

JUVENILE JUSTICE: DEBATING THE ISSUES by Fay Gale, Ngaire Naffine and Joy Wundersitz, (eds), North Sydney, Allen and Unwin, 1993, 224pp, \$19.95, ISBN 1 86373 405 8

PRISONS: THE CONTINUING CRISIS IN NSW by David Grant, Leichhardt, Federation Press, 1992, 261pp, \$30.00, ISBN 1 86287 085 3

Juvenile Justice: Debating the Issues is the outcome of a workshop held in Canberra in the early 1990s which involved many of the leading writers on juvenile justice issues in Australia. The workshop was oriented around four issues: philosophical perspectives, policing, informal processing and the courts.

The first two chapters are overviews by Naffine and Wundersitz. Naffine addresses the "justice" and "welfare" models of juvenile justice and places these models in context through consideration of legislative changes in South Australia, Victoria and New South Wales. The most interesting part of this chapter is Naffine's challenge to those who simplistically argue that young people are likely to receive benefits through the exercise of legal rights which are an essential part of a "justice oriented" approach to juvenile justice. Most young people plead guilty and are confronted by a legal system which is hostile and alien. Naffine suggests that a more fruitful approach to reform in juvenile justice is one which protects young people by placing constraints on those agencies dealing with them, rather than expecting young people to stand-up and enforce their rights.

Many of the chapters have direct relevance to current political debates concerning young offenders. Wundersitz reviews the statistics on youth offending during the 1980s in an attempt to answer the question: has there been an increase in juvenile crime? The figures show that rates of intervention by juvenile justice agencies are much the same in 1991 as they were in 1981. However facts do not stand in the way of politics, and our state politicians in particular are always ready to cry loud for harsher penalties for young offenders. Kathy Laster addresses the issue of why this concentration on youth offending resonates so strongly among politicians and the media by analysing the symbolic nature of childhood. She argues that the symbol of the child is frequently the battleground between competing images of the contemporary social order. On the one hand we have the "no Australian child will live in poverty" approach where the promise of childhood is the promise of a just social order. On the other hand we have the images of childhood as being uncivilised, defiant and perverse. In this context, there are demands that young people who commit offences should be treated at least as harshly as adults.

A number of writers draw attention to issues relating to police/youth relations. Alder refers to her research work with homeless young people in Melbourne and analyses the extent of physical and verbal abuse by police of young people. Hancock focuses on six issues in particular: the discriminatory use of the cautioning system, the lack of independent witnesses at police interviews, police use of violence, the use of welfare applications particularly against young women and the policing of young people in public places.

Issues relating to informalism are dealt with in another section of the book. Polk gives an account of the recent history of ideas about "alternatives to coercive justice". He argues that in the 20 years or so since ideas about deinstitutionalisation and decarceration became more popular there have been a number of complicated strands which have emerged — from those who are concerned about the net-widening of the new alternatives to those who argue that rehabilitative treatment programs can work under certain conditions. Barry looks at the South Australian experience of diversion through the use of panels and argues that the data shows that net-widening did occur with the introduction of the panels as an alternative to court appearances. Since Barry's chapter was written the South Australia government has abolished the panels and introduced cautioning and family conferences.

The final section of the book addresses the issue of the Children's courts. Blackmore presents a number of administrative changes which he argues would improve the functioning of the court in relation to young people. Hogan addresses the provocative question of whether there should continue to be a separate Children's court at all if the outcome of the move towards a "justice" approach has seen the Children's Court move closer to the normal functioning of an adult court. Hogan argues that the move towards a "justice" model was not simple nor consistent. The same theme is taken up in Luke's chapter which argues that the changes during the 1980s were not as simple as a dichotomous model of two opposing views of juvenile justice would suggest.

Inevitably there are gaps in a book which is essentially the outcome of a workshop. There could have been greater attention paid to the effects of the system on particular groups of young people such as youth from non-English speaking backgrounds, young women and indigenous young people. Other areas neglected in the book include the use of detention. While some writers indicate there has been a decline in the numbers of young people incarcerated, there is virtually no recognition of the issues affecting those youth who have been deprived of their liberty.

On the surface *Juvenile Justice: Debating the Issues* and *Prisons: The Continuing Crisis in NSW* concern two very different topics, with the latter concentrating on the recent history of adult imprisonment in New South Wales. However there are a number of critical links between the two books relating to how offenders are seen by those in power, to the social characteristics of offenders, and to the role of politics in shaping our criminal justice institutions.

Grant argues that there are basically two competing views on prisoner status: one emphasises citizenship and the rights and obligations of prisoners; the other is essentially punitive and sees the prisoner a person to be punished. There is also a range of factors which determine prison numbers at any one time including legislative intervention, policy changes and policing practices. In other words both the size of the prison population and the policies put in place essentially derive from political decisions.

As for those people who become "prisoners", Grant paints a picture of inmates who are mostly young men, without formal educational qualifications, with low literacy skills, who have probably been imprisoned previously, who are likely to have a drug and alcohol problems, and who are most likely in jail for a property offence. The social characteristics of prisoners provides a backdrop to the later discussions. A major part of the book is concerned with how government has dealt with the issue of prison policy both in terms of prison administration and in the nature and rate of imprisonment from the 1970s to

the early 1990s. Grant discusses the Wran and Unsworth years, however a significant part of the argument concerns the deterioration of prison conditions since the change of government in 1988 and the appointment of Michael Yabsley as the Minister responsible for prisons between 1988 and 1991.

Grant is harshly critical of the "reactionary conservatism" of the period after 1988. He analyses the key legislative and policy changes during the period and discusses their impact on New South Wales prisons. The *Sentencing Act 1989 NSW* is discussed in terms of its impact in increasing the average length of sentences; specific educational programs are shown to have been degraded and stripped of funding either through actual cuts or failure to increase spending to keep up with the rapidly rising prison numbers; compulsory drug testing, the policy on AIDS, the policy on the transfer of juveniles to adult prison, and changes to the Official Visitors Scheme are all analysed in terms of destructive change. Other issues mentioned include prison informers, the increased numbers of prisoners seeking protection, high suicide rates, confiscation of personal property and an unworkable policy on prison escapes. Against this backdrop are widespread riots and disturbances.

One of the more unusual aspects of the book is Grant's discussion of prison architecture. According to the author "prison design is an exercise in material penal philosophy" (p58). The design of prison is integral to the nature and form in which imprisonment is experienced. The notion of what both prisoners and prison officers should be is determined by the arrangement and nature of space. In the light of this argument the design of jails is discussed from the building of Bathurst in the 1880s to Parklea in the 1980s.

Grant concludes his book by looking at prison administration in other Australian and overseas jurisdictions. He argues that those systems which work the best, are the ones going in the opposite direction to where New South Wales has been headed. According to Grant, the best practices for prison administration are those which maintain security and order but also give equal weight to the rights and needs of prisoners, which recognise the status of the prisoner as a citizen and provide incentives and responsibilities.

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