

# Crime in Papua New Guinea

Edited by David Biles



AUSTRALIAN INSTITUTE OF CRIMINOLOGY



# **CRIME IN PAPUA NEW GUINEA**

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CANBERRA 1976

The J.V. Barry Memorial Library has catalogued this work as follows:

AUSTRALIAN INSTITUTE OF CRIMINOLOGY 364.4

Crime in Papua New Guinea, ed. by David Biles.  
Canberra, Australian Institute of Criminology, 1976.

202 p., tables. 21 cm.

Comprises the edited papers presented at a seminar held at the University of Papua New Guinea, Port Moresby, July 7 - 11, 1975, entitled 'Crime Prevention in Developing Areas', and additional papers relevant to the theme.

1. Crime prevention - Papua New Guinea - Addresses, essays, lectures. 2. Crime and criminals - Papua New Guinea - Addresses, essays, lectures. 3. Underdeveloped areas - Crime and criminals - Addresses, essays, lectures. I. Biles, David, ed. II. Seminar on Crime Prevention in Developing Areas, University of Papua New Guinea, 1975. III. Title.

ISBN 0 642 92772 3

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Published and Printed by the Australian Institute of Criminology  
10-16 Colbee Court, Phillip, ACT. Australia, 2606.

# Foreword

It is a great pleasure for me to write a brief foreword for this important book, and in so doing to commend it to the widest possible number of readers. The subject matter it covers is of such vital importance to the future of Papua New Guinea that it deserves to be closely studied by all people professionally concerned with the prevention of crime and the administration of justice in this country. I trust that members of the general public also will find this book to be of interest and value as it is the general community that ultimately carries the responsibility for the level of crime that is either tolerated or endured.

The book mainly comprises papers presented at a seminar conducted in July 1975 by the Australian Institute of Criminology in conjunction with the Department of Law. This seminar was notable for several reasons: it was the first criminological exercise held in Papua New Guinea; the speakers included a number of local officials as well as experts on crime prevention of world renown; and the many proposals made at the conclusion were eminently reasonable and practical. I was particularly interested in the seminar and attended as much of it as my other duties allowed.

Also included in the book are papers prepared by the Director and the two Assistant Directors of the Australian Institute of Criminology which deal with more specialised areas of the crime problem in Papua New Guinea. It is pleasing to note the Institute's continuing interest in the problem.

We, in this country, are fortunate to be the recipients of such valuable advice from the staff of the Institute. It is our task, of course, to solve our own problems, but we should always welcome professional assistance in this endeavour. I most warmly thank the

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Institute for its work in Papua New Guinea and I congratulate its staff on compiling the book.

Sir Sydney Frost,  
Chief Justice of Papua New Guinea  
March 1976

# Acknowledgements

The seminar, the proceedings of which form the substance of this volume, was conducted at the invitation of the Minister for Justice, Mr N. Ebia Olewale, and his support and encouragement is warmly acknowledged. Thanks are also due to the Foreign Minister (then Acting Chief Minister), Sir Maori Kiki, who graciously undertook the task of opening the seminar.

The Chief Justice of Papua New Guinea, the Honourable Sir Sydney (then Mr Justice) Frost, also actively supported the seminar by attending many of the plenary sessions and by addressing the seminar dinner and closing session. His support is warmly appreciated, as is his ready acceptance of the invitation to write a foreword to this volume.

The then Secretary for Law, Mr Bill Kearney, and the current holder of that office, Mr Joseph Aoe, both displayed great enthusiasm for the seminar and were most helpful and hospitable to the staff of the Institute while they were in Port Moresby. A staff member of the Department of Law, Mr Clyde Gilmour, acted as the principal liaison officer to the Institute and worked tirelessly in making the numerous administrative arrangements which are essential to a successful seminar. His efforts before, during and after the seminar cannot be too highly praised.

Many other people, too numerous to mention individually, assisted the project, including staff of the University of Papua New Guinea. Staff of the Institute, apart from those who gave papers, who provided the clerical and administrative support for the seminar were Alex Watt, Bill Miller, Marie Chatillon and Laurel Ellis. The Institute's Publications Branch, under Peter Kay, produced this volume, the typesetting and layout being done by Sue Mayrhofer and the printing by John Widdicombe.





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# Introduction

This publication largely comprises the edited papers presented at a seminar held at the University of Papua New Guinea, Port Moresby, from 7 to 11 July 1975 under the title 'Crime Prevention in Developing Areas'. The seminar was conducted by the Australian Institute of Criminology in conjunction with the Department of Law of Papua New Guinea, and it aroused a great deal of public interest which was reflected in extensive press and radio coverage.

A short report on the seminar was produced within a few weeks of its conclusion, but the widespread interest aroused, as well as the crucial importance of the subject, has prompted the Australian Institute of Criminology to produce the proceedings in this more permanent and complete form. It is hoped that this book will be of value to policymakers and workers in the fields of criminal justice and crime prevention in Papua New Guinea in the years to come. The seminar was held only a few weeks before the Declaration of the Independence of Papua New Guinea on 16 September 1975. This was timely, as many developing countries have experienced serious problems of breakdown of law and order in their first years of independence, and if Papua New Guinea is to learn from the mistakes of others, clear policies and decisive actions for crime control are essential. The basic decisions must be taken before the problem becomes unmanageable.

Much that is contained in this volume suggests that a serious crime problem is already developing in Papua New Guinea, although the lack of comprehensive and accurate crime statistics makes this a somewhat speculative assessment, but also included are numerous positive and practical suggestions for the reduction of crime and delinquency. Many of these suggestions came from

the two international experts that the Institute brought to the seminar, Professor Marshall Clinard of the University of Wisconsin, and Professor Arturo Jose of the Catholic University of Brazil, but many also came from the participants who met in small workshops throughout the seminar. These workshops each presented reports which are incorporated in the concluding chapter.

In addition to papers and reports presented at the Port Moresby seminar, this volume includes three other papers which are of particular relevance to the theme. The first of these is by the Director of the Institute, Mr William Clifford, and appears as Chapter 1 under the title 'Urban Crime in Papua New Guinea'. Mr Clifford's report was prepared in May 1975 at the request of the Papua New Guinea Minister for Justice, Mr Olewale, and was first released publicly at the seminar. Another additional paper, 'Crime and Criminal Justice Statistics in Papua New Guinea: A Proposal for an Integrated Data Gathering System', appears as Chapter 9 of this volume and was presented to a small conference of specialists held in Port Moresby in November 1975. This conference was arranged by the Papua New Guinea Bureau of Statistics in response to the many requests made at the seminar for more comprehensive criminal statistics. The final additional paper, 'The Prospect of Probation and Parole', which appears as Chapter 10 was prepared in February 1976 by Mr C.R. Bevan at the request of the Minister for Justice. Mr Bevan is the Assistant Director (Training) at the Institute and was formerly the Chief Probation and Parole Officer for Queensland.

Thus, this volume represents a record of the Institute's activities to date in relation to this newly independent country: all these activities have been aimed at achieving a low-crime environment. It is the earnest hope of the Australian Institute of Criminology that its efforts in Papua New Guinea, both in the past and in the future, will in a small way facilitate the achievement of this goal.

DAVID BILES

# 1 Urban crime in Papua New Guinea

*William Clifford*

## Introduction\*

### *General*

Crime is a reflection of the society which creates it. So that, although this report is strictly confined to urban crime in Papua New Guinea, and more particularly to crime in Port Moresby, it is advisable if not entirely necessary to provide an outline of the area for the reader who may not be acquainted with this part of the Asian or Pacific region. In any event, the recent history and geography of a country are directly relevant to its social problems.

It seems that New Guinea, that is, the larger island of New Guinea, was discovered by Europeans in the 16th century but although its coastline was mapped (and corrected on maps) for the next few centuries, no European settlements were established until the late 19th century when, as happened in so many other parts of the world at that period, the exploring and settling Europeans of different nations carved it up between them — a process still mirrored in the names which the islands have carried into modern times.

Papua New Guinea is now the official name of the eastern end of the larger island of New Guinea. It has been politically Australian for some 30 years but is now on the verge of independence. More precisely this eastern area comprises the Territory of Papua and the Australian-administered United Nations Trust Territory of New Guinea; it includes some of the neighbouring islands of the Bismark Archipelago such as Manus, New Ireland, New Britain and Bougainville which form a part of the UN Trust Territory. At the other (western) end of the larger island of New

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\* This brief background account relies heavily on details provided in W.C. Clarke and Eugene Ogah, 'Social Scientists', *New Guinea*, vol. 7, no. 4, January 1973.

## 2 *Crime in Papua New Guinea*

Guinea is to be found the Indonesian province of Irian Barat or West Irian, which was formerly Nederlands Nieuw Guinea.

Since the Second World War, Papua and the Australian-administered UN Trust Territory of New Guinea have been administered together and as an integral unit, but before the war they had been separate colonies. Australia intends to grant independence to them as a single country – a continuation of the representative government which they have already shared for some years.

Independence for Papua New Guinea is imminent. A day before this visit commenced, Australia took the unprecedented step of transferring the full control of the territories' foreign affairs to the Government of Papua New Guinea. Normally, such powers have been handed over only with independence itself. It is impossible to be in Port Moresby, the capital of Papua New Guinea, without feeling the sense of anticipation. The Chief Minister's office has been planning Independence Day celebrations and the arrangements for visiting heads of state for some time, but so far the date has not been announced. Nor is the future name of the country decided, though the expectation is that it might well be 'Niugini'. Already an Air Niugini is operating and the spelling of Niugini fits the orthography of Melanesian Pidgin – one of the common tongues<sup>1</sup> which will probably become an official language.

### *Historical violence and the urban problem*

In some respects Papua New Guinea has moved rather swiftly to full nationhood when it is remembered that the highlands of the interior were not fully penetrated until the 1930s, and there were 'first contacts' being recorded with local people until the late 1960s. The remaining restrictions on visitors entering remote areas over which the government might not have had full control were removed only in 1970 when the last two 'restricted areas' (one on the Western Highlands and the other in West Sepik) were opened. However, the inter-tribal or inter-clan fighting which has been traditional in these areas, where sorcery and headhunting once prevailed, received a new lease of life recently, probably due to policing problems and the influence of news media in improving communications for the mobilisation of fighting groups. Hundreds of tribesmen may be involved in the fights which break out and it has been said that 26 deaths occurred in 1971 alone in the inter-



clan fighting among the Enga.<sup>2</sup> In August 1971, an officer of the administration was killed in the Gazelle Peninsula.

In 1972-73 the government set up a special committee to investigate tribal fighting in the Highlands. Here fighting had increased and a new feature was that the contending sides were beginning to attack the authorities who could, in former times, intervene with relative impunity to restore order. Two of the interesting recommendations of this committee were: (a) recognition of sorcery as a real concern of the people (this had been foreshadowed by the Sorcery Act of 1971 which distinguished between innocent and evil sorcery and outlawed the latter); and (b) a proposal to provide for group penalties (rather than individual sanctions) for fighting or its consequences.

It might be thought that there would be a relationship between such traditional violence and the rise of crime in the towns which had recently been causing alarm. In fact, there would appear to be little connection. Of course, there are urban fights and it is said that if there is violence used in committing crime in towns, it will most likely be the Highlanders. Nevertheless, the fights in the Highlands are usually about disputed land rights, marriage or bride price problems, sorcery, etc., and in the towns it is breaking and entering, stealing and drinking which engenders most of the concern. Jealous women may kill more successful rivals as a form of traditional 'pay-back'. Marriage problems, bride price disputes and fights arising out of insults are all likely to be dealt with in the towns as migrants bring many of their customary problems with them and incline towards customary remedies. Furthermore, with a volatile people indulging in drink in the urban areas, it would be surprising if violence did not occasionally flare up and if some of the older feelings towards people of other groups did not prevail to affect urban relationships. This kind of cultural carry-over is well known in conditions of migration whether from country to country or from rural to urban areas. The point is that the serious fighting in the Highlands, which has included increasingly serious attacks on authorities seeking to quell the violence, does not typically occur in the towns. Breakers and enterers are looking for property rather than to hurt individuals and the victims of crime do not usually feel physically afraid of the gangs which operate systematically to steal clothing, furniture, cars, household goods, food, etc. Therefore, the urban crime being experienced in Port

#### 4 *Crime in Papua New Guinea*

Moresby has more of the characteristics of urban crime elsewhere than it has of the aggression and volatility traditionally associated with the Papua New Guinea region. It would appear to reflect more the effects of the world spread of an urban culture which the opening up of Port Moresby to an outside world has necessarily occasioned, than to be an urban reflection of the rural problems in Papua New Guinea.<sup>3</sup>

##### *The request for advice*

This report arises out of my visit to Port Moresby made from 5 to 8 March 1975 in response to a telex message addressed to the Australian Attorney-General, Mr Enderby, in which the Chief Minister of Papua New Guinea, Mr Michael Somare, asked for me to visit Papua New Guinea. In the telex Mr Somare described a 'serious and mounting concern . . . particularly in the urban areas on the apparent lack of a coordinated government plan to deal with the control and prevention of crime'. Mr Somare asked for me to visit the country for a few days with a view to seeing that in their efforts to prevent and control crime, the Papua New Guinea Government was 'on the right track'.

Clearly such a brief encounter with the situation in Port Moresby was totally inadequate for anything but first generalisations. Nevertheless, the government made elaborate plans to ensure that the fullest possible information would be available and that I would be given the best possible guidance in both seeing the area physically and meeting with everyone involved — including some who had been criminals (and were not particularly ashamed of it).

The observations which follow are based on three days of intensive interviews and extensive discussions with nearly all those with any interest or concern with the problem of crime — from the Chief Minister, the Chief Justice and the Speaker of the House of Assembly, through the police, magistrates and local counsellors to health workers, community development personnel, housing officials and social workers in the various squatter areas or suburban settlements or villages. Nearly all the settlements, villages and residential areas were visited and administrators, city officials and academic staff from the university were generous with their guidance and advice. Where papers, statutes, statistics, surveys, reports or maps had been prepared, these were promptly supplied.

Also, the Chief Justice was kind enough to make available a copy of the relevant part of a memorandum he had recently prepared for the government. And yet, with all this, the time was too short to do or to see as much as would or should be considered essential for any adequate comments on the situation in Port Moresby or the plans which the government is making to deal with it. What follows, therefore, is an offering of impressions and views which are proffered only because they have been solicited. They are submitted in the full knowledge that the time was too short and that they may need correction or supplementation by persons working in Papua New Guinea who know the situation much better and who have been in the country long enough to be sensitive to feelings and factors which have undoubtedly been overlooked in this superficial account. Finally, they are offered as first approximations to be developed in a regular series of collaborative projects on crime and its prevention to be worked out between the Government of Papua New Guinea and the Australian Institute of Criminology.

### Comparisons

The allegation has been made that law and order in Papua New Guinea is breaking down. This is not only a recent charge. It seems that there has been concern about the 'breakdown of order' for several years now:<sup>4</sup> so many citizens are becoming accustomed to their houses being broken into and their property stolen that they justifiably feel exposed, unprotected and downright resentful because it seems that the government is not doing enough. There are demands for more effective police and court action, for harsher penalties and swift retribution. The situation is so fraught with complications of unemployment, urban drift and the bad housing conditions of urban squatters, and so charged with both emotion and political portent, that even many of the more liberal and understanding persons who look for longer-term solutions in terms of a more viable society with better community rather than penal sanctions are themselves noticeably uncertain. While they advocate liberal and progressive measures, they are affected by the public outcry, and in trying to be objective they are asking them-

selves whether it might not be true that society is in danger and that stronger, less discriminate and more repressive action might now be needed – if only temporarily.

### *Statistics*

It is difficult to get the true picture because no one has data on the state of crime in Port Moresby which can be taken as valid and truly meaningful. Moreover, the present methods for collecting data on crime in most countries leave much to be desired, so that even if Papua New Guinea had a perfect system by the standards of the most advanced and affluent countries (which no one supposes), the statistics alone could not be relied upon to give the true picture. However, allowing for their limitations, it has been suggested that between 1961 and 1966:

the proportion of people arrested for serious offences rose from 1.8 per cent to 6.7 per cent during the period when the population (of Port Moresby) increased by approximately 45 per cent; and then declined to 5.4 per cent in 1970. The figures clearly indicate that a disproportionate proportion of crimes are committed by migrants from the Highlands and from the Goilala sub-district. These are recent immigrants who stay as single men in the town, are unskilled and earn low wages, and live in poor housing conditions. Juvenile delinquency is increasing in all urban areas and 598 juveniles appeared in children's courts in Papua New Guinea in 1970-71. Four hundred and forty seven cases were concerned with theft and breaking and entering.<sup>5</sup>

The Peace and Good Order Committee which had been set up to investigate this situation and which reported to the Chief Minister on 14 August 1974, drew the following broad conclusions from statistics made available by the police.<sup>6</sup>

1 Personal assaults, etc., outnumbered all other forms of adult crime in the period 1967 to 1974 with offences against property coming a poor second. This was based upon an analysis of the figures available for the first three months of each year. While it was not clear what these actually referred to, a figure of 2,775 offences against the person was quoted as against 1,359 property offences. For the last nine months before the committee's report, the police received reports of 2,720 cases of persons being drunk and disorderly and of being drunk and in charge of motor vehicles. Police figures establish that 'the single factor leading to police action in Port Moresby is the uncon-

trolled consumption of liquor'.

2 By contrast the pattern of offences for juveniles received into custody was the reverse, there being 187 property cases as against 66 against the person.

3 For neither adults nor juveniles has there been any annual increase in crime. Twenty juveniles were received in the first three months of 1967-68 for offences against the person and in 1973-74 the same number of juveniles was received.

4 There has been a recent and dramatic increase in the offences against property. Between 1972-73 and 1973-74 the number of property offences doubled. The committee noted that it was not possible to say to what extent this reflected increased police activity.

5 Male offenders outnumber female offenders 20 to one.

6 Most offences of breaking and entering occur in the 'well-off suburbs or at offices and shops where "community protection" is not available'. And, the committee speculated that most offences against the person were probably perpetrated in settlements and villages, that is, arising out of community relations and quarrels.

7 There was no evidence to allow the committee to accept or reject the contention that most trouble was caused by juveniles from economically poor, jobless families.

Again, the papers submitted by the police for the purpose of this present inquiry showed that in Port Moresby for the period 1 July 1973 to 30 April 1974, a total of 2,051 breakings and enterings had been reported to the police of which 191 had been cleared up, 254 persons were arrested and 195 convicted. By contrast it seemed that over the same months in Port Moresby, only about 610 offences against the person had been registered or reported and in this were included 274 cases of 'unlawful strike'. However, the rate of clearance was more impressive with those offences against the person and about 80 per cent were successfully prosecuted. Of interest too was the fact that 2,555 cases of drunkenness and disorderliness had been reported and 100 per cent convicted.

When these figures for Port Moresby were compared with police compilations for the whole of Papua New Guinea, it emerged that the 2,051 breakings and enterings in the town were no less than 54 per cent of the 3,811 cases reported for the country — showing the extent of the urban concentration of these offences. However, there were some very obvious discrepancies in the figures supplied, which means that such inferences should be treated with more than the usual caution. The Senior Magistrate for the Local Courts of Port Moresby which hear most of the minor offences and most of the non-contentious indictable offences, provided records for the cases heard by his three courts and four magistrates from September 1974 to the end of February 1975. The records showed a total of 4,326 cases, averaging 730 cases a month. Of these only 477, or a monthly average of 79 cases, were indictable.

With regard to corrective institutions in Papua New Guinea, juvenile receptions (that is of offenders under 16) into custody had risen from 26 in the first three months of 1967-68, to 130 in the first three months of 1973-74. The daily average of juveniles held in custody by the Corrective Institutions Service fell from 33 in 1967-68, to 29 in 1973-74 (though it had risen to 47 in 1972-73), while the number of persons (excluding juveniles) committed to corrective institutions actually fell from 22,533 to 14,884 between 1967-68 and 1973-74. Obviously these figures do not appear to tally and there seems to be something wrong which would doubtless be clear if the methods of calculating were to be checked. Nevertheless, there was little to suggest that the prisons or institutions were being overwhelmed with greater numbers of new cases than they had known before.

To complete this survey of the very inadequate figures available, there is a report made by the Brothers of the Hospitaller Order of St John of God which since 1972 has been providing an honorary probation service for the Children's Court in Port Moresby. A Brother attends each sitting of the court at Hohola and with due allowances for the discrepancies between his figures and the official records, (he misses some cases while dealing with others) the incidence of crime recorded does not seem particularly alarming. This Brother was present at 405 court appearances by children to face 478 charges. Three hundred and ninety one (or 96.6 per cent) of those appearing were boys and 14 (or 3.5 per cent) were girls. Of the 478 charges heard, convictions were

recorded in 228 cases (47.7 per cent). These convictions resulted in 383 court orders, 43 of which were for institutional care (11.2 per cent). Of the 478 charges heard, 173 were for stealing and 149 were for breaking and entering, that is, 67.4 per cent of all the cases were for alleged criminal acquisition without personal violence.

*The meaning of the data*

Merely to retail this information is to cast grave doubts upon the system of recording. Whether or not the separate approaches to counting cases or persons, offences or committals mean anything, it is very obvious that they do not fit each other and sometimes tend to contradict. They could all be quite correct and meaningful within their own limitations, but taken together, they merely represent a demand for a better system. In fact, from the police to the courts and from the correctional institutions to the community workers, the great need in Papua New Guinea is for the collection of more reliable data. Moreover, this is a need which is fully understood and appreciated by nearly all of those who have anything at all to do with the criminal justice system. What is lacking is resources and the skilled manpower to help the nation to keep its statistical finger on the pulse of crime. At the moment it is impossible to make any pronouncements about increases or decreases in crime in Papua New Guinea on the basis of the figures. To say whether the nation is healthy, it is necessary to be able to take its temperature and the first consequence of the present concern about crime should be that Papua New Guinea must install a national system of crime statistics. This is not to imply a need for anything as sophisticated or expensive as computers or to suggest systems with the refinements of classifications to be found in modern text books. It would be sufficient in the first instance for the country to develop a simple but common classification of cases, persons and committals to be transferred and collected by police, courts and prisons onto punch cards to be processed by one or two persons who have received training and who are centrally placed to collate, analyse and reproduce the material for the benefit of all the services concerned. It should be possible for lawyers, administrators and university personnel to devise and install such a system, but if further guidance is necessary, this would be available through the Australian Institute

of Criminology.

This being said, the figures available, whatever their deficiencies, give no real impression of a serious state of urban crime. Of course there may be a great deal of crime which goes unreported: this is common to most countries and in fact it is sometimes supposed that the police may not receive reports on any more than about 15 or 20 per cent of the actual crime committed. Even so, the level of crime reported and unreported suggested by the figures available is far from being that which would justify alarm on any comparison with some of the urban centres of other developing countries. Even the smaller urban capitals of places like Togo or Dahomey, Jamaica or Trinidad, Sri Lanka or Nepal have, in my experience, at least as much crime as these figures would suggest for Port Moresby and of course some of them have very much more. The rash of breakings and enterings is, comparatively speaking, no worse than those in some of the cities of independent Africa, and in Port Moresby it represents a special case which is discussed more fully below. Needless to say, there is no comparison at all to be drawn with the cities of the developed world. It would seem to be obvious that it is safer to live in Port Moresby. Moreover, most of these other centres in both developed and developing countries have much more serious problems of prostitution tied to a lively night life which generates its own problems of serious crime which Port Moresby does not yet know. There is still relatively little trouble with drugs or with armed robberies. For all its crime then, Port Moresby does not have the problems of many other cities, even in countries at similar levels of economic and social development.

### Other indicators

Statistics are not the only indices of crime or of the state of crime. There are other signs of the level of tolerable behaviour in the community, one of which is the sense of security which citizens feel. According to the police, there is an average of eight to ten breakings and enterings in Port Moresby every night. People are rarely attacked but property is taken — sometimes almost wholesale and sometimes with a degree of boldness which shows



almost a contempt for law and order. This might not be serious were it not for the fact that the police force itself admits that it has the capacity and resources to deal with only two such cases a night, so that many breakings and enterings are in effect tolerated to the risk of those vulnerable to despoilation. One university informant for this report arrived with only the clothes he stood up in because the night before his house had been raided and all his clothes stolen. In another case, a Chinese shop was broken into by the simple but brazen procedure of driving a van into the doorway to make an opening. In this case the family and neighbours watched in fear, being unwilling to interfere with the gang involved. Moreover, the size of the gangs in Port Moresby settlements is a deterrent to lawful restraint. The 'Rascals' are said to number 500 and the 'Amigos' may be more numerous.

There is then a sense of anxiety and insecurity engendered by the state of crime and the inadequacy of the measures to deal with it which lends some credence to the idea that breakings and enterings at least may be out of control. Added to this is the fact that the police do not regularly patrol the settlements. They enter as a rule only when called or when they are raiding for stolen property. Normal patrolling of the settlements is not the usual practice for reasons which will be discussed below. Therefore, there is a crime situation which is beyond the normal capacity of the police to deal with.

Other indicators of a serious crime problem could be the way in which those most affected or most likely to be afflicted, move out of the vulnerable areas – or perhaps the way in which insurance companies increase the premiums, or refuse to insure at all. It was not possible in my brief visit to explore such indicators of the state of crime, but it could be that later studies might indicate that expatriate moves out of Port Moresby or changes in insurance rates were connected with perceived levels of crime – whether or not it was possible to represent these in terms of figures.

While, therefore, Port Moresby's crime cannot really compare with the serious levels of lawlessness in many other towns and cities in the developing areas of the world, it seems that the state of public anxiety in the capital, coupled with the inadequate condition of the police and the growing boldness and organisation of the offenders themselves, does mean that there is a serious problem of crime in Port Moresby in need of a comprehensive and coordinated campaign to deal with it.

*The problems of development*

So many of the problems being encountered by Port Moresby are painfully familiar to anyone with experience of the growing countries of the world. Port Moresby shares with all other nations the undesirable by-products of the inexorable process of urban concentration. True, Port Moresby, with still rather less than 100,000 people is more like a rural centre than an urban capital, even if the comparison is strictly confined to the developing countries. Moreover, it is a city with settlements, villages and residential areas fairly widely dispersed so that the heavy concentrations of urbanised people are still to come. Nevertheless, the town will continue to grow no matter what measures are taken to improve the worst areas: this is the experience of countries nearly everywhere else in the world and it is unlikely that Port Moresby will be different. Therefore, if crime is serious now, it can be expected to be at least 12 per cent more serious in each year to come if, as it seems, this is the present rate of urban growth.

The unemployment of young, partly educated people is typical of developing countries which have greatly suffered from the unwitting colonial introduction of a system of education not necessarily relevant to the country's needs and not geared to the limited capacity of the nation to generate non-agricultural jobs. This is a bigger issue, but the levels of crime are without doubt related to the boredom, if not indeed the destitution, of so many of the rising army of young, literate and unused people crowding the settlements and living by *wantok* or membership of the gangs which have been variously estimated to number from 40 to 70 different groups in Port Moresby — all essentially looking for something to do and all prone to excursions into theft or breaking and entering.

Urbanisation and severely limited resources then are two of the characteristics which Port Moresby shares with its sister towns in developing areas.<sup>7</sup> These two combined, urbanisation and lack of resources, interrelate both to generate crime and to make it more difficult to deal with. The fact that Port Moresby seems to compare favourably in crime terms with other towns in developing areas gives no ground for complacency, for if crime is a serious issue for Port Moresby now, it will be a 10 to 15 times greater problem in the years to come. This is the lesson of recent history in other countries, a lesson which Papua New Guinea can learn.<sup>8</sup>

Moreover, the limited resources give little room for manoeuvre-ability and force the country to exploit whatever strength of informal and, therefore, inexpensive social controls are still effective in the communities.

### *Causation and conception of crime*

The Peace and Good Order Committee tried to look at some of the causes of crime. In fact, studies of causation have not been popular among criminologists for a decade or more because long years of research in the areas of nature and nurture, personality and environment seemed to produce more questions than answers. Instead the attention has been diverted more to the prospects of control regardless of causes – very much on the analogy of traffic accidents, to prevent which, it may be better to concentrate on better roads, speed limits and more readable signs than to spend valuable resources delving into the question of why the accidents occurred, questions which might be impossible to answer conclusively anyway. More recently a third direction has been taken by criminologists which could be of special interest to Port Moresby. On the basis of the fact that probably only one sixth of all crimes are reported to the police, of this number the police may detect only about 30 to 40 per cent, and of this percentage which is prosecuted and goes to court another 10 per cent or more may be acquitted. It is argued that the minority of offenders who are gaoled or otherwise sentenced represent only the most unsuccessful and unfortunate, the ones who were not skilled or lucky. Furthermore, since the conventional crimes of stealing, robbing, breaking and entering, etc., probably do far less damage to a country than widespread corruption, white collar crime by otherwise respectable corporations and tax evasions or devices to escape the payment of duty or currency or exchange regulations, it is suggested that the shape and supposed seriousness of crime in a country tells far more about the condition of the services and policies of the criminal justice system than it does about the criminal condition of the population.

The particular relevance of this to Port Moresby will be discussed later but it is apposite here to observe that in assessing the level and seriousness of crime in Port Moresby, the causes of crime, the state of efficiency of the crime control services (like the police, courts and the correctional services) and the policies which

inform their operations have to be taken into account.

In Papua New Guinea, the disparity between conditions in rural and urban areas, the inappropriateness of the educational system which tends to generate unemployment, and the low incomes of offenders are all circumstances which are duplicated in other countries where attention given to them has so far had only peripheral effect on the crime rates. Of course, all these need attention and deserve it in their own right, even if they had no reference to crime, but in any attack on the longer-term influences on crime, they need to be included. This is particularly true in a country where reliance is placed on kinship ties and the *wantok* system to deal with indigence. Sometimes this is not possible. The collection of evidence for this report included a glance at some studies of malnutrition which provided evidence of an unemployed father acquiescing in the prostitution of his wife and daughters to obtain family income and feed the children. Nevertheless, for present purposes the significance of these social conditions is not close enough to be relevant to the immediate control of the present levels of crime.

Far more to the point is the gradual erosion of community traditions and the informal social controls. Just as these can no longer carry the full burden of indigence and unemployment in the town, neither are they being fully effective any longer in controlling crime. While it is a fallacy to suggest that tribesmen coming to town actually like going to prison or are casual about it and not deterred by imprisonment, it is probably true that imprisonment does not carry a social stigma. In some of the youthful gangs, for example, it seems that a forehead star or other rank mark cannot be earned without having served a period of time in prison. In other words, the non-legal social controls do not operate to make people living in settlements eschew crime or avoid imprisonment. The informal social controls are still apparently very strong and very effective in preventing the victimisation of others living in the same settlement and although the settlements have their gangs, these gangs go elsewhere to commit their crimes; they do not prey on their own people, that is, those in the same residential area. For this reason the proposals to extend the village court system to the settlements in town to strengthen the cohesion of the settlement society are very sound, and the employment of a local peace officer in the settlements would be

valuable, since the police do not patrol them. Even so it is evident that this heightening of the settlements' internal cohesion and control of members would be inadequate to deal with the real problems of breaking and entering in Port Moresby, since the groups involved seek targets outside their settlements.

Drunkenness appears to be a factor in about 40 per cent of all cases in Port Moresby and its influence may be increasing. Controlling drinking hours has probably had little effect on the breaking and entering rate and indeed some police officers believe that it results in these offences being committed so much earlier in the evening, whereas before the culprits were probably fully occupied in the pubs until a late hour. Nevertheless, the control of drinking is again valuable for its own sake and may be necessary to reduce fights or to prevent drunken driving. Above all, the control of drinking by Port Moresby men may be necessary to protect families; it is very evident that the women are so deeply resentful of the effects of drinking on the family income that they could well demand in the future more stringent controls. For the moment, however, it can hardly be supposed that any drastic measures taken against drinking will have very measurable effect on the other types of crime, and in particular it would not affect much the incidence of breaking and entering which seems to be the major problem.

Similarly, the influence of the media on crime is a larger subject than can be dealt with here. A direct relationship has not yet been traced between the media and crime, though it is becoming increasingly clear that television, the cinema and the radio do influence conceptions and ways of life which have a relevance for the forms of behaviour. Once again, however, it is not likely that measures taken now to deal with this would have any immediate effect on crime rates.

### **The core of the problem**

Apart from the obvious need to deal with urban migration, unemployment, poverty, irrelevant education, boredom among young people and the drift of the people of Port Moresby into all the values and problems of urban societies of the west, it is evident that the present anxieties about crime centre upon an issue which

is at the core of the problem. This might best be described as the gang/police equation and it finds its most direct and clear expression in the steady rise of breakings and enterings in the town and the conspicuous failure of the police to deal with it.

### *The gangs*

The general outline of gang activity has already been described. No one seems to know exactly how many gangs there are in Port Moresby, but if there are from 40 to 70 as is thought, and if some of these are over 500 strong, then there is a serious situation when they become deviant subcultures working against the larger society and rejecting its rules and standards. But it would be a mistake to treat these gangs as if they were only an abnormal outgrowth of settlement life: the converse would appear to be true. It seems clear that these gangs are functional in the sociological sense. They developed in response to a social need and they thrive because they continue to fill that need. There is reason to suppose that unemployed, aimless, frustrated and bored young people, unable and perhaps unwilling to find work, slowly drew together for mutual protection – probably against critics at home, older people who despise their idleness or other working youths who had no time for those less fortunate than themselves. Formed into powerful groups, the unfortunate could compensate for their powerlessness and sense of failure. In a strong mutually protective group, they were able to stand against others, to make others respect their trouble-making capacity and to present a bold front to an alien world: this was a way to obtain a form of status and dignity.

Of course, such groups with nothing to do were naturally prone to obtain funds in the easiest ways, to adopt short cuts to the satisfaction of their wants and eventually to organise for illegal adventures. Gradually they made a kind of business of breaking and entering, engaging thereby in a kind of guerilla warfare with the police. These gangs are reminiscent of the 'mods and rockers', the 'bikies' and many other hooligan type groups which developed soon after the Second World War in Europe, Australia and America and which have continued to plague the law-abiding under different guises through the years. The Port Moresby gangs have a good deal less addiction to violence, but they break and enter in ways which openly challenge the police. It is said that

they telephone the police or leave notes to boast which gang committed the offence and they have been known to threaten householders likely to give evidence against them.

The names they adopt are indicative of their style and they dress in a non-conformist manner or adopt gang marks of rank and status. The Amigos, the Rascals, the Devils, the Taxis, the Laddies, and the Ladies (a girls' outfit) all belong to different settlements. They protect their own territories against trespass by other gangs, but do not usually commit offences in their own settlements. Nor are all of these offenders underprivileged. One gang is reputed to be led by a university student with high school students as members. It is obvious that these groups will tend to grow, get bolder and more powerful. It may only be a matter of time before they begin to obtain arms, to defend their territories with bullets, engage in armed robberies and be prepared to kill policemen getting in the way. At the moment, it would appear that no more than 16 or 18 of the gangs are fully engaged in crime or sufficiently addicted to breaking and entering to be a special problem for the police, but it can hardly be expected that as the few anti-social or delinquent gangs continue to profit inordinately from their enterprises or to get settlement prestige, the other gangs will not be more directly tempted to turn to deviant and even criminal activity to survive in this special kind of rat race.<sup>9</sup>

### *The police*

Confronting these highly organised, disdainful, impudent and brazen gangs who victimise the expatriate and better-off homes in Port Moresby and who with every exploit add to their prestige and territorial enterprise, is a police force which, even its own members and most ardent supporters admit, is only a shadow of the former stolid and capable force for law and order. The police force has been localised rather too rapidly — or perhaps not rapidly enough, if we allow also for the fact that the process should have begun years before — and it has lost too many of its best officers to other forces abroad, especially as approaching independence affected the outlook of some in senior positions. It used to have parity with the army in pay and conditions of service, but it has gradually lost ground so that the ordinary constable is now in a much worse position than the soldier. Indeed one trenchant observation made in the course of this inquiry was to

the effect that a Papua New Guinea policeman today is paid about as much as the garbage collector and has to live in barracks. Whatever the reason, it cannot be denied that to face the serious challenge of the gangs, the police can field only under educated, under paid, inexperienced and immature officers who just cannot cope with the situation. This is why eight out of every ten breaking and entering offences get no real attention.

The present condition of the Royal Papua New Guinea Constabulary is sad, especially in view of its distinguished record. It is, of course, an amalgamation of two separate police organisations. In 1890 Sir William MacGregor recruited the Territory's first police force and called it the British New Guinea Armed Constabulary. At first it was made up of Fijians, Solomon Islanders and Malays, joined by thirteen native recruits from the Port Moresby area. The primary role of this force was patrolling the Territory with a view to extending the influence and control of the government. Native armed constables accompanied the Lieutenant Governor and his officers on visits to the coastal stations and on explorations of the main rivers. Gradually the coastal stations were provided with regular detachments of police under the command of Resident or Assistant Resident Magistrates. From these centres there were excursions into the interior to pacify it and extend government control. With cannibalism and tribal wars rampant, progress was slow. Occasionally there were punitive expeditions to protect tribes already under control from their warlike neighbours and over time the force established a reputation for itself among the local people.

By 1898, more than a hundred local native people had joined the force and new stations were being established. Under Sir Hubert Murray, the first Australian Lieutenant Governor (1908-1940), the force went from 250 in 1912, to 300 in 1939 when His Majesty King George VI conferred the prefix 'Royal' to the Armed Constabulary. The force then became the Royal Papuan Constabulary.

Meanwhile, in 1888, four years after Kaiser Wilhelmsland and the Bismark Archipelago had been annexed by Germany, natives of the latter territory were recruited for a constabulary which was also mainly composed of Malays and Solomon Islanders. Eight years later when Dr Hahl became Imperial Judge at Kokopo (1896), an armed constabulary similar to that in service in British



New Guinea was developed. From an initial recruitment of 40 natives, this force was increased to 100 in the next four years. However, this force was stationed and trained at Kokopo, the District Officers on the mainland (Kaiser Wilhelmsland) being left to organise their own forces as best they might for the defence of their stations.

In 1899, the Imperial German Government assumed control of the protectorate and an Expedition Troop was formed in 1911 with 125 men, the District Officers retaining full control of their own detachments but with the right to call on the Expedition Troop when necessary. The Expedition Troop also specialised in punitive patrols when these were considered necessary.

Then came war and in September 1914, an Australian Military Force entered Rabaul, overwhelmed the Germans and took possession of New Guinea. By the terms of the capitulation on 17 September 1914 at Kokopo, the Australian Military Force took over the police. Selected members of the German Police Force were enrolled in a new police force under British officers which was called the New Guinea Police Force. Then in 1921 the military handed over control of the Mandated Territory of New Guinea to a civil administration and the New Guinea Police Force was built up to a strength of 26 European officers and 1,076 native other ranks under the control of a Superintendent stationed at Rabaul.

In 1942 New Guinea was invaded by the Japanese. A large Japanese force entered Rabaul harbour and soon took over. Native members of the force were dispersed by their officers before the Japanese assumed control. These native police officers were returned to their villages to avoid capture. Some escaped to the mainland, some crossed country and reported for duty in Port Moresby. Some of those who remained in their villages volunteered later to act as coast watchers and operated behind the Japanese lines providing intelligence to the Allies. All of Mandated New Guinea fell to the Japanese who then began to advance along the Kokoda Trail from Buna to Port Moresby which, however, they never reached.

During this period of the war, the Royal Papuan Constabulary and the New Guinea Police Force joined together to make one force under the Australian New Guinean Administration Unit (ANGAU). This force operated with the military helping to

administer the country and to help the military by means of their local knowledge. Seventy two native members of the combined force were killed in action and 12 officers lost their lives at the hands of the Japanese. A total of 61 decorations were won by members of the force during the Second World War.

This history of the police is surveyed here in more detail than would usually be necessary because it seems likely that the relationship between the people in the settlements and the police (still living in barracks) has developed from the earlier roles of the police and the people. It is clear that a force committed to pacification, maintaining order between tribes, extending the influence of the government and, when necessary, undertaking punitive expeditions is difficult to regard as being 'of the people'. In the towns policemen do not live in the settlements, do not 'belong' to the community and tend, therefore, to perpetuate their older image of an 'outside' authority. The relationship between the various gangs in Port Moresby settlements and the police is somewhat reminiscent of the traditional relationship between the tribes and the constabulary.

The differences between the older rural situation and that now obtaining in the town are such as could only exacerbate the problem. On the one hand the gangs are motivated by need, greed or the boredom of frustrated expectations. With unemployment rife, malnutrition not unknown, the *wantok* system providing (often inadequately) for a lack of incomes and with a dearth of adequate openings for youthful creativity, there are obvious temptations to obtain what is required by means of breaking into the homes of expatriates and the well-to-do. In fact there is probably no conscience at all about despoiling the homes of 'strangers' anymore than tribal rights and obligations would have been expected to apply to 'strangers' of other tribes. And the activity is probably seasoned with the spice of adventure if not indeed a sense of righteous claim for the young and educated who have not found a place in society appropriate to what they, no doubt, conceive to be their legitimate expectations after attending school. On the other hand, the police cannot afford to be either as ruthless or as coldly efficient as they might have been in rural areas and their organisation is suffering the internal growing pains of nationalisation. Criminal offenders in the towns are not the savage tribesmen of the past with whom naked force was both

necessary and legitimately applied. They have now to be interrogated, statements taken, brought before the courts and dealt with in ways more appropriate to the times. Not only does this require a higher level of education and experience than most of the present force can muster, it calls for tact, discretion and a type of ingenuity which only long experience can provide. Moreover, operating according to the higher standards of the received law has the frustration for the police that the sanctions have little significance for the hardened offender who finds it amusing that the police are expected to prove their case and the penalty carries little stigma. Since most of the advanced, innovative and adventurous migrants have had at least one spell in prison since coming to town, it is clear that little credit attaches to having avoided all possible clashes with the law and, while prison is not liked, little stigma attaches to its infliction.

The police maintain, therefore, and not without some justification, that a basic error in the administration of Papua New Guinea has been to import the Australian system of law which the people neither understand nor appreciate. They are disturbed by the extent to which their own relatively uneducated and legally unskilled police prosecutors are confronted with legally trained and experienced advocates and magistrates who demand a high standard of evidence and greater care in its obtaining and presentation than an undertrained and inexperienced force can possibly provide. To the police this not only permits injustice where an offence may be dismissed because of a police fault in prosecuting the case, it also reduces the police authority by showing the true offenders that the police are not properly supported by the authorities. Add to this the adversary procedure in court and a range of penalties which are not respected by the offenders and, according to the police, there is a widening circle of disdain for law and disregard for order which the system now perpetuates.

Though this kind of complaint may be exaggerated and partly flows from the distant police/community relationships, there can be little doubt that there is a middle management gap in the police system which is not going to be speedily filled. It is understood that this is not a new problem for the police in Papua New Guinea. The complaint that the top-level posts could be filled, that the lower-level posts could attract recruits but that the NCO level was

difficult to provide for has long been a standing feature of the police. It represents no doubt the increasing pressures on the police imposed by the demands of an even more exacting administration of law. In former times, the NCO role was simpler and could well be filled by the army type of NCO. More recently, however, the NCO role has become absolutely crucial to police operations as the requirements of skilled investigation, statement-taking and the preparation of evidence for the court has become more important than the use of organised force to maintain order.

It is understood that none of the 30 staff at the Police Training Centre have had instruction themselves in training techniques, that many cases are lost because of the police not taking statements properly or not seeking the usual corroboration and that a night shift in Port Moresby may be in the charge of an officer with three years' experience or less. A researcher from New Zealand who had been to an outstation, reported asking for the files on a murder case and finding less documentation than he might well have expected in a simple traffic case, because the officer in charge had no real appreciation of the work needed in such cases.

The police problem is, therefore, serious and it is not one which will lend itself to any immediate solution. Crash programs of training or the recruitment of better standard personnel can only take effect over time — as experience is acquired and permeates the police at all ranks. The Commissioner is shortly to attempt a recruitment campaign for 30 police NCOs from the police force of Australia to be seconded to Papua New Guinea. This is a stop-gap measure which probably cannot be avoided at this stage but its impact on the present situation can be overstated. Such new staff need time to acclimatise and they bring with them the different techniques of their States which may not have direct relevance for Papua New Guinea. In fact it is another issue within the police that the force has in the past suffered from the introduction to Papua New Guinea of the different and sometimes conflicting styles of police work in Australia. At the same time, the adequate training and development of local police staff will take time. It is not easy to graft modern police methods onto a force which needs an upgrading of its basic educational levels. Finally, to deal with any or all of the difficulties now facing the police, there is a need to restore its public image as an effective instrument of law and order — or to give it a new and more

effective image as a public protector not merely in the service of an elite.

### *The settlements*

Reference has been made to the gang/police relationship and to the fact that the offences causing most concern are rarely committed by the gangs in their own settlement or settlements. Since these residential areas contain the homes of the wrongdoers and provide the environment for new migrants to the town, they call for more attention, not only in this report but in administration terms generally.

Port Moresby is administered by the Port Moresby City Council which provides a wide range of urban services. Alongside the council are a number of central government departments which also provide services within the municipal limits such as the Lands Department, the Housing Commission, the Social Development Department, the Chief Minister's Department (District Administration) and, of course, the police.

The council area is divided into eight wards, each of which is represented on the City Council by three members. Each ward has a committee consisting of the three ward councillors and seven or eight members. These seven or eight members are, as far as possible, representatives of the residential settlements within the ward. But as yet these residential settlements, though clearly recognisable, have been accorded no legal recognition. They often began as squatter settlements on crown, common or customary land and they have established themselves slowly and by prescription. The houses are of varying qualities. Many are still built of corrugated tin sheets, wood frames and asbestos fibreboard which the City Council, Housing Commission and the Social Development Department are striving to improve with the aid of the people themselves in a variety of self-help housing projects. Some settlements attract the people of one tribe; in one there are many people from a single rural village; other settlements have only Papuans; still others are mixed in both tribal composition and tongues.

While not quite typical, the Ranuguri Migrant Settlement provides an example of the conditions often encountered in these areas. According to a survey of Ranuguri submitted to the Housing Commission by the students and staff of the University Geography

Department in November 1973, there were 770 persons in Ranuguri, that is 8.2 persons per house. The male residents comprised 55.2 per cent of this total leaving 44.8 per cent females. While females were better represented in all age groups up to 15 years, they were only 35 per cent of the 16 to 20 year age group. Five hundred and two or about 65 per cent of the population of Ranuguri were under 20 years of age. No one claimed to be over 60 years of age and those who said they were over 50 amounted to only 1.3 per cent.

It was found that 38 of a total of 94 separate structural living units were occupied by nuclear families (father and/or mother with children). These accounted for 40 per cent of the houses and contained 241 people or 31 per cent of the population. Another 22 units had other individuals, usually but not always single and male and usually closely related to either the husband or wife. Only three of the additional individuals were female. The remaining group of units were multiple families with the house occupied by several nuclear families related to each other and occasionally joined by single individuals. Of 30 such units surveyed, 17 had two nuclear families living together, five had three families living together, one had four families and seven had two nuclear families with single individuals attached. There were four households which consisted of young single people almost all of whom were male.

Ranuguri was probably atypical in that, of the employable male population, three-quarters had work, 22.9 per cent were unemployed and 3.1 per cent were still at school. Usually the unemployed group is a much larger proportion of the employable males. This may be related to the fact that only a very small proportion of those of educable age had not had any formal schooling (13.8 per cent) which is again unusual for the settlements.

Hanuabada is another type of residential area. This is a traditional village of Papuans which is close to Port Moresby. It does not have the variety of styles and qualities of housing found in other settlements. Indeed it is very carefully ordered with each clan having built the houses for its families out across the water in a straight line. Thus Hanuabada with its rows of timber houses, each line a clan with its own internal organisation represents a self-contained and well-organised community. Horse Camp is similarly

a Papuan community which came back after the war to establish itself in an old army camp. Here, however, the quarters are cramped and there are many dilapidated buildings.

The ward organisation was intended *inter alia* to serve as an important means of maintaining public order, but in fact it would appear that the wards' role in the maintenance of public order has been negligible. The reasons given for this have been:

- (a) Ward executive officers are 'clerks' who carry out routine work. They are not 'patrol officers' who tour their wards and who know what is going on within their wards.
- (b) No law enforcement powers have been bestowed on those involved in the ward organisation.
- (c) Though some settlement committees have been established, no comprehensive system of settlement committees and leaders has been established in each residential settlement.
- (d) While some attempt has been made to bring local courts to the people, they do not satisfactorily reach the whole town population and are not coordinated with the ward organisation.

However, it should not be imagined that there is no organisation of the people living in the different settlements of Port Moresby. Observation shows that there is usually a strong community sentiment in these areas and, without doubt, there are informal leaders already exercising considerable influence. The very fact that most of the urban crime causing concern may be committed by settlement dwellers but is not usually committed within the settlements where they live is substantial testimony to an internal cohesion and a rejection of lawlessness (by their standards) which probably matches that of any part of the city. The problem for the authorities is twofold. First, there is a danger that those with least to do, that is, the unemployed and frustrated, will have more time for internal politics and could, by the gang structure, begin to take over the settlements. Since there is so little policing in these areas, this would hardly be difficult, and it is a pattern of growth which has been observed in squatter or migrant areas elsewhere. Second, in an uncertain political climate, the gangs could be used by politicians to mobilise the settlements for

political purposes. This again would follow experience elsewhere and is a possible development not to be taken lightly. It is in this way that lawbreaking can become politically defensible and the way in which power easily flows to the least scrupulous.

The proposal, therefore, to provide for a better administrative structure at the settlement level, to provide local courts administering customary law (in much the same way as village courts can now be set up in rural areas under the Village Courts Ordinance) needs attention and support. Of course the establishment of such customary courts in urban settlements with more than one tribe and therefore with varied customs needs careful thought; but there are precedents in other countries (notably Zambia) for local urban native courts which administered a composite customary law by means of benches of different tribal elders who, given a case where different tribal traditions applied, would select the rule thought to be most appropriate to the novel circumstance. In this way they evolved, in effect, a kind of urban customary law which soon became established — and they were permitted by statute to deal with minor cases under the statute law.

The long-term value of such settlement courts with their own peace officers who could be given general responsibility for the peace and good order of the area cannot be doubted. They would formalise the present informal controls without the introduction of more statute law than absolutely necessary; they would be making the best use of existing practices and traditions well understood by the people; and they would be developing a kind of local common law which might later be codified. They would deal with all internal disputes regarding land, family and property and they could be allowed to deal with minor infringements of the criminal law.

However, such settlement courts with their own peace officers should be part of and not independent of the existing ward system. The courts might sit at ward headquarters where also police substations could be located. Gradually, the police could be seconded to become peace officers for the settlements and local police stations built in the settlements and manned 24 hours a day would add greatly to the efficiency of the scheme while at the same time helping to improve police/community relations.

All this is not only good but necessary to lay the foundations



for future legal administration and good order in the residential areas of Port Moresby. Even so, it is important to recognise that it will have a minimal effect on the present problem of urban crime which is not being committed by the gangs in their own settlements. Over time it may be possible for the courts and peace officers to exercise an influence over such gangs with a view to curtailing their activities outside the settlement. For instance, the provision of leisure activities, adventure clubs and youth services might all help to drain off some of the gang support. This is the long-term prospect, however. In the short-term the answer to the gang crime committed away from home lies in rendering such outside activities unsuccessful. This means strengthening the police, making them more efficient and ensuring that they can regularly patrol the settlements. What a local organised settlement community can do is to provide the community sanctions of ridicule, ostracisation, disdain and disowning which could make the gangs feel uncomfortable and less sanguine about their criminal adventures. The police task would be to ensure that the disowned and perhaps ridiculed gangs could not then vent their spleen in violence against their neighbours.

### **The peace and good order committee**

The Peace and Order Order Committee which has been investigating the crime problem in Papua New Guinea made its report in August 1974 and made many wise observations on crime in general and upon the possible ways to deal with it locally. Many of these have already been discussed. It is necessary for completeness, however, to pass in rather rapid review the other main features of this report.

First, the guiding principles adopted by the committee for its work are quite unexceptionable. They confine their terms of reference to stealing, breaking and entering and drunkenness, argue that the problem is for everyone, not just the police or courts for example, and try to get a demographic perspective on increasing crime which discounts exaggeration. The committee warns that it cannot hope to consider the complete elimination of crime and that Papua New Guinea is by no means the only

country plagued with urban crime at this time.

Second, there is an attempt by the committee to specify the increases which have been considered above – and third, the committee delves into the difficult realm of causes with commendable modesty, underlining the complexity of the different perspectives and factors likely to be involved. The comment on human nature can hardly be faulted and there can be no doubt about the accuracy of the committee's comments on the lack of development in the rural areas and the poor urban facilities. However, it might be added that experience elsewhere (Africa, Asia, Latin America as well as Europe and North America) suggests that no amount of investment in the rural areas will halt the drift to towns, and that if the facilities in the urban areas were twice as bad as they are they would not deter the migrant, particularly the young migrant who thrives on the excitement and even the risks of living in town. This is not to say that rural areas should not be improved or that urban facilities should not be extended. It is merely to advise that these, though justifiable in their own right, should not be regarded as being likely to have any direct effect upon the crime rates.

On the education system, it is clear that Papua New Guinea can learn from the unemployment generating potential of continued irrelevant education which has been experienced in so many other developing countries, Sri Lanka being a classic example. This is too large a subject to be more than touched upon here but the negative no less than the positive aspects of the educational system need more careful study in any long-term planning for crime prevention.

The influence of 'poor' homes and bad family conditions is also well set out by the committee – showing that Papua New Guinea shares the experience of so many other countries. It is significant that 95 per cent of the boys who are sent by the courts to Wewak Boys Town came from broken homes in the sense that one of the following applied:

- (a) Father and mother had a poor relationship.
- (b) Father drank or gambled to excess.
- (c) Mother drank or gambled to excess.
- (d) Parents were separated or divorced.

(e) Fathers and mothers were not exercising supervision.

(f) Parents had provided for children who had grown away from the home.

Listing these, however, rather dilutes the concept of the broken home since it would appear to have been widened to such an extent that by *ex post facto* argument it covers any situation of delinquency.

The committee's references to the breakdown in traditional values or to the misuse or abuse of traditional social institutions is a section leaving much to be desired. It would appear that in the development of this section, the service of anthropologists and tribal elders could have been more profitably used. The problem of money for an unsophisticated migrant, the pressures of *wantok* obligations on meagre incomes, the possible effects of mixed tribal or religious marriages and the breakdown of the traditional chains of authority were all worth the mention given to them by the Committee. But far more needs to be known about the deeper effects of town life on tribal or kinship patterns of rights and obligations. It has been demonstrated elsewhere that traditional relationships have a remarkable resilience and often survive to develop new patterns of neighbourhood cohesion and forms of leadership in the towns. The committee may not have been able to go very far into these difficult but important subjects and longer range studies may be necessary. To appreciate the true meaning of much of the urban crime and to develop community resistance to it, efforts should be made to obtain more accurate and relevant information. This may mean following up in town the style of living of groups from tribes in rural areas which have been studied already by anthropologists so that the pattern of their traditions before they come to town is already well known. It may mean some comparative case studies of urban life styles of difficult neighbourhood groups in the town, be these simple ethnic groupings or mixed. Whatever needs to be done to obtain more and more relevant data on the effects of town life or customs should be done simply because here lies the generating area for much of the crime and the community solution to the problem if it can be understood and used.

Next in the general review of causes, the committee deals with 'Uncontrolled or Excessive Liquor Consumption'. It seems that

some 40 per cent of all urban offences are now linked with alcohol consumption. This is a high proportion and might even increase but the drinking is again a breakdown of traditional styles of living and probably emanates as much from the boredom and frustration of life as from any addiction to alcohol. It is significant that there is no 'social' pattern to the drinking as far as can be seen; the usual tendency is to drink only to get drunk. Again this is a wider subject than can be dealt with here. It would seem that with women so opposed to it, their influence would be used to develop greater controls, and attention could well be given to nationalising the breweries so as to feed profits from the sale of beer back into the public purse, to provide perhaps better services and facilities for the residential settlements. This is an approach which is partly recommended by the committee but not in the sweeping terms of this report.

The committee makes a brief comment that 'unscientific' and 'distasteful' literature and films do have some impact on the minds of the viewer and the reader. The committee believed that some 'tricks' were learned from the literature and the films of violence. This has never been proved conclusively but as a matter of policy some countries have begun to limit the amount of violence being screened on the assumption that over time there probably is some kind of conditioning going on, subliminal or otherwise. It might also be noted that in general terms, the kind of values and philosophies retailed by the ordinary catering for the entertainment of large numbers of people can give the impression to young people that they are really deprived because they do not have all the luxury or leisure depicted on the screen.

Finally, under 'causation' the committee deals with gangs and the emergence of leaders and with the need to rethink some of the laws. It rejects the suggestion of any direct relationship between large families and the incidence of crime.

Moving on from causation, the Peace and Good Order Committee touches upon:

- (a) The general state of flux in the country — the background of uncertainty which affects many people and disturbs relationships. This should not be overlooked in the more specific approaches to crime. An independent government offering firm guidance and strong leadership can create a

climate of confidence which could do a great deal to influence the rates of crime due to breakdowns in adjustment by those not capable of dealing with the complications of disturbing times.

- (b) The rejection of deviants by the community – pointing out quite properly that the sense of belonging should be preserved even if a deviant is troublesome. There is more chance of reaching him if he has not been forced to reject the community.
- (c) The lack of pavements along the roads which exacerbate the motorist/pedestrian relationships.
- (d) The obligations of employers to contract labourers.

The committee then turns to the solutions and begins by rejecting the simple expedients of giving more powers to the police or increasing penalties. Among the short-term solutions proposed are:

- (a) Uniformed (retired) policemen to live in settlements<sup>10</sup> as peace officers. This has been dealt with above.
- (b) Police call boxes in all settlements.
- (c) Security or watchmen for every settlement 'attached' to the peace officers.
- (d) Regular police visits to settlements.
- (e) Policemen to reside in the settlements rather than barracks.

All these have been dealt with above. They will obviously be of value but with the most serious crimes committed outside the settlements, it is not clear that they would have the requisite short-term effects on crime. It will be seen that the present report differs from the Peace and Good Order Committee report in treating these short-term solutions as long-run expedients, preferring to concentrate on dealing more with police deficiencies in the short-run. Most of the other short-term recommendations, with the possible exceptions of locking doors and windows and developing neighbourhood protection in the richer suburbs, have been dealt with above.

With regard to long-term solutions, the committee itemises:

- (a) Educational reform which has already received mention in this report.
- (b) Legal reform with specific recommendations on particular laws – especially those relating to juveniles.
- (c) Institutional reform – including better police training and correctional training.
- (d) Economic reform – to produce more jobs and more development generally.
- (e) Urban reconstruction – to improve the housing in the settlements.
- (f) Administrative reform – dealing mostly with better coordination of services.
- (g) 'Hidden persuasion' – well trained persons to infiltrate the gangs and change their activities from illegal to legal. (This is a very doubtful possibility since it would require a level of expertise and gang acceptance unlikely to be encountered in Papua New Guinea.)
- (g) Liquor control – approaches to more government control.

This does not exhaust the committee's very full and far-reaching report, but it does deal with the major elements. There remain, however, one or two recommendations of special importance upon which this report should comment in more detail.

#### *A national youth service*

The Committee on Peace and Good Order took up the recommendation of a previous Committee of Inquiry into a National Youth Service. The consensus was that there should be a national youth service. I have not had an opportunity to study the reports in detail on this question, but have had considerable experience of such youth services elsewhere and was chairman of the working party which in 1963-64 drew up the plans for a national youth service in Zambia.

First, it must be very clear that a youth service simply based upon coordinating or expanding existing church youth groups, Girl Guides, Boy Scouts, etc., could never be of sufficient power or status to deal with the real problem presented by unemployed

youth in Papua New Guinea. Furthermore, these youth groups generally serve well the kind of young person who really does not need a youth group and they fail to attract the difficult delinquent or drop-out type which should be the real target of any national youth movement worthy of the name.

Second, a full-time and separate youth service organised by the government for the unemployed can only help to buy time until the economy provides the employment which these people need. It is expensive but, nevertheless, if the young recruits are offered three to four year contracts of service to do all kinds of development work, a breathing space is obtained for the economy to develop in a way which will absorb the young people in legitimate employment when they are discharged from the national youth service. This implies using the youth service like an army with voluntary recruitment. Experience with even such well endowed national youth services fully organised army style by the State shows results less than expected and it shows governments prepared to abandon the scheme as it grows too fast. Though it is supposed to deal with unemployment, probably no developing country has the resources to recruit more than 4,000 young people and usually this barely approaches the real dimension of the problem. However, within such limits, a national youth service can be really valuable if it is fully costed in advance, its precise role defined and its potential for political exploitation fully diluted.

### *Midnight curfew*

The Peace and Good Order Committee was opposed to a curfew because as it explained, it would not achieve its objectives because:

- (a) The kind of offender a curfew is intended to apprehend is much too clever to offend within curfew hours. He will be likely to raise a false alarm to draw off the police from the area he would like to attack.
- (b) The mechanical administration of a night curfew would lead to 'fraud' by the public, and 'abuse' by the police.
- (c) The curfew would penalise the innocent rather than catch the wrong-doers.

If, however, the curfew is from 11 p.m. or midnight to say 4 a.m., it would not inconvenience very many and it would seem reasonable for the police to question justifiably any juvenile wandering about after midnight – if not after 11 p.m. It could not penalise so many innocent people who are not likely to be strolling the streets at such a late hour and it would encourage private entertaining to be arranged at earlier periods of the evening. It is very unlikely that a curfew would do much good in preventing crime, either long or short-term, but it could help to placate the public and certainly, providing its limitations are understood, it could help to initiate case discussions on its value in Australia as an aid to crime control.

### Final note on the police

This report has placed the main emphasis on the need for a reform of police practices, procedures, training and conditions of service. Reference has been made to the fact that police in Papua New Guinea may not have adequately converted from an earlier pacification role to a modern community role.

It is only fair to add that this problem for the police in Papua New Guinea is, to some extent, shared by police forces in many other parts of the world as education spreads, expectations rise and there is an attempt to practice democracy to its full extent in a way which previously had never really been fully conceived. Nearly all police forces have lived to serve an elite and to maintain the power and position of a legitimate authority. As long as this hierarchy of positions was accepted, then the police were acceptable even to those they were obliged to discipline or prosecute from time to time. In modern times and in many countries this has changed. There is a challenge to the elite and the role of the police has had to change to provide community services of a more general type. Police forces are not finding this adjustment easy and there are heavy demands on better training and better understanding throughout the different forces in Europe and America. The Papua New Guinea force is, therefore, sharing a common problem which may have particular complications of its own, but which will not be assured of any immediate and complete solution.



The recommendations of this report are, therefore, divided into long-term and short-term measures, but it would be wise for there to be a continuing relationship between the police and other bodies mainly concerned with crime prevention in Papua New Guinea.

### **A crime prevention council**

In view of the interrelationships between the police, the corrections and the courts and the relatedness of health and education, it would be wise for there to be a crime prevention council established in Papua New Guinea at a level high enough to ensure that there could be adequate coordination between those concerned with crime prevention. The only secure way to obtain coordination is, however, by means of additional funds and, therefore, it would be useful for such a council to be provided with funds to initiate joint projects in crime prevention. Such a council would, hopefully, have ministerial chairmanship and would include the heads of the various departments concerned with crime prevention. It might also have representation from the university and the churches, if this is required. This would enable some of the short-term and long-term solutions mentioned in this report to be implemented more effectively, but it would also enable Papua New Guinea to plan ahead for the kind of crime which it must begin to expect and to prepare now for a better society with an improved quality of life.

### **Summary of conclusions**

1. The crime problem in Port Moresby is more of an urban crime problem — as is being experienced by growing towns everywhere — than it is peculiar to any traditional aggressiveness of Papua New Guinea tribesmen.
2. Port Moresby's crime problem still seems to be less than the urban crime problems of many developing areas — and it does not nearly approach the problems of towns in most of the

world's developed areas. This is not to say, however, that it is not serious — or seriously in need of attention. At the present estimated rate of urban migration, it can be expected to become at least 12 per cent more serious annually.

3. The core of the problem of crime in Port Moresby is the 'gang/police' equation, that is, the steady rise of breakings and enterings by gangs — and the conspicuous failure of the police to deal with it. This does not exclude other crime problems.
4. The gangs need to be dealt with by more efficient police work on the one hand, and by organised settlement restraint on the other hand. This latter can be developed by extending the village courts system to settlements, by the appointment of peace officers and gradually integrating these with police patrols in the settlement as well as the development of police substations in the settlements. There will also be a need for better community and social work in the settlements to provide alternative pursuits of a less deviant nature for the gangs.
5. The police inefficiency is due to:
  - (a) Its unchanged image of an alien rather than a community force.
  - (b) Its under educated, under paid, inexperienced and immature staff, especially at the middle management level.
  - (c) Its inability in the past and now to develop a truly Papua New Guinea image for itself, apart from the Australian legal and police background with which it began and with which it still largely works.
  - (d) The perpetuation of the military rather than the police style of operations.
6. There is a need for more studies of the transfer of customary tribal relations to urban conditions with a view to using these to develop internal order.
7. There is a need for the new Law Reform Commission to

consider how the present laws, procedures and especially the Rules of Evidence should be amended to bring them into line with local traditions and expectations.

8. Thought might be given to nationalising breweries and using profits from the sale of beer to improve social conditions.
9. A curfew from midnight to 4 a.m. for juveniles would do little harm, if only because juveniles would not normally be out at this time. But it should not be introduced as a panic measure to deal with crime because it would, in fact, have little effect beyond shifting the hours for breaking and entering. Curfews cannot substitute for poor police performance.

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1 Another is Motu. Altogether in Papua New Guinea there are about 700 languages spoken.

2 Paul Brennan, May 1972, quoted by Nigel Oram 'Law and Order', *New Guinea Quarterly*, vol.7, no.4, January 1973.

3 This is true despite a recent second-hand report which reached me regarding some inexperienced policemen on duty being afraid to challenge Chimbu tribesmen breaking into houses at night because these offenders would be likely to pay-back by later killings of those who prosecuted them.

4 Nigel Oram, 'Law and Order', *New Guinea Quarterly*, vol.7, no.4, January 1973. Quoting House of Assembly Debates Nov 12, 1971 pp.5267-583; the *Post Courier* Dec 26, 1971 and Dec 31, 1971.

5 *ibid.*, p.5.

6 Papua New Guinea. Peace and Good Order Committee. Report. (Chairman: Joseph Aoa, 1974).

7 It seems, however, to be less troubled with prostitution, even if its drunkenness comes at least up to the average.

8 The estimate here is according to the gravity and extent of crime rather than the increase of internal migration only, which is shown as being about 12 per cent.

9 See also the possible future politicisation of these gangs — at pp.25 and 26 below.

10 This is not to ignore the fact that a number of married policemen already live in suburbs, for example, Kaugere, Hohola, etc.

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## 2 A framework for a crime prevention policy

*David Biles*

No one in the world can claim to be an expert on crime prevention as no one really knows how to prevent crime. We all have ideas on the subject and these ideas vary between suggestions that we should all be kind to criminals and other suggestions that capital or corporal punishment will be effective. The man in the street is more likely to support either of these extreme suggestions for crime prevention than those of us who attended the Port Moresby seminar; we all have a more realistic approach to the complexity of the crime problem.

Any sensible approach to reducing or controlling the level of crime in any community is essentially dependent on three factors: the appropriateness of the scope of the criminal law; the acceptance of a crime prevention philosophy and program and the effectiveness of correctional programs. These can be summarised as the law, primary prevention and secondary prevention and I will discuss each of them in turn.

### **The criminal law**

The first essential of any rational form of social organisation is a statement of the criminal law which is appropriate to the needs of the particular community it aims to serve. The importation of criminal codes from one community to another is fraught with danger, as is the popular assumption that the criminal law can be used to ensure that all people behave in a way which is seen by the law makers as righteous, moral or good. An appropriate criminal code is one which has the full support of the majority of people in the community and which only proscribes or prohibits those

behaviours condemned by that majority.

In the past the criminal law has largely been decided by a small group of influential and wealthy people in any community, but in recent years strenuous attempts have been made to make the criminal law democratic and thus ensure that it has the full support of all the people. Many countries are now endeavouring to change the content of their criminal law statutes in order to fulfil this desirable democratic goal.

This process is seen most clearly in countries like America, England and Australia, where efforts are being made to decriminalise the moralistic content of the law. It is argued, for example, that homosexuality, prostitution, some forms of drug taking and public drunkenness should no longer result in arrest, conviction and imprisonment, as these are victimless crimes which cause no real harm to any other person.

In some parts of Australia public drunkenness has been decriminalised and the results have not been particularly satisfactory. In the Northern Territory, for example, when drunkenness was held to be no longer an offence, the numbers of people in prison dropped enormously; but now, some twelve months later, the prison populations are increasing rapidly following convictions for assault, attempted murder and rape — very often committed by persons who were under the influence of alcohol at the time of the offence. Decriminalisation of public drunkenness is only possible if appropriate alternatives in the form of detoxification or drying-out centres are available. If sobering-up centres can be made available and drunks are simply detained and offered medical treatment if needed and then released when they are sober, this is immeasurably more desirable than taking them to court and imposing short prison sentences which are very costly to the community and achieve no long-term benefits.

With other forms of victimless crimes alternative methods of disposition are not necessarily needed, but the tolerance of the community is the crucial factor. With homosexuality and prostitution, for example, it is now suggested by many people that the criminal law covering these behaviours should be simply repealed and that this would have the welcome result of eliminating the possibility of blackmail and other insidious forms of crime being associated with these forms of sexual behaviour. The argument for decriminalisation can be taken very much further

and in Denmark, I am told, it is now being seriously suggested that petty larceny in the form of shoplifting should no longer be regarded as a crime. I am not suggesting, however, that any country in the world is now sufficiently tolerant to go this far.

The essential point I am making is that the enforcement of criminal law which does not have the full support of the people is likely to be costly and counter-productive to the long-term aims of the community.

### **Primary crime prevention**

I use the term 'primary crime prevention' to refer to all efforts which can be made to reduce the probability of individuals, particularly children, committing their first criminal offence. This broad subject may be approached by reference to the fact that no crime can take place without the two elements of opportunity and motivation being present. If there is no opportunity to commit crime, then it will not take place; and if the potential offender is not motivated or does not want to commit the offence, then the result will be the same. To eliminate either factor is to prevent the crime taking place. I will examine the two factors of opportunity and motivation separately.

#### *Opportunity*

It seems to be inevitable that as a society becomes more modern and sophisticated it creates for itself more opportunities for crime. The modern city, for example, where the majority of people are strangers to each other, is infinitely more crime-producing than is the small village community where every resident is known to every other. The anonymous nature of urban life is undoubtedly a significant factor in providing opportunity for crime.

We cannot however totally avoid the development of cities or large centres of population, but we can reduce the opportunities for crime which are found in cities. It is essential that a sufficient number of police is seen to be on patrol in all areas where crime is likely to occur; and it is also essential that adequate street lighting is provided and that appropriately secure locks and other security devices are used on all business and commercial premises where goods of value are stored.

It is relatively easy for any city to reduce opportunities for crime through physical security in the form of adequate lighting and locks and bars, but crime opportunities are created in many other ways. The modern approach to retail trading, for example, with its open display of goods for sale is designed to encourage impulse buying, but it also encourages impulse stealing. We need to question whether this method of organising large shops is in the best interests of the total community. It is not satisfactory, it seems to me, for the storekeeper to argue that small losses from shoplifting can be absorbed by slightly raising the price of goods, because the ease with which larceny can take place in that situation is likely to encourage the occurrence of theft in other situations. Therefore, I believe, shopkeepers have a moral obligation to keep opportunities for theft on their premises to an absolute minimum.

One could argue similarly that every owner of a house or car has a responsibility not only to protect his goods in his own interests but to discourage crimes against his property in the interests of the wider community. There is a limit, however, to the restrictions that can be placed on normal human activity by the imposition of physical restraints (none of us would like to feel that it was necessary to turn our houses into fortresses) and therefore we must also address our attention to the motivating factors in criminal behaviour.

### *Motivation*

If it were possible to devise a form of human society in which each person respected the rights of others and had no desire to seek illegal means of achieving their ends, then we would not need to concern ourselves with opportunities for crime; but this ideal state does not seem possible. There are, however, some methods of reducing the tendency towards social deviance in communities: the key concept is a 'sense of belonging'. If people really feel that they belong to, and are a part of, their families or clubs or social organisations, they will not break the rules of those groups; and if people similarly feel that they belong to their country, they will not break the rules of that country: these rules are the laws. The problem is to induce this sense of belonging, and the answer lies in child-rearing practices, educational philosophy and practice, social welfare, industrial organisation, and the appropriateness of



the political organisation and government of the country. It can be seen therefore that this is a most complex matter and one for which there are no simple solutions.

The total community has a responsibility for the creation of a climate of acceptance and loyalty to the broader values which distinguish a society from a collection of individuals. Of all of the areas of influence that I have mentioned, that of education is probably the most amenable to the application of the goal that I have stated. It is most important that from the beginnings of primary education to the post-graduate levels at university, the ultimate aim of the educational process is seen as one in which the individual is prepared for service to the community rather than acquiring skills which will simply increase his capacity to gain in status and money. Too often, it seems to me, education is geared to the needs of the individual rather than the needs of the community. It is too often too competitive, too selfish and too individualistic to create the sense of belonging which should be paramount.

In a similar way, business and commercial enterprises can tend to divide rather than unite a community of people. If there is constant tension between employers and employees for greater profits or greater wages, there is unlikely to be a sense of mutual respect, which is a necessary part of belonging to a factory or workshop or commercial organisation. No one, as far as I know, has done detailed research on this subject, but it is my belief that in commercial situations where there is profit sharing, incentive payments or some degree of worker participation in management, there is less likely to be pilfering and damage to property than there would be in the normal employment situation. If this is true, it can thus be seen that reducing the motivation to commit crime can cover almost every aspect of social organisation.

As it is impossible to reduce totally opportunity or motivation towards criminal behaviour, inevitably some people will commit offences, and for those we need to devise methods to counteract the earlier failures in the system and reduce the likelihood of repeated offences. Thus the third approach to a total crime prevention policy concerns the correction or rehabilitation of known offenders.

### Secondary crime prevention

The decisions of criminal courts have several purposes. The court may punish the offender in order to deter others, or to persuade him not to behave in that way again; or it may impose a penalty with the view that regardless of deterrence or rehabilitation, retribution was necessary in its own right. Of these aims, reducing the likelihood of reconviction is of the utmost importance and yet it is a salutary truth that many of the punishments imposed by courts make offenders worse rather than better.

There is considerable evidence accumulated from research which indicates, for example, that sending offenders to prison for long periods is likely to increase rather than decrease the likelihood of their committing further offences. It has also been shown that a period of probation under the supervision of a trained officer, or a period of compulsory community work rather than imprisonment, is likely to produce a lower chance of reconviction. Furthermore, these non-custodial penalties are clearly an attractive financial proposition when compared with the costs of imprisonment. The following Australian figures for 1972-73 indicate the wide differences in the use of imprisonment in Australia.

**Prison population compared with general population  
by States and Territories 1972-73**

|                    | <i>Daily average<br/>prisoners</i> | <i>General population<br/>(‘000)</i> | <i>Imprisonment rate<br/>per 100,000</i> |
|--------------------|------------------------------------|--------------------------------------|--|
| New South Wales*   | 4,155                              | 4,860.4*                             | 85.5                                     |
| Victoria           | 2,107                              | 3,581.0                              | 58.8                                     |
| Queensland         | 1,517                              | 1,898.6                              | 79.9                                     |
| South Australia    | 870                                | 1,196.5                              | 72.7                                     |
| Western Australia  | 1,295                              | 1,065.8                              | 121.5                                    |
| Tasmania           | 371                                | 395.6                                | 93.8                                     |
| Northern Territory | 266                                | 93.4                                 | 284.8                                    |
| Australia          | 10,581                             | 13,091.3                             | 80.8                                     |

\* including Australian Capital Territory

I have been very interested for some years in the extent to which different communities make use of imprisonment as the basic penalty for crime. I have found that there is no connection between the numbers in prison and the level of crime in a community. A society which has two or three times as many persons in prison as another is not necessarily any safer as far as crime is concerned.

It can be seen from the table that in Victoria there are fewer than 60 persons in prison per 100,000 of the population, whereas for the Northern Territory the equivalent figure is more than 280. The people of the Northern Territory are no safer as a result of this high figure.

I have endeavoured to obtain equivalent figures for Papua New Guinea so that I can compare the local use of imprisonment with that of Australia, but these figures are hard to come by. It seems however that for the year 1972-73 there was an average of 4,055 persons in prison throughout the whole of Papua New Guinea and if the total population is approximately 2.5 million, then the rate per 100,000 is approximately 155. This is certainly lower than the highest found in Australia, but it is also considerably higher than the overall Australian average. It seems therefore that there is possibly room for the development of alternatives to imprisonment which could reduce this rate.

The types of alternatives to imprisonment which have been successfully developed in many countries include probation, which is probably the cheapest and most effective method of dealing with many offenders, and parole, a system for releasing prisoners under supervision before the expiration of their sentences. Other techniques are work release, a method whereby prisoners nearing the end of their sentences are permitted to work in the community for normal wages and return to prison at night and at weekends, and periodic detention, a penalty requiring the offender to spend some of his time in an institution doing unpaid work for the community. The appropriate alternatives to imprisonment depend of course on the local situation, but I would be surprised if some of these were not applicable to this country.

### **Conclusion**

In this chapter I have briefly outlined the three essential elements of a total crime prevention policy. Success will not be achieved unless equal emphasis is given to the law and to primary and secondary crime prevention. If one area is neglected the others will surely fail. An integrated policy must work at all three levels simultaneously.

### 3 The problem of crime and its control in developing countries\*

*Marshall B. Clinard*

There are now 141 countries belonging to the United Nations; there will be 142 when Papua New Guinea joins this year. Of these countries, 108 are developing countries, under such criteria as standard of living, literacy, etc., and of these about 20 to 25 may be considered to be borderline, thus leaving only about 30 countries in the world today that are really developed. Thus, the subject of crime in developing countries covers something like a minimum of three billion persons out of the four billion on earth. When one talks about crime in the United States, England, Australia, and Western Europe, one is referring only to a small proportion of mankind.

Crime is an extraordinarily serious problem in the world today. In most developing countries crime is the second or third major problem in the large cities; in the United States, it is the number one problem of our cities. There are some exceptions to a great and rapid increase in crime; one exception is India which has an extraordinarily close family system that continues to exist even in the cities and that is preserved, in part, by the Hindu religion along with the caste system, associated with the fact that customarily a man does not migrate to the city for long without bringing his family or, at least, keeping in contact with them. The other exception, and one I mention with some reservation but with some knowledge, is Tanzania. This country is using carefully planned social policy measures that have enabled it somewhat to curb crime, which has been a most serious problem in the two other East African countries of Kenya and Uganda.

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\* Portions of this paper are reproduced with the permission of the publisher from: Marshall B. Clinard and Daniel J. Abbott, *Crime in Developing Countries: A Comparative Perspective*, Wiley, New York, 1973.

I make the assumption that more crime goes unreported in the developing countries than in the developed, but the reported figures alone generally show an enormous increase in crime with development. Let me make it clear that I do not say any criminal statistics are complete; we generally make the rough calculation that only about 50 per cent of crime is reported to the police even in the developed countries. Crime rates appear to be rising far more rapidly in the developing countries than in the developed, but I hasten to add that the developed countries, generally, have much higher rates of crime, particularly armed robbery.

As I understand it, the crime problem in Papua New Guinea today mainly involves crimes of violence over land and other disputes between clans and individuals. Property crime, the stealing of things, is nowhere near as extensive as is such crime elsewhere, and it is largely confined to cities. In the next five to ten years Papua New Guinea is probably going to experience a great increase in stealing, armed robbery and burglary. I hope that this country will be an exception and that I will be proved wrong.

To analyse the crime problem in any developing country, one must have an understanding of the major forces and pressures that influence social change in that country. As the less developed nations attempt to bring about transformation in one or two generations that have culminated from several centuries of more gradual development in most of the industrialised nations, severe social repercussions become apparent. At no other period, perhaps, in the history of the people of developing countries have values and living patterns undergone such extreme alterations over the span of one lifetime. The magnitude of the social revolutions taking place throughout the world clearly signifies an intensive period of societal transformation, and the resultant disruptions are greatly intensified when the degree of social change is high and many new institutions are created.

These developmental processes encompass the combined effects of urbanisation and industrialisation, migration and the consequent growth of slums, increased availability of consumer goods, and extensive changes in normative standards of behaviour. In spite of some uncertainties surrounding statistical reports gathered from developing countries, the findings support almost unanimously the rapid increase in crime, particularly property crime, as a concomitant to the developmental process. As a result,

urgently needed developmental resources become diverted to crime control; additional manpower, transportation, special equipment, and buildings must be provided for police, courts and prisons. Street lighting is improved largely to guarantee more adequate security. In this connection Port Moresby appears to have less adequate street lighting than any major city I have visited.

Perhaps an even greater result of rising crime has been the fear generated among the populace for the security of person and belongings, a situation that had not been anticipated as associated with independence. While today more criminal activities are directed at the wealthier segments of the populace, as is the case, for example in Port Moresby, Lae and Goroka, increasing development results in greater insecurity on the part of the average man.

### **Growth of urbanisation and crime**

The greatly accelerated rate of urbanisation is the dominant feature of the developing world; characteristic village life is rapidly being replaced by urban living patterns. Urban areas are growing at a rate two to three times the rate of population growth, and the population expansion in these developing countries gives them a greater potential for urbanisation. It is, in fact, proceeding much more rapidly than it did in the developed countries, and the circumstances surrounding it differ distinctly. The tendency is for population to concentrate in the large primate cities, as can be expected in Port Moresby and Lae. Papua New Guinea today has less than 10 per cent urban population, but this is increasing at a rate of 15 per cent a year and undoubtedly will accelerate rapidly after independence. One can thus expect the large cities to double or even triple in population in five years or more, so that Port Moresby may soon have a population of 300,000.

A series of factors combine to aggravate the urban crime problem in developing countries:

- (a) Vital resources necessary in the drive for sustained economic growth become concentrated in the very large primate cities, and once such a process is initiated,

investment naturally follows. In this way the forces of modernisation control population movements and maximise the criminogenic effects of urbanisation.

- (b) The same characteristics of urban living typical of developed countries are seen presently in many developing world primate cities: heterogeneity, anonymity, rapid social change, competitiveness, individualism, and emphasis on material goods. While small enclaves remain in which people carry on some of their traditional ways, they are being exposed constantly to the larger urban world. The heterogeneity and density of the city force people into slum neighbourhoods with which they have little affinity or basis of understanding.
- (c) The lack of intimate ties, plus the protective cover of impersonality and anonymity, radically reduces both internal and external control of criminal behaviour.
- (d) The city offers greater opportunities for theft and greater possibilities of collaboration with other offenders, as well as with 'fences' for the disposal of stolen goods. Urban areas generate the motivation, rationalisation, skill and low risk of detection. Furthermore, in the large cities many average persons, as well as businesses, are interested in buying such stolen goods as watches, radios, and even items of clothing.
- (e) Numerous studies have indicated the importance of youth companions and gang membership in the promotion of criminal behaviour in the cities of developed countries. Crime also appears to be transmitted and committed by groups in the developing countries, although there is considerable variation by organisation, size, and nature of their behaviour. Gangs and other criminal groups furnish an alternative source of support in place of family units that are often severely disrupted by the effects of urbanisation. Offenders usually report closer prior friendships with persons who have been in trouble with the police.



### **Migration of youth to the city**

Youths migrate to the city because it holds for them a great attraction and excitement, because often they feel pushed off the land, and because what education they have had in the rural areas makes them often dissatisfied with the life and the limited opportunities offered by the village. In Papua New Guinea the first and the last factors are of primary importance in youth migration, and they are interrelated. Educated youths find little opportunity to use their education in the villages, and they also tend to lose respect for their elders because the elders are uneducated. In all developing countries there is a tendency for people with three to five years of education, or with secondary education, to go to the city. They want to use their education and are no longer willing to work in the countryside, believing also that they can earn more with which they can buy the products of the modern world on sale in the cities. They also see that while they may be disappointed in their inability to purchase such material goods, many rich people have them. It thus becomes important for the migrant to have certain kinds of clothes and items such as watches, etc., for status, none of which were as important in the village.

The migrant faces the choice of accepting the urban way of life or attempting to recreate a semblance of traditional life in an unfamiliar setting. Even though the sense of community, self-importance and belonging is often weakened or lost in migration, the impact of drastic changes in social environment can be mitigated by contact with settled relatives or friends in the urban area. Such help tends to decline, however, as the friends and relatives have been affected by the anonymity of the city. New social alignments based on urban criteria of status and importance emerge. Many migrants choose the alternative of a short-term commitment to the city and even return to their villages if and when their economic goals are fulfilled. Migrants who remain face many impediments; work is hard to find and may involve a frustrating and fruitless search and during this time they must have cash to meet their needs. Simultaneously the migrant is exposed to contrasts of life styles unparalleled in the village, and he often cannot avoid being drawn, through a group or gang, into some type of criminal activity.

In a study made of migrants to Kampala, Uganda, a city of

400,000 persons, one dominant factor in the background of the offender, as compared with the non-offender, was the comparative absence of experiences and supportive agents that could have prepared him for urban living.<sup>1</sup> More often it was found that the offender had only village life as a frame of reference before arriving in Kampala. When he did make his way to the city he seldom had relatives or friends to give him shelter and food, or to guide him in adapting to city life. Furthermore, even when he did have relatives there, he tended to avoid them and, to a much greater extent, found close friendships outside his own tribal group. The offender was somewhat of a paradox for he did maintain his connections with his village kin and he often owned land there. Thus the offender seemed to be a person who maintained his village identification but who failed to form social ties that would enable him to make a successful adjustment to this new style of urban living. No differences were found in the extent of unemployment between offenders and non-offenders.

As they are in the developed countries, slum areas, or what are called shack villages or squatter areas, are the chief sources of crime in the developing countries. Crimes are committed by the slum residents, and most of them occur within the confines of the slum. These areas often begin as relatively homogeneous areas, nearly all of the residents, for example, being from the same clan, tribe, or region. As the city grows large, however, they become extremely mixed. The problems of the slum areas are not, basically, due to housing or poverty, but to a way of life. There is often a favourable attitude toward stealing from others as long as it is not from other members of their own community.

Not all slums have high crime rates, and factors such as physical conditions, socio-economic status, or population stability do not distinguish between slum communities with high and low crime rates. From the research we carried out in Kampala, the low crime rate community appears to have a much higher degree of unity, expressed by a higher incidence of visiting, participation in local organisations, restricted friendship patterns, and stability in family relationships.<sup>2</sup> By cultural homogeneity and strong emphasis on tribal and kin ties, members of the low-crime community managed to evade the heterogeneity, impersonality, and anonymity that prevailed in areas of high crime. The predominance of primary bonds in a neighbourhood reduced the propensity to steal from a

neighbour and made the unnoticed entrance of a stranger less likely. Older persons demonstrated a critical capacity to maintain the unity of the population and helped to enforce compliance to community rules.<sup>3</sup> The high crime rate area was better off economically; it had better physical facilities (water, electricity, etc.) than the low crime rate area. Several other factors were found. First, the high crime rate area had a much more diverse population, the low crime rate area had fewer tribal groups; the more diverse the area, the less the control. Second, the high crime rate area was found to have been less influenced by the older people, the elders of the village; in the low crime rate area these elders still exerted some influence in community decisions. Third, the high crime rate area provided a greater facility for disposing of stolen goods, actual markets for selling these items. Greater antagonism to the police was also found here, yet the people were more fearful of crime and more apathetic. Quite a different response was given in the low crime rate area, where the people, even though slum residents, very poor and uneducated, showed much more interest in the city as a whole and participated more fully in groups outside their own community.

### **Changes in types of crime**

Modernisation also has an impact on criminal behaviour in the less developed countries; some forms being more common and others less common than in the rest of the world. Property crime, constituting as it does almost all crime in any city in any country, increases sharply due to a marked decline in informal social controls, greater opportunities for theft, and the rising prestige of material possessions, however small, as status symbols. Since even the simplest object, a used shirt, a light bulb, or a piece of iron pipe, represents a desirable increment in wealth, the potential market for stolen goods is much greater than in almost any developed country. Also, the opportunities for theft are greater because of the difficulties of protecting property and the absence of security measures, particularly in squatter areas. Special markets are often readily available for disposal of stolen goods in the cities.

Robbery with violence, or with the threat of violence, also

increases as a country develops. Today there is very little armed robbery in Papua New Guinea. In the developing countries generally, however, armed robbery attacks are increasingly being made on homes, and on motor vehicles and buses on the highways. This represents a growing problem in isolated non-urban areas, and particularly the transportation of large sums of money into outlying areas with few guards available. These increases are, in part, the result of training acquired in prisons, as more and more offenders are going there and learning sophisticated criminal techniques. Particularly important here is their developing a willingness to resort to force even with a gun.

Automobile theft generally occurs less frequently in the developing countries, as automobiles are scarce and many people are unable to operate them. Far more frequent is the theft of parts and accessories for which there is a ready resale market, particularly where import restrictions are heavy. The theft of an automobile for the sole purpose of a ride is far less common, as is vandalism by youth. The purposeless, wilful destruction of property by youth, extremely common in many highly developed countries today, is rare, as I assume to be the case in Papua New Guinea. Increasing in number and significance will be such offences as cheque forgery, embezzlement, and the use of stolen credit cards.

Such offences as the use of children for illegal purposes are more common in developing countries. I gather that this is a problem today in Port Moresby where gangs of young persons aged ten to fourteen engage in breaking and entering. It is likely that some older person, a youth, adult, or even a family member, may be behind such activities. Other offences that may be more frequent in less developed countries are food adulteration, cattle theft, begging, certain political offences, black marketeering in money, rioting over various problems, village disputes, and political grievance protests. Most of these offences can be expected to show decreased rates with increased development, although the record of some more highly developed countries in the sphere of political crimes has not been good.

Many developing countries report much higher rates of violent crime, such as homicide and assault, than do the developed. In fact, of the 25 countries with the highest homicide rates all but two, which are at the lowest end, are developing countries,

primarily in Latin America and Africa. When the probable high degree of under reporting in less developed countries is considered, the gap may be even greater. Violence is generally a subcultural phenomenon associated with specific cultural factors in its use to settle disputes. The use of violence tends to decline with modernisation and with education.

Corruption in business and government appears to increase as a country becomes modernised, being most prevalent in the intense phases of industrialisation. Papua New Guinea can expect increased corruption unless steps are taken to prevent it, as has been done in its new Constitution. It is generally agreed that corruption of government officials is an acute problem in most countries in Asia, Latin America, and in Africa, and that many persons and their families have amassed large fortunes by holding political office. Common forms of crime by businessmen in developing countries include the violation of income tax laws, import, export and currency control regulations and embezzlement. An elaborate system of kickbacks often accompanies every phase of governmental activity, including even small purchases by government agencies, and graft is associated with the granting of licences and privileges of all types. The extensiveness of corruption grows out of nepotism, for the transition from a traditional to a rapidly modernising industrial society has not yet resulted in the transfer of village loyalties to a serious dedication to an emerging nation. Corruption of officials in high places frequently comes from the industrial and commercial classes, many of them foreign companies, which seek special privileges either to sell their products or to gain concessions for natural resources.

### **Planning for crime control**

A serious dilemma is faced by the developing countries. On the one hand, they must plan for development, while on the other, they must recognise that the price for such development will probably be a marked increase in crime. A partial solution, or a mitigation, is to include criminal policy in overall development planning and to foresee crime control measures at least five to ten years in advance. Plans for the entire range of crime control must

be an essential part of national development planning. It is most unfortunate that most developing countries relegate crime control planning to a secondary place, due to the widespread and erroneous belief that by improving their general socio-economic conditions crime will be almost automatically eliminated.

One can readily understand the great pressures upon the developing countries, whose financial resources are limited, to develop industries, agriculture, education, housing and health facilities. However, if they succumb to the tendency to postpone crime control measures until they are more economically advanced, it will then certainly be more costly and may even be too late, if the experiences in the developed countries today offer any indication of the trend. Should the crime control program be approached from a multiple factor point of view, the proper emphasis on crime control may be missed: to propose to do everything is to confuse the issue and will result in an ineffective program. However, specific programs can be instituted to do something about particular situations, as in providing better police and improved court procedures or to meet such problems as presented in the slums of large cities where criminal peer groups have developed and where stolen goods can be disposed of easily.

A rather discouraging picture is thus presented to planners in the developing countries who have to expect more crime to accompany urbanisation, greater productivity, and increased literacy. Even though this problem may be more acute in the developing than in the developed countries, with rapid urbanisation and the sudden shifting from the traditional to the modern, it may not be as discouraging as it seems. The high crime rates of developed countries are products of almost no long-term planning in the area of crime control. The situation in most countries has gradually deteriorated, and in the past little has been done to correct it, mainly because of inadequate knowledge of the cause of crime or of measures, except punitive ones, to deal effectively with it or to plan in advance. Persons in developing countries often fail to realise that the same characteristics of rising crime rates, general poverty, rural living, and extensive migration of young males to the cities were typical of the developed countries seventy-five to one hundred and twenty-five years ago.<sup>4</sup>

Lack of adequate planning has resulted not only in the growth of extensive and sophisticated criminal behaviour patterns which

are transmitted to each new generation, but much effort has been wasted on wrong approaches. Much money, as well as effort, has been wasted, for example, in the developed countries on individualistic approaches of personal adjustment problems that require the use of expensive psychological and psychiatric treatment facilities for individuals.

Little has been done to prevent the growth of large cities where crime rates are high. Australia is a good example of unchecked urbanisation, several cities having between one and three million residents. Cities should not be permitted to grow larger than 500,000; probably half this size would be an optimum. Only recently has the importance of slum living to crime been recognised, but even here great sums of money have been wasted on the assumption that the crucial problem of the slum was its bad housing. It is now generally recognised that it is not the physical facilities that cause crime, but rather the way of life in the slum itself. When I use the term slum I refer to this way of life, a way of life that includes crime, fighting, poor sanitation, prostitution, a lack of interest in education, and general apathy. In fact, slum clearance projects, with all new buildings, are often associated with higher crime rates since they have brought together many strangers, thus destroying what community control had previously existed in the old slum area. Today the emphasis is on community organisation for crime control and on destroying existing housing only when absolutely essential.

The importance of the police in their community relationships has also been more thoroughly recognised, and changes have been made from a repressive to a citizen-oriented approach to police work. Even more recently the wide use of imprisonment and severe prison sentences are being questioned in overall crime programs. In the meantime, billions of dollars have been wasted, for example, in the United States on prisons, particularly in building construction. Today our prison population is declining, and some prisons are even being closed. Capital punishment, widely used from time immemorial, has been almost completely discredited as an effective method of controlling crime.

In the long run effective crime control measures must be predicated on a valid theory of human behaviour and the cause of crime: without such a theory, one can hardly suggest what specific crime control measures should accomplish in the prevention and

treatment of crime and delinquency. Extensive worldwide evidence now exists to support the proposition that criminal behaviour involves the learning of norms in the same manner as non-criminal behaviour is learned. Criminal norms are acquired primarily by group association and participation in deviant subcultures, such as those found in slums, in youth gangs, and in certain occupations. Basically, crime is related to social and group factors, a fact of extreme importance and great relevance in planning for crime control.

In contrast to the developed countries, where the social consequences of migration, particularly on the young, had not entirely been anticipated, the developing countries in the present world should be able to foresee these problems and to plan more adequately for the consequences of migration and urbanisation. The general recognition that crime is primarily a problem of the young in all countries, may make it possible for these newly developing countries to take some specific steps. Crime prevention, in fact, depends to a large extent on the adoption of an adequate and comprehensive policy for a nation's youth. This is especially important in view of the fact that half the population in the developing countries is generally in the young age range. The participation of youth can provide development planning, and its implementation, with the drive and dynamic quality needed to ensure success and to offer the greatest promise for crime prevention. The young can be incorporated more effectively into decision-making bodies. In the United States and in Great Britain, for example, the voting age has recently been lowered to eighteen, and several states in the United States have lowered the age of full citizen responsibility to eighteen. In theory, such approaches to youth will promote a greater interest in national development and also engender wider compliance with the law. Some countries, for example Tanzania, have initiated national service programs for youths.

The less developed countries must, of necessity, evaluate programs and look into the costs and benefits to be derived from the adoption of various crime control measures. The use of valuable productive resources to deal with crime must relate realistically to total expenditures in order to promote more effective development along with less crime. In some instances additional street lighting might be more effective, for example,



than an increase in police. Likewise, the use of probation or community service projects is far cheaper than the use of prisons.

### Revisions of the criminal code

Most developing countries have inherited their systems of criminal laws and procedures, along with their courts, police and correctional systems. When these systems obviously fail to fit their current needs they often do not, unfortunately, make sufficient changes in the criminal legal systems. Developing countries tend to blame their problems on the fact that they have inherited a colonial law system, which in the case of Papua New Guinea is the Australian law. Many times I have heard the comment: 'Our problems of crime control arise because we have a legal system that does not fit us or our customs'. While in the case of Papua New Guinea certain features of Australian law, based on English law, should be eliminated, I argue with people who make such comments, as I know of no country on earth that can permit breaking and entering or armed robbery. Unless one wishes to have individual revenge, one would have to put these crimes into local laws anyway. Some laws enacted under colonial rule should be eliminated, some modified, and some should be made even stronger. New ones should also be added. One problem, however, exists in the revision of the criminal code. Some developing countries have tried to find out what the people think and then change the law, an approach that I think is wrong. If there is a certain customary reaction to adultery, for example, this should be recognised, but not when this involves the institution of very severe penalties wanted by the public.

Criminal code revisions remove certain acts from the criminal code, and criminal sanctions could be reserved for those on which there is more general consensus.<sup>5</sup> Criminal codes should be reviewed to reassess their social significance. Most developing countries, for example, could well follow current developments in the United States, Great Britain, and the Scandinavian countries to 'decriminalise' certain offences with respect to personal morality. Recommendations have been made that criminal sanctions be removed from public drunkenness, gambling, the use of drugs, and certain sexual practices such as prostitution and homosexuality.

Most of the offences involving public morals seem to be antiquated in the developed countries; in the developing countries they seem to be even more anachronistic. Also the loose concept of 'juvenile delinquency' picked up from colonial powers tends to cloud police work: even more, it confuses criminal statistics. If juvenile delinquency is to have any meaning, it should refer to offences by juveniles that would result in criminal prosecution if they were to be committed by an adult.

Revisions in the criminal code can bring changes in penalties, hopefully reducing the severity of some penalties and making other adjustments best suited to the individual country. In most countries prison sentences could be drastically reduced. Few sentences should be longer than six months. In Switzerland, for example, where the crime rate is exceptionally low, rarely are sentences longer than one year, and in many cases even this sentence is suspended. The longer a person remains in prison, the more likely he is to return to crime, particularly to more serious crime such as robbery. Shorter sentences also reduce expenditures for incarceration, and diminish the future costs of criminal recidivism.

Various types of community service are being widely used as an alternative to imprisonment in Great Britain and elsewhere. Such service is not only productive but it also helps in local and national development, along with the hopeful result of keeping the offender in contact with non-offenders and in changing his attitudes. This type of project can be used alone or in conjunction with local community correctional facilities where the offender works or attends an educational institution during the daytime.

Fines and imprisonment are penalties imposed and collected by an impersonal state and thus do little to restore the damage or the loss caused to the victim or his family. However, restitution to the victim with a penalty, or compensation to him, has particular merit as a substitute for both fines and imprisonment. Restitution was the traditional method of settling offences in almost all countries, and it remains so in many village areas and in developing countries. The wide use of restitution is particularly relevant for Papua New Guinea.

Most acts defined as crimes, as well as the severity of the associated penalties and the enforcement of law, are determined by those who have the political and economic power to decide

what is criminal and how society is to enforce the law. The law is lenient with respect to politicians and businessmen; it is far from being so for the poor man who often receives a sentence of several years. This holds great significance with respect to what is crime and who is a criminal, for how severe a penalty is, and for the stereotyped conception of 'the criminal'. It has considerable bearing, too, on developing countries. Corruption in government and business is seldom regarded as a criminal act; rather, 'the criminal', as defined by law, is usually a young slum person who is often a recent migrant to the city. The criminality of those in high places who accept bribes, fail to pay taxes, or violate currency control regulations is generally ignored since they, being in power, determine who is the criminal and what action should be taken. Unless changes are made in this view of crime and the criminal, it will continue to be the source of rationisation for more youth and more poor persons to commit crimes. I would suggest in Papua New Guinea that, from the very outset, the penalties for corrupt politicians and businessmen should be severe and penalties for the poor should be less severe.

An adequate revision of the penal code for developing countries must include much information that is not strictly legal in nature.<sup>6</sup> A revised code must utilise demographic data, containing a population distribution by age, along with an estimate of the political, social, and economic structure of the country and its correlation with crime trends. A determination must also be made of the sources of wealth that need to be protected by the penal code, crime trends and projections, correlations between police, judicial, and correctional statistics, and, very importantly, statistics on recidivism.

### **Estimating the extent of crime**

Effective planning in crime control depends upon reasonably accurate estimates of the extent and trend of the crime problem and on the types of crime and where they are concentrated. Unfortunately, less developed countries have most inadequate, and sometimes almost non-existent criminal statistics. All available data, however, indicate a general increase almost everywhere.

Based as they are on minimal figures, it is thus reasonable to state that crimes reported to the police would undoubtedly be much higher with more accurate statistics. Developing countries must establish reasonably efficient organisations to record criminal statistics, and reporting must be made mandatory. The use of computers is highly advisable, as it makes possible more rapid planning of reports, better detail, and more significant breakdowns of data. Since this more sophisticated method may be overly costly and since it also depends upon the extent to which crimes are reported to the police, crime victimisation surveys can be partially substituted. In this method interviews are conducted with a sample of persons in selected areas to find out whether or not they have been victims of crimes, and of what kinds of crimes, during a specific period, generally twelve months, also whether or not they have reported the crime to the police. In general only a small representative sample need be interviewed, whether in a country, a city, or in certain local areas. Surveys of this nature have been done in the United States since 1967 and are now being carried out in several countries.

Planning of criminal policy also requires knowledge of population growth, particularly urban growth and the number of young people in developing countries who might migrate to the cities. This is especially important since the larger the urban and youth population the greater the potential for crime. Some developed countries have achieved some degree of population stability, with a low net reproduction rate, while many developing countries have high rates of increase that certainly will affect the crime picture. Population projections are decisive in the formulation of many policies but their role in relation to criminal policy, until now, has been modest, being used more often to project prison populations than for planning for crime control.

### **Physical measures to prevent crime**

The developed countries have had a great deal of experience, often experience that has not been effectively used, but that should be helpful in preventing crimes before they occur in developing countries. Measures of simple precaution, for example,

the wider use of cheques and improved security in transporting company payrolls or large sums of currency to and from banks, would prevent many crimes. Forgery might be increased, but this would not be nearly as great as are the losses from currency thefts. Banks could be more widely used for the safety of cash funds now being kept hidden around the house, as well as a repository for such convertible wealth for rich and poor alike in the form of jewellery. Business firms need more alarms and other protective systems, and the homes of the poor need simple locks. Business concerns and houses of wealthy persons should have more protection through the use of night watchmen, for either one or several houses together, or use such means as watchdogs, barred windows, etc. Street lighting should be improved. To prevent shoplifting in supermarkets greater control should be exercised over displays and valuable goods, more shop assistants should be employed and closed circuit television cameras should be considered. Cars should have security devices such as steering wheel locks.

### **Preventing corruption**

Widespread corruption appears to be an integral part of the development process, and thus it is logical to suggest that all countries should plan to implement strong measures that might prevent it. Concerted efforts could be made to develop more resistance to corruption among civil servants, since it is extremely difficult to remove the opportunity in any rapidly developing country. Civil servants might become less vulnerable to corruption if countries plan to develop better educational procedures and disciplinary measures, at the same time increasing their salaries and status. It is also essential that leaders, particularly ministers, keep a low profile of their improved economic situation.

### **Controlling urban migration**

Most developing countries have had almost completely uncontrolled migration to cities, even to the primate city such as

Port Moresby, for example, resulting in a disruption of planned development, over-urbanisation, and an inability to meet problems, including crime, of these urban areas.<sup>7</sup> Since developing countries have one or, at most, a few major cities in which their developmental programs are concentrated, the best alternatives to continued population concentration may be a program of small-scale and cottage industries in rural areas, the development of new cities and the decentralisation of new industrial, commercial and governmental programs to rural areas. The potential volume of this migration is so great, however, that these large cities can be expected to increase in spite of efforts to decentralise. In view of the fact that the youth of the developing countries find the large or primate city particularly attractive, decentralisation would probably not completely reduce migration even if there were better opportunities for employment elsewhere.

### **Educational planning and crime prevention**

It is essential that less developed countries recognise the relation of educational planning to urban drift and criminality. Improved national planning could reduce urban youth migration and the large-scale unemployment of educated young people in the cities. There is a need to plan educational systems that will relate more effectively to training programs in general and to vocational opportunities. In my judgment, most of the education being offered today in village areas should emphasise training in vocations. It should be mechanical and industrial as well as agricultural, and small-scale industries should be developed to keep the youth in the rural areas. In itself, an expansion of educational facilities may not be effective in dealing with the criminal behaviour of youth. There is need for more specific education in traditional values of the people, in problems of group, regional, clan and tribal relationships, and in understanding national objectives. Unfortunately, educational systems are complicated by the retention of a formalised western school system, one that largely ignores acculturation problems and does little to prepare the child for a changing world. Several less developed countries have established youth service systems to absorb the large

numbers of unemployed youth and to provide channels through which surplus labour can be directed to public works and to rural settlement projects. These programs, of course, are short-term and might even make youth more discontented if other programs are not available to them on their discharge. Since most ordinary crimes are committed in the developed countries by youths under the age of 18, and in the less developed by those under 25, it is essential that youth be more widely incorporated into the political and social institutions, through appointing or electing them to committees and other means.

### **Planning migrant communities**

Migrants might avoid settling into a 'slum way of life' if they could be guided to certain areas especially planned for them. Such planning has been done in some countries where cheap land in less crowded parts of the city has been acquired for the construction of shacks or houses, often through self-help, according to an established plan. Here migrants with common backgrounds can live in close association, and the transition from village life can be made in a way to avoid the strains of urban living. Some existing social controls can be maintained, and the deviant influences of existing slums can be lessened to some extent. New community organisational structures can be developed in as orderly a manner as possible, and trends toward crime and other influences controlled as effectively as possible. Without these features, expenditures for physical improvements are usually wasted. 'Planned slums' do not work if they are conceived only in terms of the physical structures such as providing housing, schools, medical centres and services like drainage, water, and electricity. If there is a lack of the human component of community organisation, neighbourhood activities, local identity, and other social aspects that help to differentiate a disorganised slum from a viable community, the places will only become worse.

A variation of this procedure has been the idea of reception centres where the rural migrant may be introduced to some of the economic and social aspects of city life and also receive training in a specific skill. After he has been adequately prepared for this new

way of life, he can be 'placed' in a certain job and in a specific community. Better still, the migrant can be prepared beforehand, so that he will know what to expect in the city, how to avoid possible criminal influences and what resources might be available to him there. Programs are also being worked out in some countries to encourage migrants to return to rural areas. Tanzania has an extensive program to help unemployed urban youth to return to rural areas and work in special programs.

### **Preventing crime in slum areas**

The main source of ordinary crime in the developing countries, as it is elsewhere, is the urban slum. Here criminality appears to be a product of a way of life existing in most slum areas, although not in all, fortunately. In view of the rapid increase in slum populations, it is important to concentrate crime control plans in these areas. The police and other outsiders can hardly be expected to control thefts, the sale of stolen property, violence, prostitution, and illicit drug and alcohol traffic without the reasonable support of large groups of local citizens. Moreover, a family by itself can do little to prevent crime; it might not even try by itself, in fact; but groups of families together can deal with such criminally disposed influences as youth gangs or local 'fences' of stolen goods. The control of crime and delinquency must involve ordinary citizens particularly those who live in these slum areas. It is usually they who must bear the main burden of criminality in the slum; they cannot rely exclusively on governmental agencies and personnel, or on legal procedures implemented by the police, the courts, and the prison system. The efforts of outsiders like police officers may be ignored or even ridiculed by the community residents. Worst of all is the feeling of apathy about what they can do to improve local conditions or to control crime.

The local slum community should become the focal point in dealing with crime and other forms of deviant behaviour in urban areas. Slum dwellers should develop a better understanding of what crime means to their communities. They must learn how to eliminate those influences around them that help produce criminal



patterns, to reduce the use of violence in settling disputes, to help young unattached migrants adjust to urban life without engaging in crime, and to help others to understand the role of the police and other agencies of social control.

In addition to helping with the control of crime and delinquency, slum people can do a great many other things for themselves. They can, for example, make minor repairs and maintain their own housing in better condition, whether it is publicly or privately owned, perhaps with community-owned tools. They can improve sanitation, get rid of rats, establish credit unions and cooperative stores, promote cooperative ownership of recreational equipment and library materials, and cooperate with teachers in increasing motivation for learning. Some self-help effort in job training has also been conducted by local slum communities.

Some slums are so heterogeneous and local social control so limited that it is necessary to help the residents organise into self-help development (neighbourhood or block) councils if they are to be successful in treating problems like sanitation and health or crime and delinquency.<sup>8</sup> To engage local slum communities in such crime control programs, effective local community relations must be created where little or none now exist. Potential indigenous leaders must be found and allowed to assume direct responsibility for initiating changes. There will always be slum residents who are dissatisfied with local crime and other conditions and who want to make changes. Improvement in a slum area depends to a great extent on the motivation and interest of such leadership.

The organisation of slums could be done through a municipal department of community services. Large cities in developing countries can be divided into semi-political units (smaller subdivisions of political wards) of approximately 1,000 to 5,000 persons, or into smaller units in which there would be some degree of local leadership, initiative, and organisation. In 1969 Tanzania set up local ward development committees which were granted the power to impose 'traditional sanctions' against persons who either fail, or who refuse, to take part in designated self-help schemes. Some programs of self-help are already in existence in slum areas of developed and developing countries and these groups can be effectively used in crime control programs. They are usually tribal,

village, ethnic, religious, regional, or caste groups, but may be based simply on geographic proximity. Although they carry out some self-help programs, many of their activities could be more systematic and they could take on additional functions.

### **Police and crime prevention**

Not only must the numbers of police in developing countries be increased, but they must be trained to be more efficient. They should be provided with modern equipment, such as patrol cars and radio equipment, and great emphasis should be placed upon their role in national development. Under colonial rule, the police in most countries were used almost entirely to maintain order. More emphasis must now be put on their importance in community relations. By winning the respect of the citizens they would be helpful in preventing crime and also in gaining the increased cooperation of local people to report crimes. In Tanzania police engage in many community activities, and in some countries they have been used in such programs as public health.

### **Prisons**

Most countries rely heavily on imprisonment; this is particularly true of developing countries that have inherited their system from colonial rulers. This reliance on prison is extremely costly, and if properly run they are almost prohibitively expensive. Some developed and generally developing countries have thus tried to make the prisoners earn their own way, so to speak, using them as 'slave labour' in such commercial ventures as manufacturing products or raising sugar cane and cotton. Some countries even try to show a profit from their prison systems. This is a short-sighted investment, however, as prisons generally produce more crime and criminals of the sophisticated type who commit armed robbery. While prisons must be continued, of course, their use should be decreased to serve only those few persons for whom there appear to be no alternative measures. In their place, widespread use should be made of such alternatives as fines, restitution to the

victim, probation, community service, partial confinement in the local community, and other similar measures. Practically none of these measures cost a great deal of money, most will serve to prevent crime, and in some cases national wealth and development may be increased.

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1 Marshall B. Clinard and Daniel J. Abbott, *Crime in Developing Countries: A Comparative Perspective*, Wiley, New York, 1973, pp.119-126.

2 *ibid.*, pp.142-165.

3 A somewhat similar conclusion was reached after a study of a high and low crime rate area in a United States city. See Eleanor E. Maccoby, Joseph P. Johnson and Russell M. Church, 'Community Integration and the Social Control of Juvenile Delinquency', *Journal of Social Issues*, vol.14 (June 1958), pp.38-51.

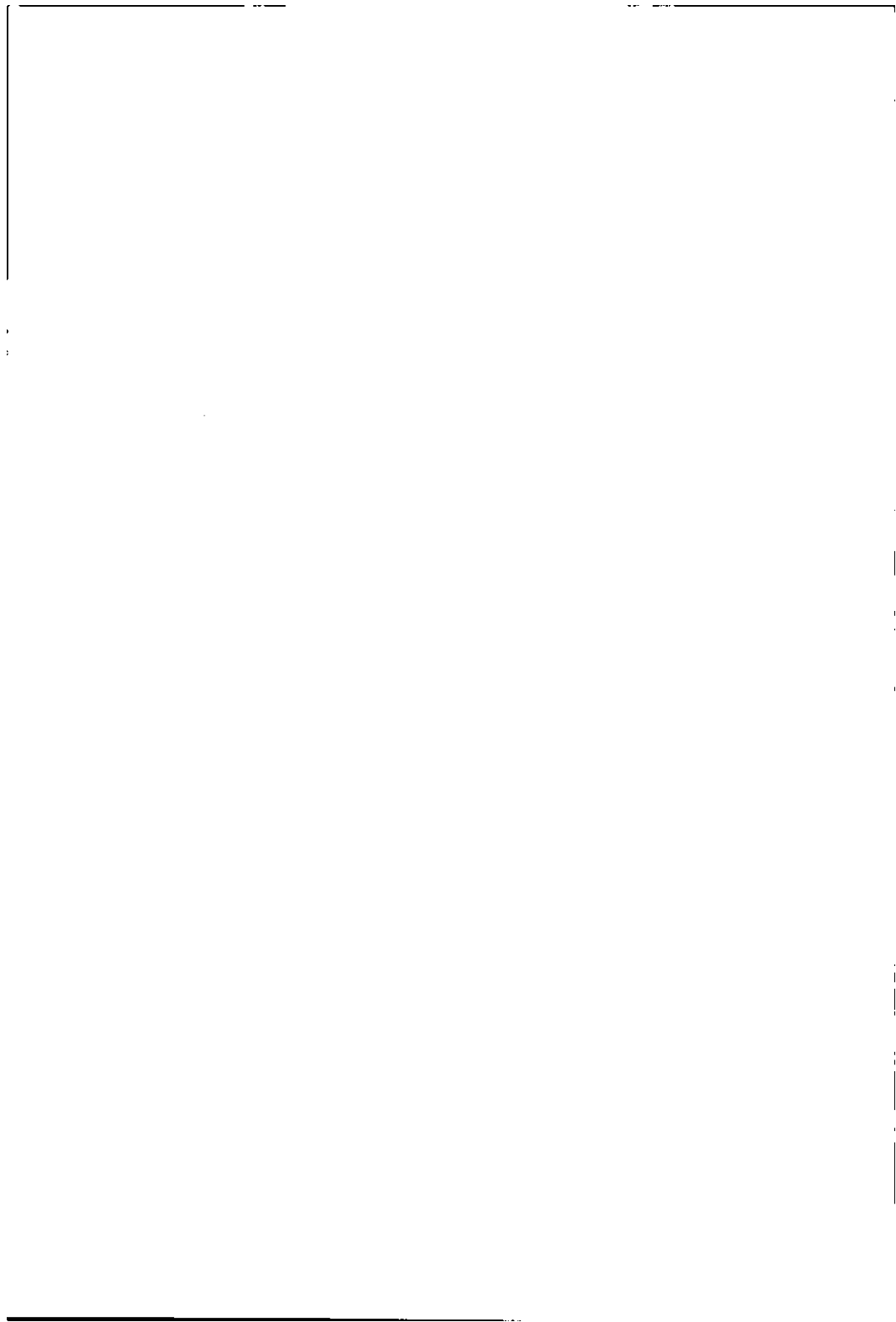
4 J.J. Tobias, *Crime and Industrial Society in the 19th Century*, Batsford, London, 1967.

5 Manuel Lopez-Rey, 'Planning of the Criminal Justice System with Special Reference to the Judiciary', In *A Policy Approach to Planning in Social Defence*. (UN Doct. ST/SOA/114), United Nations, New York, 1972, pp.246-277.

6 For a discussion of the necessity to revise criminal codes and the various factors that must be considered, see Manuel Lopez-Ley, *Crime: An Analytical Approach*, Praeger, New York, 1970.

7 For a discussion of these issues and their solution, see Marshall B. Clinard, 'Urban Planning for Crime and Delinquency Prevention', In *A Policy Approach to Planning in Social Defence*. (UN Doct. ST/SOA/114), United Nations, New York, 1972, pp.32-66.

8 For a detailed discussion of the problem and the organisation of slums for self-help, see Marshall B. Clinard, *Slums and Community Development: Experiments in Self-Help*, Free Press/Macmillan, New York, 1972, c.1966.



## 4 Shantytowns and urban development in Brazil

*Jose Arturo Rios*

In recent years Brazilian cities have been faced with the problem of under housing and this has resulted in the appearance of shantytowns, a phenomenon which has also occurred in Papua New Guinea. It is the aim of this chapter to present an outline of the Brazilian experience with shantytowns in the hope that it will be of relevance to the problem faced in Papua New Guinea.

The Brazilian situation can be understood in the light of a tremendous urban growth.<sup>1</sup> The 1970 Census<sup>2</sup> established a landmark in that for the first time urban population outnumbered rural. The so-called rural and agrarian country became urban and industrial. In the sixties, Brazilian development meant urbanisation.<sup>3</sup> This urban explosion is due to many causes:

- (a) Larger investments in urban areas have created the need for labour, stimulated the creation of jobs in cities and deflected to the cities, migrants who previously moved to the agricultural frontiers.
- (b) Urban salaries, being higher than rural salaries, and social security systems reinforced the trend towards city growth.
- (c) Most of the basic services were concentrated in cities, accentuating the imbalance between them and the rural areas: schools, doctors and health posts were located mostly in urban areas.
- (d) A highly centralised administration also caused an inflow of people from rural areas to cities, the seats of political power, decision-making and job opportunities in the public services.

Shantytowns were at the beginning a part of this general urban

upsurge. Undoubtedly, back in 1930, they resulted mostly from rural-urban migration. Recently, however, new factors have developed out of the city context itself and have led to the spread of shantytowns:

- (a) Urban renewal was sometimes inductive to *favela* or shantytown growth when, as was quite usual before 1964, the building of public works did not take into account the housing needs of dwellers from the poorer strata. When old houses were destroyed, their tenants scattered and had to look for homes in the cheapest sections of suburbia, sometimes far away from the downtown centre, or in vacant plots of land located on steep hills or in swampy areas.
- (b) Lack of urban planning also contributed to a great amount of speculation on urban land and housing, since zoning till recently was an unknown word to planners. No system was developed to give the government tight control of urban land prior to the rise in its price. Public works themselves brought prices up, increasing the value of land and decreasing the bargaining power of the poorer classes.
- (c) Lack of an adequate and cheap system of transportation aggravated the predicament of the urban proletariat who had to devote a larger share of their meagre budgets to their daily travel from home to work. Therefore it became vital for them to find accommodation as close as possible to their work.
- (d) A shortage of jobs in the cities on one hand and the low qualifications of the migrants on the other, made for a general debasement of the migrants' purchasing power and created the need for low-paid jobs, mostly in the tertiary sector of the economy.
- (e) No serious attempt was made up to 1964 to create a national housing plan nor specifically to provide housing for the lower classes. Squatting therefore became the usual form of land appropriation for the migrants. Squatting was also made easy by the confused state of land ownership. The government itself would rarely know about its urban property. Social security institutes owned land in cities but

did not take due care of it nor did they plan to use it for their own beneficiaries. Attempts to control the use of such vacant plots failed due to tolerance of guardians and the overwhelming complicity of the all-pervasive family system. Private landowners allowed migrants to invade their plots, only to ask the government to throw them out when their numbers made the task impossible. Between the irreconcilable pressures of owners on one side and squatters on the other, the government would expropriate the land, a step which benefitted the land owner but which would not improve the lot of the squatters.

In the three decades after 1930 all these forces operating in the urban context made for the mushrooming of *favelas*. In Rio de Janeiro alone their dwellers amount to about 500,000. Each step towards urban renewal or industrial development has increased their numbers. *Favelas* appear to the observer as community villages where shacks are built almost one above the other. Some of the *favelas* have developed into true cities — if such rural enclaves in the urban tissue can be thus called. Some of them have populations of 80,000 to 100,000 and their services can be highly complex, involving groceries, stores of every kind, schools, churches of many denominations, offices of professionals, lawyers, doctors, midwives and brokers of every sort.

In this apparently chaotic world a complex social structure is established, based on close-knit neighbourhoods and strong solidarity links, and reflecting folk culture and traditional rural society. A network of social relations pervades the maze of shacks with a clear-cut system of leadership and social control. The presence of delinquents in *favelas* is sizeable, but they are made, in some way, harmless by the controls of the *favela* itself. They are, in other words, potential delinquency areas but their effect is mostly felt in other urban areas. A few days ago a Brazilian newspaper quoted former British Ambassador, Sir David Hunt, who tells in his recently published *Memoirs* the following story:<sup>4</sup>

When Brazilian urban guerillas used to hunt diplomats, the British Ambassador felt himself quite secure among the dwellers of shantytown Santa Marta, one of the most famous in Rio de Janeiro... When the threat of kidnapping grew up, this was one of the few places in Rio de Janeiro where we would feel perfectly secure. Favelados cared about their lives and kept a very strict code of hospitality towards outsiders.

*Favela* hoodlums, as well as gangs, operate outside, never inside the village. *Favela* crimes are either petty thefts, sexual offences or result from neighbours' quarrels. The attitude of the *favela* people towards the hoodlum is ambivalent: they admire him and, at the same time, they are afraid of him. To be a hoodlum in the *favela* is to take up one among the possible careers offered to people. The *favela* people grew up together and played together. It is therefore natural that friendly relations may arise out of such coexistence. Besides, they have to learn how to coexist with the hoodlums and their gangs, because the protection of the police is precarious and, sometimes, disastrous in its effects. Police raids in the *favela* are brutal and usually hurt innocent people. It is understandable why nobody wants to give evidence in court and nobody ever seems to see offences occur or to know the whereabouts of a criminal's hideout.

Furthermore, the seclusion and autonomy of the *favela*, with its own rules and values, affords for a double personality. Many criminals in the outside world enjoy good reputations in the *favela*, and in reverse, a hoodlum in the *favela* can be a solid citizen outside.

Police interference in the *favelas* has been much more repressive than protective. The erection of police posts in some *favelas* has proved to be in some cases an ambiguous solution, since policemen in some cases have become involved with *favela* girls and have supplied weapons to gangs. The *favelados* themselves, although sceptical about raids, have asked for protection and called for the introduction of patrolmen; but the usual reply from the authorities refers to the scarcity of personnel, most of it engaged in patrolling the high and middle-class neighbourhoods. An attempt was once made to establish a sheriff system in some *favelas* using retired policemen or military personnel of the lower ranks, but this was not welcomed by the police and was finally abandoned. As a *favela* develops into a well-knit neighbourhood its dwellers become 'solid citizens' and strive to get rid of their bad reputation.<sup>5</sup>

All over the world the problem of shantytowns seems to be tied up with urban development and national development in general. As new nations come to the fore it is likely that their urban centres will receive new migrants from rural areas, and their capitals will not be in a position to house adequately these extra



numbers. In Brazil, late developments have only reinforced the growth of shantytowns in the cities.

New social legislation in rural areas has increased the burdens of landowners and caused them to avoid employing permanent labour, therefore saving the costs of housing workers on plantations. This new trend has reinforced the growth of shantytowns on the outskirts of cities. Rural development has not brought with it sound rural planning. Concentration of land in the hands of a minority discourages agriculture and precludes the formation of a class of small landowners, leading people to migrate to cities. Lately, a shift from agriculture to cattle raising, stimulated by the government, has reinforced this trend.

Both State and Federal Governments in Brazil have strived to apply all kinds of solutions to the shantytown problem. The governments generally reflect the ambivalence of people towards the *favelas*, as the solutions they have proposed so far afford a study in different ideologies for urban planning. In the forties, people in the higher income brackets seemed to think that *favelas* were just an urban blight and should be wiped out. The notion of 'eradication' seemed to please both government officials interested in public works and private interests eager to put to auction the most valuable plots, or to avail themselves of the places where some *favelas* were located by using them as sites for apartment houses or big hotels.

Soon it became clear that the size of the problem and the political pressures opposed to eradication would not permit its indiscriminate application. A paternalistic approach, which in many ways also appealed to private interests, fostered the erection of housing complexes theoretically destined to house the dwellers of eradicated *favelas*. The cost of such complexes and the practical impossibility of matching their building with the growth of the shantytown populations led people to think of other solutions more appropriate to the scale of the problem.<sup>6</sup>

A new path was opened in 1962 when the State Government in Rio de Janeiro decided not to remove *favelas* without a very strong reason and at the same time to lead their process of urban renewal from the inside, starting with the motives of the dwellers themselves. *Favelas* were thought of as communities with their own kind of social organisation and leadership. By using their social solidarity government was able to let *favelados* plan for

themselves the urban improvements they wanted in their environment according to their values and resources. It was apparent that they had their own scale of priorities and a very clear idea of their needs with regard to community work and housing improvements. The government stirred their sense of solidarity, which led them to elect the best leadership and they were able to launch self-help projects which in many cases changed the *favela*. Instrumental to that purpose were the many committees for local improvement created in the *favelas*. The committees played several roles, such as acting as the natural intermediaries and consultants to the government as far as any work in the *favela* was concerned, acting as agencies of social control on the *favelas*, settling disputes among neighbours without the intervention of police or outside authorities, and strengthening their sense of solidarity.<sup>7</sup>

This experience showed that no matter what financial plans were proposed by the government – and great progress has been made since 1964 when a national housing plan was established<sup>8</sup> – the *favela*, as an urban and social problem, needed more refined techniques such as those employed in social and community development. It is clear that in such a context the solution is not just to build new houses or apartment complexes, but to promote social and community development through education and participation. The urban solution becomes at the same time a social solution, in the sense that it stresses social solidarity and social control. This may represent a new path to those countries which are more and more troubled by problems of urban growth and the lack of resources to build new houses.

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1 Brazilian urban population was 52.9 million in 1970. It represented 56 per cent of the total.

2 The Brazilian Census is taken every ten years. The last was taken in 1970.

3 The process of urbanisation has been studied by Brazilian and foreign scholars. Among them a few deserve mention: Manual Diegues Junior, 'Imigracao, Urbanizacao e Industrializacao', *Instituto Nacional de Estudos Pedagogicos*, Rio de Janeiro, 1964; Paul Singer, 'Desenvolvimento Economico e Evolucao Urbana', *Editora Nacional*, Sao Paulo, 1968. Sugiyama Iutaka, 'The Process of Urbanisation in Brazil in the 20th Century', 1968 (mimeographed); Jose Arturo Rios, 'The Growth of Cities and Urban Development', in J.V.D. Saunders (ed), *Modern Brazil, New Patterns and Development*, University of Florida Press, Gainesville, 1971.

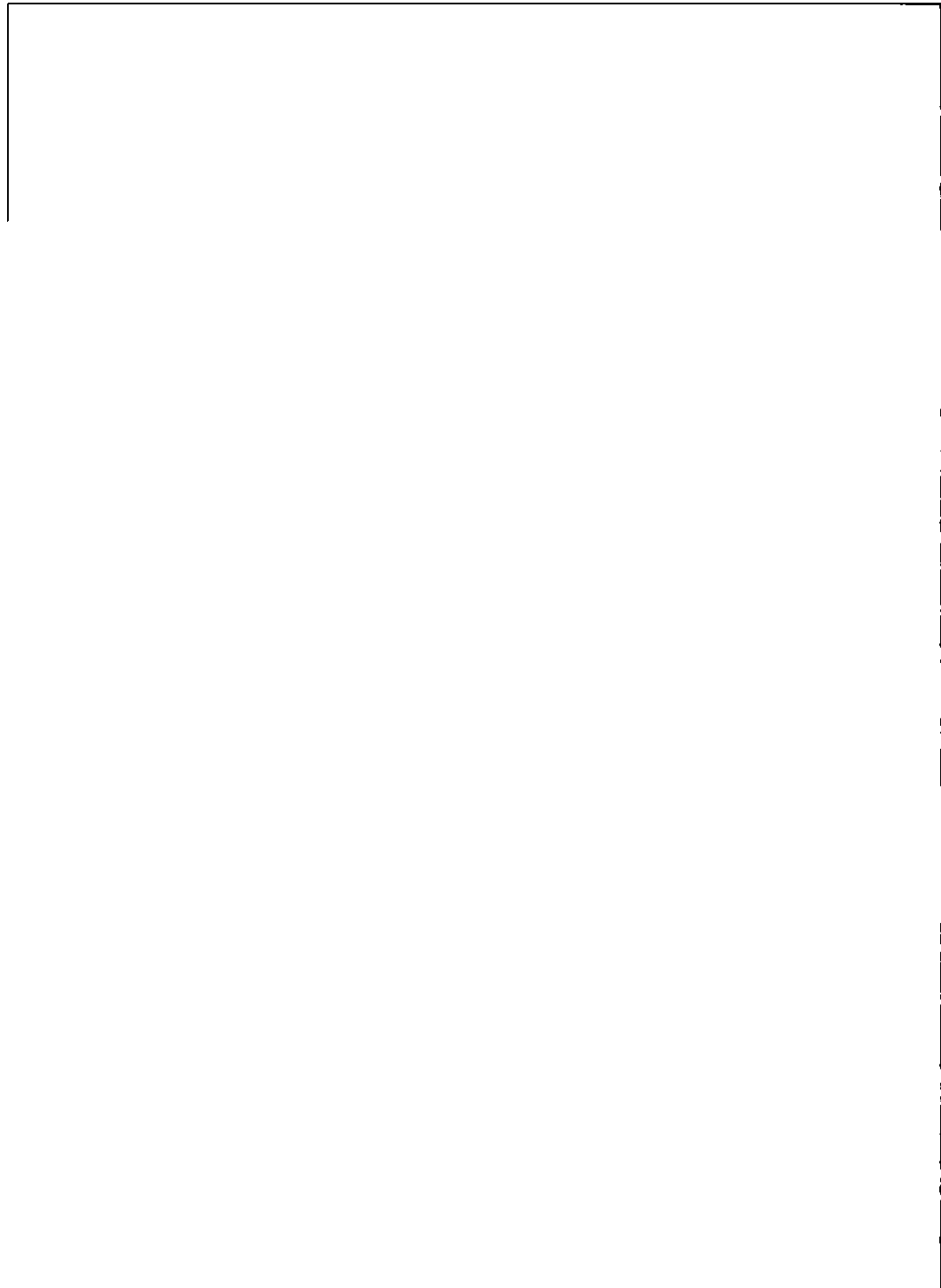
4 As quoted in *Jornal de Brazil*, Rio de Janeiro, 1 July 1975.

5 See L.J. Lebrete, and J.A. Rios, *Aspectos Humanos da Favela Carioca*, Sao Paula, 1960.

6 See Jose Arturo Rios, 'Social Transformation and Urbanisation: The Case of Rio de Janeiro', *Urban Anthropology*, vol.3, no.1, Spring 1974.

7 Companhia de Desenvolvimento de Comunidades (CODESCO), *Report 1970*, Rio de Janeiro, 1971.

8 The National Housing Bank, created in August 1964, was charged with drawing up the National Housing Plan and carrying it out through financial intermediaries.



## 5 Crime prevention in Papua New Guinea

*William Clifford*

The seminar on Crime Prevention in Developing Areas has launched Papua New Guinea on a new approach to crime prevention which has never been attempted anywhere else in the world: criminologists have entered directly and discernably into economic and social planning. As it enters its independence, Papua New Guinea has been urged not to make the mistakes that other developed and developing countries have made in their attempts to prevent crime. This is something that cannot be stressed sufficiently. The opportunity will not come again. Papua New Guinea will ask: 'All right, tell us what to do?' And usually we will answer that we only know what you should not do, because there are elements to any country's crime problem peculiar to that country. With its own experience, together with available overseas expertise, Papua New Guinea can weave a new economic and social pattern of crime prevention for the world to watch and imitate.

I have spent far more years than I now like to remember working in developing countries as they reached independence, trying by means of crash programs — middle level and university level — to provide for the new era, trying by the traditional and established patterns of Europe and America to build all kinds of services which those countries needed to meet the vast array of new problems — including crime. But the model was colonial; the pattern was alien; the ideas about the need for training and the very types of education were totally irrelevant to the real issue which only time revealed. As independence filled the United Nations with the power of developing nations, the entire pattern changed. The developing countries had to make their own decisions and try to do the work for themselves. The United

Nations only provided experts to guide and advise. The onus was shifted. The developing nations congratulated themselves that they had thrown off the colonial yoke and they opened their arms to the thousands of new technical experts sent to them by the United Nations and all kinds of nations offering bilateral aid with or without strings attached. As one writer put it: the early missionaries came with bibles and beads; the international missionaries came with the glitter of technical assistance.

But the models did not change, because these experts were trained in industrialised, highly urbanised countries and could only advise from their experience in a quite unrelated context. Of course they knew a little bit about developing countries and they learned a lot more as they travelled, but they were always trying to move the services they advised in the direction of the developed countries.

Their counterparts in the developing countries were sent overseas for training. To where? To the developed countries, where not infrequently they found better salaries and never returned home, so that the main result was the initiation of a brain drain. Only a few years ago the World Health Organisation was still sending foreign doctors to work in Iran, which was then classed as a developing country, while in the United States there were thousands of Iranian doctors; and in West Germany alone there was an association of Iranian doctors which was 700 strong. But if you were looking for fatuity, imagine the UN position in providing technical assistance for crime prevention: it meant sending people from countries with more crime (and who were failing to prevent it) to countries with less crime (which were succeeding pretty well in preventing it) in order to tell them what to do.

Consideration of crime prevention begins, therefore, at this point: how do we create new, better and more wholesome societies from those which are still underdeveloped in the sense that they are not steeped in felony or tortured by fear and which are, as yet, still able to enjoy a sense of belonging and the social benefits that urbanisation, industrialisation and mass production progressively stifle? More simply stated: how do we get the best of both worlds? How do we develop economically with less crime?

First, we might begin with child care and education. Some ideologies prevent crime by ensuring as total a conformity as possible. Deviance is simply made untenable and goes unrewarded;

it is thought dangerous to the system and intolerable to those charged with the future development of the society. Children in this type of ideology have to be drilled, oriented, and imbued with the social graces considered to be desirable politically, economically and socially. Child care and education are deliberately structured and geared to instil a general conformity with the chosen ideals. Intelligent conformity is deliberately made advantageous; the society is so organised that conformity ensures advancement, brings promotion and creates wider opportunities for the individual. Deviation, non-conformity or disobedience is deplored, discouraged and brings its own detriments or penalties within the system. This is one way. But other countries have taken the opposite road, and fostered individuality, educated for rapid change and rewarded those who are able to get out of the rut and challenge the system. Deviation in this case, if not actively encouraged, is at least generously tolerated to an extent which makes divergency from the accepted legal norms nearly inevitable. In between are relatively open, free societies which are, nevertheless, restrained by custom and tradition — tied to conformity more by habit than decree.

From these contrasting styles and ideologies, the developing areas can both profit and benefit if they can find a way of balancing training for conformity with that degree of individual development which keeps human rights and personal freedoms fresh and unrepressed. It is not an easy path to tread but using the traditions of the people, these developing societies can determine the particular level of deviancy they consider tolerable and can then pursue an active policy of national education and home life suited to their own needs. They can begin now by instituting the studies of the process of socialisation of children most likely to be appropriate to their needs and, by building into their child care, child rearing, education and training those qualities which they have identified as necessary to their own ethos, they can evolve quite powerful and effective cultural preventatives which at one and the same time serve national objectives while preserving the innovativeness and adaptability needed for steady progress.

Second, I have referred to the overlay of foreign legal systems introduced in colonial times: but this need not be a detriment to any nation. Despite the cultural variations, penal codes have a great similarity when it comes to serious crime, so that any new

penal code will not look too different from a foreign predecessor. Moreover, as any legal historian will avow, the borrowing of legal codes is quite a venerable practice and was indeed, for many countries, a distinct privilege eagerly sought in some of the early treaties. All systems, common law, civil law or communist, have been borrowed in whole or in part from other systems, so that there is really nothing wrong with importations of law – and we have evidence from studies made in various parts of the world that when imported foreign penal systems are compared with customary notions of right and wrong, the similarities overwhelmingly outweigh the differences.

Certainly then developing nations need to streamline their laws – just as the developed countries are doing – but they do not need to be too exercised about the formal penal laws not being indigenous. What they need to be much more intolerant about are the institutions of the criminal justice systems which they have imported with the law and which are now clinging like leeches to the traditional system, sucking its life blood and denying it the traditional flexibility it needs to grow and develop in an indigenous form. Developing countries may need the foreign law but they do not need to stick blindly to the foreign systems of legal administration. If they keep their traditional law, they should be prepared to rethink their law enforcement, their courts, their correctional systems and the administrative structure for the application of the law. In this area the developing countries usually possess a great many of the informal controls which the industrialised nations or the big cities have lost completely. The family structure, the older web of obligations, the status within a tribal group, and the expectations of neighbours or friends may have to be used in new ways to ensure an effectiveness of social if not legal control far beyond the standards possible in the so-called advanced countries. Ridicule, shame, ostracism and sanctions still often available to the developing countries remain powerful in shaping conduct.

Compensation of the victim is becoming more popular in the developed nations after centuries of neglect; but it is now typically constructed as compensation from the public purse because of society's own share of the guilt in the production of the conditions which gave rise to the offence and the offender. But these are usually countries which had, in effect, abandoned



compensation for centuries and which even now have not yet found a way of using it to link the offender and the victim. Developing areas are different. They have used compensation from time immemorial and it has had meaning only because it forged a direct link between the victim and the offender. Moreover, the family unit was traditionally used to shame the offender into repentance and to deter him from such behaviour in future. Developing peoples are skilled in using compensation in this way, and though their cities have grown and their peoples have greatly concentrated, it should not be beyond their ingenuity to find modified uses for compensation far beyond anything that the more industrialised nations have yet been able to invent. The way in which developed countries are turning to sentences of community service as a penalty – to sentences which were indigenous to developing areas for years and from which they were unfortunately weaned by an artificial colonialism of legal administration – is an instance of the way in which established patterns in developing areas are already in advance of the more sophisticated industrial systems. Now is their chance to resurrect the older patterns of dealing with crime by a wide variety of community expedients.

Again, the developed nations have evolved a legal system and notions of judicial impartiality alien to developing people. Their approach, for example, is to consider justice best served by treating offences as the same whether committed through need or avarice, passion or perversity. Having impartially established guilt, the circumstantial differences are then taken into account in mitigation of the sentence. But this kind of aloof neutralism in prosecution is sometimes difficult for people with entirely different concepts of justice to appreciate; sometimes they prefer to take the different circumstances into account in deciding whether to prosecute at all. They prefer to mitigate prosecutions rather than penalties – to leave discretion with those who discover the offence rather than with the judge after conviction. This happens in a number of Asian and African countries and is often enshrined in customary laws where these might be designed more to keep the peace at all costs for the benefit of the community rather than to serve an abstract and sometimes impracticable justice. A modern extension of this principle is to be found in the wide discretion vested in public prosecutors in Korea, Japan, and

the Philippines, where large numbers of cases are diverted from the formal court procedures because of the minor nature of the offence, extenuating circumstances, the fact that restitution has been made, etc.

Similarly, developing nations need to look closely at the advocacy or adversary systems of legal procedure to see how far one or the other – or a combination of both – fits their needs. Benches of judges or assessors will sometimes be more appropriate to local conditions. Nor should there be hesitation about a critical look at any rules of evidence which may defeat rather than meet local practice. Indeed, where there are likely to be conflicts between modern laws and procedures and customary or locally respected procedures, it may be necessary to think in terms of new types of courts which, in effect, create law as they administer it in practice – in much the same way as our own common law developed. Thus Papua New Guinea is experimenting with village courts able to deal with local cases by customary law; and it may extend this experiment to the creation of special local tribunals developing their own indigenous laws and procedures for urban settlements.

Some modern studies of the forms of treatment for crime can be of value for developing areas. For example, studies have shown that probation always works – whatever the culture and whatever the form or intensity of supervision. Not only does probation work (that is, show a 70 per cent or so success rate during the period of supervision and perhaps a 50 per cent rate of success in a two-year period of follow-up after the expiration of the order) – it works with either heavy or light case loads – and it works whether one uses probation officers or not. Probation, therefore, suitably adapted to traditional roles, (for example, using tribal chiefs or elders as supervisory staff) can be applied over huge geographical areas. Perhaps administrative officers, school teachers, employers or others may have to be drawn into the indigenous network, but here is a relatively cheap and effective way for developing countries to deal with some forms of crime, even if they do not always have the reserves of professional know-how usually thought to be absolutely necessary. Japan operates with more than 50,000 voluntary probation officers, and has found no good reason to change its system in favour of more full-time, professionally trained staff which would be more expensive

and not necessarily more effective.

When some African countries, plagued by growing armies of young, frustrated, urban unemployed, introduced various forms of national youth service to harness the resources of youth to their great development needs, they faced the international criticism that this could possibly be interpreted as forced labour, and contrary to international conventions. In strict law this was arguable but the reality was a situation far from the mind of those who originally drafted the conventions against forced labour. Therefore, the newly independent countries stood their ground and threatened, if necessary, to withdraw from membership of international organisations which might not be able to understand their predicament – and in the end it was acknowledged that their youth services were not forced labour. Similarly, there are dozens of ways in which prisoners can be provided with wholesome and creative labour in the development of new countries. These measures are not necessarily seen as restrictive practices, nor do they necessarily provoke labour union reservations. Last year in Japan, for an expenditure of 2,745 million yen on prison industries, Japanese prison production reached a value of 8,851 million yen – in other words, it showed a profit of 6,106 million yen. And why not – if such earnings can be fed back to the families of prisoners or to victims in compensation? Japanese prisoners produce not only metal and woodwork, but electronic equipment, and they work on farms and in shipyards.

It is the same with standards of care for offenders. These need to be constantly improved, and human rights need to be carefully protected. But as regards the purely material standards, the developing countries sometimes face a dilemma: the required medical, educational or material standards may be greatly in excess of anything available to the population as a whole. When people are literally starving, it may be difficult to provide convicted offenders with conditions superior to those available outside institutions. The aim must be to raise standards, both inside and outside the institutions, and hopefully to avoid the greatest mistakes of industrialised or highly urbanised countries by keeping prisoners identified with their communities, so that they never lose contact. In this connection, the developing countries can take a very penetrating look at the prisons built on colonial lines. Do they really need them? Is imprisonment really the

answer? Cannot the local communities be brought more effectively into the treatment of offenders? What modern extensions of compensation can be devised?

A year or two ago I was in Togo to advise on planning and the Governor of Lome rather reluctantly took me out to see his prison. I was taken to the usual kind of high walled, dormitory institution. Outside we were challenged by a person carrying a rifle and we had to identify ourselves; the same thing happened inside. The kitchens which were all outside the walls, were staffed by prisoners and local women. Inside the prison there was a very easy undisciplined regime with only about two soldiers standing round. The Governor was very apologetic because he said the country was too poor to provide sufficient guards or prison officers, so that they had to employ the prisoners themselves, not only in the kitchens, but also to do outside as well as inside guard duties, all the clerical and maintenance work and the internal organisation of their own affairs. He was aghast when I congratulated him and said: 'Thank God you don't have enough money!'

In Kuwait, on the other hand, I was recently taken around a remarkably carefully designed maximum security prison. The chrome still shone and the corridors were spotless. The only difficulty was that the place was nearly empty. It was designed for about 600 prisoners and had less than 100 inside. Here was a case of too much money. The population of Kuwait is largely Bedouin. These desert nomads have relatively little crime, deal with their own problems very effectively and have the same occasional recourse to vengeance killings which occur in Papua New Guinea as 'pay-back' murders. I tentatively suggested that maybe the prison might be a bit large and unwieldy for the country's needs, but I was assured: 'Don't worry . . . We may only have a few inside now but it will be full by the next time you come!'

In the same general context I watched a correctional tragedy being organised in Costa Rica where, you may know, they used to have their own 'Devil's Island' just off the coast. There the really long sentence-prisoners were sent; but as most of us who have prison experience know, these are usually the best behaved and most reliable inmates. In Costa Rica, they do not have the Melanesian way — but they do have *manana* — therefore, over a period of years, the tightness and harshness of the prison regime

had relaxed. Since hardly any of the prisoners escaped, they got into the habit of not locking the doors of the cells and letting the better craftsmen among the inmates make carvings and curios. Steadily the pressures relaxed, and when prisoners' families visited at weekends, they were allowed to stroll around the island with the inmates and to swim on the beaches. Later, special weekend cottages or huts were set up so that the prisoner and his family could live together with the children for the weekend – and sometimes longer if the man had earned some special privileges. Eventually, local tourists crossed to the island at the weekend with the inmates' families and were allowed to use the facilities. The inmate craftsmen were also permitted to set up special stalls along the island's roads to sell their wares to the visitors. This, of course, encouraged others to join in the trade. This did not mean this was not still a prison. There were guards who were changed every three weeks from the mainland, and the fact that some prisoners tried to escape indicated that they were by no means complacent about being restrained, no matter how comfortable.

Now the idyll has been shattered. The Costa Rica Government has decided to build a severe, concrete, monolithic structure for maximum security in the centre of the mainland near San Jose and to move the prisoners from the 'Devil's Island', so that the island can be sold and developed as a tourist paradise. Prison riots have now begun at the nearby maximum security prison. Costa Rica is beginning to import all the correctional troubles of other countries.

I am told that young offenders in Papua New Guinea are not deterred by imprisonment, that they rather enjoy the experience. I would be inclined to doubt this. It sounds very much like the kind of apocryphal comment made about slum dwellers in new houses putting the coal in the bath, about tribesmen actually happy and preferring to be starving, or about the idea in one Middle East country that prison reform was going too far when only two instead of three iron balls were shackled to a prisoner's leg. I think more needs to be known about what really deters Papua New Guineans before any decision is made on the type of prison required, or whether a prison is required at all. The possibilities of using more ridicule, more community censure and more family control should be investigated. Many newly independent countries with the idea that they were not being severe enough went back,

after independence, to capital punishment and to corporal punishment. They found however that these additional measures had relatively little effect on rising crime. This is perhaps to be expected when we remember that the use of imprisonment – whether good imprisonment or bad – had hardly affected the recidivism rate in European countries. The use of imprisonment appears to have nothing at all to do with the particular level of crime in a given country. The United States of America, for example, gaols about 200 per one hundred thousand of the population every year, and Australia imprisons from 25 to 250 per one hundred thousand according to the particular States. But African countries which have far less reason to be worried about crime are gaoling up to 400 per one hundred thousand, and in Japan, where the crime rate is falling, so also is the rate of imprisonment. This subject needs a lot of research and a willingness to experiment.

In the same context of innovative thinking, the developing areas might well look at their police systems. Most police systems in the more industrialised countries derive from the 19th Century and are peculiarly adapted to the needs of those countries. The main policing in the developing areas has been done by the people themselves – by the community – and fundamentally this is the real basis of all good police work. Professionalism in this area cannot be totally abandoned in favour of community involvement, if only because lynching and mob rule are also examples of excessive community involvement. Nevertheless, there is usually immense scope for experimentation with older methods of peace keeping, with vigilante or mutual protection groups, and with a more solid linking of administration and crime prevention. After all, in the most modernised countries, probably less than 20 per cent of a police officer's time is devoted to direct crime prevention or crime detection work, while the other 80 per cent is devoted to the myriad social services provided by the police. If developing nations could analyse and develop the social input of their police, they might feed back to their more advanced neighbours some very valuable lessons in the best use of police. On 1 January 1974, Singapore established a Community Security Force of 2,400 members to prevent rising crime. This arose out of self-help initiative in 1953, when the residents of the Tiong Bahru Housing Estate formed their own vigilante group and this idea spread to

other housing areas. In 1964 these *ad hoc* groups were organised into a National Vigilante Corps. India has its Village Defence Societies; Malaysia has its Salleh System with selective police officers living in a neighbourhood and taking an active part in local community affairs; Pakistan has a section of its Code of Criminal Procedure devolving policing responsibilities on village headmen, accountants, landholders and others; and the Khmer Republic before it was overrun, had evolved a block system of grouping families in fives for social and welfare purposes.

Above all, developing nations have tremendous opportunities to advance the cause of crime control by better planning for crime prevention, not only within their criminal justice systems — though this is an important area — but also in wider social and economic terms. They have but to glance at the more industrialised and urbanised countries to see that the criminal justice system is not a system at all, because, as has so often been stated, the police, prisons and courts are not integrated to an extent that one operates with sufficient consideration for the others. For instance, a recent issue of *Time* magazine suggested that if the police in the United States improved their performance by only 20 per cent in dealing with crime, neither the courts nor the correctional services would be in any position to deal with the flood of extra work which would result. Ordinarily, the correctional services are overburdened and tend to blame the courts. The courts complain that they do not have the range of flexible sanctions at their disposal which they need to deal effectively with the different types of cases coming their way. And, of course, the police often feel cheated by court decisions or badly served by early release systems which put back on the streets the offenders they spent long hours detecting and prosecuting. All this cries out for the kind of regular criminal justice commission which can look over the total criminal justice system to iron out these issues — not interfering with the independence of the different services, but providing the links of understanding so obviously needed. As a rule, developing countries are far more flexible, less ingrained with bureaucratic or statutory inertia than highly urbanised countries and, therefore, better able to pull into a workable system the police, courts, and corrections. They are still able to reorganise, coordinate and plan in a way

which is sometimes virtually impossible for their more developed neighbours.

But more than this, most developing countries are deeply involved in the national planning of their total economies; drawing agriculture, forestry, commerce, health and education into workable wholes. They have the opportunity to demonstrate that criminal justice is not a separate phase or feature of life, but a part of the total social and economic pattern.

In this very general survey, I have covered the ground without trying to cultivate it. This is not to say that there is not a great deal of work already being done on these subjects. It is these areas that the developing nations need to explore to find for themselves an identity in crime prevention which could prove to be as important for their quality of life as any social, economic or political identity which they may achieve.



## 6 Crime prevention in Papua New Guinea — a plea for national planning

*J. A. Griffin, D. O. Boston, and M. Z. Tufman*

This chapter is concerned with urban crime. We have isolated urban crime because we are convinced that it is this form of crime which is increasing rapidly in Papua New Guinea, and which therefore demands immediate attention. There is still, of course, a great deal of non-urban crime in this country, consisting largely of pay-back killings and tribal fighting. But our impression is that, though not actually decreasing, these crimes are at least being held in check by conventional stratagems. This is not to say that there is no need for seeking new answers to these problems for which western-type solutions have not always proved fruitful, and the Report of the Commission into Tribal Fighting<sup>1</sup> is an excellent starting point for research. But there has been virtually no research into the growing monster of urban crime, which has reached the point at which practically every resident of the cities of Papua New Guinea has been affected by it.

In order to prevent the increase of crime in new growth areas in Papua New Guinea, one thing is required more than anything else — crime control must be given a much higher priority by government than it has in the past.

One of the reasons that planning for crime control has not been given adequate priority is the widespread belief (which also happens to be common in many other countries) that increased crime is a corollary of the 'development' which is taking place, and the further belief that crime can be expected to decrease again once the main developmental phase has passed. This is a fallacy, as Norval Morris has effectively pointed out. He was at one time Director of the United Nations Asia and Far East Institute which was concerned with crime prevention and treatment. When asked by underdeveloped Asian countries with rising crime and

delinquency rates what they should do about them, he answered the enquiry facetiously by urging them:<sup>2</sup>

to ensure that their people remained ignorant, bigoted, and ill-educated; that on no account should they develop substantial industries; that communications systems should be primitive; and that their transportation systems should be such as to ensure that most of the citizens lived within their own small, isolated villages for their entire lives. He stressed the importance of making sure their education systems did not promise a potential level of achievement for a child beyond that which the father had already achieved. If it was once suggested that a child should be able to grow to the limit of his capacity rather than to the ceiling of his father's achievement, he pointed out that the seeds of the gravest disorder would be laid. He stressed the universal human experience that village societies are entirely capable of maintaining any discordance or human non-conformity within their own social frameworks, and never need to call on centralised authority to solve their problems. He would take time to sketch, with a wealth of detail, the horrors of increased delinquency and crime that would flow from any serious attempt to industrialise, urbanise or educate their communities. He would conclude with a peroration against the establishment of an international airline.

Though facetious, there is a very large degree of validity in these remarks, which are equally applicable to Papua New Guinea. Crime cannot and will not be curbed by socio-economic development alone; indeed, it will inevitably be increased by it. As the President of the Ivory Coast Supreme Court said in 1968:<sup>3</sup> 'The more a country develops, the more the crime increases. There is a relationship between the economic development of a country and the struggle against crime'.

Furthermore, development brings in its wake new forms of crime. If, for example, there had been no commercial development in Papua New Guinea, embezzlement by clerks and servants, and other kinds of white collar crime, would be unheard of, instead of being the prevalent crimes they are in the country today.<sup>4</sup>

Lopez-Rey has said that many governments have been guilty of 'wishful thinking' which has led them 'to regard criminal policy as having no substantive character of its own, and crime as a problem which will almost automatically be solved by socio-economic

development or planning'.<sup>5</sup> In our view, the Government of Papua New Guinea could be added to the list.

### Crime statistics

The truth of these remarks is made evident by the lack of official records of crime. The Administration of Papua New Guinea Report to the General Assembly of the United Nations for each year gives some details of the number of criminal cases heard in the Supreme Court, the District Courts and the Local Courts for each year. There is a break-down into various categories of crime, the form of the break-down being different in the case of the Supreme Court statistics from the form used for the District and Local Courts. While the Supreme Court figures are slightly more detailed, the figures for the District and Local Courts are simply broken down into convictions and acquittals for offences against the person, property, public order, local government council rules, motor traffic offences and 'other offences'.

This information is obviously inadequate for research purposes. In any event, court statistics do not adequately reflect the actual amount of crime. There are far too many variables, such as the extent to which the police are willing and able to prosecute in respect of reported crimes, the availability of concrete evidence, and, most importantly, the extent to which the police are managing to solve the crimes which are reported to them (the 'solution rate'). For example, although there are no records which would enable this conclusion to be adequately examined, it is frequently asserted that there is an extremely low solution rate in the case of breaking and entering offences in the urban areas of this country.

A much better guide to crime is an index of crimes reported to the police. 'Each alternative measure — arrest, court or prison statistics — loses reliability as it becomes further removed from the actual offence. Arrest data depends on police efficiency'.<sup>6</sup>

Even this form of statistic lacks reliability if, because of a low solution rate, victims of crime tend to refrain from reporting matters to the police because of a feeling that the police will not succeed in arresting the wrongdoer. Once again, it is frequently

asserted that many breakings and enterings in urban areas are not being reported to the police because of a widespread feeling that the police are unable to succeed in arresting offenders, let alone recover the stolen property.

However, this factor is the only major variable affecting the reliability of statistics of crime reported to the police, and of course it is equally a variable in respect of court statistics. The other variables applicable to court statistics referred to earlier are not applicable to figures for reported crimes. Hence the reported crime figures, though not completely reliable themselves, are clearly the best guide to the incidence of crime.

Only after making persistent efforts was Mr Marek Tufman, who until recently was the lecturer in Criminology at the University of Papua New Guinea, able to obtain any figures at all relating to crimes reported to the police. He ascertained that there were 6,846 offences against the person reported in 1968-69, and this rose to 13,329 in 1970-71; that in 1968-69 there were 7,661 reported offences against property; that in 1968-69 property worth \$575,411.88 was stolen of which \$210,452.64 was recovered, and in 1970-71 \$722,595.00 worth of property was stolen and \$186,157.66 recovered.<sup>7</sup>

These figures give only a very broad Papua New Guinea-wide picture, and are vastly inadequate for research purposes. They are already four years out of date. It has proved impossible to obtain better and more up-to-date figures because the police simply will not make them available. We wrote to the Police Commissioner asking for statistics for the purpose of preparing this chapter, and the request was rejected. Even government departments are unable to obtain crime statistics from the police.

There are some figures of crime reported to the police in the Annual Report of the Royal Papua New Guinea Constabulary. These figures are so vague, however, as to be virtually useless. They are broken down into a small number of broad categories such as 'offences against the person', 'offences against property', and so on. They do not tell us what types of offences against the person or what types of offences relating to property have been reported, and very little indication is given as to where these offences have been committed. They are annual figures, and so convey no impression of trends within a year. What is worse, the last annual report was for the year 1972-73, so the figures are

already two years out of date, and give no indication of current trends.

The absence of appropriate statistics, and the unreasonable refusal by the police to make such statistics as they have readily available to people legitimately endeavouring to work on various aspects of crime control, has other consequences. In particular, it means that courts do not have at their disposal adequate information relating to the prevalence of crime. It is a well established principle of sentencing that the prevalence of a particular crime should be taken into account in imposing sentence.<sup>8</sup> It is essential for the sake of crime prevention that this rule be resorted to in appropriate cases to increase the sentence which would otherwise be passed. In the absence of proper statistics, judges and magistrates must fall back on inherently unreliable information, such as the number of occasions charges of the offence in question have been recently brought before the particular court or judge.<sup>9</sup>

Senior police officers are usually quite prepared to acknowledge that the statistics presently available are quite inadequate but they claim that the force does not have adequate staff to enable the proper collection, collation and processing of the data. What this amounts to is that the force itself does not accord sufficient priority to the collection of statistics. The police force would have less work to do in the detection of crime if other government departments, and researchers, were able to do their work in this area with effectiveness. Indeed, it is difficult to see how the police force itself can operate with any sort of efficiency without statistics, which must surely be necessary to plan the proper deployment of police by showing exactly what kind of manpower is needed in particular areas. In the absence of statistics, allocation of further staff to particular stations must surely be made in haphazard fashion, depending largely on how persuasive the officer-in-charge of the station requesting further men is in his dealings with headquarters. Furthermore, there must be many stations with supernumeraries, when the crime rate in the district is in fact lower than it is believed to be by headquarters.

In our view, there should be, in each police station, a special book recording crime reports for the purpose of statistics only. As each page of the book is completed, a copy should be sent to headquarters, which should maintain a centralised statistical staff

for collating and processing. Results should be forwarded regularly to all relevant government departments, and should be made available immediately on request to all *bona fide* researchers. In addition there is, in our opinion, no valid objection to making the results public from time to time. Publicising the results has the distinct advantage of bringing them to the attention of people who can make use of them, but who would not otherwise gain or seek access to them.

### Juvenile crime

Another area in which the lack of priority accorded to crime control by the government is illustrated is juvenile crime. The Report to the General Assembly of the United Nations for 1972-73 acknowledged that there had been a 'noticeable increase in juvenile delinquency in the growing towns'.<sup>10</sup> There is nothing to suggest that this increase has not continued since the report was published. Although precise figures are lacking, it would appear that many, if not most, of the juvenile delinquents are youths who leave school without a job, and drop-outs. Employment opportunities are not adequate to accommodate these youths.

Papua New Guinea is by no means alone among developing countries in this regard. Clinard and Abbott wrote:<sup>11</sup>

A Ghanaian study found that the majority of offences in the larger cities were committed by the young from country areas. This phenomenon is common, since there is no significant relation to a particular tribe or religion. The Republic of Central Africa reported that it is faced with a serious crime rate in urban problem areas, crimes primarily committed by youthful migrants from rural areas. The prevalent offences are stealing, particularly pickpocketing and car thefts. Only 25.9% of the fathers and 27% of the mothers of juveniles accused of theft in Cairo had been born in that city. The remainder, who were migrants, had come predominantly from the country rather than from other urban areas. Similarly, the relation of crime to the migration of young people to the city has been shown in a Peruvian study. In Zambia it was found that nearly half the delinquents were migrants who had become 'detrified'. Few of them had any real understanding of the traditions and customs of the tribes to which they belonged.

In Papua New Guinea, many young people have been brought

to live in towns by their migrating parents. In addition, a large number of rural youths have come into towns for the purpose of education. Frustrated in their attempts to place themselves within established society in a position they consider appropriate, these youths sometimes turn to crime as a means of support, and as a safety valve for their frustrations. Their skills are sufficient to get them past the primitive security systems used in office buildings, and to remove windows or kick in the doors of private homes and shops to gain entry. These youths quickly realise that police cannot cope with crime because of lack of equipment and trained personnel. In any event, for these youths, coming as they do from tribal societies, the police and other law enforcement agencies are very often not even regarded as valid sources of authority.

Despite the acknowledged increase in juvenile crime, virtually no steps have been taken to deal with it. There are no government reformatories for juveniles. The Salvation Army has a farm school at Sogeri near Port Moresby, the Catholic Mission of the Divine World operates a boys' town near Wewak, and the Catholic Mission has a children's village near Port Moresby. There is also an institution, sponsored by the Rotary Club, near Goroka.

While these institutions will continue to play an important role, by themselves they are not adequate to cope with the problem. For example, they are open institutions with virtually no security. Juveniles have the habit of disappearing, never to be heard of by the institution again. There is often no schooling — for example, no schooling whatever is available at the farm school at Sogeri. Personnel at the institutions are untrained, and what is more, often by reason of their location the institutions have restricted access to government agencies where some trained personnel are available. It is therefore essential that the government should establish an appropriate institution or institutions of its own especially for youths. The lack of any government reformatory leaves Children's Court magistrates in a most difficult position. In many cases, their only real choice is between sending the youth to gaol, or alternatively, not to impose any punishment at all. The latter alternative simply causes the youthful offender to return to the environment in which his criminal tendencies developed, and there is nothing to stop him from becoming a recidivist. The situation has been trenchantly criticised by several Children's Court magistrates in recent years.

At present there is a quite large number of youths at the Bomana Corrective Institution near Port Moresby. They are mainly around the age of 14 and 15, but there have been younger children there. In 1970-71, for example, there was an 11 year old inmate at Bomana. There is a separate compound in which the juvenile offenders sleep, but during the day they have duties in the gaol as a whole and thus come into close and regular contact with adult offenders. This situation obviously must be brought to an end.

There are many models of reformatories which could be examined in the course of determining the most appropriate facilities which should be provided for juveniles. Work and school release programs could be studied. These programs have the distinct advantage that they would enable offenders to associate with non-criminals rather than other offenders. The suggestions of Arthur Pearl<sup>12</sup> for 'halfway houses', in which a period of residential treatment, supervision, and assistance is given while the offender works or attends school outside, would merit close study. Another possibility is the 'community treatment centre', where offenders live at home, perhaps have a job and/or go to school, and attend the centre daily for intensive rehabilitation.

Another glaring defect in the treatment of juvenile crime is the complete lack of any formalised probation system. It is recognised that 'well supervised probation appears to be far more effective than prison treatment in preventing further crime'.<sup>13</sup> The system would be particularly useful in Papua New Guinea, where it appears that juveniles become recidivists in some instances because no encouragement is given to them to adopt any different form of life, and virtually no treatment is offered. We suggest the formation of a national probation service on a statutory basis, and that probation be made one of the forms of sentence generally open to courts in criminal cases.

Allied to the need for proper institutions and a probation service is the need for adequate personnel to assist in the rehabilitation process. The present situation in this regard is extremely bleak. There is one Government Psychiatrist, who has a general brief in regard to psychiatric matters, and is consequently unable to spend a great deal of time assisting convicted offenders or persons on remand, whether juvenile or adult. There are no psychologists and sociologists who are charged specifically with



the responsibility of examining and advising upon the treatment of individual criminals, or assisting welfare workers dealing specifically with criminals.

We suggest the establishment of a clinic or centre specifically to attend to the needs of persons charged with or convicted of crime. This centre would need to have some full-time professional staff, and would also need to be able to call upon the services of others, such as staff members of the University of Papua New Guinea, or appropriately qualified members of government departments. The centre should have medical services available, and, where the social worker charged with the case considers that the youth may have an underlying medical problem, he should have power to direct that a medical examination, including a psychiatric examination, take place. We also consider that it is necessary that greater use be made of pre-sentence reports, particularly in juvenile courts, and a centre such as that proposed could be used for this purpose. While we do not envisage that the probation service would be part of the centre's operations, it could be related in some way to the centre, and could refer appropriate cases to the centre for treatment and attention. We also see the centre as keeping under review the total crime situation, and, with the aid of the statistics that we have suggested should be available, it should carry out research into the causes and treatment of crime in Papua New Guinea, and recommend to government appropriate policy measures.

In addition to the introduction of probation as a form of sentence, we also suggest the introduction of suspended sentences. These would enable courts to deal with cases where it is unlikely that the offender will offend again and where it appears that no supervision of the offender would be required.

We further suggest the establishment of a parole system, to enable offenders who have been imprisoned to gradually accustom themselves to their return to society.

Both suspended sentences and the parole system could be operated in conjunction with the suggested centre. In the case of suspended sentences, the judge or magistrate could make it a condition of the suspension of the sentence that the offender attend the centre for any appropriate examination or treatment. In the case of parole, the parole board could utilise reports from the centre in deciding whether the prisoner in question is suitable for parole, and could also make attendance at the centre a

condition of parole.

Although these suggestions, if implemented, would be useful over a large area of crime, we see them as having their greatest effect in the area of juvenile crime. It is our view that a large proportion of criminal offences in urban areas are being committed by juveniles. Courts have frequently stated that rehabilitation should be a dominant consideration in the case of youthful offenders. They have strongly favoured individual treatment in the case of offenders under 21, and cases in this age group in which sentences of imprisonment are imposed should be considered exceptional. Where such sentences are imposed, they are usually considerably shorter than the sentence which would have been imposed if the same offence had been committed by a man of mature years.<sup>14</sup> These statements are as true of Papua New Guinea as of elsewhere. They reflect the experience of the courts that many youthful offenders, whether in Papua New Guinea or elsewhere, are capable of rehabilitation.<sup>15</sup>

There are powerful reasons, therefore, why government should invest in youth. First, youthful offenders are committing, or are involved in the commission of, many of the crimes in urban areas in Papua New Guinea. Second, youthful offenders are more responsive to measures designed for their rehabilitation than adult offenders.

### A crime commission

The main theme of this chapter has been that crime control must be accorded a higher priority by government. There must be national planning for crime control. We have dwelt on crime statistics and juvenile delinquency because these are the two areas which, in our view, best demonstrate that such planning has been non-existent in the past, and which require immediate attention for their own sake. Also required is a comprehensive review of criminal law and procedure. There has been a recent revision of the Criminal Code and other criminal statutes, although this revision has not yet been brought into force. We consider the proposed amendments, though commendable, constitute merely a legislative revision of existing law. We recommend a broader based

review which gives consideration not only to government policy but also to available sociological and anthropological research, the views of community leaders and church authorities, and so on. Sentencing provisions also need to be reviewed. Maximum penalties, for example, should be realistic, so as to give the court a real guide as to the policy of the legislature. At the same time, where the crime is considered so serious that exemplary deterrent sentences are called for, a minimum sentence should be set by the legislature. Prison conditions also need to be reviewed, particularly opportunities for work and leisure in prisons. There is much room for improvement in the police force.<sup>16</sup> And serious consideration ought to be given to the formation of a national youth service.

An overall review of the total situation is required, and for this purpose we recommend the establishment of a crime commission. It could evaluate programs and look into the costs which would be incurred and the benefits that could accrue from various crime control measures. It would recommend the precise form national planning for crime control should take. In addition, it could endeavour to predict trends in crime, and the possible outbreak of new forms of crime, and determine in advance how these should be dealt with. The United Nations report on *The Prevention of Delinquency in the Context of National Development*<sup>17</sup> concluded that a major problem of delinquency control is to ascertain patterns or systems of preventative action, and to determine where the chances are the greatest that intervention will be effective and beneficial. We endorse this as applicable to developing countries in general and to Papua New Guinea in particular, and suggest that it be the broad role of the proposed crime commission.

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1 Papua New Guinea. Committee Investigating Tribal Fighting in the Highlands. Report. Govt. Pr., Port Moresby, 1973.

2 Norval Morris and Gordon Hawkins, *The Honest Politicians's Guide to Crime Control* University of Chicago Press, Chicago, 1969, p.49.

3 Criminalite et Development, Documents Presentes au IV Congres des Nations Unis pour la Prevention du Crime et le Traitement des Delinquents (Milan: Fondation Internationale Penale et Penitentiare Societe Internationale de Defense Sociale, 1970).

4 See, for example *R. v. Phipps* (unreported decision of Williams J., January, 1974). His Honour stated that the case was the fourth case of fraud by an employee to be dealt with at the sittings for the first month of the year.

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5 Lopez-Rey, Manuel, *Crime: An Analytical Appraisal*, Routledge and Kegan Paul, London, 1970, pp.187-188.

6 Marshall B. Clinard and Daniel J. Abbott, *Crime in Developing Countries: A Comparative Perspective*, Wiley, New York, 1973, p.22. Cf. Thorsten Sellin, 'The Significance of Records of Crime', *Law Quarterly Review* vol.67, 1951, pp.496-504.

7 M.Z. Tufman, 'The Role of Police in Papua New Guinea', *Australian and New Zealand Journal of Criminology*, vol.7, no.2, June 1974, pp.87-94. So far as the authors are aware, this article is the only criminological assessment of the state of crime in Papua New Guinea.

8 *R. v Johnstone* [1923] St. R. Qd. 278 at 282; *R. v Withers* (1935) 25 Cr. App. R. 53.

9 As in *R. v Phipps* above.

10 Australia, Department of External Territories, *Report to the General Assembly of the United Nations on the Administration of Papua New Guinea, 1972-73*, (Parliamentary paper 208), Govt. Pr., Canberra, 1974, p.175.

11 Clinard and Abbott, *op cit*, pp.117-118.

12 Arthur Pearl, 'The Halfway House: The Focal Point for a Model Program for the Rehabilitation of Low Income Offenders', in Frank Reissman, Jerome Cohen and Arthur Pearl, eds, *Mental Health for the Poor*, Free Press, New York, 1964, pp.497-508.

13 Clinard and Abbott, *op cit*, p.247.

14 Thus in *R. v Jones* [1967] Crim. L.R. 314, for example, a youth of nineteen had been sentenced to five years' imprisonment for participation in an office breaking in which two safes containing property worth Sg. pounds 20,000 were stolen. The court observed that 'if he had been a rather older man he might well have been sentenced to longer than five years, but, in view of his age, only nineteen years, we think it right to make some reduction in this sentence'. The sentence was reduced to three years' imprisonment. In *R. v Barnard* [1965] Crim. L.R. 176 a youth of nineteen pleaded guilty to assault with intent to rob being armed, and was sentenced to twelve years' imprisonment. He had entered a moneylender's office and fired a revolver at a clerk. The bullet hit the clerk's head but did not cause serious injury. The appellant had been convicted on four previous occasions in respect of about a hundred offences. The court commented that in view of the use of the revolver, 'an exemplary deterrent sentence is called for'; however the youth was only nineteen and the sentence could be reduced to eight years' imprisonment.

15 For a psychological study, see William Healy and Augusta F. Bonner, *Delinquents and Criminals, Their Making and Unmaking*, Macmillan, New York, 1926, pp.245-253. Similar comments on the amenability of juveniles to rehabilitation have been made by the famous Harvard writers, Sheldon and Eleanor Glueck, in a massive series of studies over a period of at least fifteen years. See, for example, *Juvenile Delinquents Grow Up*, The Commonwealth Fund, New York, 1940.

16 M.Z. Tufman, *op cit*.

17 The Prevention of Delinquency in the Context of National Development (UN Report) at p.24.

## 7 Current research into law and order problems in Port Moresby

*M. L. Mackellar*

The purpose of this chapter is to briefly outline a study of law and order problems in Port Moresby, which is being conducted with funds granted by the Criminology Research Council in Australia.

As our study only began in April 1975, and will continue until October 1975, the data to date are insufficient for us to reach any firm conclusions. But the data we do have, that is, the data for April and May 1975, do give a preview of the size and nature of the problem.

Our work in Port Moresby concerns the problems of law and order generally and the capability of the police and the courts to deal with them. In particular however our research team has concentrated only on the narrower fields of burglary and court case loading which form the basis of the research.

In plotting where burglary and other offences have occurred in Port Moresby, we have divided the city into 20 map areas which correspond to the divisions used by Malaria Services (see Figure 1). This grid system is probably not the best subdividing system because grids cut suburbs in half, but it is the most convenient because the Malaria Services map is the only known functional house to house directory of Port Moresby.

To coordinate with this map index we produced two worksheets entitled 'Break and Enter Index' and 'General Index' (see Figures 2 and 3). Research staff use the Break and Enter Index to extract housebreaking information from CIB files, and

Figure 1

MAP INDEX  
By courtesy of Malaria Services

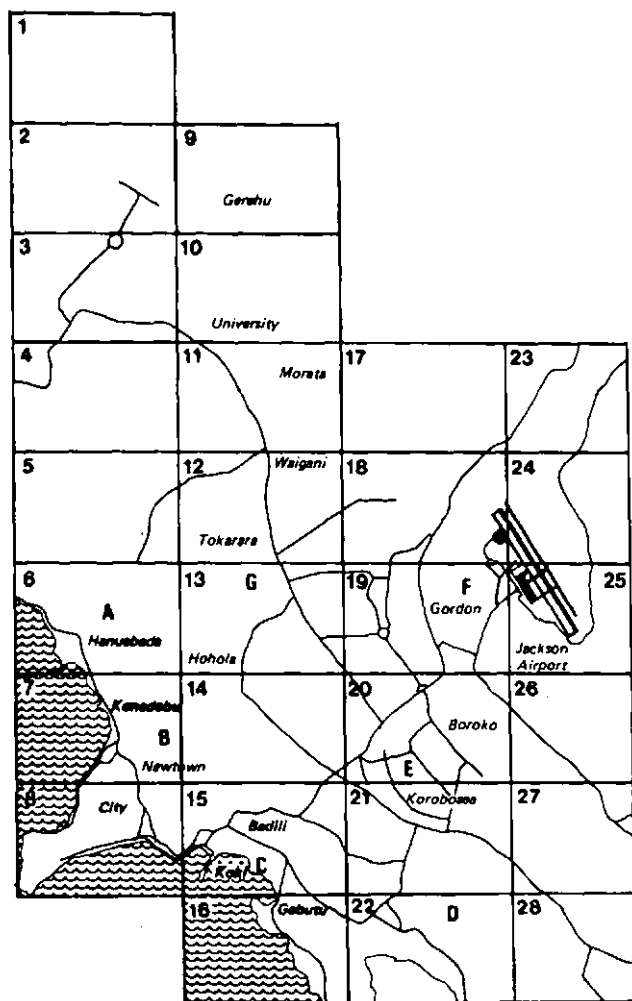


Figure 2

|  |                          |   |                            |                     |                                  |   |                                  |  |
|--|--------------------------|---|----------------------------|---------------------|----------------------------------|---|----------------------------------|--|
| 1 National Capital   | Papuan Coast             | 1<br>OFFENDER'S DISTRICT OR ETHNIC ORIGIN | 40 Food                    | 3<br>WHAT WAS TAKEN | 69 Map 2 Gerehu                  | 10<br>SUBURB OF PORT MORESBY WHERE OFFENCE OCCURRED |                                  |  |
| 2 Western  |                          |   | 41 Alcohol                 |                     | 70 Map 9 Gerehu                  |   |                                  |  |
| 3 Gulf   |                          |   | 42 Clothing                |                     | 71 Map 10 Uni                    |   |                                  |  |
| 4 Central  |                          |   | 43 Battery electrical      |                     | 72 Map 11 Adcol                  |   |                                  |  |
| 5 Milne Bay  |                          |   | 44 Light electrical        |                     | 73 Map 5 Tokarara                |   |                                  |  |
| 6 Northern   |                          |   | 45 Heavy electrical        |                     | 74 Map 12 Waigani                |   |                                  |  |
| 7 Southern Highland  | Highlands                |   | 46 Motor vehicle and parts |                     | 4<br>METHOD                      |   | 75 Map 18 Gordon                 | 11<br>DAY OF THE WEEK THAT OFFENCE WAS COMMITTED |
| 8 Enga   |                          |   | 47 Firearms                |                     |                                  |   | 76 Map 6 Hanuabada               |  |
| 9 Western Highland   |                          |   | 48 Furniture - household   |                     |                                  |   | 77 Map 7 Konedobu                |  |
| 10 Chimbu  |                          |   | 49 Furniture - office      |                     |                                  |   | 78 Map 8 City                    |  |
| 11 East Highlands  |                          |   | 50 Bank books, cheques     | 79 Map 13 Hohola    |                                  |   |                                  |  |
| 12 West Sepik  | New Guinea Mainland      |   | 51 Other documents         | 80 Map 14 Hohola    |                                  | 12<br>COURT TERMINATION (if any)                    |                                  |  |
| 13 East Sepik  |                          |   | 52 Jewellery               | 81 Map 15 Badili    |                                  |   |                                  |  |
| 14 Madang  |                          |   | 53 Money                   | 82 Map 16 Gaburu    |                                  |   |                                  |  |
| 15 Morobe  |                          |   | 54 Anything else           | 83 Map 19 Gordon    |                                  |   |                                  |  |
| 16 Manus   |                          |   | 55 Nothing taken           | 84 Map 20 Boroko    |                                  |   |                                  |  |
| 17 West New Britain  | New Guinea Islands       |   | 56 Selective theft         | 85 Map 21 Korobos   |                                  |   | 12<br>COURT TERMINATION (if any) |  |
| 18 East New Britain  |                          |   | 57 Grab theft              | 86 Map 22 Sabama    |                                  |   |                                  |  |
| 19 New Ireland   |                          |   | 58 Total removal           | 87 Map 25 Airport   |                                  |   |                                  |  |
| 20 Bougainville  |                          |   | 59 Householder present     | 88 Elsewhere        |                                  |   |                                  |  |
| 21 Expatriates   |                          | 60 Householder absent                     |                            |                     |                                  |   |                                  |  |
| 22 Not known   | 2<br>SCALE OF FORCE USED | 61 Vehicle used                           | 5                          | 89 Monday           |                                  | 12<br>COURT TERMINATION (if any)                    |                                  |  |
| 23 Open window   |                          | 62 Vehicle not used                       | 6                          | 90 Tuesday          |                                  |   |                                  |  |
| 24 Open door   |                          | 63 First break                            | 7                          | 91 Wednesday        |                                  |   |                                  |  |
| 25 Other opening   |                          | 64 Subsequent break                       | 8                          | 92 Thursday         |                                  |   |                                  |  |
| 26 Trick   |                          | 65 Gang job                               | 9                          | 93 Friday           |                                  |   |                                  |  |
| 27 Inside job  |                          | 66 Individual job                         |                            | 94 Saturday         |                                  |   |                                  |  |
| 28 Louvre opened   |                          | 67 Day break                              |                            | 95 Sunday           |                                  |   |                                  |  |
| 29 Wire cut  |                          | 68 Night break                            |                            | 96 Fined            |                                  |   |                                  |  |
| 30 Door latch sprung   |                          |   |                            | 97 Imprisoned       |                                  |   |                                  |  |
| 31 Other small force   |                          |   |                            | 98 Dismissed        |                                  |   |                                  |  |
| 32 Window smashed  | Entry with small force   |   |                            | 99 Committed        | 12<br>COURT TERMINATION (if any) |   |                                  |  |
| 33 Door smashed  |                          |   |                            | 00 Other            |                                  |   |                                  |  |
| 34 Wall smashed  |                          |   |                            |                     |                                  |   |                                  |  |
| 35 Other medium force  |                          |   |                            |                     |                                  |   |                                  |  |
| 36 Entry with great force (use of heavy vehicles, tools and equipment, etc.) | Entry with great force   |   |                            |                     |                                  |   |                                  |  |
| 37 Persons threatened  |                          |   |                            |                     |                                  |   |                                  |  |
| 38 Persons injured   |                          |   |                            |                     |                                  |   |                                  |  |
| 39 Persons killed  | Entry with violence      |   |                            |                     |                                  |   |                                  |  |

## BREAK AND ENTER INDEX

Break No: .....

Victim's Name: .....

Date Committed: .....

Description of Premises Broken: .....

Location: Section: ..... Lot: .....

Suburb: .....

If the break was not reported to the police, give householder's reason for not reporting:

If the offence terminated in court, give the Corresponding General Index No: .....

Figure 3

|                        |                             |            |                         |                               |          |                    |   |  |
|------------------------|-----------------------------|------------|-------------------------|-------------------------------|----------|--------------------|---|--|
| 1 National Capital     | Papuan Coast                | 1          | 40 Contempt of court    | Offences against public order | OFFENCES | 69 Map 2 Gerehu    | 6 | SUBURB OF PORT MORESBY WHERE OFFENCE WAS COMMITTED |
| 2 Western              |                             |            | 41 Escape               |                               |          | 70 Map 9 Gerehu    |   |  |
| 3 Gulf                 |                             |            | 42 Drunk, D and D       |                               |          | 71 Map 10 Uni      |   |  |
| 4 Central              |                             |            | 43 Riotous behaviour    |                               |          | 72 Map 11 Adcol    |   |  |
| 5 Milne Bay            |                             |            | 44 Dangerous driving    |                               |          | 73 Map 5 Tokarara  |   |  |
| 6 Northern             |                             |            | 45 D.U.I.               |                               |          | 74 Map 12 Waigani  |   |  |
| 7 Southern Highland    | Highlands                   | 2          | 46 Speeding             | Victimless offences           | OFFENCES | 75 Map 18 Gordon   | 7 | DAY OF THE WEEK THAT OFFENCE WAS COMMITTED         |
| 8 Enga                 |                             |            | 47 Other traffic        |                               |          | 76 Map 6 Hanuabada |   |  |
| 9 Western Highland     |                             |            | 48 Council rules etc.   |                               |          | 77 Map 7 Konedobu  |   |  |
| 10 Chimbu              |                             |            | 49 Other                |                               |          | 78 Map 8 City      |   |  |
| 11 Eastern Highland    |                             |            | 50 Liquor licensing     |                               |          | 79 Map 13 Hohola   |   |  |
| 12 West Sepik          | New Guinea Coast            | 3          | 51 Firearms licensing   | Civil offences                | METHOD   | 80 Map 14 Hohola   | 8 | COURT TERMINATION (if any)                         |
| 13 East Sepik          |                             |            | 52 Prostitution         |                               |          | 81 Map 15 Badili   |   |  |
| 14 Madang              |                             |            | 53 Vagrancy             |                               |          | 82 Map 16 Gaburu   |   |  |
| 15 Morobe              |                             |            | 54 Gambling             |                               |          | 83 Map 19 Gordon   |   |  |
| 16 Manus               |                             |            | 55 Other                |                               |          | 84 Map 20 Boroko   |   |  |
| 17 West New Britain    | New Guinea Islands          | 4          | 56 Land dispute         | 3                             | METHOD   | 85 Map 21 Koro     | 8 | COURT TERMINATION (if any)                         |
| 18 East New Britain    |                             |            | 57 Marriage and divorce |                               |          | 86 Map 22 Sabama   |   |  |
| 19 New Ireland         |                             |            | 58 Adoption             |                               |          | 87 Map 23 Airport  |   |  |
| 20 Bougainville        |                             |            | 59 Compensation         |                               |          | 88 Elsewhere       |   |  |
| 21 Expatriates         |                             |            | 60 Debts and exchange   |                               |          | 89 Monday          |   |  |
| 22 Not known           | 61 Trespass                 | 90 Tuesday |                         |                               |          |                    |   |  |
| 23 Murder              | Offences against the person | 2          | 62 Other civil          | 3                             | METHOD   | 91 Wednesday       | 8 | COURT TERMINATION (if any)                         |
| 24 Rape                |                             |            | 63 In company           |                               |          | 92 Thursday        |   |  |
| 25 G.B. harm           |                             |            | 64 Alone                |                               |          | 93 Friday          |   |  |
| 26 Assaults            |                             |            | 65 Known priors         |                               |          | 94 Saturday        |   |  |
| 27 Obscene language    |                             |            | 66 No known priors      |                               |          | 95 Sunday          |   |  |
| 28 Offensive behaviour | Offences against property   | 3          | 67 Night time           | 5                             | METHOD   | 96 Fined           | 8 | COURT TERMINATION (if any)                         |
| 29 Indecent manner     |                             |            | 68 Day time             |                               |          | 97 Imprisoned      |   |  |
| 30 False reports       |                             |            |                         |                               |          | 98 Dismissed       |   |  |
| 31 Other               |                             |            |                         |                               |          | 99 Committed       |   |  |
| 32 Robbery             |                             |            |                         |                               |          | 00 Other           |   |  |
| 33 Stealing            | Offences against property   | 3          |                         | 5                             | METHOD   |                    | 8 | COURT TERMINATION (if any)                         |
| 34 Break and enter     |                             |            |                         |                               |          |                    |   |  |
| 35 Unlawful user       |                             |            |                         |                               |          |                    |   |  |
| 36 Animal trespass     |                             |            |                         |                               |          |                    |   |  |
| 37 Unlawfully on       |                             |            |                         |                               |          |                    |   |  |
| 38 Property damage     |                             |            |                         |                               |          |                    |   |  |
| 39 Other               |                             |            |                         |                               |          |                    |   |  |

If offence was not reported to police, give victim's reason for not reporting.

## GENERAL INDEX

Case No: .....

Court House: Boroko/National Capital

Register: .....

Defendant's Name: .....

Date Offence Committed: .....

Name of Magistrate: .....



the General Index to extract court case information from court files. When coded into these worksheets the information is grouped so that it can be easily transferred on to punch cards for manual or computer calculation. The worksheets are so designed that every item can be read off against every other item, so that we can know, for example, how many Chimbus were convicted of drunkenness on Saturday nights in Boroko, whether they were gaoled or fined and so on. This is important because it already seems at this early stage that certain crimes are more frequently committed by persons of certain ethnic origins to the exclusion of persons of most other ethnic origins. If true for the majority of offences this of course can be developed into a useful crime detection measure.

We turn now to the two major fields of our study, burglary and court case loading.

### **Burglary**

Figure 4 shows the geographical distribution of break and enter offences reported in Port Moresby in April 1975. This is a suburban sectional break-up showing from top to bottom the suburbs of lowest incidence of housebreaking to the suburbs of highest incidence of housebreaking in order of incidence. At present we do not have sufficient data to forecast what variations are likely in the lower/higher incidence pattern as revealed by this bar graph. We have seen however that there was some variation between the figures for April and the figures for May 1975 (as Figure 5 shows). Figure 5 is a comparative percentage graph showing April and May figures. Month by month, as additional data become available, we propose to add to this graph the latest comparative percentage figures so that by the time the survey finishes we will have an across the board picture of whatever variation occurs in the pattern of high crime and low crime areas of Port Moresby, at least in relation to housebreaking.

Figure 6 is a chronological distribution of break and enter offences reported in Port Moresby in April 1975. It shows the total number and the daily range of break and enter offences reported for that month. What is interesting about this graph is the extremes in peaks and slumps of reported cases. During April there

Figure 4

## BREAK AND ENTER INDEX

Geographical Distribution of Reported Break and Enter Offences for Port Moresby City for April 1975  
(A suburban sectional break up in frequency order, of known offence locations only)

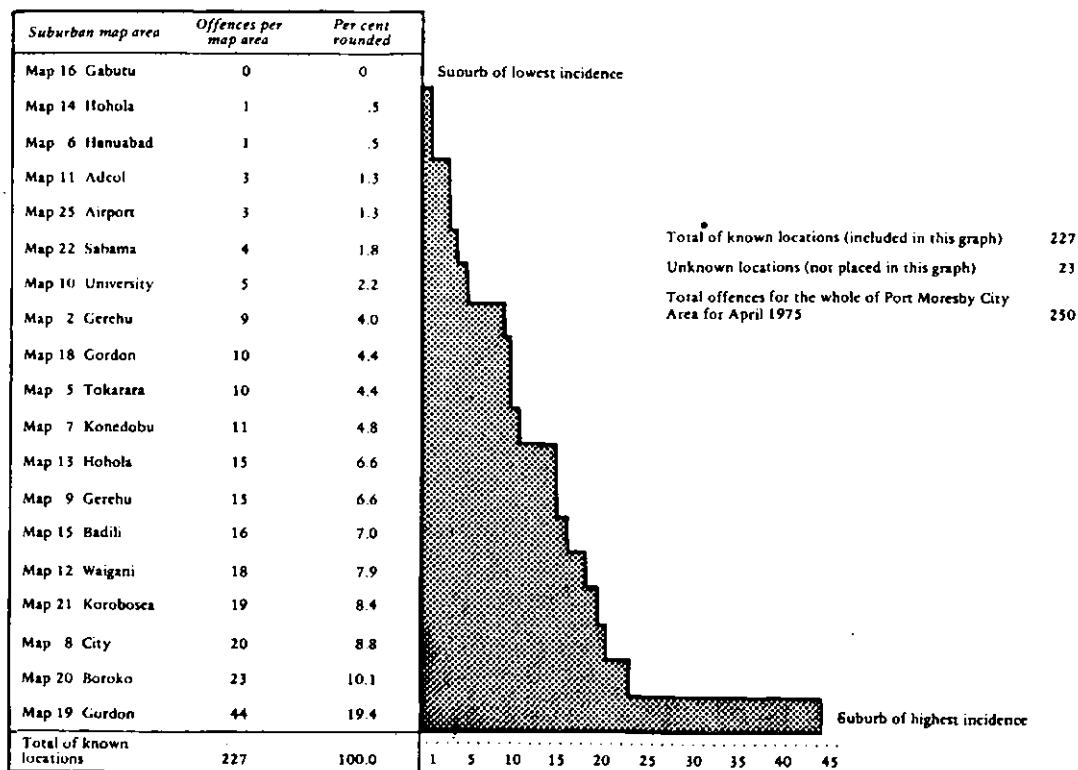
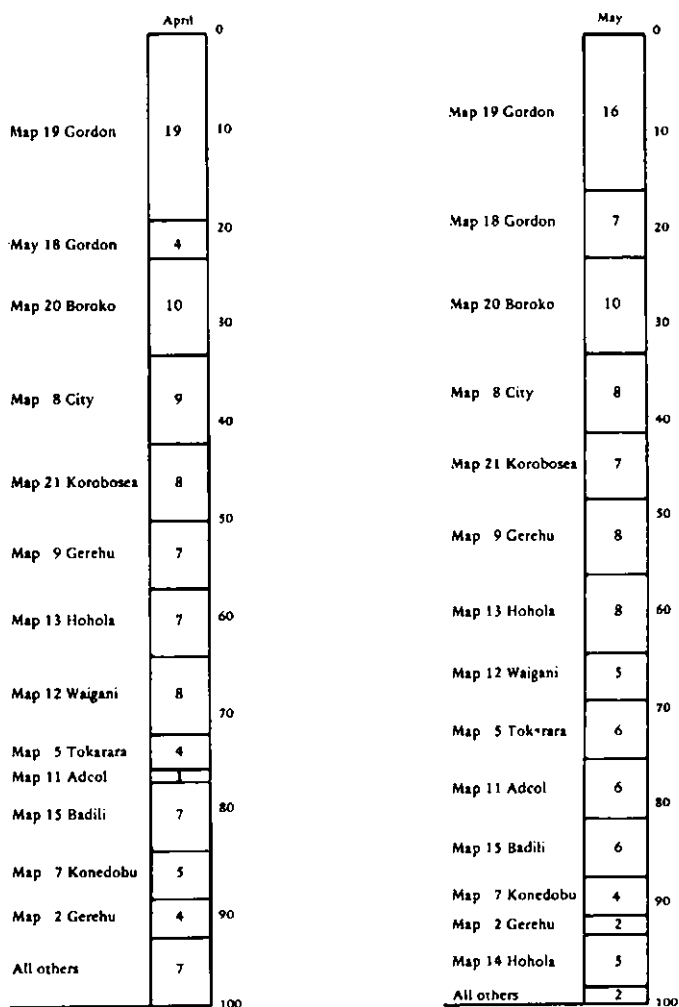


Figure 5

## BREAK AND ENTER SURVEY

Comparative Percentages of Total Reported Break and Enter Offences by Month and Map  
for Port Moresby City for April and May 1975

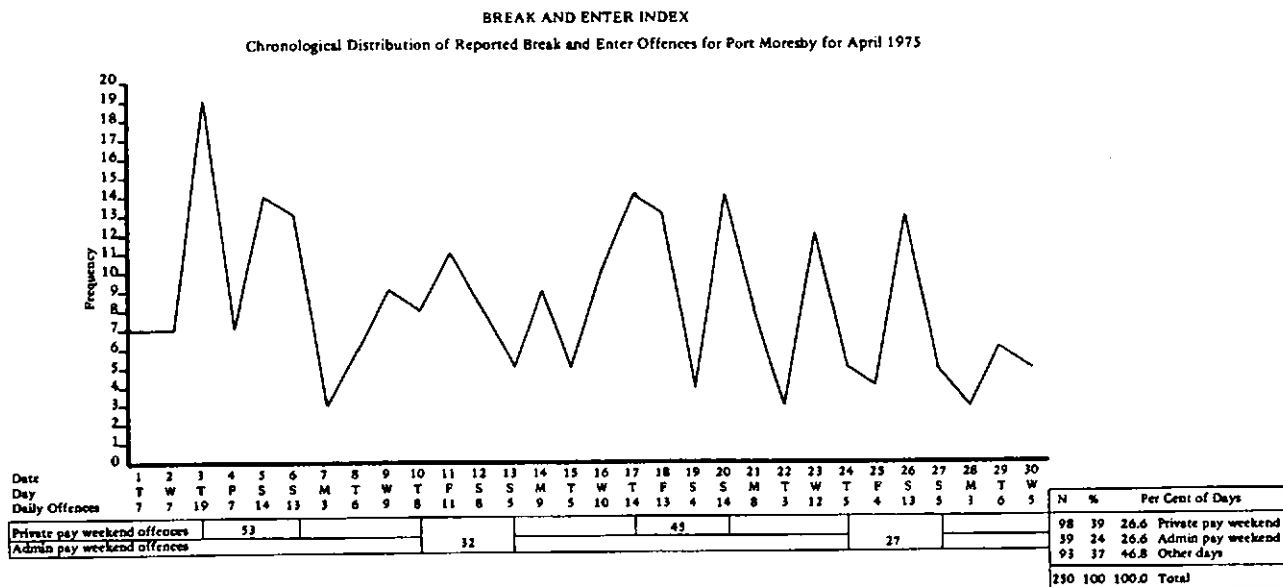
(This chart does not include figures in relation to offences where the location is unknown)



No. of offences distributed in this graph 227  
 No. of offences (locations unknown)  
 not distributed 23  
 Total offences per month 250

No. of offences distributed in this graph 219  
 No. of offences (locations unknown)  
 not distributed 7  
 Total offences per month 226

Figure 6



was a tendency for breaking offences to cluster around the private pay weekends. For example, 39 per cent of the breaking offences were committed during private pay weekends, which consisted of only 27 per cent of the days in April, whereas on days other than weekends 37 per cent of the offences were committed in 47 per cent of the days. This suggests that private pay weekends are the high-risk times for breaking and entering.

At this stage we are unable to explain the daily fluctuation in the number of offences committed during April. We thought at first it was due to rainfall, with fewer housebreaking offences committed during the nights on which rain fell and more being committed when the weather was more favourable. This argument certainly works well in relation to ordinary street offences since we have found by casual observation that there are fewer street offence appearances in court on mornings after nights of heavy rain. But it did not hold true for housebreaking because we checked the break and enter reports against the rainfall figures for April, and there was no correlation of any significance. Figure 7 shows that this daily fluctuation continued into May but with less deviation, still unexplainable at present.

Figure 8 is interesting in that it shows which suburbs experienced housebreaking during April on which days, and which suburbs were left completely alone. It occurred to us that the low incidence of reported offences for many of the low covenant suburbs might have been because of an absence of reporting facilities in the form of telephones, police call boxes, nearness of police stations, etc., rather than an absence of housebreaking offences. One suburb, for example, map 16 Gabutu, was reported for April to have had no housebreaking offences at all, and Hohola was reported to have had only one, whereas Gordon had forty-four.

We therefore set out to test the accuracy of the figures, and the area which attracted our attention for this purpose was map 22 Sabama, which had reported only four housebreakings in April and none in May. Sabama has a crowded low covenant area generally within that part of map 22 which on the map index Figure 1 is obscured by the numerals 22.

On 11 June 1975, the research team did a house to house survey in this area, which confirmed the low incidence of housebreaking offences. Of the sample surveyed, only one

Figure 7

## BREAK AND ENTER INDEX

Chronological Distribution of Reported Break and Enter Offences for Port Moresby for May 1975

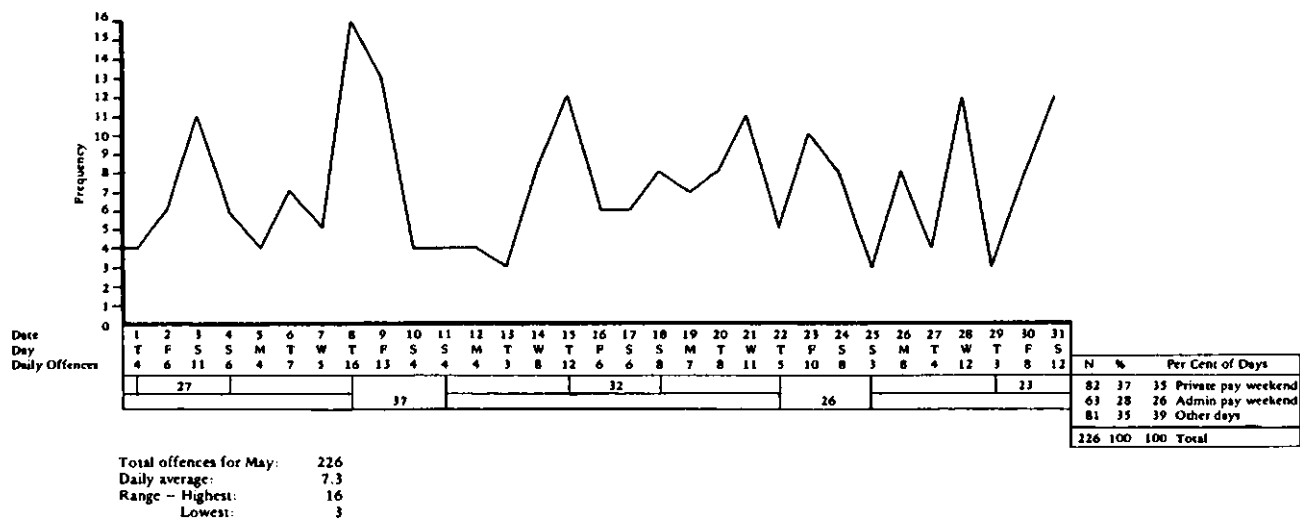


Figure 8

## BREAK AND ENTER INDEX

Distribution of Reported Break and Enter Offences in Port Moresby City by Day and Suburb for April 1975

| Date<br>Day | 1<br>T | 2<br>W | 3<br>T | 4<br>F | 5<br>S | 6<br>S | 7<br>M | 8<br>T | 9<br>W | 10<br>T | 11<br>F | 12<br>S | 13<br>S | 14<br>M | 15<br>T | 16<br>W | 17<br>T | 18<br>F | 19<br>S | 20<br>S | 21<br>M | 22<br>T | 23<br>W | 24<br>T | 25<br>F | 26<br>S | 27<br>S | 28<br>M | 29<br>T | 30<br>W | Map and<br>Suburb | Suburb<br>Total |    |
|-------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------------|-----------------|----|
|             |        |        |        |        | 4      | 3      |        |        |        |         |         | 1       |         |         |         |         |         |         |         |         | 2       |         |         |         |         | 1       |         |         |         |         | 2 Gerchu          | 9               |    |
|             |        |        |        |        | 5      |        |        |        |        | 3       | 1       |         |         | 1       | 1       |         |         |         |         |         | 1       |         |         |         |         | 1       | 1       | 1       |         |         | 9 Gerchu          | 15              |    |
|             |        |        |        |        |        |        |        | 1      |        |         |         | 1       | 1       |         | 1       |         |         |         |         |         | 1       |         |         |         |         | 1       | 1       | 1       |         |         | 10 UPNG           | 5               |    |
|             |        |        |        | 1      |        |        | 1      |        |        |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 1       |         |         |         |         | 11 Adcol          | 3               |    |
|             |        |        |        |        | 1      | 2      |        |        |        |         |         | 1       |         |         |         |         |         |         |         |         |         |         | 1       | 3       |         |         |         | 2       |         |         | 5 Tokarara        | 10              |    |
| 2           |        | 2      | 3      | 1      |        |        | 1      |        |        |         | 1       | 1       |         | 1       | 1       |         |         |         |         |         | 1       | 1       |         |         |         | 1       | 2       |         | 1       | 1       | 12 Waigani        | 18              |    |
| 1           |        |        |        |        |        |        |        |        | 1      | 2       |         |         |         | 1       |         |         |         |         |         |         | 1       |         |         |         |         |         | 3       |         | 1       |         | 18 Gordon         | 10              |    |
|             |        |        |        |        |        |        |        | 1      |        |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 6 Hanuabada       | 1               |    |
| 1           |        | 1      |        | 1      | 1      |        |        |        |        |         |         |         |         | 1       |         |         |         |         |         | 1       |         |         |         | 1       | 1       | 1       |         | 1       | 1       |         | 7 Konedobu        | 11              |    |
|             |        | 2      | 5      |        | 1      |        | 1      | 1      | 1      | 1       |         |         |         |         |         | 1       |         |         |         |         | 3       |         | 1       |         |         | 1       |         |         |         | 1       | 1                 | 8 City          | 20 |
|             |        |        | 1      | 1      |        | 3      |        |        |        |         | 1       |         | 1       | 2       |         | 1       |         | 1       |         |         |         | 2       |         | 1       |         |         | 1       |         |         |         | 13 Hohola         | 15              |    |
|             |        |        |        |        |        |        |        |        |        |         |         | 1       |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 14 Hohola         | 1               |    |
|             |        | 1      | 1      |        |        | 3      |        |        |        | 2       |         |         |         | 1       |         | 3       | 2       |         |         |         | 2       | 1       |         |         |         |         |         |         |         |         | 15 Badili         | 16              |    |
|             |        |        |        |        |        |        |        |        |        |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 16 Gabutu         | 0               |    |
| 1           | 3      | 4      | 1      |        | 2      | 1      | 3      | 2      | 3      | 1       | 2       | 1       | 2       |         |         |         | 3       | 1       | 1       | 2       |         | 1       | 4       |         | 1       | 1       | 1       |         | 2       | 1       | 19 Gordon         | 44              |    |
| 2           |        | 1      | 3      |        |        |        | 1      | 1      | 1      | 1       |         |         |         |         |         | 1       | 3       |         | 1       |         | 2       |         |         | 2       |         | 1       |         |         | 1       | 1       | 20 Boroko         | 23              |    |
|             |        | 1      | 3      |        | 1      | 1      |        |        |        |         |         | 1       |         | 1       | 1       |         | 1       | 1       |         | 2       |         |         | 2       | 1       |         |         |         |         | 1       | 2       | 21 Korobosea      | 19              |    |
|             |        |        |        |        |        |        |        | 2      |        |         |         |         |         |         |         |         |         |         |         | 1       | 1       |         |         |         |         |         |         |         |         |         | 22 Sabana         | 4               |    |
|             |        |        |        |        |        |        |        | 1      |        |         |         |         | 1       |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 25 Airport        | 3               |    |
|             |        | 1      |        |        |        |        |        |        |        |         | 1       |         |         |         |         | 1       | 3       | 5       | 9       | 1       |         |         |         |         | 1       |         | 1       |         |         |         | Unknown           | 23              |    |
| 7           | 7      | 19     | 7      | 14     | 13     | 3      | 6      | 9      | 8      | 10      | 8       | 5       | 9       | 5       | 10      | 14      | 13      | 4       | 14      | 8       | 3       | 12      | 5       | 4       | 13      | 5       | 3       | 6       | 5       | Totals  | 250               |                 |    |

housebreaking offence was reported for the two month period April-May, and one other housebreaking offence was reported for earlier in the year outside the time span of our survey. The general opinion among respondents in the Sabama sample survey was that housebreaking in the area was rare. We can conclude from this that our figures to date are fairly accurate, at least for the map 22 area, and we propose to conduct similar house to house sample surveys from time to time in other map areas of the city to check our housebreaking figures against the real life situation in Port Moresby.

So far we think that our figures for the higher covenant areas of Gordon, Boroko and Korobosea are already fairly accurate, because most householders in these areas have protected themselves by insuring their household effects against loss by housebreaking, and in order to claim against any such losses, the insurance companies require a police report.

From the beginning of the survey into housebreaking generally we attempted to pinpoint on a large map of Port Moresby city the location of every reported housebreaking offence. This was done by placing a numbered pin into the map on the section and lot number of the house from which each break and enter offence had been reported. This was intended to give us a pattern of housebreaking offences in Port Moresby throughout the six month research period.

Unfortunately this did not work out as planned, because householders in 30 per cent of the cases did not know the exact section and lot number of their houses when reporting the housebreaking incident to the police. In many cases in the low covenant areas we suspect there were no such numbers, for example, in relation to houses on administration and village land which had not been subdivided as part of the city's land development plan.

In some cases an address was given only as, for example, 'Ash Street, Hohola', or sometimes 'House at Tokarara'. This was sufficient to place the particular housebreaking offence in a particular map area for the purposes of our statistics, but we could not get much closer than that. We had intended to interview every householder who had been the victim of a housebreaking offence in Port Moresby for the 6 months study period, but we now feel that this would be an insurmountable task and we will probably



confine the householder interviews to one or two suburbs only where the incidence of housebreaking is greatest.

The sheer number of the housebreaking offences is itself an interesting factor, for example, 250 for April and 226 for May. In relation to the size of the population of Port Moresby, this rate of say 2,800 housebreaking offences per year seems incredible. One of the most perplexing problems now facing the police in Port Moresby must be that of coping with so many cases, and this brings us to the second part of our study, the court case loading.

### **Court case loading**

At first glance it would seem rather odd for this narrow aspect of government to attract the attention of a research team investigating law and order problems, but it already seems clear that the whole problem of law and order in Port Moresby devolves from the high number of offences committed. This refers to the total offences, not just breaking offences.

On a casual tour of Port Moresby at hotel closing time on pay nights you will see hordes of drunks on the streets, some fighting, some urinating, and maybe some throwing stones at your car. But if they were all arrested the cells could not hold them, the prosecution staff could not process them, and the magistrates could not hear all the resulting court cases, given the present system of legal process, and the resources currently available.

Part of this problem becomes apparent when the lower court hearing is examined.

Figure 9 shows a break-up of court cases for April 1975, the first month of the survey. Court cases are divided between two court houses. Offences arising out of traffic incidents, shoplifting, street brawls, drunken behaviour and other street offences generally pass through the Boroko Court House. All civil cases, committals, children's courts, taxation matters, questions of native customs involving marriage, divorce, adoption and so on, and generally all matters requiring a little more finesse are channelled through the National Capital Court House. Figure 9 shows Boroko Court House has more than twice the case loading of the other court house, and this loading is carried mostly by only four

Figure 9

PORT MORESBY CITY COURTS OF SUMMARY JURISDICTION  
Comparative Case Loadings 1975 - January and April

| Register Number              | Offence                     | January Case Load | April Case Load | Individual Magistrate Case Load - April Only |           |          |        |        |
|------------------------------|-----------------------------|-------------------|-----------------|--|-----------|----------|--------|--------|
|                              |                             |                   |                 | Lofena                                       | Mackellar | Tiwakuni | Kiteup | Others |
| Boroko Court House           |                             |                   |                 |  |           |          |        |        |
| 1                            | Drunk, Drunk and Disorderly | 146               | 150             | 33   | 19        | 39       | 43     | 16     |
| 2                            | Police Offences, General    | 180               | 201             | 15   | 15        | 97       | 64     | 10     |
| 3                            | Vagrancy                    | 91                | 66              | 9  | 4         | 39       | 13     | 1      |
| 4                            | Local Court all Traffic     | 348               | 315             | 1  | 102       | 198      | 9      | 5      |
| 5                            | Stealing, etc.              | 91                | 89              | 14   | 11        | 38       | 19     | 7      |
| 6                            | District Court all matters  | 36                | 75              | 30   | 41        | 0        | 0      | 4      |
| Total                        |                             | 892               | 896             | 102  | 192       | 411      | 148    | 43     |
| National Capital Court House |                             |                   |                 |  |           |          |        |        |
| 7                            | Children's Court            | 24                | 41              |  |           |          |        |        |
| 8                            | District Court - Civil      | 9                 | 99              |  |           |          |        |        |
| 9                            | Local Court - Civil         | 92                | 44              |  |           |          |        |        |
| 10                           | Committals                  | 32                | 22              |  |           |          |        |        |
| 11                           | Tax                         | 5                 | 183             |  |           |          |        |        |
| 12                           | District Court - Criminal   | 6                 | 2               |  |           |          |        |        |
| 13                           | Local Court - Criminal      | 113               | 108             |  |           |          |        |        |
| Total                        |                             | 281               | 400             |  |           |          |        |        |
| Total for Port Moresby City  |                             | 1,173             | 1,395           |  |           |          |        |        |

Compiled from the April 1975 Court Registers in the Boroko and National Capital Court Houses, Port Moresby City.  
M.L. Mackellar

magistrates, with a visiting magistrate called in occasionally. I thought that I was overworked when I heard the 360 traffic cases depicted in Figure 10 until I saw Mr Tiwekuri's 411 cases for April. How does a magistrate handle such a large number of cases? For Mr Tiwekuri there were 22 working days in April; this means that on an average he heard 18.6 cases per day. Given that some cases are mentioned more than once, before termination, this would have given him an effective work loading of 20 cases per day.

Although magistrates are ready to hear courts starting at 8.30 a.m. daily in the Boroko Court House, delays in witnesses, defendants and police arriving, short adjournment between cases and so on, result in an effective court room time of only four hours per day. As the loading of 20 cases per day includes not guilty hearings, and as each magistrate usually lists one not guilty hearing for an hour each morning and another for an hour each afternoon, this means that the remaining 18 guilty pleas have to be heard within the remaining two hours, or one case every six minutes. If the not guilty hearings drag on for more than one hour each, then even less time is available for the guilty plea hearings. Boroko magistrates cannot adjourn the surplus cases to another day, because all the other days have about the same number of cases already waiting. So what each has to do every day is to squeeze whatever cases remain into whatever time that remains for that day. This often leaves a magistrate only three minutes for each case.

To make matters worse, on these days with long listings hearings do not start earlier, but later. This is because with more defendants and witnesses to sort out, and more papers to shuffle the prosecution process takes longer to organise. Once hearings get started very little time is available to spend on each case. So we have in the Boroko Court House a reverse of Parkinson's law, wherein court hearings contract to fit the time available.

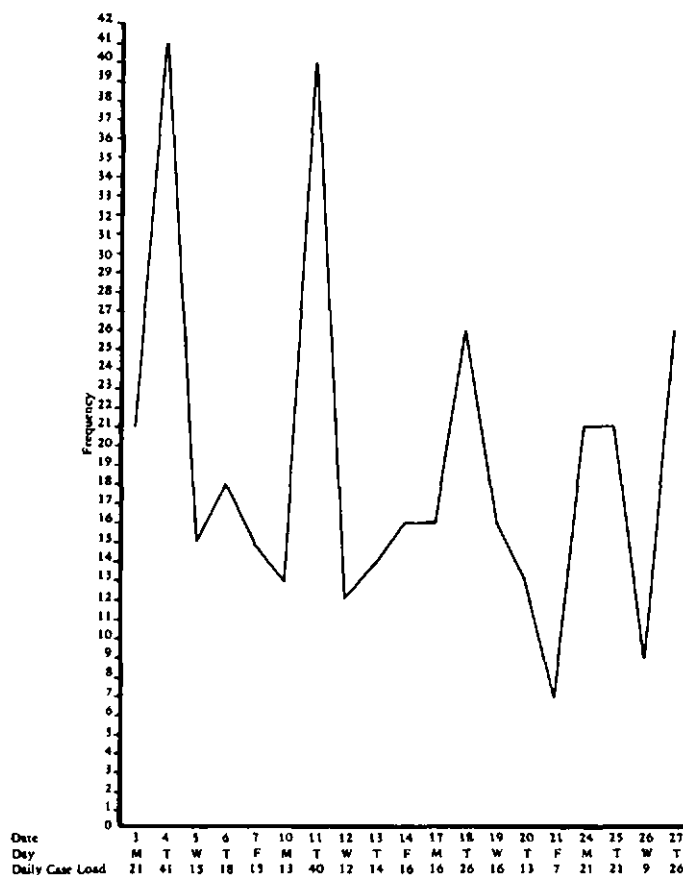
In this situation of 'three minute justice' the Boroko Court House is a legal machine already operating at maximum capacity, programmed to crank out court decisions like sausages, days, nights and weekends, every day throughout the year including Christmas and Easter.

Having more magistrates would hardly improve the situation, since as we only have three court rooms we cannot operate more

Figure 10

## TRAFFIC CASES HEARD DURING MARCH 1975

Traffic Register - Boroko Local Court



Total Traffic Cases Heard in March 1975 = 360

This total does not include all traffic cases heard in the Boroko Court House during March 1975, since some of the more serious cases are heard in the Boroko District Court and are recorded in that Court's register and from time to time, traffic cases may be heard jointly with other criminal cases and recorded in a different register. Similarly, traffic cases brought before courts sitting at night and at weekends are registered together with those other night and weekend courts in another register. The above figures represent approximately 95 per cent of the total traffic cases heard in the Boroko Court House during March 1975.

M. L. Mackellar  
Magistrate

than three courts simultaneously, however many magistrates we have. Already some of our court support staff have worked for weeks on end without a full day off, and getting more support staff would only clutter up an already overcrowded office space.

The problem of this numbers game is simply this: if the police increase their arrest rate, the existing court facilities could probably not handle the resultant increased court case loading. Our lower court machine is already operating at maximum carrying capacity, and before we can expect the police to make more arrests, we must either get a bigger court machine or simplify the court procedures. Getting a bigger machine, that is, a bigger and better court house with more space for more magistrates, and more court staff, would be the western approach to the problem and a costly undertaking, requiring the services of architects, engineers and builders, but not criminologists.

The other approach, that is, the simplifying of our court procedure, is probably more in line with current Melanesian thinking and one which the research team proposes to investigate at a later date. With this in mind the research team is indebted to the Speaker of the House of Assembly, Mr Holloway, for his suggestion that the village court system already operating in other parts of Papua New Guinea be introduced into suburban Port Moresby. For it is quite possible that the simplified procedure used by the village courts could take the strain off the police and the existing court structure for most street offences and most civil cases now brought before the courts in Port Moresby. This would leave the existing court and police structure more time and more resources to concentrate on handling the more serious crimes. For there is no doubt that the present case listings in the Boroko Court House are cluttered with trivial matters.

Take for example a typical Monday case loading of my own, (Monday 2 June 1975). On that day I heard the following traffic cases in the Local Court:

|                         |   |
|-------------------------|---|
| No rear vision mirror   | 1 |
| Defective horn          | 1 |
| Defective signal light  | 1 |
| No L plate              | 3 |
| Bald tyres              | 5 |
| Straddling double lines | 2 |
| Unaccompanied learner   | 2 |

|  |   |
|--|---|
| Wrong way up one way street                  | 1 |
| Driving with wrong licence                   | 5 |
| No P plate                                   | 2 |
| Unlicensed PMV                               | 1 |
| Learner carrying passenger<br>on motor cycle | 2 |
| Fail to allow pedestrians to cross           | 1 |
| Reckless driving                             | 1 |

I also heard 10 other more serious cases in the District Court, giving a total of 38 cases for the day, including two hearings. This is another example of three minute justice. All except the last of the above listed traffic cases would seem to be relatively unimportant, seen in the light of our growing law and order problem. However as this listing is typical, it can be seen that these unimportant cases make up 70 per cent of our total court listing. I cannot imagine that it makes much difference to the defendants in such cases whether a magistrate imposes the K10 fine, so such fines might just as well originate in a suburban village court. This would then give the Local and District Courts time and room to accommodate increased loadings of more serious offences if the police were to increase their arrest rates for these.

It would certainly cost money to set up and maintain a system of suburban village courts in Port Moresby, but the costs of expanding the existing British type court system would seem to be even greater.

But whatever the government decides to do about the large numbers of court cases, the truth is that there is no point in asking the police to increase their arrest rate until the case clearance rate through the courts is increased.

### Underlying problems

Our research into court case loadings and the incidence of housebreaking in Port Moresby has uncovered other closely associated aspects of the law and order problem. These are:

#### *The unemployment problem*

About 90 per cent of all housebreaking offences so far

examined, involve the selective theft of food, drink and small household items. Expensive jewellery, electrical equipment, household items and clothing, the prizes normally sought by burglars, are mostly overlooked in favour of food, clothing and money. We have come across many instances when, in the absence of food and money, nothing was taken.

The average Melanesian, when in his village, can grow all he can eat. But if he is a migrant to Port Moresby without land rights and without work, he must either be kept by someone else, beg food, borrow it or steal food in order to survive. Until something is done about the unemployed, stealing and housebreaking will continue.

### *The architectural problem*

It seems that for the majority of housebreakings in Port Moresby, no housebreaking implements of any kind are needed other than a stone or a pocket knife. Our records indicate that, in most cases, entry is made simply by pulling back the security wire, tearing the fly wire, and removing a few louvres. For as long as houses continue to be built in this breezy, old fashioned North Queensland manner, they will remain attractive to burglars.

### *The problem of indefensible space*

Associated with the architectural problem is the problem created by the distribution of houses in the high crime suburbs. Residents of low crime suburbs we have interviewed attribute their relative immunity to housebreaking to the closeness of friendly neighbours, who can keep an eye on strangers. The same sort of immunity appears to have devolved to a certain extent upon high covenant dwellings with servants' quarters attached, if there is an arrangement with the occupants of those quarters to ward off prowlers. These simple defence mechanisms have proved to be very effective and ensure that if an itinerant burglar must steal, he will steal elsewhere. He usually chooses to break in at Gordon, where most of the dwellings are either blocks of flats, or houses without servants' quarters, and where neighbours may not have any mutual defence arrangement.

### *The punishment problem*

Police recently alleged that court sentences are too lenient to have much deterrent value. Sentencing figures are unfortunately

not yet available, but at first glance through the court registers there would appear to be some truth in this allegation. The main problem with punishment seems to be that an increasing number of property offences are being committed by young offenders, and courts are reluctant to impose harsh penalties on them. This means that without any kind of reform school system for delinquent youth, the only alternative is a suspended sentence which has almost negative deterrence. In other matters, it appears that as magistrates are of different ethnic origins, their individual views on what constitutes a serious offence, differs. Individual magisterial quirks, already present even among magistrates of the same ethnic origin as in Australia, are by extension, in the Papua New Guinea context, magnified even further. More detailed directions to magistrates on sentencing policy are necessary.

### *The culture hero problem*

All the evidence so far indicates that housebreaking gangs are supplying an obvious community need — the redistribution of items of basic necessity from the haves to the havenots. In this context, housebreakers are seen as latter day Robin Hoods. This is a disturbing fact. As Melanesian custom is not to hoard wealth but to distribute it, there are many beneficiaries of a single housebreaking act, and in their efforts to track down housebreakers, the police cannot expect to receive help from that section of the city's community which is receiving this clandestine form of welfare.

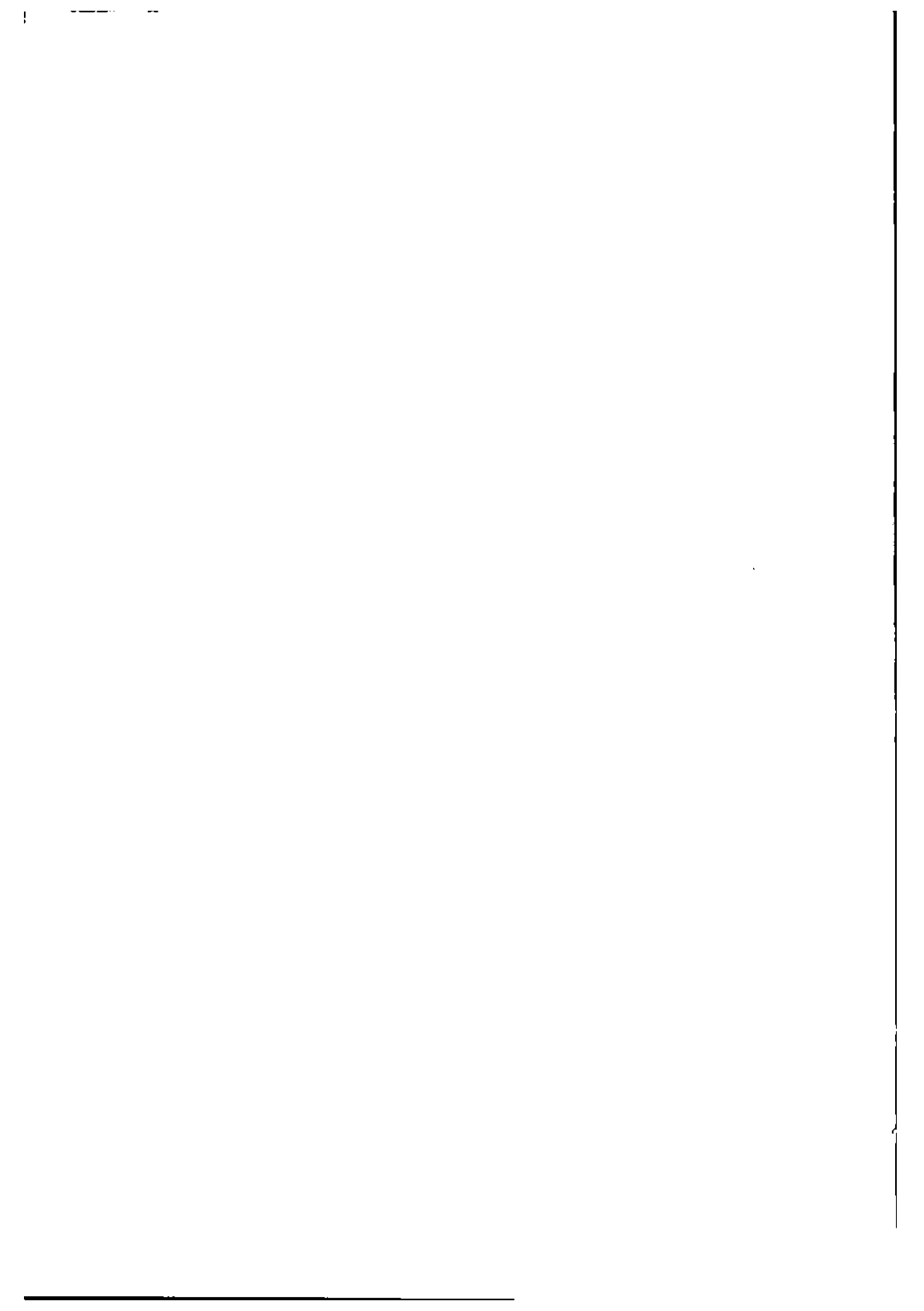
## **Conclusion**

This report on our current research has been necessarily short simply because we have only just begun. But as the research continues we will be building up our knowledge of what is happening on the Port Moresby crime scene, not only in relation to those matters so far mentioned, but also in relation to everything else of interest to the study which might arise during our data-gathering period.

Irrespective of what our interpretation of the law and order situation might be, the real value of this research may lie in the



mass of data collected. For what we will have documented for Port Moresby may be useful to the Papua New Guinea Government elsewhere, in combating similar law and order problems as newer and bigger cities rise along the Highlands Highway or develop as a result of the Purari and Ok Tedi schemes. Our research then may prove to be of even greater value than is now apparent.



## 8 Views of local authorities

*This chapter comprises six short papers prepared and presented to the seminar on Crime Prevention in Developing Areas by local residents with wide practical experience of crime prevention or the administration of justice in Papua New Guinea. In some cases, minor amendments have been made to the papers in order to clarify the meaning or to prevent repetition. Editor.*

### **Magistrates – Andrew Maino**

This paper is not based on an expert's point of view or as a result of academic research, but presents the views of an ordinary citizen. It merely speaks from observations and experience gained from working in urban areas.

Prior to World War II and until the late 1950s there were, in Papua New Guinea, fewer crimes committed in urban areas because youths had little or no formal education and thus were bound to remain in villages under the supervision of their parents. They were fully occupied and made to work in gardens or go out hunting with their fathers. When not with parents at work, the youths formed groups and went out hunting small game or birds and in so doing were supporting the family when they came back with game. The girls were kept under their mother's supervision. The youths often were in groups and thus at times decided to commit minor offences, but they were always afraid that their fathers would beat them. Also there was the likelihood that one would remind the others that should they do anything wrong he would report the matter to their elders. This practice kept the crime rate down during the periods mentioned.

This pattern has changed completely, however, due to western education and changes of living conditions. This can be clearly seen during school breaks and holidays when children rely totally on their parents to do things for them. If the parents are living in an urban area and if they do not have sufficient means to satisfy their children's needs, then as a result more crimes are committed.

In urban areas such as Port Moresby crimes are usually committed by youths in the 14 to 19 year bracket. These youths are generally either school drop-outs from rural areas who come to the cities with the hope of getting employment or obtaining further education, but find that they cannot get jobs or places in schools, or those who were born and grew up in urban areas and are not as successful as their other counterparts. As cash is needed for living in an urban area, these youths find life hard without it. Some form groups and call themselves 'Apex', for example, and have a symbol on their foreheads; they use the group name as a warning or a greeting. Youths such as these have no future and the only way of meeting their needs is by forming themselves into groups and committing crimes. Thus the crime rate increases. These youths are uncontrollable, dangerous and do not fit into the society. To them crime has become a sickness and unless a remedy can be found quickly, it will become incurable.

It has been suggested that the police should maintain order and peace and be responsible for the prevention of crime. However, there is a question whether the police are able to act immediately upon reports of violence, housebreaking or of any crime taking place. On 20 June 1975, 'Contact', an NBC radio program, referred to a letter from expatriate police officers to the Minister for Police which clearly showed that the police themselves are aware of the situation. The Minister defended the police and said that there was no justification for allegations that the police were not preventing the increase in crime. The following examples will illustrate why the police are sometimes criticised, and why they will continue to be criticised, unless something is done.

- (a) A riot occurred at Korobosea and a resident rang the police informing them of the riot outside his home. The police advised the informant that they were on their way, but when they finally arrived, it was the next day. On arrival they asked people walking peacefully along the street: 'Who

was fighting here?' How can it be said that the police are sufficiently carrying out their duties, if such incidents are seen by citizens?

- (b) There was a report of a street riot at Hohola and the police patrol vehicle approached the riot, but took no notice and drove on. A little later when they noticed a car being driven 2.5 km/h above the speed limit, the driver was stopped and booked. In this case, driving 2.5 km/h above the speed limit was seen as a more serious crime than the riot which could have developed into a situation causing loss of life.
- (c) A report of a fight between two men at Konedobu was attended by three constables. On arrival they did not try to stop the fight but simply stood there as though the fight was a sport between the two men. However, a few minutes later another five constables arrived and then the two men were physically handled and thrown into the vehicle and taken away. In this case, it appears that there should be at least twice the number of constables to that of the wrongdoers before action is taken. Here it seems the police were frightened of performing their duty.

These are but three cases of many which occur daily and for which the police can be criticised for not preventing the increased crime rate.

The increasing crime rate can only be prevented if the police act immediately or within minutes of receiving a report and treat reports as emergencies, rather than taking action hours or days later. They should be on the spot within minutes of a report of a crime, and arrest those whom they suspect or identify as being involved in the crime. Immediate action is the only solution and the answer to the reduction in crime rates. If the report of a crime is not attended to immediately, then this encourages crime increase and, as a result, the community lives in fear of injury or loss of property.

It would not be fair only to criticise the police. Criticism could also be directed to us who are magistrates whose daily task is to deal with wrongdoers brought before the courts. Whether the penalties imposed are lenient or harsh, we have been criticised because heavier penalties are not being imposed. It is not for one

moment suggested that all penalties should be harsh, but at least the penalty should have the effect of rehabilitation of the offender and be an example to others who may wish to commit a similar crime. During 1972-73 when Mount Hagen was out of control as far as law and order was concerned, the penalties were harsh but they were the only means of preventing the problem and at the same time they were acceptable to the community. To indicate how this worked, when a wrongdoer was brought before the court and when the prosecution proved its case beyond reasonable doubt or the accused admitted the offence, then, for example, on a charge of violence the accused would find himself sentenced to three or four months' hard labour, whereas in Port Moresby the accused have received a fine of K10.00 or a sentence of one week for a similar offence. The latter treatment is no solution to the crime problem in urban areas such as Port Moresby. Unless stronger action is taken, there will be no reduction in crime.

The police and the magistrates are not the only authorities that should be criticised. The government should not be left out, for it encourages the resettlement scheme which draws people with little or no skills to urban areas. These resettlements provide accommodation for those who cannot obtain jobs but the residents rely upon their *wantoks* for their support. People living in resettlements do not have sufficient land for their own requirements. Thus lack of cash to meet their requirements often results in crime. To avoid crime increase, it is strongly suggested that the government should take stronger action when reviewing applications from persons who wish to live in resettlement areas. It should be known that the person will be able to obtain a job or that he is a semi-skilled or skilled person who would be able to settle in as a good citizen. There should be regular checks of persons, and if some are found who cannot find employment within a period of seven days, they should be returned to their home villages. It may be argued that this would be against the Human Rights Act, but what is to be done if citizens and society are to be protected? Are we to consider one person's right more important and the community's rights inferior? Repatriation of unemployed personnel to their homes may be one answer to the prevention of crime. Further, persons convicted of repeated serious offences, say three times within two or three years, should be restricted from coming within 40 km of the main post office

for no less than five years or unless they are acceptable to society as rehabilitated citizens. This may sound very harsh from the Public Solicitor's or lawyer's point of view, but what alternative is there in the prevention of crime? If we are to prevent the increase of crime, then the only appropriate treatment seems to be harsh so that people can live in harmony and peace.

Finally, I want to suggest that the government should consider establishing an institute of criminology, similar to the Australian Institute, which has carried out much research on crime and delinquency. A local institute could do a great deal of useful work, such as recommending suitable age limits for children's courts, and evaluating the work of village courts. In these and many other areas, we need more information and research before we can decide what is to be done.

### **Police — Inspector Ila Geno**

#### *Introduction*

Papua New Guinea, at the threshold of independence, is probably one of the least developed of the emergent nations. National social development is still largely rural, but crime does exist and is becoming an ever increasing problem. At this stage of our development, crime and its associated problems tend to fall into two distinct categories: crime originating in a rural setting and tending to arise from traditional social systems and rules; and crime in the more material westernised sense, largely concentrated in developing urban areas. A possible third category might be the more sophisticated and only marginally criminal activities, many of which fall into the white collar crime category and which in the past have arisen from the diversity of sophistication between expatriate and national Papua New Guineans. I do not intend to examine this last category in any detail in this paper, since the opportunity for its perpetration should significantly decrease with independence and because, although it has been economically significant, its statistical occurrence and reporting has been minimal.

For convenience I will refer to the two types of crime I intend to examine, as *traditional rural crime* and *materialistic urban crime* respectively. These terms are not intended to be definitive of all

crime occurring in either a rural or urban setting in Papua New Guinea, but serve in very general terms to describe two separate and identifiable crime trends which have caused, and look like continuing to cause, serious problems in law enforcement. For this reason I will examine them separately, although I must acknowledge at the outset that there is considerable overlap between the two.

*The study of crime in Papua New Guinea*

When embarking on the preparation of this paper, I was immediately confronted by two limiting factors. The first of these is the almost complete absence of criminological research in this country, particularly into the second category, that of materialistic urban crime. There was considerable research done in 1973 by a Commission of Enquiry into Tribal Fighting, a problem that falls squarely into my other category, traditional rural crime. Much useful information can be obtained from the report of that Commission.<sup>1</sup> Studies of urban crime in recent years have, however, been police oriented and designed to identify effective law enforcement measures. There has been little if any research into causative factors leading to the undoubted escalation of urban crime. For this reason, any opinion I venture on causes of urban crime will be largely my own, formed from my experience as a police officer in Papua New Guinea. I am reasonably confident, however, that my opinions largely reflect those of experienced police officers in this country and that these officers have had a closer association with crime in the field and its attendant problems than have members of any other organisation. Their opinions are largely formed from impressions gained in day to day experience, rather than detailed research, but in the absence of the latter, they are opinions which should not be ignored.

The second limiting factor with which I was confronted was either the absence or unreliability of statistical data on crime. There are in fact only two sets of criminal statistics which have been regularly reported in past years. The first of these is to be found in the Annual Report of the Royal Papua New Guinea Constabulary. This report gives annual totals for most of the more commonly occurring offences with which the police deal, with those totals being divided under the headings 'Offences Reported' and 'Offences Cleared'. While the report may be reasonably



accurate with regard to the number of offences cleared by prosecution or other means, comparison of offences reported and offences cleared indicates that statistics of offences reported give an unrealistic picture of the occurrence of crime. While this Annual Report, and the other source, the Annual Report of the Australian Parliament on Papua New Guinea, give some indication of the annual number of court prosecutions, there is no reliable statistical assessment of the actual occurrence of crime in Papua New Guinea in recent years. This factor, when combined with the notorious unreliability of statistics on actual crime occurrence throughout the world, led me to placing no reliance upon statistical data in this paper. Our principal concern here must be to identify factors which can be regarded as causative of crime, so that our interest lies in the extent to which it is actually occurring; not in the number of prosecutions of offenders.

There is a further factor which seriously qualifies statistical data on crime in this country. For policing purposes, Papua New Guinea is divided into a number of geographical police zones. One-sixth of the total geographical area of Papua New Guinea is covered by the Regular Constabulary, while the other five-sixths are covered by the Field Constabulary. Approximately one-third of the total population is under Regular Constabulary coverage, so that the remaining two-thirds of the population can be presumed to receive law enforcement from the Field Constabulary, which operates almost exclusively in rural areas. The principal significance of this division is that the Field Constabulary do not supply crime statistics to the Regular Constabulary, so that reported police statistics can in no way be regarded as indicative of the crime situation throughout Papua New Guinea.

For these reasons, studies of the ratio of actual crime occurring to the number of crimes reported to police, made by criminologists in the United States of America and the United Kingdom, which generally indicate a ratio in the order one to five, must not be regarded as supplying even an approximate corrective factor to the police Annual Report figures on the actual occurrence of crime in Papua New Guinea. There is in fact little or no statistical reporting for much of this country.

#### *Traditional rural crime*

There are at least 700 different and distinctive languages spoken

within the very numerous tribal or clan groups in Papua New Guinea. The development of so many different languages clearly indicates the extent to which separate lines of social development and custom have over centuries grown with only limited reliance on each other. Localisation, even to the extent of language, has occurred in Papua New Guinea to a degree not seen elsewhere in the world. This diversity, while not without its problems in past centuries, has led to severe problems of national social development in the present century. Modern communications, the availability of a national transport system, and the desire to escape from a largely subsistence standard of living at village level, have forced these hitherto insular clans or groups further and further towards adaptation to each other's society. The very essence of independence is in fact to push this adaptation and amalgamation to its ultimate. Not surprisingly, personal and social tensions have arisen out of this amalgamation. Unsophisticated and often uneducated people have been forced into an ever increasing urban migration with all the attendant problems which have become apparent in other countries where such an urban drift has occurred.

Papua New Guinea has chosen to adopt a system of law based on the English model from which most democratic countries outside Europe have developed their legal systems. English legal principles, originating as they do in the common law, have been subjected to an extremely long history of development and adaptation. They are today well suited to the needs of more highly developed democratic countries, but much of British jurisprudence fits uneasily even into the modern Papua New Guinea society. A glance through the Papua New Guinea Law Reports will give some indications of how uneasily this legal system has fitted into a social system which until quite recent years was based largely on survival of the fittest. English legal rules and principles have had to undergo much adaptation and qualification to have any real application here. Traditionally, the sanction against 'criminal' activity was based upon an 'eye for an eye'. The apportioning of blame for an anti-social or harmful act was based on traditional methods which did not necessarily have the logical examination of facts as the basis for that determination. Such a logical-factual examination was not necessary, since the pay-back system required retribution from the perpetrator's clan group, rather than

from the actual offender. Even today, the clan oriented nationals appear often to prefer traditional remedies to what they see as the irrelevant procedures and pitfalls of a highly developed court system, and the often inappropriate remedies that system provides.

The modern dilemma for the unsophisticated clansman is that the means of retribution provided by his social system is itself a crime under the alternative system. The traditional remedies of pay-back for offences against the individual's property or dignity are, under present legislation, the crimes of theft, assault and murder. Tribal warfare, the traditional method of settling land and other serious interclan disputes, puts the participants in immediate conflict with the laws applied in the criminal courts.

As one step towards avoiding some of the anomalies of this very basic conflict, the government has a policy of development of village courts. As a recognition of the conflict that does exist, the village courts concept is an admirable attempt to ease a serious problem. It is still, however, largely in the experimental stage so that it would be inadvisable to judge its success or failure for some time yet.

One thing is clear however: the village courts can at best only be a partial answer to the basic problem. That basic problem is that Papua New Guinea must today exist in competition with other more highly developed nations which expect that its laws will be ordered, understandable, and reflect basic rights, duties and responsibilities which have almost universal acceptance today. Its laws therefore can be expected to develop along the lines indicated by local legislation up to the present time. In the long run, the traditional system of sanctions must give way to modern legislation. In this light, the present conflict can be regarded as temporary, in the sense that the legislative legal system has advanced faster than rural social adaptation to modern civilisation in Papua New Guinea.

The only real course open to government is the implementation of a system of rural education on the courts and the law. Only by a concerted effort can the period in which this conflict continues to exist be reduced to a minimum. Some such programs have already been established, but there is still a long way to go.

The most significant manifestation of this conflict, and the largest rural problem for law enforcement, is tribal fighting. It is

only necessary to look at the effects of one such local dispute to see the seriousness of it. In a dispute arising from a seemingly unimportant issue, such as the theft of a few pigs, many lives can be lost, permanent and crippling injuries sustained, villages and crops destroyed. The very fact of the fighting itself ensures that the particular dispute will continue off and on, with the same devastating effects often extending over many years. To police, it has another significant effect in that an individual tribal fight can commit already scarce manpower and resources over a very long period.

The Report of the Commission of Enquiry into Tribal Fighting made a close study of causes, effects, and possible solutions. A number of recommendations were made in that report, among which the following are significant:<sup>2</sup>

43. An offence should be created to enable a kin group which was the cause of a tribal fight to be declared liable to group punishment and then punished. Where both groups are equally at fault, both groups should be punished. The assistance of anthropologists should be sought in the definition of this offence especially regarding the definition of kin group.
44. Legislation should be enacted which would reverse the onus of proof so that if a person was proved to be a member of a kin group which fought the onus would be on him to prove that he had not fought nor was he in any way culpably involved in the fight.
46. The concept of group liability for tribal fighting should be applied, where possible, to the inner 'core-group' of the kin group, or groups, involved once their identity has been proved by the available evidence.
47. Group punishment should be additional to any punishment ordered for individuals convicted of specific offences.
48. The law should provide the following types of penalties to be imposed on the kin group, or groups, judged responsible for the fighting and declared liable to group punishment:
  - a) Imprisonment of all those people directly responsible for and most closely involved in the fight, as decided by the magistrate.
  - b) Suspended sentence conditional upon entering a work camp for a set period or to complete a given project. Weekends could be spent at home. (A study of the administrative and financial feasibility of this recommendation should be carried out before it is implemented.)
  - c) Suspended sentence and release conditional upon carrying out specified work projects in the nearby area.
  - d) Group pig fines. The Court could make remission of a portion of the sentence of group members conditional on the payment of the fine within a specified period.

- e) If a number of men from the kin group have been committed to a work camp a magistrate should have power to order the kin group to provide sufficient food for their sustenance on a weekly basis. This order should only be made if necessary transport is available and if its implementation is feasible.
- f) 'Political' sanctions as decided by the district or local government body, such as the withdrawal of some government services or the withholding of rural development funds in areas of recurring tribal fighting.

Unfortunately, few if any of these recommendations have been put into effect since they were made in 1973. The problem still exists however, and it must be hoped that when the avalanche of legislation consequent upon independence has eased, further consideration will be given to the implementation of the recommendations. From the criminologist's point of view, it might be an interesting exercise to research what relevance modern criminological theory has to the social-legal conflict and tribal fighting in rural Papua New Guinea. Have, for example, Merton's Theory of Anomie, or the American Sub-Cultural Theories any significance for the program of rural education and development that the government has already established?

### *Materialistic urban crime*

Much publicity has been given in recent years to the reportedly high incidence of crimes against property in the larger urban areas such as Port Moresby. While there has undoubtedly been a significant increase in the rate at which these crimes occur, it has not yet been reliably established that the crime rate is disproportionate to the population of, say, Port Moresby when compared with cities of comparable population in other jurisdictions. It must be expected that since there is a higher concentration of material wealth in urban areas, a higher rate of crime against property will inevitably follow. Much of the alarm about the Port Moresby crime rate (particularly house burglaries) is voiced through the news media, unsupported by reliable statistical research. Almost by definition, residence in an urban area gives freer access to news media, a higher concentration of perhaps more articulate and vocal expatriate residents and consequently some exaggeration of the actual incidence of such crimes. There is certainly no evidence at this time that urban crime

finds its victims in particular ethnic groups.

I mention these factors at the outset only as a word of caution to those seeking to assess the extent of crime in urban Papua New Guinea. I do not seek to deny that, particularly with regard to crimes against property, there has been an undoubted and significant increase.

Due to the scarcity of reliable information or research on urban crime in this country, I will not presume to suggest any reliably established causes of, or solutions to, our urban crime problem. I will however present a number of seemingly significant characteristics found among apprehended offenders and their social situations.

The influence of urban migration and the limited employment opportunities for unskilled workers has been discussed by other contributors and will not therefore be elaborated here.

### *Liquor*

Until 1963 national Papua New Guineans were prohibited by law from access to alcohol. For constitutionally valid reasons that prohibition has been lifted and a population previously inexperienced and uneducated in the use of alcohol suddenly found it freely available to them. There seems little doubt that prosecutions for such directly liquor-connected offences as drunkenness, fighting and assault, drunken driving and domestic disputes have increased dramatically in direct consequence of this liberalisation of the law. Even restrictions of trading hours appear to have had little effect in reducing liquor-associated offences.

Perhaps more seriously still, the effects of over-indulgence in liquor, with its consequent social effects, particularly in the family situation, have undoubtedly led to a significant increase in less directly liquor-associated offences such as offences against property and the more serious offences against the person. It is untenable to suggest the reintroduction of prohibition, but it does seem that there is cause for limiting the proliferation of largely uncontrollable sources of supply. The purchase of enormous quantities of liquor from trade stores has in the recent past been established as a significant factor in a number of serious crimes. There has in fact been some expression of a need for more effective control over the sale of liquor, which has come from Papua New Guinean women, a suggestion which police experience

undoubtedly supports.

*Lack of housing and the squatter settlements*

There is an undoubted and serious shortage of adequate housing for new arrivals in urban areas. This shortage, it seems, is the principal factor leading to the widespread development of squatter settlements. These settlements tend to be established by separate ethnic groups, to the exclusion of those outside the particular group, and accordingly the assimilation of those groups into a diverse metropolitan society is almost non-existent. There appears to be a very considerable retention of traditional customs within the settlements, over-population of inadequate housing and a serious lack of amenities. All of these factors have been found in other countries to have a tendency to cause crime and already a significant amount of semi-organised crime has been traced by police to squatter settlement origins.

Overseas experience warns against allowing the development of low standard housing concentrated in ethnic groupings. The ghetto areas of America are the best known indication of the harmful social effects of allowing this type of development, and yet present town planning here seems to envisage the perpetuation of squatter settlements in preference to the provision of more adequate mixed housing.

*Juvenile trends*

Perhaps the most significant increase in urban crime in recent years has been in juvenile crime. With the increasing urban drift, large numbers of school-age children, who for various reasons are not attending school, are present in most urban areas. Family planning at lower socio-economic levels has only had limited effect, so that families often tend to be large with limited opportunity for effective parental control. The term 'rascals' is by the general knowledge of its local meaning indicative of the large number of youthful gangs which have sprung up in urban areas and of the widespread criminal activity of those gangs. Part of the cause of this situation is undoubtedly the lack of parental responsibility in many cases; but Papua New Guinea's limited education system, lack of job opportunities upon leaving school, and limited social and entertainment amenities have also had an effect. Present indications are that this problem will increase in

seriousness to the extent that it will become the principal law enforcement and social development problem in urban areas.

#### *The wantok system*

This is in many respects a system with admirable characteristics and can in effect constitute an informal 'social security scheme'. It certainly provides some temporary alleviation of the immediate problems of many newly arrived urban migrants, even though it has serious disadvantages to the established urban resident.

The *wantok* system does, however, have such less admirable characteristics as the support it provides to the continued existence of the 'pay-back system', its tendency to involve individuals in the anti-social activities of their *wantoks*, and the consequences of overcrowding and inadequate financial resources of individuals who do have a permanent residence and regular income. All of these factors may have harmful social effects that at best are unlikely to decrease urban criminal activity. The system is as yet far from dead or even dying and seems likely to remain so widespread as to be a significant factor in any study of criminal causation in Papua New Guinea.

#### *Social responsibilities with regard to crime*

The impression of police is that there has yet to develop in national urban society any general sense of community responsibility for the prevention of crime and the alleviation of the social factors which appear to cause crime. There does not at this stage of Papua New Guinea's development appear to be any general acceptance that the police are only an agent for the community as a whole in combatting crime. This attitude may spring at least in part from inadequacies of the police.

This situation has significant consequences for the police in their law enforcement role and there is a feeling among police that they cannot as a matter of course expect the cooperation of urban residents in either crime prevention or law enforcement. Part of the remedy for this situation undoubtedly lies with the police as an organisation which must earn public support, but there is undoubtedly room for assistance from school and general social education programs.



### *Conclusion*

I have not in this paper traversed more than a few of the areas relative to a study of the problem of crime in a developing country. Of the topics which I have briefly covered, I have scarcely even scratched their surface. For convenience, I have relied on a purely arbitrary classification of a very general nature of criminal trends in Papua New Guinea. I have provided no solutions to existing problems, but I hope to have indicated some areas in which there is much need for research. Police attitudes to crime and its causes are not usually a result of detailed research, but tend rather to be impressions forced upon them through their constant confrontation with crime, its social and individual consequences and the problems of law enforcement. Although of unscientific origin, I hope that these impressions can at least indicate some of the problems that do exist and which could benefit from deeper research.

### **Corrective institutions – Glen E. Sutton**

There are many varied and conflicting ideas of what is a prison or corrective institution and the purpose of such establishments, but it appears to me that a prison or corrective institution can be defined in very few words, that is, a place of legal confinement.

The purpose of the corrective institutions in Papua New Guinea can be extracted from the functions of the Papua New Guinea Corrective Institutions Service which are described as:

- (a) To receive and detain in custody persons in accordance with the directions contained in warrants issued by any court or Justice or any other person having jurisdiction in Papua New Guinea to issue such warrants.
- (b) Give effect to a lawful sentence imposed by a court.
- (c) The establishment, general management, administration and interior economy of institutions.
- (d) The maintenance of discipline, decency, order and peace within an institution and amongst detainees.

- (e) The training and education, within the limits of the individual detainee and the facilities of the service, of persons imprisoned or otherwise detained by legal authority.
- (f) The recruitment, training, discipline, transfer, discharge and housing of Assistant Correctional Officer staff.
- (g) The training and posting of officer staff.
- (h) The development of agricultural, forestry, livestock and trade training and production projects within institutions.
- (i) The transfer of detainees outside of Papua New Guinea.

The functions of the Corrective Institutions Service are governed by the legislation embodied in the Corrective Institutions Act and Regulations and the Criminal Code which define the powers and duties of the Commissioner, Officers and Assistant Correctional Officers. Other legislation, including the District Courts Ordinance, Child Welfare Ordinance, Coroners Ordinance, Papua New Guinea Act and the Mental Disorders and Treatment Ordinance affect the administration of the Corrective Institutions Service. There are also several other minor pieces of legislation which affect the function of this Service.

In 1955, a policy directive was laid down by the Australian Minister for External Territories. This policy was in respect of native prisoners in Papua New Guinea and was made in order to have urgent action taken to bring about a comprehensive reform. The directive, in part, provides:

- (a) The legal requirements in respect of the arrest and trial of a native, committal to prison and release are to be observed as strictly as in the case of any other subject of the Crown.
- (b) Immediately the new Prisons Ordinance is passed, steps are to be taken to create a Prisons Branch to the appropriate Department of the Administration under a Controller of Prisons, with its own corps of gaol guards, warders, instructors and other officers distinct and separate from the Constabulary.
- (c) Custody of prisoners is to be regarded not only as a measure of restraint but as an opportunity for reformatory and

educational measures. Proposals regarding methods and establishment to secure this end should be prepared by the Controller of Prisons as soon as possible after his appointment.

- (d) For the above purposes, central gaols are to be established at suitable locations and all prisoners who have been sentenced to long terms (say more than 12 months) are to be transferred to these central gaols. They are to have sufficient area of ground and suitable plant and facilities so that there can be useful, full-time work by the prisoners embracing training useful to them. Bomana is an example of the possible lines of development.
- (e) Short-term prisoners (say those serving less than 12 months) can be kept at district gaols under the general system at present operating except that they must still also be placed under the authority of the Prisons Branch and an improvement is to be made in regard to the standard of accommodation and surveillance. Prisoners in district gaols will be available for administration labour but every opportunity has to be made to make their work a form of training. Such training shall embrace such matters as hygiene and standard of living and speaking either English or Pidgin, as well as how to grow and make useful things.
- (f) Without exception, every prisoner should undergo a medical check and the Department of Health should undertake whatever remedial or preventive measures this examination may prove to be necessary.
- (g) After discharge, steps should be taken by the Department of Native Affairs to ensure that the discharged prisoner returns at once to his village or if that is undesirable that he is placed in occupation.

Resulting from this policy directive, the Corrective Institutions Ordinance came into effect in 1957 and in the same year the Corrective Institutions Service, or Branch as it was then known, was formed. At the time the only institution of any note was at Bomana.

There were more than 150 other institutions throughout the

country, but these were in name only, all staffed by the police and in the main, administered through District Offices. Some officers and constables transferred to the new service, a few others were recruited and the development program for the service commenced. With dedication, hard work, improvisation and the cooperation of other departments, the institutions at Wewak, Lae and Keravat reached a stage whereby full-time work by detainees would include useful training.

Over the years, the service attempted to push ahead but was hampered in the main by a lack of finance and staff. In my opinion, the service today has achieved the recognition it has because of the continued dedication, loyalty and hard work of all those associated with the administration and day to day operation of the institutions.

Until 1965, the service was very much a one man band, but in that year a position of Inspector was created with the task of inspecting all institutions to ensure that they were being managed in accordance with the legislation and that every effort was being made to coordinate training programs for detainees and welfare problems. This was the first step towards building a truly professional service. In 1971 a full-time training officer was appointed and the brief interval since then has seen the growth of a Correctional Services Staff Training Centre which rivals police and defence force training establishments.

Throughout its history, the Corrective Institutions Service in Papua New Guinea has been guided by the Minimum Standard Rules for the Treatment of Prisoners, endorsed and laid down by the Economic and Social Council of the United Nations. Having been guided by these rules and having due regard to the types of persons received into institutions in Papua New Guinea, we have attempted to provide detainees with trade training and training in useful types of work which may assist them to fit back into society on their release. The correction and rehabilitation of offenders is of the utmost importance. This service offers to persons under sentence the opportunity to reform themselves; the opportunity to fit back into society, to lead a normal life and refrain from leading a life of crime. This may be achieved by teaching the individual detainee skills that he has never before known. However, in order for us to achieve our purpose, the detainee must have the desire to learn and the desire to return to

a useful place in society.

We offer various forms of training, but the form of training offered to a detainee is dependent upon his term of sentence, his ability to learn and to cope with the task before him and again, his desire to fit back into society. Training is available in agricultural projects such as root crops, tea production, animal husbandry, piggeries, forestry and milling operations and trade training as carpenters/joiners, plumbers, sheetmetal workers, electricians, brickmakers and bricklayers, mechanics and caterers. Training is only provided at corrective institutions under the control of regular correctional officers.

In order to conform with our policies and extend these facilities to all detainees, the centralisation of corrective institutions is of paramount importance. The centralisation of corrective institutions would mean that there would be a greater number of staff available, thus enabling not only an increase in the training and rehabilitative programs for detainees, but also an improvement in the security of detainees. It would also enable detainees to be housed under more appropriate conditions which would provide more adequate hygiene facilities and medical treatment, and prevent the possible outbreak of infectious diseases which are prevalent in many parts of Papua New Guinea. Detainees would be maintained in accordance with the Minimum Standard Rules for the Treatment of Offenders and the International Covenants of Human Rights. It may be of interest to note that the International Covenants of Human Rights adopted by the United Nations provide in part:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons.

Accused juveniles shall be separated from adults and brought as speedily as possible for adjudication.

The penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be accorded treatment appropriate to their age and legal status.

There has been, and undoubtedly will continue to be, much

opposition to our policies in relation to the treatment of offenders undergoing sentence and to the centralisation of corrective institutions; however, it must always be remembered that we are dealing with human life. In Papua New Guinea the majority of detainees with whom we deal in corrective institutions are uneducated (socially and otherwise), have been neglected by their families through alcohol and gambling or are nomadic. Other aspects which contribute to the high detainee population are tribal fighting and pay-backs which are part of the custom of the population, country-wide.

Do we go back to the good old days when detainees were used for washing and ironing the *kiap*'s clothes, cooking and keeping house generally; the days when detainees were subjected to gross embarrassment which brought about loss of self respect when they were seen collecting the town garbage and emptying sanitary tins, and other humiliating conditions which instil rebellion against society, government and law and order and increasing the incidence of recidivism? Or do we continue to play our part in the education of these so-called misfits, treat them as human beings and encourage them to play a worthwhile part in society and help this new-born nation to maintain its proud image in the world today?

I believe that Sir Winston Churchill once said that the true measure of a country can be gauged by the standard of its penal system. And from the many commendations received from overseas visitors, both professional and lay, we have every reason to be proud of our system and full credit is due to the devoted staff who are involved in its development.

In my opinion, the Corrective Institutions Service has as big, if not bigger, a role to play in the prevention of crime and the treatment of offenders and delinquents than most other sections of the criminal justice system. We are continuing to expand our role in solving these problems and steps taken by us to assist in overcoming them include further development of central and district institutions to provide additional training and educational facilities for detainees. We are not trying to make our institutions look like or be known as motels or holiday camps but we are attempting to conform with the standards laid down for the treatment of offenders as accepted throughout the world today.

While our detainee population may be high in proportion to the

population of the country, recidivism is no greater than it is in any other country. In fact, I am led to believe that recidivism in Papua New Guinea is less than in a number of other countries. The increase in the crime rate is sometimes assessed by prison population. Our records show that there has been a marked increase in prison population since 1 July 1974, and as at 31 March 1975 there was a total detainee population of 5,090 persons in Papua New Guinea. This total comprises:

|                       |                  |       |
|-----------------------|------------------|-------|
| <i>Indigenous</i>     | Adult Males      | 4,539 |
|                       | Adult Females    | 184   |
|                       | Male Juveniles   | 46    |
|                       | Female Juveniles | Nil   |
|                       | Remand Detainees | 316   |
| <i>Non-indigenous</i> | Adult Males      | 5     |

Comparative figures of persons received into corrective institutions during the first three months of each financial year as from the commencement of 1971-72 are:

|         |       |
|---------|-------|
| 1971-72 | 279   |
| 1972-73 | 1,168 |
| 1973-74 | 4,424 |
| 1974-75 | 4,348 |

These figures include all classes of detainees, and as can be seen there has been a marked increase throughout these periods.

During the first three months of 1974-75, 552 persons were received for offences against authority (escapes, unlawful assemblies, unlawful societies, indecent letters, sending offensive matter through post, etc.); 262 persons were received for offences against public morality (offences of a sexual nature); 1,917 persons were received for offences against the person (murder, infanticide, grievous bodily harm, bodily harm/ rape, riotous behaviour, etc); 1,034 persons received for offences against property (break and enter, stealing, unlawfully in or adjacent to dwelling houses, etc., unlawful use of motor vehicles, wilful damage to property) and 583 persons received for offences against local laws (adultery, local government laws, etc.).

All of the figures I have given indicate that crime is on the increase. What action must be taken to prevent the increase? This, I think, is a question that no one can honestly answer.

Attempts can be made to combat the increased crime rate and crime generally; however, when it comes to offences like breaking and entering, stealing, false pretences, unlawfully using a motor vehicle, rape and such like offences, I, through my own practical experiences, consider that the victims themselves contribute greatly to the commission of offences due mainly to the fact that they do not provide themselves with adequate security. In this regard, I consider that an all-out effort should be made by authorities to educate the public as to their role in crime prevention. In this regard also, I consider that more communication should be made by the police with the public through the use of the media and that articles could be published by the press, in conjunction with the police, to get the message across to the public. Government radio stations should be used to the fullest extent for this purpose.

We have continuous cries from the public and persons in authority for more action to be taken to combat the crime rate, but when one asks for assistance in such matters it is usually denied and, unfortunately, the denials are made by the people calling for action.

It appears that another matter which is of the utmost importance is increased police efficiency. I am aware from statements through the media that the Commissioner for Police is endeavouring to have the efficiency of his force improved. However, before the efficiency of the police and all other law enforcement agencies can be improved they must be provided with the finances they need. To enable organisations such as police and corrective services to procure the much needed equipment required to improve their efficiency, more money must be made available. It is indeed unfortunate that I must make such a statement, but it is my opinion that the only way the crime rate may be dealt with effectively is at government expense, as it is apparent that the public does not willingly play the role it should in crime prevention and the treatment of offenders.



**Port Moresby City Council – John Banono**

Although there is an upward trend in crime generally, crime in relation to population growth appears to have remained at a steady ratio. The same may be said of juvenile delinquency, although the types of crime now being committed by juveniles have shifted from minor or simple offences to the more sophisticated crimes of break and enter, burglary and the stealing of motor vehicles. The contributing factors and causes of crime in Port Moresby City have never been studied in depth, although some of the causes may be attributed to overindulgence in liquor and overcrowding, as well as unemployment. The influx of former New Guinea Highlands plantation labourers has caused additional problems. Their heavy concentration in certain areas of the city and their unskilled agricultural background add extra dimensions to the social and crime problems of the city. Although there is a tremendous awareness of the various problems existing in Port Moresby, action is urgently needed through a concerted effort by the Central Government, the City Council, and the people themselves to undertake schemes and projects to improve the present and future quality of life for its people.

The Port Moresby city area covers 108 square miles divided into eight Council Wards. The population has grown from 19,000 in 1964 to approximately 110,000 in 1974. The city is policed through the Central Police Station at Boroko and five sub-stations. Police patrols by vehicle are confined to main roads; a beat patrol system is non-existent. Police and welfare functions in our present affluent society cannot cling to the Australian traditional interpretation of the objectives of detection, child maintenance and the preservation of marriages only. It must expand, coordinate and cooperate in its objectives; it must be of the community and it must be in the community. Crime prevention must go further than locked doors and securely fenced premises; it must concern itself with the root causes of crime and criminality. We cannot deal with the products of social malaise, crime, vandalism and hooliganism without trying to establish their causal factors and thereby attempt some new forms of preventive action.

*Crime prevention through community development activities – utilising youth*

Immense benefits can be derived from bringing the Boy Scout, Girl Guide and Boys' Brigade organisations into active involvement with community projects, even to the extent of introducing compulsory extra-curricula studies and activities at schools for all students of upper primary and high schools. If certain objectives of crime prevention through involvement in community projects and activities are to be accomplished, it should not be a question of, 'What is there in it for me', but a statement of, 'This was done by us for us'. As future leaders, university students should become more actively involved in projects for the common people, and government welfare workers should be on rostered shifts in those areas and settlements where the need is most pressing. Police, welfare and church officials should also become actively involved in the community where their expertise and experience would be of great value. The Scouting, Boys' Brigade and Girl Guide movements should be updated and adapted in accordance with the aspirations of our present day youth and the needs of our Papua New Guinean society. It may be necessary for these movements to undergo a naturalisation change from a foreign movement towards acquiring national identity. To directly or indirectly enlist the help of youth towards the prevention of crime, training courses should form part of compulsory extra-curricula studies and activities at schools. These courses should include sessions related to community development (both urban and rural), including the assessment of community needs, suggested community development projects, activities and methods of promoting the same.

Realising that all development work for youth has both educational and training value, courses should, where possible, include some practical project related to community development. As the Central Government's financial, technical and material support is essential for the successful implementation of any community project, the relationship between government agencies (agriculture, works, health, social welfare, etc.) and those schools and organisations which are involved, should be officially established. Without the proper assistance with technical personnel and financial resources from the government and perhaps the City Council, the potential manpower offered by prospective university

and other students, Scouts, Guides and Boys' Brigade movements cannot be utilised effectively for community development.

The idea of youth involvement is by no means aimed at providing free and cheap manpower or youth exploitation: their involvement will develop in them a sense of responsibility, resourcefulness and patriotism.

*Crime prevention – new concepts of police involvement*

It is the essence of community involvement that there are no blueprints for action: the needs of each area or settlement must be assessed individually with the people of that area. There will of course be limitations. Some settlements as a whole or individuals will be suspicious and hostile towards the police and those attempting improvements, and though there may be some families who would welcome support from the forces of law, government and other bodies, the total involvement of the police may have to be limited.

Given limitations, how could police exploit the service area to best advantage? Again, no blueprint is possible, but some pointers emerge. One is that even in areas of conflict within a community, in which police may need to be very careful to remain impartial, there is still very often room for discretion. The fundamental need, if police become more involved in the community, is that the police should be helped to maximise this area of discretion so that their response can be as flexible and appropriate as possible. If the police are willing to talk in terms of their general concern for order and civilised living in the community, the only basis on which law can ultimately be founded without the constant use of force and powers of arrest, they would find many allies.

In some of the city's areas, like Hanuabada, Hohola, Kilakila, there are formal community groups. In all areas there are teachers, church leaders, social workers, youth workers, parents and young people, even if they are not formally grouped together, who recognise that the police are public servants, not merely front-line soldiers in a social war. In providing direct services as appropriate, in cooperation and communication, and in listening as carefully and honestly as possible to what community groups have to say, the police have a considerable role to play in helping ordinary people to help themselves – and this is what community work is about.

The police should attempt to help Council Wards, Boy Scouts, Girl Guides and other community groups, including settlement committees, in solving problems which are raised by the people themselves. Sometimes these problems may directly involve police in their duty as in the case of vandalism or hooliganism in the area. At other times they apparently have very little significance for police work at all, but the policeman may provide information which he has picked up in the course of his work, or bring a view to bear on the matter under discussion. There is no point in merely expecting this to happen by the announcement of new policies. The police will need to take the central issues seriously; the Central Government and the City Council must also be able to see those needs and complement them in various ways. About the police we must ask: can police discipline and organisational unity be maintained and at the same time room be left for initiative and discretion by members of the force as they relate to a settlement or neighbourhood, and to relatively new situations?

The policeman needs to examine his work in the force, his relations with the public and his attitudes towards general developments in the community. It may be practical to concentrate on existing aspects of the force which could be developed. The vision of the 'old-type' policeman showing all the signs of the policeman's original close links with his community or the rural communities he used to patrol, is not entirely irrelevant, but it is grossly misleading without more careful analysis. If the 'old-type' policeman is replaced by the 'police force', and a new emphasis is placed on certain past police traditions, reinterpreted in the light of current urban situations, the present deterioration of police-public relations would be checked. Community development provides a context in which this can be done, and to which end the illiterate or semi-literate policeman can still actively and effectively be utilised.

#### *Involvement of the city's council wards in the prevention of crime and delinquency*

The Port Moresby City Council has set up five community centres, and will shortly build through self-help programs, other community centres in all existing low-covenant areas and squatter settlements. These centres have been found to be a pressing necessity where the community can meet and discuss health,

settlement problems, law and order and a variety of other topics. There are at present settlement committees which are a separate body from the official Ward Committees. The introduction of settlement committees could be further developed by making each ward office the main centre for its area and by establishing within each ward, depending on its size and population, a number of ward blocks with a ward block leader appointed by the City Council. These ward block leaders need to be literate and responsible and must have lived in the area for some time. The ward block leader's responsibility would be to provide at regular intervals to his ward office information on undesirables, gambling, prostitution, illicit sale of liquor, vagrancy, truancy, gang membership, and all other matters affecting the well-being of his block community.

Each ward office should have, with the official involvement of other government bodies, direct access to advice and assistance where such assistance does not involve council expenditure and to technical personnel attached to those government bodies. Community health, welfare and police personnel should form part of the official complement of a ward office on a permanent basis. Attachment of police and welfare personnel to the ward offices should be for periods long enough for them to know the people of the ward's blocks and long enough for those people to know the policemen. Follow-up action by police and welfare workers by means of assistance, advice or otherwise, is essential if the people are to appreciate the value of these services and through this to gradually cooperate. By selecting the right type of personnel for these new tasks, confidence of the community in the effectiveness and benefits of an orderly society will surely take shape.

#### **The Law Reform Commission — Francis Iramu**

The purpose of this paper is to describe the Law Reform Commission and how it operates, and to suggest ways in which it may be able to help in the prevention of crime in Papua New Guinea.

The Commission is set up under the *Law Reform Commission Act 1975*. It comprises five Commissioners who must be Papua

New Guineans. It is supported by a staff of six researchers and five administrative staff. The Minister for Justice appoints the Commissioners and he also refers law reform matters to them.

Essentially the Commission has two tasks. First, to suggest appropriate reforms to the present law, and second, to recommend on the development of new laws. In carrying out these tasks the Law Reform Commission will work towards developing a legal system that reflects Papua New Guinean society and its values. It is through its duty to advise the government on developing laws suitable to Papua New Guinea that the Law Reform Commission can help to solve the problems of crime and delinquency. However, we should not delude ourselves by thinking that by simply changing the law we can solve these problems.

Solutions will not be easy to find, and I fear that a number of the problems will prove intractable. Changes to the law will be necessary, but for them to be successful they will have to be part of a developed social policy, a policy which will have inputs from many other areas of concern.

The social development of Papua New Guinea has always been neglected and economic development encouraged. More recently we have experienced rapid political development as an essential part of our movement towards independence. Both in the colonial and post-colonial period, administrators seem to have forgotten that economic and political development have very important effects on society. They force it to change rapidly, in some cases too rapidly, and so new problems arise. One of the problems is the rapid increase in crime, particularly among young people.

The thrust of the economic and political development is to improve the lifestyles of our people, but because of the problems that this development creates, we stand to lose some of its benefits if we do not put resources into crime control. There is no point in our working for a living so that we can have more material goods if these material goods are likely to be stolen whenever we leave our houses. There is no point in living in towns if we are likely to be threatened and bullied in the streets. Economic development is only part of development, but if we are unable to enjoy the fruits of our labours because crime is so prevalent, we will cease to work in the cash economy and our country will cease to develop. The point I am trying to make is that for our country to develop in a balanced way we will have to put more money into social

development, part of which is crime prevention. We will also have to develop better forms of crime prevention.

How can the Law Reform Commission help?

It has been clear for some time that we have too few forms of sentence in Papua New Guinea. Our judges and magistrates can deal with offenders in only three ways: by bond, by fine or by imprisonment. There are many other forms of sentence now available. The Law Reform Commission can study these and recommend on new forms of sentence to the Minister for Justice.

Commentators have emphasised that children and young persons are becoming increasingly involved in crime in Papua New Guinea. The Child Welfare Act, which is imported from Australia, does not suit present conditions in our country and needs a thorough review. It would be appropriate for the Law Reform Commission to be involved in such a review. We have the resources.

A third area in which we could help is the area of appropriate technology. Professor Clinard has mentioned industrialising the village areas as a way of reducing the urban drift. There are some legal blocks to this in the form of building, health and other regulations. These regulations require the erection of buildings and the purchase of equipment of far too sophisticated a standard for Papua New Guineans to be able to afford. This stops our people from undertaking industrialisation. The Law Reform Commission can help by investigating the regulations and recommend on the modification or abolition of the unnecessary ones.

I have mentioned three ways in which the Law Reform Commission can help. I stress that we can make a contribution to social development but there are others who must also make a contribution, such as the Social Development Branch of the Department of the Chief Minister and Developmental Administration and the police.

### **Social development – Karona Augerea**

The Division of Social Development is a section of the Department of the Chief Minister and Developmental Administration. Its wide range of social welfare functions includes

advancement of women, family case work, urban settlement, development of community groups, *ex-gratia* pensions, adoptions and the statutory functions described in the Child Welfare Ordinance. The permanent head of this Division is the Assistant Secretary, who is also the Director of Child Welfare. The Division is responsible to the Chief Minister for general field administration and to the Minister for the Interior for matters of social welfare policy.

There are 70 community development officers who have been authorised to act as welfare officers under the Child Welfare Ordinance. These officers attend to general divisional duties in all districts and attend to juvenile offenders as the need arises. There are five full-time welfare officers at Port Moresby of whom three are government officers and two are mission officers, two at Lae, two at Wewak, including one mission officer, one at Goroka and one at Mount Hagen, making a total of eight government and three mission welfare officers for the country. The Child Welfare Council which existed for ten years was disbanded in 1973. It had a statutory obligation to report to the House of Assembly annually on the child welfare situation. It published its last report in 1972. This report is the prime source of statistics used in this paper.

### *The role of the welfare officer*

Prior to a child appearing in court, the welfare officer is notified by the police that the child has been apprehended and has been charged with committing an offence. The welfare officer collects the child from the police station and returns him to his parents. The welfare officer discusses the child with the parents and explains the function of the Children's Court to them. The welfare officer prepares a report for the Children's Court which covers the family background, education and personality of the child and makes a recommendation as to the child's future. The welfare officer may advise the parents on certain matters, for example, that legal aid is available. The welfare officer attends the Children's Court and is available to present his report and to discuss the treatment of the child. He does not become involved in establishing the guilt or otherwise of the child, nor does he act as defence counsel for the child.

After the court has dealt with the child the welfare officer



becomes involved in ensuring that the court's order is carried out. He may further explain to the parents their responsibilities if the child has been returned to their custody, he may extend an offer of counselling if required. He introduces the child to his probation officer and supplies the officer with adequate case information. He arranges movement of children committed to institutions or repatriated back to their home areas.

All children who are made wards of the Director of Child Welfare are visited and a progress report submitted every three months. All institutions caring for wards are visited and an inspection report sent to the Director of Child Welfare every six months. An allowance is authorised by the Director for every child committed to an institution by the Children's Court.

#### *Treatment of juvenile offenders*

Total appearances of children in Papua New Guinean courts are available only for 1968-72. These figures show that Port Moresby has about 60 per cent of the nation's juvenile offenders (see Table 1).

**Table 1**                      **Juvenile Offenders, Port Moresby, 1968-1972**

| <i>Offence</i>                | <i>1968-1969</i> | <i>1969-1970</i>             | <i>1970-1971</i> | <i>1971-1972</i> |
|-------------------------------|------------------|------------------------------|------------------|------------------|
|                               |                  | <i>(Number of Offenders)</i> |                  |                  |
| Against persons               | 2                | 12                           | 7                | 12               |
| Against property              | 44               | 138                          | 175              | 298              |
| Against good order            | 6                | 11                           | 17               | 14               |
| Other                         | 7                | 8                            | 15               | 1                |
| <b>Total Port Moresby</b>     | <b>59</b>        | <b>169</b>                   | <b>214</b>       | <b>325</b>       |
| <b>Total Papua New Guinea</b> | <b>308</b>       | <b>269</b>                   | <b>418</b>       | <b>559</b>       |

Table 2 shows how the nation's courts dealt with the cases of 1968-72. The average number of cases dealt with in this period was 458 and they were handled as follows: 22 per cent were dismissed, 27 per cent were discharged after either being convicted or admonished, 11 per cent were placed in the care of the Director and a further 11 per cent were placed in institutions of one type or another. Almost six per cent were fined and about three per cent were ordered to be caned.

**Table 2** Court Orders on Juvenile Cases 1968-1972

| <i>Order</i>              | <i>1968-1969</i> | <i>1969-1970</i><br><i>(Number of Cases)</i> | <i>1970-1971</i> | <i>1971-1972</i> |
|---------------------------|------------------|--|------------------|------------------|
| Dismissed                 | 78               | 74   | 134              | 113              |
| Admonished and discharged | 19               | 59   | 54               | 92               |
| Convicted and discharged  | 41               | 43   | 53               | 134              |
| Care of director          | 22               | 58   | 86               | 35               |
| Institution               | 5                | 1  | 6                | 14               |
| Corrective institution    | 27               | 28   | 92               | 34               |
| Parents guardian          | 16               | 9  | 19               | 25               |
| Bond                      | 39               | 16   | 11               | 42               |
| Probation                 | 9                | 19   | 27               | 20               |
| Fined                     | 35               | 16   | 11               | 42               |
| Caned                     | 5                | 9  | 14               | 24               |
| Adjourned or remanded     | 13               | 4  | 27               | 63               |
| Suspended sentence        | —                | —  | 11               | 3                |
| <b>Total</b>              | <b>309</b>       | <b>336</b>                                   | <b>545</b>       | <b>641</b>       |

The relative success of the different types of treatment is difficult to assess. However, a study by a social worker, Mrs Jan Avei, of first offenders who were handled by Port Moresby Children's Court from July 1971 to August 1972 indicates that the proportion of recidivists is low, only 39 out of 244 cases appearing again, a recidivism rate of less than 16 per cent. Table 3 shows these results with the top line indicating first offenders and the bottom line recidivists.

**Table 3** Recidivists from First Offenders, July 1971 – August 1972

| <i>Institution</i> | <i>Parents' Custody</i> | <i>Probation</i> | <i>Other</i> | <i>Total</i> |
|--------------------|-------------------------|------------------|--------------|--------------|
| 34                 | 158                     | 23               | 29           | 244          |
| 11                 | 23                      | 1                | 4            | 39           |

The Children's Court magistrates and the Division of Social Development have favoured returning children to their families

and the community where possible. There is no large state institution and the four major institutions which are run by church agencies currently have only 60 of their 90 available places occupied.

*Comments on handling juvenile offenders*

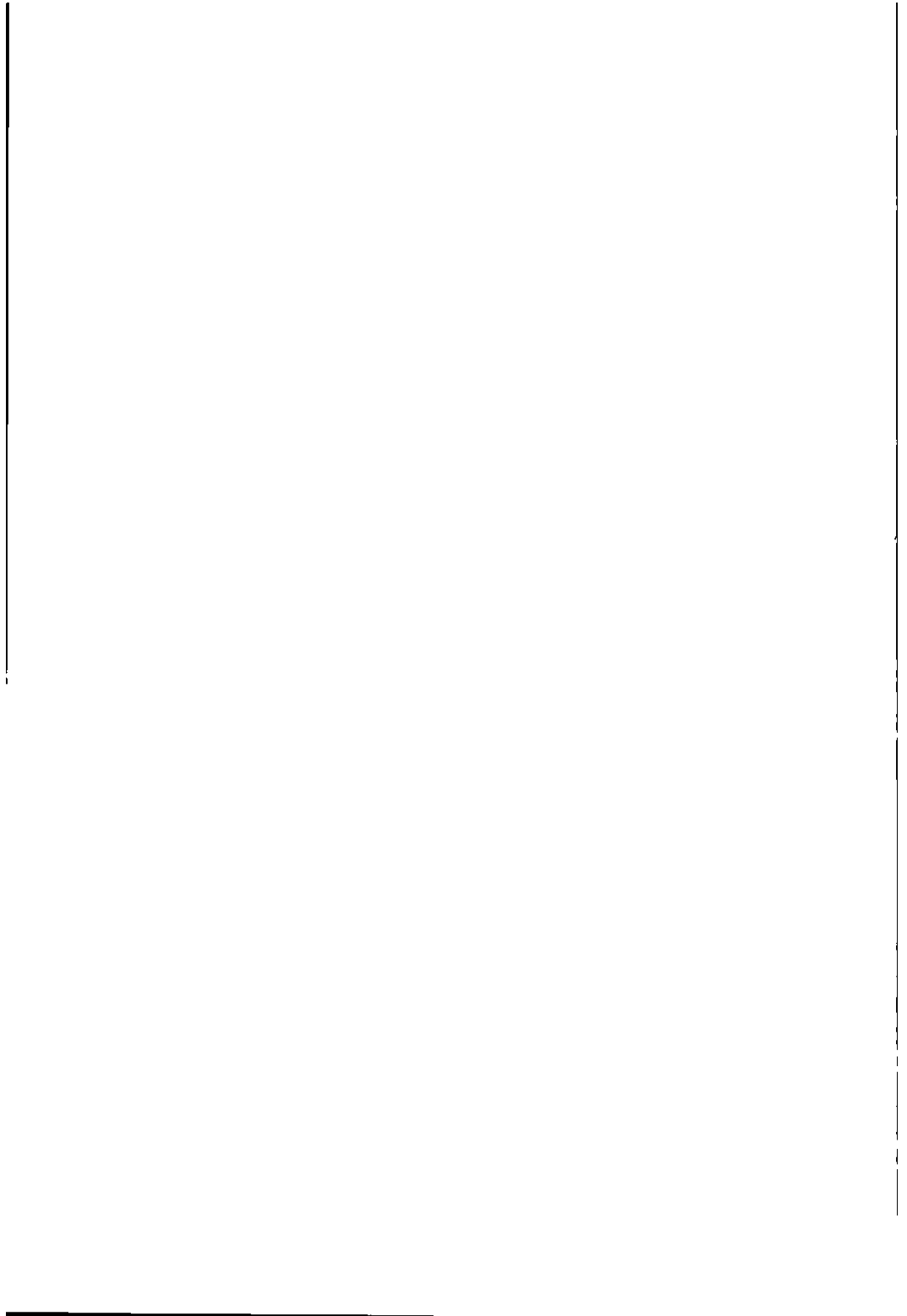
Although we in Papua New Guinea may not be able to define causes of crime or the ultimate reformatory treatment with any more certainty than criminologists in more developed countries, there are certain positive steps that we can take to improve our ways of handling young offenders. I would conclude with six areas where immediate attention is required:

- (a) Review of Child Welfare Ordinance, particularly with reference to responsibilities of persons apprehending a child for any reason.
- (b) Systematic recording of information and facts on all areas of treatment of children, by a central agency.
- (c) More community involvement in the rehabilitation of young offenders and a similar increase in professional help to the community in this work.
- (d) The establishment of a remand centre in Port Moresby to serve also as a reception home for cases other than juvenile offenders.
- (e) Discussions with Departments of Law, Social Development and Correctional Services on the purpose of sending juveniles to prison and who is to assume responsibility for their rehabilitation.
- (f) Discussions with police, and Departments of Law and Social Development on the procedures to be used to detain children, to bring them before the Children's Court, and to comply with the court's orders to transfer them to new locations. Simple procedures need to be written down as the rapid changes in staff in all departments do not allow stable systems to develop.

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1 Papua New Guinea, Committee Investigating Tribal fighting in the Highlands. Report. Govt. Pr., Port Moresby, 1973.

2 *ibid.*



## 9 Crime and criminal justice statistics in Papua New Guinea: a proposal for an integrated data-gathering system

*David Biles*

This chapter aims to present an outline of the statistics needed in Papua New Guinea in relation to crime and the criminal justice system and to indicate the possible uses to which each type of statistics may be put. The material in this chapter is not definitive; it was used primarily as part of the background preparation for a meeting held on this topic in Port Moresby in November 1975.

It is recognised that the development of a comprehensive and reliable data-gathering system is dependent upon the availability of resources and therefore it may not be possible to implement all of the proposals advanced. It is also recognised that it is unrealistic to impose time-consuming and complex burdens on police, court and correctional officials who are primarily concerned with their own work and not with the preparation of statistical returns. It is suggested, therefore, that as far as possible the data-gathering operations of criminal justice personnel be devised in such a way as to become an inherent part of their normal record keeping. Thus, crime reports, court registers, prison reception sheets, etc., should be designed to facilitate ready extraction of required information in coded form for analysis at a central office.

I have been assisted in preparing this chapter by a considerable amount of material supplied by the Statistician and the Courts Adviser of the Department of Law, and a list of this material is appended. Notwithstanding some doubt which might be felt about the reliability of some of the statistics included in this material, it is apparent that Papua New Guinea possesses a wide range of statistical information on all aspects of criminal justice and in some areas this seems to be currently more comprehensive than that available in Australia on a national basis. The major needs for Papua New Guinea seem to be:

- (a) The integration of data-gathering activities and methods.
- (b) The improvement of data quality.

Before exploring the matters of integration and quality, it may be of interest to note that it is possible with the data presently available to make some rough comparisons between the overall rates of reported offences for Papua New Guinea and for Australia. These comparisons for homicide and for breaking and entering, an offence which was widely discussed during the seminar on Crime Prevention in Developing Areas held in Port Moresby, tend to indicate lower rates for Papua New Guinea than for Australia. These rates will not be reproduced here, however, as considerable doubt may be felt about the accuracy of the basic data. This doubt is due to possible variations in the reportability rates of these offences and to differences in the numbers of dwellings at risk. Comparisons between Papua New Guinea and Australia are also made difficult by the fact that crime data for Papua New Guinea is collected in fiscal years, whereas they are published in Australia for calendar years.

For any system of statistics relating to crime and criminal justice, things (either events or persons) must be counted and recorded and three basic questions must be settled before counting starts. These are:

- (a) What is to be counted?
- (b) Over what period of time?
- (c) Within what geographical limits?

The answers to these questions depend of course on the purposes for counting, but very often consideration of the first and most difficult question overshadows the importance of the other two. Taking the easier questions first, it is submitted that the period of time should be uniform throughout the system. The reference to Papua New Guinea/Australian comparisons above illustrates a typical problem; true comparisons are not possible because in one case fiscal years are used and in the other calendar years. Even within Papua New Guinea it is noted that police and corrections use fiscal years, while the courts use calendar years. This anomaly must be resolved (my preference is for calendar years) and it is further submitted that to allow for the detection of fine trends,

the standard period for all statistical reports should be the calendar month. (Consideration might also be given to a system based on 13 equal periods per year but this is not recommended.)

The geographical limits of data-gathering are relatively easily resolved in Papua New Guinea due to the established system of regions or districts. The 18 districts which are used for administrative and other data-gathering activities seem to be an obvious basis for crime and criminal justice system statistics, but it must be recognised that finer discrimination may be needed for special purposes, for example, the isolation of particular problems in suburbs of cities. National figures, of course, are the aggregate of those of the districts and it is national figures, generally for one-year periods, which are used as broad indicators of trends.

### **Phases of data collection**

On the primary question of what is to be counted, it is suggested, at a minimal level, eight phases of data collection are needed. These are:

1. Offences reported
2. Offences cleared
3. Persons proceeded against
4. Criminal cases heard
5. Persons convicted
6. Sentences imposed
7. Prisoners received into custody
8. Daily average prisoners

Items 1 to 3 are clearly a matter of police responsibility, items 4 to 6 are matters for the courts, and items 7 and 8 are to be handled by corrective institutions' personnel. It should be pointed out, however, that items 3 and 4 should very closely correspond to each other and therefore constitute a check on the validity of the system; similarly, items 6 and 7 should be compatible with each other. The actual information to be collected and the purposes to which it may be put will now be outlined for each level of data-gathering.

### 1. *Offences reported*

Possibly the most important of all statistics relating to crime and criminal justice are those of 'offences reported or becoming known to the police'. They are used to attempt answers to many fundamental questions about the incidence and nature of crime. The types of questions that may be asked include:

- (a) Is crime (in general, or in relation to particular offences) in Papua New Guinea increasing, decreasing or occurring at a stable level?
- (b) How do crime rates in Papua New Guinea compare with those of other countries?
- (c) In which regions of Papua New Guinea are crime rates (in general or for particular offences) higher than the national averages?
- (d) What is the value of property stolen in particular regions and for the whole nation?
- (e) What types of people in terms of age, sex, race, occupation, etc., are more likely to become victims of crime than others?
- (f) What times of the day, days of the week, months of the year are associated with higher than average levels of crime?
- (g) On the basis of answers to questions (c), (d), (e) and (f), what crime prevention programs (that is, attempts to reduce either opportunity or motivation towards criminal behaviour) can be suggested for specific geographical locations?

This list of questions could be extended and the answers used as a basis for specific crime prevention planning, but the accuracy and completeness of the data must first be assured, and in this regard two problems must be raised. These are the size of the 'dark figure' of unreported crime, and the matter of ensuring that police record-keeping is absolutely accurate. These will be briefly discussed in turn.

The fact that many of the offences that occur are not reported to the police is sometimes cited as a fundamental weakness of all criminal statistics. Undoubtedly it is, but it must not be



overlooked that in a vast majority of incidents where victims perceive that a serious breach of the law has occurred, the facts are reported to the police. Much unreported crime is petty in nature, such as minor larcenies, non-injurious assaults, use of offensive language, etc., and that which is more serious and yet unreported may be the cause of embarrassment or fear of reprisal on the part of the victim. The technique of using confidential victim surveys has been developed and widely used in overseas countries in order to ascertain the extent of non-reportability for particular offences, but this is a difficult and costly technique and is not recommended for Papua New Guinea at this time. It would be wise, however, if a criminologist at the University of Papua New Guinea were encouraged to study the technique with a view to conducting small-scale surveys that could perhaps be more widely applied at a later date.

A particular problem with unreported crime is that it may be related to the community's perspective of the extent to which the police fulfil a useful service role and are held in high esteem. It is at least theoretically possible that a police force which is close to the community, is highly respected and is perceived as useful in solving problems, will be informed of proportionately more offences than one which does not have these attributes. It may be hypothesised, therefore, that a 'good' police force may generate higher levels of reported crime for itself, and lower rates of unreported crime, than one which is aloof, not held in high esteem and not perceived as useful. This hypothesis, however, is one which is capable of empirical verification with sophisticated criminological research, but, to my knowledge, this has not been attempted.

Notwithstanding the difficulty of unreported crime, the numbers of offences reported or becoming known to the police are the best official indication of the nature of crime that can be obtained, and it is imperative that the record-keeping be conscientiously undertaken. Procedures must be established which ensure that all offences coming to the notice of police are fully recorded, and these procedures must be adequately supervised by senior officers. The tendency for police not to make official reports of offences for which there is little chance of apprehending the offender must be overcome.

The information needed at this level for statistical purposes

(apart from other information which may assist in the solution of the crime) must include a clear statement of the alleged offence, or offences, and this preferably should be in coded form. (The code suggested is that devised for use in corrective institutions – see list of documents referred to.) Precise information should also be recorded, for the time and place of the alleged offence(s), and the value, if any, of the property stolen. It would also be desirable for some information about the victim to be recorded, such as sex, age, occupation, race, and an assessment of his or her apparent reaction to the offence; but it is conceded that this additional information may not be always easy to obtain. At least sex, occupation and race could be recorded in coded form.

## *2. Offences cleared*

The recording system used for offences reported should be designed in such a way as to be capable of including the fact that the offence is cleared, even though for some types of offences this is likely to be the case in fewer than 20 per cent of all those reported. It should also indicate the manner in which the clearance was achieved.

For police purposes an offence reported may be legitimately regarded as cleared if:

- (a) After investigation it is determined that no offence occurred; or
- (b) An offender (or offenders) is arrested and charged with an offence or is proceeded against by summons; or
- (c) The offender (or offenders) is known but proceedings will not be taken because he is a minor, is very old, is in a mental hospital, has diplomatic immunity, is serving a long prison sentence, is given a police warning, or for any other reason it is impracticable or unnecessary for action to be taken.

The vast majority of offences cleared will be included in the second of these three categories, but it should be possible for the statistical system to reveal the proportion of cases which are 'otherwise cleared'. In cases where the offence is cleared by the imposition of a police warning, full details of the person warned should be recorded in the manner described below for persons

proceeded against. (I do not know whether there is in Papua New Guinea a formal system of police warnings as in some Australian jurisdictions, but informal warnings are used in all police forces and these should be recorded.) Individual and aggregate records of offences cleared should also include the value of property recovered where this is appropriate.

The main value of information at this level is that it can give an index of police performance. When the ratio of offences reported to offences cleared is calculated for each offence category and for each region, or sub-region, empirically based comparisons of police efficiency can be made between regions and between offences. It should be noted that there is considerable debate in criminological circles about possible measures of police efficiency, but this information is clearly of crucial importance to the systematic and rational deployment of police, especially detectives and supervisory staff.

### *3. Persons proceeded against*

This is the last level of data gathering required of the police and, apart from cases where the alleged offender dies, escapes, or fails to respond to a summons, it should exactly correspond to data collected by the courts. It therefore constitutes one of the inbuilt checks on the accuracy of the total system of recording criminal justice data.

The focus of attention at this level is on the alleged offender(s) rather than the crime and the victim as outlined above. Basic information to be recorded in coded form in addition to the alleged offence(s) includes an identifying number for each individual, age, sex, date of arrest or summons, occupation, race, language, place of birth, education, employment history, place of residence, duration of residence, marital status, family of marriage (if any), family of birth, and a summary of prior criminal and correctional history, if any. It is conceded that there may be difficulties involved in the assignment of an identifying number for each individual, especially in remote rural areas and in cases where persons are proceeded against by summons as opposed to arrest. In some cases it may not be possible to assign a unique number until the offender has appeared in court or even until his reception into prison.

The collection of this information would form part of the

police preparation of the case for the prosecution and therefore need not be an additional burden. Its main purpose is to provide a check on the link between the police and court statistical systems. It may also be useful, however, as a basis for identifying the types of accused persons who may safely be proceeded against by summons or released on bail awaiting trial.

#### *4. Criminal cases heard*

This is the first level of data collection by the court system. It is obviously necessary for records to be kept of the numbers of cases heard, the offences dealt with, and the types of persons before the courts. It is not suggested that all of the information collected by the police should be taken afresh, but that it should be available to the courts and may be checked when doubt arises as to its accuracy. Police information about accused persons may be of considerable assistance to the courts, if a conviction is recorded, and consideration of sentencing therefore becomes necessary. The only additional piece of information that must be added by the court staff is the plea of guilty or not guilty.

The main purpose of the aggregate collection of these data in monthly returns is to monitor the workload of the courts, assess suitability of their geographical location, and make decisions about the location of magistrates and other court staff.

#### *5. Persons convicted*

This level is a small step from that outlined above and it is achieved by recording whether or not each accused person was convicted or acquitted. It would be wise to record the time taken for the hearing and whether or not the person was represented by a legal practitioner.

It might be argued that this is not a separate level of criminal statistics but only a small addition to the record keeping for criminal cases heard. This is quite true, but it must be borne in mind that it is only at this level that it has been established that a crime has in fact been committed. At all previous levels it could be argued legalistically that reports of events have been recorded, persons have been arrested or summonsed, charges have been laid and evidence presented, but it has not been proved that an offence actually took place. The records of persons convicted are therefore of great significance and, although distorted by many factors, such

as the relative levels of police efficiency, may be regarded by some people as an index of the actual level of crime in the community.

Because of the formal nature of the recording of a conviction for a criminal offence, it is common for information on numbers of convictions to be included in official publications such as year books, and provided all other parts of the system do not change, these numbers may be used for interregional and international comparisons, as well as comparisons over time. At a more mundane level, the ratio of cases heard to convictions recorded may be calculated to determine the conviction and acquittal rates for different courts and for different types of offences. This information could be of value in determining possible bias in the work of the courts.

#### *6. Sentences imposed*

Records of sentences imposed by the courts are an essential basis for intelligent discussion of sentencing policy and practice, and this is probably the most difficult and sensitive area in the whole field of criminal justice. At the individual level, all that is required is that the sentence imposed in each case be accurately recorded, but for monthly returns it is necessary for sentences to be classified in groups so that offences and sentences can be shown in cross tabulated tables. A rough classification of sentences might be:

- (a) Bond
- (b) Fine up to 10K
- (c) Fine 10 to 49K
- (d) Fine 50 to 99K
- (e) Fine 100 to 499K
- (f) Fine over 500K
- (g) Prison, less than 1 month
- (h) Prison, 1 to 3 months
- (i) Prison, 3 to 6 months
- (j) Prison, 6 to 12 months
- (k) Prison, 1 to 2 years
- (l) Prison, 2 to 5 years
- (m) Prison, 5 to 10 years
- (n) Prison, for life

The offence classification would be that devised for use in corrective institutions (see list of documents referred to).

With cross tabulations of this type for each court, region and for the nation as a whole, it would be possible to monitor sentencing practices very precisely and use the information collected as a basis for discussion at magistrates' seminars. Differences between courts and regions would be revealed and it would also be possible to detect changes over time.

If all of the information mentioned so far were coded and entered into a central computer, it would be possible for a much more detailed picture of the working of the courts to be obtained and this would have many administrative purposes. For example, it would be possible to determine sentencing patterns for different courts on different types of cases, and the effects of legal representation could be readily ascertained.

#### *7. Prisoners received into custody*

The numbers and types of prisoners received into custody following the imposition of prison sentences by the courts must obviously correspond precisely to the relevant section of statistics of sentences imposed. The only exception to this correspondence would be brought about by accused persons being remanded in custody while awaiting trial, or being remanded for sentence after trial. These data are therefore a check on the accuracy of court statistics.

Apart from the administrative need for corrective institutions to keep records of prisoners received, these data could also be used to predict future needs for prison accommodation and staff as, for example, the reception of a large number of prisoners with long sentences may indicate the need for increased prison space in the years to come.

It would be highly desirable if all the information about accused persons outlined in item 3 were verified following reception into prison, as it is here, for the first time, that there is sufficient opportunity for interviewing at length. Also at this point information about the prisoner's health and medical history could be added, as well as the results of any psychological or vocational aptitude tests that might be administered. A full profile of personal information should be available soon after reception into custody, because it is essential for classification or program

planning for individual prisoners.

It is common for prisons to collect their own information about prisoners and to build up their files on the basis of no outside information except that given on the warrant of commitment to prison. It is suggested that this is inefficient and subject to error as it is very difficult for prison authorities to confirm what prisoners say about themselves. The procedure proposed here is essentially a process of cumulative addition to files or records which were initially raised by the police.

If it is possible for the records of individual persons who pass through the criminal justice system to include a code number for each person, then the opportunities for extremely valuable research into the effectiveness of the total system are endless. It would be possible, for example, for recidivism rates for different types of offenders and different types of penalties to be accurately determined and thus provide a guide to sentencing policy and to the development of alternatives to imprisonment. At an even more sophisticated level, it should be possible to demonstrate the effectiveness, if any, of prison trade training and educational programs.

For this to be achieved, it is essential that a method of identifying recidivists is in operation so that police do not give them a new code number each time they are arrested. The obvious methods that come to mind are the use of fingerprints and photographs, but the use of these methods is beyond the scope of this chapter.

#### *8. Daily average prisoners*

In all criminal justice systems throughout the world the most accurate statistic available is that indicating the daily average number of prisoners held in custody. The accuracy is a product of the fact that correctional officials are constantly required to count the numbers of prisoners in their care and these numbers are meticulously recorded and used as a basis for the issue of rations, clothing, etc. The daily average number of prisoners is also of vital importance to correctional administrators in the planning of new institutions and ensuring that adequate staff are available.

The daily average number of prisoners has a wider criminological significance, however, as it can be related to the general population by the calculation of imprisonment rates (that

is, the daily average prisoners per 100,000 of the general population). Nowhere has it been demonstrated that imprisonment rates are in any way correlated with crime rates. This suggests that imprisonment rates are a reflection of the general social climate, or tolerances of deviance, as expressed through the courts, rather than an unavoidable corollary to the prevailing levels of crime. Imprisonment rates may be compared over time, and also between jurisdictions, but in the latter case the comparisons should be between jurisdictions at comparable stages of development.

In addition, it is desirable that corrective institutions collect statistics on the value of the products of prison labour and the capital and recurrent expenditure absorbed by the system so that planners and the public can appreciate the costs of running prisons. These financial matters should be published in annual reports, etc., but they form no part of the overall statistical system outlined in this chapter.

### Other data needs

The integrated system of crime and criminal justice statistics described in this chapter will satisfy most needs for information in this area and will provide a sound basis for planning and development at all levels, but there will inevitably be additional demands for information that will not be met. For these demands, short term research projects will be required.

A typical demand might be for more information on the operation of the bail system, or for a study of the consequences of appeals to higher courts, and for these and other requests for information special projects would be needed. They could be undertaken as funds become available. Similarly, the work of the village courts, which would not be included in the overall data-gathering system as this is not a part of the formal criminal justice system, may be the subject of spot checks and short term research. It must be stressed however that the system outlined here, if built around a central computer, would potentially provide a wealth of information about crime and the community's response to it. It would be possible to make detailed studies of particular offences.



such as breaking and entering or rape, by providing immediate answers to such questions as:

- (a) How many offences were reported in a particular period?
- (b) Where did they occur?
- (c) How many reported cases were cleared?
- (d) How many offenders were convicted?
- (e) What sentences were imposed?
- (f) How many of those sentenced to imprisonment returned to crime after release?

The answers to these and other questions could be of very great value in the planning of strategies to overcome particular problems, and the total system, if feasible, therefore obviates the need for much *ad hoc* criminological research. The system will not reveal the 'causes' of crime, but it will provide a solid basis for crime control planning in all areas of social life in Papua New Guinea.

### Quality control

The overall system of criminal justice data-gathering outlined in this chapter will be of very little value unless rigorous efforts are made at the outset to ensure the accuracy or quality of the data. This implies trained personnel with appropriate supervision, clear guidelines and a consistent general policy. As the system outlined here covers police, courts and correctional services, it is suggested that the controlling authority should be independent of these services and therefore the Bureau of Statistics seems to be the appropriate body. The Bureau would be responsible for the central collection of data, for feeding back information to the specific services, and for producing comprehensive publications for the total system.

If this administrative arrangement is accepted, it is further suggested that the Bureau should consider the establishment of quality control teams, of perhaps two persons each, who would on a roving basis check the accuracy of statistics at all levels. Such teams would fulfil an auditing role in that they would identify the deficiencies that will inevitably be found in the system and take

appropriate steps to correct them. Their activities would include the on-going training of practitioners in the accurate collection of statistics. Possibly four such teams would be adequate for the whole country.

### A modest beginning

It would obviously be extremely difficult to institute the total system outlined in this chapter for all criminal offences that occur throughout Papua New Guinea. This is the ultimate goal to be achieved, but it is suggested, as a modest beginning to the total proposal, that the full data-gathering system should be applied initially to only selected serious crimes. It is suggested that the most important crime categories to be included are:

- (a) Homicide
- (b) Robbery
- (c) Serious assault
- (d) Rape
- (e) Breaking and entering
- (f) Motor vehicle theft
- (g) Larceny
- (h) Fraud and false pretences

This list is a slight extension, by the inclusion of larceny, of that currently in use by the Australia police, and for which detailed data collection guides have been circulated. This list could be referred to as 'the major crime index'; it could be used as a fairly reliable and accurate index of the totality of crime which is of concern to the community. It also would allow for extension by the addition of other crime categories as resources become available.

Even when the totality of crime is included within the data-gathering system at all levels, there may still be value in identifying the major crimes separately because of their particular interest and concern as far as the total community is concerned. However, if a truncated system as suggested above is adopted as an initial procedure, it is to be hoped that it would be extended within the next few years to include the totality of crime. The value of the

data-gathering system would, of course, increase in relation to its comprehensiveness and a system which focuses only on major crimes will not provide answers to many of the questions raised in this chapter. If a total crime statistics system is established, it will take some years before its true effectiveness becomes apparent, but within three to five years it should be possible to demonstrate that it provides a very sound foundation to systematic national social defence planning.

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Documents referred to:

- 1 Summary of Statistics 1972-1973, Bureau of Statistics, Port Moresby, Papua New Guinea.
- 2 Tufman, M.Z., 'The Role of Police in Papua New Guinea', *Australian and New Zealand Journal of Criminology*, June 1974, pp.87-94.
- 3 Statistics on Public Order and Safety, minute to Secretary, Department of Law, Waigani, dated 25 August 1975 from Mr R.W. Fergi, Statistician.
- 4 Extract from *Towards a System of Social and Demographic Statistics*, UN 1975, Chapter XX, Public Order and Safety, Offenders and Their Victims.
- 5 Papua New Guinea Local Court and District Court cases heard during the year ended 30 June 1974.
- 6 Sample *Crime Report*, Royal Papua New Guinea Constabulary.
- 7 Sample *Information*, District Courts Ordinance 1963-1969.
- 8 Sample *Brief Sheet*, Royal Papua New Guinea Constabulary.
- 9 Sample *Supplementary Report of Criminal Offence or Police Enquiry*.
- 10 Sample *Juvenile Statistics Sheet*.
- 11 Sample *Return of Property Stolen and Recovered*.
- 12 Sample *Monthly Record Sheet*, Royal Papua New Guinea Constabulary.
- 13 Sample *Annual Summary by Type of Offence*.
- 14 Sample *Court Record of a Civil Case*.
- 15 Sample *Court Record of a Criminal Case*.
- 16 Department of Law Summary of Court Returns.
- 17 Department of Corrective Services, Return of Convicted Persons Received in Custody.
- 18 Department of Corrective Services, Intake by Districts: Department of Corrective Services, Detainee Intake Register; Department of Corrective Services, Juvenile Statistics.
- 19 Sample Statistical Return of Inmates of Corrective Institutions for year ended 30 June 197...
- 20 Coding Sheet for Statistical Data Collection, Corrective Institutions Service.
- 21 List of Data Items, Statistics of Corrective Institutions (including a classification of type of offence).
- 22 Total Offences Reported to Police - type of offence, numbers cleared up, number of offenders arrested, convicted and dismissed - 1971-72 to 1973-74.

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23 Juvenile Offences Reported to Police, type of offence and age of offender, 1973-74.

24 Value of Property Stolen and Recovered, 1973-74.

25 Supreme Court, Cases Tried During Period 1 January 1974 to 31 December 1974 (separate returns for Papua and for New Guinea).

## 10 The prospect of probation and parole

*Colin R. Bevan*

In October 1975 the National Planning Committee of the Government of Papua New Guinea published its record of performance for 1974-75 and its anticipated program for 1975-76. The publication was an impressive expression of a confident resolve to plan steadily, forthrightly and intelligently for the realisation of the eight main aims of the nation. One of the subsidiary, specific aims revealed in the introductory chapter was 'to ensure stability through as wide as possible a provision of economic opportunities and appropriate education and services, rather than by relying on corrective action through criminal justice systems'.

The government needs no outside advice as to the difficulties facing their forces for law, order and correction. Their police force and corrective institutions suffer from acute shortages, both in terms of numbers and professional experience. The police force covers only 10 per cent of the land area of Papua New Guinea and about 40 per cent of the 2.5 million population. The average national commissioned officer is aged only 28, has an average total service in the force of less than five years and average service as a commissioned officer of less than three years. In spite of the willingness of Australian and New Zealand police forces to provide officers to meet some of Papua New Guinea's needs and assistance with training programs, there are believed to be only 50 expatriate officers serving at the date of writing.

Similarly, only 10 expatriate officers remain among the present staff of corrective institutions. The requirements for Assistant Correctional Officers (1,511) are expected to be met by June 1976, but at the same date, officers will be 61 per cent below establishment strength. It is clearly understood by both the

National Planning Committee and by the corrective authorities that any really vigorous rehabilitation programs and activities within the institutional setting are at present impracticable, and must wait upon the improvisation of some alternatives to imprisonment for dealing with the present short-term detainees. It is common for prison populations in Papua New Guinea to consist of 23 per cent serving less than one month, 47 per cent less than three months, 74 per cent less than six months and 98 per cent under one year.

The last mentioned abnormally high percentage is explained to a large extent by the limits the country's legislation places upon all other than the national courts to restrict terms of imprisonment to 12 months or less. Nonetheless, the study of the distribution of inmates by nature of offence reveals that 43 per cent of the inmates during 1974-75 were imprisoned for offences against authority, public morality and local laws. What exactly was meant by those offence categories was unclear, but if one can extrapolate from the recording practices of other countries, it is suspected that offences against public morality and local laws, at least, are relatively minor. Offences against authority may be more serious, probably embracing riotous activity, assaults on police and gang confrontations. That 36 per cent of total inmates were imprisoned for offences against the person is disquieting, as is the 19 per cent for property offences. When it is learned that less than six per cent of reported breaking and entering of dwelling offences in Port Moresby are effectively cleared, one is left with a feeling of alarm at the amount of property crime actually being committed in urban areas, at least, of this young country. The authorities are naturally disturbed by the evidence that their newly emerging nation already seems to match, in crimes against the person and property, other cultures much more affluent and established in western ways, hence their concern for advice and assistance in the means of stemming the tide of delinquency.

The sudden increase of 216 per cent in numbers of persons returning to prison for the second time in 1970-71 over those of 1969-70 suggests, more than any other possibility, either a sudden improvement in statistical recording, or an equally unprecedented increase in police activity. It could not be correlated with rehabilitative proficiency, or lack of it, in the corrective services. The whole world still awaits demonstrable evidence that the

process of incarceration is conducive to a reduction in recidivism, and most cultures are moving energetically in two directions as far as prisons are concerned. First, they are searching for alternatives to continuous imprisonment, such as probation, parole, community work orders, release-to-work and its converse (living at home and working daily in a prison), periodic detention, home leave, study leave and any device the ingenuity of correctional administrators can invent and accept. Second, corrective policy-makers are turning more and more to prisons as symbols of retribution and revenge, punishment and deterrence, characterised by longer than average periods of restraint, without necessarily reverting to attitudes liable to further damage the inmates. Criminologists and sociologists have become weary of the term 'rehabilitation'. They are prepared to contract with an inmate to provide him with the means to make constructive use of the time he is to spend in prison, but refuse to connive at the false pretences inherent in references to reformation and rehabilitation as a purpose for his imprisonment.

Probation is not a new concept in Papua New Guinea. In 1973 a seminar was conducted at the University of Papua New Guinea. It was sponsored by the Law Department and was entitled *Lo Bilong ol Manmeri*. A subsequent attempt was made by a community development officer to establish a volunteer juvenile probation system in the Mount Hagen area. The difficulties he encountered have been documented and will be useful to those who might be charged with the responsibilities of organising a related nation-wide scheme.

In the adult sphere, a former Commissioner in the Corrective Institutions Service had attempted to foster probation and parole, but seemed to envisage its use as limited to the concept of community work orders, which he understood as being confined to government or council projects. The present Commissioner has also demonstrated his support for the institution of probation and parole services, even to the extent of forwarding to his Minister a proposed amendment to Regulations 141-143 of the Corrective Institutions Regulations relating to the reviewing of sentences. He has also submitted suggestions for additional legislative amendments, which would provide (presumably, in the absence of other evidence, within the Criminal Code) for courts to admit adults over 25 years to a system of probation supervised by

volunteer officers. Hence, for this and other reasons about to be mentioned, the inauguration of probation and parole in Papua New Guinea could not be regarded as breaking entirely new ground.

### Existing legislation and current practice

#### *Juvenile*

Section 46 of the *Child Welfare Act* 1961-71 provides for a Children's Court to commit a child to:

- (a) The care of the Director of Child Welfare.
- (b) The care of a person who is willing to undertake the care on such terms and conditions as the Court thinks fit.
- (c) An institution specified in the order until 16 years of age, etc.
- (d) Probation on such conditions (if any) as the court orders.

Unfortunately, before a court can make a selection from such alternatives, the child must be declared a 'destitute, neglected, incorrigible or uncontrollable child'. There seems to be no provision for a sentence involving probation should a child be found guilty of the mere commission of an offence, a situation which does not necessarily involve a condition of destitution, incorrigibility or uncontrollability.

Basically, the Children's Court may exercise jurisdiction over children only until they are 16 years of age. Although Section 47(2) provides the Director with the power to extend his supervision after the age of 16 years and up to 21 years, he does not appear to have the power to proceed in the Children's Court against the probationer for breach of conditions of the original probation order after the person turns 16.

Section 42(1) currently provides for the adjournment of the hearing of an application for the 'declaration' of a child for a period not exceeding seven days. It is common for a court to avail itself of this respite to seek a social inquiry report on the offender. During the period of adjournment the child may be placed:

- (a) In an institution.
- (b) With a respectable person by arrangement agreeable to the Director.



- (c) In the dwelling of a police officer.
- (d) In a corrective institution or police lock-up.

Theoretically, at least in Port Moresby, a group of community development officers, led by a National Capital Province Community Development Officer under the authority of the Director of Child Welfare, is responsible for social inquiry reports, home visits and supervision of probationers and wards of the Director. In practice the present lack of transport for these officers impedes their effectiveness. The bulk of responsibility of caring for children on remand, on probation, on community work orders and in institutions is currently borne by various church organisations. The Roman Catholic Church runs the Wewak Boy's Town institution, the juvenile centre at Veimauri, the assessment centre for boys at Hohola and the Cheshire Home for retarded children, which supplies the remand needs for Port Moresby of young female offenders. The Salvation Army provides a boys' institution at Sogeri. A further institution is located at Goroka.

No reliable statistics were available as to precise numbers of juveniles appearing before the Children's Court, or the numbers given the various sentences known as 'probation' in Papua New Guinea at the present time. The term 'probation' has a number of connotations, including adjournment pending hearing and/or a social inquiry report, community work orders, deferment of sentence for varying periods up to six months; probation periods vary from two weeks to 12 months. Figures supplied for the Port Moresby area for the six months ending 30 December 1975 suggested that 522 cases came before the Children's Court in that period. It was not clear whether that figure represented 522 individual persons. In any event, less than 140 such cases were sentenced in a fashion which sounded like probation in any recognisable form. All the community development officers consulted acknowledged that lack of independent transport rendered their responsibilities almost impossible of realisation, and that the bulk of activity in the juvenile offender area was conducted by the St John of God brothers and other Catholic clergy and the Salvation Army.

#### *Adult*

Section 151(4) of the Constitution of Papua New Guinea states:

'Nothing in this Section (that is, Grant of Pardon, etc.) prevents the establishment by law of systems of probation, parole, or release on licence, or any similar systems'. Section 152 makes provision for the establishment of an Advisory Committee on the Power of Mercy to advise the Head of State in respect of Section 151(1), which refers specifically to the power to pardon convicted offenders.

Regulation 141 of the Corrective Institutions Regulations provides for a Reviewing Committee of three persons to receive preliminary written reports from the visiting justice on all life-sentence prisoners who have served 12 years. The reports are expected to deal with:

- (a) The conduct and health of the detainee.
- (b) The extent, if any, to which the detainee appears to have been rehabilitated.
- (c) Such other matters as to the visiting justice seem relevant to a review of the detainee's sentence.

After a prisoner has then served 15 years (or has reached 55 years of age) the committee may, in view of the health or age of the detainee, the conduct of the detainee and the extent, if any, to which the detainee appears to have been rehabilitated, recommend to the Minister that the sentence be commuted to a determinate period specified by the committee, and that accordingly the detainee be released either immediately or on a date specified by the committee. Should no such recommendation be made by the committee, the Committee shall hold a further review not later than five years from the immediately preceding examination.

The Reviewing Committee as at present constituted consists of the Director of Child Welfare as its chairman, a Roman Catholic priest and a doctor from the Department of Public Health. At the time of writing, and to anyone's knowledge, this committee has never met.

Section 27 of the Criminal Code of Papua New Guinea provides a release measure for prisoners which would come close to the connotation of the term 'parole' in other countries. It is possible for a prisoner to be released by the Minister in charge of Corrective Institutions before the expiration of his sentence upon any conditions, presumably, that it may please the Minister to impose. The procedures for revocation of the licence for failure to

observe its conditions are precisely articulated. There is no mention of who is responsible for referring candidates to the Minister's consideration. It can only be assumed therefore that the Commissioner of Corrective Institutions is the initiating agent.

The legislation is reminiscent of the sole vehicle of release of prisoners available in New South Wales for many years before the introduction of its recent parole of prisoners legislation. Queensland abolished the proviso to Section 19(7) of its Criminal Code in 1974. Under that Section it was competent for a judge to impose a sentence of imprisonment, further ordering that, after the serving of a stated period, the prisoner was to be released to the supervision of a probation and parole officer for the remaining period of the sentence. Releases on licence and suspended sentences have fallen from grace, largely because they attribute unrealistic degrees of wisdom to single individuals, who are loaded with the heavy responsibilities of making momentous decisions involving the lives and freedoms of other human beings. It is forever doubtful if one man is ever wise enough or good enough to be trusted with unlimited power.

Section 27 of the Criminal Code of Papua New Guinea is not commonly, and probably never, used. It is legitimate to claim, therefore, that no provisions exist for the release of adult offenders from courts on probation or from prisons on parole. Probation and parole differ from bonds and unconditional release on licence in that they inevitably imply the supervision of the offenders in the community by the community during a prescribed period.

### **The feasibility of probation and parole in Papua New Guinea**

Wherever probation and parole are practised as alternatives to imprisonment, there are a number of variations on the theme. Some countries, provinces, states and territories are sufficiently affluent to employ full-time, trained and salaried officers to supervise offenders committed to their care. Some are not. Some demonstrate a commitment to the value of involving members of the community in a voluntary capacity in the work of supervising offenders. Some do not. The important element is how seriously

supervisors view their function as agents of the courts and the parole authorities regardless of payment.

There is little doubt, nonetheless, that an effective system of probation and parole requires some central bureaucratic organising and recording centre. For the actual supervision of offenders, pre-sentence and pre-parole reporting (whether oral or written), and reporting of unsatisfactory behaviour back to the courts and parole authority, the system may depend on volunteers. The many national officials and the one ex-patriate Stipendiary Magistrate consulted, all considered that sufficient suitable national citizens could be interested in undertaking, on a voluntary basis, the duties involved.

A group of five young people, undergoing training at Waigani as community development workers, all expressed hopeful views of finding the people needed. There are four such trained workers already operating in the Mount Hagen area, and they are soon to be joined by four more. This group of workers has already recruited a willing band of 100 volunteers in villages and settlements to assist in welfare work. It was regarded as highly likely that these and others could be persuaded to extend their contribution to juvenile and adult offenders.

Many other individuals and organisations, including church groups and practising community development officers, have expressed keen interest in the proposal and represent a pool of potential volunteers.

The School of Social Work at the University of Papua New Guinea expects to have trained 30 graduates by the end of 1977. When the Government of Papua New Guinea finds itself in a position to employ salaried staff as probation and parole officers, university trained social workers who are interested in the field of corrections will provide suitably qualified staff. Although it should never be thought that only trained and well-educated workers are suitable for probation and parole work, it is of some advantage if, providing the first essentials in regard to their quality as human beings are met, the workers have some knowledge of developmental psychology and the mainsprings of human behaviour. It is of first importance to select people as supervisors who have concern for the well-being and safety of their community alongside sympathetic and caring attitudes towards individual offenders.

It was suggested by the groups of trainee community development officers and workers, who appeared to become quite excited at the idea of organised probation and parole systems, that additional sources of volunteers might be found among the following:

- (a) Volunteer groups like the Port Moresby Community Development Group.
- (b) Councillors in the villages and settlements.
- (c) Village court magistrates.
- (d) Other interested private citizens in the cities and towns who may respond to advertised public meetings organised by some prestigious Papua New Guinean.

One of the great advantages of the system is the control of the movements of offenders that the probation or parole order renders possible. Ordinarily, a probation order imposes a number of conditions on offenders, a breach of any of which may cause the supervising officer to return them to court for re-sentencing for the offence for which they were placed on probation. The usual conditions are:

- (a) To abstain from violation of the law.
- (b) To report to the designated probation officer within 24 hours of release on probation.
- (c) To obey the lawful instructions of the probation officer.
- (d) To notify the probation officer within 48 hours of any change of employment.
- (e) To report to the probation officer and receive visits from the probation officer as directed.

Special additional conditions are commonly imposed relating to the payment of compensation or restitution to the victims of the crime, to residence in a particular place, to abstention from drugs or alcohol, or to submission to psychiatric or medical examination and treatment. A parole order is commonly very similar to probation orders, except that it is not common to require the offender to pay compensation or restitution to the victim in addition to serving a prison term.

If the people chosen as supervisors are carefully schooled in their responsibilities to the community and the courts, probation and parole as penal measures can be conducted so as to drastically

reduce the number of persons serving prison terms, especially the huge number of short prison terms. With 22 per cent of prisoners serving terms of less than one month, 47 per cent less than three months and 74 per cent less than six months, Papua New Guinea has little to lose by the experiment and may have much to gain.

### Recommendations

1. Individual histories of the first days, months and years of new probation and parole services are remarkably similar. All report uniform difficulties relating to recruitment of suitable staff, education of the public to accept the viability and desirability of such innovations in penal measures, and halting, faltering steps of learning to walk before running. Papua New Guinea is ready to start, and shows signs of being able to learn from other's mistakes. It is therefore confidently recommended that juvenile and adult probation and parole services be inaugurated. It will be a further helpful innovation if the launching is sponsored and, in actual fact, implemented by a prominent, relevant Minister.

2. It should be recognised from the outset that fundamental differences exist between supervisory tactics for juveniles and those appropriate for adults. Notwithstanding that a few probation services throughout the world do not differentiate, notably the United Kingdom, New Zealand and regional areas of Victoria, Australia, there are strong reasons why a newly emerging system should establish entirely separate services. This is not necessarily to say that the one volunteer supervisor is not able to supervise both juveniles and adults, but the alternative is preferable. Children and young juveniles are still amenable to judicial paternal and maternal solicitude and total family casework. Adult offenders, on the other hand, have normally passed beyond vulnerability to such an approach, and tend rather to interpret it somewhat derisively as weakness. They, therefore, should clearly understand that the probation officer, while willing and anxious to befriend them and help them to find their own more socially acceptable ways of solving any problems, is fundamentally an officer of the court, committed unequivocally

to supervising the offenders' progress and to reporting back to the appropriate established authority any unsatisfactory developments.

3. It is therefore recommended that the organisation of an official juvenile system be entrusted to the Director of Child Welfare. He, it is suggested, might consider appointing one of his existing staff as Senior Child Care Officer or any such title that suits local preference.

4. There is a sound legislative base for a juvenile supervisory system already built into the *Child Welfare Act* 1961-1971. It will be necessary, however, to devise an amendment or additional clauses which will empower magistrates to admit children over 16 to probation. It is suggested the age designated be increased to 18, without necessarily altering the basic age of 16 to which the jurisdiction of children's courts extends.

Such overlaps of juvenile supervision into legal adulthood are very common in other places, for example, Queensland. Should a young person aged, say 15 and a half years, appear before a children's court the magistrate is then not limited, unless he so desires, to sentencing him or her to probation for only six months.

5. Amendments should be made to Section 48(2) and (4) of the *Child Welfare Act* 1961-1971 so as to limit to the authority of the Director of Child Welfare or his delegate the discretion in respect of decisions to proceed against a person on probation for breach of his order. Provision should be established for a supervising officer to report an apparent breach of probation to the Director or his delegate who will discuss the case with the judge or magistrate who made the probation order, and may then issue a warrant or summons at his discretion and depending on the final decision. The warrant or summons then may be executed or served by a police officer.

6. Section 46 of the *Child Welfare Act* 1961-1971 should be amended so as to delete Sub-section (1)(b)(iv) and make the provisions of this paragraph the subject of a separate sub-section, for example, Section 46(3). It should be competent for a court to admit a child to probation without being required to declare him

or her destitute, neglected, incorrigible or uncontrollable. The actual commission of an offence, the subject of a charge, should be sufficient grounds for the issue of a probation order.

7. Consideration might be given to extending to village courts the power to admit offenders to the supervision of probation officers. Such courts already have the power to impose up to 24 days community work on people convicted of offences.

8. Those sections of the *Child Welfare Act* 1961-1971 concerned with placing children on probation (Sections 46, 47 and 48) should be carefully examined and amended to ensure that, subject to the universal power of courts to exercise judicial discretion in very special circumstances, courts admit probationers to the official supervision of the Director of Child Welfare with power to delegate.

9. The Adult Probation and Parole Service should be established under the control of the same Minister responsible for the administration of the courts system of Papua New Guinea.

10. The Minister of Justice, therefore, it is respectfully suggested, should appoint one of his existing staff, or some other appropriate person, with legal and/or behavioural science training (preferably the former) and proven administrative ability, to the position of Chief Probation and Parole Officer of Papua New Guinea.

11. Completely new legislation should be drafted along the model of the Queensland or Western Australian Acts relating to adult probation and parole, adapted as required to Papua New Guinea conditions. The sections relating to reciprocal interstate supervision and enforcement of orders may be ignored.

12. It is strongly recommended that the composition of the Queensland Parole Board be followed. There the Board consists of a Judge of the Supreme Court as chairman, the Under-Secretary of Justice, the Comptroller-General of Prisons and, appointed by the Minister from the general community, a medical practitioner, a woman, and any other citizen of the State. It should also be



provided for that the Chief Probation and Parole Officer attend, in an advisory capacity, all meetings of the Board.

13. Immediately upon appointment, the Senior Child Care and the Chief Probation and Parole Officers should set about the task of contacting prospective volunteer probation and parole officers, either by way of calling public meetings, in various areas of Port Moresby to begin with, or preferably, by individual face-to-face contact. Care in the selection of officers is obviously so important as scarcely to need mentioning. Their duties and obligations must be carefully explained to them as well as their ultimate responsibility to the respective Ministers of the Government and their immediate responsibility to the senior officers themselves. The finally selected volunteers should be officially gazetted as probation and parole officers of the country. Some certificate or badge of office might be devised to mark the official appointment and emphasise its dignity and worth.

14. Steps should be encouraged to have instruction in the philosophy of probation and parole included in the course of instruction offered in the one year Diploma of Police Studies course at the University of Papua New Guinea and in any training courses conducted for correctional officers.

15. It may be preferable, if not politically undesirable, that probation should be limited in the first instance to the Port Moresby courts, followed as soon as practicable by Lae, and spreading over the whole country as resources, experience and facilities for selection, supervision of, and discussions with volunteer staff grow and develop.

16. Steps should be taken to ensure that the officers responsible for juvenile and adult probation and parole in Papua New Guinea are invited to annual national conferences of heads of probation and parole services in Australia and to all seminars, meetings and projects on the subject held under the auspices of the Australian Institute of Criminology.



# 11 Conclusions

The seminar on Crime Prevention in Developing Areas held in July 1975 was organised so that papers presented to plenary sessions acted as a stimulus and input of ideas for five discussion groups which were given the task of making practical suggestions for action and policy. Each discussion group was asked to prepare a report for presentation to the closing session of the seminar. These five reports and a summary of the recommendations comprise this chapter.

## Group 1

Recorder: F. Iramu

### *Input into the courts*

We are gravely concerned at the implications of the suggestion that the police should tailor their activities to the needs of the courts or any other organisation. We consider that society is entitled to have the police function performed in the proper manner and we draw attention to the fact that the legislature has decreed that the majority of infractions of the Traffic Regulations be dealt with by on-the-spot fines. If it appears that a substantial proportion of people refuse to pay these fines something should be done about it, to make the legislation work.

In regard to cases which should come before the courts, we point out that in many places it used to be a feature of life that elderly members of the Royal Papua New Guinea Constabulary (RPNGC) were stationed at the courthouse for the purpose of sorting out cases, evaluating charges on the grounds of seriousness and the liability of the offender to make trouble again. Even where members of the RPNGC were not employed to tear up the

papers in the unnecessary cases the fact is that, until recent years, it has been traditional that most cases did not come to the courts unless tribal elders were unable to deal with them, in law or in fact. The group considers that there is a clear necessity for this sorting out process to be reinstated so it recommends:

- (a) That the government ascertain, as a matter of urgency, the true leaders of the various groups of people in each town and city.
- (b) That the government invite such leaders to participate, on a paid basis, in an informal committee whose function would be to see if the people involved in petty crime can be reconciled in a proper manner.
- (c) That only if such a committee is unable to reconcile the parties (or if it is clear that the alleged offence is too serious for informal disposal) should the police lay a charge.

#### *The courts*

Apart from the question of input, there are deficiencies in the courts themselves, so the group recommends:

- (a) That welfare officers (whose services are so valued by the Children's Court) be posted to the Local Court and the District Court of main centres and instructed to assist all persons charged before those courts.
- (b) That the District Courts Act and the Local Courts Act be amended to enable magistrates (instead of imposing a fine or imprisonment) to:
  - i) Adjourn the case and place the convict on probation, with a reputable person nominated by the welfare officer, for a stated period.
  - ii) Order that compensation be paid to the victim by the convict or his relatives.
  - iii) Order the convict to do a stated number of days or half days of work of a civic, social or community nature.

#### *The police*

The group considers that many of the problems facing the community arise because the police (no matter how willing they

are to perform their proper function) have got away from the traditional situation where the mere wearing of the police uniform conferred status and when its members were expected to investigate offences, and did so exceedingly well.

Apart from insisting that those old days and ways return, the group considers that the police should all be specially trained to regard themselves first and foremost as citizens and, second, as experts in traffic, juvenile relations, criminal investigations, etc. It is only to the extent that the policeman is a good citizen that he can expect loyalty and cooperation from other citizens.

Unless a policeman is known by the people of the area, and unless he knows the people of the area, he cannot be an efficient policeman. We consider it essential that there be a police station, manned 24 hours a day, in each settlement and community and that policemen on beat duty should spend a sufficient period there to get to know the people.

The group views with alarm the situation (which it is alleged has begun to exist) where children are arrested and held without their parents and welfare officers being immediately informed of their arrest. Apart from the rights or wrongs of such action, the result must necessarily be disastrous from the point of view of public relations. Other relevant matters are:

- (a) Much of the present anti-police attitude is due to the fact that a wrong value has been put on the importance of telephone exchange operators. The result is that, when a citizen rings in a state of agitation due to a grave emergency, there is frustration instead of communication. For this reason we recommend that the operators be chosen because of their expertise in police matters and in the major languages, Pidgin, English and Motu.
- (b) In view of the fact that stolen property valued at thousands of kina is seldom recovered (there were four or five instances in the past year where over K.7,000 was said to have been stolen), and in view of the fact that it is alleged that, except in the 'food and lollywater' cases, there is usually a non-juvenile participant who is often not apprehended, we recommend the immediate reinstatement of the Police Juvenile Squad which was so successful in 1971 and 1972. In regard to the Police Juvenile Squad we

consider that:

- i) Since the population under 21 is a very substantial part of the total population, this specialist group should be made a career service with full opportunity for promotion to the highest ranks of the RPNGC while remaining within the juvenile service with its quasi-welfare orientation.
- ii) This quasi-welfare orientation is absolutely essential if the police are to perform their function of preventing the creation of criminals, so that only those policemen who have the patience and the *simpatico* which enables them to deal with juveniles without arrogance, mawkishness or spinelessness should be allowed to remain in this specialised career service.
- iii) When the squads regain the confidence of the community, we hope that their officers will begin to exercise the discretion which their counterparts exercise in Australia and England. There is, however, one discretion which we feel they should not exercise in this country. Elsewhere, it is common for policemen to inflict corporal punishment on an erring child to teach him a lesson. He should not do it here because it would be destructive of the whole purpose which the creation of the squad was intended to achieve.

For much the same reason the introduction of a curfew would be counterproductive. If it is restricted to juveniles it would only intensify the bad relations which already exist and so create crime. Moreover, improved relations between the police and the community would eliminate any need for a curfew.

### *Juveniles*

We consider that the present definition of a child is inappropriate. We recommend that puberty and the age of 21 be the two criteria, and that:

- (a) If a person has not attained puberty he has an absolute right to be dealt with by the Children's Court if arrested on any charge except wilful murder, murder and rape.
- (b) Between puberty and 21 a defendant should be dealt with

by the Children's Court if a magistrate feels that some good purpose would be served by doing so.

The group also considers that there is much merit in the concept of a national youth service but points out that there are two other facts in regard to which it considers immediate action should be taken:

- (a) It is absolutely necessary that the children of parents who live away from their traditional lands should spend sufficient time learning, *in situ*, the location and particularities of their land so that they, their children and their children's children will be properly prepared to inherit and use it.
- (b) It is desirable that those children who have a tendency to fear or disparage village life because they have been reared in the cities should experience life in their parents' village with their kin.

We consider that there is urgent need for action to be taken to fill these needs and we recommend that, apart from any measure taken to send such children back home, the time so spent should be counted as national service.

### *Miscellaneous*

The two main causes of breaking and entering, for which there are simple solutions, are:

- (a) The ease with which people can get into most buildings. We recommend that it be law that all new buildings be designed and built with the requirements of security against burglary fully borne in mind.
- (b) The fact that it is the houses where there are no resident neighbours that are most often broken into. We recommend that the government reconsider, as a matter of urgency, its present proposals that all existing structures which were built to house domestic servants be demolished.

We feel that it is not our province to recommend what should be done to render existing structures burglar-proof, but we do recommend that insurance companies should be approached and

asked to reduce their premiums where the householder or storekeeper has installed adequate security measures.

We also consider that much of the problem is caused by inadequate policing of licensing laws and that the large size of the existing public bars makes true policing impossible. We recommend that the existing law be changed to allow for a large number of small bars which can cater for the drinking public on a selective basis. And we recommend that the existing large bars be phased out of existence.

We also recommend that, to make a section of the proposed Summary Offences Bill effective, drying out centres should be set up in the main towns to rehabilitate people.

Finally, we recommend that a standing committee be set up in each town to investigate and report on the current problem of crime and that it consist of a representative nominated by:

- (a) The District Commissioner or his delegate.
- (b) The magistrates of the town.
- (c) The police.
- (d) The welfare officers (both government and mission).
- (e) Corrective institutions or mental health authorities.

## **Group 2**

**Recorder: S. Goava**

Our group believes that urgent measures must be taken to control crime and that this involves changing existing laws and making the public understand the law.

We recommend as follows:

- (a) As an alternative to prison, the person convicted may choose to perform public work for the community on a reduced sentence. At the end of this time the council he is working for or the parole officer must report to the court. If his work is satisfactory he is released, otherwise he serves the full sentence in prison. Similarly, weekend work is recommended.
- (b) Taking into account the seriousness of the crime, first offenders should be given a second chance on a good



behaviour bond with the court having power to impose restrictions such as forbidden places or areas, etc.

- (c) Due to the doubtful applicability of age laws in Papua New Guinea, magistrates should be given discretion to declare that a person be treated in the District Court or the Children's Court. This discretion may be reviewed when better records are kept in Papua New Guinea.
- (d) More formal registration of names should be introduced in Papua New Guinea to assist in identifying offenders.
- (e) For children who cannot be controlled, Papua New Guinea requires more children's institutions where the young person will learn useful trades.
- (f) Physical punishment should be able to be ordered in the court and it should be done publicly in the person's own village or settlement (if homogeneous). The consent of the parents is not necessary but they may be allowed to give the punishment. In heterogeneous settlements the punishment may be administered privately by the court with a warning that next time it will be public.
- (g) Hearsay evidence should be admissible in court but the magistrate should decide whether it is reliable.
- (h) In the Children's Court no lay member should be required, although any interested person should be encouraged, to assist the court.
- (i) Adjournments of the court should be fully explained to the public and kept to a minimum.
- (j) In the years following independence crime is to become a far greater problem in major cities than it is now. This justifies the immediate setting up of a standing committee on crime, consisting of five to 10 permanent members, to fully investigate present and future crime problems and recommend to the government the measures that should be adopted to prevent and minimise these problems.
- (k) A probation and parole service should be created, making use of voluntary as well as paid workers. Educational

qualifications should not be required for all probation and parole officers. They should be selected for their personal characteristics.

- (l) Compensation instead of a fine should be ordered to be paid by way of punishment to any victim of an offence who suffers damage to person or property. Courts should have the power to order the payment of compensation by the offender and also his parents and to order a prison sentence in default of payment.
- (m) An anti-corruption law should be enacted to provide extremely severe penalties for all types of corruption. This law should also give extremely wide powers of investigation to the police when they are investigating an allegation of corruption. The law should be in explicit terms so that it can be clearly explained to the people.
- (n) We also support the following:
  - i) Better government and private security measures.
  - ii) An improvement and change in role for the police force.
  - iii) Citizen participation in community affairs.
  - iv) Youth participation in community affairs.

### Group 3

Recorder: K. Lofena

#### *General policy recommendation*

Though recognising present and probable future financial restraints, we recommend that the government should reconsider its priorities and give proper recognition to the fact that Papua New Guinea's most valuable asset is its people.

The government must therefore, as a primary priority, make available money and manpower directed not only to crime prevention, but to an increase in the physical and psychological security of the community as a whole.

We should like to express our total dissatisfaction with the government's previous policies and strategies in this area.

#### *Specific recommendations*

- (a) To give concrete evidence of a new policy and approach

would entail a governmental recognition of the fact that the existing structure and charter of the Department of Welfare is inadequate to the task.

The present establishment and organisation does not permit sufficient identification and resolution of particular problem areas which are therefore neglected.

We recommend a structure that would recognise delinquency as a specific area requiring the commitment of specialists and support structures with no other charter.

We feel that the present training program for Community Development Officers is too case-orientated. They should be trained as trainers and organisers of citizens involved in social control structures. Their job should be to identify these community caretakers, to organise them, to advise and, on their behalf, report back to government on their legitimate needs.

- (b) We strongly support the establishment of a national youth service. We are not offering a detailed blueprint, since there are many models available. We feel that the government has not given a genuine commitment to the continued survival of the existing youth services, such as the Young Christian Movements, Boy Scouts, Girl Guides, and the like.

As a special case we would like to spotlight the Association of School Leaver Centres and recommend them as a model for application in other districts.

We point out that the efforts of such community-generated attempts to assist youth can be frustrated while the government continues to apply arbitrary academic barriers to a large number of government positions and most promotions.

- (c) The government should move rapidly to establish a probation service within the Department of Welfare and a parole board within the Department of Law. Probation officers should in the main be right-minded and responsible citizens, not only because this gives effect to the principle of community involvement, but because experience and research has demonstrated that personality is more important than training in this endeavour.

- (d) We consider that the existing complex rules of procedure and of evidence that govern the courts frequently appear to defeat the ideal of social justice. The people cannot see justice in many of the decisions that result from the application of these rules, nor can they understand them.

We recommend that the Law Reform Commission should review these court procedures and rules of evidence, particularly as they are applied in the local and district courts.

In this regard, we support and encourage the application of the village court system to homogeneous groups in urban areas.

- (e) We consider that clan fighting is a tradition as old as the history of the country and not a simple phenomenon of the times. It is imperative therefore that the government should take strong and positive action in the mediation and control of such disputes.

We support the recommendations of the Commission of Enquiry into Tribal Fighting and particularly endorse those recommendations made by Inspector Geno on pages 134 and 135 of this book.

- (f) We have been dismayed to learn that no adequate crime statistics for Papua New Guinea are available, nor has the necessary data ever been compiled. It is obvious that without such statistics we can never diagnose or treat the social illness that has been called our 'law and order' problem. Statistical material must be impartially and competently collected and be available to those who have a right to know the facts.

- (g) The Law Reform Commission should place particular emphasis on:

- i) A revision of the criminal code with a view towards eliminating criminal offences that are not relevant to the situation of Papua New Guinea, and including and increasing the severity of penalties for those criminal offences relevant to the situation of Papua New Guinea.
- ii) A revision of court procedure that becomes more meaningful and understandable to the people.

- iii) A revision of legislation relating to juvenile offenders.
- iv) Determining a more adequate system of penalties for criminal offences, with particular attention to compensation to the victim by the offenders.

#### Group 4

Recorder: Andrew Dambui

We recommend the following points for action:

- (a) A probation system should be set up. Courts should be given more varied powers to deal with offenders rather than imprisonment. For example, suspended and part suspended sentences, work release and weekend detention. Also courts should have the power to award punitive compensation by the offender to the victim instead of fining the offender.
- (b) A national youth service should be set up to train young people to be good citizens and encourage national spirit in the development of their country.
- (c) The efficiency and public image of the police could be improved by:
  - i) Issuing identity cards to all permanent and temporary residents in the urban areas.
  - ii) Block grouping of families in urban areas for their security.
  - iii) Installing more security lights in private homes and business premises.
  - iv) Greatly increasing the number of street lights.
  - v) Freer admission by the courts of confessions taken by police.
  - vi) Educating people of their rights and obligations in relation to criminal law in the urban areas. To this end full use should be made of media, schools, councils, missions and government departments.
  - vii) Housing members of the police force as far as possible among the general communities instead of in barrack areas.

- viii) Actively involving more police in community development projects and other community affairs.
- (d) A national crime control board should be established. The board should be composed of officers presently working within various departments and should include the Justice Minister, the Minister for Police and representatives from other interested organisations. The purpose of the board should be to continually review the crime situation and make recommendations and report to the House of Assembly. Use could be made of groups of students and other volunteers to make crime surveys in certain areas.
- (e) Provision should be made for more housing for employees in urban areas with particular emphasis being given by private enterprise employers to reducing overcrowding.

#### Group 5

Recorder: Andrew Maino

We suggest that the following ideas should be considered:

- (a) The police are not greatly loved by the community. This is largely due to the heavy-handed approach of the police when dealing with the people. This approach has been encouraged during training. We suggest that the police should make greater efforts to get back in touch with the people and change their methods of handling people.

Visiting lecturers should attend police training to advise the trainees on their roles when they come out and handle the community. Lecturers may be welfare officers, community officers, magistrates, etc.

We also suggest that the police should become more aware of and more prepared to operate with the assistance of the traditional authorities in villages or the people in authority in settlements.

- (b) We suggest that juvenile and adult detainees should receive trade training while they are confined. On their release they should be assisted in obtaining a government material loan

- so that they may carry on their trade. Trade certificates should be issued to qualified detainees. These certificates should not show the place of issue.
- (c) Community recreation centres should be established in settlements and their daily use encouraged. We suggest that this would enable juveniles to be occupied and may be a way of preventing crime. Lecturers should go to these centres and give lectures, so as to show to the people in these settlements that they are not neglected. Further, college and university students should play a part in educating their less fortunate countrymen.
  - (d) We suggest that each resident should make every effort to keep a watch dog.
  - (e) We suggest strongly that residences should be fenced with security fences prior to the occupants moving in. The fences should be at least 1.4 metres high.
  - (f) We suggest that vehicles should have steering locks and burglar alarms installed.
  - (g) We suggest that the Papua New Guinea Government should consider the possibility of engaging Professor Clinard for a period as a consultant in relation to the question of crime prevention. It would be of great value to this country, as Professor Clinard is seen to be a man of great knowledge in this field.
  - (h) We suggest that the community should play its part in the prevention of crime by not displaying valuable goods in windows and shelves of shops and supermarkets, and by ensuring security to homes and vehicles.
  - (i) We suggest that the government should take steps to repatriate unemployed personnel to their home villages.
  - (j) We suggest that the Housing Commission should cease encouraging further re-settlement within urban areas. Applications for settlement should be restricted to semi-skilled or skilled personnel, to avoid the increase in unemployment. Plantation owners should repatriate any personnel employed after termination of a term or more importantly, when dismissed, as workers would then be unemployed and have no skill other than as a rubber tapper or a coconut husker.

Summary of recommendations

The major recommendations for the prevention of crime in Papua New Guinea incorporated in the foregoing reports are as follows:

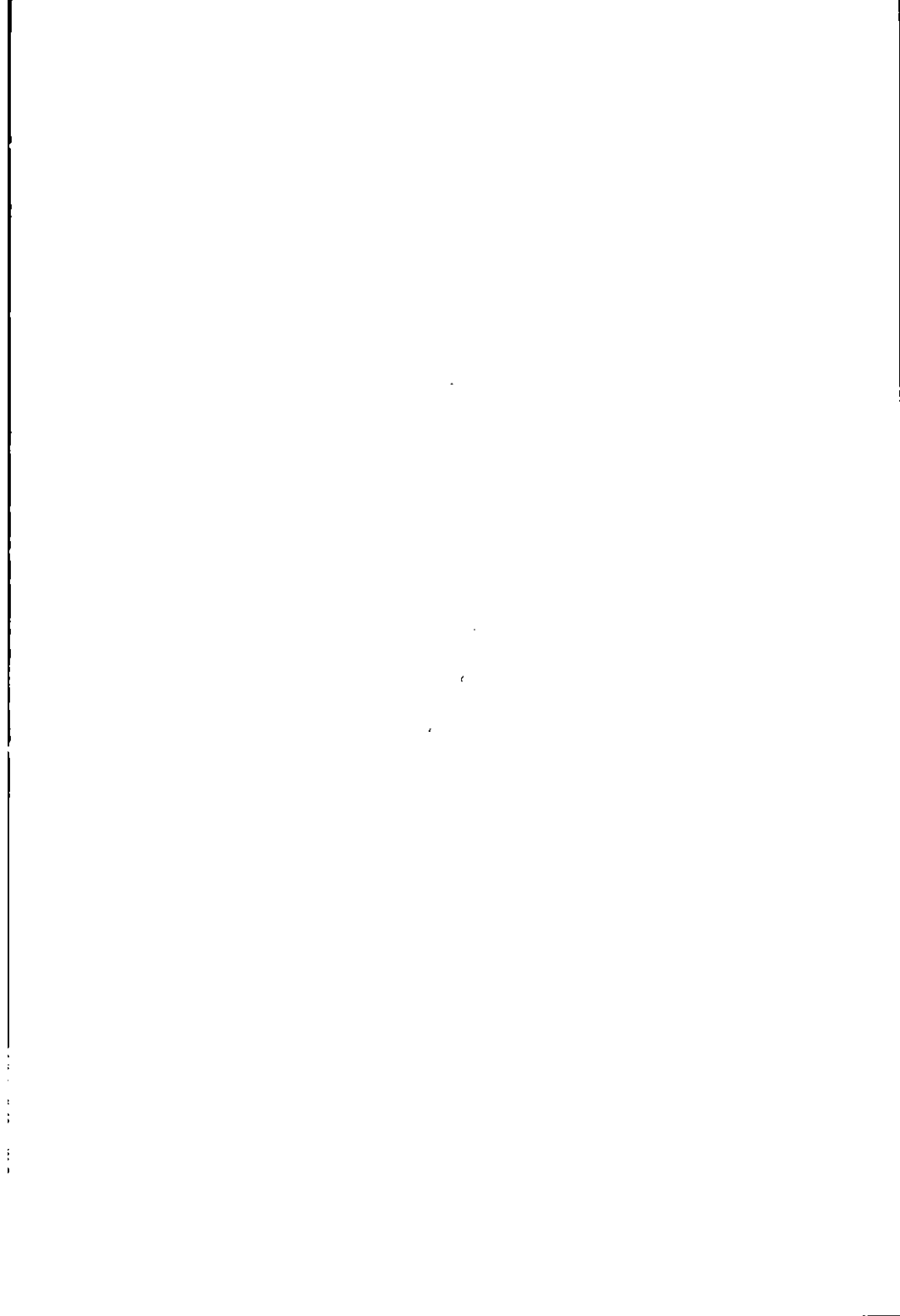
1. Police efficiency must be improved.
2. A police juvenile squad should be established.
3. Police activity should include general community development.
4. A probation and parole service should be established.
5. The physical security of houses and public buildings must be improved.
6. The quality of street lighting must be upgraded.
7. Drying-out centres for drunks should be established.
8. A crime commission or standing committee on crime should be established.
9. The dividing line between the jurisdiction of adult and children's courts should be based on evidence of puberty for both males and females.
10. The wider use of compensation to victims as a penalty is recommended.
11. Anti-corruption laws should be written and rigorously enforced.
12. The village court system should be extended into suburban and settlement areas which are homogeneous in nature.
13. Statistics of the incidence of crime and criminal justice activities should be improved on a national basis.
14. Consideration should be given to the establishment of a national youth service.
15. The development of community centres in settlement areas should be extended.



## Epilogue

The staff of the Australian Institute of Criminology and crime experts from other parts of the world came to Papua New Guinea with one simple aim in mind. It was not to tell the national citizens what to do to solve the problem of crime, but to offer assistance with this task. Our aim can be expressed in one sentence — we would like to help you prevent crime in your country. That sentence in Pidgin reads: *Mipela laik helpim yupela long pasim olkin brukim law long dispela hap bilong yupela.*





On 16 September 1975 Papua New Guinea achieved Independence. This new nation has developed rapidly and with development has experienced — in common with other emerging nations — a growing crime problem.

Prior to Independence, the Government of Papua New Guinea asked the Australian Institute of Criminology to investigate this problem. The Institute, in conjunction with the Papua New Guinea Department of Law, organised a seminar on 'Crime Prevention in Developing Areas' which was held in Port Moresby from 7 to 11 July 1975.

The seminar was notable because it was the first major criminology conference held in Papua New Guinea; the speakers included local authorities as well as criminologists of world renown; and the discussions yielded many practical proposals for crime prevention and social planning.

The papers and reports of the seminar, together with papers prepared by the Director and the two Assistant Directors of the Australian Institute of Criminology, have now been published as a book.

The book, *Crime in Papua New Guinea*, is edited by the Institute's Assistant Director (Research), David Biles. It includes chapters on national planning for crime control, crime prevention policy, crime statistics, urban crime and probation and parole.

In his foreword, the Chief Justice of Papua New Guinea, Sir Sydney Frost, says: 'The subject matter of this book is of such vital importance to the future of Papua New Guinea that it deserves to be closely studied by all people professionally concerned with the prevention of crime and the administration of justice in this country'.

The value of this book will also extend, however, to all persons interested in crime and criminal justice elsewhere in the world.

Australia \$2.25 (Recommended)  
ISBN 0 642 92772 3

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