Contemporary Comments

The Adoption of 'What Works' Principles in Crime Prevention Policy and Practice

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Introduction

A number of recent major evaluations rate crime prevention initiatives according to either their ability to provide strong evidence of effects, or their economic cost benefits (see Chisholm 2000; Greenwood 1999; Goldblatt & Lewis 1998; Poyner 1993; Sherman et al 1997; Welsh & Farrington 1999). This imperative has arisen due to the political and economic demand to demonstrate the viability and value of investing in crime prevention (i.e. situational, social or developmental strategies) as compared to traditional criminal justice responses (i.e. police and prisons). A laudable aim of these evaluations has been to establish evidence based on 'what works' principles that provide a basis for crime prevention policy and practice, contributing to the development of a 'prevention science' (Coie et al 1993; Goldblatt & Lewis 1998; Hawkins 1999)[1].

The aim of this short commentary is to cast a critical eye over the pursuit of a verified set of 'what works' principles within crime prevention discourse. Such principles *do* provide great value in the development and improvement of crime prevention policy and practice. The concern is that the pursuit of an identifiable set of 'what works' principles may overshadow a range of critical issues that need to be considered alongside the technical priority of adopting effectively proven crime prevention strategies.

The Political and Social Significance of Crime Prevention Discourse

While 'what works' principles can provide an important guide to the types of crime prevention measures that should be invested in, their prominence can have the consequence of portraying crime prevention as merely a series of packaged strategies to be prepared and administered by technical experts. This is inherently problematic in that it can cause it to be segregated from broader political and social issues (Bottoms & Wiles 1996; Crawford 1997, 1999; Hughes 1998; Sutton 1994, 2000; White & Sutton 1995). It must be remembered that crime prevention is not just a technical task (Sutton 1994, 1996), with advocates needing to be mindful of its socio-political significance (White 1996), not just of its technical capability to reduce crime.

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1 Augmenting this effort to identify 'what works' in crime prevention and develop a prevention science has been the Communities that Care (CTC) model of prevention. Associated with the work of Hawkins and Catalano (1992) CTC aims to mobilise communities to address identifiable risk and protective factors that lead to, and prevent the onset of criminal behaviour (DCPC 1999; Hawkins 1999; Toumbourou 1999). This model adopts a prevention agenda underpinned by evidence based tested interventions that have shown to be effective in addressing risk factors and strengthening protective factors.

When employing the language of crime prevention, practitioners are making important value based political decisions about what crimes are to take priority, and what victims are to be protected. The priority given to any one set of crime prevention techniques regardless of their proven ability to achieve outcomes, and be cost effective, will be dictated by the political and social context. For example, controlling the facilitators of crime has shown to be relatively effective (Clarke 1997; Goldblatt & Lewis 1998; Poyner 1993; Sherman et al 1997). However you do not see this occurring in the context of preventing the hundreds of gun related deaths that occur in America each year. It does not take a genius to work out why – politics!

Furthermore what is clear from research is that crime and other forms of social disadvantage typically co-occur, being concentrated within communities and amongst individuals (DCPC 1999; Hope 1997, 1998). When arguing for the need to adopt a prevention agenda, advocates should not, in their efforts to persuade primary decision makers and funding providers that crime prevention works, conceal questions about the relative distribution of safety from crime, nor obscure evidence of safety differentials that exist between communities (Crawford 1997). Here, crime prevention feeds into the spatial concentration of social disadvantage, of which crime is one aspect.

The French crime prevention scheme 'Bonnemaison' had a major influence on the early development of crime prevention policy in Australia (Dussuyer 1991; Sutton 1991, 1997, 2000). What was significant about early conceptualisations of the crime prevention message in such countries as France, was that crime prevention was positioned as an alternative to the exclusionary rhetoric of law and order. While still concerned with the implementation of effective programs, Bonnemaison was firmly conceptualised within a broader framework that recognised crime as a manifestation of wider social problems such as alienation, social exclusion and inequality (Crawford 1998; Pitts 1997, 1998a, 1998b; Sutton 2000)[2]. The potential of crime prevention discourse to displace the divisive and exclusionary law and order agenda with strategies that are more inclusive and integrative (Sutton 1994) should not be lost in efforts to prove its technical feasibility.

Replicating 'What Works'

In adopting 'what works' principles, the issue of replication needs to be examined. This relates to the fact that what has been found to be successful in one jurisdiction or context, will not necessarily achieve the same success in another. A number of technical, operational, and administrative problems plague the replication and transferability of crime prevention programs. Research has shown that attempts to replicate 'success stories' tend to fail because practitioners focus upon transferring the technical qualities of a program, ignoring the dynamic processes and interactions between agencies and individuals that ensured the original initiative was successfully implemented (Crawford & Jones 1996; Tilley 1993).

Therefore it can be problematic to develop a set of principles from a range of successful programs that are the result of the dynamic interplay between key players, institutions, and social groups located within particular jurisdictions. We should not only be concerned with answering 'what works' but also with 'what works for whom, and under what conditions' (Crawford 1998; Pawson & Tilley 1997).

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2 Pitts (1998a) argues that the French Bonnemaison crime prevention initiative marked an early recognition of the forces transforming class relations in France and which were exacerbating key social divisions, and permanently excluding certain classes of people from economic activity. Overall the crime prevention agenda underpinning Bonnemaison was one of inclusion (Pitts 1997; Sutton 2000).

The Dilemma of Failing to Meet What Works Evaluative Criteria

One constant criticism of crime prevention is that evaluation is typically secondary to the pragmatic focus of 'getting something done'. This has meant that many programs have failed to meet what is termed evaluative probity, with evaluations being more concerned about demonstrating outputs, (i.e. volume of activity), rather than outcomes, (i.e. direct impact upon crime) (Ekblom & Pease 1995; Pawson & Tilley 1997; Sherman et al 1997; Tilley 1995).

Hence 'what works' research has typically employed a formula whereby it rates the methodological rigour of program evaluations according to the extent to which they control for extraneous variables - thereby minimising any measurement error - and statistically detected meaningful effects upon crime and risk factors (see Goldblatt & Lewis 1998; Sherman et al 1997). While this approach is crucial in validating any claim about 'what works', 'what's promising' or 'what doesn't work', it ignores the fact that a number of factors can both directly and indirectly determine if a program satisfies evaluative criteria. For example, funding constraints can lead to the implementation of crime prevention measures that are insufficient to make little difference upon crime and community safety, but if implemented in a strong enough dosage would have a measurable impact (Crawford 1998). In the search to answer the question 'what works' and 'how is what works to be measured' (Hughes 1998:3) and develop guiding principles, we may inadvertently discard approaches that have the potential to reduce crime, but have failed to demonstrate their worth due to the effect of extraneous political and economic influences.

Conclusion

The aim of this commentary is not to be overly critical or dismissive of establishing 'what works' principles within crime prevention discourse. There is little doubt that the pragmatic priority of reducing crime and improving community safety needs to drive policy and practice. Hence the urgency to identify guiding principles and develop a crime prevention science. However, in arguing for crime prevention, advocates are not only engaging in a debate about its technical prowess compared to traditional criminal justice responses, they should also be mindful of considering the wider critical issues covered in the preceding sections - issues that are relevant to the adoption of a prevention agenda. Failing to do so threatens the integrity of crime prevention.

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Home Detention - An Alternative to Prison?

Home Detention schemes have become available in some western jurisdictions over the past two decades. The advent of detention in the home arises with the development of electronic surveillance techniques and coincides with increasing rates of incarceration. The principal basis for the introduction of home detention is to alleviate the growing cost of imprisonment. Home detention has been introduced in a political climate of tough law and order campaigns and its emergence relates to discussions about changes and contradictions in the overriding philosophy of punishment.

New South Wales introduced a home detention scheme which became effective in 1997 and the Department of Corrective Services has produced an extensive review of the first 18 months of its operation ('the Review'). It is apparent that the Courts are, both in principle and in practice, reluctant to depart from the use of the prison. Imprisonment at home raises fundamental questions about the utility of prison, the role of the family in punishment and the goals of sentencing. It will be argued that the reluctance of the criminal justice system to accept an alternative form of deprivation of liberty sanctions the violence and corporal punishment that is a fundamental feature of imprisonment.

Home Detention - An Overview

A person who is sentenced to a total sentence of 18 months or less for a non violent offence *may* serve all of that sentence at home: s7 *Crimes (Sentencing Procedure) Act* 1999 ('the Act'). To be eligible for home detention a person must not have a history of violent offences: s77.

Once a sentence has been imposed and the defendant is eligible for home detention the matter is referred to the Department of Corrective Services for an assessment as to suitability. Relevant factors include (ss78, 81):

- a suitable residence in an area where home detention is available (currently Sydney, Newcastle and Wollongong);
- likelihood of re-offending while on home detention;
- likelihood of domestic violence offences occurring during home detention;
- work opportunities;
- physical and mental health;
- the impact of the order on children;
- personal, family and lifestyle issues, including the existence of drug and alcohol issues;
- willingness to comply with the order.

Home detention involves constant monitoring through the use of electronic surveillance techniques, intensive supervision and random drug and alcohol testing. Failure to comply with the conditions of home detention can lead to revocation by the Parole Board and the remainder of the sentence will be served within the gaol system.

Home detention was not intended to be a further alternative to prison, but to provide an alternative, more cost effective method of restricting the liberty of non-violent offenders. Section 4(2) of the *Home Detention Act* 1996 stated:

> it is not the intention of this Act to divert to home detention offenders who might be appropriately dealt with by way of periodic detention or by a non-custodial form of sentence.

The Review indicates substantial savings for the state. The average cost per day of keeping an inmate in a minimum security prison (including capital works) is $120.66. During the 1997-8 financial year, the home detention unit operated at less than 50% of its capacity and the average daily cost per inmate was $65. In July and August 1988 when the program operated at 68% capacity, the cost was $48. It was anticipated that if the home detention scheme were operating at full capacity, costs would be approximately $35 per day (Heggie 1999:56).

In 1997-8, 510 people were referred by the courts for a home detention assessment and 366 were ultimately placed on the scheme. Twenty two were found to be ineligible under the *Home Detention Act* 1996 and 93 were assessed as unsuitable. Twenty nine were assessed as suitable but were not placed on the scheme. Of these 29 cases, 24 did not commence home detention because they instituted appeal proceedings. Only 1 person was assessed as suitable but refused placement by the court (Heggie 1999:30).

Of the 366 people who were placed on the home detention scheme, 299 (82%) were men and 67 (18%) were women.

Given the number of women in prison relative to men, these figures broadly suggest that women are more likely to be placed on home detention than men. At the commencement of the 1997-8 period, there were 6,057 men and 354 women in prison (Corrective Services 1998:10). On these figures, women represented 5.5% of the prison population.

This observation is strengthened when the total population of prisoners technically eligible for home detention is considered.

The Review uses data from the New South Wales Corrective Services Census to compare the number of people actually on home detention with those eligible for home detention but serving their sentence in gaol. It must be noted that those technically eligible will include prisoners who refuse the option of home detention and those who are unsuitable for home detention.

Men on home detention represented 11% of the population as at 30 June 1998 that were technically eligible for home detention and women represented 23% of that total population (Heggie 1999:14-5). Overall, 12% of the population technically eligible for home detention on the census date were placed on the home detention scheme (Heggie 1999:14-5), indicating a low level of utilisation of the home detention scheme.

Thirty two Aborigines were included in the home detention scheme. This represented 10.3% of men and 10% of women on home detention (Heggie 1999:14). No Torres Strait Islander people participated in the scheme.

The snap-shot analysis at 30 June 1998 indicated that 123 Aboriginal prisoners were technically eligible for home detention. Aborigines placed on home detention represented 4.5% of this group; being 5% of the eligible male population and 4% of the eligible female population (Heggie 1999:15). The observation that women are more likely to get home detention than men, has no relevance to Aboriginal women.

The limitation of the scheme to Sydney, Newcastle and Wollongong significantly limits its impact on the Aboriginal prison population.

Home Detention in the Courts

The statistics outlined above indicate a low level of referral for assessment for home detention. The Review broke down the referral rate between Local Courts and District Courts within the available area. It concluded that referrals from District Courts were reasonably consistent but between Local Courts, there were significant variations (Heggie 1999:105).

It was noted that there was a significant increase in referral for home detention assessment in 1998. In 1997 there were no referrals for home detention assessment in some Local Court jurisdictions including Blacktown, Fairfield and Central Local Courts, while referrals in other jurisdictions were much higher. For example, Wyong Local Court referred 41% of offenders technically eligible for home detention, Campbelltown Local Court 25% and Downing Centre Local Court 28% (Heggie 1999:102-4).

The Review anticipates that given the increase in referral rates over the study period, overall referral rates will continue to improve.

The effect of decisions of the Court of Criminal Appeal over the study period has been to decrease the effectiveness of the home detention scheme as a diversionary tool.

The first decision in the Court of Criminal Appeal supported the view that home detention was a collateral sentence - a means of serving a prison term. In 1997, the majority in the case of *Smith* while upholding a Crown appeal against the leniency of a sentence imposed for dangerous driving occasioning death, permitted the defendant to continue to serve his sentence by way of home detention.

In *Smith*, Justice Grove rejected Crown submissions that home detention involved a significant degree of leniency and that the court should approach home detention in much the same way as it approaches periodic detention. Justice Grove referred to the objects of the *Home Detention Act* 1996 and concluded that: 'home detention ... is a method by which an already imposed sentence of imprisonment may be served' (at 377). He concluded that the terms and conditions of a home detention order are 'comparatively as rigorous as those as would be applied to a prisoner in a minimum security institution who was permitted work or study release privileges' (at 377).

Justice Grove concluded:

> Home detention is a collateral order to a sentence of imprisonment and accordingly is not a matter to be taken into account by this Court in assessing the adequacy of a term of imprisonment imposed in the Court from which appeal is brought. That conclusion is, I consider, compatible with the ordinary separation of responsibility (subject to Administrative Law jurisdiction) that it is for the executive to determine how, where and what conditions a sentence of imprisonment imposed by a court is to be served (at 377).

Justice Studdert agreed with Justice Grove, however Justice Smart expressed the view that home detention was 'substantially less onerous than service of a sentence of the same length in gaol' (at 378). However he said that did not mean that home detention was an inappropriate sentence in this case.

Justice Smart referred to the discretion given to judicial officers to refer a matter for a home detention assessment and the discretion to decline to make a home detention order where an offender is assessed as suitable (at 378). He gave no other reasons for his view that home detention was substantially less onerous.

After *Smith*, two differently constituted courts in the Court of Criminal Appeal declined to follow the reasoning of the majority in *Smith*. In *Lambrinos*, Justice Sully expressed his preference for the view of Justice Smart. In *Bryne*, Justice Dunford observed:

> With all respect to the majority, I find myself unable to accept their assessment of home detention.... I do not consider the analogy drawn between the prescribed standard conditions for home detention in regulation 9 and the conditions of a prisoner in a minimum security institution permitted work or study release privileges to be apposite. Not only are such prisoners deprived of home comforts and spousal and family company, but they only reach the state of minimum security with work or study release privileges after a period of less congenial conditions (at 12-13).

In *Pine*, Sully J said:

> I cannot see how home detention with, inter alia, comfortable accommodation, furniture and fittings, home cooking, the company of spouse and/or family and a generally unregulated timetable, could be regarded as not more lenient than full time incarceration in an institution under the administration of the Department of Corrective Services (at 6).

In *Jurisic*, the Court of Criminal Appeal consisted of a bench of five judges. A purpose of this sitting was to reconsider the question of home detention given the difference of opinion in Court of Criminal Appeal decisions. This decision was also the first guideline judgment in New South Wales.

Justice Sully gave the leading judgment on the issue of home detention and all other members of the court agreed on this point. He stated that the view of the majority in *Smith* was wrong and should not be followed. He agreed with the opinion of Justice Dunford in *Bryne* and said:

> I accept that the standard conditions of a home detention order are burdensome, but it seems to me that they are burdensome in the sense of being, by and large, inconvenient in their disruption of what would be the normal pattern and rhythm of the offender's life in his normal domestic and vocational environment. Any suggestion that such inconvenient limitations upon unfettered liberty equate in any way at all to being locked up full-time in the sort of prison cell and within the sort of gaol that are normal in New South Wales could not be accepted ... by anybody who has had the opportunity of going behind the walls [of a prison] and of seeing, even from the view of a casual visitor, what is really entailed by a full time custodial sentence (at 295).

Consequently, an appeal can arise from a decision to impose (or not impose) a home detention order. The decision in *Jurisic* upholds the discretion of magistrates and judges to determine whether or not to allow an eligible offender to serve their sentence by way of home detention if they are assessed as suitable.

What makes this decision particularly problematic is that no practical guidance is given to magistrates and judicial officers who must exercise this discretion. This discretion must be exercised in a 'properly judicial way' (at 295). Justice Sully sets out principles which he states are 'practical and desirable guidelines' (at 295-6) but they serve only to emphasise his view that home detention is a lenient option. He says judicial officers should bear in mind that home detention orders are 'a significant watering down of the sentence of imprisonment and is therefore a significant diminution in the effectiveness of the sentence in terms of proper retribution, of proper personal deterrence and proper general deterrence' (at 296).

For the purpose of the Review, interviews were conducted with 21 randomly selected Magistrates and District Court Judges. It was noted that most magistrates and most judges shared similar views but that these views differed on some issues (Heggie 1999:121).

Most magistrates agreed that the home detention scheme had an appropriate place in the sentencing process but indicated the following reasons for the apparent low rate of referral from the Local Court:

- The large volume of work in the Local Court does not allow time for consideration of legislation such as the *Home Detention Act* 1996.
- A perception that certain offence types are not suitable for home detention. The only example given is drug offences.
- A belief in the usefulness of full-time incarceration as a deterrent.
- A belief that prison should be the last resort (Heggie 1999:125).

The result is a difficult one for people facing a short custodial sentence and for their representatives. No realistic guidance is offered for the proper exercise of the discretion to utilise the home detention scheme. The question of when it is appropriate to offer home detention to an eligible person is unanswered.

The Court of Criminal Appeal's view that home detention is lenient seems to be based on a view that an offender on home detention has the luxury of being at home and that at best, the demands of a home detention order are an inconvenience or minor disruption. The findings of the review of the home detention scheme do not support the view that offenders live in comfortable surroundings, rather that most participants were living in below standard housing and were dependant on social security payments for income. It is certainly more than an inconvenience to be subjected to 24 hour surveillance, to have all social activities outside the house eliminated and to have restrictions on activities within the house.

The Court of Criminal Appeal has taken into account the circumstances of imprisonment in relation to the issue of appropriateness of sentence in some circumstances. These cases have included former police officers (*Jones*), informers (*Perez-Vargas; Cartwright*) and persons convicted of offences such as sexual abuse of children where it is likely that prisoners will be held in protection (*Burchell*). The reasoning is that prisoners held in protection will not have the same privileges that other prisoners will enjoy and will serve more time in isolation. The Court has accepted that there is violence in prisons, particularly for certain types of offenders and for police informers, but has indicated that it is the responsibility of the Department of Corrective Services to ensure the safety of prisoners and not a matter for the courts to consider on the question of sentence (*Burchell*; *Boon*). *Jurisic* did not discuss the issue raised in *Smith*, that the means of serving a custodial sentence is properly a matter for the executive rather than the judiciary.

It would seem that the conditions in prisons are generally a matter for the executive but if those conditions include home detention then that is a matter for the Courts. The distinction between issues of safety and issues of privileges does not appear to be based on principle. Seemingly some matters are appropriately left to the Department and other matters will affect the appropriateness of a sentence.

What is absent from these cases is an analysis of the purpose and effect of incarceration. Is deprivation of liberty the ultimate sanction imposed in our society and if so, why not use modern technology to allow this to occur within the community at a significantly lower cost to the state?

David Heilpern, now a NSW Magistrate, has researched the incidence of assault and sexual assault in New South Wales prisoners, in relation to young offenders (Heilpern 1998). His research confirms findings in other jurisdictions and common assumptions, that assault and sexual assault are prevalent within New South Wales prisons. He surveyed 300

young adult prisoners aged between 18 and 25. He found that one in four prisoners had been sexually assaulted and nearly half had been threatened with sexual assault. More than two-thirds of the surveyed prisoners were fearful of sexual assault. About 50% of those surveyed said that they had been the victim of an assault and two-thirds were threatened or fearful of assault (Heilpern 1998:28-9).

His research found that younger, smaller and gay prisoners were at greater risk of sexual assault and his research included graphic accounts from prisoners of their experiences of extended sexual abuse. Sexual assault in prison is rarely reported (Heilpern 1998:41).

Feminist writers have reported that violence and intimidation are not only to be found within men's prisons. Ten women from Mulawa were surveyed and three indicated they had been the victim of a sexual assault. Five reported occasional assault. A welfare worker reported complaints of sexual assaults by police and prison officers. Further research was needed in relation to the issue of assault and sexual assault within women's prisons, including the issue of assault by prison officers (Heilpern 1998:33).

Justice Sully appeared to refer to the conditions of imprisonment in his reasons outlined above, but declined to indicate what impressions could be gleaned from visits to correctional centres. He did not state whether he referred to the institutional setting of the prison, or the experience of prisoners within those walls. It is the silence of the Court of Criminal Appeal on the issue of prisoner's experience of gaol that can be seen as a clandestine acceptance of the violence that is known to be prevalent.

Home Detention as Punishment

The above analysis of the approach of the courts to the home detention scheme suggests the primacy of incapacitation in punishment. The introduction of home detention has occurred at a time where there has been criticism of apparent leniency in sentencing and a suggested crisis of public confidence in crime control. Recent election politics have focused on being tough on crime with scant regard to the causes of crime and strategies to reduce the incidence of crime. In this respect, home detention can be seen as a management strategy for non-violent criminals (Bottoms; Feeley & Simon).

Nevertheless, home detention is a diversionary measure and it functions to support and assist the rehabilitation of offenders. While successive governments purport to be increasingly tough on crime, other recent measures such as the Drug Court and the *Young Offenders Act* 1997 have also been introduced to divert offenders from prison (and Court) in an apparent recognition that prison does little to address the incidence of crime.

As the ultimate sanction for non-compliance with home detention is imprisonment, it is difficult to argue that home detention is the same as gaol. If the ultimate sanction imposed by society is the deprivation of liberty, then home detention is certainly an equivalent sentence.

If home detention is onerous and difficult, and failure to comply with a home detention leads ultimately to a gaol term, then home detention orders must have a deterrent effect. Home detention is clearly more onerous than either community service or periodic detention.

The home detention scheme is designed to exclude persons likely to commit personal violence offences while on home detention. It is also limited to short sentences, which would exclude prisoners sentenced for more serious offences. The emphasis on ensuring public safety and the restrictions contained in the Act would indicate that home detention is not applicable to persons where incapacitation is a predominant concern.

The notion of retribution is integral to the notion of punishment. Whether home detention is seen as adequate punishment depends on whether it is accepted that home detention is a minor inconvenience or whether it is seen as onerous, difficult and intrusive as the evidence suggests. If it is less punishing or exacting than a prison term then the question will turn on the appropriate punishment for the offence or offences in question.

If rehabilitation is an essential element of sentencing, and in relation to sentences of less than 18 months, it can be argued that the community has an active interest in reducing recidivism, then home detention certainly places greater emphasis on this element. The Review suggests that home detention can be a very effective rehabilitative tool.

The intensive nature of supervision during home detention effectively means participants will be required to make efforts to address their offending behaviour in the community. Participants can be required to attend counselling and drug and alcohol or lifestyle courses such as Attendance Centre Programs. Participants who are not employed or engaged in child care, can be required to do community service. In the review period, some long term unemployed participants found paid work during their sentence.

Ultimately, the utility of home detention as a form of punishment will depend on the emphasis given to the competing goals of punishment. Parliament is sending conflicting messages in relation to punishment, promoting tougher sentences and yet trying to divert minor offenders to less costly forms of punishment. It is too early for evaluations of the effect of home detention on recidivism or on the gaol population. However the findings of the Review suggest that while home detention is punishing, it can have a positive affect on the lives of offenders.

Conclusion

The introduction of home detention in New South Wales falls squarely into the description of modern penal policy as volatile and contradictory (Bottoms 1983). The Review of the first 18 months of home detention has seen a marked reluctance by the Courts to use home detention to divert minor offenders from the prison system. The low level of use supports the fear that home detention will only serve to widen the social control net by increasing the number of people, convicted or related to convicted offenders, under its control. The scheme appears to be doing little to redress the high rate of incarceration of Indigenous Australians.

While the scheme appears to have had positive rehabilitative effects, its justification seems to arise from the substantial cost savings it generates. Discussions in the Courts do not address the very real questions about the nature of punishment that are raised by the availability of home detention. Home detention, as full time deprivation of liberty, should be a collateral sentence. The failure of the criminal justice system to incorporate home detention is indicative of an unwillingness to question the use of the prison as the ultimate form of punishment and an unwillingness to address the issue of violence, intimidation and degrading punishment within prison walls.

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* The views expressed in this Comment do not represent the views of the Legal Aid Commission.

List of Cases

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Bryne CCA 5 August 1998

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Cartwright (1989) 17 NSWLR 243

Jones (1985) 20 A Crim R 142

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