duty that is related to the subject.

b) Senior Courses

These courses are provided at the main Training Institute for Correctional personnel in Tokyo.

i) Regular Advanced Course I (Duration: 12 months)

This course embodies a higher level of training and education required for senior executives and administrators in correctional services. Trainees are selected mainly by entrance examination among the senior officers working in institutions corresponding to the Secondary Course I.

ii) Regular Advanced Course II (Duration: 12 months)

The level of this course is the same as the Advanced Course I. Trainees are selected similarly to those for the Course I, but from the Institutions corresponding to the Secondary Course II.

iii) Advanced Special Courses (Duration: less than 3 months)

These courses are occasionally organised for a specific rank or group of correctional personnel, for the purpose of imparting advanced and up-to-date theories and practices of correctional service.

iv) Research Fellowship Courses (Duration: as the theme requires)

Fellows are selected from among correctional officials to pursue research and study on a subject related to the theory, system or practice of correctional service.

TRAINING FOR PROFESSIONAL PROBATION OFFICERS

The Research and Training Institute of the Ministry of Justice

Other than the above mentioned Institute, the Ministry of Justice has a synthetic training institute within its premises. The Institute has eight branch institutes throughout Japan.

From a domestic viewpoint, the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders is a branch of that main institute aimed at the training of participants in the field of criminal justice. This is a scheme to receive participants from developing Asian and Far East countries.

Training for Probation Officers

We have 836 professional probation officers as well as approximately 50,000 voluntary probation officers.

Newly recruited probation officers undergo primary training at one of these branch institutes for three weeks providing they have passed the National

Civil Service Examination in one of the courses of Psychology, Pedagogy, Sociology, Law and Public Administration.

Probation Officers Training Courses (1973)

| <u>Courses</u> | <u>Period</u> | <u>Number of Trainees</u> |
|---------------------|---------------|---------------------------|
| Initial Course | 90 days | 31 |
| Secondary Course | 15 days | 36 |
| Specialised Course | 20 days | 20 |
| Senior Course | 31 days | 21 |
| Supervisors' Course | 20 days | 15 |

In these courses, academic training on behavioural science as well as field work at juvenile courts, juvenile institutions, rehabilitation aid hostels and mental hospitals are greatly emphasised.

We do not have any independent training institute for the voluntary probation officers. However, in order to help voluntary probation officers acquire the knowledge and skill required for their service, the Japan Rehabilitation Aid association publishes a monthly organ entitled *Rehabilitation*. Parole Boards and probation officers regularly organise various voluntary probation officer training courses. Types, duration and number of participants of the courses in 1968 were as shown below

| <u>Course Type</u> | <u>Course Period</u> | <u>Total of Trainees</u> |
|---|----------------------|--------------------------|
| Course for New Recruits | 1 day | 2,690 |
| Courses for voluntary probation officers assigned to special duties | 1 day | 230 |
| Intensive Courses | 2 days | 9,507 |
| Courses for voluntary probation officer leaders | 3 days | 854 |

Aside from training courses formally organised as above by probation and parole agencies, each local association of voluntary probation officers holds from time to time case conferences and other study meetings attended by the professional probation officer as leader. In 1968 the total of attendance at these meetings in the country amounted to 205,195.

THE LEGAL TRAINING FOR THOSE WHO WISH TO BECOME JUDGES, PUBLIC PROSECUTORS OR PRACTICING LAWYERS

The Legal Training and Research Institute of the Supreme Court

In Japan, one who wishes to enter the legal profession must pass the National Law Examination which is a prerequisite to admission to the Legal Training and Research Institute of the Supreme Court. In 1969 there were 18,453 applicants for the National Law Examination of which 501 were successful.

After a two year course of instruction at the Institute, the students called 'legal apprentices', have to pass another examination, after which, as a general rule, they are qualified to enter any one of the three branches of the legal profession. The legal profession is divided into three groups, the judiciary, the procuracy, and the bar. Interchange among these branches is rather exceptional, though there has been some increase since World War II

under the stimulus of a movement for the 'unification of the profession'.

The Initial Training Period

The training period at the Institute begins in April. This is the opening of the first four month period which is called the 'initial training term'. New apprentices are divided into ten groups each of approximately fifty members. Each group has its own teaching staff consisting of a judge who has specialised in criminal litigation, a public prosecutor, a lawyer specialising in civil litigation, and one specialising in criminal practice. Instruction is primarily by the discussion method. This is in striking contrast to the university law faculties, where the lecture method is the principal method used. The primary function of the initial collective training period is to orient the apprentices for the field period which is to follow. After several introductory lectures and visits to trials, actual instruction begins, about five hours being spent each day in the classroom. The following courses are the principal ones given:

- a) Draftsmanship
 - i) Judgements supervised by judge instructors
 - ii) Indictments supervised by public prosecutor instructors
 - iii) Pleadings supervised by lawyer instructors
- b) Lectures on specialised subjects.
- c) Inspection tours to courts, prisons, police stations, etc.
- d) General cultural education.

In recent years, there have been slight changes in the curriculum due to the fact that some aspects of judicial administration, for example, the conducting of trials and oral pleadings, seem to be better taught through methods other than draftsmanship, although in the draftsmanship classes these problems are also discussed with excellent results. Such other methods include the 'model trial' and the 'moot court'. For the benefit of the apprentices in the initial collective training period, a model civil trial is performed by experienced judges and lawyers. A film of a model criminal trial is also shown.

Field Training Period

After the initial training period has been completed, field training begins at the courts, public prosecutor's offices, and the lawyers' associations. The term of field training is 16 months - 8 months at the court (4 months for training in civil cases, 4 months in criminal cases), 4 months at the public prosecutor's office, and 4 months at the lawyers' association.

Final Collective Training Period

After sixteen months of field training, the apprentices return to the Institute for a final four month period of collective training.

The content of the course is similar to that of the initial period. Rough spots caused by the field training in local institutions are smoothed over, and instruction proceeds at an advanced level.

In short, we might say that the initial period is to bridge the gap between

university education and practical training, and the final period is to provide some finishing touches.

At the end of this final term, there is an examination. With few exceptions, all apprentices pass this examination. This is not surprising in view of the fact that they have already become well-educated in law through a two year period of extensive and intensive training.

Graduates

Graduates of the Institute are qualified to become assistant judges, public prosecutors, or practising lawyers; the choice among these three branches of the profession is left to their own determination, but a fixed number of positions in the judiciary and the procuracy are provided by law. Each year a few graduates of the Institute enter the academic life, other branches of the government or some other profession.

PRISONERS' RIGHTS AND PRISONER UNIONS

BENEDICT S. ALPER

It is particularly appropriate that we deal this morning, as we did last night, with the problem of prisoners' rights. It is my understanding that this question is very much to the fore these days, because the Attorney-General of Australia has introduced a Human Rights Bill which has aroused a great deal of discussion. Prisoners are, after all, human beings and are as entitled to 'rights' as is everyone else. I am hopeful that some of the things I will say this morning will provoke discussion. I am a strong believer in clash of opinion; conflict is as necessary to change as change is necessary for the continuation of the life and vitality of any individual, any organisation, or in fact, any society.

When we talk about prisoners' rights, what are we asking for? Is it, perhaps, a contradiction to say that prisoners have rights? They have been deprived of liberty, their freedom of movement; on what premise do they demand certain rights? In each cell of a small prison in our mid-west is a sign which reads 'Prisoners have no rights here'.

There are two levels at which I would like to discuss the rights of prisoners: the first while they await trial, under a presumption of innocence before their guilt or innocence has been determined.

The most effective device for guaranteeing the rights of prisoners is that they be afforded the speediest possible trial. The courts of the United States are terribly clogged: thousands of detainees are held for upwards of three months, even for as long as three and four years on continuances, sometimes at the request of counsel, sometimes of prosecution. Speedy trial aids the innocent and punishes the guilty. If we were to spend some of the money which now pays for gaol detention on more legal services and more judges, on expediting the hearing and disposition of cases, we would go far to preserve the rights of prisoners awaiting trial. Beccaria said 200 years ago that sureness of apprehension and swiftness of hearing are the two best crime preventive measures that any society could take.

We are using increasingly in our courts, as a result of this clogging, release on recognisance (R.O.R.). The Vera Foundation in New York has made a study of bail, of persons held in gaol, and concluded that for many incarcerated persons pending trial, their major crime is poverty. Being behind bars makes it impossible to raise money for a private attorney, forces families on welfare and makes it virtually hopeless for the defendant to assist in the preparation of his defence. As a result, the Vera Foundation introduced a plan whereby law students sat in remand gaols and interviewed persons arrested and brought there awaiting trial. They would get from the detainee the detail of his life, especially with regard to those factors which attached him to the community and were likely to assure him return to court when his case was called. This last is, as Dr Pillai pointed out last night, the prime reason for either gaol detention or bail. If the interviewer discovered that a detainee had a family, that he was not excessively mobile, had a job, had a place in the community, they would check that information by telephone and if it was verified — having in mind of course the circumstances of the offence and the degree of its seriousness — they would recommend to the court that the person be released on his own recognisance.

You may be interested to know that as a result of the careful screening of applicants for release on recognisance, the default rate fell below 3 per cent not very different from the default rate of those placed on bail. Recognisance can also be to a lawyer, a minister, an employer, probation or police officer. If there is a question of some emotional maladjustment the defendant may even be released to the recognisance of a clinic or a mental hospital, an outpatient department that may have him under care.

For those whom the court believes cannot be released on their own recognisance without some kind of money bond the Vera Foundation came up with various bail deposit schemes which are found in increasing numbers in New York, Illinois, Massachusetts, Connecticut and California. Under this system the bail bondsman, the bail commissioner (which I regret to say is one of the prime sources of corruption in our criminal justice system) is done away with. The person placed out on bail puts up 5 per cent or 10 per cent himself of the total bond. If the bond were \$1,000 he must put up \$50 or \$100. If he defaults, he is responsible for the remainder; he also loses his deposit. If he appears in court on the day his case is called, this deposit is returned to him. This system has worked well: preliminary results of the Illinois plan indicate a lower rate of default under this plan. In one court the default figure dropped from 19 per cent to 16 per cent, in another the drop was from 24 per cent to 18 per cent. The Vera Foundation, after reviewing 25,000 defendants in the pioneer experiment of screening applicants before release on recognisance in 60 projects throughout the nation over a four year period, reports that only 400 of those 25,000 (or 1.6 per cent) did not return to stand trial.

Other alternatives to gaol detention that are being used are halfway houses, where persons are not disrupted in their day-to-day living, they simply report at night and week-ends to a place where there is some supervision, they are not allowed completely scot-free and yet are tied to the criminal justice system, somewhat like periodic detention in New Zealand.

If all of these methods fail, and the court should determine that a defendant must be held in custody pending his trial, what kind of a place should it be? I would like to say with all the force I can muster, that one of the stations where the presumption of innocence is most abused, is in our everyday places for holding defendants, a mixed bag of the serious and the not so serious offenders, of the young and the old. A prime objective of progressive penology through the centuries is the separation of juveniles from the contaminating influence of adults. Nowhere is that more strongly abused than in those institutions which permit juveniles and adults to be housed, for whatever reason, under the same roof.

The daily programme for persons detained in gaol consists largely of boredom, futility and frustration. In most gaols in the United States it is not unusual for men to spend twenty-two and a half hours a day locked in their cells, being released only to feed. For want of decent programmes, the easiest thing thing to do is to lock men up, with resulting apathy and boredom at its best, frustration and animosity at its worst, resulting in break-outs, riots, fires, assaults on staff. Therefore anything that can be done within our gaols to mitigate those circumstances will go far, not only to ease the burden on their administrators, but to preserve the rights of defendants held there for trial. We have around the country today a wide variety of measures to mitigate those gaol circumstances.

We are introducing legal services for persons held in gaol, not on the criminal side, but rather on the civil side. Many a man who is locked up

awaiting trial, concerned above all with the results of what his day in court is going to bring, is at the same time bedevilled by concern for his family, for a car he may have on the instalment plan, for his living arrangements. If he does not pay his rent, he may find his things thrown out on the street. His wife may be suing for divorce, there may be an adoption proceeding, he may have difficulty with the Welfare office. And so we are introducing legal services in the gaols at a minimal cost. My University Law School, Boston College, has had a project running for the last three years under the direction of a professor of criminal law involving thirteen law students and a full time accredited lawyer.

There is not much you can do for people presumed to be innocent: you cannot expect them to work, all you can ask is for them to keep their quarters and their persons clean, the rest of their time is on their hands. Therefore libraries are being set up in gaols, composed not of cast-offs, but of books, that prisoners are really interested to read. Recent court decisions are compelling our gaols to supply criminal statutes on microfilm so that prisoners can spend time working on their own cases, each his own gaol-house lawyer. We are making available educational programmes for those who wish to participate. For example, we have a large number of persons in our prisons who are Spanish-speaking, from Puerto Rico, our latest urban migrants. To confine Spanish-speaking persons in a gaol where none of the guards speak Spanish is certainly to deprive them of the right to the simplest kind of communication. Courses in Spanish are available to police officers and gaol guards, while English courses are available to the Spanish speaking detainees.

In the past, the chief purpose of medical services in gaols has been to prevent epidemics and the spread of contagious diseases. But, in addition, there are many gaol detainees who are in need of medical, psychiatric, dental and drug attention. Some may say, why should these people get free benefits for which in our system of medicine they would otherwise have to pay? It seems to me that if people break the law as a result of whatever pressures are on them, if we are really interested in crime prevention our aim must be to deal with the problems with which they confront us when they come into custody. We have them as captives, literally. If we supply the services to deal adequately with them, we can at least assure ourselves that some part of the problems which they brought into the gaol pending trial has been somewhat mitigated or alleviated before they depart. This to me is the essence of true crime prevention. At the same time it is going to make the lot of those who administer such institutions a great deal easier.

One of the difficulties confronting any place of confinement is its unisexual population. I realise that we cannot allow completely unsegregated populations of males and females in our prisons. But we do let ourselves in for a lot of serious trouble and we do corrupt, especially among the young, a very large segment of our population especially, by reason of the homosexuality which takes place in prisons. This does not mean that men and women detained in gaols should have ready access to one another at all hours of the day and night, much as that might fulfil some individual fantasies. Our gaols are making some beginnings at coeducational programmes during the day (I would emphasise that) in which male and female detainees are taught by men and women in classrooms. They go to movies together, they have dances, they attend classes together. These classes are in very great demand, because they present one of the few opportunities for men to be released from their cells, and it is the only way they can have any contact with women during their gaol stay.

A legal assistance programme has been set up in Washington, D.C. which is the most advanced of any in the United States. It is a full-time in-house law service, manned by law students and members of the bar. Their basic function is to be listeners, because a lot of the complaints of prisoners are satisfied simply by the ventilating of them. They provide three different sets of services. The first is on the civil side. They do not interfere with the relationship between the client and his defence counsel, but deal in matters of contracts, divorce, adoption and so on, which they then refer to outside legal service agencies. They listen to the complaint, get the facts, and then establish liaison between the in-house gaol client and available outside legal services. Next, they hear complaints of prisoners who wish to file appeals, who may feel that there has been an injustice in their trial or sentence: these are referred to outside public defenders. They do not themselves engage in criminal practice.

Third and most important for prisoners' rights, they deal with individual or group complaints against prison conditions, and involve themselves in their resolution by working them out with the administration. Complaints from minority religious groups like the Black Muslims or Jehovah's Witnesses are handled in a committee composed of prison inmates and prison officials who also concern themselves with such matters as transfers between institutions, parole conditions, or the calculation of length or sentence. With regard to internal conditions, they arbitrate with the administration on behalf of prisoners on such matters as visiting hours, specific religious requirements, commissary items, and medical services. The programme provides for outside arbitration: in the two years since it began they have never once resorted to arbitration. This legal in-house service is completely an outside agency: it is neither the creation nor the creature of the correctional system, nor of the prisoners themselves. That is its chief value: to stand neutrally between prisoners and administrators.

This brings us quite directly to the institution of the Ombudsman. Of Scandinavian origin, the Ombudsman is a specially appointed government official, free of any specific departmental connection, a freely roaming ranger, an official with no fixed schedule, who makes himself available to receive complaints and to handle them unofficially, informally and equitably. He is non-judicial and impartial, an arbitrator. I see him as a combination of a lonely-hearts columnist and a fix-it shop, operating in a computerised society. The Ombudsman is a specialist in unsnaffling.

Contemplate the tragedy of Attica Prison, in which almost forty guards and inmates died in the largest civil mass killing in our history since our wars against the Indians. There was no one to come in as a third party, as an arbitrator; nobody who could saunter across that prison yard with his hands in his pockets and say 'Fellas, what's up?' or walk into the Warden's office and ask 'Why can't the men shower more than once a week?', which was one of the demands. What might have happened in Attica had there been an Ombudsman? Its tragedy might very well have been avoided because in dealing with prisoners their major demand - and this was the slogan raised in Attica - is to be treated like human beings. When there is nobody to listen, positions harden on both sides; a point is reached where you will hear no good of your opponent and you will not only welcome anything which is derogatory against him but you will even start rumours which have no basis in fact in order to justify your position. This is precisely what happened in Attica to the point where stories got around about castration and throat-slitting on the part of guards and inmates, all of which the later Commission of Inquiry found to be groundless. The Ombudsman is now found in Pennsylvania, Connecticut and Minnesota, where the Ombudsman has a Deputy plus three

investigators and three Secretaries to receive and act on complaints from prisoners and staff at the state correction institutions, prison camps and maximum security institution. Since the installation of the Ombudsman in Minnesota, complaints to the Governor and the Warden have dropped to an almost infinitesimal number. It is estimated that the cost of running the office of Ombudsman is compensated for by the time saved to the Secretaries of the Governor and to the institution staffs. New Zealand has had an Ombudsman for several years, as has Fiji.

The final point I wish to take up is Unions of Prisoners. If the notion of rights for prisoners strikes some as provocative, how would they respond to the idea of prisoners banding together to press for a redress of grievances, to improve wages, hours and working conditions? Dreadful! Presents overwhelming possibilities for danger does it not? Indeed. But it also presents possibilities for resolving the riotous conditions and the anarchy which exists in many of our institutions.

The first Union of Prisoners in the United States started in the fall of 1970, after an eighteen day strike in Folsom Prison in California. Here the prisoners used only non-violent and non-rule-breaking tactics to carry out their strike. Contrast that with past disturbances in which every rule was broken and extremes of violence have included fire-arms and the killing of guards. I was in the United States Bureau of Prisons in the spring of 1943 when we had the Alcatraz riot. Now Alcatraz is about as maximum as you can get, and yet the inmates managed to scale the impenetrable barriers to the arsenal, to arm themselves and to hold the institution at bay with fire and murder until troops were called in. In the end, of course, Alcatraz was returned to the Indians.

That is the very opposite of what happened at Folsom Prison thirty years later when the prisoners used non-violence to present their case. Since then, starting in Rhode Island, the National Prisoners' Reform Association has been organised, composed not solely of prisoners, but including ex-cons., prisoners' families and relatives, prisoner help groups, and after-care organisations. In your papers the other day I heard of a similar prisoner union called P.R.O.P., recently established in London.

The charter of the National Prisoners Reform Association states its concern to stabilise the prison and to reduce conflict between inmates and staff. Their other goals include: to reduce incarceration to the greatest degree possible by the use of furloughs, etc.; hospitalising the psychotic and the physically handicapped prisoner; the use of halfway houses; doing away with gaols for persons awaiting trial except for the smallest percentage of those who require it; winning minimum wages for all prisoners; dealing realistically with the problems of the country's penal system. After the N.P.R.A. was established in the Rhode Island Prison there was a threat by the guards to strike. Representatives of the union, democratically elected by their fellows went to the administration and said 'If the guards go out on strike we will take over. We promise you no violence, no escapes, no vandalism, no fires, no assaults.' Their threat was sufficiently seriously believed by the guards, who saw the possibility of leaving the prison unattended as their strong reliance, and as a result the strike never came off.

In Walpole Prison in Massachusetts a branch of N.P.R.A. was organised. During a ten day period last year when the guards went out on strike the prisoners ran the institution themselves. They even took over locking one another up.

If this strikes some as unrealistic, let me contrast it with the Kansas State Penitentiary where the situation was so bad that it became the subject of Federal investigation. A witness reported before a Senate committee: 'The prisoners ran the hospital, dispensed the drugs, the amphetamines and barbiturates to their friends for a price'. It went so far that the inmates, through their self-appointed leaders, actually drew up the daily schedule of the guards. In one year there were 300 reported incidents of self-mutilation by prisoners as a way of getting into the hospital or as a protest against the gangsterism of the inmate leaders.

So, if the idea of a union of prisoners is deplored, it is well to recall that prisoners have come together at other times in other places and under other conditions, even to running kangaroo courts where self-appointed leaders punish those who do not obey them by holding an informal trial and punishing the offenders. There have been instances of inmates carrying out the death sentence within the institution without interference, even with the knowledge and approval of the administration, anxious above all to maintain security with a minimum of disruption. A union permits prisoners to band together for the defence of their common rights. By this same means the entire prison population will have access to all the information and all the rights. If everyone knows what the rules are and these have been arrived at by mutual bargaining, the possibility of personal grudge or animosity on the part of guards leading to discrimination and enmity between guards and inmates and between prisoner and prisoner may not be eliminated but it will certainly be reduced.

When the first industrial unions were organised in the United States several decades ago some leaders of industry threatened to go out of business rather than deal with them. Commissioners of correction and prison wardens say that rather than deal with a union of prisoners they would resign. Industrial leaders agree that unions have brought stability to industry, they could not think today of running any establishment without organised worker representation. I hope to live long enough to see the time when the notion of unions of prisoners is as much an accepted part of penal practice as it is today in commerce and industry.

CRIME AND THE MEDIA - THE ROLE OF THE MEDIA
IN THE OPERATION OF CRIMINAL JUSTICE SYSTEMS

DAVID BILES

This paper will be exploratory rather than conclusive. It will contain no firm opinions or recommendations, but merely aims to explore some of the aspects of the relationship between the phenomenon of crime and the operation of criminal justice on the one hand and the influence of the mass media (newspapers, radio and television) on the other. Some of the things that I will say will be theoretical but I will attempt as far as possible to illustrate them with reference to practical examples. As very little has previously been written about the relationship between the media and crime, this paper will to some extent be breaking new ground and may be justified on the basis that it could lead to further thought in this area and perhaps even prompt some research projects.

I have no doubt that all of us have some ideas about the effects of the mass media on crime and on the operation of criminal justice systems. Those of you who are criminal justice workers, either as police or correctional workers, may well have some very strong views about the effects of the media on the job that you do. You may feel, for example, that because newspapers, radio and television do not really understand the job that you are trying to do, their influence is essentially one which makes your job harder. It is not uncommon for some people to see the media as a phenomenon to be endured!

Some learned commentators have endeavoured to set down what the problem really is. Two leading American criminologists, Sutherland and Cressey, have said and I quote

'American newspapers and television news programmes have been severely criticised for the part they play in relation to crime. The following charges have been made against them. First, they promote crime by constantly advertising it and exaggerating its incidence. Second, they interfere with justice by "trial by news media" by distortion of news and by providing advance information to the public including the criminals regarding the plans of the police and prosecutors. Third, they ordinarily promote indifference to crime, but on occasion create public panic with reference to crime, both of which make consistent and rational preventive law enforcement and judicial correctional procedures very difficult.'¹

These criticisms have all been heard from time to time in Australia although they are undoubtedly more applicable in the United States than they are here. It is certainly true that our newspapers do on occasions exaggerate and distort their crime reporting; they do also on occasions make a fair trial difficult, particularly if the accused person is well known; and there can be no doubt that they do from time to time create panic, but probably more often indifference, in the minds of the public with regard to crime.

On the subject of trial by newspaper, the well-known Victorian County Court Judge, Trevor Rapke, said recently, 'In England, a man is innocent until he is proved guilty. In France, a man is innocent until he is caught. In America, a man is innocent until tomorrow morning's newspaper appears!' We can be thankful that things are not as bad as all that in Australia, even

though our press is not without fault.

Criticism of the mass media can be taken much further. It is almost certainly true, as pointed out by Walter Reckless that 'Crime waves are generated by the press from the very coverage and emphasis given'.² I have no doubt that that is absolutely true. One Monday morning in Melbourne last year I was greeted by the morning papers announcing a crime wave with all of the horror, shock and gory detail which is normal in such reporting. Being particularly interested I read the reports fairly carefully and found that the number of cases of breaking and entering and of motor vehicle theft were no worse than normal for a Melbourne weekend. In fact the number of cases of rape was less than to be expected and there was no murder over that weekend, which was to some extent unusual. I puzzled about where the headlines came from and after some discussion with reporters and radio commentators I discovered the truth. It happened on that day that the first edition of the Melbourne Age, the most respectable and conservative of the two newspapers, had included a crime wave story whereas the Melbourne Sun had not. These first editions are generally sent interstate and to the country and are therefore not seen in Melbourne itself. By the time the second editions came off the presses both of the newspapers had crime waves. The Melbourne Sun was not to be left out and therefore invented a crime wave of its own. It's not only true, as Reckless says, that crime waves are made by newspapers, I believe that newspapers are made by crime waves. There is nothing like a few juicy crime stories to increase the sales of a newspaper. It is probably true that the amount of crime reported in the newspapers has nothing to do with the actual level of crime in the community. An interesting little piece of research in Colorado from January 1948 to July 1950 showed that there was no relationship between the volume of crime reporting in the press and the local crime rates.³ The study also found, unlike the Melbourne Age and Sun example, that there was no relationship between the amount of crime reported in different newspapers.

It would be a fairly easy matter to devote the whole of this paper to a detailed criticism of the lack of principles and ethics which are shown by newspapers and the other media in their reporting of crime, but I believe that we should remember that the media has a most important role to play in conveying to the public basic information about crime and about the operation of criminal justice. The average person does not read legislation, does not see courts in operation and without the media would have very little idea of how criminal justice agencies were operating. For these reasons I believe the media has a most important role to play and simple criticism of their deficiencies is not enough.

Taking a more detached and objective view of this problem, an American sociologist, Kai Erikson, has written

'In our own past, both the trial and punishment of deviant offenders took place in the public market and gave the crowd a chance to participate in a direct active way. Today we no longer parade deviants in the town square or expose them to the carnival atmosphere of Tyburn, but it is interesting to note that the "reform" which brought about this change in penal policy coincided almost precisely with the development of newspapers as media of public information. Perhaps this is no more than an accident of history, but it is nevertheless true that newspapers (and now radio and television) offer their readers the same kind of entertainment once supplied by public hangings or the use of stocks and pillories. An enormous amount of modern "news" is devoted to reports

about deviant behaviour and its punishment: indeed the largest circulation newspaper in the United States prints very little else. Yet how do we explain what makes these items "newsworthy" or why they command the great attention they do? Perhaps they satisfy a number of psychological perversities among the mass audience as commentators sometimes point out, but at the same time they constitute our main source of information about the normative contours of society.⁴

What all this means is that the media, whether we like it or not, has an important or even vital role to play in the operation of criminal justice. We all know that newspapers exaggerate and distort crime news, and this may irritate us, but without the media, the public would only have a vague idea of what is acceptable social behaviour. As Erikson said in rather fanciful words, the media is the 'main source of information about the normative contours of our society'. In other words, the public learns what is right and wrong from the media. They also learn their attitudes to police, courts and prisons from the same source, but we will come to that later.

A number of other points can be made about the apparently simple business of newspapers, radio and television providing information to the public about crime, and these will be considered before we move on to the perhaps more controversial matter of the relationship between the media and criminal justice workers. It may sound trite to say it, but the fact is that 'news' is information that is unusual, and as far as crime is concerned, it is the rare or bizarre crimes which gain coverage in the press. Specifically, this means that generally murder, rape and armed hold-up will be reported by the media, whereas the much more common offences of housebreaking, motor vehicle theft and petty larceny will be rarely mentioned. There may be some exceptions to this, one of which I shall mention shortly, but the public's overall view of what the word 'crime' means must be dictated by what they are told in the press and what they read most about is murder, rape and armed hold-up. Thus the average man in the street could be excused for believing that the crime problem in Australia is essentially one of violence, whereas in reality his chances of being the victim of violence would be a tiny fraction of his chances of being the victim of one or other form of theft.

Because of the selectivity of newspaper reporting therefore, the public view of crime may be based on a total distortion of reality. (This distorted view can reach the point where it becomes unusual to refer to reality. For example, if a criminologist tells the press that the individual citizen is one hundred times more likely to have his house broken into than he is to be the victim of violence, then that in itself is unusual and for that reason may well be reported.) I sometimes wonder whether, in other areas of public information such as foreign policy or conservation, the media is serving up to us a totally distorted picture of reality as seems to be the case with crime.

The exception to this generally distorted picture is found in the situation in small country towns. It seems to me that with a population of say less than 100,000 people, if there is a daily newspaper it is highly likely to report all of the police and court news and therefore the mundane cases of shoplifting, housebreaking and car stealing will be included in the press reports. In situations like this the public may well have a better appreciation of what crime is all about than they would in large cities. In places like Melbourne and Sydney, however, it is clearly impossible for

the media to give detailed attention to numerous offences of a minor nature and and therefore it is the horror/shock-type crime which makes the headlines and the remainder is neglected. It is relevant here to note that just recently the *Adelaide Advertiser* suspended its normal court reporting and is thus moving towards the same pattern as Melbourne and Sydney. It seems logical to conclude, then, that the geographical distribution of population and the extent to which they are serviced by agents of the mass media will very significantly influence the public's perception of the reality of crime.

The distortion of crime reporting in the media which, as we have seen applies particularly to large centres of population, provides a rich field for misunderstanding, myth and erroneous conclusion. It is probably widely believed, for example, that Sydney and Melbourne are now both extremely violent cities, but I seriously doubt whether the citizens of those cities are any more at risk in walking the streets at night than they would have been in the 1920s or 1930s. The fact is that violence is now more widely reported than it has ever been before. A particular myth or piece of misunderstanding that I would like to mention is the claim that the visual portrayal of violence on television or on film is likely to lead to violence in the viewers. We are all familiar with the claim that the film *Clockwork Orange* has caused young people to commit acts of violence. Whether it has or not no-one really knows, but it should be noted that these claims are made almost exclusively by defence lawyers who are desperately clutching at straws in an effort to gain some sympathy for their clients in court. This is sometimes a very effective line of argument for a defence lawyer to pursue as judges and magistrates have been known on occasion to give violent offenders bonds or probation as a result of that type of plea. However, it should be noted that statements of that sort very rarely, if ever, are made by people who have actually done research into the field and therefore know what they are talking about. It is a claim which in my view should be regarded with the utmost suspicion.

It could perhaps be argued that it does not really matter very much if the public has an unrealistic and distorted view of the nature and extent of the crime problem which faces them, but in my view it does matter a great deal. There are a number of serious consequences which flow from this situation. In the first place, if the average citizen believes that crime is essentially a matter of violence then he may be disinclined to report to the police the non-violent offences of which he is much more likely to be a victim. Thus the 'dark figure' of unreported crime is likely to be increased, and accurate criminal statistics which are an essential foundation to social defence planning will not be available.

The recent survey into unreported crime conducted in Sydney by Professor Congalton and Mr Najman for the New South Wales Bureau of Crime Statistics and Research found that the two most common reasons for victims of crime not to inform the police were (a) the belief that the police could not do anything about the matter, and (b) the belief that the police would not want to be bothered about such things.⁵ These beliefs may well have been quite wrong, but they are nevertheless extremely influential, and, as this report and others overseas have shown, the total volume of unreported crime is so enormous as to make the formal criminal justice system seem almost irrelevant.

The main danger about having high levels of unreported crime is that people may take the law into their own hands and bypass the procedures established by the state, and this is the first step to anarchy. Private law enforcement is likely to be much more severe than that provided by the state, and, of course, it is totally arbitrary. For these reasons it is most important that every effort is made to avoid private citizens forming the belief that the

police are disinterested or are unable to help them with their problems if this leads the citizens not to report offences which are committed against them.

It is also a matter of concern if the general attitudes and values of the police and other criminal justice workers are found to be significantly different from the attitudes and values of the general community. In a small piece of research that I carried out last year, I found that policemen, both young and old, were very much more punitive, conservative and traditional in their outlook than were an equivalent group of private citizens of the same age.⁶ This was a relatively small study and its methodology can be criticised, but the results are nevertheless to be taken seriously. My main concern about this type of finding stems from the fact that if the police are committed to a set of values which do not have general community support, their actions will evoke hostility and disrespect whereas exactly the opposite is what is needed. A police force which does not have the full support of the community that it serves is not only going to find its job very difficult, but it is also going to encourage high levels of unreported crime with all of the undesirable consequences I have mentioned above.

At this point I would like to interpose a private theory of my own which may not be strictly relevant to the overall theme of this paper. It is concerned with the measurement of police efficiency. Many people have suggested various ways and means of gauging whether one police force is better than another or whether a particular police force is getting better or worse, and the most frequent suggestion that is made is that we can make this judgement on the basis of the levels of crime. The argument goes, if crime rates are going up then the police force is not particularly efficient, but if crime rates are going down then the police are doing a good job and we would rate them as efficient. Now it seems to me that this may be totally wrong. We can only measure crime by reference to the numbers of offences reported to the police and it seems to me that a really good police force which is trusted and respected by the public may have very much more crime reported to it than one which does not enjoy the respect of the public, hence the good police force may in fact produce higher reported crime rates than bad ones and vice versa. In my judgement the only valid way to measure the efficiency of a police force is to ask the public what they think of them. If the police force is shown to be held in high respect then that, in my view, is the ultimate test.

If this criterion of efficiency is accepted then the situation in Australia does not look especially healthy. In an interesting book by Paul Wilson published last year it was shown that whereas 64 per cent of the community held the police in high respect in 1968, that figure had dropped to 39 per cent in 1973.⁷ It is probably just as well that no-one has yet carried out a similar survey with respect to prison officers. The results for them may be even more damaging.

All of this probably is relevant to the issues that I discussed earlier about the media and crime because there can be little doubt that the public attitude to criminal justice workers will be primarily determined by the impressions gained through the mass media. Despite the excellent image of policemen which is given in the television programmes produced by Crawford Productions, our newspapers contain frequent allegations of police malpractices and prison riots, all of which reflect extremely badly on the workers in these two fields.

The simple and perhaps obvious thing to say at this point is that all

policemen, all prison officers, all probation and parole officers etc, should always behave in an exemplary fashion. Certainly they should, but over and above that it must be more widely recognised than it is at the present that all of these services are being conducted in the public interest and therefore positive efforts must be taken to use the media to project an appropriate image for each of the groups concerned. I believe that criminal justice workers have for too long regarded the media as a natural enemy to be avoided at all times. All of the criminal justice services need to be much more open with the media than they are. Many more people should be named as spokesmen for their relevant departments and these people should be adequately trained in the skills of using the media. They should learn the basic rule when dealing with all forms of the media of saying simple things and saying them simply.

I am not suggesting that all police forces and prison services etc, should have public relations consultants attached to them. What I am suggesting is that every person working for criminal justice is in fact a public relations officer and that every contact with the public, including contacts with suspected offenders and with prisoners, should be conducted with courtesy and respect. Furthermore, public education must be seen as an essentially continuing task of all criminal justice services and one of the best ways to do this is by making purposeful and positive use of the mass media. In other words, I would urge that all senior officers, if not all staff, should be encouraged to go into print and to use the other media and thus attempt to overcome the secrecy and reserve which surrounds so much of their work today. If that did happen, it would be so unusual that it would certainly be regarded as news.

Footnotes:

1. Edwin H. Sutherland & Donald R. Cressey, *Criminology* (8th edn, Lippincott, Philadelphia, 1970), p.245.
2. Walter C. Reckless, *The Crime Problem* (5th edn, Appleton Century Crofts, New York, 1973), p.401.
3. F. James Davis, 'Crime News in Colorado Newspapers', *American Journal of Sociology*, 57, 4 (1952), p.330.
4. Kai Erikson, 'Notes on the Sociology of Deviance' in Howard S. Becker (ed.), *The Other Side* (Free Press, Toronto, 1967), p.14.
5. A.A. Congalton & J.M. Najman, *Statistical Report 12: Unreported Crime* (New South Wales Bureau of Crime Statistics and Research, Sydney, 1974).
6. D. Biles & B.F. McCoy, 'Police Attitudes to Deviance in Victoria', *Australian and New Zealand Journal of Sociology*, 9, 2 (1974), p.67.
7. P.R. Wilson & J.W. Brown, *Crime and the Community* (University of Queensland Press, Brisbane, 1973).

THE MEDIA AND EDUCATION

F.G. MORGAN

My aim in this paper is to point out some of the ways in which the media can contribute to education. I shall look first at a model of curriculum, and where the media fit within it. Then I shall suggest that the curriculum can be seen as a particular form of communication, and from there proceed to look at a model of the communication process.

E.L. Thorndike said that

'The need for education arises from the fact that what is
is not what ought to be'.

So, does the need for prisons and police forces, which gives us some common ground.

'The word "education" is used with many meanings, but in all its usages it refers to change. No one is educated who stays just as he was . . .'

That should be true also for someone who has been imprisoned.

'Because we wish ourselves and others to become different from what we and they now are, we try to educate ourselves and them'.

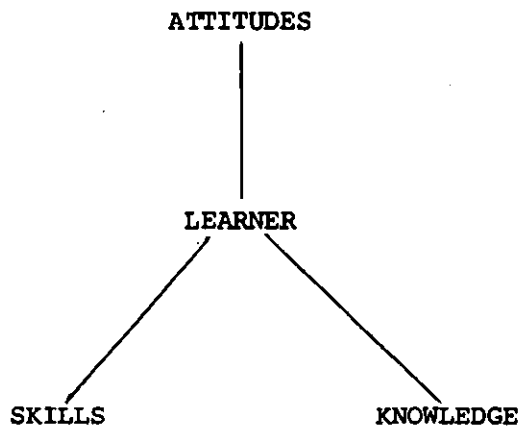
The main aim of education then is to effect change. Dewey described it in terms of growth.

One point however should be borne in mind. Times change, and with them, the answers to the challenges of the times. Thorndike's reasons for education could equally well be used to justify police and prisons. Two hundred years ago they were used to justify not only jails but gibbets too. We shall return to considerations of means and ends, but let us remember that times and people change, and that panaceas are famously short-lived. So, let us start with the people at the centre of the process of education.

Who is to be educated? What are they to learn? How will they achieve that learning? The first consideration is 'the learner' - who is he? What does he know. What does he feel? What can he do?

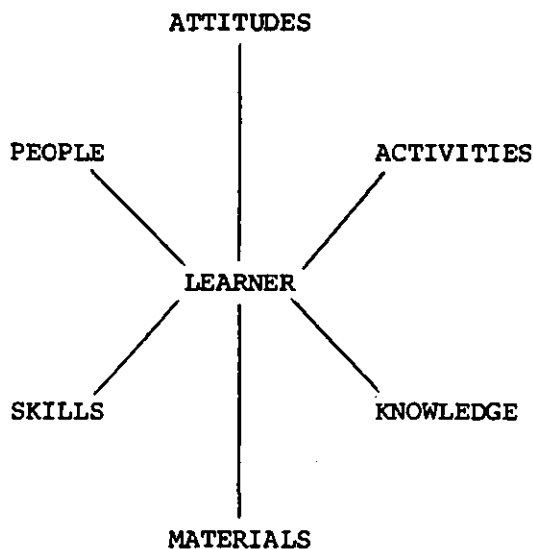
LEARNER

Then, what is he to learn? Bloom and his colleagues classified educational objectives into three domains - cognitive, affective and psychomotor, (or knowledge, attitudes and skills). The process then involves change in one or more of these domains.



And, the difficult question, how is he to learn? - how is the change to be effected?

There seem to be three general categories here too. One is interaction with other people - both teachers and other learners. A second is participation in activities - learning by doing. And a third is access to materials - to books and films and tools and tapes and so on.



Any consideration of curriculum must take account of this complex of relationships, and their inter-relationships with each other.

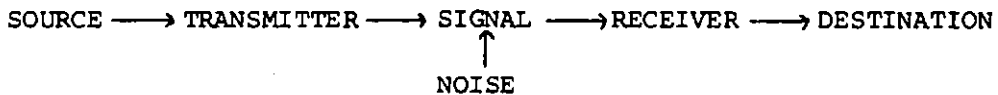
'Curriculum', in the literature, generally means 'all those things that a school does to promote learning'. It derives from a word that means racetrack - the course to be run. And the difference between a flat race and a steeple and a point-to-point, with its implications of horses for courses, brings us back to the who and the what and the how of learning.

The media have three roles in the curriculum. The first is under the heading of 'what': they provide us with a subject for study. What do we know about the media, and their affect upon us? What do we feel about the media and their effect on public opinion? What skills do we need to obtain the media coverage we want? The second and third are under the heading 'how'. One is that the media provide a set of learning activities - film-making, photography,

taperecording and so on. These are techniques used increasingly in field-work in the social sciences. The requirements of many essays could be met just as well by taperecording interviews and splicing them together to make the point. The same intellectual ability to analyse and synthesise is required.

And the other, the third, aspect perhaps the most generally considered is that the media provide alternative information sources. A lecturer can play you a videotape recording of a television broadcast on his subject. He can also talk to you about it, and provide you with a printed paper - multi-media. And when he has gone you may have access to a videotape of his presentation. You can have access to the information after the source of the information has been removed.

Education is to do with change. It is also to do with the transmission of things of value, which brings us to communication. One of the earliest models of the process of communication was Aristotle's description of rhetoric as comprising the speaker, the audience, and the subject which passed between them. More recent writers have embraced the metaphors of modern technology and also have differentiated the processes whereby messages pass from one to another.

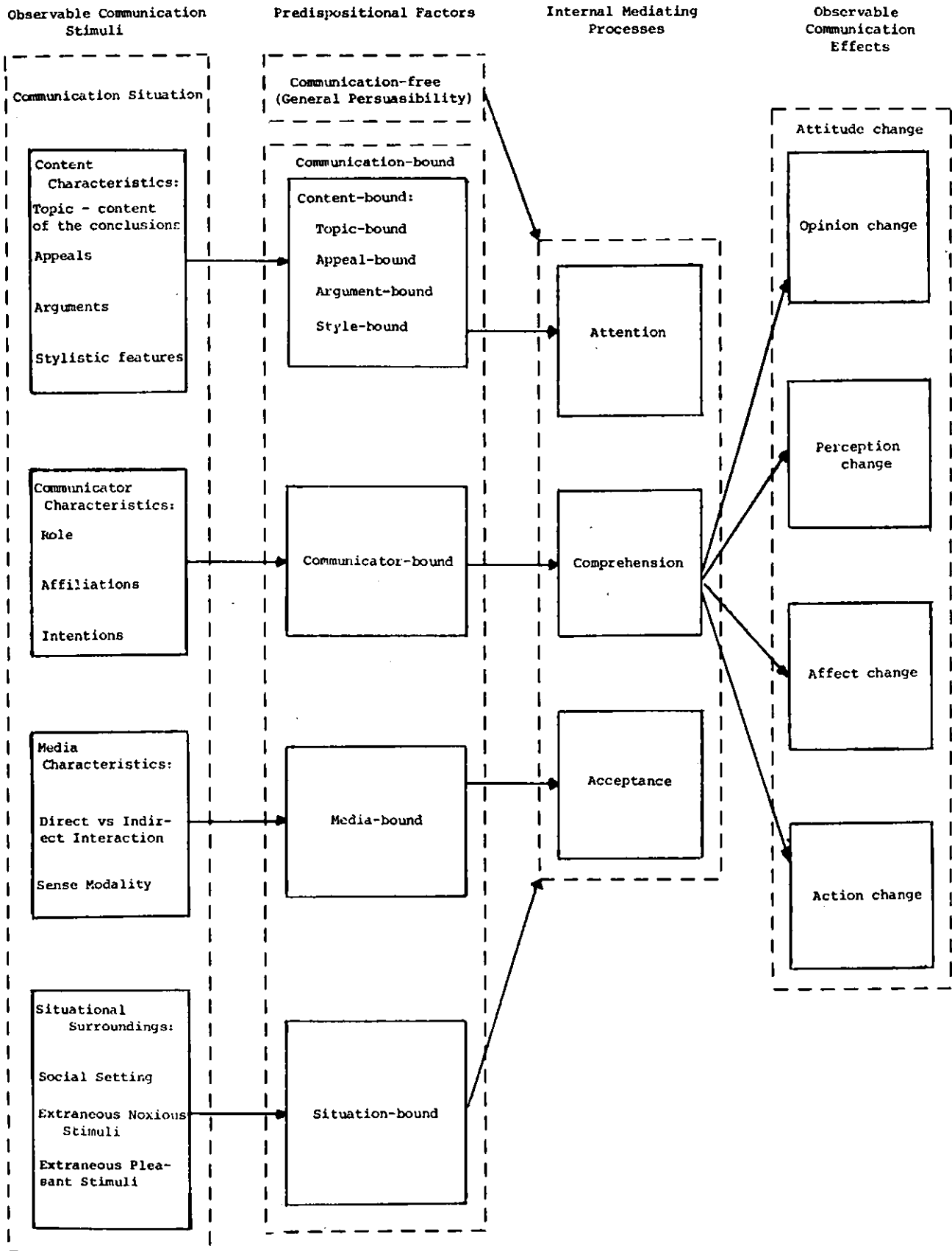


and the interference which they sometimes suffer. McLuhan has written of the media as extensions of man. Let us for a moment, consider 'Unextended Man'. He can transmit his messages by giving other people something to look at - by gesture, by movement, by painting or drawing or draping himself. He can make a noise in various ways, giving others something to listen to. Or he can give them something to touch or taste or smell. The communication then depends upon the message being seen or heard or felt or tasted or smelt. Research into perception has shown the predominance of sight and hearing as the sense modalities through which we perceive information. The implication of this work is that if we are to use the media to extend our communication, audio and visual media are most important.

Sight and sound are not all. I was particularly interested by a recent 'Four Corners' programme which dealt with the Liberal Party's communications machine, the release of videotape and film material in addition to the traditional press releases. There was some discussion of the image of that party's leader - the difference between his personal style and his style on television - which led one to think about the ways in which politicians communicate with the public and vice versa. Think about conservation groups for example. Some submit statistics. Some submit prose reports. Then come the photographic displays, and the films and finally they take the Minister 'to see for himself' - the pollution of Snake Gully Creek or wherever. Seeing, in this context, includes mud on the shoes and acrid stink of effluent - full sensory involvement. The object of the exercise is, of course, to achieve some change of behaviour - a change of attitude, a change of knowledge, or a change of action.

To return to the question of 'who'? A very useful model for this consideration is provided by the work of Hovland in the field of communication theory. He draws attention to a number of factors relating to the

predisposition of the audience (as well as the stimulus - message - response factors). For simplicity, I shall call his four sets of factors 'Stimulus Factors', 'Audience Factors', 'Mediating Factors' and 'Response Factors'. They are set out in detail in this display:



Let us take an example to see how these factors operate. Let us say that a child has died - the message contains both facts and feelings. Let us say it is my child, and that I have to tell my wife. So we have the content of the message and the identity of the communicator. Do I issue a press release? Do I write her a letter? Do I go to a telephone and ring up and tell her? Do I leave whatever I am doing and go home to tell her personally? And then, do I tell her immediately, in the company of the neighbours, or the tradesmen, or whoever is there, or wait until we are alone? You get the idea of how the content of the message, the identity of the communicator, the media used and the social context are entwined with each other.

But now, we come to Hovland's second set of factors - which often we overlook. Is the audience disposed to receive the message we want them to receive? Or are they bound by other predispositions. An old man I know had two great predispositions. He only read the *Melbourne Argus* and the *Holy Bible*. The former, he believed, was the one true account of what had actually happened in the world; the latter, the account of what should have happened. Fiction was lies. With him, it would have been pointless to argue that a novel could communicate any truth about human experience. You certainly could not have discussed the issues. He never read novels. And in Hovland's terminology he was media-bound. The school-boy response of 'my father said' or 'the teacher said' (depending on who he is talking to) or the phenomenon of motherdeafness are examples of a communicator-bound audience. I am sure that you can provide your own examples to illustrate the cases in which people are content-bound and context-bound. Some respond better to group situations; some to individual situations; some to more structure situations; some to more fluid.

Hovland then points out a set of mediating factors - attention, comprehension and acceptance. Given a specified person, sending a specified message, to a specified target audience (with specified predispositions), using specified media, in a specified situational context, what can he do to make it more likely that they will attend and comprehend and accept his message? Some people say, keep it clean and keep it simple. More respectable research talks of figure and ground, of making things stand out from their background - the opposite of camouflage. A brightly lit object against a dark background; a shout; a pause; a newspaper headline - these are all examples of figure and ground relationships.

Another rule is to organise material into a pattern, grouping similar things together - sets of related activities, paragraphs, groups of pictures - so that their common theme is emphasised and reinforced, and so that the learner can make his own connections between the component pieces. A third rule is to let people know what is coming. Tell them what you are going to tell them. Tell them. Tell them what you have told them. Like the radio news - headlines, news, the main points again. And the fourth rule is to use as little information as possible - shades of the truth and nothing but the truth.

Let me remind you that acceptance depends on your audience and how well you have judged what is acceptable to them. And when you look for the responses of your communication, in terms of changes of knowledge or attitude or skill, you are back with your original aims. And your success is bound up with that of your audience.

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CRIMINAL JUSTICE IN NEW ZEALAND

JOHN ROBSON

One of the objectives of this seminar is to ascertain training needs and then to set desirable standards. But we must pause and ask ourselves what is the use of doing this when the very fundamentals of the criminal justice system are under strong and sustained attack. We are obliged, I think, to examine some, at least, of the fundamentals of the system. The need for this can be illustrated by reference to the recent history of New Zealand's maximum security prison. We have had the spectacle of a section of the staff disagreeing with the Department in public on fundamental aspects of policy and practice. Where there is a disagreement of this nature, then there must be a review of what is the central purpose of the prison, what should be the inmate programme and what methods should be used. It is almost futile having a training programme for staff unless you have faced up to those questions. A satisfying doctrine is needed and it must be accepted by all groups engaged or involved in the area.

I propose now to review in a more systematic way parts of the criminal justice system.

THE POLICE

In the performance of their role the police must work between the devil and the deep blue sea. On the one hand there is the demand that they be fair and humane in their methods; on the other hand there is the demand that they be effective and efficient. In other words, they should get results and so we have a recurring struggle between these two demands. And then, to make matters worse, the struggle between the two demands is taking place at a time when the very foundations of our society are under attack. Life styles are changing rapidly, there is great uncertainty as to what society's values are today - or should be - there are minorities which have become loudly vocal and violence seems pretty close to the surface. What is the role of the police in all this? Inevitably they are society's chopping block - they perform an essential yet sometimes a pretty unpleasant task. Of all our citizens they are the ones who must try to keep their heads, they must take us through the crises that lie before us. If the police weaken under the strain and resort to illegal violence then I am afraid we will disappear down the Gadarene slope and when I put it that way I contemplate that at the bottom of the slope will be a government of the extreme right or one of the extreme left.

As I see it today it is not a case of restoring the status quo it is far too late for that; the challenge that faces us is - 'to enable that which is emerging anyway to come in a relatively peaceful way' - and no doubt we will settle down upon a different basis which, in its turn, will come under attack but perhaps not in our life-time.

Let me try to isolate the basic factors in the current turmoil. There is an English document, *Police: A Social Study*, which was compiled on the initiative of the Anglican Church in consultation with senior police in England and police were represented on the study group who wrote the document. I do not find myself in agreement with everything it says but I do commend it

as an admirable document for study. In their view the duty of the civil authority and of the police to maintain an orderly society must include provision for changes in what constitutes acceptable standards and in what may be called the moral texture of order.

The report goes on to say civil order is essential in our society; without it there is not society. A further point - downright civil disobedience - must have a very strong foundation in conscientious dissent if it is ever to be justified. Then they discuss why authority is under so much attack today. They point out that we live in a period when science is valued and can only advance if there be a constant challenging of authority. There is today a demand for the reason or the justification for standards and norms in all spheres of human activity. People will not accept directions from authority unless good sensible reasons are given. There is an insistence upon rights, an insistence which is characteristic of our whole society and not merely of young people. And here is a very good point they make: 'Virtue will have to be justified as making sense. It is nothing just in itself - it has got to be justified as making sense, and good sense of experience'. This too must result from consultations between men as equals and not from authoritative command.

The authors point out a danger which we face in a number of areas - the danger of professional and institutional detachment. They see this danger amongst social workers, doctors and teachers as well as among policemen and they make the point that social workers cannot fulfil their own best hopes without response from their clients, nor without organised neighbourliness in the whole community. They argue that in the same way the professional status of the police can undermine the attitude of the public to law and its enforcement. It can result in the public leaving the maintenance of law and order almost entirely to the police. And when I walk around the streets of Wellington and see the police in cars I wonder whether they have not become a little too detached from the community. This is linked with the controversy that we have in New Zealand on the policy which results in a reduction of the number of policemen on the beat. Without passing a judgement on this controversy. I think it is important for any group not to become detached from the ordinary person.

Demonstration Against Spiro Agnew

I want to pass now to a demonstration that occurred at Auckland in New Zealand early in 1970. We had a visit from Spiro Agnew who was then Vice-President of the United States of America. He was quartered in a hotel with a demonstration outside. The crowd got out of control and the police did a few things that attracted public criticism and finally led to complaints to the Ombudsman. Of interest to us here are the revised instructions that were later issued by the Commissioner of Police. The revision had taken place in the light of the disorder at this demonstration and also in the light of the Ombudsman's report. Police objectives are stated in those instructions as being: first, to preserve law and order. This duty includes both the protection of persons and property from the actions of demonstrators and the protection of demonstrators from persons not in sympathy with them. The second objective: to maintain a reasonable balance between the individual's democratic right to free speech and to demonstrate peacefully and the rights of others. The Commissioner then goes on to remind his police that they are charged with the preservation of order and peace within the country and it is their duty to carry out that charge with moderation, fairness and discretion and within the law. Then he sets out a number of principles. The first one calls upon the police

to recognise that demonstrators have a democratic right to demonstrate peacefully. The second calls upon the police to exercise the greatest tact, tolerance, restraint and avoid hasty action. They should display coolness, confidence and, where possible, good humour. The Commissioner exhorts them always to be and appear to be completely impartial. They should not make idle threats or disparaging or sarcastic comments towards demonstrators. They should refrain from any comment as to the merits of the demonstration and avoid officiousness or hostility, either by expression or action. Powers should not be used in a hasty or emotional manner. The police should outwardly ignore verbal abuse, taunts, jeering or any other tactics used by demonstrators. They should not move about in large numbers unless circumstances render this necessary. Metal numbers should be worn - they should not be removed either before or during a demonstration or whilst performing any duty in relation to demonstrators. Police dogs must not be used. Neither the use of batons nor tear-gas is contemplated. Finally the police should ensure that there is a high degree of team work and of discipline at all times.

There are also detailed instructions on how to deal with demonstrators. Directions are to be repeated several times if necessary and a reasonable time must be allowed for compliance. Then there are instructions on when to arrest, if they have to arrest. In no case shall mass arrests be made, unless the officer decides that he has got no option and arrests shall only be made for serious breaches of the law. And then in the preventive area; the revised instructions have a detailed section on pre-demonstration preparation where they stress the need for advance information, liaison with demonstration leaders and liaison with those who are demonstrated against. Then there is a long section on the dispersal of crowds and here the police are reminded that at law a crowd can be dispersed to stop the continuance of a breach of the peace or to prevent an anticipated breach of the peace, if it is believed upon reasonable grounds that a breach of the peace is imminent, and so on. The mere use of bad language is not enough to justify arrest. And finally, the dispersal of demonstrators shall be carried out only as a last resort and when there is no reasonable alternative. The order to disperse shall state a reasonable time in which the demonstrators must disperse and allow that if the order is not complied with then it will be necessary for the police to use force. The warning to disperse must be repeated at intervals stating the shortened time in which the demonstrators are to disperse. Where they are dispersing at a reasonable walking pace there is no right to use further force or to disperse them at a faster rate, unless real danger is apprehended.

The Commissioner of Police is to be commended for the issue of enlightened instructions along the above lines but it is perhaps too much to expect compliance in every crisis which arises in the future.

Help From The Public

You know, of course, that the police cannot hope for success unless they are supported by a substantial section of the public. This was clearly foreseen when the London Metropolitan Police was established in 1829. During the preceding 50 years London, every now and again, had been at the mercy of unruly mobs and that was why the Metropolitan Police was created. Now what interests me is this: the first commissioners knew that they had to carry the public with them, they saw that most clearly, and so they evolved a set of principles. I am not going to give you the lot, but I am going to give you three, because they are relevant to this part. First, and this is the most important of the three, police success depends upon winning public

approval, respect and cooperation. Two, the preventive function is paramount; This applies both to crime and disorder. Three, the true test of police efficiency is the absence of crime and disorder, not the number of prosecutions. Now there have been a number of statements since then which call upon the public to support and assist the police in the discharge of their duties. Some of these statements go further and argue that the public has an obligation and a duty to aid the police. The church study already mentioned takes the view that the public have an obligation; as the study puts it, the prevention of crime and the preservation of public tranquility are obligations and duties of the public, aided by the police, and not of the police aided by the public. My own view is this: I think the church study takes it too far because it is unreal to do so. If you are faced with an angry mob in Wellington and the head or the senior policeman calls out, 'Gentlemen you are under a duty to help us', well there would be a loud laugh from the mob. It is far more realistic to go back to principle number one of the London Metropolitan Commissioners which stated that police success depends upon winning public approval, respect and cooperation. Emphasis on that as an objective will bring the police much more help in the long run.

JUDICIAL OFFICERS

Judicial officers are, of course, independent. The New Zealand position has been stated in these words: 'The independence of the courts is an essential part of our legal system. The sentence to be imposed on the convicted offender is for the court, and the court alone to decide free from outside pressure of any kind'. It is crucial that the courts should be independent but I will later raise the question whether there is not such a thing as excessive emphasis on independence.

Objectives of Punishment

We in New Zealand have stated in official documents that there are five objectives of punishment

1. Every effort must be made to divert young people from crime.
2. Offenders should be removed from the community only as a last resort. (What do those words 'only as a last resort' really mean in practice?)
3. When some form of imprisonment or detention is necessary, every possible good influence must be brought to bear on the prisoner.
4. Those who persist in serious crime must be held in custody for long periods in order to protect society.
5. Every effort must be made to see that inmates released from detention are adequately resettled in the community.

Now in the attainment of those objectives within New Zealand let me say straight away that our policy has been pragmatic for at least twenty years and when I use the word pragmatic, I am not using it in the sense that it is sometimes used of discarding principles whenever they stand in your way, but in the sense of probing and experimenting in an effort to attain the

objectives by the most effective means.

Now if we are honest intellectually and are guided by professional discipline, then I think we have got to acknowledge two things here and now, even if we might find it uncomfortable to do so. The first thing that we must acknowledge is this: there is nothing to suggest that anything tried in the past has succeeded, there is no satisfying proof to success. The second point I would make to you is this: there is little ground at present for thinking that anything we may try in the future will succeed and that is a strong statement. Now where does that leave us? You are entitled to say it leaves us without hope. You may argue that I have taken scepticism far too far, but I am afraid that the evidence to date leaves me with little option. Now, where do we go to from here? At this point we must ask what is our moral duty and in this context we cannot ignore what is demanded as a matter of humanity. For my part, I believe that we are under a moral duty to keep the individual in the community, but if we take him out of the community then we are under a moral duty to get him back as soon as is reasonably possible. I would contend that both the penal administrator and the university teacher should accept this as part of his or her philosophical base. What else does it mean? I would argue that the dignity of man must be brought far more into the open. We know that from the time of Athens enlightened opinion has sought to ensure that human dignity is paramount. This inevitably raises questions of fairness and is reflected for instance, in Judges Rules and in the Standard Minimum Rules for the Treatment of Prisoners.

In 1967 the New Zealand Parliament enacted a provision designed to reduce the use of the prison sentence for short terms. This provision is to the effect that no court is to sentence any person to imprisonment for a term of less than six months, unless having regard to all the circumstances of the case, including the nature of the person's offence, and his character and personal history, the court has formed the opinion that no way of dealing with him other than imprisonment is appropriate. There appeared to be opposition amongst our judicial officers to the enactment of a provision along these lines. I understand that they felt that they should have the power to send people to prison for short terms in these four categories: first in cases of vicious unprovoked assault on bystanders; the second, the defiant disqualified driver; third, the case of bad vandalism; and the fourth, some husband-wife assaults. As you will have seen, rigidity was avoided in the wording of this provision although the plain intention was to make it far more difficult to send people to prison for short terms. Although it would seem that there has been a distinct drop in the number of those sent to prison for short terms, the provision has not produced the result which was hoped for by the Administration. We are unlikely to see further progress of a substantial kind until such time as there is a profound change in the general outlook of judicial officers towards the use of the prison sentence.

Sentencing Tribunals

When there is dissatisfaction with the sentencing policies of the courts, discussion can readily turn to the case in favour of establishing sentencing tribunals. However, Sir John Barry, quoting Norval Morris, said: 'Perhaps the greatest single threat to our present sentencing techniques lies in the widely supported plan for the establishment of a treatment tribunal, by which the responsibility for determination of the appropriate punishment would be vested entirely in an administrative body and removed from the courts.' Barry took the view that in a constitutional democracy the only

agency which can safely and properly be entrusted with the imposition of coercive measures, designed to repress or prevent criminal behaviour is the court, established by law and acting publicly in accordance with the law. With profound respect I agree with the Barry view, but of course it does not mean that the courts cannot do much better than they do now..

Sentencing Conferences

You will know that sentencing conferences are held in various countries; they are held in the United States, Canada, England and I understand they have been held in Australia. One is held in New Zealand, once every two or three years. This in my view is an inadequate approach to a major problem. It is most desirable that comprehensive sentencing conferences should be arranged and for much longer periods. This, of course, gives added emphasis to the need for the Executive to provide a comprehensive investigation and research service.

POLITICAL AND ADMINISTRATIVE

While overseas for three months in 1960, I studied penal developments and in my report to Parliament in the following year I made a number of points. The first one was that we should avoid large institutions as far as possible. I added that small institutions offer the best hope of success in the reformatory field, and they are easier to control. The second point, was that we had too high a percentage of our inmates in maximum security. A substantial proportion of the Mount Eden inmates should be placed in our medium security institutions and Mount Eden at that time was regarded as our maximum security place. My third point was this: we should plan for the gradual introduction of more institutions of an open character. This would avoid costly structures and give a better environment for reformatory work.

Words can mean a lot or very little, and what they mean really depends upon the action they have produced. And so far as I am concerned New Zealand has got to be judged in the light of performance - in some ways we have done quite well, but in other ways we have failed.

The thing to remember is that the limit to progress is very much a matter of attitudes and of cost. I was quite interested when I went to Sweden in 1960 to see their very good structures. When I got back from Sweden to London I remarked to a senior officer in the Home Office that I thought Sweden was well endowed with buildings. His response was that they were affluent enough to afford them. Certainly at one stage Sweden seemed to have no great difficulty in finding the money for prison structures. But even they, in the sixties, were wrestling with the question whether they should spend as much on penal structures.

I do not want to flood you with figures, but keep in mind that the population of New Zealand is about three million, the total number in penal institutions, and here I include borstals, is 2,481. So let us say it is 2,500 as against a total population of the country of three million. People on probation: 8,000 (in round figures), and of that 8,000, two thousand are on parole from institutions. So you can assume that 6,000 are on probation straight from the courts. Now I have not included those who are in periodic detention centres. There are 189 in residential periodic detention and they are persons under 21. Then there is this interesting figure of 704 persons in non-residential periodic detention and that is the adult scheme. The residential

centres (as at the end of 1973) total 11, the non-residential centres total 18, and two further non-residential centres are being established including one for women in Auckland. Now let's have a look at the total staff, just to give you the ratio. The number of probation officers is 175 (this is at the end of March 1974) and bear in mind that the total case load is 8,000. Now switching to prison staff; the custodial side there are 1,050 persons and of that number 25 are prison cadets. We have nine chaplains full time and there are many more who are part time. Keep in mind that the Roman Catholic chaplains are all part time, but that does not mean that they do not give strong support, they do in fact, but it is their deliberate policy to have their people on a part time footing. There are 21 psychologists and 13 teachers. The people employed in the pre-release hostels and the periodic detention centres total 56.

Now we have the normal spread of institutions, I say normal, I am thinking in terms of the sophistication of both Australia and New Zealand. There is no point in detailing the various types - New Zealand runs from the open borstal through to maximum security. As you will have gathered, we have got pre-release homes, probation homes, and periodic detention centres.

When we review the history of penal treatment in New Zealand, we note that there was a real burst of reformatory activity about 1910, and the person responsible for that was an active Minister, Sir John Findlay. Although he had to carry a reluctant staff, he did achieve a measure of success. My predecessor as Permanent Head, Mr Barnett, came into office in 1949, and then began the second comprehensive attempt. Barnett made a lot of progress during the fifties despite the fact that the decade had no real appetite for penal reform. I learnt a lot from Barnett, he was an outstanding administrator.

During the sixties we placed considerable emphasis on encouraging the support and cooperation of the public. In every major scheme that was tried out in the sixties, our first thought, this was generally after the conceptual stage, was what do we do about the public? I want to stress this because I think the plain lesson of our experience is you cannot get far unless you have the support of the public. Furthermore if you study history, not only in New Zealand but England, you will find that projects of a progressive nature have sometimes failed or have been seriously retarded when the person who launched them did nothing about taking the public with him, and one illustration of that is Chadwick, the health reformer in England last century. He did a lot of work, but in the finish lost some ground simply because people rose up against him. I can point to other illustrations from history and no doubt in the history of your own country you may see similar illustrations.

Now for my part I had the good fortune to serve a really outstanding Minister, Ralph Hanan who was keen on reform, and because of that we made good progress for most of the sixties. I would underline that our approach was openly experimental. We were probing to find openings and where we could get through an opening we tried something out - that of course was the approach with periodic detention.

I do not propose to go into period detention in any detail, but I want to deal with one aspect of it. You will realise that a scheme of this kind cannot succeed unless it has got trade union support. Attempts by magistrates in other eras to employ youths on cleaning up public parks as a condition of probation usually failed because of opposition from trade unions. It was plain to us in the conceptual stage of this scheme that

unless we took the Trade Union movement with us, we would have no prospect of success.

We have an interesting character in New Zealand, by the name of John A. Lee; he had a period in industrial schools, and then round about 1912 was serving a term in Mount Eden, his offence was that of stealing a razor and half-a-crown. Now he was not in Mount Eden because of his offence, he was a proficient escaper, and that is why he was there. In his own words and I quote him: 'I had run from the police, ... I could shake off handcuffs with the skill of a Houdini.'. Lee went to the first World War, was decorated on the field of battle, stood for parliament in 1922 and succeeded, for many years he has been a writer of distinction. He is now aged about eighty years old, but is fighting fit. There is an integrity about the man which even his critics must concede and he is also pretty discerning when examining the ills of society. I am going to quote now from three articles, just a few sentences, that he wrote quite recently. This is one point he made: 'Rehabilitation does not begin until the inmate is determined he will not come back'. The second point: 'The first essential of rehabilitation is not the gaol treatment, although that should be constructive in the prisoner's interest and if possible creative in the community's interest, the first essential is for the prisoner to will that he will never return'. Then Lee says: 'Society is compelled to present an impregnable barrier to its knaves and however we feel for men behind bars and walls, we cannot allow innocent law-abiding people to be ruined because of some recidivist, retardate or fool'. Now whatever you might think about that last bit, that is a considered statement coming from a man who has been a proclaimed socialist for most of his life.

Now it is quite plain that the pressure for reform seems to have become much stronger in recent years, but I am a little perturbed that it is accompanied by a measure of hysteria, but it was then coming from those who were demanding the restoration of capital punishment and of corporal punishment, together with the imposition of longer sentences. But today in New Zealand a measure of hysteria seems to be accompanying the demand for the abolition of the orthodox penal institution. What I would urge is that there is a duty on us to be more professional and to examine everything carefully on the facts and to sift all relevant opinion. Perhaps the prison reformer may yet be heard demanding that he be saved from his friends.

There seems to be a disposition to blame the authorities if there be unrest in a prison but perhaps it should be pointed out that there is no way of running a quiet penal system, unless you go in for heavy sedation, and I am not to be taken as recommending such a course.

Now let me spend a bit of time on the prison officer. There has been a good deal of talk in recent years and of course we have had discussion here in this seminar on what qualities and qualifications we should seek. We have, I think, all agreed that allowance must be made for the type of prison that we are considering. But I want for a moment to focus on the maximum security prison from the point of view of a prison officer. I would suggest to you that the need is stronger than ever for the more careful selection of custodial staff and for their training in a systematic and active way.

The prison officer needs to be intelligent, perceptive and sensitive. For one thing he must learn to adapt to a changing social situation. There is no question that there is also a great need for a higher educational standard. But let there be no doubt on one question, and here I am quoting from an article that I have recently written: 'the custodial staff of a maximum security prison need to be rugged strong characters to cope with

some of the inmates to be found there'. However I would argue that the staff must be encouraged to practise restraint.

We are inclined to take the morale of the prison service for granted, until there occurs a serious deterioration. The prison officer is so often the target for critical comment that he quite understandably becomes despondent. I would argue that society needs to accord him more understanding and more respect than it does. Furthermore the morale of the prison officer is not enhanced if he feels that he is being pushed aside by specialist groups, and yet it is plain that he needs strong professional support. I would put this to you, the nature and the quality of the professional support is most important, but in the last analysis, the effective operation of a maximum security prison depends primarily upon the quality of the custodial staff.

For my part I am not greatly concerned with numerical strength: I am far more concerned with 'quality', 'qualification' and the 'attitude' of staff, and I would not for one minute contend that trouble will disappear when staff reaches a high standard. But I would say that it would be reasonable to expect a significant reduction in trouble, because situations would be handled with more skill, adroitness and understanding.

The real crux of our problem has been the inability of our Justice Department to persuade the control authorities to grant a higher priority to their needs, and this has been so for a long period. Now it is not a simple matter of getting more money; one has to keep in mind constantly that more money on prisons or a higher priority for their needs means the displacement of other social projects that are considered by many people to be far more worthy. Let me bring it down; a hospital may be needed, a school may be needed, and in that sort of situation it is very hard to argue for more money for prisons. And of course it was this sort of situation which helped us to win approval for the periodic detention scheme.

CONCLUSION

To conclude, I must go in for a measure of recapitulation together with some elaboration. But I am going to confine myself to major things and I will avoid an exhaustive enumeration of the criminal justice system's weaknesses and deficiencies as I see them.

Beginning with the police, there has not been, in my view, an adequate examination of what the staffing needs of the New Zealand police should be from the angle of life in a democratic society. There comes a point where you do not want policemen breathing down your necks. It is a question we must all face and it is very much tied up with the quality of life that we want in society. Now let me look at what has been happening in New Zealand. Not so long ago police staffing was based on a formula of one policeman to each 950 of population, and an establishment of this basis was reached in September 1968. That formula was changed again - it became 1 to 920 and this was reached in March 1970. Revised again, it became 1 to 890, and then 1 to 830, and then in April 1973 it was 1 to 800. What I would like to point out is that police staffing in New Zealand was a major political issue at the last election. There has been no profound consideration of the question, it simply gets down to a competition between the major parties to outbid the other and I think this is most unfortunate.

Leaving the police and coming to the courts, they, as I see it, perform their sentencing function in comparative darkness. They know little about the impact of their sentences. I find this to be disturbing. In my view it is for the executive to provide judicial officers with a research and investigation service of high quality.

There is too much stress upon the notion of judicial independence, if it means isolation and aloofness, and if it does not encourage a judicial officer to widen his outlook. It seems to me that it is possible to have independence without these disadvantages. Indeed some outstanding judges have demonstrated this very thing and I have in mind Sir John Barry.

Furthermore, I myself see no reason why the notion of independence should be allowed to impede a review of efficiency. In the 1950s in New Zealand there were judges and magistrates, who were very sensitive to questions that related to efficiency. In the 1960s in New Zealand the position was much improved from that angle. In 1966 we saw the appointment of the present Chief Justice, Sir Richard Wild, who by outlook is interested in questions of efficiency and who has done much to facilitate the handling of judicial prisoners. Now there is a definition of efficiency, which I saw in the *New Law Journal* some years ago: 'Applied to the administration of justice, efficiency means the attainment of the right result in the minimum possible time at the least possible cost. Given that the right result means the just and relevant result, there seems to be no reason why efficiency should, in the sense here defined, appear as anything but a desirable aim to strive after', *New Law Journal*, 22 September 1966, page 1305.

Let me now pass to penal institutions. The crying need here is to accept the lesson of experience that borstals and prisons do not reform. If we accept that lesson fully, then we are involved in making a radical change in our penal system. It means that in the long run we must abolish the orthodox penal institution, except for 'those who are a continuing threat to the community in a major and grave sense', and that was stated in New Zealand in a publication *Crime and the Community* issued by the Justice Department 1964 (page 105). Now if you go that way it means that you must lean far more heavily upon measures within the community. Finally on this particular point, let me make this warning, if I may; this radical change should not come upon us all at once - if such a thing happened, it would be doomed. But I would suggest that those of you who have key roles within the criminal justice system, will show discernment and wisdom, if you take note of the trend and prepare for it. Several important things though must be said. Those who are advocating the early, even the immediate abolition of the orthodox penal system and those words of mine are studied - these people make a grave mistake when they undertake the general attitudes of the bulk of the country's population and plainly, something positive must be done about that very factor. The same people also make a grave mistake when they fail to realise the policy that lies behind the establishment of the criminal justice system, imperfect though that system may be and here again I am going to refer you to some words of Sir John Barry. He described the system as 'an institution of extraordinary complexity' and that can be underlined. Then he said: 'The desire for revenge is ignoble and if individually pursued, is socially dangerous, but it is part of human nature', and he added: 'a task of society is to hold it in check and society does so by substituting criminal punishment for private redress'. We must keep that truth very firmly and centrally in our minds. In other words, a delicate balance is involved, disturb that balance too quickly and you run the risk of violence coming right up to the surface. Believe it or not, in New Zealand, violence is near to the surface and would have risen to the

surface if the South African rugby team had toured New Zealand. Then we would have had groups wrestling and fighting with one another, there would have been injury with the possibility of death. So as far as I am concerned, let me be plain, I support the change that is indicated, but wisdom demands that the evolution be a gradual one - that is where I depart from or leave the people who want immediate or early abolition. I want to see success achieved for what I believe to be good. It means of course gaining the support of the public, and that in itself will be no easy task.

I am now going to deal with probation. As I see it, the probation service is the spearhead of work within the community. Their role in this respect was significantly enlarged in New Zealand when the periodic detention scheme was placed under their wing for development and of course I have already given you some figures for the scheme, and the way it is developing in New Zealand. As the years go by, the role of probation officers will become still more important and inevitably the word 'probation' will disappear from their designation.

Let me now look more closely at the public and their attitudes. In New Zealand and I think in every other jurisdiction represented here, there is great need to inform the public and gain its support. Our task is to persuade the public to be more rational and to study relevant facts and opinions. But if you do nothing about putting forward the relevant facts and opinions, then you do not help yourselves. You have got to get cracking with publications dealing with the variety of questions that arise in this field, and I would suggest to you that not enough is being done anywhere on that path and far more should be done.

It is also worth pointing out that persons who work in one part of the system may have little real understanding of what goes on in other parts of the system - given that, what hope has the ordinary citizen of understanding the system as a whole? Something has got to be done about it.

Weaknesses in the Criminal Justice System

I doubt if it is an exaggeration to liken our criminal justice system to an octopus without a head. There are tentacles everywhere but there is no mechanism that ensures that there is intellectual and muscular coordination.

Now if unified progress occurs, it is more the result of accident than design. Decisions made by one part of the system can be impaired or nullified by decisions made in another and I am satisfied that the system is not working to the best advantage of our country.

Now what can we do about the headless octopus? There is an analogy in New Zealand which I think is worth quoting. When New Zealand faced the threat posed by the entry of the United Kingdom into the Common Market it really was a most serious threat from an economic point of view. As soon as that was realised the Ministers for the five or six departments involved and their senior advisers were formed into a committee under the chairmanship of the Deputy Prime Minister. This Committee sat as and when required. A high degree of coordination was achieved and the committee was markedly successful in coping with the demands of the situation as it developed over many months. There is no doubt that the true interests of New Zealand were well served by this committee. Now something of this kind is required for the criminal justice system but for obvious reasons the proceedings must be open to the public and therefore to the press.

It is plain that a lot of investigation and research is called for within the area of the criminal justice system. What is called for cannot be done overnight but we should begin with studies that keep close to the needs of the current situation.

Education and Training

I said earlier that it would be futile to formulate a training programme unless you knew in effect where you were going, how and why. Plainly you cannot do everything at once and in any event there are some things you must learn from experience. Furthermore you cannot escape being pushed around by the course of events. But I would hope that you would have worked out a provisional plan which states clearly your destination, and why, and also sets out the means you propose to adopt. In my view the plan should include the question of recruitment standards, together with educational requirements. An important thing to remember and I am afraid it is not sufficiently realised even today, is that training can be a most useful policy instrument. I would suggest that it should have an important role in the execution of your provisional plan. Let us assume that you have settled your training programme in the light of the provisional plan. It is most improbable that you will be able to achieve everything in the short run but you should avoid doing anything which is inconsistent with your long term objectives. I think you are obliged to have two training programmes, one short term and one long term. Whether your programme is short term or long term, these are the challenges that you have got to meet. The first is this. There is need for each part of the system to give active training in its own work. Second, there is a need for each part to have a full appreciation of the work of the other parts. Three, there is a need for key people from various parts of the system to be brought together to study the system as a whole. Now remember what I said, you should use training as an instrument of policy and what do I mean by that? In your training programme you can study the structural weaknesses of your own part of the system and you can look at the structural weaknesses of the system as a whole. The problems of the day should be brought into the training programme. If you are introducing any major organisational changes, or important changes in procedures you ought to put them through your various training programmes because in that way you will get valuable advice and reaction from the staff.

The object of your planning and policy must be the development of a criminal justice system which is alive, alert and responsive and I emphasise the word 'responsive' - it will be more efficient and will fulfil its social purpose far more adequately than it does today.

MANAGING A TRAINING PROGRAMME - A SYSTEMS APPROACH

P. HICKEY

In a way what we do in training at the Public Service Board corresponds with the operations of this new Institute of Criminology and an overview of our approach may assist in developing your thinking on how this Institute can help you in your work. More particularly, some of the aids we use in our activities, and their planning and control might be relevant in your own fields.

Firstly, I would like to give you an idea of the size of the training function in the Australian Public Service, and the role played in it by the Public Service Board. Then I propose to work through the system used to plan and control the Board's training effort.

Public Service Act employment covers more than 260,000 people and accounts for some 20 per cent of all public employment in Australia. It is a large and complex service with staff in most parts of Australia. It encompasses doctors, lawyers and many other professions and fields of employment, and the variety of careers it offers has attracted, in recent years, something like 25,000 new entrants each year.

Another insight into the complexity of the Service is its demand for qualified staff. Although many people enter the Service qualified to perform professional or technical duties, others need training to ensure functions are fulfilled competently. This training is conducted, as appropriate, by educational institutions or in-service facilities. For example, at June 1973, 8,015 persons were gaining trade or professional qualifications from colleges and universities to ensure the availability of engineers, dental therapists, telecommunications staff, meat inspectors and other specialist skills. At the same time, 3,887 persons were gaining in-service qualifications for work as airtraffic controllers, meteorologists, technicians, computer operators, nurses and other careers requiring appropriate preparation for work in the field. In addition to people in these specialised schemes, the Service has supported the studies of more than 23,000 persons each year recently through schemes designed to encourage officers to broaden their qualifications.

The Board operates under the provisions of the *Public Service Act 1922-1974* as the central personnel authority for the Public Service of Australia. It is responsible for ensuring the development of broadly common standards of pay, job classification, organisation, recruitment, staffing and terms and conditions of employment - and for devising means of effecting economies and promoting efficiency in the management and working of departments. The Board's main functions and activities are-

Pay Fixation:

Set pay rates for all staff except heads of departments and takes a major part in proceedings before conciliation and arbitration tribunals.

Conditions of Employment:

Responsible for conditions of employment including allowances and

leave for staff within Australia and overseas.

Industrial Relations:

Consults and negotiates with staff associations and unions on a wide range of matters.

Organisation and Classification:

Assesses numbers of positions, their salaries, and the organisation required for performing the functions of each department.

Efficiency and Economy:

Ensures that the Service operates as efficiently and economically as possible. It encourages the use of modern management techniques such as automatic data processing, and provides a management consultancy service.

Machinery of Government:

Acts as a source of advice to the Government on machinery of government including allocation of functions.

Recruitment:

Ensures that the best available recruits are selected by merit in open competition.

Training and Staff Development:

Provides and oversees training to meet the overall needs of the Service and the immediate and future needs of particular departments.

Promotions Appeals:

Provisional promotions are made by the Permanent Heads of departments but a promotions appeal system operates under which the Board is required to determine some promotions.

Discipline:

Responsible for important aspects of the disciplinary provisions of the Public Service Act including decisions in all cases involving dismissal, and action on criminal offences by officers.

Grievances:

Considers appeals and applications by staff on matters affecting them as members of the Service.

Regulations:

Makes regulations on many of the matters referred to above. These regulations are submitted to the Governor-General in Council for approval.

I work in the Board's Personnel Development Branch, recently created within

the Personnel Management Division to provide a focus within the Board's Office for the development and implementation of programmes for the development, training and education of staff in the Service. The Branch's responsibilities include programmes for the development of senior executives; the further development and administration of schemes to assist officers to complete educational studies; design and conduct of training courses sponsored by the Board; advisory and information services to departments on matters concerning personnel development; the movement of staff by promotion, transfer, secondment or exchange, including administration of the Promotions Appeal System; and separations from the Service, including retirements.

Management responsibility for staff training in the Australian Public Service is shared by the Board and heads of departments. The placement of immediate responsibility with the permanent head for training his staff recognises that approaches to training must be varied and adaptable to accommodate diverse functions and work environments in departments. Most departments have established specialist training units with direct responsibility for the Department's training programmes.

The Board's management responsibilities for staff training are directed towards the rational use of training resources and a coordinated system of training throughout the Service. Particular emphasis is placed on activities which will develop the capabilities of departments to meet their staff training needs. Accordingly, attention is given to the conduct of courses to develop the expertise and skills of training specialists in departments; the preparation of training courses for use by departmental staff; the preparation and distribution of instructional aids, including books and films; the development of new training programmes and the conduct of pilot courses; and the conduct of courses and other activities which it is considered are more effectively provided on a central basis or for which training resources are not available within departments.

During 1973 the Board conducted programmes to meet training needs common to many departments. These programmes were formulated using the management system for the planning and monitoring of training courses and activities which we will cover in some detail shortly. Programmes included:

- . training for managers
- . training of specialist training staff
- . induction training for new entrants
- . training of officers engaged in establishments and management review work
- . training of A.D.P. specialists, and appreciation training for non-specialists
- . training for officers employed in typing and secretarial areas
- . training in techniques of personnel selection

The Board's training officer development programme is designed to ensure that those responsible for conducting training activities in departments are themselves adequately trained. Basic training conducted for operational trainers currently includes a Methods of Instruction course of 10 days

duration which provides instruction in session preparation and presentation; and an Instructional Course for Training Officers of 20 days duration. The Instructional Course for Training Officers covers principles and practices associated with organisation, conduct and management of training activities. The course, in particular, develops trainers' ability to:

- . identify staff group training needs
- . advise management on the formulation of a training programme
- . validate and evaluate training
- . plan induction, procedural and simulation training programmes

The Board, in recognition of the scope and diversity of training in departments, also conducts courses for trainers in the form of 3 - 5 day workshops and one day modules providing instruction in the theory and practice of new training methods and skills; regular conferences and meetings of training staff; and displays of training aids and equipment.

In addition to training trainers, the Board maintains an advisory and information service to assist them in their work. Consultative advice is provided by Board's officers on a range of training matters, including suitable structures to conduct training; formulation of training policy; assessment of training needs; development of training courses and programmes; and new educational methods and technology.

The Board makes available to departments a range of training publications, documents and handbooks for use within the Service. In conjunction with Film Australia the Board has, since 1952, made 22 training films, copies of which have been made available for use by departments. Guides have been produced suggesting ways in which these films might best be used. In addition, Film Australia sells these films to a range of organisations both within Australia and overseas. The 'Training Newsletter' was developed as a means of promoting closer liaison between the Board and departmental training officers and to provide information on current training activities, new training techniques, staff visits, results of educational research, and items of general interest to training staff.

At June 1973 there were over 360 full time operational trainers in departments within the Service's four level training officer structure. The creation of senior full time central office training positions above the defined four level structure has been approved by the Board from time to time. These 'Training Managers' have management responsibility for the development and implementation of training programmes to meet a department's needs. Over 26 departments now have training positions at this level.

Over 1,100 positions of Technical Instructors also exist in a number of departments where 'in-service' courses are conducted in the technical and trade areas. Technical Instructors must have qualifications relating to their ability to teach both theoretical and practical subjects. These qualifications are obtained by completion of a departmental course or courses of teacher training approved by the Board.

The system used in my office to facilitate management of a training programme was designed initially by the Stanford Research Institute of Australia for the Public Service Board. The principles and procedures of the system were adopted by the Public Service Board and implemented by its

officers in conjunction with a consultant adviser from the Institute. The system was designed within the context of the Board's training role, and although the principles of the system could be applied in other organisations, the procedures and documentation of the system would require modification before being used elsewhere.

The objectives of the initial study by the Stanford Research Institute were

- (i) to develop a system of management for the Board's training responsibilities, which would enable the planning of a programme to maximise the return that the Board receives from its investments in training, and which would ensure that the programme adopted is carried out effectively.
- (ii) to apply the methodology of the system of planning to the Board's current training activities and to develop a long term plan of future training.

Before considering the system in detail several general points should be made by way of background

- (i) the emphasis of the system is on procedures to facilitate management of training programmes. It is not concerned directly with training methodologies and techniques.
- (ii) the systems approach described in this paper is not a Planning Programming and Budgeting System, although it does have some similar features. For example, the system is concerned with the planning of training from the view point of the Public Service Board's responsibilities, and not as a total Service wide programme. It has not required any changes to the Board's current cost accounting or budgeting methods at its present stage of development. Nevertheless, the system is designed to assist managers responsible for training activities. It adopts a programme structure as a framework for planning and oversight, and it prescribes analytical methods to be used by managers when making judgements on matters related to training objectives, training activities, and allocation of manpower resources.

The main features of the system are

- (i) the system facilitates management oversight of both the planning and implementation of the Board's training programmes;
- (ii) the system is cyclical in structure, and is designed to become more efficient in each year of use as further data is gathered, and as the results of evaluations of earlier programmes become available;
- (iii) the planning and monitoring phases within the system have been designed to operate concurrently but independently of each other;
- (iv) training programmes are planned for three year 'rolling' periods and cover the full range of training activities including courses, on-the-job training, documentation,

films, and developmental, consultancy and liaison work;

- (v) programmes are prepared for fiscal year periods so that 'costing' of training activities can be inter-linked with Treasury procedures for forward estimating;
- (vi) responsibility for the evaluation of training needs, and the planning and implementation of training programmes, is placed with those functional divisions or branches of the Board's organisation (planning units) closest to the 'subject matter' and training needs of groups of officers in departments;
- (vii) training objectives are defined precisely;
- (viii) decisions on training options are taken only after thorough analyses by each planning unit of
 - . numbers to be trained
 - . the priority of each proposed training activity
 - . the monetary cost of alternative methods of developing and presenting training activities
 - . the impact of training proposals on available manpower resources;
- (ix) utilisation of the expertise of training specialists is maximised as they have a continuing responsibility to provide 'planning' units with an expert consultancy and advisory service on matters related to training methodology and techniques.

The designers of the system appreciated that effective management of a training programme is not a simple task. It was recognised, nevertheless, that a manager's ability to oversight a large and complex programme could be improved if he evaluated his options in a predefined and systematic manner within a structured system.

The design adopted for the system structure was based on the view that the two major phases involved in the management of the training function are

- (i) planning and programme
- (ii) the evaluation, replanning and monitoring of the implementation of the programme.

A central feature of the system is that responsibility for the planning and implementing of training programmes has been allocated within the Board's office to the management level and functional area closest to the 'subject matter' and the training needs of particular officer groups in the Service. For example, under this arrangement, the Board's A.D.P. Division is broadly responsible for the development of the Board's training programmes for specialist staff engaged in A.D.P. systems. Similarly the Organisation Division is broadly responsible for the development of a programme for the training of officers engaged in establishments work in the Board and Departments. In the same way the industrial Relations Division is responsible for Industrial Relations training activities. Other divisions of the Board are similarly involved according to their function.

The training responsibilities of these planning units include the analyses

of training needs, the determination of priorities, the selection of training options, the detailed design of courses, the conduct of activities and their evaluation.

The role of the training specialists under the system is twofold. Firstly, and most importantly, the training specialists have a continuing responsibility to ensure that all training activities sponsored by functional branches are soundly based in terms of training methods used, and are of an acceptable training 'standard'. To this end the training specialists provide to planning units a consultancy and advisory service on training methodology and techniques, ranging from advice on how best to evaluate training needs, to consultation on, and active assistance in, the design and conduct of formal courses.

In addition to this consultancy role the Personnel Development Branch has direct responsibility for those of the Board's training activities that relate to

- . management development
- . training officer development
- . occupational training
- . consultancy and advisory services to departments, and
- . developmental work on training methods.

The decentralisation of responsibility for training activities necessitated the introduction of additional mechanisms to ensure coordination of planning efforts across the office and to provide for integration of the several training proposals put forward by planning units into one consolidated plan for consideration by the Board.

These needs were met by the creation of a new position of Planning Coordinator, responsible directly to the First Assistant Commissioner, Personnel Management Division. It is the responsibility of the Planning Coordinator, to coordinate all training proposals affecting more than one unit, to ensure that the procedures of the system are maintained, to consider matters related to the allocation of training responsibilities to functional branches, to facilitate inter-divisional consultation on training matters and to consolidate the training proposals of divisions into an integrated programme for consideration by Commissioners.

Once the training programme has been approved by the Board, the Planning Coordinator is required to keep the Board informed on progress in the implementation of the approved programme and to oversight the procedures which apply in the monitoring phase.

The design, by each planning unit, of its training proposals takes place within the general structure, and in accordance with the procedures of the planning phase of the system. Broadly, each planning unit preparing a training proposal is required to complete five steps

- (i) within its area of functional interest, the unit must identify the training needs of categories of officers within the Service which it considers have unsatisfied training needs. If possible, the planning unit classifies the officer categories it has identified into sub-groups with common training interests,

- (ii) the planning unit then defines specific training objectives for each officer category which has been identified as having training needs, and general objectives covering broad officers groups with similar interests,
- (iii) the planning unit analyses training options using prescribed quantitative methods,
- (iv) the planning unit select options, and prepares and documents its training proposals for a three year period,
- (v) once approval has been obtained, the unit implements the training programme, conducts regular evaluations and, in the light of evaluation makes corrections to, or changes the direction of, the training programme.

The regular use of these five basic steps provides a number of advantages

- (i) it establishes a framework against which much of the unit's planning work can be structured,
- (ii) it facilitates the definition of objectives for each officer group, and general objectives covering broad areas of training interest,
- (iii) the successive development of training proposals from specific activities, to sub-programmes to programmes, provides the basis for the development of systematic summaries of training proposals for consideration by senior management,
- (iv) it establishes a mechanism for the monitoring of each programme.

When planning units have completed their analysis of training needs, considered objectives, and have formulated their training proposals each unit is then required to summarise their training plans for consideration by different levels of management within the Board's office. This process has three aspects. These are

- (i) the preparation of planning worksheets,
- (ii) the development of a consolidated programme for each planning unit,
- (iii) the submission to the Board of a consolidated five year programme covering all units.

The submission to the Board outlines the key features and objectives of the training plans submitted by planning units and summarises the activities proposed. The planning worksheets are not incorporated in the submission but are consolidated into several volumes and are available for reference by the Board if required.

In assessing the submission the Board considers in particular

- (i) the proposed increase or decrease in the manpower resources that are to be devoted to training over the next 3 years and whether it agrees, in principle with this manpower

usage, and with the priorities placed on different types of training,

- (ii) the expected results, both in numbers trained and in additional skills that will accrue to the Service, numbers to be trained are looked at in relation to the identified training requirements and also against the expected 'costs' of training,

If the Board decides that the proposed resource allocations are excessive for the results expected, then the 'back-up' documentation of activity sheets exists for use in modifying the proposals. Any modifications requested by the Board are undertaken by the appropriate planning unit.

Once a programme has been approved by the Board, and is being implemented, the monitoring phase of the system becomes operative. Broadly, the monitoring phase is designed to provide 'feed-back' to Commissioners, Divisional heads and Training managers concerning progress in the implementation of the training plan.

The information obtained under the monitoring phase has two main uses

- (i) it identifies deviations in planned performances,
- (ii) it provides a basis for more effective planning in the future through the gathering of additional planning data, or through the testing of planning assumptions.

A major step in the development of an effective monitoring mechanism for the system has been the design and introduction of procedures for recording accurately and continuously details of the manpower actually used on specific training activities.

The second feature of the monitoring system is regular quarterly reports to provide senior management with progress reports on the implementation of the overall programme, details of which programmes are behind schedule and to foreshadow possible variations to the programme in response to changed training needs, changes in staffing or other factors. It is anticipated that, from time to time, senior management may wish to make 'mid-course' changes to the training programme in the light of these reports.

The third feature of the monitoring system is the evaluation of the effectiveness and usefulness of each course or developmental activity after it has been conducted. These evaluations are conducted by planning units on the advice of our training specialists.

The planning and monitoring system for the management of the Board's training programme has been in use now for about 3 years. The system is fully operational but constantly being reviewed to improve its efficiency. For instance, we are looking to design of procedures so that the 'monetary costs' of training activities will have greater prominence in the system.

Sufficient experience has been obtained, however, to permit some general observations concerning the application of the system.

Firstly, two general points

- (i) the introduction of the system has provided improved

procedures for management oversight of our training programmes,

- (ii) the principle of placing the responsibility for training with the functional units closest to the 'work-face' has proved to be sound. The introduction of this practice has also promoted the role of the Board's training specialist as consultants and advisers to planning units on training methodologies and techniques.

Other benefits which have accrued since the introduction of the system are

- (i) significantly increased interest in training activities at senior management levels,
- (ii) a greater awareness by functional branches of training as a solution to management problems,
- (iii) improved forward planning of training activities and increased efforts by management to ensure the achievement of training goals,
- (iv) improved allocation of manpower resources to provide greater training output, and
- (v) the comprehensive documentation of the Board's training proposals, including the precise definition of training objectives, which provides for continuity of thinking and effort, even with changes of staff.

HUMAN RESOURCE DEVELOPMENT IN THE CRIMINAL JUSTICE SYSTEM

HAROLD G. WEIR

OBJECTIVES

In this session we are to consider the feasibility of achieving common standards in training programmes, the implications of higher staff requirements and the place of regional training programmes. Such matters are related to recruitment methods, entrance qualifications, selection processes, vocational aptitudes, incentives for higher standards and ways in which policies and programmes can be influenced.

The subject is vast and at many points touches on issues raised or to be raised by other speakers and syndicate groups. The focus will be on Australian conditions because a criminal justice system cannot be considered in isolation from the cultural setting as well as the prevailing political philosophy of the people to which it applies.

When I was in Japan at the United Nations Institute I heard foreign participants in training courses criticising members of the Institute staff because they were talking about 'Japanese' criminology. The trainees claimed that there was no such thing because criminology was a science independent of the country in which it was taught. In theory that may be correct. In practice it is not so. I believe that crime and delinquency are legal entities. It is true that there is now a branch of knowledge described as the 'Sociology of Deviance' and that this may include crime and delinquency, but my own attitude is that crime is what the law says it is and only what the law says it is. Once you move outside that definition you belong to the fields of the sociologist, the psychiatrist, the endocrinologist and many other disciplines. It is against the background of Australian geography, culture and social conditions that the subject for this session is being introduced, with special emphasis on police and prisons services' problems.

GEOGRAPHICAL BACKGROUND

Although Arabs, Portugese, Spaniards and the Dutch disturbed the tranquility of the original inhabitants from time to time it was not until 22 August 1770, when Captain Cook took possession of 'the whole eastern coast' that the continent of Australia became an extension of western civilisation. Formal possession was announced on 26 January 1788 when Captain Arthur Phillip arrived with the 'first fleet'.

In the course of time six different colonies gained recognition - five on the mainland and one on the island of Tasmania. On 1 January 1901 New Zealand, which had had responsible government since 1856, was left out of the Australian Federation which was then named the 'Commonwealth of Australia'. This historical background is important in consideration of differences existing between Australian prisons and police services. Under the Constitution the people of Australia 'agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland', they set up a Parliament of the Commonwealth consisting of the Queen, a Senate and a House of Representatives. The Constitution gave the Parliament exclusive power to make laws for the peace, order and good

government of the Commonwealth with respect to a specified number of matters but each state retained its own Constitution and its own responsibilities for maintaining law, order and public safety.

Each state was required under the Commonwealth Constitution to 'make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision'. The Commonwealth is responsible for the Police Forces in the Northern Territory and the Australian Capital Territory and for prisons in the Northern Territory, but it still has no prison in the Australian Capital Territory and has only just let a contract for the construction of its own 'interim' remand centre in Canberra. The permanent heads of the police and prisons services of state governments consult with each other on a regular basis, but the various state systems are independent entities.

There is a Commonwealth Police Force which commenced operations in 1960 and which is the principal agency for the enforcement of laws passed by the Commonwealth Parliament although there are some functions which state police forces also perform for the Commonwealth Government. In mentioning the Commonwealth Police Force at this point reference should be made to the very important work of the Australian Police College presently situated at Manly, New South Wales. This College provides high quality training for officers of various police forces and other agencies not only in Australia and New Zealand but also for a great number of police officers in different parts of the world. In consideration of the law enforcement and correction services in Australia it is important to remember the vast area of the continent. Together with the island of Tasmania, it comprises an area of 2,967,909 square miles, nearly 2,000 miles long and 2,500 miles wide. The area of the country is almost as great as that of the United States of America and more than half as large again as Europe; about 25 times as large as Great Britain and Ireland. The coastline is approximately 12,000 miles long.

Within this vast expanse live 13 million people of whom about eighty thousand represent the Aboriginal population. Population figures vary according to census and estimate dates and here we are not concerned with precision but with the rough background against which prison and police training programmes must be considered. About 60 per cent of the population live in metropolitan areas with more than 50 per cent of the population living in four urban centres with populations of half a million or more.

For purposes of comparison, the 1969 United Nations Demographic Yearbook estimated the number of persons per square mile in the world as 67, in Japan the density was 717, in Asia it was 186, in Western Europe it was 386 but in Australia and New Zealand the density was 5.

The Australian nation started off as a penal settlement. From its earliest days it has been concerned with the treatment of offenders and with the necessity to maintain prisons.

The development of a civilian as distinct from a military force came at different times in different places but ever since A.W.H. Humphrey was appointed both Police Superintendent and a Police Magistrate for the Colony in 1818 the police forces have been under the control of state authorities as distinct from local government authorities or city corporations.

Unlike their counterparts in the United Kingdom and the United States of

America, where police forces are organised on a regional and local basis, the police forces in Australia are administered on a state and territory basis, with the exception of the Commonwealth Police Force. Miller and Jinks in their book *Australian Government and Politics* (published by Duckworth, London, Fourth Edition, 1971, page 163) suggest that 'the reasons for state, rather than local, arrangements stem from the pattern of settlement and the constant demand in country areas that they should not have to pay for their own services of various kinds, but be subsidised by the cities . . . '.

It is difficult for people from other countries to understand the vast areas of sparsely populated country which must be supervised by police. In former times these areas were covered by horseback and sometimes by riding camels. More recently the use of helicopters and light aircraft has facilitated some of the work of policemen in country areas, although such resources are by no means lavishly supplied. A multitude of functions are required of police officers in country areas where they are often the only available government officials.

A major problem for Australian police forces concerns their public relations. Miller and Jinks suggest (*ibid*, page 164) that this may be due to 'the harsh relationships of Australia's convict past' although they add that this 'would not explain why relations have often been so bad at times in Victoria, which was not a convict colony'.

This seminar is concerned with ways of achieving common standards in the criminal justice system, and we are meeting at a time of great importance in Australia's political history. One of the issues in the general elections of 18 May 1974, concerns relationships between the national and the state government services. There have been suggestions that the Commonwealth Police Force may extend its operations, and for that reason it might be useful to consider its history.

In December 1917 the Australian Commonwealth, during World War I, established a police force under War Precautions Regulations. In the 1920-21 estimates for the Commonwealth Attorney-General's Department provision was made for a Commonwealth Investigation Branch and statutory authority for a Peace Force was given in 1925 under a Peace Officers Act.

The 1917 action concerned the then Prime Minister, W.M. Hughes and some difficulties he had in the State of Queensland during an election campaign in which conscription was the issue. Specifically it arose from a disturbance on the night of 29 November 1917 at Warwick Railway Station, Queensland, when Hughes took exception to being a target in an egg-throwing exercise and believed that the then Premier and Attorney-General of Queensland, T.J. Ryan, and his state police had failed to uphold the law. Gradually the federal police establishment evolved into a security service, the history of which is outside the scope of our present interest. However Brian Fitzpatrick in his book *The Australian Commonwealth* (Cheshire, Melbourne, 1956, page 134) says that 'a noteworthy fact about the various federal police, peace, investigatory and security forces is that none of them, in thirty-eight years to 1956, were set up by statute after debate in parliament'. The 1917 action of Hughes derived its authority from a Ministerial Regulation.

DUTIES

Police services have included a bewildering range of activities and the discussions about the desirability or otherwise of separating traffic duties

from other police responsibilities indicate how vast and disparate that range of activities is becoming in modern times. (Incidentally, the separation of traffic duties became formalised in New Zealand in 1972).

This considerable range of duties required of the police forces poses some complex training problems. Inevitably a policeman must become a specialist these days. Crime detection, prevention, apprehension and prosecution are all highly scientific processes and a man would need to be a genius to have all the knowledge, skill and mental and physical attributes needed to be completely versatile in the police force of today. We might, in discussion, give consideration to the point at which specialisation should commence. What are the elements which all police officers should have in common so far as their training is concerned? Should a plain clothes detective be regarded as a graduate from uniform service? Is the policeman on point duty and the officer controlling the teleprinter interchangeable? Is there not a significant proponent of the daily grind which could be taken over by clerks, including women, leaving more specific duties to trained police staff?

From the earliest time and in all states the Australian prison services have included specialists such as surgeons and chaplains, but it is probably only within the living memory of many of us that a sharp distinction came to be drawn between the custodial and treatment aspects of corrections. 'Aid' societies were usually regarded as philanthropic, humanitarian based charities, external to the prison services until fairly recently.

With some notable exceptions, the prison and police services of Australia tend to be inbred institutions adopting a closed promotion-from-within policy. Obviously there are advantages in making other positions available to those who have given long years of service. In theory such a policy should keep staff wastage at a low level and should inculcate desirable traditions and an *esprit de corps*. However where the promotion-from-within policy is rigidly sustained training becomes even more important.

The question of training for prison officers could be simplified to a neat division between custodial and non-custodial staff - if that is an acceptable philosophy. I do not think it is an acceptable philosophy, as I adhere to the 'therapeutic community' concept in correctional services, maintaining that every member of the team who has any contact with a prisoner becomes part of the 'treatment' process.

Probably the first concern of persons devising an ideal training programme for prison officers would be a clear recognition of the objectives to be achieved in such training.

RATIO TO POPULATION

The optimum ratio of law enforcement and corrections personnel to population depends on a number of variables including policy decisions about prevention techniques, security risks tolerable, types of institutions and funds available.

More data is accessible on this matter of police:population ratios than for other arms of the criminal justice system.

An interesting book called *The Police and the Public in Australia and New Zealand* was written by Dr Duncan Chappell who is at present a research worker in the United States of America and Dr Paul Wilson of the University of

Queensland. When the book was published by the University of Queensland Press in 1969 it met with a mixed reception. Not unnaturally, there was some resentment at the opinions expressed and judgments made by the authors on some contentious issues, but it is a useful book and deals with a subject of considerable interest to students of criminology, to practitioners in the criminal justice system and to the public at large.

EDUCATIONAL STANDARDS

People in Australia and New Zealand have reason to be proud of the work of their law enforcement and corrections services and concern for the quality of the service should not lead to a false conclusion that if educational standards are raised - and especially the minimum standards for entry - then there must automatically be an improvement in the quality of the services. There have been excellent officers who, in some cases through nature and nurture, but in other cases through lack of opportunity, met only minimum educational standards, but who have placed the community in their debt because of the creditable service they have given.

The important point is whether an applicant has the capacity, given the appropriate training, and experience, to raise the level of his knowledge and understanding. This is where psychology can help in the provision of appropriate aptitude and intelligence tests although even here I would hesitate to be dogmatic about such entrance screening techniques until a good deal more data was available on the subject. I do not find myself as critical as the two question marks on page 145 of their book suggests Chappell and Wilson are about the acceptance of recruits in the police force. What I should like to know is the subsequent performance assessment of the recruits whose entrance qualifications were criticised.

Chappell and Wilson concluded that 'with a few notable exceptions contemporary members of police forces in both Australia and New Zealand have had at the best only a few years of secondary schooling, and at the worst have not completed their primary schooling' (page 146). They state that the police themselves recognised the need for more stringent educational qualifications for entry. On the basis of 884 replies from Australia and 376 replies from New Zealand to a questionnaire about qualifications for entry into the police forces it was found that 'the most commonly accepted minimum level for entry to the force is that of the Intermediate Certificate or the conclusion of three secondary years of schooling' (page 147). They also find it interesting that a University Degree or Diploma as a minimum entry standard was not found necessary by most of the respondents.

The authors reached a conclusion that 'the ultimate aim of all police forces should be to insist upon Matriculation as a minimum educational qualification for all members of the force' (page 148).

I am quite prepared to accept that such an ideal is not impossible to achieve. I equally support the need for improvement in the quality of personnel in the criminal justice system and for the provision of adequate education opportunities where people are motivated towards making the best use of such opportunities. Crime and delinquency in the community today demand high standards in such services, but there is no guarantee that insistence that every officer must have a high minimum educational qualification will thereby guarantee better services.

In the Australian Public Service a significant number of officers in key

positions hold University Degrees or Diplomas. At 31 December 1971, 84.6 per cent of the First Division Officers were graduates and 3.8% were diplomates. In the Second Division, which comprises the top administration and managerial group, 67.9 per cent of the officers were graduates and 15.9 per cent diplomates. In the Third Division, 55.5 per cent of the Class 11 officers and 42.5 per cent of the Class 10 officers, that is, the two highest levels in the Division, were university graduates. By comparison a study made by Chappell and Wilson found that amongst the respondents to the questionnaire which they sent out there was one graduate in the Queensland Police, two in Tasmania, two in New Zealand and none in South Australia amongst the respondents from those states.

One of Chappell and Wilson's suggestions for overcoming the shortage of university graduates in police executive ranks is the implementation of schemes to enable officers with suitable ability to attend university - alternatively they suggest that graduates should be recruited into the lower ranks of the force.

Another interesting finding of Chappell and Wilson was that their respondents revealed a marked preference for legal qualifications. But it is questionable whether a law degree is the most appropriate qualification for all members of the police force wishing to undertake tertiary level studies. Certainly it is desirable for those who wish to become Prosecutors but there is also a need for the development of the critical faculties, skills and knowledge which result from an understanding of such disciplines as psychology, sociology, social history, human biology and social work.

The colleges of advanced education will probably make a significant contribution to the training of law enforcement and corrections personnel. The Royal Military College at Duntroon some time ago recognised the professional status of the armed services and in association with established universities it is now part of a university structure. Perhaps the Australian Police College could do the same? So far Australia has nothing like the colleges which train people for degrees or diplomas of the type provided for police and prison officers in various institutions in the United States of America. The South Australian Institute of Technology is introducing specialist courses which are built onto basic social work courses and these will become operational over the next few years.

The courses in criminology offered at the Universities of Melbourne and Sydney are making a significant contribution to the quality of personnel in the criminal justice systems of Australia generally, but so far they have not offered police science courses.

A major problem in this matter of higher educational standards in the police force is the lack of incentives in terms of salaries and promotions. It is inevitable that the demand for higher qualifications must be matched by opportunities for higher remuneration and greater recognition. At the same time, it may be useful to point out that the acquisition of higher qualifications should not necessarily mean that such persons become 'desk bound' bureaucrats rather than professionals, who lose touch with the field and become isolated from the day to day problems of the services.

This has been a problem in developing countries. During my travels in Asia and the Far East I frequently met the complaint that persons who had received the advantages of higher education at home or overseas wanted to become 'administrators' and failed to use the knowledge and skills they had acquired in dealing with the problems of their own country. Educational opportunities must be seen as involving greater responsibility.

In the acquisition of higher qualifications there is a place for study assistance and study leave without loss of pay or promotional opportunities.

The Australian Public Service Board has a commendable programme of study assistance for its officers, providing fee reimbursement schemes, cadetships, final and second year free places, university free places, traineeships, post-graduate scholarships, financial assistance for study in Australia and overseas research fellowships and a number of awards for full time study. This is in addition to a comprehensive training programme which provides for management development, Second Division and senior management seminars and training programmes, graduate induction training, administrative trainees, training officer developments, specialist courses of various types and a general programme of career guidance.

One important lesson to be learnt from the Australian Public Service is that the salaries of its officers with higher qualifications are related to salaries paid to graduates with similar qualifications elsewhere. This may well be the crux of the problem of attracting persons with ability into a professional type of service in the law enforcement and corrections agencies. The inducements must be great enough to attract and hold men and women of ability and the opportunities for advancement will have to give place to ability rather than seniority - a radical change in policy which would inevitably arouse resentment - but which, in the long run, cannot fail to be of benefit to the community as a whole as well as the service itself.

PROFESSIONALS OR BUREAUCRATS?

The term 'professional' is often used in an ambiguous way. Sometimes it refers to a person who receives salary for services by contrast to a 'volunteer' who works without remuneration. At other times the term 'professional' is used to suggest a specialised body of knowledge and a higher status in the work-force than other occupations.

Since there is frequent reference to law enforcement agencies and less frequent reference to prison services as fields of 'professionals' it may be of interest to think about the meaning of 'professionalism' within the police and prison services and some of the implications of the growth of professionalism.

It is possible that some advocates for the professional status of police and prison services may be dazzled by the ephemeral halo which is wrongly thought to surround the head of a professional person. It might be a salutary warning to remember that we also have 'professional criminals' as well as 'professional criminologists'.

Harold K. Becker, Associate Professor in Criminology at California State College, Long Beach, California, in his book *Issues in Police Administration* published by the Scarecrow Press, Metuchen, New Jersey, 1970, (page 18) says that 'one practitioner describes a professional in law enforcement as one who is courteous, appears neat, has ability to do his job well, and is gifted by a sixth sense to detect or distinguish the criminal from the non-criminal in our society'.

Harold Wilensky writing in the *American Journal of Sociology* on the question 'The Professionalisation of Everyone?' (Vol 70; September, 1974 pages 137-158) describes the process of professionalisation in the following way:

1. Full time occupation
2. The development of the training school
3. University education
4. The establishment of local professional associations
5. Development of national professional associations
6. State licensing
7. A formal code of ethics

He says that such established professional groups as accountants, architects, civil engineers, dentists, lawyers, doctors and theologians have all, at different times, gone through the above seven steps. Wilensky (page 142) sets out four characteristics which define professionalisation:

1. A technical foundation
2. An exclusive jurisdiction
3. Standards of training
4. Convincing the public that its services are uniquely trustworthy.

Bruce Juddery is a well known Canberra journalist who was formerly with the *Canberra Times*. He has been closely involved in the coverage of Australian Government Department activities and political events of major importance. A few weeks ago the firm of Cheshire published a book which Bruce Juddery called *At the Centre - the Australian Bureaucracies in the 1970s*. It is an examination of the bureaucratic system as it operates in Canberra.

Juddery talks about what he calls 'the professional revolution'. He believes that Australian society is becoming too complex for its traditional bureaucracy to handle or, alternatively, he suggests that perhaps the bureaucracy itself is too complex for the 1970s. In the Australian Civil Service it is still possible to rise from messenger boy to Permanent Head, though 'one must now obtain a degree or two en route (page 210)'. Juddery gives an interesting definition of the term 'professional'.

'A professional is one who applies expertise to the interpretation and handling of complex situations falling within the ambit of his or her own discipline. Complexity, indeed, is the central characteristic of the professional's work' (page 212).

Juddery draws an interesting distinction between the bureaucrat and the professional. He sees the bureaucrat as part of a 'paper pushing proletariat' in which 'positions tend to be made through the accretion of data'. Files move up the higher chain until, in the light of prevailing policies, and at the appropriate level, the requisite conclusion becomes apparent.

The process is not dissimilar to that of a motor car assembly line - 'occasionally dud decisions, like faulty vehicles, have to be recalled and patched'.

On the other hand 'the professional approach is rather for an individual or a small group to arrive at a decision, or policy, on the basis of available information and his, her or their own experience and theoretical understanding of the particular problem. The professional decision, like the bureaucrat's, is based upon knowledge - but of a qualitatively different variety' (page 213).

Whereas the bureaucrat makes decisions rigidly prescribed by the facts which come into his hands, whether those facts come from files, computer tapes or microfilm, the professional usually ignores such a constriction, going to other sources and using his own 'theoretic insights'. The decisions and recommendations of a professional are personal in the same way that his authority is personal rather than simply another step in what Juddery describes as 'a largely recognised process' (page 213).

Juddery fears for an elected government as a result of 'the professional revolution', but I think he makes an important point when he says that 'bureaucracy is giving way to professionalism, provided both from without and within, where professionals will demand the autonomy to make their own judgments' (page 219).

The only other comment I want to make here about the professionalisation of police and prison services is that it is a process in which training for all levels of occupation, recognised qualifications and a code of ethics are integral.

PRISON PERSONNEL

A.A. Evans, a senior officer in the Federal Bureau of the United States Prisons in an article in *The Annals of the American Academy of Political and Social Science* called 'Correctional Institution Personnel - Amateurs or Professionals?', defines correctional work (page 17) as 'the influencing of others to gain their respect, to accomplish a change in their attitudes, to improve their behaviour and understanding of responsibilities for normal, socially acceptable conduct'.

He points out that there is no counterpart to correctional work in civilian life or private industry.

Like policemen, personnel in correctional institutions must be trained in the use of firearms and self defence and the ways in which they can obtain cooperation from persons over whom they have a natural authority and some of whom have unusual personalities embittered by the experiences through which they have passed.

In the words of A.A. Evans 'he must not only know the duties and responsibilities of the exact position to which he is assigned, but also have an understanding and knowledge of methods for handling attitudes which are in conflict with the law. In the face of being tempted, threatened, and frequently maligned, he must possess patience, a resolute character, intuition and understanding of human nature' (page 17).

As in the case of police the public cannot expect to attract suitable persons with the necessary qualifications, ability and aptitude for correctional work unless the rates of pay are adequate. Salaries must maintain an equitable relationship to the cost of living and be comparable to the salaries of other positions.

Sanford Bates, the well-known American prison commissioner, penal reformer, author and lecturer tells how on one occasion he asked a prison guard who was a candidate for civil service promotion to tell him the three purposes of a prison. The answer he was given was '(1) to punish murderers, (2) to punish robbers, and (3) to punish burglars'. (Sanford Bates, article - 'The Prison: Asset or Liability?' (page 1 in 'Prisons in Transformation' published in

The Annals of the American Academy of Political and Social Science by Greenwood Press, Westport, 1954, reprinted 1972). The answer which Sanford Bates was looking for was 'punishment, deterrence and rehabilitation'.

In his article Sanford Bates appealed for acceptance of the fact that 'to coddle the criminal is as bad as a conventional attitude towards every person who has received a sentence' (page 7). He talks of the dangers besetting the work within the prison situation of such persons as social workers, chaplains and teachers who, he says, 'must of necessity have a hand in the conduct of the modern prison' (page 6). But he expressed the opinion that every person from the senior officer down to the lowest guard in a penal institution should combine the approaches of psychiatry, social work, religion and education in his approach to his work. He says that by comparison with the newer principles of penology the old time principles were easy but they left a harvest of embittered and dangerous men.

CADET TRAINING SCHEMES

There is considerable variation in the practices with regard to cadet schemes in the Australasian Police Forces and it is probably in this area that there is the greatest need for the achievement of common standards of training. It would be impertinent for me to attempt to describe the content of cadet training schemes. Frankly it seems to me so obvious that there should be a common approach to cadet training that I feel this is an administrative matter to be resolved by the police commissioners themselves. There should be enough results available now for them to reach some conclusions about the efficaciousness of the scheme.

It would seem to me that cadets would benefit considerably from inter-state experience for both academic study and practical work. In this regard our traditional respect for state boundaries is not shared by criminals and it would help in a number of important ways for cadets to have inter-state experience at the beginning of their work history.

One observation which I would make in passing is that in terms of efficiency and responsibility for taxpayers' pockets it might be interesting for persons responsible for cadet training schemes to decide what is an acceptable wastage rate. Chappell and Wilson found that 85 per cent of the separation from the South Australian Cadet Training Scheme was initiated by the training staff. Wastage rates and selection procedures, of course, need to be considered together.

IN-SERVICE TRAINING

It is now recognised in most police and prison services that promotion beyond certain levels should depend on passing qualification barriers, as well as satisfactory work performance and minimum service periods. In-service training is accepted in principle as a basic requirement for such promotion barrier examinations.

In-service training is also used to facilitate the acquisition of skills needed for transition from general to specialist duties. It also includes short courses in criminal law and crime investigation for detectives and courses designed to equip police to deal with bombing and bomb threats, riots and emergency procedures.

I am not competent to suggest to police administrators the sort of training needed to turn uniformed policemen into detectives or other specialists, but I am informed that in-service training is a method by which such transition is achieved. Regular in-service training however is necessary as a refresher exercise for all officers and as a way of keeping personnel informed about modern techniques, as well as about experience gained elsewhere. We do not have enough communication about our experiences. It is still true to say that 'experience is a great teacher' but it is unnecessary for costly experience to be repeated when the lessons can be reported.

These days frequent reference is made to the rapid rate at which qualifications become outdated and it is very important that law enforcement and correctional services should keep their personnel fully informed about changes in laws, regulations, policies and attitudes and community expectations. Within recent years there have been dramatic developments in Australia with regard to such matters as pornography, demonstrations, unauthorised occupation of public buildings and so on. Policies can and should be changed according to prevailing circumstances in the best interests of law and order as a whole. The United States President's Commission on Law Enforcement and Administration of Justice expressed the opinion that 'every general enforcement officer should have at least one week of intensive in-service training a year' (page 113).

This means that the strength of a police force must be reckoned in terms of the need for absences for such in-service training programmes. In preparing manpower establishment formulae, absences for training purposes should be regarded as normal and should not be seen as factors which cause unnecessary strain.

Another observation to be made here is that the adoption of a rule requiring every member of a force to attend a minimum training period every year would eliminate the danger of certain privileged persons appearing to avail themselves of frequent attendances at training courses and conferences while others never get such opportunities at all.

In-service training programmes are just as important for the commissioned ranks as for other ranks. The Australian Police College at Manly has achieved an excellent reputation as a central training organisation making an important contribution to the development of executives in police forces not only in the Commonwealth and State police forces, but also overseas. The College provides a six months residential course for Australian and New Zealand Police Force officers and every two years runs an international training course.

The College has a faculty which is distinguished for its contribution to police training and provides an extensive syllabus which includes subjects such as criminology, psychology, psychiatry and sociology. The College makes considerable use of Visiting Experts.

An important requirement of each trainee is the preparation of a substantial thesis during the course and this exercise provides an opportunity to assess the capabilities of the participant. Chappell and Wilson criticised the College because there is a tendency for a significant number of participants in the courses to be officers who have had thirty or more years of service and who are thereby approaching the end of their police careers. The authors believe that such participants have firmly fixed ideas about many things, including police work, and that a confrontation with the form of academic work presented at the Australian Police College reduces 'considerable tension and conflicts'.

COMMON STANDARDS

For some time past Australia has had a full employment police, together with an inflationary situation which continues to spiral upwards. One suggested answer to the problems of the economic situation has been an increase in productivity. Clearly automation alone has not made a workforce redundant. Productivity is related to the efficient management of human resources and this is especially true of the service occupations.

There are circumstances in which an increase in an establishment not only places strain on the 'infrastructure' of an organisation but reduces the effectiveness of qualified executives who find themselves unable to discharge professional responsibilities because they are overwhelmed with administrative matters. Perhaps 'better' rather than 'more' manpower, backed up with adequate support staff and mechanised systems would improve the situation.

It seems clear that there is a good deal yet to be done before our training services make the best use of the social sciences. Likewise, there is a good deal yet to be done in achieving common standards in our training programmes.

While the reasons for our differences in training standards can be explained from history, it is surely time for us to reach agreements on the desirable curriculum, length of training and basic standards to be achieved, in the police services at least.

Chappell and Wilson say that 'it would seem to be desirable for a uniform training scheme to be devised for policemen throughout Australia. Such a scheme would contribute to an overall improvement in the standard in police work' (page 155).

We might, however, go further than that and ask why police and prison service training could not be combined? What logical reasons are there for not having a unified scheme using the same expensive buildings and equipment, and inter-changing instructional staff?

An American writer, the late Douglas McGregor, President of Antioch College and later Professor of Management and Organisation Studies at the Sloan School of Management, Massachusetts Institute of Technology, put the human side of modern enterprise in the following terms:

'It has become trite to say that the most significant developments of the next quarter century will take place not in the physical but in the social sciences, that industry - the economic organ of society - has the fundamental know-how to utilise physical science and technology for the material benefit of mankind, and that we must now learn how to utilise the social sciences to make our human organisations truly effective.'

What MacGregor applied to industry applies also to the criminal justice system - 'we must learn how to utilise the social sciences to make our human organisations truly effective'.

REGIONAL TRAINING PROGRAMMES

Several months ago it was my privilege to attend the first convention in Australia for convention organisers. It was an interesting experience from which I learnt much. Australia is some way behind our 'American cousins' in

convention and conference attendance but we are learning fast and the number of conferences being held each year in Australia and New Zealand is growing. Governments are encouraging the development and plans are being made to increase the number of facilities available. Inevitably this growth means that there are some people who spend a lot of time attending conferences. I know of several people on whom the amount of money spent in the last twelve months for fares, accommodation and general conference participation seems to me to be out of all proportion to the benefits likely to accrue from such participation either to the participant or to the community.

Frankly, I think a lot of conferences are a waste of time because the objectives are not clearly defined and the organisation is faulty. This inevitably means that many people see conferences as a form of recreation leave with little being required from them beyond a token attendance.

This Institute has endeavoured to make it perfectly clear that it does not intend to fall within that sort of exercise.

Training is part of the Institute's contribution to crime and delinquency control and prevention. We expect our training projects to deal with particular problems and to endeavour to find solutions to those problems or to make suggestions about ways in which policies and programmes can be improved.

There is a very definite place for regional training programmes as well as national and international conferences concerned with 'Planning and Policy for Crime Control Personnel'. These are additional to, and not substitutes for, other training projects. Following the highly successful seminar which this Institute held in February 1974, for judges from Supreme and District Courts and magistrates on 'Modern Developments in Sentencing' the Institute has received requests for the seminar to be repeated within different states so that magistrates and judges can attend in greater numbers. The subject is of vital interest to them and we are endeavouring to find ways of acceding to those requests. Obviously this is one form of regional training which is desirable. Under our present Australian division of responsibilities between state and national governments regional training programmes within states are the responsibility of state authorities although this does not preclude the Institute from the provision of lecturers, subject specialists, training personnel and equipment where requested. However, there is also an important place for regional training programmes which deal with issues of national significance.

Another important aspect of conferences in which participants come from overseas as well as Australian States and Territories and New Zealand is that there are many issues which have a multi-national significance. The United Nations Organisation recognises this in the preparation of its World Congresses on Crime Prevention which are held every five years. The effectiveness of such Congresses is due in no small measure to a series of regional preparatory meetings which are held in different parts of the world before the World Congress convenes.

Such regional preparatory meetings examine the agenda for the World Congress in the light of the problems which are common within the region thereby ensuring that the deliberations at the world level are relevant to regional situations.

In collaboration with the Institute in Tokyo the Australian Institute may, at some future time, be able to assist in regional conferences held other than in Australia and it will certainly be not only willing but eager to provide its human or physical resources where needed for such purposes.

THE PEOPLE FOR THE JOB

I direct your attention to Chapter 12 in the 1964 survey of penal policy in New Zealand published under the title *Crime and the Community* by R.E. Owen, Government Printer, Wellington. The book is, of course, an expression of the philosophy of one of the distinguished visiting experts for this course, Dr John L. Robson.

What was relevant in New Zealand in 1964 is equally relevant in Australia, and, I suggest with respect, in all countries represented in this project. If new penal projects and policies are to have any chance of success they must be based on the persons who are to carry them out - persons of 'high calibre with humanitarian ideals and good education' (page 81). 'The more progressive a penal policy, the more demands it makes on the institutional officers' (page 81).

There is a sense in which both law enforcement and penal services call for men and women who are prepared to see their jobs as a vocation, not just an occupation, but a career for which they feel an impulsion.

I think the shock which the public feels at strike action by doctors, hospital employees, firemen, prison officers and police may be partly due to an unconscious belief that persons who serve the community in this way, like persons who accept full-time religious callings, are dedicated to the job. What the public fails to realise and is probably inconsistent about is that such dedication to community needs requires the respect, recognition and reward of the community and it is in that regard that the community has been remiss.

The words of the New Zealand 1964 report about institutional needs might be applied with equal relevance to police forces:

'Here a difficult and challenging calling demands men and women with a strong faith in the worth of the human personality, not easily discouraged, intelligent, enthusiastic, flexible in outlook and receptive to new ideas and approaches. The good prison officer must be something of a custodian, something of a disciplinarian, psychologist and educationalist, and above all, a humanitarian. To find and train such people is a task of very great importance' (page 82).

ARE FORMAL ACADEMIC QUALIFICATIONS NECESSARY FOR CRIME CONTROL PERSONNEL?

F. D. HAYES

This question raises several issues inseparably linked to the training and staff requirements of those segments of the crime control field whether it be in law enforcement, in the management and control of convicted offenders in institutional and field settings, in the area of juvenile delinquency, or in remedial social work applied through preventive services to forestall the onset or the continuance of emerging aspects of delinquent behaviour. The question also focuses attention on a proposition as repeatedly assailed, as it is supported, as to action designed to improve the quality of services by establishing educational entry standards at a tertiary level or by requiring formal academic qualifications as promotional requirements.

These issues initially should be considered against the type of tasks set and the objectives established, for workers in the crime control field. It is also clear that the ability, resilience and innovatory capacity of personnel to maintain the necessary operational standards and keep faith with those values which provide the ethical framework against which crime control must be cast, constantly will be tested by situations and social developments for which there is no ready answer. A satisfactory resolution to these questions does not lie simply in an insistence on the employment of experienced, practical persons whose personal attributes, described as hard-headed commonsense, compensate for a lack of formal academic training. Likewise a satisfactory answer is not found in an insistence on employment of workers in this field who simply bring into their work the academic strength of tertiary qualifications.

It requires little argument to contend that a simplistic approach cannot be accepted which would polarise training at the one extreme of overall formal academic qualifications, and at the other a reliance simply on personal qualities strengthened possibly with a modicum of training provided on an in-service basis. An evident point of rejection of the proposal that a tertiary qualification entry requirement be established lies in those existing factors of salary levels, promotional career requirements, and work areas, which realistically reduce the effectiveness of recruiting graduates. Currently it depends to a large extent on the type of function, and the expectations associated with the task, which determine the appropriateness of academic qualifications. It would be impossible for example to expect personnel in a school social work division not to have formal tertiary qualifications preferably in social work, if they were expected to effectively provide a service to assist children with those social, emotional or family problems identified in the school setting which tend to place children at risk in the community. Likewise it would not be a practical step to expect personnel employed as youth workers in a delinquent training school to possess a formal tertiary standard of education prior to recruitment for work in this area. However both groups of workers in this particular segment of the crime control field should possess certain common qualities in a personal interest and desire to help the youngsters with whom they are associated. In knowledge and the possession of certain skills there can be a wide margin of difference. But such expertise must be linked to identified work goals and to the development of relevant strategies to achieve these objectives. As a shared core of personal qualities however, there must be for both groups

a capacity for the acceptance of young people with overtones of warmth, flexibility and understanding which cannot be provided automatically by training.

Furthermore, although in this example there must in one aspect of work be formal academic qualifications, in the other aspect there is also a need for training at an in-service level appropriate to the type of work undertaken. In short there must be differential levels of training for all personnel. The actual levels of training, their content and application raise other problems for constant care and energy is needed to maintain not only effective standards, but also to ensure that the nature, and quality of training matches the tasks to be performed and provides the capacity for re-examination of the needs of work areas and of the situational difficulties which create continued problems.

It is easy to assume that a number of difficulties are resolved in this way for the crime control field like many other areas, can feel fortified in the variety of training resources designed to prepare staff and to improve work operations - but unless there is a continued drive to synthesise training with the actual demands of the job, both to clarify basic issues in the minds of staff and to refocus method on objectives affected by a changing social milieu, then we rely on what amounts to a facade which allays immediate concern and exacerbates operational and administrative difficulties. In respect to such problems in the prison service J.E. Thomas¹ writes

'Training ... is a very attractive solution to organisational problems. It tends to be regarded as almost a magical process and the expectations of the reformers from the early days in the prison service, about the contribution which training could make, have always been unrealistic. When the task of an organisation is not clear, or is debatable, training can create more problems than it can solve. The hope that training would in some way resolve basic organisational conflicts, was to be expressed many times in the history of the service. "Training" and "better staff" were to become instant solutions to almost every problem which arose in the prison system.'

There are salutary overtones in the reference by Dr Thomas to the difficulties implicit in relating existing tertiary courses in Social Work or the Social Sciences or in-service training measures to some organisational structures in the crime control field where despite a plethora of words, basic objectives are not yet realistically defined, particularly in respect to the measures involved in their attainment.

At least in the police field the objectives are relatively clear cut and operations move from a basis of certainty in purpose without the perplexing fundamental difficulties that bedevil the correctional area of the crime control field where: 'the dilemma between control and change is at the bottom of the correctional muddle'.²

Let us now look at the need for formal academic qualification in the police area of crime control. It is evident that apart from existing difficulties, still greater demands will be made on police resources to effectively match criminal behaviour against a changing social and demographic background and when technical resources, mobility and skill generally are available to criminals. Technical achievement is embodied in material progress. But advancing levels of technology and developing urban areas and other social

factors also mean that far more resources are available to criminals who with managerial expertise can commit crime in a fashion which demands higher levels of sophistication in the measures adopted by police in their law enforcement function. Seven years ago the President's Commission on Law Enforcement and the Administration of Justice referred to the fact that

'More than 200,000 scientists and engineers are helping to control military problems, but only a handful are helping to control the crimes that injure or frighten millions of Americans each year.'³

This remark is applicable to many other areas which also share in the following type of problem referred to in the Commission's report as

'Hospitals and clinics draw heavily upon the most recent developments in engineering and medical science, but the overwhelming majority of reformatories, jails and prisons are, technologically speaking, a century or more in the past.'⁴

These points illustrate clearly the need to bring correctional services out of the past century to share more positively in the ideas, values and methods of the present time. It also underscores the need to improve training standards. In so doing the question posed in this paper is apposite. Well trained personnel are needed, but in fact should the educational level at entry or for promotional purposes be a formal academic qualification? In some areas to which reference has already been made, it may not be necessary, but it is noted that the President's Commission in referring to police manpower requirements, commented on an almost universal need of improved quality in the police forces of the United States of America

'The Commission believes that substantially raising the quality of police personnel would inject into police work knowledge, expertise, initiative and integrity that would contribute importantly to improved crime control.'⁵

In its reference to the term 'quality', the report points to the need for a high standard of education for policemen. In the Commission's opinion

'A policeman today is poorly equipped for his job if he does not understand the legal issues involved in his everyday work, the nature of the social problems he constantly encounters, the psychology of those people whose attitudes towards the law differ from his. Such understanding is not easy to acquire without the kind of broad general knowledge that higher education imparts, and without such understanding a policeman's response to many of the situations he meets is likely to be impulsive or doctrinaire. Police candidates must be sought in the Colleges and especially among liberal arts and social sciences students.'⁶

In other words the Commission would accept the proposition that in this segment of the crime control field formal academic qualifications are necessary. But what of the present-day scene in the police law enforcement role in the crime control area in Australia?

Is the same degree of support given locally to this proposition? What do police themselves feel? Firstly in respect to educational level of entry. Secondly, whether tertiary training would be of any benefit to police officers? Chappell and Wilson⁷ in seeking the opinion of a representative sample of members of the police forces in Queensland, Tasmania, South Australia and New Zealand, found that the most commonly accepted minimum qualification required for entry into the police forces was the Intermediate Certificate or three years of secondary schooling. None of the police respondents of whom only 15 per cent had advanced beyond Intermediate Certificate or Junior Standard felt that a university degree or diploma should be established as a minimum standard, whilst only 11 per cent of the Australian total and 6 per cent of the New Zealand total considered the matriculation or leaving certificate to be a minimum qualification for entry. At the same time Chappell and Wilson refer to a substantial number of policemen in the four forces studied by them - 65 per cent of the Australian total and 66 per cent of the New Zealand total, who stated that a university degree or diploma would be of assistance to them in the police force. These officers indicated a marked preference for legal qualifications. Nevertheless the Australian Police Forces possess but a few senior policemen with university qualifications.

'No [Australian or New Zealand] Force insists upon a University degree or diploma as a pre-requisite to an executive appointment.'⁸

Notwithstanding this fact, an outstanding development in the police training field occurred in 1962 with the establishment of the Australian Police College for Australian and New Zealand Police Officers. The College provides on a six months residential basis an extensive coverage of academic and theoretical subjects oriented to, or related directly to police administration and practice. A similar six months course is provided by the Victorian Police for officers due to be promoted to Inspector rank. The weakness in these training structures is its restriction to a relatively small number of senior police officers, a criticism which also has been made of the National Police College for England and Wales. This training centre established some 25 years ago, provides a number of courses in advanced police instruction, the satisfactory completion of which are prerequisites to promotion to the higher executive posts within the police forces of the United Kingdom. The five main college courses are limited however to only a minimal percentage of police officers. But the College does provide accelerated promotion and the successful completion of a special course of 12 months duration entitles the student to be promoted to substantive rank of Inspector after one year's satisfactory service.

What then should be the most important factor in the overall pattern of police training? Possibly it is flexibility in the provision of training facilities with greater involvement of all ranks in a series of promotional courses moving to a specialised tertiary level so that accelerated promotion based on efficient service and tertiary qualifications, can be provided. As with the institutional branch of the prison service, a university degree is not necessary for entry into the service. Nor do formal academic qualifications at the point of entry into the service indicate the aptitude for, or the ability to become, an effective member of the police force. But in executive areas formal academic qualifications provide a wider and deeper understanding of the overall problems that face police officers. A tertiary education associated with the practical knowledge of police function permits a greater width in perception of the social factors that underpin police duties with a wider understanding of the psycho-social forces that contribute towards the emergence of criminal behaviour.

At the same time it is necessary to be mindful of the material issues that present difficulties for the graduate being attracted to a career in either the police or the prison service. Promotion related to seniority, the level of pay scales, the routine type of work faced by a new recruit would reduce the chances of retention of any graduate by normal police staff structures unless radical changes were effected in the present day police systems in Australia. Apart from the diploma courses in Criminology at Melbourne and Sydney Universities, there are no tertiary establishments which provide a form of training both specialised and functionally oriented to the crime control field. The sooner such steps are taken the better, but it requires leadership in providing the multi-faceted training which would meet the needs of personnel within the crime control area.

In the prison service the same difficulties appear. The position is complicated however as the role of the prison officer is not as clear cut nor as well defined as the police officer in the law-enforcement function. The prison officer - if one reads the Manual of Staff Instruction and Guidance correctly, as well as the Annual Reports - is expected through his work to synthesise the two assumedly complementary - yet in practice irreconcilable areas of training and deterrence. One inheritance from the Report of the Departmental Committee on Prisons in 1895, known as the Gladstone Report, which influenced the development of prisons in other parts of the Empire, was the identification of primary and concurrent objectives of prison treatment as deterrence and reformation. This report was a landmark in prison history because it focused on objectives far beyond the reach of punitive and repressive measures, but it presented the prison officer with two mutually exclusive tasks which demand the application of different methods of control and management, which in turn are not well defined. Therefore training cannot be influenced by any consistent fundamental rules beyond generalities which can be identified as relevant to the development of staff in the prison setting. If the prison officer is to be expected to carry out effective work leading to the goals so colourfully expressed in the official prison literature, he would most certainly need formal academic qualifications - at least at Ph.D. level. As it happens words far outstrip the practical aspects of job implementation. At a more mundane level it can be acknowledged that the prison officer needs training. In New South Wales the initial pre-service training course provides prison officer recruits with an introduction to the functions of the State Department of Corrective Services and their future role as prison officers prior to their entry on duty in Corrective Institutions. The three weeks full-time course is followed by another course of similar duration prior to the completion of the prison officers' twelve months probationary period. Confirmation of appointment as prison officers is dependent on passing Course examinations. These Courses are a far call from formal academic qualifications. In fact as found in a study carried out by myself in 1971/72 at Parramatta Gaol the Training Courses are generally considered inadequate by the majority of officers. Only approximately 10 per cent of a representative sample of officers at the gaol felt they needed no additional training. The remaining 90 per cent felt that training in two general areas could be improved through more practical and detailed instruction. The following comments are significant

'The School really teaches you nothing.'

'Schooling gives initially a rough idea of how it should be done but its different when you get to the actual prison.'

'The School is not really linked with reality.'

'Initial training was inadequate. Its an introduction only.'

On the other hand approximately 52 per cent of the sample felt that additional training should be given through the provision of seminars and specialised short refresher courses which could provide a continual injection of ideas and allow an interchange of views in correctional work. One officer saw a need for the improvement of inter-officer contact

'Never mind the officer-prisoner gap. There is a need for the improvement of communication between the officers themselves.'

The short seminar type courses were seen as the basis of formal training groups which could examine and discuss problems in prisoner control and management. They would also help in removing many of the wrong ideas built through initial faulty perception of prison work and prisoner. In addition to the problem-solving seminars with a practical background officers also suggested specific courses in criminology, human relationships, management and penology.

Training to some officers should be the key to a career in the prison service and in New South Wales a third course of three weeks duration is provided to increase technical and management skills and to develop human relation abilities for senior institutional personnel who in passing the examinations at the completion of the course will be eligible for promotion to the rank of Chief Prison Officer and above within the New South Wales Correctional Institutions. It goes without saying that the prison officer needs considerable support in the human resources development programmes which are now becoming a feature in the New South Wales Public Service. In my interviews with newer members of the prison staff at Parramatta Gaol I was impressed by keen perceptive responses which indicated an interest in their work and an obvious awareness of the value of training as a means by which they could adjust themselves to the demands of their job and increase their knowledge through a better understanding of some of the observed dimensions of total institutional living. It appears that some well motivated staff drop out of the service simply because they lack the experience to withstand institutional pressures

'The environment affects officers and especially the new officer who might be timid and self conscious and the "crims" can work on him ... there's a temptation to give in too easily.'

The prison officer usually at a maximum security institution, carries out his duties in an atmosphere where control, vigilance and surveillance are constant imperatives. If he fails to meet these expectations he faces trouble. If he moves beyond what is required by prison regulations, or if flexibility in this respect does exist, beyond what is considered appropriate, by the Superintendent or his senior officers, he again faces trouble in the reaction by prisoners, as well as possible loss of confidence in him by his colleagues. The social structure of a gaol in turn sets definite limitations upon his position and the officer is often forced onto the defensive by the type of prisoner he deals with and the pressures that may be applied on him by prisoners. An element of fear exists amongst certain officers which may never be expressed because of the officer's pride.

'Have no doubt about it, an officer can go under in many ways ... there can be a fear that is never spoken about amongst officers, because the officer does not want to appear weak, or appear to others that he cannot stand on his own feet, or because he does

not want to upset his family, he would not mention it.'

The prison officer in his role, more than often in a maximum security prison, is surrounded by a sea of hostility in the immediate prisoner community in which he works. The harrassment which in many subtle ways can be applied may never be quantified but it exists. I have made these remarks simply to underscore the need for training at a structured level to assist officers who are carrying out in the face of considerable difficulty an exacting task. Formal academic qualifications again are not essential but what is an imperative is an understanding by top administration of the needs of these officers in the effective performance of their work. Likewise it is necessary for the administration to have available the training resources and relief staff which can provide at all levels of the prison officer structure, graduated training which eventually could lead to the same type of specialised tertiary qualifications which have been mentioned in relation to the police.

In this way personnel can move with certainty from an identified operational basis so that differential services in prison management with adequate knowledge of the social structure of all types of institutions can be provided. The differential levels of service will take in also the transitional stages of imprisonment for maximum security to the community oriented forms of control in measures such as work release and periodic detention and beyond to the areas of conditional liberty.

It is recognised in most correctional administrations that the growing edge of these services is to be found in probation and parole measures. Here is to be found the movement from the mass treatment that inevitably occurs in institutional settings irrespective of the stated policy that individualisation of treatment is a basic axiom in correctional work. At least in probation and parole when case loads permit, there is some semblance of individual treatment and, where in fact, it is possible for a case work relationship to be established with the offender and his family. It is an area where imaginative use can be made of community resources both in the transitional phase between prison and the community and as a reinforcing element in the case relationship. It is one area where community development and the constructive use of volunteers will provide the possibility of the establishment of supportive services both in material facilities and in the utilisation of that specialised dimension of help that can be found in voluntary assistance. It is one area where with acceptance and understanding by top administration of the particular role of field officers, considerable achievements can be brought about by officers adequately trained, preferably at a tertiary level. It is an area where formal academic qualifications in my opinion not only are needed, but are essential. The type of training needed is open to question. Social Work is an obvious point of recruitment, particularly in respect to its methodology and to the values implicit in its training courses, but it has a weakness identified by Scott Briar, as quoted by Newman and Turem in their article 'The Crisis of Accountability' *Social Work*, January, 1974 in

'The inability of social work to show effectiveness - its sliding from theory to theory, from technique to technique, but seldom grappling with the question of whether what was accomplished did the client any good. Effectiveness may be the heart of the truly legitimate question of what benefit professionals or the profession as a whole, may be bringing clients. If social services help people, and social workers think many of them do, then it behoves the profession to demonstrate how.'

There are many social workers who have provided in the opinion of knowledgeable observers effective services in probation and parole based on the personal qualities of hard work, commitment and warmth leading to practical achievement as they have worked with their clients in a mobilisation of effort to face reality and assist the client more towards a more worthwhile existence.

There are other social workers however who have leaned heavily on their assumed professional status and have overlooked the client in the process. Undoubtedly that occurs in any professional setting, but it tends to destroy the credibility of social work training, when it becomes too often apparent that there is a vested interest in professionalism for its own sake and a dependence on pretentious claims without the basis of achievement or at times effort. However as in other areas of the crime control field, specialised training should be provided as an adjunct to social work education and within the other social sciences, to help these practitioners in the corrective field have a better grasp of many of the problems and difficulties underlying their work, especially in the constructive use of authority. Such words however, are of little avail unless through the interest of an organisation such as this Institute, social work educators can be influenced to provide training which in fact meets the needs of probation and parole officers and does not perpetuate many of the dilemmas that the social worker may face if inadequately prepared for work in the correctional setting. These problems in turn can be intensified by administrators who fail to grasp clearly, the fact that irrespective of the quality of training probation and parole officers with formal academic qualifications will be of little use in the field unless these officers have the resources and the time to do a truly professional job in the interests of their clients and the community generally. Basically the issues are clear cut, but too often it becomes a problem when caseloads outstrip the ability of officers to do their work properly. It also becomes a protracted difficulty when contention emerges between areas in the correctional field where in fact officers should be working together with mutual respect and understanding.

Those remarks are made not in any disparaging way of any persons or any service, but as an observation of a problem seen frequently within the correctional field in particular, where officers should be working together from a basis of certainty in their difficult tasks. Frequently these fields are starved of resources or the available resources are directed often in ways which do not fully develop the professional content or the expertise that can be brought to the job. Adequate training services backed by specialised tertiary courses can reduce this difference.

In the juvenile field many of the problems already referred to are seen again only too clearly but one of the most hopeful signs is the planning and work of the staff development centres in the presentation of a number of courses provided for child care, youth workers, field staff and administrative staff. In New South Wales for example, correspondence courses are available for child care and the youth workers who cannot attend classes. Planning is well under way for an extension of regional training courses and for the availability of tutoring facilities. Emphasis is placed on the development of attitudes and on an understanding of the problems of young people which is essential if adequate help is to be given to young people in trouble. In this area, particularly in the field division, there is a definite move to lay the basis of an expanded service with the best kind of training available. There is a need to continue to recruit persons with sensitivity crucial in child care and to provide training which

can help promote the skills necessary in dealing with young people. It is important that in the field division and in areas of residential care there is an increasing professional development in skill, knowledge and values. In New South Wales a six month in-service course has provided initial departmental training for District Officers. This course which is composed of graduates and non-graduates has certain shortcomings and the Department of Youth and Community Services is seeking the provision of external training which can be linked with specialised staff development work to prepare the graduate for the demands of field or residential care work.

Many of the problems that confront workers in the juvenile field are shared with those who work with adult offenders. As mentioned earlier in this paper, it would be foolish to expect all incoming staff to be at graduate level. Nor is such a standard necessary for all workers in this field. However there is a need for flexibility in the provision of training courses at standards appropriate for the type of job and the tasks which must be undertaken by varying levels of personnel.

Possibly one could end these remarks by referring to something that may not be always found in the possession of academic qualifications. Whether the field be police, prisons, probation, parole or the juvenile area, there must be certain personal standards which underpin effective work. These personal standards become the vibrant qualities that make the difference between a perfunctory service and one whose ideals become a force in the lives of its officers. Officers for example in probation and parole could not do a really worthwhile job unless they possessed the same qualities, that must permeate the juvenile field in terms of the acceptance of, and the understanding of problems of young people in trouble. We tend to expect training in itself to solve many of these problems. Too often is the degree or the formal qualification expected to equip the officer for a job in this area. But in fact officers must have a lively interest in people with a personal commitment towards their work which will reflect not only interest but also qualities of care, concern and obligation to the community or society they serve. Training and education can provide the basis but it is the individual officer who provides those other qualities that makes his contribution to the service a vital force.

Footnotes:

1. J.E. Thomas *The English Prison Officer Since 1850*, Routledge and Kegan Paul, 1972, p.89.
2. J.P. Conrad *Crime and Its Correction: An International Survey of Attitudes and Practice* Tavistock Publications 1965 p.14.
3. The President's Commission on Law Enforcement and Administration of Justice *The Challenge of Crime in a Free Society* (Washington U.S. Government Printing Office 1967) p.245.
4. *ibid*, p.245.
5. *The Challenge of Crime in a Free Society*, p.107.
6. *ibid*, p.107
7. D. Chappell and P.R. Wilson *The Police and the Public* University of Queensland Press p.147.
8. *ibid*, p.160.

POLICE TRAINING: SOME CONSIDERATIONS

F.M.B. CASS

Whenever academics and members of the criminal justice system meet to discuss the police force there is, generally speaking, only one point on which both groups are agreed and that is that something needs to be done about the state of the police force if it is to fulfil its role in society as it is believed it once did.

Ever present among the academics is the view that the only solution to the problem of equipping the police force for its role in modern society is the massive application of large doses of education - the middle class panacea for all society's ills.

On the other hand, I find the attitude prevalent among police is that what is really needed is an injection of large doses of funds to provide the sophisticated equipment and manpower they see as needed to allow them to get on with the job in hand.

As an academic it should not surprise you to hear that I come down on the side of education, though I am not over zealous in my pursuit of formal education at university level for police training or indeed for the training of any profession. Modern technology and the tools it gives the police to wage their war against crime should be fully exploited.

I disagree with the technologists in their desire for more and more sophisticated equipment because it seems to be a wrong-headed approach to solving what I see as the basic problem - the increasing isolation of the police force from the community it serves.

I believe that the police force is less and less a part of the community it serves and that this alienation of the policeman is demoralising to the members of the police force and thereby ultimately damaging to society. That policemen are demoralised and feel alienated I glean from the remarks made at this and other conferences and from conversations with policemen: the complaint that 'the public, the courts, the lawyers do not understand us' is an ever present catchcry.

Almost inevitably attendant on this battery of disillusion is the statement that a policeman does not need a high degree of education and in any case if you educated him he would leave the force. I am distressed that this attitude is so persistent - I treat it simply as a manifestation of the low morale within the profession and see it as further evidence that something has to be done, and soon, about the depths to which the estimation of the police profession has sunk in the eyes of its own members.

On the other hand, I cannot view seriously the notion held by so many academics that all policemen should have Ph.D.s. I do hold the view that education is an essential part of the answer. I do not suggest, nor am I qualified to agree, that the technical training of police is inadequate.

What is missing in the preparation of policemen however, is the skills for dealing with people in our increasingly complex society. Technological skills to cope with increasingly sophisticated equipment of detection,

traffic control and the like, are simply not enough. What is needed in the armoury of the police force is a set of skills for dealing with people within an increasing number of different groups and sub-cultures in society.

There is in the police force a growing appreciation of this fact and an acceptance of the need for inclusion of the skills for dealing with people in any training course. The real area of conflict lies in how this is to be achieved; here there seem to be two views:

- (a) 'the school of hard knocks' view which holds that what is needed can and should be learned on the job; and
- (b) the view that education in areas such as sociology, criminology or psychology is an important ingredient of training for all policemen.

More and more it is the latter view that holds sway. The real debate now is how to bring about the situation of the complete policeman armed with the skills of understanding, predicting and interpreting human behaviour. The need for such training is not a uniquely Australian problem - it is universal. But the failure to meet the challenge or go part way is, I believe, more obvious in Australian society than it is in other western industrial societies.

The simple fact of the matter is that in Australia we have done less to equip our policemen with an understanding of society and how it and the people within it function than anywhere else in western industrial society.

Somehow in Britain and the United States there appears to have been greater success in meeting the challenge. All the accepted hallmarks of a profession are to be found - journals with real intellectual content, research embarked upon or participation in by police forces, courses of continuing education, the recruitment and retention of graduates, specialists who are police and not civilians and most importantly the emergence of open channels of communication between the police and the community - the inclusion of the community in the ongoing debate.

It is for this reason that in the almost total absence of any meaningful debate within Australia, policy makers have turned to Britain and in particular America for some clue as to where to go in equipping Australian police forces for their job in the 1970s.

This feeling that because of their apparent success we should copy America or Britain has led, I feel, to the move for the establishment of police academies along American lines here in Australia. The intentions are laudable but the effects in Australia dangerous in their implications: such a move will I feel, be counterproductive in Australia because of the essential differences between the Australian police forces and those overseas.

In America and Britain where a number of small police forces exist and where a number of small budgets could ill meet the needs of these many forces, pressure has been applied to the end of standardisation, cooperation and centralisation in order to use these limited resources in the pursuit of common goals.

Police academies are but one means of police training which in Britain and the United States has taken place in a number of already established institutions at no expense to the police forces.

It is far easier to spend limited resources on scholarships to educational

institutions than it is to waste such funds on bricks and mortar. The growth of the profession or perhaps the establishment of the profession in Britain and America is, as I see it, the result of a range of different training methods and thereby a diversity of approaches to single situations. The strength of the profession - indeed the right of the profession to call itself such in these countries - lies in the diversity inherent in the system of recruitment and training.

The lack of financial support so often railed against in Australia has in these two countries achieved, I think, the solution to our common problem in that it returned the police to the community.

In Australia we have, I suggest, a very different situation indeed. We do not have the plethora of forces to be found in these two countries but very few indeed; one for each State and Territory and a handful of men in other specialised areas. And this in a country where the close settlement of populations true of America and Britain does not obtain. Regionalisation except perhaps in Queensland is not, as yet, a serious consideration in a country where the populations of nearly all States are to be found heavily clustered in the major cities or conurbations of each State, hundreds of miles from one another. We have already what the Americans and the British have been striving for - standardisation, centralisation and within each State uniformity to a degree unthinkable in the context of either of those societies. It is true that more and more communication and cooperation between these forces is needed but in no way to the degree that it has been necessary for the 654 police forces of closely-settled Britain of pre-1963 or the forty or so police forces of Britain today.

With such a different situation to Britain and the United States it behoves us to consider whether a model successful for them can have any relevance for us or indeed for any country which does not have this diversity.

The strength of the British and American police forces lies in their diversity. The weakness of the Australian police forces, from the point of view of the establishment of a profession, lies in the uniformity and urbanisation of our police forces at all levels and in particular in the areas of recruitment and training. How can we possibly know which method of selection, training and job experience works best for New South Wales when there is only one practised? How can the questions of seniority by promotion or seniority by ability - of which is better, recruitment of graduates or of recruits later undertaking degrees - possibly be settled or indeed ever be debated, when what we have is a small number of monolithic police forces with little experimentation and even less contact of officers at the lower levels of the profession, where debate, conflict and discussion in the early years of professional training generate the commitment so necessary for the life of a profession?

Our problem has been (and this is recognised by the content of courses now given in training) that the police are isolated from the wider community, that they need some understanding of the groups out there in the world they must deal with in their professional life.

This isolation is a result of many factors: the nature of their job, shift work, the near impossibility of planning ahead for holidays with non-police friends in case of having to appear in court, transfers, the hostility and suspicion met with by the general community, the impossibility of discussing with a non-policeman, for fear of displaying weakness, the harrowing experience of cross-examination by a hostile defence counsel. All of these

factors operate to drive policemen into the company of their brother officers and to take on the attitude of hostility and suspicion so often remarked on by academics who have studied or trained policemen.

The concept of a police academy - of an isolated training institution staffed by the police (or by personnel chosen by the police) where deviants, student radicals, 'druggies', 'bikies' may perhaps be viewed or even listened to for an hour or so in the middle of a predetermined curriculum seems to me to be no answer to overcoming the isolation policemen feel and surely must bring to their work. A uniformity of ideas and attitudes is certainly not what is wanted if we are striving for the view advanced yesterday, which I endorse: 'that the arm of the law must be more with society than against it'.

The only way of training police officers in the skills needed to cope with the turmoil of modern day life as it is lived and at the same time of overcoming public suspicion and hostility to locate police training where it belongs - alongside the training of the other professions.

Police training belongs in the Colleges of Advanced Education and in the Technical Colleges. This is the model successfully employed by most professions. Until recently nurses, teachers, engineers, army personnel were all given 'in-service' training or training in the equivalent of the academies to which I am so opposed. All of these professions shared, with police to whom I have spoken, the fear that once a member of the profession was given a general education or a training in other areas they could well be lost to the profession.

As teachers colleges have become Colleges of Advanced Education and institutes and colleges of nursing have become paramedical institutes their fears have not been realised. Demoralisation and apprehension has given way to a true feeling of professional pride and a greater openness as new solutions are suggested to old problems. These professions have been enriched by discarding their isolationism in training - there is no reason to believe the police force should be different.

One note of warning needs to be sounded to the conservative, however - the cost of removing training from isolationist academies to Colleges of Advanced Education is diversity and in a situation of diversity, which I view as healthy, there is always a questioning of the previously accepted and unchallenged party line.

The fear that is often voiced is that discipline would then go by the board. Most assuredly in many areas it would, to be replaced by the healthy professionalism of the client/practitioner relationship (as sociologists know it) and the 'use of discretion' (as you call it), as these become more an accepted part of the policeman's role.

The above approach, I suggest, takes care of the essential elementary training needed by the modern day policeman. But something over and above this elementary training is necessary. There is a need for refresher courses but perhaps more importantly, there is the need for an ongoing review of policies and practices at the middle and higher levels of the profession. This (for the reasons I have suggested before - isolation and uniformity of each of the separate State police systems) should not take place separately in the separate States. The need for sharing of professional experience and higher training is recognised in the existence of the Australian Police College at Manly. The high regard in which it is held testifies to the value of contact between committed professionals from the separate forces.

This college serves, in my view, the important function of breaking down the sterile isolation in which the professional debate is presently conducted. But what holds true of the separate police forces holds true of all the separate sections of the criminal justice system. There is little scope at the Police College for debate between policemen and non-policemen. More importantly there is little scope for the dissemination of the results of research since resources there do not admit of the possibility of large scale research. Without research and the dissemination of the results of research there can, in my view, be few advances.

This, then, is one of the major roles of this Institute as I see it - to bring together all sections of the criminal justice system in discussion and debate and eventually, one would hope, research participation. At present requests for the kind of help the Institute gives comes largely only from academics. I feel it is imperative that the criminal justice professions and in particular the police forces recognise the contribution the Institute can make (possibly to cooperation with the Australian Police College to whom, in my view, we should be affiliated) in researching new answers to old problems - the one concern of any dedicated profession where morale is high.

LIST OF PARTICIPANTS

APPENDIX I

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