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SENTENCED TO LIFE: MANAGEMENT
OF LIFE SENTENCE PRISONERS

in New South Wales gaols

A study conducted over the
period from January 1981
to December 1982

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Abbreviations used in the text

ISC	Indeterminate Sentence Committee
ROLB	Release On Licence Board
GP	Governors Pleasure detainee
Lifer	Life sentence prisoner
CSC	Corrective Services Commission
P & P	Probation and Parole Service
Programs	Inmate education, vocational training and leisure activities
HSC	Higher School Certificate
SC	School Certificate
MWTC	Mulawa Womens' Training & Detention Centre
Norma Parker	Norma Parker Centre

"Begin with an individual, and before you know it you find that you have created a type; begin with a type, and you find that you have created—nothing. That is because we are all queer fish, queerer behind our faces and voices than we want any one to know or than we know ourselves. When I hear a man proclaiming himself an 'average, honest, open fellow,' I feel pretty sure that he has some definite and perhaps terrible abnormality which he has agreed to conceal—and his protestation of being average and honest and open is his way of reminding himself of his misprision."

From: F Scott Fitzgerald
'The Rich Boy'

BRIEF:

This survey has been done to establish biographical profiles of life sentence and Governors Pleasure prisoners in New South Wales gaols and to examine changes in prisoners' family and personal ties during incarceration.

Particular attention has been paid to the collection of data relating to educational, training and vocational opportunities offered to these long term prisoners and also factors affecting their taking up of these opportunities.

There has also been an investigation of post release experience of life sentence and Governors Pleasure detainees to ascertain the effect of their prison experience, especially prison pre-release procedures.

PREAMBLE:

The 250 subjects surveyed comprised almost the total population of life sentence and Governors Pleasure prisoners in New South Wales gaols during the period from January 1981 until December 1982. (males only)

Researchers had a high degree of contact with the subjects, having interviewed many of them 6-8 times. It was possible to know the majority of the prisoners well. We are uncomfortably aware however, of a dependence on statistical analysis as a means of understanding survey results.

Categories have been designed to reduce the sample to manageable groups and thus valuable detail is lost.

BACKGROUND:

In 1981 the Corrective Services Commission of New South Wales adopted a policy to individualise the treatment of life sentence prisoners. The Indeterminate Sentence Committee (I.S.C.) was set up to help administer the sentences of 'lifers' and later included overseeing the sentences of Governors Pleasure Detainees. (#)

The aim of the Committee was to gather information and give advice on the day-to-day and long-term management decisions on life sentence and G.P. prisoners. Twice yearly a sub-committee of the I.S.C. visited each gaol and consulted with local departmental staff and interviewed each life sentence prisoner and G.P. detainee. Information gathered during personal interviews was added to that from departmental files and personnel.

Public perceptions and understanding of the prison system in general and life sentence and G.P. prisoners in particular, are based almost entirely on media responses to specific events in prisons. Media interest in prisons usually occurs at the time of a crisis. This situation is exacerbated by periodic media reviews of particularly notorious offences, such as the recent revival of the decade old offence of Baker and Crump for no other purpose than that of promoting newspaper sales. (The Sun 23/10/84)

(#) See APPENDIX G

A life sentence excites a highly emotional response which often denies the wide variation in personalities, motives and the circumstances surrounding the offence.

Subjects of this study received life or G.P. sentences for murder, attempted murder, rape and arson.

A significant change in releasing guidelines had resulted in a large proportion of life sentence prisoners serving shorter terms in prison than many prisoners who are serving determinate sentences.

During the life of the I.S.C. and subsequently the Release on Licence Board (ROLB), with the increasing experience of these bodies a more flexible and streamlined management system has evolved and one result is that the usual length of time served by a lifer is around 10 years, and can be around 8 years in exceptional circumstances.(#)

The information gathered for this project will serve many purposes. As it is the first such study in New South Wales it provides a base of social and biographical data on which managerial decisions may be made. The data gathered also provides the foundation on which further research may be based, and indeed its value will be increased as it is updated periodically. Sentencing practises could also be influenced by the knowledge of pre- and post incarceration trends revealed. In the long term it is hoped that studies such as this one may lead to standardisation of legal and penal procedures amongst all states and territories of Australia.

Follow-up data on licencees is the only available means of evaluating pre- and post release procedures.

(#) For details of the ROLB's responsibilities, procedures and criteria, see APPENDIX E.

The Release on Licence Board, a statutory authority, was established in February 1984. Decisions on supervisory programs and recommendations for release are thereby the responsibility of a body comprising nine members; three members are ex-officio Corrective Services Departmental staff; four members are from the community, and there is a representative from the Police Department. The Board is chaired by a District Court Judge.

1.1 SAMPLE:

Some 239 males serving life sentences, together with 11 male Governors Pleasure detainees, who were imprisoned between January 1981 and December 1982 in New South Wales gaols were included in the study.

In 1982 there were 233 male inmates when the National Prison Census was taken on 30 June that year - 212 life sentence and 21 G.P. prisoners. Male 'lifers' and G.P.s comprised 7.4% of the total male prison population. The total male and female life sentence and G.P. population comprised 7.4% of the total prison population in June 1982, representing an increase of greater than 2% since 1975. (#)

Between January 1981 and December 1982 there were 28 life sentence prisoners received into NSW gaols.

By December 1982 70 of the survey sample had been released (including deportees), 171 were still serving a sentence and 9 had been released to Morisset Hospital. Two of those released had been escapees during the course of their sentence and 4 of those who had been released to Morisset had been released on licences into the community.

(#) A.Freiberg & D. Biles, "The Meaning of Life"
Canberra, July 1975

1.2 SOURCES OF INFORMATION:

Information about inmates was gathered in a variety of ways and from a number of sources. A questionnaire was used and initial interview/questioning was broad so that a wide range of background situations and experiences could be covered. Information was checked against, and frequently augmented from, departmental files which contain material from all those involved in the case eg. Police, Probation and Parole staff.

1.3 SELECTION OF VARIABLES:

The main criteria for selecting variables was determined by the information needed when decisions are made on

- (a) day-to-day activities, programs and security ratings,
- (b) releasability
- (c) basic biographical data and details of performance in prison.

A wide range of data was collected and coded and included the following.

1. demographic factors - country, state and place of birth
2. family background - by whom reared, number of siblings and place in family, offender's marital status at time of offence and changes during incarceration
3. education - age left school, level of schooling reached, reason for leaving school
4. prior work record - occupational status, stability in employment, trade training, gaol program participation
5. personal characteristics - physical health, prior psychiatric problems

6. previous institutional record - juvenile record, violence, property, guns, alcohol, sex, drugs,, minor record, major record, arson
7. characteristics of the crime - type of offence, co-accused, number of victims, number of fatalities, relationship of offender to victim, drug related, sex related, drug or alcohol involvement at time of offence, motive, weapon
8. sentence characteristics - age at time of offence, years served, released or still serving, recidivism, number of offspring and continuity of contact
9. post release - problems in re-adjustment, further illegality, assessment of use of time in prison, suggestions for improvements

* A complete list of variables coded is given in
APPENDIX A

1.4 CODING PROCEDURE:

A preliminary questionnaire was drawn up with space provided for extra or specific data to be recorded. Information gathered through wide, open-ended questions was broadly categorised and 33 variables were used. The variables used are included in APPENDIX B.

All data collected was coded onto computer data sheets by the researchers and computer printouts of analysis were run until all errors had been corrected.

1.5 DATA ANALYSIS:

Profiles of each of the 250 life sentence and G.P. prisoners were built up by using basic biographical and social data, details of performance in prison, plus coverage of a period of up to two years post release.

The data was analysed to expose trends and/or significant relationships using the following:

- (1) years served
- (2) age at time of offence
- (3) drug, sex relatedness of the offence
- (4) motive
- (5) previous record
- (6) gaol programs
- (7) post release problems and needs

Presentation and discussion of this material is followed by a brief conclusion. Finally, there is a list of recommendations for further consideration and action.

SUMMARY

From the beginning of 1981 the New South Wales Corrective Services Commission directed that life sentence prisoners and Governors Pleasure detainees were to be assessed for programs and progress through the gaol system according to their individual merits.

Life Sentence prisoners are to be considered for release after serving approximately ten years; in exceptional circumstances a sentence can be reduced to eight years. There still remains a small number of men whose release is not considered to be possible, at least within the foreseeable future.

The majority of the sample were from city backgrounds; just over a quarter of the men were born in rural Australia.

Family Background

Two-thirds of the sample were brought up by both parents but there were major problems in almost all families, eg alcoholism, violence, psychiatric problems, separations because of work, frequent changes of residence, and mixed racial parentage. The ratio of male:female single heads of families was the same in the sample as in the community generally. Less than 8% of the sample were brought up by step- and/or adopted parents, and 5% were reared in institutions.

Over a quarter of the sample experienced family break-up, the majority of them before they reached their tenth year. Over 40% of the sample were first born children and 60% were first or second born. Almost a third of those who were first born committed their offences when they were aged 19-25. Approximately 38% of the sample were members of families of 5 or more children - in both natural and blended families. Many of the inmates experienced conditions of severe emotional and physical deprivation.

Almost half of the sample were married (including defacto relationships) or had been married. 16% of those who were married (or in defacto relationships) or whose marriages had broken down, committed offences against their families.

Over 10% of the men changed their marital status during imprisonment, entering marriages or defacto relationships. This tendency could have been influenced by the rewards (real and perceived) within the correctional system for evidence of the development of heterosexual relationships. Overall there is a tendency for marriages to break down with the increasing length of sentence.

Education

Over 90% of the sample had left school by their fifteenth year and only 1 man had university qualifications. Almost 30% had completed basic education and the remainder left school for the following reasons - expulsion, need to earn money, family problems and being committed to an institution. Over 65% of the sample were without formal educational qualifications.

Work Record

Types of work done prior to imprisonment was divided into five categories. Over one third of the men had done unskilled manual labouring jobs and almost 80% of the sample had been involved in manual work of all types. Less than 3% of the men had been unemployed or their background in this area was not obtainable.

There is evidence of a high correlation between youth (at the time of the offence) and a lack of skills, although almost three quarters of the men had a record of steady employment prior to imprisonment. The majority of the remaining quarter who had worked intermittently had experienced a range of major personal and environmental problems.

A total of 80% of the men had no trade training while not all of the remaining 20% who had trade skills had completed their training before being taken into custody.

Those who lacked formal education and/or vocational training showed the most interest in educational courses and trade training while in gaol.

Gaol programs are an area where there are strong pressures on many inmates to demonstrate non-cooperation with authority and to maintain an exterior of toughness and independence.

Personal Characteristics

Over 80% of the sample had no serious health problems but just over an eighth of the older men had acquired some illnesses which are commonly associated with the ageing process. Some had pre-conditions of their illnesses before coming to gaol.

Almost 10% of the total sample had experienced psychiatric illness prior to imprisonment. In the general community it is estimated that approximately 1% of the population experience psychiatric illness. Not all of the 11 G.P.s had any previous psychiatric disturbance for which they were treated. There are factors which are outside the prisoner's control which contribute to sentence length.

Previous Record

More than a quarter of the survey sample had no previous record, while three quarters of the men had records as juvenile offenders. Approximately 14% of the men had been involved in serious crime.

The men who were first offenders had experienced serious problems in their personal and/or interpersonal understandings, especially related to sexuality and basic social skills.

Characteristics of the Crime

Eight offences did not involve loss of life. Four of the offenders were G.P.s and 3 of the 4 experienced severe family dislocation, loss and trauma during their childhood.

Over 80% of offences involved only 1 victim. Multiple victim offences included arson, underworld feuding, armed robbery and feuding generally. There is no significant relationship between the number of victims and the length of sentence.

Almost three quarters of the sample acted alone in their offence.

Co-accused are treated according to their individual merits and do not necessarily serve identical sentences. Over half of the men who had 1 or more accomplices were aged 19-25 at the time of the offence.

Almost one fifth of the offences were sex-related and just over 7% were drug-related. All but 3 of the 49 sex-related offences were committed against people outside the family. Only 4 of the 18 drug-related offences were associated with armed robbery while 5 resulted from fights and feuds.

Almost a quarter of the offenders and their victims were related. A third of the victims were unknown to their attackers. Where the victim and offender were related there is an increased likelihood of the offence happening as the offender gets older. The converse is true where victim and attacker are unknown.

The cathartic element in many offences is hard to separate. Often there is a cluster of circumstances at the time of the offence and it is hard to give weight to any one in particular. In many instances it is fair to speculate that if the cluster of circumstances had occurred at another time then the offence may well not have happened.

Almost a third of the sample were affected by drugs and/or alcohol at the time of the offence and it is strongly suspected that this influence could apply to another 20% of the sample where the information was not recorded. Those affected by alcohol were evenly distributed over ages 19-40 years.

Over 30% of the offences were against people other than the offender's family, involving a wide variety of circumstances. Half of those offences were sex related and 9% were drug related. The second largest category was offences against the offender's family.

Individual differences amongst cases are far more significant than the similarities.

Just over 40% of the sample were aged 19-25 at the time of the offence. There is a decreasing tendency with increasing age for men to be involved in armed robbery and to a lesser extent, attacks on people other than family members. Offences against the family increase with an increase in the age of the offender, lessening after the 30s.

Over half of the survey sample was within the first 8 years of sentence. Of those who had served longer than 13 years all were released during the survey period or subsequently, with the exception of two who are contained at Morisset Hospital. One is detained on a voluntary basis and the other is not likely to be released.

There are those in the survey who, because of the horrific nature of their offence will serve very long sentences.

Over 72% of the sample used a weapon against their victim and almost a quarter used physical force such as body blows and kicks. Very few offences were pre-meditated, coldly planned murders. Appropriate treatment for pyromaniacs is not currently known and this offence tends to carry a long sentence.

Sentence Characteristics

GP detainees tend to serve shorter sentences than life sentence prisoners. Their progress and release is dependent on their receiving a satisfactory psychiatric report. Until the proposed Mental Health Review Tribunal is operational, GPs will continue to be monitored by the ROLB.

Up to the end of December 1982 70 lifers and GPs had been released by the Corrective Services Commission; nine were transferred to Morisset and the remaining 171 were still serving sentences. 4 of those transferred to Morisset had been released on licences.

Only two of the sample were recidivist lifers.

Visits

Over 40% of the men who had children committed offences against their families.

Over 47% of the survey group had children and only one third of them had contact with the children. There is a marked decrease in contact with offspring with increasing length of sentence.

Where a family member was the victim of the offence the surviving members were often reluctant to visit the offender. It is noteworthy that the consistent, long term visitor is the offender's mother.

Post Release

Up to 31 December 1982, 74 of the original 250 men surveyed had been released.

Of the 74, 7 had been deported, 4 were dead (2 of natural causes), and 7 had had their licences revoked for having committed further offences.

Of the 63 on whom detailed information was available more than half had been full time employed since release; the rest were on pensions or part time employed. A substantial number had continued in work they had been given as prisoners on Work Release and/or using trade skills acquired in gaol.

As to living arrangements, one quarter were living alone - a high percentage - while about half were living with defactos/wives, and a small number were with other family and friends. Of those not living in relationships a number had begun thus on leaving gaol and the relationship had broken down.

Further offences were studied: more than half had no further offences, some had minor charges or charges pending while 7 in all had committed offences serious enough (eg Break, enter, steal) to warrant revocation of their licence and return to gaol. Of the total group of releasees the only reported crimes of violence have been minor, the main offences committed have involved theft and drugs.

Prisoners were asked their opinions on gaol facilities and pre-release procedures. They were very positive about the value of education, trade, and hobby courses both to help pass the time and as a source of income.

There was strong support for a slow 'phasing out' procedure consisting of Day Leave, Work Release and Technical or other outside education course. In addition the need for the chance to work and accumulate a reasonable amount of money prior to release; and training/counselling in social skills and related matters was stressed.

At the time of completion of this study (31 December 1984) more than half of the original 250 cases had been released. They have not been included in this study because of the need to have a cut off point. Their matters, however, are dealt with occasionally by the ROLB and nothing has emerged from that material to indicate that the present findings are not a reasonable general statement.

SUMMARY OF RECOMMENDATIONS

1. At the very beginning of a sentence it is most important to identify areas where self-development can and must take place to facilitate eventual release - areas such as personal development, educational and/or vocational training deficiencies, the development of leisure and/or hobby activities.
2. Sexuality education programs for adults in groups should be available within prison, and there should be provision made for individual/specific problems to be dealt with by experts on a one-to-one basis.
3. A life sentence should continue to be indeterminate but there should be greater possible variation in sentence length.
4. Special provisions should be instituted for the management of prisoners who do not qualify for release within the foreseeable future of current releasing authorities - such as escorted outings.
5. Regulations should be instituted for the formal removal of unnecessarily restrictive terms of a licence.

6. Women prisoners should not be managed under the same set of regulations and criteria as male prisoners until it is possible to provide them with the range of work/education opportunities, gaol location etc. as is open to male prisoners.

RECOMMENDATIONS

The following recommendations are areas which need immediate attention in order to streamline management and staging out procedures, while continuing to individualise the sentences of lifers and all other long-term prisoners.

1. AT THE BEGINNING OF A SENTENCE
IDENTIFY AREAS WHERE SELF-
DEVELOPMENT CAN AND MUST TAKE
PLACE TO FACILITATE EVENTUAL
RELEASE.

Rationale

i) Personal Development. Disturbed, unstable and inadequate family backgrounds are regularly recurring features of prisoners' biographies.

A greater emphasis should be given to the provision of psychiatric and psychological assessment as early as possible after incarceration begins. In cases where it is necessary continued monitoring and/or appropriate counselling should be available. This would probably require that the numbers of psychologists currently employed by the Corrective Services Department be increased and that the increase in positions should be for senior, experienced practitioners.

Early assessment is particularly important as progress through the gaol system is influenced by positive assessments by professional staff. The majority of

life sentence prisoners and Governors Pleasure detainees need guidance to practise verbal skills, group interaction and to learn techniques for coping with a quick temper, low frustration tolerance etc. Learning to meditate has already proved to be very useful in a number of cases.

ii) Educational Deficiencies. The high correlation between youth and lack of skills amongst the life sentence and GP population points to the need for a wide range of educational and vocational opportunities being readily available inside gaols.

In the provision of any education and vocational training it is essential to recognise that a lack of basic or adequate formal education makes it extremely difficult for prisoners to cope with correspondence courses. During the early years of a sentence in maximum security it is necessary that face to face tuition be available to help overcome negative attitudes towards formal training and improve the take up of opportunities offered at later stages in the sentence.

Withdrawal of permission for inmates to attend classes as a punishment should not occur. Learning and training should not be curtailed or prevented because of inadequate or insufficient custodial or professional staff numbers.

Keyboard programs for individual learning would overcome obvious constraints on participation in formal education at all levels. For many prisoners discovery of latent ability has been the means of surviving within gaol as well as post release.

Education and/or vocational training should be a requirement of the Department of Corrective Services and not an option as it now is, because of the importance attached to these areas by prisoners, management at the gaol level, and the Release On Licence Board.(#)

iii) Leisure &/or hobby activities. Most inmates have had no past participation in leisure and/or hobby activities. Because of the therapeutic effects of such activity it should be given every encouragement. Exhibitions of prisoners' leisure time creations, for display and/or sale, is beneficial to the inmate and to community relations with the Department.

(#) See: 'Programming for Prisoners in New South Wales.' Paper prepared for the 54th ANZAAS Conference, Canberra, May 1984. Prepared by Glenice Hancock, Brian Noad and staff of Programmes Division, New South Wales Department of Corrective Services.

2. SEXUALITY EDUCATION PROGRAMS FOR ADULTS IN GROUPS SHOULD BE AVAILABLE WITHIN PRISON, AND PROVISION MADE FOR INDIVIDUAL/SPECIFIC PROBLEMS TO BE DEALT WITH BY EXPERTS ON A ONE-TO-ONE BASIS.

Rationale

A common feature of prisoners' lives is serious problems in relationships, especially with women. Availability of group and individual therapy sessions is essential. It is also necessary that counselling/treatment can be obtained from sources outside Corrective Services professional staff when the staff feel that the problem being treated is outside their skills.

For the majority of inmates they have had no basic sexuality education or information. Programs should be designed for adults from backgrounds where there has not been a stable parental relationship, and where relationship problems have been the norm.(#)

- (#) How can You Tell if You're Really in Love?
Sol Gordon, Ed-U Press, NY 1983.
This is one of a series of comic books
designed for adults' sexuality education.

3. A LIFE SENTENCE SHOULD CONTINUE TO BE INDETERMINATE BUT THERE SHOULD BE GREATER VARIATION IN POSSIBLE SENTENCE LENGTH.

Rationale

The majority of offences which attract a life sentence are not premeditated, coldly calculated crimes but occur as a result of a cluster of circumstances, any one of which could have been the cathartic element. In many instances had these same circumstances occurred at a different time or place, the offence would probably not have taken place.

The Crimes (Homicide) Amendment Act, 1982, recognises the complexity of long-term conflict, especially in the domestic sphere. The majority of the sample surveyed however, were sentenced prior to the operation of this legal innovation. In 1982-3 the Indeterminate Sentence Committee was required to review the cases of prisoners who, had they had the benefit of the Act at the time of their trials, may not have received a life sentence. The Release On Licence Board has similarly been required to consider cases in the light of the conditions of the 1982 amendment.

Prisoners and prison staff alike adhere to a system of rules and regulations governing daily management of prisoners, their programs and preparations for their release. Consequently there is pressure from a number of sources for specific information relating to prisoners'

security ratings, placement, and of course length of sentence.

Guidelines to the ISC and the ROLB indicate that a life sentence should be approximately ten years unless the offence was particularly notorious or bizarre. A recommendation such as leniency or excellence in development might lead to release at around the end of the eighth year. On the information gathered from prisoners' records, and having regard to determinate sentences handed down in recent times, it is justifiable that an even wider time frame for life sentences than now exists be possible.

Amongst other things the effect of a life sentence is intended to reflect the gravity of homicide and the repercussions of such an offence. It is interesting to note the comparison between this code and the circumstances of some property offences. Where a household is robbed of goods (essentials and non-essentials) which are un- or under-insured, the effect can be devastating. This is particularly so when the victims experience long-term shock and subsequent insecurity, and when replacement of the loss is virtually impossible. Perpetrators of such offences serve relatively short sentences, in either medium or minimum security prisons.

Since 1981 individualisation of life sentences has been the policy of the New South Wales Corrective Services Commission. Under the terms of reference of the ROLB the ultimate responsibility for recommendations for release of prisoners on a licence rests with the

Chairman of the Board who is a judge of the District Court. This arrangement greatly enhances the possibility of objective judgements being made at all stages of a prisoner's progress as well as on eventual release. Individualisation is facilitated by the responsibility for management and release recommendations emanating from a statutory authority.

4. SPECIAL PROVISIONS RELATING TO
THE MANAGEMENT OF LONG TERM
PRISONERS SHOULD BE INSTITUTED.

Rationale

There is an increase in the number of prisoners who do not qualify for release within the foreseeable future of current releasing authorities and special provision has to be made to ensure that their imprisonment is as humane as possible.(#)

In the event of long term inmates, who have served many years, who offer no problems while they remain within the confines of a controlled, highly structured environment, and who are not considered to be a security risk, then it should be possible for them to have occasional escorted excursions outside the gaol.

This opportunity should not be dependent on ministerial approval, or anyone who does not have regular contact with the individual concerned, but should be a joint decision between the local superintendent and the ROLB.

(#) Following the abolition of the death penalty there has been a trend towards increased numbers of long term prison sentences in England and Europe. See Life Sentence Prisoners, Home office Research Study no 51, (ed) David Smith, London 1979, pp 23-35; and Report by European Committee, 1977, p 7; Management of Long-Term Prisoners in Australia, G Wardlaw & D Biles, Canberra 1980.

5. REGULATIONS SHOULD BE INSTITUTED
FOR THE REMOVAL OF UNNECESSARILY
RESTRICTIVE TERMS OF A LICENCE.

Rationale

Indeterminate and some determinate sentence prisoners are released to serve the remainder of their sentence in the community on condition that they adhere to and fulfil the requirements of a licence, which lasts for 5 years. (#)

As well as the conditons which apply to all licences sometimes extra terms are added such as a directive to remain away from certain people or places when it is thought that contact would not be in the best interests of either the licensee or the other party.

Under normal circumstances a licensee has to report fortnightly for the first two years and thereafter it can be gradually reduced until only minimal contact is made during the final months of the licence.

In some instances licensees who are in full time employment and have returned to a stable family environment, find that the fortnightly reporting places an unnecessary burden on them and restricts their ability to become integrated with their community. One elderly man returned to live with his older sisters and all three were prevented from entering a home for the

elderly because of the licensee's reporting obligations.

On the other hand several licensees who have little or no social contacts welcome their regular visits to their Probation and Parole Officer as a highlight in their otherwise isolated existence - for them it is a social outing. The Probation and Parole supervisory role should not involve officers in problems which are beyond their responsibility.

Alterations to individual licences can and are done on the request of a Probation and Parole supervising officer who has obtained the support of the Principal Probation and Parole Officer for the office. The request is put to the ROLB which, acting on the advice of those who know and have regular contact with the licensee, and judge their performance favourably, will usually accede to a request for a variation of a licence. The drawbacks of this system stem from the necessity, implied or real, for a supervising officer to be prepared to take a calculated risk and be held responsible.

The ROLB, together with the Director of P & P could jointly propose a system of 2 years of intensive reporting to be followed by an increasingly relaxed arrangement.

6. WOMEN PRISONERS SHOULD NOT BE MANAGED UNDER THE SAME SET OF REGULATIONS AND CRITERIA AS MALE PRISONERS UNTIL IT IS POSSIBLE TO PROVIDE THEM WITH THE RANGE OF WORK/EDUCATION OPPORTUNITIES, GAOL LOCATION ETC. AS IS OPEN TO MALE PRISONERS.

Rationale

While it is claimed that women are treated more leniently than men by the courts it is also clear that by virtue of their small number (1% of gaol population) they have, in comparison with male prisoners, an extreme lack of choice in almost every aspect of their prison life.

In the case of long serving prisoners this becomes quite claustrophobic and some take periodic refuge in a mental institution.

In 1978 Justice Nagle noted that not all the inmates of Mulawa required the security of it, and castigated the Department for not correcting this situation.(#)

(#) Report of the Royal Commission into New South Wales Prisons, Vols I, II & III. J.F.Nagle, Sydney 1978, page 312.

2. GENERAL CHARACTERISTICS OF THE POPULATION

2.1 DEMOGRAPHIC FACTORS

Table 1

COUNTRY					
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
CITY	1	109	43.6	43.6	43.6
COUNTRY	2	69	27.6	27.6	71.2
OTHER	3	72	28.8	28.8	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.852	STD DEV	.840	MINIMUM	1.000
MAXIMUM	3.000				

72(28.8%) of the sample were born outside Australia. Of the 109(43.6%) who were born in Australian cities the majority were born in Sydney. The remaining 69(27.6%) were born in rural Australia, mainly in New South Wales. (#)

(#) Comparison of statistical information in this section with that of a study of a sample of Lifers in English gaols in 1974 can be found in APPENDIX J

2.2 FAMILY BACKGROUND

Table 2

REARED BY

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
BOTH PARENTS	1	163	65.2	65.2	65.2
STEP ADOPT	2	19	7.6	7.6	72.8
MOTHER	3	36	14.4	14.4	87.2
FATHER OTHER	4	16	6.4	6.4	93.6
INSTITUTION	5	12	4.8	4.8	98.4
DK	6	4	1.6	1.6	100.0
TOTAL		250	100.0	100.0	
MEAN	1.828	STD DEV	1.310	MINIMUM	1.000
MAXIMUM	6.000				

i) By whom reared:

Almost two thirds of the sample (63) were reared by both parents. This statistic does not take into account the following problems which were experienced:

- Alcoholism
- Violence in the home
- Incompatability between partners (ie parents)
- Mental disturbance of parents, admission to psychiatric hospitals
- Frequent absences of a parent - especially fathers who were truck drivers, soldiers etc
- Moving house frequently
- Anglo/Asian mix in parentage
- Anglo/Aboriginal mix in parentage

A fifth of the sample was reared by a single parent, mostly the mother. Of the 36 reared by the mother only, 33 were aged 19-25 years at the time of the offence. 6 were reared by the father only and 1 of them was age 19-30 years at the time of the offence. Only 12(4.8%) of the sample were reared in institutions.

Those reared by both parents and those reared in an institution were fairly evenly spread across the age range. Those reared by single parents, step-parents or adopted parents, tended to be concentrated in the 19-30 years age group at the time of the offence.

Of note is the comparison of proportions of male and female single parent families which produced homicide offenders. There was a ratio of 1 male single parent to 6 female single parents as against the ratio of male:female single parent families in the community of 1:6.2 (1981 Census, New South Wales).

ii) Age at time of family break-up:

Table 3

UNTILL REARED UNTILL AGE

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NOT APPLIC	0	181	72.4	72.4	72.4
1 TO 10	1	54	21.6	21.6	94.0
11 TO 16	2	15	6.0	6.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	.336	STD DEV	.587	MINIMUM	0.0
MAXIMUM	2.000				

The figure 181 not affected by family break-up includes those whose families broke up subsequently. In some cases it could be construed that the family stability was shaken and broken by the offence for which the prisoner received his life sentence.

Table 4

UNTILL		REARED UNTILL AGE								BY AGE		
		AGE										
		COUNT										
		ROW PCT	119 TO 25	26 TO 30	31 TO 40	41 TO HI			ROW TOTAL			
		COL PCT	CH									
		TOT PCT	1I	2I	3I	4I						
UNTILL			+	+	+	+	+	+				
	0	I	74	I 40	I 37	I 30	I		181			
NOT APPLIC		I	40.9	I 22.1	I 20.4	I 16.6	I		72.4			
		I	73.3	I 66.7	I 74.0	I 76.9	I					
		I	29.6	I 16.0	I 14.8	I 12.0	I					
			+	+	+	+	+					
	1	I	22	I 14	I 11	I 7	I		54			
1 TO 10		I	40.7	I 25.9	I 20.4	I 13.0	I		21.6			
		I	21.8	I 23.3	I 22.0	I 17.9	I					
		I	8.8	I 5.6	I 4.4	I 2.8	I					
			+	+	+	+	+					
	2	I	5	I 6	I 2	I 2	I		13			
11 TO 16		I	33.3	I 40.0	I 13.3	I 13.3	I		6.0			
		I	5.0	I 10.0	I 4.0	I 5.1	I					
		I	2.0	I 2.4	I .8	I .8	I					
			+	+	+	+	+					
	COLUMN TOTAL		101	60	50	39			250			
			40.4	24.0	20.0	15.6			100.0			
CHI-SQUARE	D. F.	SIGNIFICANCE				MIN E. F.		CELLS WITH E. F. < 5				
2.90836	6	0.8203				2.340		3 OF 12 (25.0%)				

Of the 54 who were in the age range 1-10 years at the time of the family break-up almost half were under the age of 25 at the time of the offence, and two thirds of this group were under the age of 30 at the time of the offence.

iii) Birth order of offenders:

Table 5

BIRTHORD

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
1	1	103	41.2	41.2	41.2
2	2	47	18.8	18.8	60.0
3	3	39	15.6	15.6	75.6
4	4	24	9.6	9.6	85.2
5 TO 9	5	21	8.4	8.4	93.6
11 PLUS	6	16	6.4	6.4	100.0
	TOTAL	250	100.0	100.0	
MEAN	2.444	STD DEV	1.595	MINIMUM	1.000
MAXIMUM	6.000				

Over 40%(103) of the sample were first born children. One quarter of the survey group were from families of 4 or more children. There were many cases where the biological father of the offender was not known to him. Only a few inmates out of the entire sample claimed to have had a good relationship with their male parent.

Table 6

BIRTHORD										BY AGE				
										AGE				
COUNT										I				
ROW PCT										I				
COL PCT										I				
TOT PCT										I				
										CH				
										I				
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There is a tendency for earlier born (ie first and second children) to offend in the 19-30 age range. Of those who were ranked 3-9 in birth order approximately half of each group were aged 19-25 at the time of the offence.

iv) Number of siblings:

Table 7

NOCHILD					
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
1 OR 2	1	69	27.6	27.6	27.6
3 OR 4	2	73	29.2	29.2	56.8
5 OR 6	3	44	17.6	17.6	74.4
7 PLUS	4	52	20.8	20.8	95.2
16 (D.K.)	5	12	4.8	4.8	100.0
TOTAL		250	100.0	100.0	
MEAN	2.460	STD DEV	1.229	MINIMUM	1.000
MAXIMUM	5.000				

Of the 52(20.8%) who came from families of 7 or more siblings a number of these inmates have a background of severe emotional and physical deprivation. Over a quarter of the sample came from families of 1 or 2 children. Many of the families are blended families.

v) Marital status by age at time of offence:

Table 8

MARSTAT		BY AGE									
		AGE									
		COUNT									
		ROW PCT	19 TO 25	26 TO 30	31 TO 40	41 TO 45	46 TO 50	51 TO 55	56 TO 60	61 TO 65	ROW TOTAL
		COL PCT									
		TOT PCT	11	21	31	41	51	61	71	81	
MARSTAT	1	I	69	20	11	6					106
		I	65.1	18.9	10.4	5.7					42.4
		I	68.3	33.3	22.0	15.4					
		I	27.6	8.0	4.4	2.4					
WIDOWED	2	I	2	7	11	5					25
		I	8.0	28.0	44.0	20.0					10.0
		I	2.0	11.7	22.0	12.8					
		I	.8	2.8	4.4	2.0					
SEP DIV DEFAC	3	I	14	19	22	18					73
		I	19.2	26.0	30.1	24.7					29.2
		I	13.9	31.7	44.0	46.2					
		I	5.6	7.6	8.8	7.2					
MARRIED	4	I	16	13	6	10					45
		I	35.6	28.9	13.3	22.2					18.0
		I	15.8	21.7	12.0	25.6					
		I	6.4	5.2	2.4	4.0					
DK	5	I		1							1
		I		100.0							.4
		I		1.7							
		I		.4							
COLUMN TOTAL			101	60	50	39					250
			40.4	24.0	20.0	15.6					100.0
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5				
64.95064		12	0.0000		0.156		5 OF 20 (25.0%)				

In this table married included defacto relationships. Sep-Div-Defacto indicates that the inmate had been married but was separated, divorced or in a defacto relationship at the time of the offence.

106(42.4%) were single at the time of the offence and of these 89(84%) were aged 19-30. Of the 45(18%) who were married 20 were aged 19-30 at the time of the offence.

For a high percentage of the sample defacto relationships are the norm and are regarded as akin to marriage by the parties concerned.

vi) Marital status at time of offence by motive:

Table 9

MARSTAT		BY MOTIVE															
		MOTIVE															
COUNT		IFAMILY	FEUD FAM	FEUD OTH	ARMED RO	FIGHT	CONTRACT	OTHER			ROW						
ROW	PCT	I	I	I	I	I	I	I	I	I	TOTAL						
COL	PCT	I	ILY	ER	BBERY												
TOT	PCT	I	1I	2I	3I	4I	5I	6I	7I								
SINGLE	1	I	6	I	1	I	16	I	22	I	12	I	2	I	47	I	106
		I	5.7	I	.9	I	15.1	I	20.8	I	11.3	I	1.9	I	44.3	I	42.4
		I	11.3	I	5.9	I	51.6	I	47.8	I	66.7	I	28.6	I	60.3	I	
		I	2.4	I	.4	I	6.4	I	8.8	I	4.8	I	.8	I	18.8	I	
WIDOWED	2	I	18	I	4	I	1	I	1	I	1	I		I		I	25
		I	72.0	I	16.0	I	4.0	I	4.0	I	4.0	I		I		I	10.0
		I	34.0	I	23.5	I	3.2	I	2.2	I	5.6	I		I		I	
		I	7.2	I	1.6	I	.4	I	.4	I	.4	I		I		I	
SEP DIV DEFACTO	3	I	22	I	8	I	8	I	8	I	3	I	4	I	20	I	73
		I	30.1	I	11.0	I	11.0	I	11.0	I	4.1	I	5.5	I	27.4	I	29.2
		I	41.5	I	47.1	I	25.8	I	17.4	I	16.7	I	57.1	I	25.6	I	
		I	8.8	I	3.2	I	3.2	I	3.2	I	1.2	I	1.6	I	8.0	I	
MARRIED	4	I	7	I	4	I	6	I	15	I	2	I	1	I	10	I	45
		I	15.6	I	8.9	I	13.3	I	33.3	I	4.4	I	2.2	I	22.2	I	18.0
		I	13.2	I	23.5	I	19.4	I	32.6	I	11.1	I	14.3	I	12.8	I	
		I	2.8	I	1.6	I	2.4	I	6.0	I	.8	I	.4	I	4.0	I	
DK	5	I		I		I		I		I		I		I	1	I	1
		I		I		I		I		I		I		I	100.0	I	.4
		I		I		I		I		I		I		I	1.3	I	
		I		I		I		I		I		I		I	.4	I	
COLUMN TOTAL		53	21.2	17	6.8	31	12.4	46	18.4	18	7.2	7	2.8	78	31.2	250	100.0
CHI-SQUARE		D. F.		SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5									
94.13231		24		0.0000		0.028		18 OF 35 (51.4%)									

For explanation of categories of offences see
APPENDIX C

Of the 25 who were widowed, 22 committed their
offences against the FAMILY.

Not all offenders were cohabiting with their victims
at the time of the offence and some parties had been
separated for considerable periods prior to the offence.

vii) Marital status at time of survey:

Table 10

NEWMARST NEW MARITAL STATUS

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
SINGLE	1	80	32.0	32.0	32.0
MARRIED	2	35	14.0	14.0	46.0
DIV SEP	3	9	3.6	3.6	49.6
NO CHANGE	4	123	49.2	49.2	98.8
DK	5	3	1.2	1.2	100.0
TOTAL		250	100.0	100.0	
MEAN	2.736	STD DEV	1.378	MINIMUM	1.000
MAXIMUM	5.000				

80(32%) of the inmates were single indicating that 26(10.4%) had changed their marital status during imprisonment. This tendency could be influenced by the rewards within the correctional system for the development of heterosexual relationships.

viii) New marital status by age at time of offence:

Table 11

NEWMARST		NEW MARITAL STATUS										BY AGE	
		AGE											
		COUNT											
		ROW PCT	119 TO 25	26 TO 30	31 TO 40	41 TO 45	46 TO 50	51 TO 55	56 TO 60	61 TO 65	66 TO 70	ROW TOTAL	
		COL PCT											
		TOT PCT											
NEWMARST			11	21	31	41	51	61	71	81	91		
SINGLE	1	I	10	19	29	22						80	
		I	12.5	23.8	36.3	27.5						32.0	
		I	9.9	31.7	58.0	56.4							
		I	4.0	7.6	11.6	8.8							
MARRIED	2	I	9	14	8	4						35	
		I	25.7	40.0	22.9	11.4						14.0	
		I	8.9	23.3	16.0	10.3							
		I	3.6	5.6	3.2	1.6							
DIV SEP	3	I		6	1	2						9	
		I		66.7	11.1	22.2						3.6	
		I		10.0	2.0	5.1							
		I		2.4	.4	.8							
NO CHANGE	4	I	80	21	12	10						123	
		I	65.0	17.1	9.8	8.1						49.2	
		I	79.2	35.0	24.0	25.6							
		I	32.0	8.4	4.8	4.0							
DK	5	I	2			1						3	
		I	66.7			33.3						1.2	
		I	2.0			2.6							
		I	.8			.4							
COLUMN TOTAL			101	60	50	39						250	
			40.4	24.0	20.0	15.6						100.0	
CHI-SQUARE D. F. SIGNIFICANCE MIN E. F. CELLS WITH E. F. < 5													
84.68166 12 0.0000 0.468 8 OF 20 (40.0%)													

There was no change in marital status during incarceration for 123 of the sample. This figure includes 106 who began their sentence as single men and remained so as well as 17 men who were either married or in defacto relationships in which there was no change.

ix) New marital status by years served:

Table 12

NEWMARST NEW MARITAL STATUS										BY YRSSERV	
YRSSERV											
COUNT	I	10	TO 8	9	AND 10	11	AND 1	13	TO 20	OVER 22	ROW
ROW PCT	IO	TO 8	9	AND 10	11	AND 1	13	TO 20	OVER 22		TOTAL
COL PCT	I				2						
TOT PCT	I	1I	2I	3I	4I	5I					
NEWMARST											
SINGLE	1	I	47	I	11	I	11	I	11	I	80
		I	58.8	I	13.8	I	13.8	I	13.8	I	32.0
		I	35.3	I	29.7	I	33.3	I	26.2	I	
		I	18.8	I	4.4	I	4.4	I	4.4	I	
MARRIED	2	I	15	I	6	I	5	I	8	I	35
		I	42.9	I	17.1	I	14.3	I	22.9	I	14.0
		I	11.3	I	16.2	I	15.2	I	19.0	I	
		I	6.0	I	2.4	I	2.0	I	3.2	I	
DIV SEP	3	I	2	I	3	I	2	I	1	I	9
		I	22.2	I	33.3	I	22.2	I	11.1	I	3.6
		I	1.5	I	8.1	I	6.1	I	2.4	I	
		I	.8	I	1.2	I	.8	I	.4	I	
NO CHANGE	4	I	68	I	17	I	14	I	21	I	123
		I	55.3	I	13.8	I	11.4	I	17.1	I	49.2
		I	51.1	I	45.9	I	42.4	I	50.0	I	
		I	27.2	I	6.8	I	5.6	I	8.4	I	
DK	5	I	1	I		I	1	I	1	I	3
		I	33.3	I		I	33.3	I	33.3	I	1.2
		I	.8	I		I	3.0	I	2.4	I	
		I	.4	I		I	.4	I	.4	I	
COLUMN TOTAL		133		37		33		42		5	250
		53.2		14.8		13.2		16.8		2.0	100.0
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5					
15.26596	16	0.5053		0.060		14 OF 25 (56.0%)					

Two of the sample who had entered marriages or defacto relationships during the course of imprisonment were still within the first year of their sentences and both had children.

Another two men had been married for over twenty years prior to their offences and a third for in excess of thirty years. There is a tendency for marriages to break up with the increasing length of sentence, over the whole sample.

Several men found that their relationships were re-activated during their imprisonment. In one instance the family regrouped to provide support for the inmate even though the marriage was dissolved and continued to be so. In two other cases an estranged defacto wife resumed contact with the prisoner and brought their children to visit him.

2.3 EDUCATION

i) Age at completion by age at time of offence:

Table 13

AGECOMED AGE COMPLETED EDUCATION											BY AGE	
AGECOMED	COUNT ROW PCT COL PCT TOT PCT	AGE								ROW TOTAL		
		19 TO 25		26 TO 30		31 TO 40		41 TO HI				
		1I		2I		3I		4I				
		OH										
DONT KNOW	0	I	3	I	2	I	1	I	2	I	8	
	I	37.5	I	25.0	I	12.5	I	25.0	I	3.2		
	I	3.0	I	3.3	I	2.0	I	5.1	I			
	I	1.2	I	.8	I	.4	I	.8	I			
10, 11, 12	1	I	4	I	6	I	5	I	4	I	19	
	I	21.1	I	31.6	I	26.3	I	21.1	I	7.6		
	I	4.0	I	10.0	I	10.0	I	10.3	I			
	I	1.6	I	2.4	I	2.0	I	1.6	I			
13, 14, 15	2	I	89	I	50	I	40	I	32	I	211	
	I	42.2	I	23.7	I	19.0	I	15.2	I	84.4		
	I	88.1	I	83.3	I	80.0	I	82.1	I			
	I	35.6	I	20.0	I	16.0	I	12.8	I			
17 PLUS	3	I	5	I	2	I	4	I	1	I	12	
	I	41.7	I	16.7	I	33.3	I	8.3	I	4.8		
	I	5.0	I	3.3	I	8.0	I	2.6	I			
	I	2.0	I	.8	I	1.6	I	.4	I			
COLUMN TOTAL			101		60		50		39		250	
			40.4		24.0		20.0		15.6		100.0	
CHI-SQUARE D. F. SIGNIFICANCE MIN E. F. CELLS WITH E. F. < 5												
5.71460 9 0.7681 1.248 11 OF 16 (68.8%)												

211(84.4%) were in the 13-15 age bracket when they left school, while a further 19(7.6%) left between ages 10-12 years. Only 12(4.8%) stayed at school until 17 years or over.

ii) Age at completion by motive:

Table 14

AGECOMED		AGE COMPLETED EDUCATION										BY MOTIVE						
		MOTIVE																
		COUNT	I		FAMILY		FEUD FAM		FEUD OTH		ARMED RO		FIGHT		CONTRACT OTHER		ROW	
		ROW PCT	COL PCT	I	I	ILY	ER	ER	BBERY	BBERY	4I	5I	6I	7I			TOTAL	
AGECOMED		TOT PCT	I	1I	2I	3I	4I	5I	6I	7I								
DONT KNOW	0	I	1	I		I	1	I	1	I	1	I		I	4	I	8	
		I	12.5	I		I	12.5	I	12.5	I	12.5	I		I	50.0	I	3.2	
		I	1.9	I		I	3.2	I	2.2	I	5.6	I		I	5.1	I		
		I	.4	I		I	.4	I	.4	I	.4	I		I	1.6	I		
10, 11, 12	1	I	6	I	2	I	3	I	2	I	1	I		I	5	I	19	
		I	31.6	I	10.5	I	15.8	I	10.5	I	5.3	I		I	26.3	I	7.6	
		I	11.3	I	11.8	I	9.7	I	4.3	I	5.6	I		I	6.4	I		
		I	2.4	I	.8	I	1.2	I	.8	I	.4	I		I	2.0	I		
13, 14, 15	2	I	46	I	15	I	26	I	41	I	14	I	6	I	63	I	211	
		I	21.8	I	7.1	I	12.3	I	19.4	I	6.6	I	2.8	I	29.9	I	84.4	
		I	86.8	I	88.2	I	83.9	I	89.1	I	77.8	I	85.7	I	80.8	I		
		I	18.4	I	6.0	I	10.4	I	16.4	I	5.6	I	2.4	I	25.2	I		
17 PLUS	3	I		I		I	1	I	2	I	2	I	1	I	6	I	12	
		I		I		I	8.3	I	16.7	I	16.7	I	8.3	I	50.0	I	4.8	
		I		I		I	3.2	I	4.3	I	11.1	I	14.3	I	7.7	I		
		I		I		I	.4	I	.8	I	.8	I	.4	I	2.4	I		
COLUMN TOTAL			53		17		31		46		18		7		78		250	
			21.2		6.8		12.4		18.4		7.2		2.8		31.2		100.0	
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5											
13.47947		18	0.7623		0.224		20 OF		28 (71.4%)									

Of the 211 in the 13-15 age bracket almost 30%(63) committed offences against OTHER people while around 20% of the sample were involved in offences against the FAMILY and another 20% in ARMED ROBBERY. None of the 12(4.8%) who stayed at school for 17 years or longer was involved in offences against the FAMILY.

iii) Reason for leaving school:

Table 15

REASONL REASON LEAVING

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
COMPLETE	1	73	29.2	29.2	29.2
DISLIKE EXPELL DRUG	2	73	29.2	29.2	58.4
MONEY FAMILY	3	69	27.6	27.6	86.0
INSTITUTION	4	28	11.2	11.2	97.2
DK	5	7	2.8	2.8	100.0
	TOTAL	250	100.0	100.0	
MEAN	2.292	STD DEV	1.090	MINIMUM	1.000
MAXIMUM	5.000				

Almost 30% completed school, almost 30% were forced to leave , through either expulsion or because of drug dependence, and a further 27.6% left school because of family problems and a need to earn money. 28 members of the sample were committed to institutions and their education was interrupted because of it.

iv) Reason for leaving school by age at time of offence:

Table 16

REASONL		REASON LEAVING										BY AGE	
		AGE											
		COUNT											
		ROW PCT	119	TO 25	26	TO 30	31	TO 40	41	TO HI		ROW	
		COL PCT											TOTAL
		TOT PCT											
REASONL			11		21		31		41				
COMPLETE	1	I	26	I	11	I	21	I	15	I		73	
		I	35.6	I	15.1	I	28.8	I	20.5	I		29.2	
		I	25.7	I	18.3	I	42.0	I	38.5	I			
		I	10.4	I	4.4	I	8.4	I	6.0	I			
DISLIKE EXPELL D	2	I	32	I	24	I	7	I	10	I		73	
		I	43.8	I	32.9	I	9.6	I	13.7	I		29.2	
		I	31.7	I	40.0	I	14.0	I	25.6	I			
		I	12.8	I	9.6	I	2.8	I	4.0	I			
MONEY FAMILY	3	I	26	I	18	I	15	I	10	I		69	
		I	37.7	I	26.1	I	21.7	I	14.5	I		27.6	
		I	25.7	I	30.0	I	30.0	I	25.6	I			
		I	10.4	I	7.2	I	6.0	I	4.0	I			
INSTITUTION	4	I	15	I	6	I	5	I	2	I		28	
		I	53.6	I	21.4	I	17.9	I	7.1	I		11.2	
		I	14.9	I	10.0	I	10.0	I	5.1	I			
		I	6.0	I	2.4	I	2.0	I	.8	I			
DK	5	I	2	I	1	I	2	I	2	I		7	
		I	28.6	I	14.3	I	28.6	I	28.6	I		2.8	
		I	2.0	I	1.7	I	4.0	I	5.1	I			
		I	.8	I	.4	I	.8	I	.8	I			
COLUMN			101		60		50		39			250	
TOTAL			40.4		24.0		20.0		15.6			100.0	
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5						
18.09373		12	0.1129		1.092		5 DF 20 (25.0%)						

Over 40%(101) were aged 19-25 years at the time of the offence. Of this number 26(25.7%) had completed their education; 26 left school because of family problems or the need to earn money; 32(31.7%) disliked school or were expelled and a further 15(14.9%) were in institutions.

v) Reason for leaving by motive:

Table 17

REASON		REASON LEAVING		BY MOTIVE										ROW TOTAL				
REASON	COUNT	ROW PCT	COL PCT	MOTIVE														
				IFAMILY	FEUD ILY	FAM 2I	FEUD ER	OTH 3I	ARMED BBRY	RO 4I	FIGHT 5I	CONTRACT 6I	OTHER 7I					
COMPLETE	1	I	I	19	I	3	I	9	I	7	I	4	I	3	I	28	I	73
		I	I	26.0	I	4.1	I	12.3	I	9.6	I	5.5	I	4.1	I	38.4	I	29.2
		I	I	35.8	I	17.6	I	29.0	I	15.2	I	22.2	I	42.9	I	35.9	I	
		I	I	7.6	I	1.2	I	3.6	I	2.8	I	1.6	I	1.2	I	11.2	I	
DISLIKE EXPELL D	2	I	I	17	I	3	I	9	I	19	I	3	I		I	22	I	73
		I	I	23.3	I	4.1	I	12.3	I	26.0	I	4.1	I		I	30.1	I	29.2
		I	I	32.1	I	17.6	I	29.0	I	41.3	I	16.7	I		I	28.2	I	
		I	I	6.8	I	1.2	I	3.6	I	7.6	I	1.2	I		I	8.8	I	
MONEY FAMILY	3	I	I	11	I	11	I	9	I	13	I	8	I	3	I	14	I	69
		I	I	15.9	I	15.9	I	13.0	I	18.8	I	11.6	I	4.3	I	20.3	I	27.6
		I	I	20.8	I	64.7	I	29.0	I	28.3	I	44.4	I	42.9	I	17.9	I	
		I	I	4.4	I	4.4	I	3.6	I	5.2	I	3.2	I	1.2	I	5.6	I	
INSTITUTION	4	I	I	4	I		I	3	I	6	I	2	I	1	I	12	I	28
		I	I	14.3	I		I	10.7	I	21.4	I	7.1	I	3.6	I	42.9	I	11.2
		I	I	7.5	I		I	9.7	I	13.0	I	11.1	I	14.3	I	15.4	I	
		I	I	1.6	I		I	1.2	I	2.4	I	.8	I	.4	I	4.8	I	
DK	5	I	I	2	I		I	1	I	1	I	1	I		I	2	I	7
		I	I	28.6	I		I	14.3	I	14.3	I	14.3	I		I	28.6	I	2.8
		I	I	3.8	I		I	3.2	I	2.2	I	5.6	I		I	2.6	I	
		I	I	.8	I		I	.4	I	.4	I	.4	I		I	.8	I	
COLUMN TOTAL				53		17		31		46		18		7		78		250
				21.2		6.8		12.4		18.4		7.2		2.8		31.2		100.0
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5												
32.82138	24	0.1079		0.196		18 OF		35 (51.4%)										

Of the 73 who completed school, 19 offended against the FAMILY, and 28 against OTHER people. The 69 who left school for family reasons or money needs were spread relatively evenly in their offences against the FAMILY, ARMED ROBBERY, FIGHT and OTHER people. The 73 who disliked school and left or were expelled were concentrated in offences against OTHER people (22), ARMED ROBBERY (19), and FAMILY (17).

vi) School level reached:

Table 18

SCHLEVEL

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
PRIMARY	1	21	8.4	8.4	8.4
PRE CERT	2	142	56.8	56.8	65.2
SCHL CERT	3	67	26.8	26.8	92.0
HIGHER	4	20	8.0	8.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	2.344	STD DEV	.746	MINIMUM	1.000
MAXIMUM	4.000				

142 of the sample reached a level of school which was just below the School Certificate or the old Intermediate Certificate level.

21(8%) of the sample reached no higher than primary school level. Almost two thirds of the sample surveyed were without formal educational qualifications.

vii) School level reached by years served:

Table 19

SCHLEVEL		BY YRSSERV											
		YRSSERV											
COUNT													
ROW	PCT	10 TO 8	9 AND 10	11 AND 1	13 TO 20	OVER 22					ROW		
COL	PCT	1	2	3	4	5					TOTAL		
TOT	PCT	1	2	3	4	5							
SCHLEVEL		1	2	3	4	5							
PRIMARY	1	I	7	I	5	I	3	I	4	I	2	I	21
		I	33.3	I	23.8	I	14.3	I	19.0	I	9.5	I	8.4
		I	5.3	I	13.5	I	9.1	I	9.5	I	40.0	I	
		I	2.8	I	2.0	I	1.2	I	1.6	I	.8	I	
PRE CERT	2	I	79	I	18	I	20	I	24	I	1	I	142
		I	55.6	I	12.7	I	14.1	I	16.9	I	.7	I	56.8
		I	59.4	I	48.6	I	60.6	I	57.1	I	20.0	I	
		I	31.6	I	7.2	I	8.0	I	9.6	I	.4	I	
SCHL CERT	3	I	34	I	13	I	9	I	9	I	2	I	67
		I	50.7	I	19.4	I	13.4	I	13.4	I	3.0	I	26.8
		I	25.6	I	35.1	I	27.3	I	21.4	I	40.0	I	
		I	13.6	I	5.2	I	3.6	I	3.6	I	.8	I	
HIGHER	4	I	13	I	1	I	1	I	5	I		I	20
		I	65.0	I	5.0	I	5.0	I	25.0	I		I	8.0
		I	9.8	I	2.7	I	3.0	I	11.9	I		I	
		I	5.2	I	.4	I	.4	I	2.0	I		I	
COLUMN TOTAL			133		37		33		42		5		250
			53.2		14.8		13.2		16.8		2.0		100.0
CHI-SQUARE	D. F.	SIGNIFICANCE				MIN E. F.		CELLS WITH E. F. < 5					
16.45905	12	0.1711				0.400		10 OF 20 (50.0%)					

133 of the inmates from all educational levels were within the first 8 years of their sentences. Of the 67 who attained School Certificate level many are barely literate. Barriers to their learning include English language problems, poor writing ability, inadequate basic maths and a general aversion to, and lack of confidence in, formal education. For the majority of those who had problems their school days are remembered as a bad experience.

2.4 PRIOR WORK RECORD

i) Type of work:

Work type was categorised into five divisions as follows:

Skilled non-manual, eg clerical, sales representative
 Unskilled non-manual, eg dry cleaner
 Skilled manual, eg abattoirs worker
 Semi-skilled manual, eg truck driver
 Unskilled manual, eg labouring

Table 20

TYPEWK					
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
SKILLED	1	14	5.6	5.6	5.6
UNSKILLED	2	31	12.4	12.4	18.0
SK MANUAL	3	41	16.4	16.4	34.4
SEMI SK MANUAL	4	67	26.8	26.8	61.2
UNSK MANUAL	5	91	36.4	36.4	97.6
UNEML DK	6	6	2.4	2.4	100.0
	TOTAL	250	100.0	100.0	
MEAN	3.832	STD DEV	1.266	MINIMUM	1.000
MAXIMUM	6.000				

Over a third had done unskilled manual labouring jobs and almost 80% of the sample had been involved in manual work of all types. Only six men had no work record having been either unemployed or their background in this area was not known.

There is a high correlation between youth and a lack of skills.

iii) Work record by employment continuity:

Table 22

EMPLREC EMPLOYMENT RECORD

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
STEADY	1	186	74.4	74.4	74.4
NOT STEADY	2	64	25.6	25.6	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.256	STD DEV	.437	MINIMUM	1.000
MAXIMUM	2.000				

186 ie almost three quarters of the sample had a history of steady employment while the remaining 64 who had a history of intermittent or no employment, were heavily concentrated in the 19-30 age group at the time of the offence. A detailed analysis of this 64 revealed that any chance of a stable work life was militated against by the extreme disruption to their lives because they experienced major problems which can be summarised under the following headings.

- Sexual - sexuality development, sexual orientation
- Low intellect - slow progress especially at school; illiteracy
- Adoption - disturbance at the knowledge of this; blended families, step siblings
- Alcoholic parents - discord, violence
- Alcoholism - disruption to work and family; violence
- Drugs - addiction and disruption to normal functioning
- Arson - juvenile and adult records
- Institution life - committal to boys home after repeated minor and/or major offences

iv) Trade training:

Table 23

TRADE					
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NO	0	200	80.0	80.0	80.0
YES	1	50	20.0	20.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	.200	STD DEV	.401	MINIMUM	0.0
MAXIMUM	1.000				

Only 20% had experienced trade training prior to their gaol sentence. Not all had completed their training. Many who were potentially able were not eligible because of a poverty of formal education and also lacked parental example and/or expectation relating to educational and/or vocational training.

v) Trade training by age at time of offence:

Table 24

TRADE		BY AGE										
		AGE										
COUNT		I									ROW	
PCT		I	19 TO 25	26 TO 30	31 TO 40	41 TO 45	46 TO 50	51 TO 55	56 TO 60	61 TO 65	TOTAL	
COL PCT		I					OH					
TOT PCT		I	11		21		31		41			
TRADE			+		+		+		+			
NO	0	I	79	I	51	I	42	I	28	I	200	
		I	39.5	I	25.5	I	21.0	I	14.0	I	80.0	
		I	78.2	I	85.0	I	84.0	I	71.8	I		
		I	31.6	I	20.4	I	16.8	I	11.2	I		
			+ <td colspan="2">+<td colspan="2">+<td colspan="2">+<td></td></td></td></td>		+ <td colspan="2">+<td colspan="2">+<td></td></td></td>		+ <td colspan="2">+<td></td></td>		+ <td></td>			
YES	1	I	22	I	9	I	8	I	11	I	50	
		I	44.0	I	18.0	I	16.0	I	22.0	I	20.0	
		I	21.8	I	15.0	I	16.0	I	28.2	I		
		I	8.8	I	3.6	I	3.2	I	4.4	I		
			+ <td colspan="2">+<td colspan="2">+<td colspan="2">+<td></td></td></td></td>		+ <td colspan="2">+<td colspan="2">+<td></td></td></td>		+ <td colspan="2">+<td></td></td>		+ <td></td>			
COLUMN TOTAL			101		60		50		39		250	
			40.4		24.0		20.0		15.6		100.0	
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5					
-----		-----	-----		-----		-----					
3.27902		3	0.3506		7.800		NONE					

44% of those who had trade training were in the youngest age bracket, with the remainder being distributed approximately evenly throughout the other age brackets.

vi) Work background by gaol program:

Table 25

	Rem.	Educ	Trade	Hobby	Nil, Dont Know	Total
Skilled N.Man.	-	5	6	5	1	17
Unskilled N.Man.	1	5	16	6	8	36
Skilled Man.	3	4	30	19	4	60
S.Skilled Man.	14	3	38	29	9	93
Unskilled Man.	26	1	47	17	21	112
Unemployed	3	-	1	2	1	7
Dont Know	1	-	1	-	-	2
	48	18	139	78	44	327

From the 91 inmates who had been unskilled manual labourers came the highest participation rate in remedial education (which concentrates on maths and english), trade training and hobbies. The next largest category was the 67 men who had been semi-skilled manual labourers. In general, participation in basic education and vocational training decreased with the increase in skills acquired prior to imprisonment.

One inmate said "I would never have done so much with my life if I hadn't come to gaol". This sentiment was expressed by several other prisoners.

Some of the programs currently available to men in maximum security gaols are inappropriate and unsuitable because of the educational barriers affecting the majority of the sample. Very few of the men can handle correspondence courses as they are dependent on the guidance and encouragement which can only be gained through personal tuition. It is a matter of conjecture the numbers who had a bad experience of programs early in their sentence and gave up considering them in the later stages.

Of the men who did not participate in gaol programs the following observations can be made.

Acknowledgement of literacy problems could result in reduction of status amongst inmates.

A long term record of failure with traditional learning methods undermines confidence to participate in education of any kind.

With no background experience of education, vocational training or hobbies individual potential has never been tested.

Limitations placed on the provision of meaningful programs because of the emphasis on security, militate against prisoner participation in education and vocational training.

2.5 PERSONAL CHARACTERISTICS

i) Health status

Table 26

HEALTH

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NO PROBS	1	207	82.8	82.8	82.8
ACQUIRED	2	31	12.4	12.4	95.2
OTHER	3	12	4.8	4.8	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.220	STD DEV	.518	MINIMUM	1.000
MAXIMUM	3.000				

Over 80% of the sample had no particular health problems although a number of older prisoners had acquired some of the health problems usually associated with ageing, eg. arthritis, hypertension, heart and related illnesses.

ii) Psychiatric history

Table 27

PSYCHIST

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NIL	1	227	90.8	90.8	90.8
SOME	2	23	9.2	9.2	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.092	STD DEV	.290	MINIMUM	1.000
MAXIMUM	2.000				

23(9.2%) of the sample had had previous psychiatric illness. This figure contrasts with that for the general community where it is estimated that the figure would be around 50,000 which is about 1% of the population.

11 of the sample surveyed were Governors Pleasure detainees, but not all of the 11 had had psychiatric illness prior to occurrence at the time of the offence.

2.6 PREVIOUS RECORD

Of the 250 cases studied more than one quarter, (27.2%) had no previous criminal record. That is, murder was their first offence. (#-i) Of the remaining three quarters, 23.6% had juvenile criminal records. Juvenile records may consist of such crimes as 'being a neglected child' or being declared an 'uncontrollable child' in addition to the more usual car offences and petty larceny in which juveniles are likely to be involved. (#-ii)

Approximately 14% of the sample had been involved in serious crime. Only 2% had been involved in sex related offences prior to the offence for which they were serving their current sentence.

As in other analyses of this survey group individual case histories vary considerably but broadly first offenders serving life or G.P. sentences can be categorised as having the following problems.

- Sexuality - confusion as to sexual identity;
- repressed homosexuality
- very poor self image, resentment of knock-backs

- Lack of social skills - over controlled assaultive personality
- easily over wrought, exciteable
- non verbal
- unable to interact with groups
- repressed emotions

- Drugs - dealing and imbibing

- Crime of passion - assertion of ownership and control of female members of family
- Cultural crime - inability to adjust to western social and legal standards
- 'No hopers' - failure has been the pattern of their lives following a home background of severe deprivation

(#-i) Erich Corves, "Long Term Prison Sentences and the influence of 'General Prevention' in European Committee on Crime Problems, Council of Europe, Strasbourg 1977, p 29 - In the Federal Republic of Germany in 1971 almost 50% of murderers were first offenders.

(#-ii) Homicide and Recidivism, by Peter H. Burgoyne, Report to the Criminology Research Council and the Victorian Department of Community Welfare Services, December 1979, p45 - For 43% the most common prior offence was larceny or illegal use of motor vehicles.

2.7 CHARACTERISTICS OF THE CRIME

i) offences involving no fatalities:

Table 28

NOFATAL		VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
VALUE LABEL						
ZERO		0	8	3.2	3.2	3.2
ONE		1	194	77.6	77.6	80.8
TWO		2	37	14.8	14.8	95.6
THREE PLUS		3	11	4.4	4.4	100.0
TOTAL			250	100.0	100.0	
MEAN	1.204	STD DEV	.562	MINIMUM	0.0	
MAXIMUM	3.000					

There were 8 offences which did not involve loss of life. Four of the eight offenders were G.P.s, of whom three (together with one other lifer) were European and whose families suffered severe dislocation, loss and trauma during the offender's childhood.

One other inmate borders on mental retardation and was orphaned as a young child. Another one had a lifetime history of violent outbursts and had^{had}psych-surgery prior to the last offence. One man has been classed as a pathological liar, all his life.

ii) Number of victims:

Table 29

NOVICT

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
ZERO OR 1	1	203	81.2	81.2	81.2
2	2	37	14.8	14.8	96.0
3 PLUS	3	10	4.0	4.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.228	STD DEV	.507	MINIMUM	1.000
MAXIMUM	3.000				

203, ie over 80%, of the sample surveyed had only one victim. Offences such as arson caused multiple victims but all these deaths resulted from a single offence. Two arsonists were each responsible for the deaths of four people. Neither of the men is considered to be a pyromaniac. Both these men were experiencing extreme stress; both were single men and were living without any immediate family members nearby. One was also affected by alcohol at the time of the offence.

In a few cases the numerous offences were spread out over a period of years while the remainder of multiple deaths resulted from a single event. In a number of cases where there were 2 victims, those killed were a couple who were killed in the one incident. However there were other instances where an offence was repeated at a later date.

iii) Number of victims by years served:

Table 30

NOVICT		BY YRSSERV												
		YRSSERV												
		COUNT	I											
		ROW PCT	10 TO 8	9 AND 10	11 AND 1	13 TO 20	OVER 22					ROW		
		COL PCT	I	2										TOTAL
		TOT PCT	I	1I	2I	3I	4I	5I						
NOVICT		-----												
ZERO OR 1	1	I	112	I	29	I	28	I	31	I	3	I	203	
		I	55.2	I	14.3	I	13.8	I	15.3	I	1.5	I	81.2	
		I	84.2	I	78.4	I	84.8	I	73.8	I	60.0	I		
		I	44.8	I	11.6	I	11.2	I	12.4	I	1.2	I		

2	2	I	17	I	5	I	5	I	8	I	2	I	37	
		I	45.9	I	13.5	I	13.5	I	21.6	I	5.4	I	14.8	
		I	12.8	I	13.5	I	15.2	I	19.0	I	40.0	I		
		I	6.8	I	2.0	I	2.0	I	3.2	I	.8	I		

3 PLUS	3	I	4	I	3	I		I	3	I		I	10	
		I	40.0	I	30.0	I		I	30.0	I		I	4.0	
		I	3.0	I	8.1	I		I	7.1	I		I		
		I	1.6	I	1.2	I		I	1.2	I		I		

COLUMN TOTAL			133		37		33		42		5		250	
			53.2		14.8		13.2		16.8		2.0		100.0	

CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5							
-----		-----	-----		-----		-----							
8.31135		8	0.4037		0.200		7 OF 15 (46.7%)							

There is no automatic relationship between the number of victims and the length of sentence. Arson can cause multiple fatalities but the inmate's length of sentence is calculated in relation to the nature of the offence (as well as prison performance etc), whereas an offender who perpetrates a particularly horrific offence with only one victim is likely to serve a long sentence.

iv) Number of victims by motive:

Table 31

NOVICT										BY MOTIVE																																																	
										MOTIVE																																																	
COUNT										ROW PCT																																																	
COL PCT										TOT PCT																																																	
NOVICT										ROW TOTAL																																																	
										MOTIVE																																																	
										CONTRACT OTHER																																																	
										FIGHT																																																	
										ARMED RO																																																	
										BBERY																																																	
										OTH																																																	
										FAM																																																	
										FEUD																																																	
										ILY																																																	
										ER																																																	
										11																																																	
										21																																																	
										31																																																	
										41																																																	
										51																																																	
										61																																																	
										71																																																	
ZERO OR 1										1	I	47	I	14	I	28	I	35	I	15	I	6	I	58	I	203																																	
										I	23.2	I	6.9	I	13.8	I	17.2	I	7.4	I	3.0	I	28.6	I	81.2																																		
										I	88.7	I	82.4	I	90.3	I	76.1	I	83.3	I	85.7	I	74.4	I																																			
										I	18.8	I	5.6	I	11.2	I	14.0	I	6.0	I	2.4	I	23.2	I																																			
2										2	I	4	I	2	I	3	I	9	I	3	I	1	I	15	I	37																																	
										I	10.8	I	5.4	I	8.1	I	24.3	I	8.1	I	2.7	I	40.5	I	14.8																																		
										I	7.5	I	11.8	I	9.7	I	19.6	I	16.7	I	14.3	I	19.2	I																																			
										I	1.6	I	.8	I	1.2	I	3.6	I	1.2	I	.4	I	6.0	I																																			
3 PLUS										3	I	2	I	1	I		I	2	I		I		5	I	10																																		
										I	20.0	I	10.0	I		I	20.0	I		I		50.0	I	4.0																																			
										I	3.8	I	5.9	I		I	4.3	I		I		6.4	I																																				
										I	.8	I	.4	I		I	.8	I		I		2.0	I																																				
CHI-SQUARE										D.F.										SIGNIFICANCE										MIN E.F.										CELLS WITH E.F. < 5																			
9.17833										12										0.6876										0.280										11 OF										21 (52.4%)									

Of the 47 cases which resulted in multiple victims 20 cases were offences against people outside the family, and 11 cases happened during the course of ARMED ROBBERY. There were 9 cases which resulted in multiple deaths committed against the offender's FAMILY.

v) Co-accused:

Table 32

COACCUSE

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NIL	1	187	74.8	74.8	74.8
ONE	2	38	15.2	15.2	90.0
TWO PLUS	3	25	10.0	10.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.352	STD DEV	.656	MINIMUM	1.000
MAXIMUM	3.000				

It is current policy of the New South Wales Corrective Services Commission that prisoners (including co-accused) are treated according to their individual merits rather than being given identical treatment.

187 of the sample acted alone at the time of the offence.

Two co-offenders who were convicted of murder during a drug deal conflict served almost identical sentences, varied only in response to individual program participation needs. Another group who were convicted of murder during an armed hold up served different sentence lengths because factors such as leadership in the offence, previous records, prison program performance, were taken into account when reduction in security rating and eventual release were considered.

vi) Co-accused by age at time of offence:

Table 33

COACCUSE										BY AGE		

AGE												
COUNT		I								ROW		
ROW	PCT	I	19 TO 25	26 TO 30	31 TO 40	41 TO 45	46 TO 50	51 TO 55	56 TO 60	61 TO 65	TOTAL	
COL	PCT	I					GH					
TOT	PCT	I	1I		2I		3I		4I			

COACCUSE	NIL	1	I	65	I	42	I	45	I	35	I	187
		I	34.8	I	22.5	I	24.1	I	18.7	I	74.8	
		I	64.4	I	70.0	I	90.0	I	89.7	I		
		I	26.0	I	16.8	I	18.0	I	14.0	I		

ONE	2	I	22	I	9	I	5	I	2	I	38	
		I	57.9	I	23.7	I	13.2	I	5.3	I	15.2	
		I	21.8	I	15.0	I	10.0	I	5.1	I		
		I	8.8	I	3.6	I	2.0	I	.8	I		

TWO PLUS	3	I	14	I	9	I		I	2	I	25	
		I	56.0	I	36.0	I		I	8.0	I	10.0	
		I	13.9	I	15.0	I		I	5.1	I		
		I	5.6	I	3.6	I		I	.8	I		

COLUMN TOTAL			101		60		50		39		250	
			40.4		24.0		20.0		15.6		100.0	

CHI-SQUARE		D. F.	SIGNIFICANCE				MIN E. F.		CELLS WITH E. F. < 5			

19.67046		6	0.0032				3.900		1 OF 12 (8.3%)			

Of the 101 men in 19-25 age group at the time of the offence, 65 acted alone, 22 with one other accomplice and 14 had more than two accomplices. Over 85% of those who committed their offence with an accomplice were under the age of 30.

vii) Co-accused by motive:

Table 34

COACCUSE				BY MOTIVE												
				MOTIVE												
COUNT I																
ROW	PCT	IFAMILY	FEUD FAM FEUD OTH ARMED RO FIGHT CONTRACT OTHER	ROW												
COL	PCT	Y	ILV ER BBERY	TOTAL												
TOT	PCT	I	1I 2I 3I 4I 5I 6I 7I													
COACCUSE																
NIL	1	I	52 I 16 I 20 I 15 I 16 I 5 I 63 I	187												
		I	27.8 I 8.6 I 10.7 I 8.0 I 8.6 I 2.7 I 33.7 I	74.8												
		I	98.1 I 94.1 I 64.5 I 32.6 I 88.9 I 71.4 I 80.8 I													
		I	20.8 I 6.4 I 8.0 I 6.0 I 6.4 I 2.0 I 25.2 I													
ONE	2	I	1 I 6 I 16 I 1 I 2 I 12 I	38												
		I	2.6 I 15.8 I 42.1 I 2.6 I 5.3 I 31.6 I	15.2												
		I	1.9 I 19.4 I 34.8 I 5.6 I 28.6 I 15.4 I													
		I	.4 I 2.4 I 6.4 I .4 I .8 I 4.8 I													
TWO PLUS	3	I	1 I 5 I 15 I 1 I 1 I 3 I	25												
		I	4.0 I 20.0 I 60.0 I 4.0 I 12.0 I 10.0 I	10.0												
		I	5.9 I 16.1 I 32.6 I 5.6 I 3.8 I													
		I	.4 I 2.0 I 6.0 I .4 I 1.2 I													
COLUMN TOTAL			53 17 31 46 18 7 78 250													
			21.2 6.8 12.4 18.4 7.2 2.8 31.2 100.0													
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.	CELLS WITH E. F. < 5											
73.86782	12	0.0000		0.700	9 OF 21 (42.9%)											

Just over one quarter of the survey sample (ie 63 men) had one or more accomplices in the commission of their offence. For half of this group the offence for which they are imprisoned occurred during the course of ARMED ROBBERY.

viii) Type related - sex or drug:

Table 35

TYPE REL		TYPE RELATED OFFENCE			
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NOT APPLIC	0	183	73.2	73.2	73.2
DRUG REL	1	18	7.2	7.2	80.4
SEX REL	2	49	19.6	19.6	100.0
TOTAL		250	100.0	100.0	
MEAN	.464	STD DEV	.802	MINIMUM	0.0
MAXIMUM	2.000				
VALID CASES	250	MISSING CASES	0		

Over a quarter of the offences were either sex related or drug related.

A detailed analysis of the 49 sex related offences can be found at the conclusion of/^{this}section on p. 117. The conclusion that was reached from the evidence was that the violent element in the offences was much more marked than the sexual aspect.

ix) Type related offence by motive:

Table 36

TYPE REL		TYPE RELATED OFFENCE										BY MOTIVE					
		MOTIVE															
TYPE REL	COUNT	I											ROW				
	PCT	IFAMILY	FEUD	FAM	FEUD	OTH	ARMED	RO	FIGHT	CONTRACT	OTHER	TOTAL					
	COL	I	ILY	ER	BBERY												
	TOT	PCT	I	1I	2I	3I	4I	5I	6I	7I							
NOT APPLIC	0	I	48	I	17	I	28	I	41	I	15	I	7	I	27	I	183
		I	26.2	I	9.3	I	15.3	I	22.4	I	8.2	I	3.8	I	14.8	I	73.2
		I	90.6	I	100.0	I	90.3	I	89.1	I	83.3	I	100.0	I	34.6	I	
		I	19.2	I	6.8	I	11.2	I	16.4	I	6.0	I	2.8	I	10.8	I	
DRUG REL	1	I	2	I		I	3	I	4	I	2	I		I	7	I	18
		I	11.1	I		I	16.7	I	22.2	I	11.1	I		I	38.9	I	7.2
		I	3.8	I		I	9.7	I	8.7	I	11.1	I		I	9.0	I	
		I	.8	I		I	1.2	I	1.6	I	.8	I		I	2.8	I	
SEX REL	2	I	3	I		I		I	1	I	1	I		I	44	I	49
		I	6.1	I		I		I	2.0	I	2.0	I		I	89.8	I	19.6
		I	5.7	I		I		I	2.2	I	5.6	I		I	56.4	I	
		I	1.2	I		I		I	.4	I	.4	I		I	17.6	I	
COLUMN TOTAL		53	17	31	46	18	7	78	250								
TOTAL		21.2	6.8	12.4	18.4	7.2	2.8	31.2	100.0								
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5										
106.11023		12	0.0000		0.504		9 OF 21 (42.9%)										

All but 3 of the 49 sex related offences were committed against people outside the FAMILY, with one committed in the course of an ARMED ROBBERY and another associated with a FIGHT.

Only 4 of the drug related offences occurred at the time of an ARMED ROBBERY and 2 of the total of 18 were offences against the offender's FAMILY.

x) Relationship of offender with fatality (victim):

Table 37

RELFATAL RELATION OF FATALITY

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
RELATED	1	61	24.4	24.4	24.4
OTHER KNOWN	2	98	39.2	39.2	63.6
UNKNOWN	3	91	36.4	36.4	100.0
TOTAL		250	100.0	100.0	
MEAN	2.120	STD DEV	.772	MINIMUM	1.000
MAXIMUM	3.000				

Almost a quarter of the offenders were related to their victims, while just under 40% of offenders were otherwise known to their victims. Over a third of the victims were unknown to their attackers.

xi) Relationship with fatality by age at time of offence:

Table 38

REL FATAL RELATION OF FATALITY											BY AGE	

AGE												
COUNT												
ROW PCT												
COL PCT												
TOT PCT												

REL FATAL		AGE										ROW TOTAL
		19 TO 25	26 TO 30	31 TO 40	41 TO HI							

RELATED	1	I	7	I	18	I	20	I	16	I	61	
		I	11.5	I	29.5	I	32.8	I	26.2	I	24.4	
		I	6.9	I	30.0	I	40.0	I	41.0	I		
		I	2.8	I	7.2	I	8.0	I	6.4	I		

OTHER KNOWN	2	I	39	I	20	I	20	I	19	I	98	
		I	39.8	I	20.4	I	20.4	I	19.4	I	39.2	
		I	38.6	I	33.3	I	40.0	I	48.7	I		
		I	15.6	I	8.0	I	8.0	I	7.6	I		

UNKNOWN	3	I	55	I	22	I	10	I	4	I	91	
		I	60.4	I	24.2	I	11.0	I	4.4	I	36.4	
		I	54.5	I	36.7	I	20.0	I	10.3	I		
		I	22.0	I	8.8	I	4.0	I	1.6	I		

COLUMN TOTAL			101		60		50		39		250	
			40.4		24.0		20.0		15.6		100.0	

CHI-SQUARE	D. F.	SIGNIFICANCE					MIN E. F.		CELLS WITH E. F. < 5			

44.31785	6	0.0000					9.516		NONE			

Where the victim and the offender were related there is a marked tendency for the offence to occur during the late offender's 20s or 30s. Almost 40% of offenders who attacked people who were otherwise known to them (and not family members) were aged 19-25 at the time of the offence.

Of the 91 men who attacked people who were unknown to them, over 60% were aged 19-25 at the time of the offence.

xii) Relationship with fatality by motive:

Table 39

REL FATAL RELATION OF FATALITY										BY MOTIVE	
REL FATAL	MOTIVE										ROW TOTAL
	COUNT	I									
	ROW PCT	IFAMILY	FEUD FAM	FEUD OTH	ARMED	RO FIGHT	CONTRACT	OTHER			
	COL PCT	ILY	ER	BBERY							
	TOT PCT	I	1I	2I	3I	4I	5I	6I	7I		
RELATED	1	I	45	I	12	I	1	I	2	I	61
		I	73.8	I	19.7	I	1.6	I	3.3	I	24.4
		I	84.9	I	70.6	I	3.2	I	11.1	I	
		I	18.0	I	4.8	I	.4	I	.8	I	
OTHER KNOWN	2	I	8	I	5	I	26	I	11	I	98
		I	8.2	I	5.1	I	26.5	I	11.2	I	39.2
		I	15.1	I	29.4	I	83.9	I	23.9	I	
		I	3.2	I	2.0	I	10.4	I	4.4	I	
UNKNOWN	3	I		I		I	4	I	35	I	91
		I		I		I	4.4	I	38.5	I	36.4
		I		I		I	12.9	I	76.1	I	
		I		I		I	1.6	I	14.0	I	
COLUMN TOTAL			53		17		31		46		250
			21.2		6.8		12.4		18.4		100.0
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5				
227.77737		12	0.0000		1.708		5 OF 21 (23.8%)				

Of the 61 men who were related to their victim, 45 offended against their immediate FAMILY members. In this group 29 victims were either wives or defacto wives, 4 were girlfriends and 9 cases were children of the family. An analysis of cases revealed that the following factors were strongly influential in the offences.

Inability to cope, one or both parties, for intellectual, health, financial reasons.

Jealousy of both spouse and children.

Physical health problems such as polio in childhood and subsequent restricted social development; severe hearing deficiencies.

Overcrowded living conditions, intermittent employment and financial problems.

Obsession.

Uncontrollable temper. Inability to communicate emotions gradually.

Incompatability over a long period, involving repeated separations and reunions.

Drugs.

Alcohol.

Property disputes.

Insurance benefit on spouse's death.

Deliberate killing of wife. Reasons given include adhering to a religious prohibition on divorce, and boredom with the relationship.

In-law harassment.

Physical violence.

Family arguments.

Inability to terminate an extra-marital liaison.

Euthanasia.

Accidentally caused effects.

Unknown sequence of events or motivation.

One could guess at a cathartic element in many of the offences but often there is a cluster of circumstances at the time of the offence and it is hard to give weight to any one in particular.

In very many cases events at the time of the offence are hard to define clearly. Incidents which began in one way quickly developed into situations in which the offender reacted as much out of panic as any other motive. In a lot of cases the offender did not make a deliberate attempt to cover up for his actions and when questioned readily admitted to his part in the offence.

xiii) Drug/alcohol involvement in the offence:

Table 40

INVOLVEMENT IN DRUG ALCOHOL INVOLVEMENT

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
DK	1	50	20.0	20.0	20.0
DRUG ALCO	2	22	8.8	8.8	28.8
ALCO	3	67	26.8	26.8	55.6
NIL	4	111	44.4	44.4	100.0
	TOTAL	250	100.0	100.0	
MEAN	2.956	STD DEV	1.156	MINIMUM	1.000
MAXIMUM	4.000				

While over 44% of the sample had no drug or alcohol involvement in their offence, the presence of either stimulant in another 20% was unknown. In many of these offences it is strongly suspected that one or both influences was present but not recorded.

Over a quarter of the sample was affected by alcohol at the time of the offence while less than 9% were affected by drugs. Of the quarter affected by alcohol a significant number had been drinking heavily because of deep depression and a few seem to have drunk to give themselves 'Dutch courage' in order to take drastic action in a difficult situation.

xiv) Drug/alcohol involvement by age:

Table 41

INVDRAL DRUG ALCOHOL INVOLVEMENT										BY AGE	

AGE											
COUNT											
ROW PCT											
COL PCT											
TOT PCT											
19 TO 25 26 TO 30 31 TO 40 41 TO HI											
GH											
ROW TOTAL											

11 21 31 41											

INVDRAL	1	I	26	I	20	I	3	I	1	I	50
		I	52.0	I	40.0	I	6.0	I	2.0	I	20.0
		I	25.7	I	33.3	I	6.0	I	2.6	I	
		I	10.4	I	8.0	I	1.2	I	.4	I	

DRUG ALCO	2	I	13	I	4	I	5	I		I	22
		I	59.1	I	18.2	I	22.7	I		I	8.8
		I	12.9	I	6.7	I	10.0	I		I	
		I	5.2	I	1.6	I	2.0	I		I	

ALCO	3	I	21	I	18	I	19	I	9	I	67
		I	31.3	I	26.9	I	28.4	I	13.4	I	26.8
		I	20.8	I	30.0	I	38.0	I	23.1	I	
		I	8.4	I	7.2	I	7.6	I	3.6	I	

NIL	4	I	41	I	18	I	23	I	29	I	111
		I	36.9	I	16.2	I	20.7	I	26.1	I	44.4
		I	40.6	I	30.0	I	46.0	I	74.4	I	
		I	16.4	I	7.2	I	9.2	I	11.6	I	

COLUMN TOTAL			101		60		50		39		250
			40.4		24.0		20.0		15.6		100.0

CHI-SQUARE D. F. SIGNIFICANCE MIN E. F. CELLS WITH E. F. < 5											
38.72727 9 0.0000 3.432 2 OF 16 (12.5%)											

13 of the 22 men who were affected by drugs and/or alcohol at the time of the offence were aged 19-25, while the 67 who were affected by alcohol only were fairly evenly distributed across all age brackets.

Of those who had taken a combination of alcohol and drugs some were using stimulants such as 'purple hearts' in the course of their work and were unaware of their cumulative effect.

xv) drug/alcohol involvement by motive:

Table 42

INVDRAL		DRUG ALCOHOL INVOLVEMENT										BY MOTIVE	
		MOTIVE											
COUNT												ROW	
ROW	PCT	I	FAMILY	FEUD	FAM	FEUD	OTH	ARMED	RO	FIGHT	CONTRACT	OTHER	TOTAL
COL	PCT	I	I	ILY	2I	ER	BBERY	4I	5I	6I	7I		
TOT	PCT	I	1I	2I	3I	4I	5I	6I	7I				
INVDRAL	1	I	6	I	1	I	4	I	16	I	3	I	50
		I	12.0	I	2.0	I	8.0	I	32.0	I	6.0	I	20.0
		I	11.3	I	5.9	I	12.9	I	34.8	I	16.7	I	
		I	2.4	I	.4	I	1.6	I	6.4	I	1.2	I	
DK		I											
		I											
		I											
		I											
DRUG ALCO	2	I	2	I		I	2	I	4	I		I	22
		I	9.1	I		I	9.1	I	18.2	I		I	8.8
		I	3.8	I		I	6.5	I	8.7	I		I	
		I	.8	I		I	.8	I	1.6	I		I	
ALCO	3	I	17	I	7	I	10	I	7	I		I	67
		I	25.4	I	10.4	I	14.9	I	10.4	I		I	26.8
		I	32.1	I	41.2	I	32.3	I	15.2	I		I	
		I	6.8	I	2.8	I	4.0	I	2.8	I		I	
NIL	4	I	28	I	9	I	15	I	19	I	4	I	111
		I	25.2	I	8.1	I	13.5	I	17.1	I	3.6	I	44.4
		I	52.8	I	52.9	I	48.4	I	41.3	I	11.1	I	
		I	11.2	I	3.6	I	6.0	I	7.6	I	.8	I	
COLUMN TOTAL			53		17		31		46		18		250
			21.2		6.8		12.4		18.4		7.2		100.0
CHI-SQUARE		D. F.		SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5					
37.32437		18		0.0048		0.616		13 OF		28 (46.4%)			

Alcohol affected offences were not concentrated in one area to a significant degree whereas almost half of the drug and/or alcohol affected offences were against OTHER people. Only 4 D/A offences were during the course of ARMED ROBBERY.

xvi) Motive:

Table 43

MOTIVE

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
FAMILY	1	53	21.2	21.2	21.2
FEUD FAMILY	2	17	6.8	6.8	28.0
FEUD OTHER	3	31	12.4	12.4	40.4
ARMED ROBBERY	4	46	18.4	18.4	58.8
FIGHT	5	18	7.2	7.2	66.0
CONTRACT	6	7	2.8	2.8	68.8
OTHER	7	78	31.2	31.2	100.0
TOTAL		250	100.0	100.0	
MEAN	4.168	STD DEV	2.300	MINIMUM	1.000
MAXIMUM	7.000				

Over 30% of all offences were against OTHER people (ie outside the family) and the second largest single category was offences against FAMILY members - over a fifth of the total cases.

Over half (56.4%) of offences against OTHER people were sex related, while 9% were drug related. Offences against OTHER people can be divided into broad categories but within each category individual circumstances of each case vary enormously. Groupings can be made as follows.

Rape - See analysis at the end of this section on p.117. Victims were children and women of all ages.

Impotence - 4 cases. Two victims were early teenage females. An adult female victim was raped by one of two accomplices but the other one could not manage an erection and became violent.

Thrill killers - 4 cases. Victims were teenage females and one woman in her thirties.

Subject of evil spells - 2 cases. Attackers believe that they were ordered to perform their offences and were under the influence of alcohol and/or drugs.

Business rival - 2 cases. Involving physical force by body blows etc. and a bomb.

Various - Mostly one and sometimes two cases of each.

- Insurance claim.
- Uncontrolled violent outbursts.
- Break-down, no social skills, low self image.
- Stimulant and alcohol mix.
- Retardation, no family support.
- Sexual identity confusion, history of major personal problems.
- Marriage and parenthood stress.
- Repressed homosexuality.
- Drugs - imbibing, dealing, robbing for, revenge.
- Physical handicap - speech and/or hearing difficulties.
- Social isolate - paranoid fears, non English speaking, very dependent person, elderly.
- Revenge.
- Pack leader demonstration of strength.
- Incest.
- Violent rampage.
- Victimisation.
- Rejection.
- Jealousy.
- Punishment of employer (him personally and his family).
- Madness - no other reasonable explanation can be found.

xvii) Motive by age:

Table 44

MOTIVE		BY AGE							
		AGE							
		COUNT							
		ROW PCT	19 TO 25	26 TO 30	31 TO 40	41 TO HI			ROW TOTAL
		COL PCT							
		TOT PCT	1I	2I	3I	4I			
MOTIVE									
FAMILY	1	I	6	10	21	16	I		53
		I	11.3	18.9	39.6	30.2	I		21.2
		I	5.9	15.7	42.0	41.0	I		
		I	2.4	4.0	8.4	6.4	I		
FEUD FAMILY	2	I	2	9	2	4	I		17
		I	11.8	52.9	11.8	23.5	I		6.8
		I	2.0	15.0	4.0	10.3	I		
		I	.8	3.6	.8	1.6	I		
FEUD OTHER	3	I	11	9	4	7	I		31
		I	35.5	29.0	12.9	22.6	I		12.4
		I	10.9	15.0	8.0	17.9	I		
		I	4.4	3.6	1.6	2.8	I		
ARMED ROBBERY	4	I	28	14	3	1	I		46
		I	60.9	30.4	6.5	2.2	I		18.4
		I	27.7	23.3	6.0	2.6	I		
		I	11.2	5.6	1.2	.4	I		
FIGHT	5	I	9	1	7	1	I		18
		I	50.0	5.6	38.9	5.6	I		7.2
		I	8.9	1.7	14.0	2.6	I		
		I	3.6	.4	2.8	.4	I		
CONTRACT	6	I	3	2	1	1	I		7
		I	42.4	28.6	14.3	14.3	I		2.8
		I	3.0	3.3	2.0	2.6	I		
		I	1.2	.8	.4	.4	I		
OTHER	7	I	42	15	12	9	I		78
		I	53.8	19.2	15.4	11.5	I		31.2
		I	41.6	25.0	24.0	23.1	I		
		I	16.8	6.0	4.8	3.6	I		
COLUMN TOTAL			101	60	50	39			250
			40.4	24.0	20.0	15.6			100.0

CHI-SQUARE	D.F.	SIGNIFICANCE	MIN E.F.	CELLS WITH E.F. < 5
70.49032	18	0.0000	1.092	11 OF 28 (39.3%)

Just over 40% of the sample were aged 19-25 at the time of the offence. Over 60% of those whose homicides occurred during the course of an ARMED ROBBERY were aged 19-25, and over 50% of those whose homicides occurred as a result of attacks on OTHER people were also aged 19-25 at the time of the offence. There is a decreasing tendency with increasing age for

men to be involved in ARMED ROBBERY and to a lesser extent, attacks on OTHER people. On the other hand offences against the FAMILY increase with an increase in the age of the offender, lessening after the age of 41 years.

xviii) Motive by years served:

Table 45

MOTIVE		BY YRSERV											
MOTIVE	COUNT	YRSERV										ROW TOTAL	
	ROW PCT	10 TO 8	9 AND 10	11 AND 12	13 TO 20	OVER 22	ROW TOTAL						
	COL PCT	1	2	3	4	5							
	TOT PCT	1I	2I	3I	4I	5I							
FAMILY	1	I	26	I	13	I	6	I	8	I	53		
		I	49.1	I	24.5	I	11.3	I	15.1	I	21.2		
		I	19.5	I	35.1	I	18.2	I	19.0	I			
		I	10.4	I	5.2	I	2.4	I	3.2	I			
FEUD FAMILY	2	I	6	I	2	I	5	I	4	I	17		
		I	35.3	I	11.8	I	29.4	I	23.5	I	6.8		
		I	4.5	I	5.4	I	15.2	I	9.5	I			
		I	2.4	I	.8	I	2.0	I	1.6	I			
FEUD OTHER	3	I	18	I	4	I	5	I	4	I	31		
		I	58.1	I	12.9	I	16.1	I	12.9	I	12.4		
		I	13.5	I	10.8	I	15.2	I	9.5	I			
		I	7.2	I	1.6	I	2.0	I	1.6	I			
ARMED ROBBERY	4	I	25	I	4	I	4	I	13	I	46		
		I	54.3	I	8.7	I	8.7	I	28.3	I	18.4		
		I	18.8	I	10.8	I	12.1	I	31.0	I			
		I	10.0	I	1.6	I	1.6	I	5.2	I			
FIGHT	5	I	15	I		I	3	I		I	18		
		I	83.3	I		I	16.7	I		I	7.2		
		I	11.3	I		I	9.1	I		I			
		I	6.0	I		I	1.2	I		I			
CONTRACT	6	I	2	I		I	1	I	4	I	7		
		I	28.6	I		I	14.3	I	57.1	I	2.8		
		I	1.5	I		I	3.0	I	9.5	I			
		I	.8	I		I	.4	I	1.6	I			
OTHER	7	I	41	I	14	I	9	I	9	I	78		
		I	52.6	I	17.9	I	11.5	I	11.5	I	31.2		
		I	30.8	I	37.8	I	27.3	I	21.4	I	100.0		
		I	16.4	I	5.6	I	3.6	I	3.6	I	2.0		
COLUMN TOTAL			133		37		33		42		5	250	
			53.2		14.8		13.2		16.8		2.0	100.0	
CHI-SQUARE	D.F.	SIGNIFICANCE					MIN E.F.					CELLS WITH E.F. < 5	
45.48370	24	0.0051					0.140					19 OF 35 (54.3%)	

133 of the sample were within the first 8 years of sentence. Only 5 men had served longer than 22 years and all 5 had committed offences against OTHER people. Two of these offences were sex related and were against female children. One victim did not die. The third sex related offence was against an elderly woman. All three cases received extensive media coverage at the

time of the trials. Both of the remaining two men had marked personality problems at the beginning of their sentences, and these problems worsened with increasing years spent in gaol. It is probable that none of these men would have served such lengthy sentences had current attitudes prevailed at the time when they were sentenced.

There are, however, many men in custody at the present, who, because of the bizarre and unpardonable nature of the offence will serve very long sentences. Most releasing authorities have to err on the side of caution in a case where the person was convicted of a notorious offence because any recidivism under these circumstances would have adverse effects on the release prospects of other life sentence prisoners.

xix) Weapon:

Table 46

WEAPON

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
GUN BLUNT SHARP	1	182	72.8	72.8	72.8
KICK SEX STRANGLE	2	62	24.8	24.8	97.6
BURN POISON	3	6	2.4	2.4	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.296	STD DEV	.507	MINIMUM	1.000
MAXIMUM	3.000				

See APPENDIX D for a detailed list of offence types.

Over 72% of the sample used an instrument (sharp, blunt, or a gun) in their offence while almost one quarter of the men used physical force, ie body blows, kicks etc.

Premeditation involved procurement of arms in advance, such as a gun, knife, bomb or poison. Access to and dependence on, support/counselling services are unknown to these men, and consequently resolution of problems is generally by use of physical force. In the case of relationship problems and separation the offence occurred some time after separation. This tendency has been identified in other studies of violence and homicide.(#) It is well known in the

field of marriage guidance counselling that it is very difficult to persuade men to be involved in counselling. There is a relationship between lack of education and a reluctance to use/ignorance of, counselling services.

In many instances choice of weapon was totally random, simply what lay at hand. There was also a group which began as the result of an outburst of violence and was exacerbated by panic on the part of the offender.

(#) NSW Bureau of Crime Statistics and Research, Survey of homicide patterns in NSW between 1933 and 1981, by Alison Wallace.

'Even in the Best of Homes. Violence in The Family' by Dr Jocelyne Scutt, Pelican.

x x) Weapon by age at time of offence:

Table 47

WEAPON	AGE					ROW TOTAL
	COUNT	19 TO 25	26 TO 30	31 TO 40	41 TO HI	
ROW PCT	COL PCT	CH				TOTAL
TOT PCT		11	21	31	41	
GUN BLUNT SHARP	1	67	47	36	32	182
	I	36.8	25.8	19.8	17.6	72.8
	I	66.3	79.3	72.0	82.1	I
	I	26.8	18.8	14.4	12.8	I
KICK SEX STRANGL	2	32	11	14	5	62
	I	51.6	17.7	22.6	8.1	24.8
	I	31.7	13.3	28.0	12.8	I
	I	12.8	4.4	5.6	2.0	I
BURN POISON	3	2	2		2	6
	I	33.3	33.3		33.3	2.4
	I	2.0	3.3		5.1	I
	I	.8	.8		.8	I
COLUMN TOTAL		101	60	50	39	250
		40.4	24.0	20.0	15.6	100.0
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.	CELLS WITH E. F. < 5	
9.40072	6	0.1523		0.936	4 OF 12 (33.3%)	

Of the 182 who used an instrument to attack their victim over a third were aged 19-25 and over a quarter were aged 26-30 at the time of the offence. Over half of those who used physical force against their victims, were aged 19-25 at the time of the offence.

xxi) Weapon by years served:

Table 48

WEAPON		BY YRSSERV					
WEAPON	COUNT	YRSSERV					ROW TOTAL
		10 TO 11	12 TO 13	14 TO 15	16 TO 17	18 TO 19	
		10 TO 11	12 TO 13	14 TO 15	16 TO 17	18 TO 19	
		10 TO 11	12 TO 13	14 TO 15	16 TO 17	18 TO 19	
GUN BLUNT SHARP	1	101	22	25	32	2	182
	I	55.5	12.1	13.7	17.6	1.1	72.8
	I	75.9	59.5	75.8	76.2	40.0	
	I	40.4	9.8	10.0	12.8	.8	
KICK SEX STRANGL	2	29	15	6	9	3	62
	I	46.8	24.2	9.7	14.5	4.8	24.8
	I	21.8	40.5	18.2	21.4	60.0	
	I	11.6	6.0	2.4	3.6	1.2	
BURN POISON	3	3		2	1		6
	I	50.0		33.3	16.7		2.4
	I	2.3		6.1	2.4		
	I	1.2		.8	.4		
COLUMN TOTAL		133	37	33	42	5	250
		53.2	14.8	13.2	16.8	2.0	100.0
CHI-SQUARE		D.F.		SIGNIFICANCE		MIN E.F.	
12.24271		8		0.1407		0.120	
						CELLS WITH E.F. < 5	
						7 OF 13 (46.7%)	

Of the 5 men who had served longer than 22 years all were released either during the term of this study or subsequent to it. Only one man has had his licence revoked because of his unpredictable behaviour.

Two arsonists who are still serving sentences will probably serve quite long sentences because of previous convictions for arson. This also applies to several sex offenders and this information is likely to lead to them serving longer than average sentences.

xxii) Weapon by motive:

Table 49

WEAPON		BY MOTIVE															
		MOTIVE															
		COUNT	I	FAMILY		FEUD FAM	FEUD OTH	ARMED RO	FIGHT	CONTRACT	OTHER	ROW					
		ROW PCT	I	I	ILY	ER	BBERY	4I	5I	6I	7I	TOTAL					
		COL PCT	I	1I	2I	3I	4I	5I	6I	7I							
		TOT PCT	I	1I	2I	3I	4I	5I	6I	7I							
WEAPON																	
GUN BLUNT SHARP	1	I	37	I	16	I	29	I	38	I	15	I	7	I	40	I	182
		I	20.3	I	8.8	I	15.9	I	20.9	I	8.2	I	3.8	I	22.0	I	72.8
		I	69.8	I	94.1	I	93.5	I	82.6	I	83.3	I	100.0	I	51.3	I	
		I	14.8	I	6.4	I	11.6	I	15.2	I	6.0	I	2.8	I	16.0	I	
KICK SEX STRANGL	2	I	13	I	1	I	2	I	8	I	3	I		I	35	I	62
		I	21.0	I	1.6	I	3.2	I	12.9	I	4.8	I		I	56.5	I	24.8
		I	24.5	I	5.9	I	6.5	I	17.4	I	16.7	I		I	44.9	I	
		I	5.2	I	.4	I	.8	I	3.2	I	1.2	I		I	14.0	I	
BURN POISON	3	I	3	I		I		I		I		I		I	3	I	6
		I	50.0	I		I		I		I		I		I	50.0	I	2.4
		I	5.7	I		I		I		I		I		I	3.8	I	
		I	1.2	I		I		I		I		I		I	1.2	I	
COLUMN TOTAL			53		17		31		46		18		7		78		250
TOTAL			21.2		6.8		12.4		18.4		7.2		2.8		31.2		100.0
CHI-SQUARE		D. F.		SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5									
37.96555		12		0.0002		0.168		10 OF 21 (47.6%)									

Over half of those who attacked OTHER people were armed with a gun, or a blunt or sharp instrument. Almost 70% of those who offended against their FAMILY were armed with a gun, or a blunt or sharp instrument.

2.8 SENTENCE CHARACTERISTICS

Table 50

AGE

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
19 TO 25	1	101	40.4	40.4	40.4
26 TO 30	2	50	24.0	24.0	64.4
31 TO 40	3	50	20.0	20.0	84.4
41 TO HIGH	4	39	15.6	15.6	100.0
TOTAL		250	100.0	100.0	
MEAN	2.108	STD DEV	1.105	MINIMUM	1.000
MAXIMUM	4.000				

Included amongst the 101 men who were aged 19-25 at the time of the offence are several who were younger than 19.

i) Detention

Table 51

DETENTN

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
LIFE	1	239	95.6	95.6	95.6
GOV PLEASURE	2	11	4.4	4.4	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.044	STD DEV	.206	MINIMUM	1.000
MAXIMUM	2.000				

Over 95% of the sample are life sentence prisoners.

The remaining 11 men are Governors Pleasure detainees.(#)

A Governors Pleasure detainee is dependent on obtaining a satisfactory psychiatric report in order to be released. For many GPs once their condition is considered to be stable and they have accepted the need for appropriate medication they can be released. It is possible for a GP to get a favourable psychiatric report fairly soon after coming to gaol. Consequently there is a tendency for GPs to serve shorter sentences than lifers do.

On the other hand a GP sentence has greater uncertainty than a life sentence as progress and release depends on a favourable outcome of psychiatric assessment.

Prior to the establishment of the Indeterminate Sentence Committee in early 1981 GPs were not as closely monitored

by the appropriate authorities as lifers were. Some had been overlooked for any reviews for a long period and were unaware of the procedures by which they could be released. One inmate confronted the sub-committee of the I.S.C. when it was visiting lifers in a country gaol and asked if they would talk to him also. The I.S.C. later assumed responsibility for overlooking the progress of inmates serving GP sentences.

As the end of 1984 the Mental Health Review Tribunal, which was to be set up under the Crimes (Mental Disorder) Amendment Act, 1983, was not operational so the GPs continue to be monitored by the ROLB.

(#) In 1976 there were 22 GPs in the prison system, Report of the Royal Commission into New South Wales Prisons, Vols I,II,III, J.F. Nagle, Sydney 1978,p321.

ii) Detention by years served:

Table 52

DETENTN			BY YRSSERV										
			YRSSERV										
COUNT			ROW PCT										ROW TOTAL
COL PCT			TOT PCT										
DETENTN													

Of the 47 men who had served thirteen years and over, five had served longer than 22 years. (#-i) Various explanations can be advanced to account for unusually long sentences. Some are as follows.

Psychiatric reasons - bouts of 'florid' states - partly due to the influence of gaol having worsened an existing personality imbalance.

Problems due to the lack of appropriate treatment for GPs in the prison system.

Severity of the crime - Notoriety of the crime can influence sentence length. Papers marked 'Never to be released' present difficulties if attitudes change.

Outside pressures, such as from the victim's family, friends, etc.

Becoming lost in the system - Some GPs were not given appropriate assessment early in their sentence which makes later assessment more difficult.

Kept until worn out - Particularly true in relation to some sex offenders - where there is difficulty in predicting behaviour outside the confines of prison and where dire results could cause fear in the community.

Motive - Where there is an absence of an apparent explanation for the motivation to commit the offence predictions of future behaviour is difficult. Where a prisoner can supply a verbal or written account of events leading up to the offence of what was apparently unintelligible behaviour, more favourable treatment can be given to both prison programs and release consideration.

Lack of appropriate facilities for older long-term inmates - Old men in gaol have difficulty in coping with the behaviour of other prisoners, the majority of whom are younger and transient. These men frequently suffer the effects which disturbance by short-term prisoners cause. (#-ii)

In many cases release of older, long-term prisoners is made difficult by the lack of suitable accommodation in the community.

(#-i) In 1974 8 men had served 20-30 years, 1 had served 44 years. In The Meaning of Life, A study of Life Sentences in Australia, A Freiberg & D Biles, Canberra, July 1975, p 91.

(#-ii) Differing views on the question of dispersal appear in (a) European Committee on Crime Problems, pages 56-8; and (b) Nagle Royal Commission ..., pages 218, 283.

iii) Release:

Table 53

RELEASE

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
RELEASE	1	70	28.0	28.0	28.0
STILL SERV	2	171	68.4	68.4	96.4
OTHER	3	9	3.6	3.6	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.756	STD DEV	.507	MINIMUM	1.000
MAXIMUM	3.000				

As at the end of December 1982, 70 life sentence and GP prisoners had been released during the preceding two years. Over 68% of the sample were still serving sentences and amongst the remaining 9 men were those who had been transferred to Morisset Hospital (a mental hospital) for either future incarceration and treatment or for preparation for release under the Mental Health regulations.

For exposition of current releasing procedures and criteria of the ROLB see APPENDIX E.

iv) Release by years served:

Table 54

RELEASE		BY YRSSERV									
		YRSSERV									
		COUNT									
		ROW PCT	10 TO 8	9 AND 10	11 AND 12	13 TO 20	OVER 22				
		COL PCT									
		TOT PCT	1	1	2	3	4	5			
RELEASE											ROW TOTAL
RELEASE	1		8	8	23	29	2				70
			11.4	11.4	32.9	41.4	2.9				28.0
			6.0	21.6	69.7	69.0	40.0				
			3.2	3.2	9.2	11.6	.8				
STILL SERV	2		121	28	9	10	3				171
			70.8	16.4	5.3	5.8	1.8				68.4
			91.0	75.7	27.3	23.8	60.0				
			48.4	11.2	3.6	4.0	1.2				
OTHER	3		4	1	1	3					9
			44.4	11.1	11.1	33.3					3.6
			3.0	2.7	3.0	7.1					
			1.6	.4	.4	1.2					
COLUMN TOTAL			133	37	33	42	5				250
			53.2	14.8	13.2	16.8	2.0				100.0
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5					
102.02359	8	0.0000		0.180		7 OF 15 (46.7%)					

Of the 70 men who had been released 29 had served between 13 and 20 years and a further 23 had served between 11 and 12 years. Only 2 had served longer than 22 years. It is unlikely that either men would have served such long sentences under current practices. Over 70% of those still serving sentences have been incarcerated for less than 8 years.

v) Release by motive:

Table 55

RELEASE		BY MOTIVE															
		MOTIVE															
COUNT																	
ROW	PCT	FAMILY	FEUD FAM	FEUD OTH	ARMED RO	FIGHT	CONTRACT	OTHER				ROW					
COL	PCT	ILY	ER	BBERY								TOTAL					
10T	PCT	1I	2I	3I	4I	5I	6I	7I									
RELEASE	1	I	18	I	9	I	8	I	13	I	3	I	4	I	15	I	70
RELEASE		I	25.7	I	12.9	I	11.4	I	18.6	I	4.3	I	5.7	I	21.4	I	28.0
		I	34.0	I	52.9	I	25.8	I	28.3	I	16.7	I	57.1	I	19.2	I	
		I	7.2	I	3.6	I	3.2	I	5.2	I	1.2	I	1.6	I	6.0	I	
	2	I	33	I	8	I	20	I	29	I	15	I	3	I	63	I	171
STILL SERV		I	19.3	I	4.7	I	11.7	I	17.0	I	8.8	I	1.8	I	36.8	I	68.4
		I	62.3	I	47.1	I	64.5	I	63.0	I	83.3	I	42.9	I	80.8	I	
		I	13.2	I	3.2	I	8.0	I	11.6	I	6.0	I	1.2	I	25.2	I	
	3	I	2	I		I	3	I	4	I		I		I		I	9
OTHER		I	22.2	I		I	33.3	I	44.4	I		I		I		I	3.6
		I	3.8	I		I	9.7	I	8.7	I		I		I		I	
		I	.8	I		I	1.2	I	1.6	I		I		I		I	
COLUMN TOTAL			53		17		31		46		18		7		78		250
			21.2		6.8		12.4		18.4		7.2		2.8		31.2		100.0
CHI-SQUARE	D. F.	SIGNIFICANCE			MIN E. F.			CELLS WITH E. F. < 5									
25.10231	12	0.0143			0.252			10 OF 21 (47.6%)									

Of those whom it has been possible to release, 27 of the 70 men released had been involved in offences against FAMILY members. It is a simple fact that where the offence resulted from family conflict and one party to the conflict has died, and given no other special factors, the prisoner is not likely to re-offend.

vi) Recidivism:

Table 56

RECID

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NO	1	245	98.0	98.0	98.0
RECIDIVIST	2	5	2.0	2.0	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.020	STD DEV	.140	MINIMUM	1.000
MAXIMUM	2.000				

98% of the sample were not recidivists. Of the five inmates who were serving a second major sentence two were recidivist lifers. One was against FAMILY and the other was against long time friends. Recidivists are extremely unpopular with other prisoners because recidivism receives unfavourable media comment and jeopardises release programs and often results in punitive restrictions on prisoners' privileges.

vii) Offspring:

Table 57

OFFNO		OFFSPRING NUMBER			
VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
ZERO	1	130	52.0	52.0	52.0
1 TO 8	2	118	47.2	47.2	99.2
DK	3	2	.8	.8	100.0
	TOTAL	250	100.0	100.0	
MEAN	1.488	STD DEV	.517	MINIMUM	1.000
MAXIMUM	3.000				
VALID CASES	250	MISSING CASES	0		

130 of the sample had no children, and were single men. In a number of cases men did admit to relationships where they had fathered children but these children were not recorded as there has been no ongoing contact.

Of the fairly large number who were not involved in a relationship their social skills were so poor that they were unable to contract ongoing relationships.

viii) Offspring by age at time of offence:

Table 58

OFFNO		OFFSPRING NUMBER								BY AGE	
		AGE									
		COUNT									
		ROW PCT	119 TO 25	26 TO 30	31 TO 40	41 TO HI	ROW				
		COL PCT	11		21		31		41		TOTAL
		TOT PCT									
OFFNO											
ZERO	1	I	76	I	26	I	17	I	11	I	130
		I	58.5	I	20.0	I	13.1	I	8.5	I	52.0
		I	75.2	I	43.3	I	34.0	I	28.2	I	
		I	30.4	I	10.4	I	6.8	I	4.4	I	
1 TO 8	2	I	25	I	33	I	33	I	27	I	118
		I	21.2	I	28.0	I	28.0	I	22.9	I	47.2
		I	24.8	I	55.0	I	66.0	I	69.2	I	
		I	10.0	I	13.2	I	13.2	I	10.8	I	
DK	3	I		I	1	I		I	1	I	2
		I		I	50.0	I		I	50.0	I	.8
		I		I	1.7	I		I	2.6	I	
		I		I	.4	I		I	.4	I	
COLUMN			101		60		50		39		250
TOTAL			40.4		24.0		20.0		15.6		100.0
CHI-SQUARE		D. F.		SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5			
41.32436		6		0.0000		0.312		4 OF 12 (33.3%)			

The 118 men who have children are divided relatively evenly across all age groups. In some cases the pressure of parenthood may have been a contributing factor but it is of no special significance.

ix) Offspring by type related:

Table 59

OFFNO	OFFSPRING NUMBER								BY TYPE REL

TYPE REL									
COUNT	I								
ROW PCT	INOT	APPL	DRUG	REL	SEX	REL	ROW		
COL PCT	IIC								TOTAL
TOT PCT	I	OI		II		2I			
OFFNO	-----								
ZERO	1	I	89	I	8	I	33	I	130
		I	68.5	I	6.2	I	25.4	I	52.0
		I	48.6	I	44.4	I	67.3	I	
		I	35.6	I	3.2	I	13.2	I	

1 TO 8	2	I	92	I	10	I	16	I	118
		I	78.0	I	8.5	I	13.6	I	47.2
		I	50.3	I	55.6	I	32.7	I	
		I	36.8	I	4.0	I	6.4	I	

DK	3	I	2	I		I		I	2
		I	100.0	I		I		I	.8
		I	1.1	I		I		I	
		I	.8	I		I		I	

COLUMN			183		18		49		250
TOTAL			73.2		7.2		19.6		100.0

CHI-SQUARE	D. F.	SIGNIFICANCE				MIN E. F.		CELLS WITH E. F. < 5	

6.37727	4	0.1727				0.144		3 OF. 9 (33.3%)	

Of the 49 men convicted of sex related offences almost a third were parents. The fact that some men had wives and children did not deter them from committing sex related offences against other females, some of whom were children.

OFFNO	OFFSPRING NUMBER										BY	MOTIVE
OFFNO	COUNT	MOTIVE										ROW
	PCT	IFAMILY	FEUD	FAM	FEUD	OTH	ARMED	RO	FIGHT	CONTRACT	OTHER	TOTAL
COL	PCT	ILY	ILY	ER	ER	BBERY	BBERY	BBERY	BBERY	BBERY	BBERY	
TOT	PCT	1I	2I	3I	4I	5I	6I	7I				
ZERO	1	I 18	I 2	I 18	I 25	I 12	I 2	I 53				130
		I 13.8	I 1.5	I 13.8	I 19.2	I 9.2	I 1.5	I 40.8				52.0
		I 34.0	I 11.8	I 58.1	I 54.3	I 66.7	I 28.6	I 67.9				
		I 7.2	I .8	I 7.2	I 10.0	I 4.8	I .8	I 21.2				
1 TO 8	2	I 34	I 15	I 12	I 21	I 6	I 5	I 25				118
		I 28.8	I 12.7	I 10.2	I 17.8	I 5.1	I 4.2	I 21.2				47.2
		I 64.2	I 88.2	I 38.7	I 45.7	I 33.3	I 71.4	I 32.1				
		I 13.6	I 6.0	I 4.8	I 8.4	I 2.4	I 2.0	I 10.0				
DK	3	I 1	I	I 1	I	I	I	I				2
		I 50.0	I	I 50.0	I	I	I	I				8
		I 1.9	I	I 3.2	I	I	I	I				
		I .4	I	I .4	I	I	I	I				
COLUMN		53	17	31	46	18	7	78				250
TOTAL		21.2	6.8	12.4	18.4	7.2	2.8	31.2				100.0
CHI-SQUARE	D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5.						
33.75065	12	0.0007		0.056		9 OF 21 (42.9%)						

49 of the men who had children committed offences against FAMILY members - both immediate and extended families. Where the offences were against the children of the offender's own family the motives were unclear and in other cases the child was caught up in a family conflict.

Overall there is no significant difference between the group of men who do have children and the group who do not.

xi) Frequency of visits by offspring:

Table 61

FRE OFFV FREQUENCY OF OFF. VISITS

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
CONTACT	1	33	13.2	13.2	13.2
NONE, DK, NIL	2	92	36.8	36.8	50.0
NOT APPLIC	3	125	50.0	50.0	100.0
TOTAL		250	100.0	100.0	
MEAN	2.368	STD DEV	.706	MINIMUM	1.000
MAXIMUM	3.000				
VALID CASES	250	MISSING CASES	0		

125 men had children but of these only 33 maintained contact with them.

130 men were married - 5 of these acquired wives and children during incarceration.

However in all only 33 maintained contact with their children.

Where a family member was the victim of the offence the surviving members were often reluctant to visit the offender.

It is noteworthy that the consistent, long term visitor is the offender's mother.

xii) Frequency of visits by offspring, by years served:

Table 62

FREQOFFV		FREQUENCY OF OFF. VISITS					BY YRSSERV	
		YRSSERV						
		COUNT						
		ROW PCT	10 TO 8	9 AND 10	11 AND 1	13 TO 20	OVER 22	ROW TOTAL
		COL PCT						
		TOT PCT	1I	2I	3I	4I	5I	
CONTACT	1	I	18	5	7	3	I	33
		I	54.5	15.2	21.2	9.1	I	13.2
		I	13.5	13.5	21.2	7.1	I	
		I	7.2	2.0	2.8	1.2	I	
NONE, DK, NIL	2	I	47	15	12	17	1	92
		I	51.1	16.3	13.0	18.5	1.1	36.8
		I	35.3	40.5	36.4	40.5	20.0	
		I	18.8	6.0	4.8	6.8	.4	
NOT APPLIC	3	I	68	17	14	22	4	125
		I	54.4	13.6	11.2	17.6	3.2	50.0
		I	51.1	45.9	42.4	52.4	80.0	
		I	27.2	6.8	5.6	8.8	1.6	
COLUMN TOTAL			133	37	33	42	5	250
			53.2	14.8	13.2	16.8	2.0	100.0
CHI-SQUARE		D. F.	SIGNIFICANCE		MIN E. F.		CELLS WITH E. F. < 5	
5.68539		8	0.6824		0.660		5 OF 15 (33.3%)	

There is a marked decrease in visiting by inmates' offspring with increasing length of sentence. However, in some cases adult offspring may resume contact, often after a break of many years.

xiii) Frequency of visits by age at time of offence:

Table 63

FREQOFFV FREQUENCY OF OFF. VISITS											BY AGE		

AGE													
COUNT		I											
ROW	PCT	11	25	26	30	31	40	41	TO	HI	ROW		
COL	PCT	1I		2I		3I		GH		4I	TOTAL		
TOT	PCT	I											
FREQOFFV		-----											
CONTACT	1	I	8	I	8	I	7	I	10	I	33		
		I	24.2	I	24.2	I	21.2	I	30.3	I	13.2		
		I	7.9	I	13.3	I	14.0	I	25.6	I			
		I	3.2	I	3.2	I	2.8	I	4.0	I			
+-----+-----+-----+-----+-----+													
NONE, DK, NIL	2	I	17	I	26	I	30	I	19	I	92		
		I	18.5	I	28.3	I	32.6	I	20.7	I	36.8		
		I	16.8	I	43.3	I	60.0	I	48.7	I			
		I	6.8	I	10.4	I	12.0	I	7.6	I			
+-----+-----+-----+-----+-----+													
NOT APPLIC	3	I	76	I	26	I	13	I	10	I	125		
		I	60.8	I	20.8	I	10.4	I	8.0	I	50.0		
		I	75.2	I	43.3	I	26.0	I	25.6	I			
		I	30.4	I	10.4	I	5.2	I	4.0	I			
+-----+-----+-----+-----+-----+													
COLUMN		101		60		50		39		250			
TOTAL		40.4		24.0		20.0		15.6		100.0			

CHI-SQUARE	D. F.	SIGNIFICANCE				MIN E. F.				CELLS WITH E. F. < 5			

50.98611	6	0.0000				5.148				NONE			

Age differences were virtually insignificant although in the over 40s bracket there are slightly more who have maintained contact with offspring. This could be accounted for in some cases by the fact that these men's families had been established for a long time prior to the offence.

2.9 POST RELEASE

Up to 31 December 1982 74 of the original 250 men surveyed had been released. Of these information was available on 63. Of the remaining 11 details were not available because of administrative system delays. We can however, assume that these 11 were leading quiet lives because further offences by licencees are reported promptly to the Release On Licence Board.

i) Deportation

Of the 74 releasees 7 had been deported: of these two returned illegally - one is now incarcerated in another state and the other served time for further minor offences in New South Wales and has been re-deported; one other was shot as soon as he landed in his own country in a vendetta killing.

ii) Death

A further 3 releasees are dead - 2 elderly men of natural causes and one other shot by a deranged relative.

iii) Revocation

In all 7 of the 74 have had their licences revoked and are now in custody in NSW. Revocation has usually resulted from further offences but in one case the

person, a Governors Pleasure detainee, had suffered an alarming decline in behaviour and was considered dangerous.

Further details.

The following data was collected by Probation and Parole Officers using an open-ended questionnaire and in consultation with the licensee.

Analysis of 63 cases: (NB totals are not even because of deportees etc being included in the sample and because of changes of a releasee's status during the release period.)

iv) Work status

Full time employed since release	29
Intermittent employment	6
Pension/Benefit	12
Education	<u>2</u>
	49

Half of the 63 releasees had been in full time employment since their release. About half of these had continued employment obtained during work release, and in many cases using skills acquired in gaol. Of the remainder 6 had had intermittent employment - this was often because of the nature of their work eg. casual labourer.

12 of the sample were receiving pensions or benefits - only two were unemployed but capable of working - the rest were invalids.

Two men were completing education courses begun in gaol.

v) Living Arrangements

Alone	11
With wife/defacto	20
With other family members	8
Other - friends etc	<u>5</u>
	46

11 of the 44 lived alone and of these about half had been in a relationship which had not continued; 20 lived with wives or defacto wives, usually in relationships contracted before or during gaol; 8 men lived with members of their families of origin and 5 with friends/- some of these 13 had been in marriages etc post gaol, which had failed.

vi) Further offences

Nil	38
Serious/revoked	7
Minor (eg P.C.A.)	5
Charges pending	3
Breach licence conditions	<u>1</u>
	54

Of the 54, 38 had been involved in no further offences (apparently); five had committed minor offences; (eg. drink-drive) for which their licences were not

revoked; seven had had their licence revoked for more serious offences, and one for breaching his licence conditions. Three men had charges pending but as the charges involved did not indicate risk to the community revocation had not been recommended.

Overall the majority of the charges laid involved drugs (marijuana, heroin) and drink driving - Break/enter/steal was the most serious proven charge.

vii) Response to Supervision

Prisoners of this category are deemed to be serving the balance of their sentence in the community and are issued with a licence which entitles them to be released from gaol but under specific conditions.

In many cases extra conditions are attached such as a geographical prohibition, or a direction to not make contact with certain persons who have indicated that they do not want such contact. The most onerous condition is to report fortnightly to their Probation and Parole Officer. (A copy of a licence is in APPENDIX F)

In general releasees accept this provision and conform closely - eg report regularly. They commonly are not inclined to bare their soul as they have already done this many times pre-release and are usually anxious to forget the past and get on with the future. Many do say,

however, that they derive benefit from discussing problems etc with their P & P officer because that is one person to whom they can talk freely. In the case of the more isolated it is one of their few close social contacts.

One aspect that many complained of was the length of the licence and the need for fortnightly reporting. The latter puts quite a constraint on their lives as does the need for regular home visits by staff. There is capacity for the P & P Service in conjunction with the ROLB to relax these provisions but it appears to be used very cautiously in the case of lifers. Unlike the situation of those on bonds who may need a reminder of the legal threat hanging over their head licencees of this category could benefit from a declining amount of supervision as they re-integrate successfully.

It is worth noting that usually, as is common with other post release prisoners, break-downs usually occur early - mainly in the first six months.

viii) Post Release Problems

A great variety were reported; fear of crossing the road, the metric system, adjustment to sudden independence and need to make decisions about purchases etc., lack of close friends, mixing with people, the face of life outside, getting a job, relationships (many comments), organising life, being accepted despite the offence, and concealing the fact (for work or social purposes) that many years had been spent in gaol. Many who were in employment feared they would lose it if their offence was known. Their social life was also a problem in this respect. One man, who had killed his wife in a 'crime of passion' was asked by a work mate if he was married. He replied non-committally "Oh, tried it once, didn't like it". While he reported this with a grin, he explained, as did others, that because they felt they had to conceal so much they were wary about any but the most superficial social relationships.

As will be described the pre-release system for prisoners who have been many years in custody, is quite crucial in easing them back into society. (See APPENDIX I)

ix) 'If I had my time over..'

Releasees' responses to this question sometimes gave rise to a critique of the whole gaol system but many focussed on the aspects of gaol management and programs which affected their re-entry into society.

Of the gaol system their consistent complaint could be summed up as being about abrupt changes in policy and inconsistent application of policy in different parts of the system. This related particularly to areas such as Work Release and Programs (education) where a prisoner's security rating was the passport to being included in certain programs especially those requiring permission to leave the gaol. On occasions because of adverse media coverage, gaol authorities have reacted by imposing more strict conditions on prisoners convicted of crimes of violence. These usually included lifers and on occasions they have been withdrawn from courses and training and deprived of other privileges - through no fault of their own. A number became disillusioned enough to drop out of courses etc. for this reason.

x) Transition measures

Those who were most sanguine about the gaol system tended to be those who had made a relatively easy transition back into the world. In general they were the ones who

had acquired skills in gaol, had worked through the Work Release program and had had support outside to derive the maximum benefit from Day Leave and possibly from Technical College and other education programs. In general these men had found their way into full time ongoing work. It appears that they are usually very hard working employees who tend to be kept on. They need the money and the job much more than the average employee and it is quite likely that years of gaol routine make it relatively easier for them to cope with the grind of ordinary employment.

xi) Psychological factors

Many releasees spoke of the considerable problems of forming new relationships and maintaining the ones they were in. It was suggested that they needed courses - group therapy etc - to enable them to work out relationship problems and socialise more comfortably. Several explained that long term prisoners became extremely ego-centric - as a survival measure if they had not been so to start with - and that for this reason the 'give and take' of an ordinary relationship was very difficult for them. They also have problems relating to their own children or the step children which many of them have. Because they have been in trouble themselves they often

take the simplistic view that if they had had more discipline they would have not got into trouble. Therefore their children need a good deal of discipline - this often in a setting where the children are likely to have gone through difficult times and may have behaviour problems in the first place. One wife commented that her returned husband was very authoritarian with the children - "he's more like a warder, not a father" she said.

For men such as these whose social skills have probably never been good and whose personal support base can be a major factor in their maintaining a 'straight' life, it could be very important to provide counselling, group work, therapy etc. The benefits could flow to family members who may be regarded as having suffered considerably too as a result of the imprisonment.

xii) Take-up of programs - 'carrot or stick' approach

With information before us about the releasees' prison record as well as their post prison performance it is possible to make a few observations. Some releasees who complained about the problems of getting a job, the failure of the gaols to provide programs etc. were precisely those who appear to have made no attempt to take them up in the first place. The majority of lifers

came from non-criminal backgrounds and reacted to prison by isolating themselves, burying themselves in work of all kinds, including education. They seem to form a race apart in the gaols and custodial staff often remark on how easy they are to 'manage'. More than other prisoners they maintain an almost frenetic 'busyness', partly to maintain their sanity and also to gain good reports to help in their earlier release. However there are lifers, often those with more criminal backgrounds, who choose to consort with the 'heavies' - the criminals who try to run the system. In general the 'heavies' are not interested in education etc. apparently regarding it as tantamount to being 'bought' by the system.

It may be that in order to encourage prisoners to participate in, or at least be exposed to, programs of all sorts it may be necessary to have a clearly set out system of incentives. This already exists in some measure, most long-serving prisoners are aware that the pre-requisites for early release are good work record, good education record and outside support from family or a spouse (often thought to be the rationale for some goal marriages).

There is a good case for discussing with prisoners early in their confinement a plan for their education, training and employment so that the appropriate goals are established and prisoners have a time table to work to.

The older prisoners in this sample were very much disadvantaged by the really 'indeterminate' nature of their sentence and the fact that they expected to serve a minimum of fourteen years. Judging by their gaol records they seemed to go through a fairly standard cycle:- during the first year or so after having been sentenced they seemed 'shell shocked' by the gravity of the sentence, they appeared to be deeply depressed and suicide attempts were common. Following on this they recovered and started to 'take on' the gaol system and often became intractable to the point that they were 'shanghaied' (ie moved without warning) from one gaol to another. They would gradually settle down once they had served enough time to earn lower security ratings and it was worth their while to cooperate. Gradually some would take up courses. Some claimed they had been reluctant to take up long courses because, with release never quite predictable and always hoped for, they did not want to start something they might not be able to finish. Another barrier was their fear that they may be kept in in order to complete their course.

There is also the very important question of easy money. While gaol work is hardly well paid by outside standards - \$17 per week is good pay at present, many prisoners with often no outside resources could not afford to sacrifice even small amount of income to full time education. It is a real problem to decide to what extent offering education

to those who can benefit where the same option is not available or appropriate to the less intelligent, is promoting an inequitable system, and if this is the case how a fair balance can be struck.

Analysis of Sex Related offences.

Of the 250 offenders at least 49 had committed offences in which there had been a degree of sexual attack on the victim. This ranged from the classical rape followed by murder where the sexual motive could have been regarded as paramount to others where there had been some sexual interference with the victim, sometimes after the murder.

Age of offender:

16	- 2
17	- 2
18	- 2
19-25	-21
26-30	- 9
31-40	-10
41+	- 3

Family Background

Gross underprivilege	- 16
Family Disruption	- 12
'Normal' family etc	- 21

Type of Sexual Offence

Incest	3
Rape	27
Homosexual rape/other	10
Transsexual	3
Other (adult)	2
Other (children)	4

Marital Status

Married(includes defacto)	12
Unmarried	37

Intellectual Level

Normal - 37
Intellectually handicapped - 5

Comments

Age. It is noteworthy that 6 of the offenders were very young, being 18 years and under, and that in all more than half of the group (27) were aged less than 25 at the time of the offence.

Family Background.

In 16 cases - more than one quarter - the offender's background is strikingly disturbed and deprived being marked by the absence of any sort of ongoing family care, and usually with many changes of carer. In another twelve cases the family life had been disrupted usually by divorce. The remaining 21 came from families which appeared normal.

Type of Sexual Offence.

The three incest offences were committed by men in the older age groups (late 30s, over 40). Only one of these was the classic 'failure', another was a borderline psychiatric case and the third was suffering from an emotional crisis and alcoholism. Among the 27 rape cases there was considerable diversity - in some the event began apparently as burglary and the rape was subsequent. In some the victims were very young and in a few cases very elderly. There were a number of cases where there were

two child victims. There were four recidivist offenders (not recidivist lifers) but in two cases rape was not involved in each offence.

Among the 10 cases classified as homosexual - there was also a wide range - there were several where the offender violently rejected a homosexual advance, several others where a homosexual act was followed by violence and a few where there was a fight between homosexual partners. In a number of these cases and the three involving transsexuals the impression emerges of men who are confused about their sexual identity and rejecting of their probable sexual orientation.

In six cases classified as 'other', four involving children, the reasons for the offences are totally unclear.

Of the total 49 cases nine could be classed as bizarre or 'kinky' and at least some of their authors had histories and records of illicit sexual activity. In nine cases the offenders could be regarded as deranged - usually with a long history of mental disorder. In some of these the sexual element seemed to be a minor part of violent acting out. There were at least three cases where the offender was in an advanced stage of alcoholism at the time of the offence.

Marital status.

Of the 49 offenders only 12 had been married. This is not surprising considering that half of them were under 25 at the time of the offence. Of the older men a good

proportion could be classified as social isolates.

Of the twelve married men, two were co-accused in a rape offence, three in incest cases, two were separated at the time of the offence. Two men who were fathers committed offences against children other than their own.

Intellectual level.

Five of the offenders were intellectually handicapped but not to the point that they required institutionalisation. Their handicap usually coincided with general under-privilege. One of them was a deaf-mute from a deprived family and he had had no remedial treatment. Of those classified as of normal intelligence one had a severe speech impediment and for many their physical appearance would have amounted to a social handicap.

General comment.

Overall it was noteworthy that many of the offenders were ill-informed about sex, were unable to find sexual partners in the normal way, or were confused about their sexual identity. Apart from those who could only be described as 'kinky' (which seemed to manifest itself at an early age), the violent element in the offences was much more marked than the sexual aspect.

WOMEN

Life sentence prisoners and Governors Pleasure detainees §§§

In addition to the 250 male prisoners included in this study there were 12 women in custody on similar sentences for all or part of the period from January 1981 until the end of December 1982.

i) Nature of the Group

Of the 12 subjects one was a GP and the remainder were lifers. Two were co-accused in the one offence. Two were released early because their offences were a reaction to prolonged domestic violence. Three other women, apart from the GP detainee, had strong psychiatric elements in their offences and one had already served a GP sentence.

Otherwise the offences were widely different in circumstance and nature.

ii) Age at Time of Offence

Under 20	...	4
" 30	...	3
" 40	...	2
" 50	...	3

The offences of the three women between 40 and 50 years related to their partner/spouse/defacto and a history of domestic violence directed at the offender.

iii) Place of birth

Sydney	4
NSW Country	3
Other states	2
New Zealand	2
Other countries	1

This reflects a similar scatter to that in the male sample.

iv) Family of origin

Both parents	..	5 (one set was alcoholic)
Mother plus other	..	
male	..	4
Mother alone	..	1
Father alone	..	1
Orphan/Institutions.		1

For older inmates availability of information was very patchy.

v) Siblings

The women came from families ranging from sizes of 2-7 children. They had not all been raised with all their siblings. Their place in family varied randomly.

vi) Marital status

Five were young and single at the time of their offences. Of the other 7 they had typically had a couple of marriages/defacto relationships - range 2-5.

At the time of this study 3 were voluntary widows and none appeared to be in a relationship - either old or new.

vii) Offspring

Nil	..	3
One child	..	2
2-7	..	7

Of these, four children were in state care, five were with husbands/other family, and the whereabouts of three was not known. About 5 were deceased, two as the result of the offence.

viii) Education

HSC	..	1
SC	..	2
Pre-certificate	..	4
Primary only	..	5

ix) Reasons for leaving school

Completed education	..	3
Financial need	..	4
Were in care/custody	..	3
Expelled	..	1
Illness	..	1

x) Employment

Skilled	..	3
Unskilled	..	5
Involuntary pregnancy		
marriage etc	..	3
School	..	1

xi) Details of offence

Type:	spouse related	..	4
	armed robbery	..	2
	arson	..	1
	reason unclear	..	4

In one case the victim survived the attack.

xii) Relationship to victim

Victim(s) not known	.. 3
Family, adult	.. 4
Family, child	.. 2
Otherwise known	.. 3

xiii) Co-accused

Number of:	Nil	.. 6
	1	.. 4
	2	.. 2

xiv) Weapon

Gun	. 5
Blows/strangle	. 2
Drown/strangle	. 1
Arson	. 1
Poison	. 1
Smother	. 1
Knife (wound only)	. 1

In all cases where a gun was used the action was to some extent premeditated. In the arson case the woman was very depressed and alcohol affected. In all the other cases where the 'informal' weapons were used the motivation for the offence is unclear and usually has a psychiatric base.

xv) Number of victims per offender

Nil	.. 1 instance
1	.. 8 "
2	.. 1 "
3	.. 1 "
4	.. 1 "

xvi) Drug or alcohol connection at the time of offence

At least three were affected by alcohol at the time of the offence, and one was affected by other illicit drugs. Those affected by alcohol were much older than those who were affected by drugs.

xvii) Education while in gaol

Three of the younger women have completed a good deal of education - some remedial. The rest have confined themselves to work and hobby type activities.

xviii) Present status

One of the subjects was released just prior to this study, two were released during the period of the study, and a further three have been released since December 1982. One woman was a recidivist lifer.

xix) Visits

No visits	.. 4
Original family	.. 3
Children	.. 3

xx) General Comments

In New South Wales there are at present two female gaols. They house up to 120 prisoners at any one time and of these approximately six would be lifers.

While it is often claimed that women receive lighter sentences than men in the criminal justice system, a life sentence is the same for both in that it is indeterminate.

Since 1981 and it was the I.S.C., and currently it is the ROLB who determine how long these prisoners will serve and under what degree of security.

xxi) Particular Problems of Prison for Women Serving Life and other long sentences

1. Lack of choice of geographical location (which may seriously affect the possibility of visits). All women are confined to Mulawa unless nearing the end of their sentence.
2. Lack of employment for women. Because of the size of MWTC and Norma Parker there is a very limited choice of paid work. This is important because very few women have access to outside funds.
3. Training. Take up of training by women in prison seems limited. It is hard to get viable numbers for classes and lifers have a high security rating for much of their sentence so they have no access to outside training or work.

4. Psychiatric histories. A number of our sample have spent parts of their gaol time in maximum security in a psychiatric hospital. This is infact the only respite they can get from Mulawa. At least four have committed offences where there was a clear psychiatric element but three of them present as normal people dayto day.

5. Protection. Four of the sample committed offences against children and required protection from the other prisoners often over a period of years. This makes their situation particularly isolated.

6. Stress. As with any small, isolated group, stress is an important factor. Stress levels are very high in this situation because at least 80% of the group are drug affected and in various stages of withdrawal etc. The staff are predominantly women and until very recently had no employment outlets outside the two prisons. There is now some integration of male and female staff. (#)

7. Medication. The women in the twowomens' prisons have been noted by many observers as being in a high proportion dependent on tranquillizers and other licit drugs. Apart from this being a commentary on their state of mind it also militates against them working or studying effectively.

8. Role of children. Ten out of the twelve women had children outside the gaol to whom they had no or little access. One woman had given birth to a child while inprison. The situation of their children was a source of anguish or denial to most of the

9. Inequalities versus male prisoners. Male prisoners are so much more numerous in the gaol system that the effects of their behaviour for good or ill are much more felt in the system and thus more influential. For example on the one hand they can riot and burn down a prison (eg Bathurst) and on the other hand they can use considerable skills both manual and intellectual in the service of the gaol system to both make it run and save it money.

Women prisoners occasionally riot and otherwise misbehave but it does not usually attract much media attention. The vast majority, however, bring no saleable skills to the gaol environment. Thus they are in a poor bargaining position.

Because there are so few women prisoners who are articulate and aware of their rights it is very easy to isolate potential leaders and spokeswomen.

- (#) In 1979 it was estimated that the extent of drug involvement among all long term prisoners within the prison situation was 3.9%. See Wardlaw & Biles, p58.

Aspects of the 'System'

A broad overview of how the correctional system of New South Wales operates.

After arrest and prior to court appearance and conviction inmates are housed at a remand gaol. Because of delays in the legal system those on remand sometimes spend up to around two years in the prison system before they are assigned to a gaol of classification - maximum, medium or minimum security.

The importance of being 'classified' is that an inmate is entitled to participate in work and the prison programs. In the case of a person who is particularly emotionally disturbed he can have access to psychiatric or psychological services provided by the Department. For the majority the acceptance of their sentence and imprisonment is very disturbing and they can take up to around two years to come to terms with the implications of their situation.

The first part of a life sentence (approximately 5-6 years) is spent in a maximum security gaol. This means a prison which has armed guards in towers at intervals along a high, enclosing, blank wall. For the majority visiting is restricted to set times on specific days - the times allowed can depend on the number of inmates and the facilities for visiting which are available at the gaol.

There are two large and three smaller gaols located in the country towns and it is necessary for long-term inmates to spend some of their sentence outside the metropolitan area in order to progress towards a reduction in their security rating. As the majority of prisoners are from city backgrounds transfer to the country can make it difficult for their families and friends to maintain regular visits. However a bus service leaves Central Station regularly on weekends to facilitate day visits to Cessnock and Bathurst gaols - the two large medium security prisons. (#)

The advantages of a reduction from maximum to medium security, apart from the obvious progress towards eventual release, are increased types of work, educational and vocational opportunities, and eligibility for occasional excursions into the community such as with sporting and work teams. Medium security gaols do not have armed guards in towers along the walls, otherwise they are fairly similar to maximum security prisons.

Towards the end of a sentence, approximately within the last two years, further reduction in security is gradually introduced and inmates become eligible for day leave. This leave is initially granted for 1 day, every two months, and is in the company of a sponsor who meets with the

(#) Availability of travel assistance provided by the Department is insufficiently advertised. See The Effects of Separation on Marital Relationships of Prisoners and Their Wives, by B Kemp, MC Cheron, M McLelland, G Cooney, D Porritt, Department of Corrective Services, NSW March 1982, p 17.

Department's requirements - good character, responsible person etc. Where a prisoner is not in contact with any family or friends outside gaol an approved prison visitor organisation can usually provide a sponsor.

Day leave is a particularly difficult exercise for most inmates. It is usually anticipated for a long period and with great eagerness by both prisoner and sponsor. It can be particularly difficult to fulfil Departmental regulations in relation to conduct and abstaining from any alcohol and/or drugs. In the spirit of excitement and celebration etc. of being outside prison, friends unwittingly make it hard for inmates, who may have been heavy drinkers in the past, to resist having alcohol. There is also the difficulty of coping with being free of rules and a structured program, and experiencing an everyday world which has changed considerably during the prisoner's absence from it.

After completing a period of successful day leave excursions life sentence prisoners become eligible for assessment to enter the Work Release program. Once in this program they are found employment and can eventually be going out of the gaol for a normal working day, up to 7 days per week. Other preparation for release includes helping inmates acquire adequate social and/or survival skills to help them in their personal, social and employment relationships.

i) Factors affecting the individualisation of sentences

The results so far vindicate the individualisation program. It is anticipated that by the time new management methods have been in practise for the the whole of a life sentence that there will be even more evidence in favour of treating prisoners according to their individual merits. Streamlining of management processes still has a long way to go but organisational changes are proposed which should facilitate the process considerably.

As a much better orchestration of sentence and staging out procedures becomes practice then improvements in the predictability of a life sentence will result. This will be highly beneficial for both prisoners and management authorities by virtually removing the least desirable aspect of a life sentence - uncertainty of progress and/or duration. Where an offence is without notorious or bizarre elements then a life sentence can be largely determined by a prisoner's gaol performance.

Of those who take the opportunity to equip themselves while in gaol, to be able to manage their lives in the community, no more is heard. Consequently the Corrective Services Department is unable to publicise these successes.

This situation makes the Department and those prisoners still serving sentences, all the more vulnerable to media exposure of perceived failures, ie. those who break down during the process of reduction of security and gradual re-entry into the community.

In all but a few cases there is a great deal of remorse to be lived with, and to accept that it will always be with them. It is commonplace to hear the statement "I deserve to serve time for what I have done...", and for prisoners to accept that the community expects them to be deprived of their freedom for a lengthy period.

It is also necessary for inmates to learn that the prison population has its codes and standards and in order to survive within this closed community a prisoner has to acknowledge these ethics. Prisoners serving indeterminate sentences have to develop strategies for mental as well as physical survival. A common phrase expressed is "I'm doing one day at a time". This attitude, while necessary on one level does not facilitate long-term planning. Another frequently expressed guideline, that of "keeping your head down" is essential for day to day living and avoidance of problems but is an obstacle for positive planning and the work of the professional staff.

It is agreed that, in general, lifers are quite different from other long-term prisoners who tend to be from criminal background. Typical comments from gaol Superintendents are - "Wish I had a gaol full of them"

"No trouble, and they are good workers"

"Some you would not have to keep in"

Most lifers feel this distinction and do not want to be thought of as criminals. Given that approximately 40% of them are first offenders, the majority are younger than 25 at the time of the offence, and that almost three quarters of their offences developed out of relationship problems, their feeling of separateness from those with a criminal background is understandable.

One man expressed this value in his objection to officer scrutiny of project material being sent to him in gaol - "I'm in here for murder I'm not a bloody liar". Feeling different from other inmates is a problem which extends to the post gaol experience as most do not want to associate with people after release whom they have had to live with in gaol, and several licencees have explained the difficulty of not wanting to offend when they have chance meetings with ex-gaol associates.

For long-term prisoners becoming part of the gaol community and absorbing the gaol atmosphere is a part of their development. A superintendent with many years of prison service explained that traditionally, lifers have been the long-term inmates and as such have to be seen by their peers as knowing and working the system successfully. In many instances any money they or their family had has been spent on their defence. So they begin their sentence with nothing. Over a period it is expected that they will have acquired comfort and possessions in their cell. To gain these advantages an inmate has to learn to manipulate both fellow inmates and the gaol system. In short they have to learn a fair amount of criminal behaviour - manipulating people, cheating, lying, standing over others, etc.

Towards the end of a long sentence it then becomes necessary to alter these attitudes by putting prisoners in trusted positions and giving them the opportunity to earn money. They have to learn to cope with the pressures of trust - pressures from within themselves, from other inmates and from people outside gaol. They also have to learn to manage money and become acquainted with the cost of living along with likely wages. They have to learn about give and take in relationships.

There is a 'dull' spot in the middle of the average sentence - that from around 5 to about 7 years. That

is where the length of sentence becomes important. If an inmate is to serve around ten years then the following formula has emerged as the most typical. Approximately 5 years is spent in maximum security prison which means that there are severe limits on the possible work and activities available to inmates mostly because of perceived security needs. From trials and past experience, it has been found that gradual re-entry into the community should be spread over approximately 2 years (that is from the first day leave until full time work release). If it is any shorter inmates suffer too much shock at the sudden changes in their lives. If it is any longer than 2 years then the pressure of being neither free nor imprisoned becomes too great. With 5 years in maximum and 2 years in minimum security gaol, that leaves around 3 years to mark time in conditions not markedly different from those encountered in maximum security gaols.

For those who have come to terms with the pattern of their life leading up to the offence, and have understood the public perception of the enormity of it, and have accepted their situation by participating in a program which will make them better able to cope with the pressures of life in the community on release than when they came into the system - For those men marking time for 3 years is a potentially destructive experience.

ii) Positive results

Despite the obstacles to prisoners emerging from prison better able to cope with and conform to community standards, the Department's successes in recent years have included the following.

A man who left school aged 14 without a School Certificate because his help was needed on a family enterprise, spent the next 5 years working very long days and spending his little leisure time with friends who were in similar situations. During imprisonment he completed his education, including the Higher School Certificate and went on to gain qualifications in all aspects of the building trade so that he left gaol already established in well paid, appropriate employment.

A man whose unstable family background caused him to leave school before obtaining a School Certificate when he was aged 14. He took labouring jobs, living and working in almost complete isolation. During his sentence he resumed his education and successfully completed an accountancy course through a technical college. He worked and studied part time and was able to take up his employment on release, fully qualified.

A profoundly deaf-mute whose family environment was deprived in every way, was given a hearing aid and speech therapy in gaol and for the first time was

able to communicate with a range of people. He has commenced basic education and is no problem within the prison system.

Two men whose lifestyles had been unpredictable, drug affected, and who were unemployed for lengthy periods prior to their offences, both successfully completed university degrees, one to post graduate level. Both men obtained appropriate full time employment on release. One had continually provided tuition to other inmates during his sentence and his own studies.

Several men who had been labourers prior to their imprisonment developed artistic talents which were not previously identified. Two showed exceptional ability and have full time employment post release, in fields which will give scope to their artistic abilities.

Several men whose backgrounds were chaotic and without adult support or example in almost every respect, have availed themselves of opportunities for education, vocational training and self expression, thus fitting them with the skills and self confidence to be able to function responsibly in society.

In several cases men who were tradesmen prior to imprisonment successfully pursued more academic, intellectually demanding courses during their sentences and have returned

to work in a socially different environment to what had been their pre-gaol milieu.

Several men, some amongst the older offenders, developed expertise through hobby crafts which has enabled them to earn and save considerable sums of money. Prior to imprisonment none of these men pursued leisure activities other than attending clubs and hotels.

This is by no means an exhaustive list of those who have returned to the community with more skills for coping with the pressures of living and working with other people than what they had when they came into the prison system. The most frequently occurring situation is where school had failed the inmate and the gaol system has been able to ensure that a level of at least functional literacy is achieved. In one case a man went on to develop his interest in mechanics and achieved such skill in this field that his services after his release were sought by a firm which offered specialist mechanical repairs. Helping men come to terms with relationship problems is a much larger problem and given the limited number of personnel and the obstacles to conducting appropriate therapies there have been encouraging results.

APPENDIX A

Age at time of offence
Years served on this sentence
Country of origin - city or rural
Type relatedness of offence, sex related or drug related
Motivation for the offence
Drug/alcohol involvement in the offence
Acting alone in the offence or the number of co-accused
The number of victims
The number of fatalities
Relationship between the offender and the victim
Offender's previous record including juvenile
Age at time of leaving school
Reason for leaving school
School level reached
Trade training - complete or incomplete
Type of work done
Continuity of employment
Participation in gaol programs - educational and/or vocational
Health status
Psychiatric history
By whom reared
Family break-up and offender's age if and when this occurred
Birth order in biological family
Number of siblings
Marital status at the time of the offence
Marital status at the time of the survey
Number of offspring
Maintenance of contact with offspring
Type of weapon used
Detention - life sentence prisoner or Governors Pleasure detainee
Released or still serving sentence, including deportees
Recidivism

APPENDIX B

Age at time of offence
Years served as at 1 January 1983
Country of origin, whether city or rural
Motivation for the offence
Drug or alcohol involvement in the offence
co-accused
Number of victims
Number of fatalities
Relationship between offender and victim
Previous record
Age on completion of education
Reason for leaving school
School level reached - including trade training
Type of work
Employment record
Gaol programs
Health status
Psychiatric history
Reared by
Place in family
Marital status - any change from time of offence
Number of offspring and continuity of contact
Weapon
Life sentence or GP
Escapee
Recidivism

APPENDIX C

Motivation for the offence.

Where the victims were FAMILY this included

wife
defacto
girlfriend
child
relative

Where victims were involved in a FEUD with
the offender they were categorised as

family
other - ie non relative, known or unknown

ARMED ROBBERY

FIGHT

CONTRACT

ARSON

Where victims were OTHER this included

child - person of either sex under the
age of 16
adult - person of either sex aged 17-59
elderly - person of either sex over the
age of 60

APPENDIX D

Weapons used were categorised as follows:

Gun

Sharp instrument eg knife

Blunt instrument eg tyre lever

Body blows - kicks or punches

Combination of weapons eg began with blows, followed
by strangulation

Sexual assault

Strangulation

Incineration

Armed threat

Poisoning

Dont know

APPENDIX ERELEASE ON LICENCE BOARD

The Board has been charged with the responsibility of dealing with the following classes of matters.

1. The supervision of those prisoners serving indeterminate sentences.
2. The supervision of those prisoners detained during the Governor's Pleasure.
3. The supervision of the sentence whilst adults, of those prisoners sentenced as juveniles according to the law.
4. Dealing with applications for release on licence under Section 463 of the Crimes Act of prisoners sentenced to a fixed term.
5. By delegation from the former Attorney General reviewing and considering and if deemed appropriate making recommendations as to the application of the Homicide Amendment Act 1982 to those prisoners serving life sentences at the date it commenced to operate.
6. Supervising the conduct of prisoners released on licence both by the Board and previous to its creation and where necessary making appropriate recommendations as to revocation or amendment of terms of the licence.

The work of the Board is divided into three sections:

1. The day to day administrative work of the Board is performed by those Departmental Officers attached to the Board in relation to routine correspondence, correspondence implementing decisions of the Board less than recommendations and processing and forwarding to the appropriate authorities recommendations and other matters calling for further action.
2. The Board through a Sub-Committee is at some pains to make the personal acquaintance of each and every indeterminate sentence prisoner, and Governor's Pleasure Detainee and this is done by regular pre-arranged visits to each of the institutions where prisoners of that category are presently confined. These visits ensure that the Sub-Committee meet and confer with each and every such prisoner at least twice annually.

The personal discussions with the prisoner take place in the absence of any custodial or other staff and encourage the prisoner to discuss all relevant matters in as uninhibited a manner as the situation permits.

The meeting and discussion with the prisoner takes place after the Sub-Committee has interviewed and conferred with all responsible custodial and professional staff as to all aspects of the prisoners' present situation, his activities, his behaviour, his outside connections and other matters relevant for the consideration of the Board. Thus the members of the Sub-Committee are at all times fully acquainted with the situation so far as relevant matters including education, forward planning, custodial behaviour, health and social contacts are concerned.

The Board attaches a very great deal of importance to the relationship which is thus built up between the prisoner and the Board and its close personal knowledge of all that can practicably be known about the prisoner before matters relevant to his progress and ultimately his licence come for consideration before the full Board.

3. The full Board as required by statute meets at least once monthly and deals with a variety of matters dealing with the prisoner's progress from the day he is first sentenced until the day, if it happens, when he is released to licence and even thereafter if any relevant matters occurring during licence are reported to the Board by Probation or other authorities.

Consonant to what the Board considers to be the public expectation as indicated by speeches in the House, the Board takes the point of view as a general rule that consideration for a licence does not occur until a sentence of approximately ten years has been served. There are of course a great number of factors which could influence this general rule of thumb, not the least of which being the prisoner's prior record, the nature of the offence and all the other considerations set down in Section 61 of the Prisons Act. However, it has been found by frank discussions with prisoners that one of the greatest burdens that they have to

bear and one of the more difficult impediments to their adjustment is uncertainty as to what is expected of them and uncertainty as to what they can expect both in terms of duration, placement and consideration by authorities in relation to their release. These matters became quite apparent to the Board early after its formation and it was also found that many of the people dealing with life prisoners on a day to day basis such as Education Officers, Welfare Officers, Probation and Parole Officers, Psychologists and Custodial Officers were in an equal state of uncertainty and this influenced the planning of the performance of the sentence by the prisoner. The Board considered rightly or wrongly uncertainty as to where he stood is probably a material factor in many cases of prison misbehaviour and discontent or disaffection by prisoners.

Accordingly, what the Board has set out to do for the benefit of those counselling and supervising prisoners and for the prisoners themselves is to present a consistent blue print of a typical life sentence and what is expected by the Board of a prisoner during it and what he can expect by compliance with the programmes set out for him. This also involves keeping before the prisoner at all times the things that a Board or any releasing authority will be looking for before any question of ultimate release is contemplated.

The way the Board perceives it is that a sentence should be broken up into sections each of which involves a program aimed at progressing the prisoner through his sentence to achieving that situation where a recommendation for release on licence can be confidently made. The first section of a sentence is that which occurs after custody and sentence, whilst the prisoner remains in maximum security. As a general rule it is necessary for this portion of the sentence to be in the range of five to six years. The reasons for that are of course that the prisoner comes to gaol as a person who has offended gravely against society and is probably in some state of emotional shock or rejection of the concept that he is to be imprisoned for a long time. Experience shows that it takes in the general case a number of years for a prisoner to come to terms with the situation and to make his own mind up as to how he will adapt to it and also to dispose of all outstanding legal matters such as appeals. It is deemed appropriate that this portion of the sentence should be served in maximum security. The Board, however, believes that any problems of inadequacies socially, physically or mentally should be attacked from the outset of the sentence. Typical of these is that of encouraging the prisoner to involve himself in educational improvement bearing in mind that many prisoners commence their sentence semi-literate or even less and many of them with drug or alcohol related problems.

It is the Board's policy to give such prisoners the maximum encouragement to set about remedying these by having recourse to the appropriate counselling, teaching or other facilities which are available within the system, not only from the point of view of improving problems which may have tended towards criminal behaviour but as alerting to the prisoner the fact that such facilities for self improvement are there readily available and do produce a self serving benefit to the prisoner and ultimately hopefully to society.

The second stage of the prisoner who demonstrates at the appropriate time that he is able to cope with the reduction of

security is the period between say five and eight years. It is at this time that a well motivated prisoner has the opportunity to make the greatest advance with the ultimate view to presenting a case for licence recommendation. It is during this period that according to his, by now, demonstrated capacities, for learning and for accepting custody, can be utilized by advancing him to a lesser secure institution as to say a B or C1 category prisoner for the purpose of enrolling in courses of a more practical nature aimed at higher education or at acquiring trade skills which can ultimately be utilized in society if and when he is released. This is frequently the make or break section of a sentence because from the prisoner's point of view he has already served a fairly long time and it is recognized that he still has a fairly long time to serve as a minimum and it is a period when prisoners see themselves advancing but become impatient at the apparent slowness of the advance.

The Board recognising this, emphasises the importance to the prisoner and to the Officers counselling him to use his time to its maximum constructive benefit by acquiring as much knowledge and/or skills as the courses available offer to him. Already the result in many cases considered to be rather hopeless at first interview have been very encouraging.

The third and perhaps final stage before the expiration of round about ten years and becoming eligible for consideration for recommendation for a licence, takes some two to three years. If a prisoner has done all that could be expected of him according to his abilities and if he has demonstrated a motivation to improve himself and if he has psychologically adjusted to prison and adjusted recognising the anti-social conduct which brought him there the prisoner is generally advanced to a lower security establishment to demonstrate both to himself and also to the Board and custodial authorities that he has the personal resources to respond to the trust that a lower security institution involves. This is a very testing time for a prisoner who may have gone a long way to becoming institutionalised and who is suddenly exposed to a relative relaxation of security and also to the temptations within the system which are afforded by associating with short term prisoners. It also is testing because it demonstrates to him and the Board and the custodial authorities whether the efforts during the middle years have been worthwhile and have advanced him towards the ultimate goal to which all prisoners aspire which is favourable consideration of a release application. The prisoner is encouraged to occupy himself in potential income earning activities in such places as Tech Help and S.L.E.F. preparatory to being tried out, if appropriate, on work release. By the time work release is considered he should be equipped with trades and skills to the limit of his capacity and should be in a position whereby he has earned the trust of custodial authorities and the recommendation to be admitted to Work Release by the professional officers having his day to day supervision. By now he should also have had limited experience of day leave to try himself out from behind walls and when he enters work release he is put to the test whether or not he can be entrusted in the company of civilians in the work context and can maintain the discipline to remember at all times that he is a prisoner and is still subjected to very strict rules as to conduct when outside the walls of the institution. A very close watch is kept by custodial authorities who report to the Board as to how the prisoner stands up to this test. It is important also that he succeeds in that, to fail, at this stage of his sentence will generally mean a setback for a considerable period of time. The other benefit of work release which is pointed out to prisoners before they qualify and enter into it, is that it is a

means whereby funds can be accumulated to provide for him to be self supporting on his release. The Board emphasises that that is a prerequisite to a person being ready to be considered for release. Every prisoner is told that within the framework of around about ten years if he passes all intermediate tests the time that he will be recommended for release is when the Board considers that he is ready and that involves a number of matters:-

1. That his behaviour in custody has been such that as a member of a community, in this case the prison community, he has demonstrated a capacity to conform to the rules of that community.
2. That the Board can be satisfied on the advice of psychologist psychiatrists or other authorities having his day to day supervision that whatever threat he had constituted to the community and whatever the reasons for it may have been, that both the reasons and the threat have been eliminated so far as that can be humanly predicted. This is emphasised as a critical pre-requisite to recommendations for release.
3. That he has demonstrated a capacity to mix as a member of the community on work release with the apparent acceptance of the public at large and has resisted such temptations for breaking the rules at that stage of his sentence as may have presented themselves as they definitely do.
4. That he has adequate post release plans and social contact to eliminate so far as it can be done his slipping back into unsavoury company and unsavoury activities.
5. That he has adequate funds to support himself without recourse to criminal activity and
6. Hopefully that there are acceptable post release employment and accommodation plans.

Prisoners are informed that unless these things can be achieved any application for a licence is futile. Naturally enough, the above outline is the optimum and many do not qualify to progress in the manner so described. There are also a considerable number of factors which would influence whether or not that profile can be achieved.

Prisoners are at the outset encouraged to view their sentence as a career where appropriate advancement within the general framework can be expected and will be granted if it is earned. They are informed that no unearned advancement will be granted and that the mere passage of time in an institution does not of itself qualify for advancement or for ultimate release.

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(SEE OTHER SIDE)

This licence is subject to the provisions of Section 463 of the Crimes Act, 1900, a copy of which is subjoined

463. (1) The Governor with the advice of the Executive Council and on the recommendation of the Minister may grant to any offender a written licence to be at large, within limits specified in the licence, but not elsewhere, during the unexpired portion of his sentence, subject to such conditions endorsed on the licence as the Governor with the advice of the Executive Council and or the recommendation of the Minister shall prescribe, and while such offender continues to reside within the limits specified, and to perform the condition so prescribed, his sentence shall be suspended.

(2) Any such licence may at any time be revoked by the Governor with the advice of the Executive Council, and on the recommendation of the Minister, and shall be revoked by a justice on proof before him in a summary way that the licensee has been guilty of a breach of any conditions of the licence.

Where a licence is revoked as aforesaid the person released on licence may be taken by any member of the police force with or without a warrant and returned to gaol, and may be detained there to undergo the remainder of his sentence.

Any justice may issue a warrant for the apprehension of any person who has been convicted of an offence committed within the State whether the offence is indictable or punishable on summary conviction, and whose licence is revoked as aforesaid. Any such warrant may be in the form stated in the Eighth Schedule.

(3) Where the holder of any such licence is found out of the limits specified therein, or reasonably suspected of having broken any other condition of his licence, any constable may arrest the person so offending, or so suspected, and bring him before some justice to be dealt with summarily, under this or the last preceding subsection.

(4) If adjudged to have wilfully and without lawful excuse broken any such condition, the offender may be dealt with by such justice under the said subsections.

(5) A recommendation shall not be made for the purposes of subsection (1), nor shall any limits be specified in or conditions endorsed on any such licence, except in accordance with:

- (a) a recommendation made by the Release on Licence Board under Section 60 of the Prisons Act, 1952; or
- (b) a report of a Judge of the Court of Criminal Appeal as referred to in Section 27 of the Criminal Appeal Act, 1912.

ESTABLISHMENT OF THE INDETERMINATE SENTENCE COMMITTEE—I.S.C.

At its meeting on the 23rd February, 1981, the Corrective Services Commission approved the establishment of the Indeterminate Sentence Committee, to help administer the sentences of life sentence prisoners in New South Wales gaols. The Committee will function as a sub-committee of the Classification Committee.

AIMS

The intention is to set up a system of regular reviews, so that life sentence prisoners can be provided with relevant internal programmes and can be released after full consideration at the appropriate time. In particular, the aims are:

- (1) to gather information and give advice on each life sentence prisoner, to assist
 - (a) decision-making by the Classification Committee about the day-to-day activity of such prisoners e.g. their classification, employment, programme involvement;
 - (b) recommendations being made at the time of each Ministerial Review of every such prisoner i.e., after 1½ years, 4½ years, 7 years, 10 years and thereafter as requested.
- (2) to ensure that appropriate people e.g., prisoners, specialist Departmental staff, are informed of the results of these decision-making and recommendation processes.
- (3) to act as a source of general information for life sentence prisoners in relation to their sentences.

PROCEDURES

- (1) The I.S.C. will perform a Programme Review function for life sentence prisoners. Representatives of the Committee will travel to each institution twice per year to
 - (a) consult with local departmental staff,
 - (b) interview each life sentence prisoner.
- (2) The I.S.C. will meet centrally on a monthly basis for Summary Review of each life sentence prisoner. This process will provide an annual Summary Review for every life sentence prisoner, to enable
 - (a) advice to be given to Departmental staff, based on the information gathered, regarding e.g., classification, programme involvement,
 - (b) recommendations to be made as bases for the submissions to accompany Departmental reports at the times of the above-mentioned Ministerial Reviews on each life sentence prisoner.

The deliberations of the I.S.C. will be reported within two weeks of each meeting to the Director, Classification Branch for committee consideration and action.

MEMBERSHIP

As a sub-committee of the Classification Committee, the I.S.C. will operate under the chairmanship of the Director, Classification. He will be supported by a Deputy Chairman and seven members, three whom will not be Departmental personnel. The administrative organisation of the Committee will be the responsibility of an Executive Officer, who will not be a member of the Committee and who is located at the Department's Head Office. For further information phone Mr D. Grant 217 8335.

Chief Administrative Officer.

13. Civil or military hostilities are more likely to affect the timing of a deportation than to constitute reason that the offender could continue to live permanently in Australia.

14. Judgements that job opportunities and the overall environment of the country to which a person would be deported are not as favourable to them as in Australia, however sympathetically viewed, would not be persuasive against the view of a person who is a risk to the Australian community.

15. Cogent and substantiated evidence of any claim of likely persecution in the country to which a person is to be deported will need to be produced. In the absence of such evidence it is difficult to give any weight to the unsubstantiated claim.

16. The most important broad criteria on which judgements will be based are the nature of the crime; the possibility of re-offending; the contribution that the person has made to the community or may reasonably be expected to make in the future; the family and or social ties that already exist. In particular the following factors will be taken into account when making a decision on whether a deportation order should be issued:

- 17. the nature of the offence as outlined in paragraph 9 and the length of sentence imposed by the Court;
 - 18. the person's previous general record and conduct;
 - 19. the risk of further offences;
 - 20. the extent of rehabilitation already achieved, the prospect of further rehabilitation and positive contribution to the community the person may reasonably be expected to make;
 - 21. the length of lawful residence in Australia, the strength of family, social, business and other ties in Australia;
 - 22. the degree of hardship which would be caused to lawful residents of Australia (especially Australian citizens) known to be affected adversely by deportation or conversely the extent of support for deportation from persons directly affected;
 - 23. any unreasonable hardship the offender would suffer;
 - 24. ties with other countries;
 - 25. the relevant obligations of the Commonwealth of Australia under international treaties ratified by the Australian Government;
 - 26. the likelihood that deportation of the offender would prevent or inhibit the commission of like offences by other persons.
- This list is not exhaustive; if relevant, other factors that come to notice will be taken into account in individual cases.

Claims for refugee status

27. The cases of persons who seek recognition as 'Convention' refugees pursuant to the Convention and Protocol Relating to the Status of Refugees are considered individually by the Minister. Advice is usually drawn from the Determination of Refugee Status (DORS) Committee. It investigates and recommends to the Minister whether the person concerned should be recognised as a refugee for the purpose of the Convention and Protocol and whether he/she is entitled to the protection of the Convention.

Deportation action

18. It is for the appropriate State authorities (or in the case of Commonwealth prisoners, the Governor-General) to decide such questions as the conditions under which a prisoner is to serve a sentence, the extent of remission of any part of a sentence or the release of a potential deportee on licence or on parole or for the purpose of deportation.

19. Whenever possible, departure from Australia will be arranged to coincide with a deportee's release from prison. A deportee may be held in custody pursuant to the Migration Act pending finalisation of the deportation arrangements.

APPENDIX H

Australia's Criminal Deportation Policy



A statement by the Minister for
Immigration and Ethnic Affairs, the
Hon. Stewart West, MP, in the Parliament
on 4 May, 1983.

Criminal deportation policy

Following is a statement to the Parliament on 4 May by the Minister for Immigration and Ethnic Affairs, the Hon. Stewart Vest, on Australia's criminal deportation policy.

I am concerned that under the previous Government inconsistencies became apparent in the determination of criminal deportations. I propose therefore to inform the House of policy which, under this Government, will guide decisions under the Migration Act when considering the possible deportation of non-Australians convicted of specified criminal conduct.

At the outset I shall make it clear that I refer here to the deportation liability of people who are *not* Australian citizens but are *permanent residents of Australia*. My remarks do not apply to people who are in Australia temporarily or illegally when they commit criminal offences; their possible deportation would be considered under policies and legislative provisions for expelling illegal immigrants.

I should also make it clear that deportation is not imposed as a punishment and must not in any sense be regarded as a punishment. It is not for the Minister for Immigration and Ethnic Affairs to form opinions as to the adequacy or otherwise of the sentence imposed by the Courts for the offences committed. I accept that expulsion from Australia can produce one degree or another of hardship. Nevertheless, although the Government's policy is humane and compassionate, I emphasise that individual deportees should bear responsibility for the consequences of their own criminal conduct.

As I will discuss later, the purpose of deporting a criminal is to protect the safety and welfare of the Australian community and to exercise a choice on behalf of the community. This is not to say that all non-Australians convicted of particular types of crimes will automatically be deported.

Sections 12 and 13 of the Migration Act discriminate against persons of non-Commonwealth status. They are always liable to criminal deportation until Australian citizenship is acquired in contrast to persons of Commonwealth nations who are subject to deportation only in respect of crimes committed within five years after any entry to Australia.

Clearly this is inconsistent with the Government's policy of removing discrimination between different foreign nationals. It is also inconsistent with the Government's policy that all non-Australian citizens permanently resident in Australia should cease to be liable to deportation after a specified period of residence.

The Government will be introducing amendments to the Migration Act to give effect to these policies. I now detail the Government's criminal deportation policy to the House.

Introduction

1. The Australian Government, on behalf of the Australian community, has the right to decide who will be accepted for permanent residence in Australia and, ultimately, for absorption into full membership of the community by way of Australian citizenship.

2. Parliament vests in the Minister for Immigration and Ethnic Affairs the discretion to determine whether resident non-Australian citizens who have been convicted in Australia of certain major criminal conduct are to be removed from Australia by deportation. In exercising that discretion the Minister is exercising the right of the Australian community to be protected and to choose who will be permitted to remain a permanent resident.

3. A person who has come within the criminal deportation liability has a right to a decision on his/her case as soon as possible after sentencing and a right to appeal to the Administrative Appeals Tribunal against a decision that he/she be deported.

4. It is the policy of the Australian Government that recommendations of the Administrative Appeals Tribunal should be overturned by the Minister only in exceptional circumstances and only when strong evidence can be produced to justify his decision. Furthermore, it is the policy of the Government that, when the Minister decides to deport a person contrary to a recommendation of the Tribunal, the Minister will table in the Parliament at the first opportunity a statement of his/her reasons for doing so.

5. The Government recognises Australia's obligations under international law, particularly the International Covenant on Civil and Political Rights. It has taken into consideration views expressed by the Human Rights Commission. However, the Government is mindful of the need to balance a number of very important factors, especially:

- the need for community protection against criminal behaviour;
- the requirement to take into consideration the legitimate human rights of an individual;
- the need to protect the rights of other persons, including the family of the person concerned; and
- the need to avoid discrimination when making deportation decisions.

Guidelines for deportation

6. The purpose of deporting a person who has been convicted of a criminal offence in Australia is to protect the safety and welfare of the Australian community and to exercise a choice on behalf of the community that the benefit accruing to the community as a whole by his/her removal outweighs the hardship to the persons concerned and his/her family.

7. The greater the potential effect on the community or the greater the potential damage to the community the lower is the acceptable level of risk that the person concerned will commit further offences.

8. Deportation of a person convicted of crime may be appropriate when a person:

- constitutes a threat because there is a risk he/she will commit further offences if allowed to remain; or
- has committed a crime so offensive to Australian community standards that the community rebels against having within it a person who has committed such an offence; or
- has not established sufficient ties with Australia to have become a full member of the community and, by reason of his/her conduct, is unsuitable for permanent residence in Australia.

9. Examples of serious offences which may render non-Australian citizens liable to deportation include:

- production, importation, distribution, trafficking or commercial dealing in heroin or other 'hard' addictive drugs or involvement in other illicit drugs on a significantly large scale (persons who embark upon drug-related crime for financial gain show a callous disregard for insidious effects on the health and welfare of Australia's young people); this does not necessarily apply to persons who use hard drugs for their own consumption who were not involved in the above illegal actions;
- organised criminal activity (whether within Australia only or internationally);
- serious sexual assaults whether or not accompanied by other violence (especially where there has been more than one sexual offence);
- armed robbery;
- violence against the person;
- terrorist activity and assassination;
- kidnapping;
- blackmail;
- extortion.

Crimes against children, because of their vulnerability, take on special significance, especially inducement to drugs, sexual assaults, violence, kidnapping and crimes taking unfair advantage of children.

10. Social ties developed after the liability for deportation arose, especially after the liability had been brought to the notice of the offender, can be discounted according to circumstances (eg marriage or the immigration to Australia of further family members).

11. Australia does not have an obligation to provide sanctuary for people who have broken the laws of another country. In any case it is neither feasible nor proper for the Australian Government to consider the propriety of the operation of criminal codes in other countries nor, even if it had the resources to obtain sufficient information, to attempt to anticipate the likely outcome of any charges overseas.

12. Thus the possibility of further criminal sanctions in the country in which a potential deportee expects to live if deported are generally not relevant to the main issue of protecting the Australian community and may not be persuasive when making a decision on deportation.

(c) His is not to receive visits from relatives or friends whilst at work.

(d) He should not attend any after-work celebration.

In addition to these regulations, the Work Release Centre will contact you as a matter of courtesy should your employee be unable to attend work for any reason.

We ask that you co-operate with us by contacting the Administrator should your employee fail to arrive at work, without prior notification from Silverwater. Should you require him to work overtime could you please phone 648-4355 as soon as is practicable (preferably before 3.30 p.m.).

In conclusion, the role of the employer is respected by Work Release and your evaluation of the Work Releasee is considered when he becomes eligible for release on parole.

If any problems occur could you please ring either-

Administrator: 648-3631

Deputy Superintendent: 648-4355

Thank you for your involvement.

Harold Newman,
Director,
Work Release and
Community Service Order
Programmes.

AN INTRODUCTION TO THE WORK RELEASE
PROGRAMME
DEPARTMENT OF CORRECTIVE SERVICES
SILVERWATER

Prepared for the information of employers.

Postal Address:
P.O. BOX 115, ERMINGTON
N.S.W. 2115

APPENDIX I

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BRIEF OUTLINE

The Silverwater Work Release Scheme is a programme initiated by the N.S.W. Department of Corrective Services. It commenced in July 1969 on the present site at Silverwater. It seeks to provide selected prisoners, who are nearing the completion of their sentences, with an opportunity to re-integrate themselves into society. Perhaps this can be best explained by describing the scheme as a "half-way house" or a bridge between imprisonment and free society. The benefits of this to both, the Work Releasee and society are:-

- (1) The opportunity to establish employment prior to being discharged from prison.
- (2) The re-establishment of family ties which may often have been strained by the imprisonment of the offender and the easing of the subsequent hardships suffered by his wife and children.
- (3) The opportunity for the Work Releasee to re-assume financial responsibility for himself and his family.
- (4) The cost saving factor of keeping a prisoner in an environment where he both, requires less supervision and pays for his own board.

It is also significant to note that the scheme seeks to decrease the anonymity and harshness of normal prison life by encouraging self-respect, increased responsibility and good working habits tied to a broader contact with family and society.

EMPLOYER ROLE

Work Release acknowledges the important role of the employer in having the trust to provide the opportunity of work. We encourage representatives of firms to visit Silverwater and through the years, many personnel officers and managers have accepted this offer. Their favourable impressions and where relevant, reports to senior administrations have resulted in a wide field of employment being made available for the work releasees.

Contact with employers in the past has revealed that Work Releasees, in general, are considered above average in terms of honesty, work performance and diligence. This may well be due to the fact, that if a Work Releasee doesn't apply himself he may be removed to a more secure prison, or simply, his response to being given the opportunity to prove himself. Whatever the reason it is a fact that you can expect very few problems from a Work Releasee. If any problems do occur, however, you are encouraged to contact the Silverwater Administration who will, in most cases, be able to effect their solution.

Whilst at work there are a number of regulations governing the Work Releasee. The responsibility for abiding by them is his in full, but the following summary is provided for your information:-

- (a) He must not absent himself from work for all or part of any day.
- (b) He is prohibited from giving notice unless he has the authority of the Administrator, Silverwater.

APPENDIX J

Comparative statistics from the New South Wales sample
and a study done on an English sample in 1974.

New South Wales

n = 250

England

n = 104

Age at time of offence:Age at time of conviction:

	Years:	
5	15-17	4
37	18-20	16
45	21-24	21
61	25-29	18
58	30-39	30
34	40-49	11
7	50-59	3
3	60+	1

Over 40% aged below 25
at time of offence

39% aged below 25 years at
time of offence

Offences: murder,
attempted murder, arson
rape.

Offences: Murder, manslaughter
non-homicide.

Marital status at time of offence:

106 (42.4%)	Single	41 (39%)
73 (29.2%)	Sep.Div.	14 (14%)
25 (10%)	Widowed	1 (1%)
45 (18%)	Marr.(+def)	44 (42%)
1 (.4%)	Dont know	4 (4%)

Employment record prior to offence:

Almost 75% in continuous
employment

50% in full time employment.

Over 60% were semi skilled
or unskilled manual

The sample mainly semi
skilled or unskilled

New South WalesEnglandPsychiatric history prior to offence:

9.2%

15%

Previous record:

40% were first offenders 20% were first offenders
 convictions for sex related or violent offences prior
 to current offence:

Over 30%

40%

Number of victims:

47 offenders had more
 than 1 victim

4 offenders had more
 than 1 victim

Co-accused:

Over 25% had 1 or more
 accomplices

18% had 1 or more accomplices

Sex Related Offence:

49 (19.6%)

26 (25%)

Relationship of offender to victim:

61 (24.4%)	Related	36%
98 (39.2%)	Otherwise known	36%

Alcohol involvement in the offence:

Over 36% possibly near 50%

About 50%

Years served:

1981-2

1974

0-8 years : 133 (53.2%)

0-5 years : 50%

0-5 years : 69 (27.6%)

12+ years : 5%

13+ years : 47 (18.8%)

1976

0-5 years : 40%

12+ years : 2%