

ADDRESS TO ANNUAL GENERAL MEETING OF A.C.T. CIVIL REHABILITATION COMMITTEE

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'Some Ideas for Crime Prevention'

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(Hon. Secretary A.C.T. Branch, Australian Crime Prevention Council)

A decade or so ago a psychologist named Karl Rogers talked feelingly about having recourse to organismic feelings in the solution of problems in preference to combing the intellect. To Rogers the organismic feelings were the meaningful residue of all one's previous experience. He seemed to mean that it is characteristic of an organism that it extracts and stores from each new experience of interaction with its environment those elements of that interaction which have meaning for it because they make sense and fit logically into the totality of an individual's knowledge. Such organismic feelings continue to accumulate throughout the organism's existence and are immediately available for use in the form of non-intellectual, spontaneous impulses, which constitute a person's first inclinations when confronted with a new and unfamiliar problematical situation.

Rogers' philosophy was especially attractive to me because I had long sought a respectable excuse for being a non-intellectual. My paper today purports to share with you a number of ideas which I feel, as distinct from what I think may sift out and shake down the mountains of criminological information available to us, and provide us with a rational, even modestly workable, blueprint for the control of crime in our own day.

Although millions of dollars have been devoted to criminological research in those developed countries with which we are most familiar, (reaching a peak of one billion dollars distributed by the Law Enforcement Assistance Agency in the United States), we are not surprised to find that people like Martenson and Fischer have examined the methodologies of the bulk of the research and found it wanting. They have made some depressing and pessimistic statements about the viability and usefulness of research in this area of human behaviour. We have been told repeatedly that society makes its own criminals, that no one is a criminal until so labelled by our society, that social conditions are both an excuse and an explanation for crime. We have been counselled ad nauseum that crime is at least a problem in those countries where powerful social controls still tend to operate, that in Western affluent societies the increase in mobility of populations, the breakdown in family cohesiveness, urbanisation and affluence are powerful lubricants of criminal endeavour.

THE CRIME GENERATORS

Almost any criminologist in an affluent type society could draw a useful blueprint for developing countries who wish to become developed and thus acquire the kinds of crime rates that we Western societies are currently enduring. They could be told that all they have to do is work to establish secondary industries, build harbours, provide work for people away from their homes, farms and villages, concentrate them in urbanised habitats, educate them along academic streams so that they covet white collar office work in secondary industry and acquire a contempt and distaste for their erstwhile agricultural, horticultural, husbandry and craftsman skills. They could be encouraged to fill their leisure hours with television, spectator sports and the many other means available to glamorise and institutionalise violence, plan the siting of industry so that populations become grossly unbalanced in terms of sex and age distribution, pour great quantities of public monies into the building of roads so as to foster and nourish the proliferation of motor cars, continuously advertise the limitless multiplication of gadgets as necessities for happiness, allow residential, industrial, and commercial areas to mushroom unplanned. Just accomplish all this, and healthy crime rates are assured.

SOME THINGS WE DO KNOW

In spite of the general lack of enthusiasm about the usefulness of criminological research to date in providing us with real means of crime prevention, it has not all been a waste of time. We know enough for instance, to realise that crime rates are positively correlated with affluence, degree of mobility of population, amount of crowding in large cities, the growing freedom of women, and fading job satisfactions in an expanding technology, to mention a few. Most of these we could do something about but will not, and in at least one case, the freedom of women, we should not. For the sake of peace, order and tranquility we have set up social, religious and other educational institutions, such as monogamous marriage, Christian doctrine, curricular teaching methods in schools. These could be held to be ideal arrangements that man can aspire to and give direction to his evolution, or convenient arrangements to which the majority are able to adjust and a minority not, or an attempt to force mankind into a mould to which people are constitutionally, emotionally and physically unable to accommodate themselves.

There is also evidence that during long periods of severe economic depression crime rates tend to fall rather than rise, as may perhaps be expected. During 1925 and 26, the forerunning years to the most ghastly economic depression in living memory, the total number of persons appearing in magistrates courts in Australia continued a rising trend from 406.5 to 433.9 per ten thousand of the general population. From 1927 rates began to fall, until in 1930 the number appearing per ten thousand was down to 388.8. It was not until 1935 when the world was again coming up for air that rates for such appearances again reached the 1925 level.¹ It is instructive to compare those with corresponding figures for appearances in magistrates' courts throughout Australia per ten thousand for the years 1970 and 1971, when the figures were 878.7 and 908.8 respectively. During the 1930s the rate of convictions for serious crime in magistrates' courts (such offences being those against the person, against property, forgery, and offences against the currency) had steadily decreased from 37.1 per ten thousand of the population to 33.6, but by 1957 had again attained the 1931 level and by 1960 had climbed to 61.1 per ten thousand. It is again significant to compare these with corresponding figures for 1970 and 1971 which had attained levels of 87.3 and 94.5 respectively.

Similarly total convictions in superior courts rose steadily from 1926 to 1930 from 2.9 per ten thousand to 4.0, but then declined progressively during the next five years to 2.7. By 1960 the corresponding rates had risen to 6.7, by 1970 to 7.1, and by 1971 to 7.6. Convictions in superior courts for serious offences such as murder, manslaughter, rape and other offences against females and the person declined from 0.68 per ten thousand in 1929 through 0.63 per ten thousand in 1930 to 0.57 by 1935.

By 1971 the number of such offences in superior courts had multiplied by 3, to 1.62 per ten thousand. Perhaps it is not the experience of actual deprivation during periods of general hardship that is criminogenic, but rather the feeling of comparative deprivation in relation to more fortunate others in easier, more affluent times. It appears likely that, for the sake of learning to be a co-operative, non violent, non aggressive, social being, it is preferable for people to be emotionally rather than financially secure.²

DETERRENCE — FACT OR FICTION

As a stratagem for crime control, the deterrent effect of punishment has long enjoyed the confidence of the community, and, even to

this day, shows no sign of general abatement. There are two ways of course of looking at deterrence. There is the special deterrence which purports to discourage a person from repeating offences once he has suffered the consequences of the criminal justice system. Then there is the general deterrence attaching to penalties imposed on A that will have the effect of deterring B. It is probably reasonable to claim that, as is the case with all other penalties, imprisonment does deter some people from repeating crime, but certainly not all. It is a common finding that around 75 per cent of all prison populations have been in prisons before. This is not to say that 75 per cent of people who go to prison in fact return. Other studies have revealed that the recidivism rate of people who have served terms of imprisonment is very little if at all different from their penal alternatives.

In the latter half of 1971, I conducted a survey in Queensland, as that State's Chief Probation and Parole Officer, of the reconviction rates of two groups of probationers which lent themselves admirably to the experiment. In Queensland, until late in the 1960s, a sentence was available to courts rendering it possible for a person to be sent to a prison for a certain term followed by a period under the supervision of the probation service. Most probationers reached the supervision of the Queensland Probation and Parole Service directly from the courts on probation orders without having to serve terms in prison. A survey of the results of probation in Queensland over the two year period from 1 July 1968 to 30 June 1970 revealed that the overall reconviction rates of those who reached the probation service after a term of imprisonment was 36 per cent compared to 21.9 per cent of probationers sentenced under the Offenders Probation and Parole Acts. Realising, however, that first offenders complicate such issues because of the well recognised statistical phenomenon that 80 per cent of first offenders are highly unlikely to recidivate whatever is done about them, I proceeded to extract the 80 per cent of first offenders from calculations, and carried out a second comparison dealing only with the populations at risk in both categories of probationers, namely, those who had previously been convicted. Taking those two populations as bases, we found that, of the persons at risk on probation under probation orders, 38.2 per cent were reconvicted over the two years under survey, and, of the probationers who had previously served terms of imprisonment, 40.7 per cent were reconvicted. However one analyses these findings, they could reasonably be held to indicate that a term of imprisonment did not seem to constitute a deterrent to those who had previously suffered the experience.

It is commonly held by criminologists who studied prison trends that there is no relationship between prisons and crime. That contention is supported by another survey which I was able to conduct in Queensland dealing with daily average prison populations, the total rates of imprisonment for offences against the person and against property, the percentage of offenders against the person imprisoned by superior courts, the percentage of offenders against property imprisoned by the superior courts, and the percentage of offenders of all kinds imprisoned by magistrates courts. The object of the survey was to provide information for the Minister for Justice to support the plans fermenting in Queensland at that time for weekend imprisonment, work release schemes and expansion of the probation and parole services.

The survey covered the ten years from 1961 to 1970. It indicated that there had been a gradual increase from 135.57 persons per hundred thousand in 1961 to 154.73 persons per hundred thousand in 1970 passing through prisons in Queensland for offences against the person, property and the currency. During that same period there had been a gradual decrease in the percentage imprisoned by superior courts from 51.6 per cent to 26.8 per cent in respect of offences against the person and from 56.3 per cent to 43.3 per cent in respect of offenders against property. At the same time there was a gradual increase in the use of imprisonment for offenders of all kinds by magistrates courts from 3.8 per cent in 1961 to 4.8 per cent in 1970. In spite, therefore, of the general increase in the percentage use of imprisonment by magistrates there was a continuing escalation of the number of people convicted in magistrates' courts from 3,060.0 per 100,000 in 1961 to 4,028.7 per 100,000 in 1970.

These studies seemed to deny a relationship between the committing of offences and the use of imprisonment, since increasing use of imprisonment in magistrates' courts seemed to have no effect on the increasing incidence of persons being brought before them. So much, therefore, for the belief that the use of imprisonment in respect of A, B, and C will effect the behaviour of D, E, and F. Admittedly, it is not possible to predicate how many people in the community are actually inhibited from committing offences because of the existence of penalties and prisons.

Perhaps some light on the whole question of deterrence might be gleaned from a survey of people who do not commit offences, or, at least, have never been found out. There are numerous accounts of investigations revealing, as did that of Wallerstein and Wyle in the United Kingdom in 1947³ that over 90 per cent of all populations have committed at least one act during their adult years which would

have brought them before a court of law had the act been brought to the notice of the law enforcement authorities. The interesting exercise would be to investigate among those people who have never been brought before a court of law why they forbear from either committing offences in the first place or from persisting with them until caught. At a guess, we might be surprised how few people report that the thought of prison looms large in their list of sanctions. I propose to carry out such an investigation as soon as time permits, but would welcome somebody beating me to it.

AVENUES OF HOPE

During the recent 9th Biennial Conference of the Australian Crime Prevention Council in Sydney, which Conference possessed as its central theme 'Society at Risk — The Crime Generators and its Victims', I felt it significant that the two people who left very strong impressions with me, impressions that in fact generated hope that there are strategies for crime prevention that we could profitably follow, were a Dr Gerhard Mueller, now Chief of the Crime Prevention and Criminal Justice Section of the United Nations in New York, and an ex-prisoner who had spent 26 years of his 45 years in prisons, some of them the most maximum security institutions available in this country. The latter considered that one of the most powerful deterrents against further criminality in his mind would be the confronting of offenders with their victims. He had commenced committing offences at ten years of age, and there seemed no reason to doubt the sincerity of his assertion that, although many of his crimes involved considerable violence, he doubted if he could have faced a second had he been confronted with a previous victim. When asked what did he consider was the major influence in his life that nourished his criminal habits, he indicated as his most constant sentiment the feeling that nobody cared what happened to him. He went on to express the deep social need for community concern for one another. He was careful to emphasise that all the voluntary charitable activity common in the community was one thing, but it still did not supply the lack he was referring to. It is one thing to have Red Cross, prisoner's aid, civil rehabilitation committees, The Smith Family, The Salvation Army, church bodies, St Vincent de Paul, etc. It was another thing entirely for individuals to enjoy that sense of importance to somebody, fostered by the intimate concern for people living close at hand that sound community consciousness generates. On closer questioning he agreed that what he meant was the kind of neighbourly support and succour that membership of a street, or a village, or a suburb is able to encompass. He instanced in private conversation later the custom that one used to hear about. If a family suffered a bereavement, an accident or some ill fated blow, it was gathering of the neighbours to offer help without the asking that came closest to the kind of social controls and community consciousness that still seems to characterise to a larger extent than most places the Japanese community scene. It was only in this way, he felt, that a person's behaviour (although he did not use these words) was more likely to be voluntarily modified so that he would choose not to place himself beyond the bond of community acceptance, respect, affection and concern. The ex-prisoner was not thinking of organised structures, but a general climate of community responsibility, each for the protection, comfort and personal well-being of every other.

When Dr Mueller was Professor of Law in New York University he seized upon the opportunity to direct a piece of research to be done by staff and students when he read in the newspaper one morning that some 2.5 million dollars had been lost to the city of New York by way of revenue from parking meters. Apparently the good citizens had uncovered a brand of slugs or washers that could be efficiently substituted for dimes. Dr Mueller enthused to his staff and students about conducting an easily measurable experiment into crime motivation among their fellow citizens and the efficacy of deterrents. He contacted the chief of police in New York. He was told, however, that the police also saw the opportunity to set traps for citizens perpetrating this deception and they refused Dr Mueller permission to interfere. The police set about a very efficient recording system which supplied them with information as to the ratio of slugs to coins in all the parking meters of New York, and enabled them to plot the areas where infestation of slugs was heaviest.

Among their most interesting pieces of information acquired was a section of a certain street where the ratio of slugs to coins was 100 per cent slugs. There were three such offending meters. The police rented an apartment immediately overlooking the three meters, and kept watch. On the Monday morning of the first week, a shopkeeper-proprietor of one of three adjoining shops emerged and placed a slug in each of the three meters. Every two hours he repeated the operation for the whole week. On the Monday morning of the next week, the second shopkeeper-proprietor commenced a like favour for his two friends. On the third week the third shopkeeper obliged. They were summonsed and heavily fined. The matter received a great deal of publicity in the press. The next city audit revealed that every citizen in New York had been treated to a valuable lesson. At the second count, 8 million dollars was lost. At this stage Dr

Mueller seized the psychological moment again to approach the chief of police, and this time was permitted to carry out his experiment.

From the information amassed by the police department it had been discovered in passing that, contrary to expectations, many of the most fashionable areas of New York scored the highest ratio of slugs to coins. Investigation, or perhaps spying might be the better term, elicited the information that the slugs were being inserted in the meters in the fashionable areas by the chauffeurs of the wealthy. The chauffeurs were obviously supplied with coins by their employers to cover costs of parking in the upper-class shopping areas, outside the fashionable homes, or when temporary parking was required. The drivers had discovered a useful means of augmenting their incomes.

Dr Mueller and his researchers were more interested in other things. They wished to investigate the power of deterrents on citizens' behaviour. There were some 26,000 parking meters in New York that had recorded a higher-than-usual ration of slugs to coins. From these 26,000 the researchers selected six equal groups in six areas previously found approximately to equal one another in their ratio of slugs to coins. Decal stickers were developed for the first group of meters proclaiming that defrauding a parking meter in New York was a Federal offence bearing a fine of \$1000, in default twelve months imprisonment. The second group was treated to a decal sticker advising that the use of coin substitutes was a State offence, drawing six months gaol or a fine of \$500. The third group had decal stickers informing that the offence was one against a city ordinance carrying a \$50 fine. In respect of the fourth group the researchers did absolutely nothing. The fifth group of meters were changed to a brand on which two glass windows revealed the last two coins inserted. The sixth were changed to an entirely different kind of meter incorporating a pin in the mechanism which utilised the hole in the slug to suspend it in mid-air, preventing it from tripping the mechanism and setting the meter.

The first result of setting the scene for the experiment was the disappearance of hundreds of the decal stickers. People apparently coveted them as souvenirs. A second set of decal stickers printed as per the original were then acquired, using a stronger glue. In due course the following findings were recorded—

- Both groups 1 and 2 recorded increases in the use of slugs. It was assumed that meter users recognised the ridiculousness of such heavy penalties and proceeded to call the bluff;
- The third group of meters showed no significant changes, but a slight decrease in the ratio of slugs to coins;
- The untouched group showed no real measurable alteration;
- By far the most significant results occurred in groups 5 and 6. There were similar and quite dramatic reductions in the use of slugs, with the sliding-pin machines slightly ahead of the windows in their deterrent effect.

CONCLUSIONS

At my present stage of thinking I am persuaded to place my faith in the two crime prevention strategies just mentioned. It should not be too difficult for all of us to devise means of greater community participation in one another's lives, bearing concern for each other's welfare and comfort in times of stress and need. I carry little confidence in organised happiness and great warm trains of structured love bearing down on distressed people. I am talking in terms of spontaneous interaction in close-knit areas of residence. I am hoping for a return to each neighbour feeling responsible for the welfare of every other. I look to the community to devise means of increasing the likelihood of detection of crime by empirical action by close police-community co-operation and the organisation of a community's own alert surveillance. Vigilante groups are well known to harbour dangers that could well in all common sense prohibit their use. The correlations between enthusiasm for such groups and accidents suffered by known offenders over 200 feet cliffs are too high for comfort. There are better ways. An improvement, for instance, is the kind of organisation known as TIP in the United States the initials standing for 'Turn in a Pusher'. If a citizen suspects that another individual is pushing drugs, he is able to notify the police department and be recorded by means of a number only. Should then the pusher be eventually convicted of the offence, the person known by his number receives a reward. These things cost money and it is perhaps only the United States that can afford it, but I am unable to accept that Australians are not sufficiently inventive to devise means of ensuring metaphorical windows in meters so as to make crime of all kinds, particularly large-scale crime, more difficult to commit and easier to detect.

Every problem has a solution, because if there is no solution, there is no problem. The problem of crime has been left traditionally to police, courts, prisons and the law. With no disrespect intended, it is probably for this reason it has not been solved. Those agencies and institutions, with the possible exception of police, are restricted to the one weapon only, the penalties provided by law. Criminologists need to learn something of planning and planners of criminology. There is a move among geographers and cartographers to enter

studies in crime, a lead which criminologists would favour for civic planners, engineers, architects, builders and environmental scientists of all descriptions. We sadly need the application of their skills to the problems of crime, to so design and site industrial, commercial and residential areas, roads, buildings, recreation areas, parks, homes and schools, that crime is just physically more difficult to commit.

It is no disgrace that we are reduced to such mechanical means of preventing crime. It is no admission of defeat to take advantage of modern electronic and mechanical devices to make our homes safer during our absence. It is only intelligent to organise neighbours to ensure surveillance of our residence while out for the evening with family or away from home on vacation. It is hardly beyond the bounds of our acquired ingenuity to ensure that in our cities and towns there are no unlighted, secluded lanes, no by-ways and corners which invite the commission of offences. It is the relatively recently acquired tendency in our culture to retreat with our nuclear families behind fences and closed doors to mind our own business that makes the task of the criminal justice system in general and our police forces in particular so impossible in the fight against crime. We human beings have repeatedly demonstrated that we can recover from plagues and wars, flood, fire, famine, earthquakes, tidal waves, volcanoes, tornadoes and cyclones with incredible resilience. How come crime continues to beat us?

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- (1) Australian Year Books 1925-35.
- (2) Australian Year Books 1925-74.
- (3) Wallerstein J.S. and Wyle, C.J. "Our Law-abiding Law-breakers", Probation, No. 25, pp. 107-112.
- (4) cf. "Crime Stoppers" programme, Albuquerque, USA reported in the newspaper, Police Chronicle March 1978. Vol. 7, No. 5, p. 11 Published by I.B.P.O. (International Brotherhood of Police Officers).

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SCHOOL FAILURE & DELINQUENCY

A Report to the National Executive of the Australian Crime Prevention Council

by
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August 1978

INTRODUCTION

On the closing day of the Eighth Biennial Conference of the Australian Crime Prevention Council held in Adelaide in August 1975, the following resolution was passed:

That this Conference resolves that an action-based research programme to test the causal relationship between school failure and delinquency be undertaken as an urgent priority and that an innovative school programme be developed as a result paying special attention to language and literary skills and inter-personal relationships.

This resolution was discussed at the meeting of the National Executive of the Council held at Surfers Paradise in November 1976 and it was resolved that:

Ms Hardie, Mr Biles and Ms McKinna form a sub-committee to investigate what work had been carried out on this subject and they prepare a report for the Executive on this matter. The sub-committee will have power to co-opt.

The sub-committee is bound to report that it has experienced great difficulty in undertaking its work. All of us have very heavy commitments in our professional positions and the geographical separation of members has prevented the regular scheduling of meetings. Nevertheless, meetings of the sub-committee were held in Melbourne on 25 October 1977 and 15 February 1978. We have also communicated with each other by letter and telephone.

We have decided, as also did the National Executive, that it is beyond our resources to initiate 'an action-based research programme' and therefore we have focused our attention on reviewing the work that has been, or is being, done in this field. This does not include any attempt to review the many innovative educational programmes that have been developed in Australian schools as our concern is primarily with research and crime prevention action.

We recognise the great complexity of any investigation of the relationship between school failure and delinquency, and we also recognise the deep concern felt by many members of the public with regard to this topic. We are aware of the fact that there is a wide public debate about standards of achievement in Australian schools and the relationship between these standards and adjustment in the community, but we do not see it as our task to make a contribution to that particular debate. To assert that standards are declining and that this is contributing to the level of juvenile crime is to make a number of unsupported assumptions. We decline to make these assumptions and therefore make no comment on that line of argument.

In this report we have outlined research that has been completed and is currently in progress on this topic in Australia. We have also reviewed a number of educational programmes and projects which have been implemented which either directly or indirectly relate to the topic of schools and delinquency. Finally we have included a bibliography of the relevant published materials. It is our

hope that this brief report will stimulate further thought and research into the questions raised and also make some contribution to improving quality of debate on this topic.

REPORT OF INVESTIGATION

Information on past and current research indicates a dearth of work in this field in Australia. One reason suggested for this shortfall is that educationists rarely see delinquency and allied matters such as truancy as being areas for legitimate research and conversely criminologists rarely see schools and delinquency as being "real" criminology. This is certainly one reason why ACPC should continue in its attempts to bring these two fields together. Two unpublished M.A. theses in Melbourne have been completed in this area and there are a few other smaller pieces of research which have been published.

A thesis entitled "Delinquent Schools?" by Cheryl McKinna attempted to explore the relationship between school organization and delinquency, the initial interest being to discover whether "progressive" type schools produced a greater or lesser amount of delinquency than traditional type schools. Other student behaviour studied included truancy, school misbehaviour and commitment to school. The results obtained from the 2000 students surveyed in 18 schools, showed that while progressive and traditional schools differed significantly in student misbehaviour (higher in traditional schools) there was no significant difference on the delinquency measure. However, it is interesting to note that further analysis of the data shows that irrespective of type of school, those students who are least committed to school are those who misbehave most, who truant most and who admit to most delinquency. Measures of staff attitude were also obtained and it was found that regardless of socio-economic status of the student population, in schools where staff morale was high and where the staff were involved in the running of the school, delinquency was significantly lower. It should be pointed out that this research only established the existence of correlations between these measures and in no way has a causal link been established.

Results of research for an M.A. by Deirdre Greig also at Melbourne University support those of McKinna. Greig's study was a phenomenological one in which she interviewed in depth some 40 adolescents officially adjudicated as delinquent. Without exception the subjects reported that their school experience had been poor. They felt they had been unjustly treated by teachers in the matter of discipline, the school didn't seem to "care" if they truanted or not, and many of the teachers would not help them with work with which they were having difficulty.

Braithwaite has carried out some research which suggests that competitiveness in schools may result in delinquency. He argues that with an emphasis on academic achievement where a student is compared with his peers, those who attain the lowest rankings suffer low feelings of self-esteem and may engage in delinquency to raise their self-esteem. He goes on to suggest that the only comparisons made