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The Role of Psychologists in the Criminal Justice System

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Edited by
Grant Wardlaw



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THE ROLE OF PSYCHOLOGISTS IN THE
CRIMINAL JUSTICE SYSTEM

26-28 JANUARY 1982

Edited by
Grant Wardlaw

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BEING PROFESSIONAL IN PRISONS ¹

P.N.Priest and J.Piotrowski ²

This paper is not an introspective treatise of two psychologists' views of the profession. The topic of psychology as a profession has been adequately covered by Sheehan (1978). Rather, the aim of the paper is to address itself to the impression of psychologists that non-psychological workers employed within prisons possess, and reflect. By way of an *apologia*, our thoughts are not founded upon any hard data. Rather, they consist of our experiences within correctional settings.

However, we have found that our experiences have been shared by too many colleagues to ignore. We have been interested in their solutions to the problem of establishing psychology as a profession within a prison setting. Our intention is that this paper will provide an outline of a simple strategy for enhancing the professional status of psychologists by broadening the non-psychologist's perception of psychology and, thereby, increasing the opportunities for psychologists to extend their contribution. Although this paper addresses the problem faced by psychologists working within prisons, many of the comments can be generalised to psychologists working within other institutional settings.

The Problem of Inadequate Professional Status - The need to improve the image of psychology as a profession rests on a crucial assumption, which, we presume, we all accept. The assumption is that psychology is an autonomous profession which makes a *unique* contribution to the understanding and control of behaviour. Therefore, psychologists have sufficient knowledge, we would presume, to make crucial decisions affecting the lives of others, for example, assessing and reporting upon behaviour, carrying out psychological therapies, and the clinical and administrative control of special environments. It follows, then, that we wish to advance our profession because we believe that the boundaries of its contribution have not been reached except, perhaps, in isolated instances. To provide a concrete example of this, we can refer to the technology of behaviour modification.

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1. This paper is based on a presentation given to a conference for forensic psychologists held at the Australian Institute of Criminology, Canberra, Australia, January 26-28, 1982. Although the content has been revised the style of the oral presentation has been retained as far as possible.
 2. The opinions expressed in this paper are solely the responsibility of the authors and do not necessarily reflect the views of the South Australian Department of Correctional Services. However, we are indebted to Mr M. Scandrett-Smith, Assistant Director, Treatment Services for his encouragement and critical reading of this paper.

We would argue that the extent of the ethical uses of behaviour modification have yet to be exhausted. We are not alone in the belief that psychologists are not utilised to the limits of their competence.

Gendreau (1979), in a survey of Canadian correctional psychology units, found that 80% of the sample agreed that psychology could make a more significant contribution in the area of corrections than any other single profession. The reason given for the discrepancy between potential and realised contribution is usually that psychology is a new-comer to the professional stage and that other professions do not wish to share the spot-light for fear of being up-staged, or, more good naturedly, are genuinely uncertain how to react to the new-comer. It is probably fair to say that those psychologists who work in correctional settings are aware of both types of attitudes. The upshot of being subject to such attitudes is something akin to a tradition that has been attributed to Aboriginal tribes in former times. If a stranger ventured into the camp, and his genealogy could not be traced back to any of the assembled tribe, the stranger was put to death simply because the tribe could not find a place for him in its complex social structure.

It is not an overstatement to say that a similar apparently primitive, facile and grisly expedient is not beyond legislators and those who draft regulations for the employers of psychologists. Restrictive control over psychologists is manifest at every level, from duty statement to acts of parliament.

In the absence of adequate recognition, psychologists find themselves serving as little more than professional humanitarians, dispensing those psychological therapies that can be carried out within the confines of the psychologist's office. The treatments are usually approved of by the employer because they involve little or no special facilities or equipment and consist, primarily of verbal interactions. Talk is cheap, and innocuous. It would not be overly facetious to suggest that the acceptability of the psychologist within prison settings and departments of correction depends on the extent of the psychologist's desire to intrude into the running of the whole prison environment. The need for intrusiveness however may depend upon the psychologist's theoretical persuasion. Psychologists who favour the verbal psychodynamic and 'insight' approaches to therapy (London, 1964) may have little interest in what occurs to clients outside of the therapeutic hour in the office. Psychodynamicists view the individual as the locus of change rather than the environment. Behaviour therapists who employ individual treatments based upon respondent conditioning may wish to intrude into the workings of an institution only a little more than 'insight' therapists. On the other hand, psychologists who employ behaviour modification (c.f. Franzini and Tilker, 1972 for some distinctions between 'behaviour therapy' and 'behaviour modification') will see direct involvement in planning, policy-making and the day-to-day running of institutions as crucial. Behaviour modifiers require considerable control of the environment in order to effect change and institutional authorities are generally unwilling to give psychologists the required amount of control. It follows that job satisfaction may also be related to the psychologist's theoretical stance, and, consequently, the need for intrusiveness, and the degree of success the

the psychologist has in becoming directly involved in institutional organisation.

Farrington (1980) noted that amongst the significant professional problems facing English prison psychologists was their exclusion from decision-making at the level of institutional management and their relegation to 'adviser' status, and their lack of influence upon parliamentary committees dealing with prison policy. Furthermore he said, 'It is questionable whether the major tasks of prison psychologists have ever been treatment of prisoners' (Farrington, 1980, p.856). This is a startling admission and one which may have currency in parts of Australia. Gendreau (1979) found that 53 per cent of his example reported that 75 per cent to 100 per cent of menial decision-making (for example work hours) which affected psychologists were made by non-psychologists. Thomas and Williams (1977) have noted that 'treatment oriented' approaches to rehabilitation usually do not progress because they generate crises of control and engender antipathy from Prison Officers. We can only agree that psychologists are frequently forced to tailor their programme to institutional demands which are unreasonable and illustrate the failure of psychologists to penetrate into key managerial positions. Adams (1977) and Thomas and Williams (1977) have pointed out the extreme fickleness which exists in the area of correctional policy. Often, promising projects are swept aside in a sudden shift of interest on the part of the public and overly sensitive prison administrators. Unfortunately, as also noted by Thomas and Williams, the change is usually back to what many administrators in prisons only know and do best; repressive control.

Finally, it has been our experience that institutional managers share with prison officers similar attitudes towards psychologists. Knight (1978) has outlined some of the less complimentary attitudes towards correctional psychologists that are harboured by prison officers. In trying to up-grade the profession, psychologists would do well to take note of the impressions held by people such as prison officers.

The problem of how psychologists have tried to fit in to correctional systems can be outlined by describing four models, or approaches, to service delivery. The first three of these, we believe, are useful to varying degrees and represent rational responses to particular features of prison systems. However, we shall propose that the fourth model, whilst not a novel approach, represents the way psychological services in prisons *should go* if they are to have any lasting and important impact. We propose to elaborate on the characteristics and implications of the fourth model and to describe techniques for implementing it by way of a carefully prepared strategy and a handbook.

The work environment a correctional agency presents to employee psychologists is little different today from what it was in 1945 when Raymond Corsini described his work as a psychologist at San Quentin. He complained of role conflict, of conflicting demands made upon his personal and professional involvement, with few conventional rewards,

and 'professional isolation, in a hostile or at least suspicious environment - with petty intrigues, unbending discipline, chicanery, deadening routine, and a general attitude of defeat' (in Brodsky, 1973, p.43).

Faced with such an environment and subjected to role conflict, psychologists have responded in varying ways. These ways reflect three important features about psychological services in prisons. These features are based on evidence drawn from the South Australian prison system, however, discussion with interstate colleagues suggests that this situation is not unique. The first of these features is that prisons, unlike other employers of psychologists such as Health Commissions, Departments of Community Welfare, Youth, or Social Security do not have as a primary objective a service delivery or treatment orientation. Where it has been formally written into the system's objectives, a commitment to treatment usually takes a subordinate place to other goals such as safe custody. What this means for the psychologist whose concern is with utilising his professional training, is that often his clinical work is ignored, his presence and function are not well understood, and he receives few of the usual rewards available to professionals in other settings.

The second factor having a bearing on how a psychologist responds to the setting is the relatively short history of psychologists' involvement in prisons and the consequent lack of established professional identity. Psychologists have only had a presence in South Australian prisons sporadically over the past twenty years. In that time turnover has been high and lack of an established identity or purpose has not made the job attractive for recruiting experienced psychologists. The result has been that prison psychologists have usually been drawn from the ranks of new graduates who have, understandably, treated the job as a preparation for moving to a more congenial work place.

The third feature is the lack of preparation in University-taught psychology courses for work in a prison. Most psychologists are trained to practice in settings such as psychiatric hospitals and community health centres, and whilst comfortable with the functions performed in those settings, are not prepared for the conflicting demands and ethical dilemmas faced in delivering a service within a prison.

Given the sorts of uncertainties and lack of supports from the employer system and the training system as we have just described, there are four ways the psychologist may respond when required to provide a service. We have called these four models or orientations, 'The Private Practitioner', 'The Organisation Supporter', 'The Organisation Challenger', and 'The Autonomous Professional', and whilst they are not intended as descriptions of any particular existing services in this country, we believe anyone acquainted with prison systems will be able to see how readily these models can be adopted by a prison psychologist.

1. The Private Practitioner

This model takes a range of forms wherein the psychologist decides to concentrate his efforts upon providing services to the inmate population in a manner not unlike the self-employed psychologist in the wider community. While fine details in practices may vary, there are two important characteristics of this approach. The first of these is a disinclination to become involved in the running of the institution. In some cases this takes the form of adopting a purely passive role in relation to the prison community, whilst in others the involvement is limited to some assistance to prisoners outside the confines of the office where this is helpful for facilitating the goals of the prisoner. Naturally this model rests more easily with those psychologists whose orientation is intra-psychic, where the aim of intervention is limited to achieving understanding in the prisoner of how development may have produced conflict whose resolution has been sought in criminal conduct or some other worrying symptom. Psychologists of other persuasions may be less likely to assume this stance.

The second characteristic of this model is the maintenance of an exclusive obligation to the prisoner population as client group. The prison is seen as a society in miniature and referred prisoners are treated as clients would be on presenting to an outside clinic. The difficulties that we see with this model are twofold. The first difficulty is perhaps less serious than the second. The first concerns the intrinsic separation from the system and the necessary passive role for the psychologist within it. There is a risk here that the psychologist may end up treating, from his office, only those interesting, entertaining or bizarre clients who turn up, and whose treatment affords some professional satisfaction or professional challenge. The second difficulty arises from the accumulated evidence (Tresler, 1976; Bukstal and Kilman, 1980; Martinson 1974, 1976) that the degrading and destructive features of prison life have a greater impact on the prisoner than does the presence or absence of any counselling programme. The implication is that by limiting his involvement to treating the prisoner via the private practitioner model, the psychologist forgoes the opportunity to change the institutional conditions which produce or maintain distress.

2. The Organisation Supporter

This model describes a solution by the psychologist to conflicting and sometimes unrealistic demands made upon him by prisoners, prison staff, prison management and prisoners' relatives. The solution is to become an 'Organisation man', a supporter of the system who works to achieve the goals of the system. Such a psychologist sees a responsibility to prisoners as secondary to the principal goals of the institution: safe custody and the maintenance of good order. Where prisoners receive psychological attention, it is provided in order to realise institutional goals. Thus intervention may include controlling unruly behaviour, assessing prisoners for various 'housekeeping' and

institutional decision-making purposes, and helping prisoners change their behaviour.

The important feature of this model is a firm commitment about the order of priorities; the needs of the system come first, and other needs are addressed provided these do not conflict with those of the system. James Holland, an operant behaviourist aptly described the contingencies operating in this model in a 1978 paper on behavioural control. He argued that where psychologists identify their purpose with the mission of the institution they become fundamentally and inescapably responsible to Wardens or Bureaux of Corrections and not to the primary recipients of their services, the prisoners. This means that prison management set the goals, define the contingencies, and dispense the reinforcers. The psychologist operating under this model has a clear set of goals and priorities to guide his work, but he performs at the expense of professional honesty. For in supporting policies which may be based on assumptions which are untested, and by not extending the service to treat *inmates as clients*, the psychologist is not true to the ethics of his profession and his training as a scientist.

3. The Organisation Challenger

This model, which can also be called the radical critique of prison systems, has at its core an analysis which shows that prisons and criminal justice systems are oppressive and fraught with injustice through all their stages, including detection, sentencing, and prison treatment. Further that by participating in the work of a prison system the psychologist is lending support to an unjust system and is serving the interests of those in power in a class-based society. The model also implies that such participation by a psychologist serves to perpetuate *a definition of crime* which is recognisably selective from amongst all possible offending behaviour and one which serves class interests. The course of action implied by this model is to challenge the system and actively work for its change, if not its removal. Some psychologists respond to this model by an unremitting alignment with the cause of the prisoner as a victim in a class struggle, others call for metaphorically breaking down the walls, others for literally doing so, whilst others still believe that they ought not to be part of the system so that its own injustices can lead to its downfall. As an analysis we believe the radical critique has much to support it though we do not propose to go into the intricacies of the perspective here. We do want to stress that the radical critique of psychological practice applies with equal force to psychological practice in any other established organisational setting and indeed to the practice of all other professions as well. We do well here to remember the observation by Goldiamond (1978) that a practicing psychologist is always a double agent. His work never affects one client or group in isolation. When a psychologist performs a service his work has three categories of implication: (1) for the client, (that is, the immediate recipient of the service), (2) for the psychologist, and (3) for the social system. Thought it is one

implication of the radical critique, we do not believe that a withdrawal from prisons will be helpful in solving the immediate problems of prisoners within the system (that is, those in the first category), nor do we believe that constant assault on the injustice of the system will lead to much more than frustration, mistrust, and alienation for the psychologist thereby reducing his impact on prisoners and on the system.

We believe that if the psychologist wishes to have a significant and lasting impact on the prison system then the old laboratory dictum 'the pigeon is always right' bears a message worth noting. Prison systems are responsive to their controlling contingencies, as indeed are those who manage prisons, and those who work in them. Psychologists who wish to change prisons need to direct their efforts to changing the behaviour of those (and here we continue the earlier laboratory metaphor) who control the 'dippers', and 'hoppers', and the 'feeders', that is, those who control prison systems. At the same time psychologists should also offer their services to helping those who are trapped within the system. Our view is that prison psychologists can do the greatest good by adopting a model of service which we call the Autonomous Professional. We want now to discuss briefly the nature of this model, and the kinds of activities in which it engages the psychologist.

4. The Autonomous Professional

Much has been written, both good and bad, about the nature and purpose of professionalism. Our discussion of it here will be limited to looking at those features which are commonly accepted (Sheehan, 1978) in definitions of a profession. Four features are usually considered to be important -

- (1) a knowledge base,
- (2) technical skills derived from that knowledge base,
- (3) standards of training,
- (4) a code of professional ethics which includes a service orientation and public accountability.

What this model permits the psychologist to do, is to be most flexible in applying the discipline's knowledge base, research skills, helping techniques, and problem-solving methodology to the problems of crime and imprisonment at a number of levels. Brodsky (1973) has argued that prison systems strive for the attainment of multiple goals, not all of which are always consistent, or of equal importance. The psychologist can work in the prison system as an agent of rational change, solving problems for those caught up in the system, and challenging the system with new solutions when the old ones are inadequate.

The psychologist can be involved in serving different clients with different goals at different times. What he must do though, is conduct his professional service in a manner which is based on the observance of the four features of professionalism described above. By doing this he is answerable to the scientific evidence, accountable to the public, the profession and the law for his practice, and is committed to serving the needs of the client. In return for these standards the model requires that organisations employing psychologists, in this case prisons, afford a high degree of autonomy to their practitioners. The prison cannot expect to *direct* the work of the psychologist to the achievement of say, custodial or security goals. Equally the psychologist following this model will not devote all available time to helping prisoners who are distressed. The model permits intervention in many ways, including influencing the contingencies controlling the behaviour of management. Some examples of various functions and projects deriving from this model will illustrate its scope and give us an idea of its potential impact on the system of which prisons are a part.

The first is an example from Britain. The Home Office Psychology Service has compiled a register of psychological research relevant to management decision making in correctional systems. It is clear that the potential influence of this sort of work is greatest in those areas of policy, and this relates to a great deal of the Australian scene, which are not presently based on best evidence.

Second, psychologists' research skills can be usefully put to work in devising new and more just programme alternatives, such as the work on the new industrial complex at Yatala Labour Prison in South Australia.

Third, the psychologist can work to promote greater rationality and equity in the operation of classification and assessment procedures.

Fourth, the psychologist can influence staff selection and training practices. For example, South Australian psychologists are involved in designing a course to teach crisis intervention skills to senior custodial staff and police officers.

Fifth, the psychologist can be involved in the design and implementation of skills training programmes to prepare prisoners for release into an uncertain vocational and social market place.

Sixth, the psychologist can, as is happening in South Australia, encourage the introduction of prisoner-operated pay phones, an extension of the range of evening activities, and become involved in helping prisoners handle the stress of the prison environment. All of these practices are geared to reducing the negative impact of imprisonment. Having given you the above examples of the types of contributions the autonomous professional may make to helping solve problems at various levels, let us hasten to add that while the model we are advocating offers the greatest opportunities for solving problems of prison systems, of the four models presented it requires the greatest effort

in its implementation. To get it established requires persuading prison staff and prison management to understand what its implications are and what psychologists working within it can be expected to do, and what they should not be expected to do and will not do.

We have set the scene for a discussion of promoting the image of the psychologist as an autonomous profession. Designing a workable model with a wide scope for impact has little point if it cannot be implemented.

Advertising the Profession - In order to illustrate a strategy for constructing an image of the psychologist as an autonomous profession, we have used the terminology of marketing personnel. When it comes to selling something, marketeers usually "tell it how it is". As far as many prison authorities are concerned, psychology is yet another brand of toothpaste on the market of rehabilitative schemes and the authorities need to be convinced that psychology possesses advantages over existing rehabilitative methods.

Three processes of marketing can be described:

1. Identifying the market.
2. Developing Selling Strategies.
3. Describing the product to be sold.

Identifying the market: to whom do we wish to sell the profession?
Market researchers are in the business of ascertaining the selling-power of a commodity. One of the initial steps is to identify a target population to whom the goods are to be sold, and this appears to be a good step in the business of selling psychology. The correctional psychologist needs to communicate to a highly diverse range of occupational groups which vary markedly along several dimensions. It is crucial for the psychologist to identify these variables in order to pitch slogans to the level of the recipient. In delineating the target population, some of the more important dimensions are -

- (a) the job and duties, for example probation/parole officer;
- (b) the length and type of education;
- (c) place in the formal hierarchy; and
- (d) rather loosely, place in the informal hierarchy.

Some individuals, by virtue of special personal qualities, sometimes accrue power to themselves which is disproportionate to their official position. This is a dimension which is more difficult to assess and document than the previous three. It usually emerges as an impression once a psychologist has become 'savy with the system'.

The identifiable population to which the psychologist can market his profession can include -

- (1) Departmental executives who are, usually, more senior in the hierarchy than psychologists.
- (2) Institutional heads and their immediate deputies.
- (3) Prison officers.
- (4) Probation and parole officers.
- (5) Medical officers and ancillary staff, for example, nurses.
- (6) Chaplains.

Obviously, there may be more professional groups but these are the ones which are more familiar. Optimistically, some of these groups for example, probation and parole officers, may already have some kind of conception of what psychologists do.

Developing selling strategies: how do we want to sell our profession?

Psychologists who are employed in an applied setting which is, at worse, hostile to the profession and its aims, and, at best, ignorant of its composition but inquisitive as to its usefulness, can do two things. The first is to create some concept of the profession or what psychologists do by performing some aspect of the psychologist's craft, for example, testing or any of the therapies and making the processes and results public within the applied setting. Such a method for advertising the profession is tried and proven. Psychologists working within alien or uncertain settings have often managed to sway many a sceptic. Psychologists pride themselves on the ability to 'sniff out' unsuccessful procedures from efficacious ones and it is important to extend a respect for proof to other professionals.

Doing things consists of the more overt activities that are *expected* of the psychologist for example, successful treatment of management of programmes for individuals or groups. Effective intervention with an inmate who may not appear to be coping with the institution may serve to confirm the view that psychologists are useful after all. The sort of view thus created may be of the clinician working well to keep the peace within the institution. This is a useful starting point.

Such moves which approximate the private practitioner model do little to expand the conception of what psychology as an autonomous profession is about. If successful interventions lead to an increase in institutional confidence in the psychologist, then an invitation may be forthcoming for psychologists to participate in other areas concerned with the management behaviour which is, after all, what institutions *and* psychologists are about. Invitations such as the one we have just described could provide an opportunity for infiltration, (if we can use that term) into security and assessment committees. However, such an invitation may come only if institutional workers are aware of the *range* of skills within the ambit of the psychologist. Of course, the observation of a portion of the psychologist's behavioural repertoire does not necessarily

constitute a complete picture of the profession. The correctional psychologist's activities may run the gamut from 'band-aid' counselling for the recipients of 'Dear John' letters through more sophisticated therapies to direct involvement in management decisions. Within South Australia we are involved in such activities. We are involved in many servicing functions (Donald, 1970) such as consulting on incentive schemes within prison industries, representation on departmental research committees, and prison officer selection.

Correctional psychologists often publicly lament and lampoon the respect and power commanded by the medical profession. Gendreau (1979) found that a significant proportion of his sample of Canadian psychologists indicated that medical domination was a problem. However, many psychologists, after observing the medical profession and its stature, hold a grudging and private inquisition as to how the medical profession come to acquire the status it enjoys. Practitioners at law enjoy similar esteem. The third of the so-called 'learned professions', theology, no longer enjoys the kudos it once did and I think that perhaps the decline in the respect for the cleric may have been closely correlated with the ascendancy of medicine. Perhaps this was because mere man, painfully aware of the all-too-constant threats to his mortality, and sceptical of his immortality, came to believe that the keys of long life and happiness, if not eternal life in Heaven, were not held by St Peter but rather by the prophets of Aesculapius!

The point of this tortuous and dubious historical explanation is that change in belief systems comes very slowly. The transition of power and credibility from the cleric to the physician has taken nigh on two thousand years. No psychologist can afford to wait that long! There are definite signs in the areas of justice that psychologists are beginning to make their mark and compete with medical opinion. The case of *Jenkins versus the United States* and the resulting successful legal battle waged by psychologists against psychiatrists as to whom was qualified to pronounce on insanity, was a landmark for psychology in the United States (Hoch & Darley, 1962). Unhappily, it seems that the courts in Australia have taken little cognizance of clinical psychology and the unique contribution it can make to legal process (Bartholomew, Badger and Milte, 1977). However, the findings of experimental psychology are beginning to have some impact upon those in a position to amend legal proceedings and law reform in Australia (Kirby, 1978; Thomson, 1980). Efforts have been made to make the legal profession aware of the important implications of behavioural psychology in the management of prisons (Sandford, Tustin and Priest, 1975). Unfortunately, the psychologist working in a correctional setting suffers from the disadvantage that most institutional staff are unlikely to read legal and psychological journals. Our argument so far can be reduced to two points: (1) The psychologist's work on a day-to-day level is insufficient to demonstrate what psychologists are about. Psychologists can communicate only so much of the profession by actually doing it.

(2) The psychologist cannot afford to leave full professional recognition to the mere passage of time.

In order to enhance, and accelerate, the acceptance of psychology within correctional settings, it is incumbent upon psychologists to take the profession to those with whom he/she works. The production of a comprehensive handbook is one vehicle for conveying the essence of the profession. Through years of careful observation we have noted the adage, 'actions speak louder than words', and we feel that it should be amended to, 'actions speak louder than words; except in the public service'. Formal and informal canvassing of senior personnel within departments will invariably elicit the deafening cry for yet another piece of paper! In South Australia we have produced a handbook and the benefits derived from it have persuaded us to write the present paper. However, we intend to focus upon the *concept* of the handbook rather than on our manual. Similar documents have been produced by others (for example, United States Department of Justice) but it is clear that a handbook should be tailored to meet local conditions. The contents of a handbook might embrace the following areas:

1. A brief history of psychology within correctional settings. Such a history may clarify for the non-psychologist the evolution and nature of correctional psychology.
2. A statement of the philosophy of the particular psychology unit. This is important in circumscribing the boundaries of the profession *as the psychologist sees it*.
3. Any legal constraints, privileges, etc. which control the conduct of psychologists. Often psychologists themselves are ignorant of their rights and it is, thus, not surprising that non-psychologists may attempt to 'railroad' psychologists into positions which are legally unacceptable.
4. Most national psychological organisations produce codes of ethics and it is important that this be conveyed to other prison staff (cf. Piotrowski, 1979).
5. Reproduction of departmental regulations as they affect psychologists. This will inform any in-coming staff who are thus spared some of the embarrassment associated with learning by mistakes.
6. A description of the *informal* channels of communication which are never documented but which expedite the psychologist's functioning within the institution.

Points 1 to 6 might be aligned along a continuum of the general to the parochial. This can be related back to identifying the target population. A senior custodial officer may not be so concerned with the legal points of psychological practice. However, the officer may be impressed by the psychologist's awareness of the complexities of

working within an institution. In other words, a handbook should provide an opportunity for readers at all levels to sample the scope of the profession. The slant of the handbook is crucial to its acceptance by non-psychologists. It may be valuable to write the handbook *as though* it were intended for the psychologists' own benefit. This may force the authors to confront their own problems, and to set down what they are about! Another important reason for orientating the handbook towards oneself is that non-psychologists cannot be offended, or put off, by a document which seems *not* to be written for them, but for psychologists. In effect, the intention might be that the non-psychologist reader will absorb the material, vicariously, as a bystander, without the feeling that he/she is the subject of a sermon.

It has been our experience that the production of a handbook can create a number of favourable spin-offs. In undertaking research for the handbook departmental officials may have to unearth old documents, consult rule books, etc. This may have the effect of making people aware of memory distortions, 'rules de jour', and so on. Outside agencies, for example the judiciary, may also be interested in and informed by a handbook.

The success of the document in fulfilling the ultimate aim of informing others of our profession, enhancing our status and extending our influence, will be difficult to assess. Attempts to gauge its effectiveness can come only after considerable exposure and will consist of the probing of persons occupying critical positions within the Department. More tangible indices of change may emerge with time. Other branches of our department are considering documents of a similar type. Sheehan has said that one feature of a good profession is its social concern. In the same breath, he says, 'no profession should aggrandise itself beyond the point necessary for its giving the best possible service' (Sheehan, 1978, p.320). In promoting the strategy of a handbook, we have been acutely aware of the fine line that can exist between misrepresenting the competence and range of skills of psychologists, and underselling ourselves. On balance, we feel that for too long, psychologists have given themselves away much too cheaply.

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THE PSYCHOLOGIST'S ROLE IN MAINTAINING EXISTING
FUNCTIONS AND PURPOSES OF CORRECTIONAL
INSTITUTIONS, OR IN ALTERING THEM

M. Hart

INTRODUCTION

The Vinson era in New South Wales prisons has come and gone. In 2½ short, but troubled years, the New South Wales System went through what could be called massive upheaval. It is questionable whether, in organisational terms, it really underwent any effective, long-term change as a system.

For all Dr Vinson's determination, courage and vision, it is difficult to point to reforms which are now more than skin-deep in the system. A recent article in the Departmental newsletter listed many of the changes successfully implemented by the New South Wales Corrective Services Commission during Dr Vinson's leadership. Without going into too much detail, these included:

- Contact visits in all prisons.
- Reduction of mail censorship.
- Phone calls for prisoners (supervised, limited).
- New sewerage and electricity supplies to prisoners' cells.
- New kitchens in some prisons.
- Grievances ('Problems and Needs') Committees.
- Extension of time out of cells in some gaols.
- Legal representation for inmates accused of 'inside' offences.
- New wing in Women's Prison.
- 'New' women's minimum security prison.
- Provisions for mothers with babies to have their babies with them during their sentence.
- Improvements in security equipment, procedures and training.

In terms of what each of the other States has done since 1979, none of these reforms are radical in a penological sense. In fact, Victoria alone had contact visiting in all prisons by 1976 and gave a commitment to phase out censoring in 1979. Since 1977, Victoria has also had properly constituted, *external* court hearings for prisoners charged with inside offences, rather than a visiting justice system, which is still operating in New South Wales.

Although Dr Vinson became known as a soft liner, a radical and a reformer, *he* claims that the most controversial and significant reform he managed to have introduced was the Special Care Unit at Long Bay.

Dr Vinson's claim is significant in the sense that this was the principal *structural* reform achieved in his period.

There are many reasons for suggesting that, ultimately, structural reforms alone will be significant in prison reform. Primarily, structural reforms can be more effective than other changes, because they do not just tack new duties or routines onto the conventional wisdom. Rather, they *revolutionise* that conventional wisdom.

In the case of prison reform, the fundamental assumptions, and the conventional wisdom, regarding how a prison should be managed, *must* be changed, if prisons are to become more humane, and importantly, safer, for staff, prisoners and society. Psychologists can have a significant role in the production of these changes.

I would like to attempt, in this paper to outline the main reasons behind the need for structural reform, and relate these to the work and the role of the prison psychologist. The concepts developed in systems theory, and applied by various psychologists and social scientists, will be used in this analysis.

The Need for Structural Change, and What It Consists Of - Thomas Kuhn (1970) in his work, *The Structure of Scientific Revolutions*, outlined the nature of progress in the physical sciences as being based *not* on incremental steps in knowledge, but on *revolutions* in it. The history portrayed in the standard, scientific text book attempts to show that scientific progress is a result of adding refinements to basic knowledge and thereby building a whole edifice of scientific theory on the basic facts which were established much earlier.

However, as Kuhn pointed out, the historians were at a loss to explain the 'advances' that occurred in, for example, the shift from Newtonian mechanics to Einstein's theory of relativity, simply because one grew not from an extension of the other, but from a *refutation* of it as a basic causal model in physics. Kuhn in fact quotes Einstein's remarks about the State of scientific research which had been based on Newton's model:

'It was as if the ground had been pulled from under one, with no firm foundation to be seen anywhere, upon which one could have built.'

Kuhn refers to the 'crisis' state which emerges, as the existing body of theory and belief, to which scientific researchers have become committed, begins to reveal its inability to account for new evidence and phenomena arising during research. It is at this point,

Kuhn asserts, that a revolution is necessary. He characterises this revolution as a 'reconstruction of the field from new fundamentals ... that changes some of the most elementary theoretical generalisations as well as many of its paradigm methods and applications When the transition is complete, the profession will have changed its view of the field, its method, and its goals'.

Kuhn's rather dialectical view of development in the arena of scientific knowledge has been paralleled by writers whose work has been influential in some areas of psychological theory.

George Kelly (1955) in his postulations of the theory of personal constructs, set out what he called the 'Experience' Corollary⁽¹⁾. The import of this corollary is identical with the basis on which some other major developmental theories in psychology have been constructed, either implicitly or explicitly. Kelly believed that a person's whole construct system becomes changed as he/she successively contrives the replication of events. Freud had always postulated the dynamic nature of the personality and maintained that the thrust of psychoanalysis was to 'free' the energies in the ID which had become cathected to static symbols.

Piaget (1970) invoked the notion that consciousness arises when action is frustrated, throwing the organism into a creative state which aims to resolve the contradiction that inevitably arises during the sub-process of assimilation (changing what comes in to suit the existing structures). The internal structures are found to be wanting and are changed, (accommodation) creating a new *system* as it were, which Piaget claims is now capable of not only comprehending and processing the previously unacceptable, specific information, but *all* cases of information in that particular class of information.

In Von Bertalanffy's (1968) concepts of General Systems Theory each of Kuhn, Kelly and Piaget are describing the fundamental processes of open-systems. Wilden (1974) has argued convincingly that Freud never postulated more than a closed-system, but the significant point, germane to each of these important psychological theorists, is that development in a psychological system is achieved through a succession of *revolutions* within the system itself. There is no evidence, when a systems theory analysis is invoked to describe a psychological or *social* system of some kind, that suggests increments in elements of knowledge lead to any real *system* differentiation, whereas there is always evidence that the level of knowledge has increased when the system *qua* system undergoes differentiation, or revolution, in its structure.

Increments in knowledge in a social system can be most usefully conceptualised as variations in *form*, rather than as differentiation of the system's overall *structure*. The structure of a system is determined by the basic principles governing the relationships of elements. The form is determined by the particular functions, content or expression of the elements themselves.

Kelly's theory is most enlightening here. His notions of a personal construct *system* are different from his notions of a personal construct. The system is not simply the sum of its parts. It cannot be adequately described by simply listing all the constructs within it, if they *could* be listed. The pattern within the web of relationships between the constructs is the key to an appropriate description of a personal construct system, whereas the *functions* and *content* of the individual construct give the appropriate description of that construct. Kelly talks about the 'regnancy' of constructs to elaborate their relationships and about such features as pre-emptiveness propositionality to elaborate their form.

Just as these distinctions and system concepts of 'form' and 'structure', and 'increment' and 'revolution', are useful in elucidating principles of development with Piaget, social and intellectual functioning with Kelly, social and affective functioning with Freud and development of scientific knowledge for Kuhn, they have been useful in the field of cybernetics for distinguishing between programming and user languages, and in organisational theory.

It is to their application in this latter field which I now wish to turn, before I believe I can develop a good case for the role of the psychologist within a corrective services organisation.

Bertrand De Jouvenel conceives what he calls 'structural certainties'. For Jouvenel, in social organisations, these are the legally prescribed and traditionally reinforced events which become ordered into the social life of a society, or organisation. He goes on to assert that human behaviour can be predicted from such structural certainties.

Sociologists have utilised an analogous concept in their term 'institutionalised behaviour' which has been developed from successive analyses of social systems. Institutionalised behaviour is definable in terms of the prescribed norms, modes of conformity and the limits of legitimate deviation from such institutional norms, which are allowed by the system.

De Jouvenel provides us with an abstract, structural analysis of the laws of relationships in organisations, and sociologists have provided a more functional analysis of how the relationships are effected in practise.

Both analyses are helpful. De Jouvenel suggests we should focus on the givens, the sacrosanct (Watson, 1966), the unquestionables, the fundamental assumptions (Kuhn) which must not be violated within the organisation, if we are to understand the nature of the organisational system and predict its stability.

Organisational stability is a function, in this sense, of the *commitment* of its members to these structural certainties, and the effective *resistance* they can mount to change agents who challenge them.

The sociologists suggest that a functional analysis of system member's behaviour can give the key to these levels of commitment and resistance.

Both the concepts of 'structural certainties' and 'institutionalised behaviour' are illustrative of structural qualities of a social organisation. If one is seeking to establish a revolution, *these* particular structural qualities in the system must become the target.

Defining the targets precisely is a matter for some empirical investigation. So also, however, is the development of a strategy for effectively intervening in the normal processes of the social system, to bring about the state of paradigm crisis (Kuhn), or frustration which leads to action (Piaget) or negative entropy (Von Bertalanffy) which will lead to the revolution that ushers in the *new* structural certainties.

These analyses, I believe, could have helped Tony Vinson establish earlier the most efficient method for implementing more widespread and effective *structural* changes during his term as Chairman. An analysis of the structural certainties in the Department, and development of an appropriate strategy to undermine these, are now left to those who have remained. Dr Vinson successfully analysed and challenged a number of the sacrosanct assumptions prison officers made before the Royal Commission and gained some ground before the political backlash (internal and external to the Department) rendered his position untenable. More still needs to be done to change the total system.

The Role Of Psychologists in Identifying Structural Certainties - Psychologists, by virtue of their role, their training and their tools of trade, are in the best position of all correctional employees to undertake these analyses; and to provide a viable, alternative paradigm for the management of prisoners and prisons.

If we follow the advice of Watson (1966), we will attend to both *organisational* and *personological* variables in these analyses.

Personological Variables - The investigation of modal personality patterns of both staff and prisoners fosters understanding of the level of commitment, and types of commitments likely to be made. We know, for example, that prisoners have exhibited, as a group, significant differences from the general population in scores on the F scale, showing more authoritarianism, and in scores on the C.P.I. (RE-lower, SO-lower, SC-lower and TO-lower), showing a depression of intrapersonal adjustment, which affects their authority relationships.

My own studies of prison officers has not compared them with the general population, but with people joining the Community Welfare Services Department in Victoria as youth officers (see Table 1). There were differences in the means of the two groups in age (P/Os younger), level of education (P/Os less educated), previous occupation level (P/Os lower), CPI PY scale, (psychological mindedness,

TABLE ONE

RAW SCORE MEANS FOR PRISON OFFICERS (N.S.W.) & YOUTH OFFICERS (VIC.) ON DEMOGRAPHIC & PERSONALITY SCALES

Variable Description	TOTAL POSSIBLE SCORE	Prison Officers-	Prison Officers-	Youth
		General Discipline N = 188	Special Care Unit N = 12	Officers N = 68
Age	60	29.7	37	33.8
Level of Education	12	4 (4th Year High School)	5.3 (5th Yr. High School)	5.1 (5th Yr. High School)
Previous Occupation Status	8	3.4 (Semi Skilled Trade)	4.3 (Skilled Trade/ Clerical)	4.7 (Skilled Trade/ Clerical)
CPI RE (RESPONSIBILITY)	42	26.1	29.6	26.3
CPI PY (PSYCHOLOGICAL MINDEDNESS)	22	10.7	12.4	12.8
CPI FX (FLEXIBILITY)	22	8.1	11	13.3
FIRO-B IE (FUNDAMENTAL INTERPERSONAL RELATIONS ORIENTATION-BEHAVIOUR: (SCHUTZ) INCLUSION EXPRESSED)	9	4.2	4.7	4.9
FIRO-B IW (INCLUSION WANTED)	9	2.4	2.0	2.7
FIRO-B CE (CONTROL EXPRESSED)	9	2.8	2.7	3.4
FIRO-B CW (CONTROL WANTED)	9	2.6	2.8	3.6
FIRO-B AE (AFFECTION EXPRESSED)	9	3.1	4.1	4.3
FIRO-B AW (AFFECTION WANTED)	9	3.9	5.3	4.4
DOGMATISM (ROKEACH 1960)	280	161	130	135
MORAL REASONING (KOHLBERG)	600	384	470	466

P/Os lower), CPI FX scale, (Flexibility, P/Os less flexible), FIRO-B control (P/Os lower), FIRO-B affection (P/Os less affectionate), Dogmatism (P/Os more dogmatic) and moral reasoning (P/Os at lower level of moral development). Research conducted while working with the New South Wales Corrective Services Department showed prison officer applicants to include far less of the upper range proportion of the population on the WL-WQ-IQ measure, and far more of the three lowest stanine groups. Research on the C.P.I. shows prison officers joining salesmen, young delinquents, psychiatric patients and machine operators in their very poor scores on FX relative to the general population (see Table 2).

TABLE 2

Raw Score Means For Male Prison Officers, Salesmen,
Machine Operators, Young Delinquents and Psychiatric
Patients on C.P.I. Flexibility Scale

Sample	N	Mean Score	STD Deviation
Salesmen	85	6.9	3.1
Young Delinquents	142	7.9	3.1
Psychiatric Clinic Patients	100	7.9	4.2
Machine Operators	105	7.8	3.4
Prison Officers		7.9	3.8

We could infer with some certainty, from the mixing of a group of people (prisoners) who have problems adjusting and relating to authority, with a group who are relatively inflexible, less insightful, more dogmatic, less warm and more rule oriented in their judgment of behaviour (officers) that the attempts of the latter group to assert control over the former would generate a rigid, rule-bound, judgmental, coercive, but chaotic organisational system. This system should be almost devoid of concern for the individual, display a preoccupation with conformity, but manifest an inability to structure control systems rationally. Officers, in view of their FIRO-B control scores, neither desire to control (in the leadership sense) nor to be controlled (that is, they do not wish to be held accountable to superiors for what they do, nor have supervisors make decisions for them). This explains the notion of chaos just referred to. The alienation of the individual

officer from the control systems and from organisation managers is predicted from this personality mode. The industrial strife in the New South Wales System, extensive use of sick-leave and other staff management problems, also begin to make more sense, in this light.

What can be done to change the system, is less obvious. However, the effectiveness of changes will rely on these personological variables being taken into account. The ability of prisoners to fit into the changes is similarly dependent on *their* predominant personological patterns.

Psychologists can play a crucial role in the gathering of group data on prisoners. The standard classification testing programmes they develop could significantly contribute to social (as well as individual) psychological data becoming available on prisoners as a group. Analysis, by the computer facilities available to corrective services departments (through University research connections or other Public Service departments) could identify 'natural' empirical groupings of prisoners with personality modalities which predispose them to certain 'treatment' groups or to small, experimental prison units. Psychologists could design a number of experimental units which would suit these various personality modalities. The aim of these units would be to facilitate the better management of, and more positive responses from, the various types of prisoners, during their incarceration.

Alternatively, psychologists could devise, and help select prisoners according to personality models which fit new situations or units, established by others in the Department.

Since psychologists also have some training in research methodology, they should constantly be evaluating their success in predicting the performance of certain prisoners in these new prisons or units. As such, they can be instrumental in maximising the success of these new units initially by selecting those prisoners with the least resistance to or highest probability of success in the new programmes.

Organisational Variables - Psychologists in prison systems are also in a unique position, and usually possess the appropriate skills, to assess the organisational variables which define the elements of structural certainties. Their participation with prisoners, officers and managers on a daily, or frequent basis, in committees, training courses etc. allows effective participant observer and informal data gathering activities to be conducted.

Data relating to the conformity to norms, the predominant, sacrosanct assumptions actually in operation and the limits of legitimate deviation from these, should not be too difficult to gather if a concerted effort is attempted by a group of psychologists, operating in concert, over a period of about a year.

These data could be used to design an appropriate strategy for change (revolution in fact, in this case). It is important to recognise that this strategy should aim to change the fundamental assumptions which not only officers make about prisoners, but which prisoners make about officers, management makes about both and both make about managers.

A further and final advantage psychologists have in their role is that of a voice of authority on human behaviour. Regardless of the negative perception of psychologists which seems to abound amongst prison officers, they are attributed by prison officers to have knowledge about human behaviour, such that a psychologist's predictions about what will work and what won't with some prisoners, is usually unquestioned. They are therefore in a unique position to justify their recommendation to establish, or send prisoners to, a new, or different part of the system set up to (supposedly?) deal with particular problems, or particular types of prisoners. Let me illustrate by a real example.

The surprising thing about the Special Care Unit in Long Bay is that the *reasons* for referring a prisoner there are never questioned. At any one time there are more referrals and applicants than officers in the unit can process. However, the modus operandi of that unit, is anathema to prison officers generally. Because it is a therapeutic community, it goes against all the fundamental assumptions officers make about prison management. As such a basic ambivalence exists towards the unit. A few officers only deny the need for it, but the large majority simply cannot tolerate the ways in which patterns of relationships between prisoners and officers in that unit differ from the norms which operate in normal discipline.

If I were to speculate on the nature and genesis of this attitude, I would suggest the following:

Officers do not question the *validity* of practices which operate in that therapeutic community, nor the utility of sending violent, depressed, suicidal or emotionally disturbed prisoners there. They harbour, however, a deep probably insitutionalised assumption, (a 'structural certainty') that 'crims' are 'crims' and can never be trusted, they would not change no matter how you treat them, and you can not afford to treat them like 'normal' people, because a 'crim' will only use this against you somehow in the long run.

Officers in normal discipline do not deny the fact that there are far less prisoner management problems in that unit, despite the problem-biased group it attracts. They are cynical, saying that it works because it is 'soft' or because 'the crims run it', as if this in itself is stupid, taboo or whatever. The majority of New South Wales Prison Officers seem to simply overlook the facts that the Special Care Unit is a maximum security unit, it still keeps prisoners in there, that there is no

violence, few rule violations and that each day seems to run smoothly, with far less problems per prisoner than in the normal gaol situation

In short the assumptions which are behind the officers' cynicism about the unit have nothing to do with whether or not it works in *fact*. They are rooted in affect, rather than logic. They comprise what I believe to be the most deeply rooted structural certainties in the current system, for this reason. I believe further research would identify two sacrosanct assumptions:

- (1) That prisoners are of a certain, fundamentally untrustworthy nature and will always try to get the upper hand.
- (2) That officers need to stay in complete power and control, or the system will somehow irretrievably break down and officers will suffer accordingly. No facts, logic or evidence to the contrary can be valid or invalid.

If officers consider hard evidence at all, they still believe it simply is a matter of time until all the evidence will change in line with (1) and (2).

Prisoners also harbour basic assumptions that have the character of 'structural certainties' which need to be identified and changed.

Prisoners who were queried about whether they would like to go into the unit, before it was opened, harboured a paranoia that it was just another 'bashing shop', or a 'nut-factory' where hypodermics, strait jackets and 'mind-screwing' would be used. Some of these sacrosanct assumptions have been broken down amongst prisoners.

Today, entry to the unit is still voluntary, and the barriers have been lowered some considerable way as prisoners have heard reports about the unit from others who have been in there.

Management also has its structural certainties which must be identified. The New South Wales Corrective Services Commission, despite the enthusiasm generated by Dr Vinson towards the unit initially, has become ambivalent about it. The old assumptions that they, the managers, must be able to dictate which prisoners are moved where, has caused a number of enormous political battles to be instigated by the Superintendent of the unit, as he tried to defend the unit's charter to make its own decisions as a community. The unit has now been on the verge of takeover and closure by the Commission no less than three times in its 9 months of operation.

Each time external people were appealed to in order to gain the political support that would have been embarrassing to the Commission and the ex-Minister to go against. Only in people like Dr Vinson, and others committed to reform, did the Special Care Unit find strong, unflinching support against the attacks of managers and prison officers who were steeped in the structural certainties, the sacrosanct assumptions of the existing system.

The Psychologist's Dilemma - Apart from a few psychologists who have been involved with the unit's training programme, or in running therapy groups for it, very little overt support has come from New South Wales forensic psychologists as the supposed behavioural experts in the system. Yet, who should know better than psychologists that you cannot increase a sense of responsibility by removing a person's ability to make their own decisions, you cannot increase the incidence of desirable behaviour by the application of punishment alone, you cannot increase a person's self-confidence or assertiveness by forcing him or her to conform to an institutional regime, you cannot teach a person social skills by isolating them from a normal social environment, and you cannot re-endow a person with a real sense of the dignity and worth of their own, and all other, human life, if you constantly belittle, blame, despise, mistrust, ignore or ill-treat them?

As the behavioural experts in the system, psychologists have been surprisingly quiet in both their critique of the existing system, and their advocacy of more efficient methods of managing prisoners.

This however, is not surprising. Nowhere more so than in prisons, do the social questions which surround the aims of imprisonment, and the pressure of the bureaucracy not to rock the boat, weigh more heavily on persons who have chosen psychology as their profession. And nowhere, I believe, is the responsibility of the professional, who can see things the way they really are in the system, greater.

It is true of course that if you attack the sacrosanct assumptions, if you attempt, as an individual, to find a chink in the system's structures which will pull it down, the self-regulating processes the system develops will in turn attack you. That may in fact be the price of true progress. The individual psychologist must decide to either settle into the system as it is and become effective, functioning counsellor, advocate for prisoners, testing and diagnostic technician, group facilitator and report writer, OR look at what is there in the system that flies in the face of psychological theory, and attempt to construct or support some rational alternatives to it.

Support, by classification or selection of the most suitable prisoners, and research which refines the classification and selection function, or the practices of the new units themselves, will be vital for the success of these alternatives to the existing practices. No less

important, however, are -

- (a) direct involvement in the programmes of these new units;
- (b) the selection and training of staff for them;
- (c) the personal support of their leaders in times of battles with management and prison officers;
- (d) the lobbying for political support for these new concepts in the community; and
- (e) the indoctrination of existing staff, through psychologists involving themselves in training courses, in support of the principles and practices operating in the new units.

I repeat, a personal decision about what the aims of imprisonment are is the responsibility of every prison psychologist. A personal decision to jeopardise one's career and identify and challenge the system's structured certainties, must also be taken. However, no psychologist can deny the considerable body of psychological theory and evidence which suggests that, in the majority of cases, imprisonment does *not* lead to the reduction of criminal behaviour in the incarcerated. More importantly, the ways in which offenders are treated and managed in prisons more probably vitiates their attitudes and behaviour further, rather than improving them.

According to their personal, value-based decisions as to the aims of imprisonment, psychologists can choose to work within the existing system and do their best, or actively challenge, or undermine the conventional wisdom, advocating, developing or supporting alternatives to the structures as they are.

What Are Viable Alternatives Or Structures? - Finally, the question of what structure alternative assumptions, philosophy and practices might take must be given some consideration. Not all psychologists would agree on the various specific models which have been developed as experimental units. There is also not the room here to review the literature on alternative structures, which range from small therapeutic communities such as the Special Care Unit, to large, 'unit' management regimes as adopted by the Federal Prison System in the United States of America. Suffice to say that there is a common denominator which defines fairly accurately the differences between the structures of the existing system in Australia and the alternatives which are both developing here and have been developed overseas already.

Ironically, these differences were foreshadowed in the literature as long ago as 1960, when Erving Goffman wrote *ASYLUMS* and Richard McLeery wrote 'The Governmental Process and Informal Social Control'² Goffman characterised the 'domain assumptions' of the 'total institution' and McLeery highlighted the operation of total institution principles in prisons as the custodial' model. Both described a rigid differentiation between the identities of inmate and officer, in

the prison situation. Both refer to the informal control processes that staff allow prisoners to operate, and note that these were consciously designed to set inmate against inmate and thereby reinforce the will of the staff through a system of injustice and bribery. Goffman noted in particular the degradation, or will-breaking process prisoners go through on entry into the total institution. He called this the self-mortification process, and speculated that it was necessary to allow the total institution to reimpose a new self-concept on the inmate which was compliant and dependent, and which cut the emotional investment in the normal processes and roles the inmate fulfilled in the outside world. Anyone who visits the remand yards in Pentridge even today might be excused for thinking that Goffman was being too kind to the system in his assumptions about what the system needs to do to orient new prisoners. No theory in this world which justifies, or even simply attempts to explain, the existence of the barbarous conditions in those yards in terms of their functional utility to the organisation, can be accepted any longer.

There is no credence, in terms of the research evidence into management which has accumulated over the past 20 years, in an organisational structure which still 'manages' people by degrading them with open showers and open toilets in the open air in front of up to 100 other people who are crowded into the same confined, unsanitary and unsheltered cage.

There was no psychological or sociological theory which could justify the bashing at Grafton, as a 'management' procedure, in 1976⁽³⁾, given what organizational psychologists had available to them in the way of management alternatives. That bashing simply had to go.

Similarly, there is no psychological theory or organisational management theory which can now justify the coercion, the mistrust, the repression, the bullying, the dependency, the indiscriminate, or at least, arbitrary movement between gaols, the censorship, the sensory and emotional deprivation, the meaningless routine, the meaningless work and the largely sub-standard housing conditions which are still imposed on prisoners in the majority of Australia's prisons today. In the light of penological history, it is indeed surprising that there is such strong commitment to this existing, unjustifiable system.

When Alexander Maconochie took over Norfolk Island on March 6, 1840, it was the worst, most degrading penal colony in the British system. Only those labelled as 'irreclaimables' were dumped there. The visiting priest actually reported to him that conditions were so bad that those who received last-minute reprieves from the executions carried out there, wept with sorrow at the prospect of continuing to live and the doomed who did *not* receive reprieves, frequently gave thanks.

In his four years there, before he was sacked by the British Administrators, Maconochie had completely turned that colony around. A Governor's visit to the island in 1843 found it to be a place where

'good order' prevailed, and the 'demeanour of prisoners was respectful and 'quiet'. Maconochie himself said it had been transformed from a 'brutal hell' to 'a peaceful, well ordered community'. Of the 920 irreclaimables who were discharged from the Island in Maconochie's time, only 20 were reconvicted, and only 3 per cent of the total 1450 discharged under his management were found to have any later record.

Maconochie's 'secret'? ... A system of prisoner *self-management* which recognised their human worth and their potential, permitted them control over their own destiny and encouraged personal responsibility for their actions. Although we might not agree with his self-determined sentence or 'mark' system for working, he left us the assurance of some basic facts. The management of human beings, if it is based on a fundamental respect for them *as* human beings with individual needs, should have a higher probability of achieving desirable responses, than a management system based on a view that they are a lesser version of the species.

The literature is full of similar examples of those prisons which have restructured their organisational system along these different assumptions, and achieved success in terms of safer, quieter and more humane prisons.

To name only a few:

PAST

Norfolk Island		1840
Osborne's 'Mutual Welfare League'	- New York State	1913
	- Sing Sing	1914
	- Elmira Reformatory	1915
Elliot Studt's C Unit	- Deuel Vocation Institution - California	1960
Niantic Correctional Centre	- Connecticut	1970

CURRENT

Alcohol Treatment Unit	- Leavenworth Penitentiary Kansas
Barlinnie Special Unit	- Scotland
Grendon Underwood Prison	- England
Herstedvester	- Denmark

All of these are/have been based on participatory management principles, where prisoners have shared the responsibilities for decision-making with staff, but, in particular, have had a large influence on what happens to themselves.

All of these prisons and the dozen of therapeutic communities which have been established in prisons since 1948, after the work of Maxwell Jones, have had battles with the 'normal' system, of which they were only one unit. Some notable ones have survived, many have not. The impetus they have produced as management models have lead the entire correctional systems of Denmark and Holland to adopt these principles almost universally, and the Federal Prison System of the United States of America to convert to a unit-management system over the last twenty years. New 40 out of its 42 prisons operate on that model. Prisoner participation is not formally recognised as yet in that system, but it is certainly possible, and it certainly occurs.

New South Wales has recently had some exciting, spontaneous developments in utilising participatory management by prisoners. A special protection unit was set up by some inmates and staff in the Metropolitan Remand Centre at Long Bay, late in 1980. That unit is still healthy and running well, with staff (of that unit) claiming it is the best thing they have seen in their many years in the system.

Mary Reiby House, the maximum security unit of the Mulawa Women's Prison, was so bad in its effects on the inmates, that the Commission closed it last year. They were forced to reopen it to segregate the heavy females out from the 'normal' environment earlier this year, and found it was once again becoming unmanageable. With the help of the Superintendent of the Special Care Unit, it has been re-staffed and re-programmed to include participatory management. It is currently functioning better than the rest of Mulawa prison and is the cleanest it has ever been, with staff/inmate relationships going way beyond expectations in terms of cooperation and mutual respect. Even a conservative Commissioner who visited there recently remarked on the dramatic turn-around, stating he found prisoners and staff all 'sweetness and light', with the unit looking the best it ever has and the prisoners the most helpful.

Bathurst gaol will be the important project for New South Wales, however. Superintendent Gerry Hay and projects officer Doug Sutton will have a real battle to prove that an *entire*, rebuilt maximum security prison can be run successfully on a participation model of management, where the prisoner is extended as many rights as he could earn in the outside community in response to accepting as much responsibility as possible.

The new Canning Vale Prison in Western Australia, like Parklea in New South Wales, will be operating on a small unit living basis, but as yet, neither are programmed to include participatory management specifically. They could be, with the right pressure.

Australia, I believe, is at the cross roads in its prison system. The most rational concepts of management and organisational effectiveness worked out over the years in normal commercial and bureaucratic organisations have been tried and proven⁽⁴⁾. They are now *almost* realisable as management models for *entire* prison systems. But the prison systems still need that final push. The old structural

certainties which characterise a 'total institution' oriented system are still prevalent. These structural certainties must be identified, challenged and abandoned, if the promising new paradigm is to emerge.

Psychologists can be at the forefront of this paradigm revolution. Research on selection and classification procedures for staff and prisoners, to these new units, will be of fundamental importance. Involvement in the unit's programmes, staff training and staff support, community lobbying and indoctrination of new, and any old officers in the normal system who will listen, will also be important.

The decision to be a part of it, is yours. But make no mistake, the revolution, is *now!*

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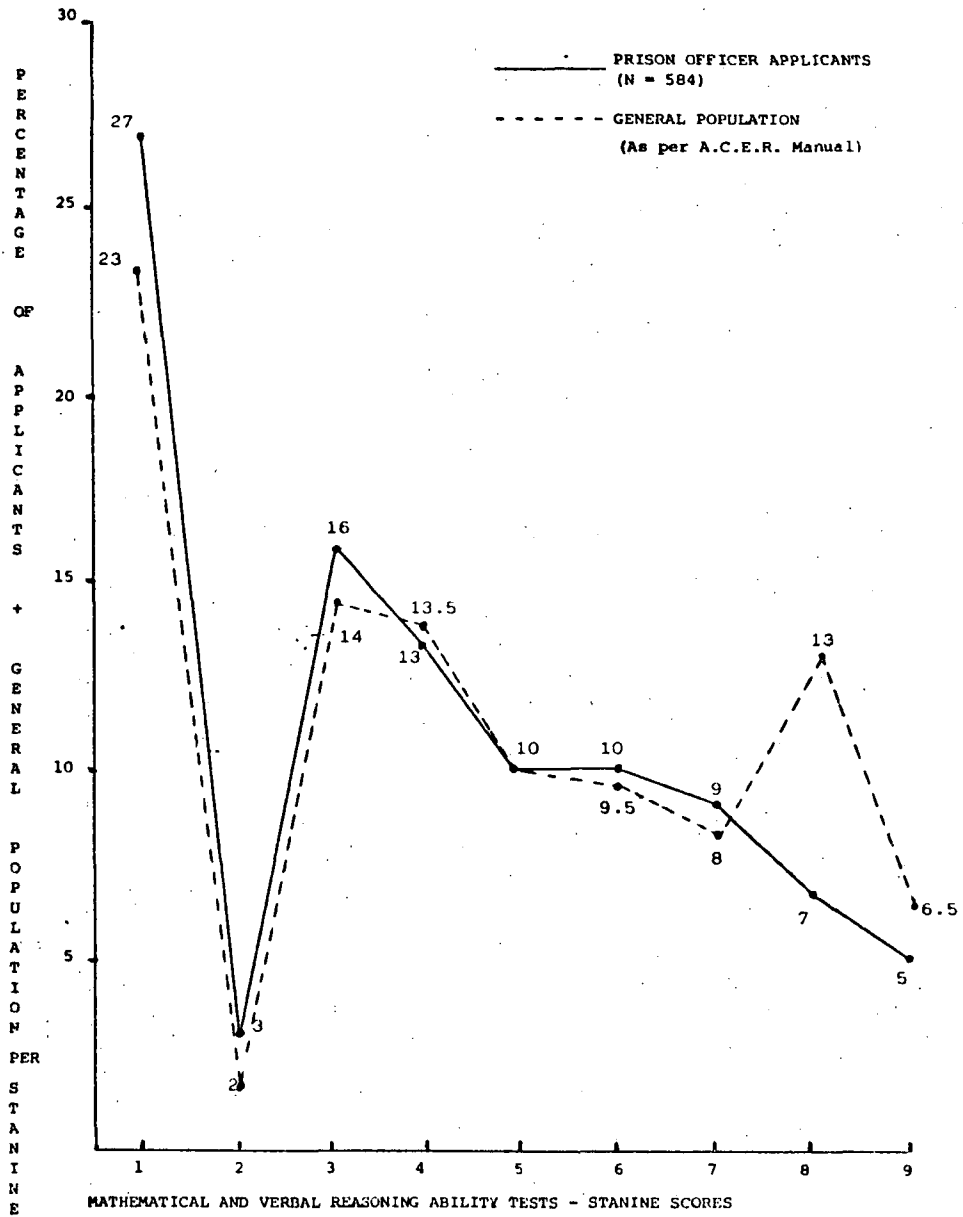
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Figure 1
MATHEMATICAL AND VERBAL REASONING ABILITY TEST :
COMPARISON OF PRISON OFFICER APPLICANTS DISTRIBUTION
WITH THE GENERAL POPULATION
(NOVEMBER 1980 - JULY 1981)



PLANNING A NEW PRISON : AN EXAMINATION OF
PROCESS AND THE SEARCH FOR A
PHILOSOPHY

P.J. Dunlop

INTRODUCTION

The title given to this paper in the draft programme was 'Planning a New Corrective Establishment'. In the tradition of all good paper givers, I wish from the outset to disown the title so that there is no confusion about where I stand. I believe the choice of the words one uses is critical as they convey much more than their literal meaning. In particular, they convey a complex set of attitudes, beliefs and values. Although these attitudes and beliefs most commonly remain submerged, they still have the capacity to constrain or expand one's thinking in subtle ways. Whether they do one or the other depends upon whether they accurately describe 'what is'. In this case, the offending words appear in the term 'Corrective Establishment'. No doubt the title would be appropriate for a paper on how to set up an organisation to make a quid out of marking examinations. But that is not what I propose to discuss today.

Imprisonment, in my view, is not about correction nor is it about rehabilitation. It is about the enforcement of loss of liberty, and it always has been.

If anyone wishes to dispute that, my response is: 'The whole point of establishing universities, colleges of advanced education and institutes of technology is to enable groups of like minded people to get together with each other and with those of greater wisdom and experience to learn some art, science or skill. We do the same for criminals through imprisonment and then quite perversely want to call it corrective or rehabilitative, and are bemused when it does not work.' My short answer to the frequently asked question, 'What must we do to rehabilitate offenders?' 'Do not send them to prison'. (1)

The official title of this paper is therefore: 'Planning a New Prison: An Examination of Process and the Search for a Philosophy'. Before starting on the paper proper, I want to spend a few minutes talking about the last Australian Institute of Criminology Conference for Criminal Psychologists (1976), what has happened to me since and what is happening to me now. I suppose in the jargon of some psychologists, this means I am about to share with you where I am coming from, where I am at, and what I am getting into.

THE PREPARATION

I remember the last conference well. It was an extraordinarily emotional and intense affair, where head-on clashes between different factions provided the ever present threat of disintegration and the fulfilment of a fantasy in which psychologists who had come together for comfort and support ended up tearing each other to pieces. I know it gave Col Bevan (Assistant Director(Training), Australian Institute of Criminology) more than a few anxious moments wondering what he would tell his bosses if the show ended in disaster. (As supporting evidence, I cite the fact that it has taken five and a half years for him to recover sufficiently to risk another venture of its kind.)

In retrospect, I can see that the intensity, the passion, the reluctance to compromise, the politicking, and the insane willingness to do plain hard work way into the night, reflected a kind of desperation verging on despair. It was the kind of desperation which is invariably associated with extreme anxiety and carries with it the potential for destructiveness of suicidal proportions. As I see it now, the source of this lay in the fact that, by a small margin, the majority of participants, including me, were psychologists working within prisons. At that time, we were shell-shocked and anguished. We had been sent to the front line with minimal instructions and discovered with dismay that the troops already there not only didn't want us, but were positively hostile. They saw us as agents in league with the enemy. Naturally enough, they were suspicious and resentful.

Like all new soldiers at their first taste of action, we had also discovered that being on the front line is a bitter and painful experience. We found that men there survive on their wits and are surprisingly unimpressed by the subtleties of rational thought and logic, let alone psychological theories or research data. The old soldiers knew their game well. Their objective was clear. Survival is what it is all about, and to do that, you must hold on to every bit of territory you have, concede nothing and try to gain a little more each day. Moreover, they had the advantage of knowing all the lanes, the by-ways, and back alleys, as well as all the tricks by which you gain and hold power.

We had also discovered some other things. The most important of these was that whenever we got into trouble or difficulties, which was not hard, the generals seemed to have forgotten why they had sent us in the first place, or even that they had. (It is a most bewildering experience when at times of trouble you find your bosses talking about you not as a man they sent out to do a job, but as something akin to a cockroach which had sneaked through the cracks in the walls and should not really have been there at all.)

As a consequence, we came to the conference feeling very much alone, unsupported and vulnerable in a hostile and dangerous world, controlled by people who spoke a different language and whose values and attitudes seemed the antithesis of those we held to be true.

Our overriding preoccupation and emotional energy therefore was bound up with the question of how to survive. And our hope was to find support, understanding, and a collective solution with our peers. It was therefore something of a shock to discover there was little consensus upon even where to begin, let alone where we should go.

There were three main factions. One was telling us we had it all wrong. Our client was the system, not prisoners. No wonder we were having so much trouble. The second also thought us ignorant, although in a different way. They held the abolitionist view and were generally unsympathetic to any notion of working in prisons at all, unless it was for the specific purpose of bringing about their destruction. In their gentler moments, they kindly advised us to get out while we could, and let the destruction take place on its own. (It's strange how this essentially Marxist view can be sustained in some, despite the experiences of such places as Attica, Goulburn and Bathurst Prisons.)

The third faction was of course us, the prison psychologists. A group too confused and lost to speak with the confidence and clarity of the other two. We also felt a bit guilty about having become so absorbed in the daily crises of prisons and prisoners, that our knowledge of the literature and theories of imprisonment was appallingly poor.

What we had in common was a personal attachment to prisoners and some staff, and the experience of sharing daily their extraordinary pain and suffering, and occasional joy. There was no way we could turn our backs and abandon them now, but we had to find a way of surviving.

There is no doubt the views of the other two factions provided solutions to our problems. There is also no doubt that much of what they said is true. The destructiveness of imprisonment as seen by the abolitionists is undeniable, so is its role in preserving the interests of 'the agents of control'. It is also difficult to argue against the view from the other end of the spectrum that the system pays us, therefore, we must work for it. And, it is impossible to reject their view that changing the system depends upon being able to influence those who hold power within it.

But neither solution was acceptable, both were policies of abandonment. Further, we had had enough experience to be frightened of being swallowed whole if we conceded to working for the system on its terms.

Thus, pressed from both sides, we arrived somewhat desperately at a different type of solution entirely. This solution in essence reflected a modification of our objective, from survival to survival with our integrity, if not our livelihoods, intact. In the context of the conference, it reflected a shift from seeking guidance from the various analyses of imprisonment to finding strength and clarity in the values and ethics of our profession itself. Thus, for me the most important parts of the report on our last conference are those which relate to the ethical aspects of working within prisons and the criminal justice system. I say this because to me these provide a hard edge against which one might judge one's actions and find direction when lost.

They represent something strong and substantial, something which provides sustenance, support and a sense of solidarity through even the most bitter experiences.

In short, it was the articulation of the beliefs, values and attitudes contained within our professional ethics in the specific context of prisons and the criminal justice system as a whole which made that conference important to me. It was that which has enabled me in the years since to keep working in prisons in the belief that it is possible to do so and still remain human and whole. It was an experience like hanging from a ledge on a cliff and at last finding a firm foot-hold from which you can recommence the ascent.

It is interesting that it was these parts of the report which raised more than a few eyebrows at a subsequent Ministerial Conference.⁽³⁾ But I guess that says something about the reluctance to share power and mistrust of an alien race. Paradoxically, the effects of these statements upon the prison psychologists I know has been the opposite to what might have been expected. Instead of retreating further into the enclave of seeing prisoners alone as their 'clients', psychologists, in the West at least, were invigorated by the sense of at last having some firm ground beneath their feet and began to move more comfortably in prisons. With less anxiety, we were able to see things which hitherto had passed unnoticed or had been seen in a different way. We were, for example, able to see more clearly than before, that it is not just prisoners and their families for whom imprisonment brings heart-ache, frustration and fear. We could see that these and other feelings were shared by everyone who risked becoming involved, especially those most close to the action, namely uniformed staff, their chiefs and prison administrators.

Slowly the old and simple order in which the goodies wore white hats (or beards or skirts) and the baddies black, gave way. There first emerged all the various shades of grey. Then colours began to appear, different shapes formed and problems took on different hues. As we stand now, the picture is still unstable with some ghosts from the past and periodic flickering back to black and white, especially in bad weather. But we have seen enough to recognise that whatever imprisonment is about, it is about people. People who, regardless of which uniform they wear and there are many more than two, are trying to contend with the issues of power and responsibility amidst pressures from all sides and without any clear and positive sense of direction. People who are in much the same situation as we were prior to that conference in 1976.

As this vision grew, our actions began to change. In particular, we gradually became better able to hear staff. As we heard them, we listened more and began to understand the stresses they experienced and how this led them to act in ways which previously we had abhorred. In turn, this led us to recognise that there were services we could and should provide to staff and administrators. Moreover, we found this could be done without betraying the confidence and trust of prisoners. We were thus able, in small ways at first, to contribute

to our prisons becoming more human and more caring.

The first steps were tentative and cautious on both sides. Gradually the trust has grown, and with this, a mutual understanding and respect which once was unimaginable. As a consequence, in the last few years, our role has expanded well beyond our former, almost sole, pre-occupation with prisoners. Through that process, we have also learnt that whilst psychology does have a lot to offer, it is by no means the repository of all truth. We have already learnt much from the uniformed staff and their superintendents, especially those with many years experience, and still have more to learn. Perhaps the most important of these lessons has been to recognise that the process of imprisonment has left staff as much as prisoners, feeling forgotten, devalued and uncared for. It is this awareness which has led us to become involved in, among other things, the stress workshops discussed by Bob Fitzgerald.⁽⁴⁾ It is also this and the other awarenesses to which I have referred which informed and shaped my thinking throughout my involvement in prison planning.

My first experience of prison planning was on a committee established to design a medical/psychiatric prison. This was also my first experience of planning a prison which I hoped would never be built. I had a much more disturbing experience of the same kind recently when I attended meetings almost weekly for 18 months as a member of the Planning Committee for a special maximum security prison, similar in concept to Jika Jika in Pentridge. It is an experience I never wish to repeat. Like the frog climbing out of a well, the more I attempted to ascend, the further I slipped down. Towards the end, I hardly dared to move at all. I was at the bottom, with quicksand under my feet and the ever present threat of suffocation. It was a dark and lonely place: the concept of men controlling men through computers and machines, no matter how nice you make it sound, is a nightmare of Kafkaesque proportions in which the machines and technology inevitably end up controlling all.

The experience of Paremaremo in New Zealand should have been enough to teach us that. It also should have left us with an unequivocal commitment to prison management based upon direct face to face contact between staff and prisoners because, even if this contact is bad, it has the powerful saving grace of being human.

Fortunately, the plans for both the special maximum and the medical/psychiatric prisons have been shelved and the Department is currently reviewing alternative proposals for replacing Fremantle Prison: a prison which was found 'unfit for human habitation' by a Royal Commission as long ago as 1898.

What I propose to discuss in the remainder of this paper reflects in part understandings developed whilst working on those two committees, and whilst being involved at a lesser level in the architectural design of three other prisons which our Department has recently built. More than anything else, however, it is based upon work I have done between April and December last year, in conjunction with Egon Sievers

and George Miethe as a full-time member of the Management and Organisational Planning Committee in preparation for the opening of a 250 bed medium security prison at Canning Vale. Both Egon and George started with the Department as prison officers in the mid-1960s. At the time of our involvement on the Planning Committee, they held the positions of Superintendent, Karnet Prison⁽⁵⁾ and Assistant Superintendent, Fremantle Prison⁽⁶⁾ respectively. They are two of the finest men I have ever worked with. They are men of great wisdom, intelligence and vision, but most of all, men of extraordinary human sensitivity. Much of what I have to say I owe to them.

Since there are so many different things which could be said about both the architectural design and operational planning of a prison, I have had to place some limits. I have therefore excluded discussion of architecture almost completely and focussed upon two issues. The first of these is the importance and nature of the planning process. The second is the search for the philosophy of a new prison. Before commencing, however, it must be said that whilst the discussion centres on operational planning, it is equally relevant to architectural design. In fact, I now believe that the operational planning and physical design of a prison should take place together prior to the first brick being laid. If they do not, conflict between the design and management philosophies is inevitable.

THE IMPORTANCE AND NATURE OF THE PLANNING PROCESS

Two of the purposes of planning are to anticipate events and to learn from experience. It must be said that the ability to anticipate is not a generally acknowledged strength of most Prisons Departments, unless one is prepared to accept their ability to predict that something will go wrong, sometime, soon as evidence of this. Most lurch from crisis to crisis and even then work on the principle of all men to the pumps, rather than in a planned and organised fashion.

Our Department is no exception. It has, however, in recent times shown some capacity to learn from experience and, in particular, from mistakes. Through this, the habit is gradually being broken.

The mistake which had had most impact is the failure of our new Remand Centre which opened two years ago. Ever since, we have been puzzling about what went wrong. Why do remand prisoners prefer to be at Fremantle? Why have staff, who at the outset were enthusiastic and humane, become tense and rigid and more security minded than they were at Fremantle in 1972, just after the riots? Why are disciplinary charges so high and letters to the Ombudsman so frequent? Why have there been more attempted escapes of remand prisoners than in the previous ten years or so? The list could go on and on. Medication rates, demands upon psychological, social work and welfare services, assaults, sick leave and almost every other indicator of ill-health and discontent are high. And, this is at a small, new modern, well-equipped prison with daily contact visits and adequate legal and welfare services. Where did it all go wrong?

Many answers have been offered, most seeking to blame one group or another; the architects, staff, prisoners, the administration. Almost everyone has received a mention except, I am happy to say, psychologists who, not so long ago, were the professional and always available scapegoats.

The simple answer, of course, is that the failure of the remand prison represents a failure in planning. (7) For that, we are all culpable in varying degrees. It is an understandable failure in some ways. It was our first new prison for more than ten years and the only one ever specifically designed for remand. We did not even half way appreciate or understand in advance a lot of things, including:

- (a) the significance of the remand status of prisoners and the special management issues this imposes;
- (b) the importance of some seemingly trivial aspects of prisoners' routines;
- (c) the difficulties staff would have adjusting to and exploiting in a positive way the characteristics of a totally new prison design concept;
- (d) the importance of the selection of staff, particularly senior staff; and
- (e) the need to develop a detailed and comprehensive training and induction programme for everyone concerned prior to receiving prisoners.

All these were thought about a bit. But none of those involved, not even the most outspoken, fully comprehended the enormity of the task. The cause of this was basically that hitherton, remand prisoners had blended well with their sentenced brothers under the same roof and regime. So we never really saw them clearly. Nor did we really understand the new prison well enough or the likely reactions of staff and prisoners to it.

We learnt from this mistake, As a direct consequence, the Canning Vale Prison Planning Committee, to which I have referred, was established at the beginning of April last year. Construction was then almost complete. The prison was due to open about January this year. That is, we had about nine months to plan and train staff before receiving prisoners. It is fortunate that staffing delays have extended the receival date to May, as there is no way we could have been ready by now.

I believe that what has been said about the remand prison is sufficient to illustrate the importance of planning. Therefore, I could justly say right now 'I rest my case'. But there is one more thing I would like to add; something which, unlike the rest, I could not have said twelve months ago. That is, the importance of planning committees for new prisons is not so much that they allow time to detail procedures, design programmes, arrange provisions and develop organisational and

management plans. Their real importance is made of the same stuff as marriage. It gives you time to get to know your partner in every detail; and that partner is not merely a set of buildings, but the alive, active, peopled prison of your imagination. To do that you need to see her from every angle, but most of all, you must be able to anticipate her wants, desires, responses and reactions, and know her limitations and her strengths, until in the end she becomes part of you right to the bone. To do that you need time.

This relationship between planners and their prison has many implications. However, I will mention but a few:

- (a) Those involved in planning must be totally committed to it. Divorce or infidelity are not on.
- (b) The planners must also be the implementers. Otherwise it is like one man doing the courting for another man's marriage.
- (c) Just as parents have ultimately to trust the judgement of their children in their choice of marriage partners, those who appoint a planning committee must grant it autonomy within broad specified limits, and when the chips are down, trust its judgements against their own. For, without undertaking the courtship themselves, there is no way they can fully understand the basis or significance of the judgements made.
- (d) Induction and training programmes for staff of a new prison must include significant and real (as distinct from cosmetic) opportunities to contribute to the planning. This is not simply to elicit a sense of commitment and ownership, but also because it is through acting upon and interacting with the prison that the living relationship begins to form.
- (e) When attempting to communicate with others about their work, it is important for planning committees to recognise that the difficulties experienced are akin to those which occur when trying to describe one's spouse or a close friend. The important matters to be conveyed are essentially felt and intuitive things which flow, as it were, from knowing the whole person of the prison and the relationships between its parts. The problem can be alleviated but never completely overcome, by introducing the recipient to the prison itself.

In summary, the importance of planning for a new prison lies in the need to have a group of people who are committed to understanding and knowing the living prison in all its detail. The process of doing this is the same as that applicable to forming an intimate and close relationship. In other words, the first role of a planning committee for a new prison is to get to know and court their bride to be. The second is the engagement period where they introduce her to family and friends and

hope like hell they like her. The third and final stage is the consummation of the marriage. This is when the prisoners arrive. At that point, there is no way back - it really is for better or for worse. Perhaps the most one can hope for is to at least have a happy honeymoon.

THE SEARCH FOR A PHILOSOPHY

In the preceding section, the gender I have made the prison is female. This is because prisons embrace, enclose, feed, clothe and protect their occupants. So symbolically, they are inevitably women and to prisoners - mothers. For most people, prisons are not consciously associated with female traits. If anything, because they mostly house men, they tend to be identified with masculine characteristics, albeit of a brutal kind.

This fact caused me some difficulties for a time. The problem was resolved, however, but a colleague from another department - Lynn Clayton. She explained in psychoanalytic terms the connection between the primitive bad mother, the primitive super ego and the law.⁽⁸⁾ The reason for the apparent contradiction then became clear. Unconsciously, traditional prisons are the external representation of the primitive, punitive, judgemental, controlling and rejecting bad mother, for even bad mothers clothe and feed, albeit in a smothering way. I share this insight because, if it is thought through, many of the puzzling aspects of prisons, prisoners and their staff begin to make more sense. For example, the compulsive, symbolic plugging in to the good mum, namely the bottle, upon release or after work, and the fact that the remorse of prisoners has much more to do with primitive shame than guilt.

Thus far, I have described the relationship between a planning committee and its prison as being that of a suitor to his bride. Like all metaphors, it has been useful for highlighting some aspects of the process. But for shots from different angles, other metaphors are required. Ultimately, the only action which captures something fully is the experience of the thing itself.

To discuss the development of the philosophy for a new prison, the more appropriate image is that of parent and child. There is no doubt that the three of us did view the prison as our child. We started with a set of buildings which had fixed genetic traits. Our job was to add and shape the living side of this. We had to bring the prison to an identity and character of its own so that it could achieve its full potential.

The process of doing this was very much like that of bringing up a child. We had to get to know its capabilities and its limitations. In doing that we were frequently surprised by potentialities which we had not seen before, and at other times discovered that we had been pressing it too hard. There were some things that it could not do, regardless of our desires. Thus, the ideas that emerged from our planning were not just ideas imposed on the prison, but slowly evolved through us acting upon it and it upon us.

We saw from the outset that, if the prison was to achieve its potential, we would have to develop plans which would enable it to operate in a fully integrated way, with all its component parts pulling in the same direction and with the same rhythm.

We also knew that to achieve this we had to establish a clear reference point from which all actions and decisions flowed. We had heard that this was called the philosophy. It was a term which had achieved some prominence within the Department in recent times, but like the lost city of Atlantis, everyone could tell of its importance, but no-one could tell us what it looked like, or where to find it. So in its absence we took a practical approach and hoped we might stumble upon it on the way.

This began as a personal exercise in which each of us described what we hoped the new prison would be like and what characteristics we did not want in it. So we bought a ream of butcher's paper, Texta colours and Blue Tac, put up the prison's plans, and began our work.

On the first few sheets, we listed every single operation and activity, whether great or small, which formed part of the daily life of any prison. We then began to relate these to the physical prison itself and, as we did so, we made further lists. These contained concrete statements of what we wanted and what we wanted to avoid. From these we extracted themes until, gradually, the prison became alive. We could feel its rhythm and its pulse. It was awkward and jerky at first like a one year old child trying to walk. We could see prisoners and staff going to work and play. But most of all, we could see their faces. We watched them smile, get tense and frown. Each time this latter occurred, we went back and tried again until their bodies were all relaxed and energy entered their bones.

From this emerged an essential core, which at the time seemed like Ayer's Rock in a dawning sky. It was something solid and spectacular in its simplicity, at the centre-point of all; the first statement of our philosophy. It was as follows:

'The overriding objective is to create a management style and atmosphere throughout the prison in every aspect of its operations and activities which gives recognition to the aspirations, hopes and fears of all staff, prisoners and their families, and as far as possible within the constraints of security and good order, offsets the destructive effects of imprisonment and provides staff and prisoners with opportunities for self-improvement, self-determination and self-expression.'

While that somewhat gawky statement has since undergone a myriad of transformations and does not appear anywhere in our final report, I do think it expresses our collective personal views better than anything else we have written. We used to condense it by paraphrasing Alexander Dubcek and calling it a concept of 'imprisonment with a human face'.

We thought this the end of the search for the philosophy and turned our attention to other things such as the organisational structure and staffing. Little did we know that it was merely the first step along a painful journey which continued until the day the report was submitted. We kept feeling that, although it seemed to have the solidity and substance of Ayer's Rock, it was fragile and vulnerable. It was hanging in the air without clear support from all those that mattered: the community, the Government, the Department, penologists, staff or prisoners. (We were a little more confident about the latter two.) That anxiety remained until we 'bit the bullet' and set out from our almost comfortable oasis in another search for the lost city.

The first leg was short. We had already tested the details of our plans against the Department's policy statement of Principles and Objectives for the Management of Prisoners. They fitted well - yet the nervousness still remained. There was no equivalent statement regarding staff or the relationship of prisons to the community. Still, we thought we could handle that.

So Egon and George forged ahead doing rosters, job descriptions and studying the hardware of the place: heating, lighting, cooling, electric locks, alarms, keys, pumps, machines ... the list is endless. In the meantime, I worried. I was supposed to be writing up the philosophy as we had developed it. But the nightmare of Ayer's Rock suspended in space continued.

The principles and objectives for all their power and beauty did not grow from a solid base, and other bogies appeared. No-one really knew what security and good order meant. Where does the Prisons Act fit in? What about management theory?

So we picked up our bags and reluctantly started out again. All that we could see now was desert and night was beginning to fall. Where is the report? How much longer will it take? The Director was nervous too.

I could describe that trek in detail, but Elliot has done it much better in 'The Journey of the Magi', only for us 'finding the place; ... was (you may say)' a little more than just 'satisfactory'. It was an enormous relief - but we were too tired to throw a party.

There is just one significant event on the journey which should be recorded here, because I doubt if the two men concerned are aware of their contribution, and yet theirs was the most important of all. It happened like this.

The two full-time prison chaplains, Dick Gwilt and Father George Ryan, wanted to look over the prison. Whilst being escorted around, they persisted with lots of questions. Most were difficult to answer and some impossible, especially for a pagan like me. But one above all stayed with me. It was 'What is the Department's concept of Man?'. .

This question stayed with me because every answer I gave, they rejected. With each rejection, the sense of foreboding that some central and essential idea was missing from our views became more powerful. I felt foolish and exposed. What was the missing link? I had thought we had covered everything.

We had realised long before that, at the core of all negative and dehumanising things in prisons, were the related concepts of prisoners as criminals and officers as 'screws'. We had realised that these two foci led to the belief that the criminal impulses of prisoners were so powerful and intractable that they needed constant suppression and control. We had realised that this belief and the notion that imprisonment must be harsh was at the root of the philosophy of the traditional prison system. We had realised that these beliefs in turn had forced a management system upon prison staff in which their position was little better than that of the prisoners, and that it required the ignoring of ordinary human feelings and an overriding preoccupation with discipline and control. We had realised that rehabilitation theory was a benign form of the same philosophy because, whatever else it did, it still emphasised the criminal in the prisoner at the expense of other aspects of his humanity; and, in particular, his capacity for responsibility and his power of self-determination. We had realised that the failure of rehabilitation philosophy in prisons was due to this and to its associated failure to incorporate an adequate account of the custodial aspects of imprisonment. We had realised that the only way to produce the prison of our dreams was to devise a system and style of managing staff and prisoners which was grounded in an appreciation and understanding of all aspects of their humanity. We had realised all this and much more. Yet the priest's simple question threw me.

It cut deep into the heart of our problem - the problem that our theories, thoughts, aims and objectives had no firm and unassailable foundation.

Then one day it clicked. The secret lay in understanding why the chaplains' vision of their role always seemed so clear and strong. The secret is: their view of prisoners and staff stems from their belief that the human person is of intrinsic worth and value, regardless of what he has done.

This very same belief is the cornerstone of our society's value system. If you take that away, the whole fabric of the law, and particularly criminal law, disintegrates.

Suddenly, all was clear. I now understood why we had been having so much trouble, despite the thoroughness of our search. Throughout the planning, we had been acting on the basis of this belief. We had said over and over again about so many things that what we wanted was to ensure that prisoners and staff were treated like 'human beings'. But we had not understood the significance of what we were saying, or where it came from.

I now also understood something that had nagged me for years. I had always found the expressions 'humane containment', 'humane treatment' and 'humane conditions' inadequate. I have always seen them as in some way equivalent to the attitude of the R.S.P.C.A. towards animals. The chaplains' value is made of much sturdier and stronger stuff.

The path was now clear. All we had to do was walk along it slowly and record what we saw. This task was also easier, because we had visited many of the important places before when we were wandering about lost, searching and burdened down. This time, we had spring in our feet - the fog had lifted, and we saw much more.

I am not going to describe what we saw. That is recorded in our report. I do, however, wish to return briefly to the image of the parent and the child.

One of the extraordinary things about one's children is that they can enormously expand one's understanding of all the important issues of life just by being what they are. Similarly, the committee's child, the prison, worked on us simply by having within its structure the capacity for providing almost all that is necessary for it to become a totally human place. By being that, it opened our minds and imaginations to a vast range of possibilities. If those possibilities had not been there, we would probably never have got into searching for its soul: a philosophy which would do it justice. If we had not done that we would have failed to uncover some of the most fundamental issues of imprisonment. The child prison indeed taught its planning parents well.

So well in fact that it was not until we wrote the last page of our report, and that happened to be the preface, that we fully understood what we had been trying to do all along. That was to develop plans based upon 'an understanding of imprisonment which is compatible with all that our culture holds to be valuable about the human person'.⁽⁹⁾ That is imprisonment not only 'with a human face', but with a human heart and soul as well.

CONCLUSION

To conclude, I will say two sets of things. The first is of particular relevance to psychologists in the field of criminal justice. The second relates to the future of prison planning.

PSYCHOLOGISTS

At our conference in 1976, the foothold which gave us strength and a sense of security was not a psychological theory or research data. It was the articulation of the values contained within our professional ethics. Similarly, the foundation stone of the prison's philosophy turned out to be a value; namely, the value we place upon the human person. It is this same value which lies at the base of our actions as psychologists. How else can we justify to the rest of society our

willingness to give so much time, energy, knowledge and skill to the service of those who break its laws, sometimes in the most terrible ways. How else can we reconcile within ourselves our feelings of abhorrence for what some of these men and women do, with our caring about them. Judged by their actions alone, they do not deserve such caring, nor do they deserve the protection of our professional ethics.

The value we give them, the so-called criminals, is the same value we give members of the community when we feel responsible to do what we can to protect them from the actions of such men and women. We should therefore place the same value upon the other men and women involved in the administration of justice and criminal law: the judges, the magistrates, the police and prison officers. If we did that, we would be less ready to condemn them when they falter, whilst grappling with the enormous and difficult responsibility of exercising the power and authority given to them by society. If we did that, we would be more caring towards them and more willing to make available to them our knowledge and skills as psychologists.

This has been done in a small way at the present conference. I believe we can do much more. Moreover, I believe that if we fail in this we will never achieve the changes we hope for in the courts, in police actions and procedures, and in those of prison officers and officials. We will fail in this unless we approach these groups with the same sort of patience and openness that we do our clients and with the humility to acknowledge that we know far less than they about their work and its difficulties.

My role on the planning committee was not one of attempting to get my pet psychological theory implemented in the new prison. It was one of listening as carefully as I could to all that Egon and George had to say about their experience in managing prisons, prisoners and staff. After hearing, I then tried to understand, make inferences and reformulate what we had discussed in a manner relevant to the planning task, and a language acceptable to us all. I was then able to write down and organise our collective thoughts in a form which would communicate to others. To do these things, I had to draw upon all the knowledge and skills gained from my training and experience as a psychologist - the abilities to listen, to understand the mainsprings of human behaviour, to draw inferences, to articulate thoughts and feelings, and to write. (10)

As a result of this experience, it has become clear to me that we psychologists have a lot more than theories and research findings to offer others closely involved in the criminal justice system. We will only be able to do this if we are able to hear them, care about them and value their work. We will do that if we make available to them all of our skills, and in particular our ability to understand and articulate their vital concerns. If we do that they, in turn, are much more likely to value us.

THE FUTURE OF PRISON PLANNING

One of my fears in writing this paper and making the Committee's report available is that someone might misunderstand what I have said. That is, that someone might be tempted to adopt ideas from them without going through the process I have described. As I said earlier in the paper, the only action which fully captures something is the experience of the thing itself.

My counsel therefore to anyone who wishes to make a significant contribution to such a project is to think long and hard before you do. The decision you are contemplating is to undertake a journey which is every bit as painful as that described by Elliot in 'The Journey of the Magi'. Sometimes, it feels more like 'The Waste Land' with all its confusion and despair. To take that journey requires an unequivocal and total commitment to see it through to the end.

So the decision is the same as one you make when you decide to get married and to have a child. There is no way back. It is impossible to be a little pregnant.

Finally: we are at the crossroads in prison planning. In almost every State, plans are currently being considered for the building and opening of new prisons. This presents an extraordinary challenge and a heavy responsibility. We are in the process of shaping the pattern of life in prisons for both staff and prisoners for the next hundred years or more.

It alarms me, as I look around, that this responsibility is being treated by some so lightly. As yet, there has not even been a National Conference on Prison Planning. To be successful in this venture, we cannot afford to be led astray by parochialism, paranoia or commitment to ideologies. We must plan with open minds. We must use every resource available. But most of all, we must be determined to ensure that the future face of imprisonment is not pock-marked and scarred unnecessarily by our failure to learn the lessons of the past, to learn from what we and others know now and to learn from what our imaginations say can be.

NOTES

1. This does leave the problem of where self-improvement, rehabilitation and reform fit in. As I see it, they are statements of hope rather than objectives. The furthest one can go is to provide such opportunities. The decision to take advantage of these rests with the prisoner.
2. Veno, Arthur (ed.): The psychologist in criminal justice - an Australian perspective. Report on Training Programme No.21, Australian Institute of Criminology, Canberra, 1978.
3. Conference of Ministers in Charge of Prisons, Probation and Parole, Broome, 1979.
4. See paper in this volume by Dr Robert E. Fitzgerald, 'Management of Occupational Stress in Prison Officers'.
5. Karnet Prison is a prison farm about 40 miles from Perth.
6. Fremantle Prison is our main maximum security prison which houses 450-550 prisoners.
7. Several attempts have been made to rectify the problems at the prison. These have to a large extent proved ineffective. Shortly before writing this paper, however, significant changes were made within it. This, hopefully, heralds the start of a planned approach to bringing the prison back to its original concept.
8. Psychologists with behavioural leanings may be interested to know that it is possible to translate the concepts 'primitive bad mother', 'primitive super ego' and 'unconscious symbolism' into cognitive behavioural terms. Bob Fitzgerald and I succeeded in a discussion whilst waiting for a plane. It took two hours.
9. Sievers, E., Miethe, G. and Dunlop, P. The organisational and management planning for Canning Vale Prison, Department of Corrections, Perth, Western Australia, 1981, (Preface).
10. After the Conference, I showed the paper to George Miethe. He agreed that it was an accurate account of our shared journey except for this paragraph. He said I had under-rated my contribution. Strangely, my concern throughout the paper was that I had failed to communicate the depth of my indebtedness to George and Egon. Upon reflection, I think both our feelings reflect the strength of the bond and affection which developed between the three of us and the impossibility of expressing this and what we learned from each other in words

MANAGEMENT OF OCCUPATIONAL STRESS IN PRISON OFFICERS

R.E. Fitzgerald

INTRODUCTION

Both management and labour are becoming increasingly aware of the impact of work induced stress on the health and productivity of employees. There is a convincing body of evidence that hypertension, coronary heart disease, ulcerative colitis, various psychosomatic illnesses, headaches, social and psychological problems, including suicide, are causally related, at least in part, to occupational stress (see various papers in Mackay and Cox, 1979).

Likewise, increased absenteeism, lowered efficiency on the job, industrial accidents and even death may be attributable to the effects of work induced stress.

It is probably true that some types of work are more stressful than others. Certainly, research has been directed towards exploring this question and also at identifying which attributes of a job make it more or less stressful. The relationships between job attributes and stress levels are far from obvious. For example, routine assembly line type jobs tend in the long term to be more stressful than jobs containing a moderately high level of stimulation. Nurses may be more stressed than doctors since they carry the responsibility for performing procedures without the authorising power to initiate or terminate them. Vibration may blur vision and impair delicate movements, but help to keep a person alert (Poulton, 1978).

The other important variable in the work-stress equation is the individual worker. Some individuals are more susceptible to work stress than others. This may be because of their physiological make-up, their social situation outside of work, their personality, or their problem solving skills. In the short term, the person who defends against stress by denying it may appear to be coping more successfully than the one who gives more free vent to his emotions. However, in the long term, the situation may well be reversed. Competitive, hard-driving 'Type-A' personalities are, arguably, more susceptible to stress than others who, at least externally, are more easy going. The man or woman with assured social supports and recreational outlets is better equipped to handle the difficult demands of a job than the one who has only superficial or infrequent social contacts. Physical fitness facilitates recovery from stress and as a result, may offset the debilitating effects of long term stress (Cox, Evans and Jamieson, 1979).

The questions of whether the job of a prison officer is more or less stressful than that of any other worker, or whether prison officers as a group are more vulnerable to stress than others are not pertinent to the present paper. There probably is no job which does not have some elements of stress and no individual who can claim complete mastery over stress. Numerous studies (see below) have shown that the occupation of prison officer is one that is subject to a number of stresses. The officer who is not coping well with stress on the job is likely to experience the personal negative consequences of this in his physical health and psychological well-being. In addition, his family and friends may suffer, and so also may the prisoners for whom he is responsible.

The role of the prison officer is primarily custodial in nature. However, shifting social attitudes and correctional policies have allowed officers more discretion with regard to the enforcement of rules and have required them to become more humanitarian in their attitudes, and cognizant of what now has become established as prisoners' rights. The present day prison officer is a 'man manager' rather than simply a turnkey. The work which he performs and the prison system as a whole have come under closer public scrutiny in response to pressure from social rights activists on the one hand, and conservative groups crying for law and order on the other. The nature of the occupation of prison officer is now in many ways more subject to conflicting stressful influences than at any time in the past.

The role of the psychologist in the correctional or prisons field has tended to be allied primarily with the assessment, treatment and care of prisoners. Psychologists have also contributed importantly to the maintenance and improvement of the prison system by participating in decision-making with regard to prisoner placement and management, and also by acting as advocates for prison reform. Prisons and prisoners have for many years been the object of study by psychologists, sociologists and others, but until comparatively recently, prison staff have been treated as 'givens' rather than 'variables' in the system. At times, the attitude of professional staff has been that the prison officers were obstacles to effective interventions with prisoners (in like manner officers have expressed the view that professional staff were obstacles to the maintenance of security). As psychologists, we now have come to see that prison staff, in addition to prisoners and the prison administration, are important targets for the kinds of service which we may provide.

The central thrust of this paper is to examine the nature of stress in the workplace, to place the prison officer in perspective in relation to this, and to explore what contributions psychologists may be able to make to the prevention and alleviation of stress associated with the occupation of a prison officer. There are three important reasons why we should address ourselves as psychologists to the prevention and alleviation of stress among prison officers. The most obvious is that the personal lives of prison officers may be enhanced by doing this. Second, there are important indirect benefits to

prisoners in having a more equanimous group of custodial staff. Third, the acceptance of psychologists and other professional staff within the prison system should be enhanced by attending to the psychological needs of officers, in addition to those of inmates.

WHAT IS OCCUPATIONAL STRESS?

Before answering the more specific question of 'What is occupational stress?', it is necessary to explore briefly the question of 'What is stress?'. There is no unique definition of stress and no generally accepted meaning. Some view stress as an environmental characteristic which in the short or long term has an adverse or harmful effect on the individual. Others define stress as the response of the organism to an environmental demand. There is a tendency for some definitions to approach circularity: A situation is classified as being stressful because the person in it is manifesting signs of stress and vice versa.

Hans Selye pioneered the medical study of stress in the 1920s. He adopted a physiological perspective and defined stress in terms of 'the non-specific response of the body to any demand made upon it' (Selye; 1974). He termed this non-specific response the 'general adaptation syndrome'. The intensity and duration of this syndrome was considered to contribute importantly to various 'diseases of adaptation'.

The psychological components of stress were brought into focus by Lazarus (1966). He emphasised the interaction between the individual and the environment. The individual's response to a stressor is determined to a significant degree by his interpretation of environmental and internal events. In a similar vein, Brodsky (1977, p.135) defined stress as, 'the awareness of awareness, the recognition that one is not functioning automatically, together with the suspense and anxiety that accompany this state'. McGrath (1970) pointed out the importance of the perceived incongruence between the individual's interpretation of environmental demands and assessment of his own capabilities and resources in a situation which required an adaptive response.

A detailed exposition of the field of stress theory would be otiose in the present context. Others (for example Bullard 1977, and Kalimo, 1980) have done this admirably. The foregoing is aimed at providing an introduction to the complexities of the area. The importance of trying to achieve a greater degree of theoretical clarity is discussed by Harris who argues that cause-effect relationships in stress research are often ambiguous. Harris (1980, p.20) writes, 'The major difficulty caused by inconsistency of definition and the lack of conceptual clarity stems from illogical inferences or conclusions and unwarranted assumptions about the causal sequence of events in 'stress' produced disorders'.

A simple definition of occupational stress is that it refers to a disturbance of an individual's physiological, psychological or social functioning in response to a condition in the work environment which

poses a perceived threat to his well-being or safety. The stressors may be physical (noise, heat, poor lighting, cramped conditions), or psychological (work overload, underload, lack of purpose, role conflict, role ambiguity, lack of recognition, and lack of involvement in decision-making). These stressors interact with those external to the work environment. For example, the person who is feeling under stress because of financial over-commitment will be more susceptible to experience stress in response to work pressures.

Margolis and Kroes (1974) list five dimensions of job-related stress. Two of these are short and long-term psychological reactions (e.g. anxiety and tension, and depression and alienation, respectively). Two are physiological: Transient changes (e.g. blood pressure), and lowered physical health (e.g. gastrointestinal disorders). Finally, they list actual work decrement.

SOURCES OF WORK STRESS

Stress in the workplace arises from several sources. A useful model for describing these various sources has been elaborated by Cooper and Torrington (1979) and closely paralleled by Cooper and Marshall (1979). They identified the following categories of work stressors: those intrinsic to the job, the worker's role in the organisation, options for career development, relations with the organisation, organisational structure and climate, and the interface of the organisation with the outside. These factors may combine or interact with one another to increase or lower stress levels.

Stressors intrinsic to the job include such things as physical work conditions, work overload and underload, requirements with regard to decision-making, and time schedules. Various aspects of a prison officer's work are affected by some or all of these factors. For example, gun duty is often performed in extremes of temperature, the task lacks stimulation, and it is conducted on a shift basis.

The worker's role in the organisation may contribute to work stress as a result of role conflict and role ambiguity, lack of involvement in decision-making, level of seniority, and responsibility for subordinates. The role of the prison officer has altered considerably as a result of shifting policies and public attitudes to such an extent that a significant degree of conflict of roles and ambiguity exists. Their positionⁱⁿ relation to prisoners, has changed so that some officers may feel that they are no longer in full control. Poole and Regoli (1980) found among a group of guards in a maximum security U.S. prison that this role stress was resolved by an intensified commitment to the custodial role. Other studies in non-prison settings (Carlin, 1981) have found significant relationships between role ambiguity, role conflict and various physiological and psychological indicators of stress.

Career development factors include such things as opportunities for advancement within the organisation, job security, and necessary preparation for performing new tasks and assuming additional responsibilities. A worker's self-concept is likely to suffer if his aspirations to achieve are thwarted, or if he is not able to perform his job up to his expectations because of inadequate training or promotion beyond his capabilities. The prison officer is usually fairly secure in his job, but other career development factors may result in stress.

The worker who has poor relations with his superiors, or who has difficulty supervising or directing his subordinates, or who does not relate well with his colleagues is prone to experience more stress on the job than the person who is free from these handicaps. The human need for affiliation is at stake here. Often the person who is withdrawn and inclined to isolate himself is feeling discontent and psychologically unsettled. Poor interpersonal relations may be both a symptom of stress, and also may contribute to work stress if the environment is structured in such a way that interpersonal relations are restricted or disrupted.

The organisational climate refers to the formal and informal structure and patterns of authority, communication and decision-making within an organisation, and also that organisation's philosophy, attitudes, values and beliefs. Prison officers may complain of not being consulted about issues which affect them, of not being informed adequately of changes or developments within the system, or of an over-centralisation of power. Margolis, Kroes and Quinn (1974) found as a result of a survey in the U.S.A. that low levels of participation in decision-making was related significantly to various indicators of physiological and psychological stress and low job satisfaction.

The final major group of factors affecting a worker's experience of stress are those associated with the interface of the organisation with the outside environment. The effects of shift work on family life and social relationships, 'taking the job home' and, for prison and police officers, the potential to become insensitive and overly authoritarian in their dealings with others are important examples of this group of factors. Kroes (1974) surveyed 81 police officers (a related occupation to prison officers) in the U.S.A. and indentified several adverse effects on home life of being a police officer:

- (a) retarding of non-police friendships;
- (b) difficulty planning social events;
- (c) taking pressures of the job home;
- (d) wives worrying about the safety of their spouses;
- (e) negative public image of the police officer effecting wives and children;
- (f) wives disliking being left alone at night; and
- (g) hardening of emotions and attitudes as a result of police work.

STUDIES OF OCCUPATIONAL STRESS IN CORRECTIONS

As Dahl (1980) points out, there is a paucity of research relating to occupational stress in corrections. He cites the 1978 study of Cheek and Miller in the U.S.A., who sampled 143 State and County prison officers at various levels of seniority. Although these officers tended to deny stress in themselves, they pointed to their co-workers as being under stress and reported incidence rates of various indicators of stress at similar levels to those found among police officers. Stress was attributed to their interaction with prisoners and also according to Dahl, to role ambiguity, lack of clear guidelines for job performance, and unclear communication of policies.

Brodsky (1977) investigated long-term work stress in teachers and prison guards. The small sample of 21 prison guards was selected on the basis of their claims for compensation as a result of being 'injured' by the pressure of their jobs. Sources of work stress were grouped into those associated with prisoners (e.g. harassment by inmates, inability to retaliate), with co-workers (e.g. personality clashes, fear that they would not be backed up or protected by their co-workers), and with superiors (e.g. favouritism, criticism, change of assignments, problems with visitors, press and parents). Stress symptoms included the usual psychological, behavioural and somatic indications (e.g. anxiety, depression, gastrointestinal problems, undue concern about his physical condition, sexual problems). Most importantly, according to Brodsky (1977, p.136), 'They reported that very few of their waking moments were free from pre-occupation with their jobs, from fears about the harmful consequences of their work discomfort, or from anger at those whom they identified as the culprits at work'. He concluded that the origin of these problems was in the organisational system rather than in the personality of the workers themselves.

The study conducted by Poole and Regoli (1980) into the effects of role stress on prison officers has been mentioned earlier in this paper. Role stress was measured using a scale designed to reflect the degree to which officers perceived uncertainty about their job requirements and performance. They found that the officers attempted to resolve their role stress by reverting to more traditional custodial attitudes and activities. This custodial orientation affected their perceptions and interpretation of prisoner behaviour.

A major study was conducted by Kalimo (1980) in Finland. Seven hundred and eighty-seven, or roughly one-third of all prison employees in Finland in 1975 were selected as the sample for study. Officers, governors, clerical and various support staff were included. Lack of challenge in work, goal and role conflicts, were among the most important determinants of stress. In addition, the organisational climate, insecurity, and workload were associated to a significant degree with experiences of work stress. Kalimo also found that certain personality variables and access to social support were important moderators of stress. The prison guards expressed more dissatisfaction with the content and organisation of their work than did any other

occupational group. Furthermore, the guards had a greater number of health problems.

It is not intended that this brief review of studies of occupational stress in corrections should be comprehensive. However, it would not be appropriate to conclude without referring to the study by Bullard (1977) of 1,003 prison officers in the New South Wales corrective services. All incidents of sick leave since inception into the service were analysed in terms of sex, age, length of service, rank and prison. The dependent variables were three measures of absence due to sickness: duration rate, incidence rate, and severity ratio. It was found that sickness duration rates and sickness incidence rates discriminated only at the initial stages for both age and years of service. Principal Officers exhibited far higher sickness duration and severity rates than any other rank. However, sickness incidence decreased with increasing rank. The levels of stress experienced by officers in maximum security prisons as measured by the sick leave criterion were greater than those found in minimum security institutions.

METHODS OF STRESS PREVENTION

The point is made by Dahl (1980) that the response to stressors at work may be either adaptive or maladaptive (although, as Brodsky (1977) argues, some workers get to the point where they feel 'locked in' having exhausted alternatives and being no longer able to cope effectively with day-to-day work pressures). The following table indicating adaptive and maladaptive responses to some examples of work stressors is modified from Dahl.

<u>STRESSOR</u>	<u>ADAPTIVE RESPONSE</u>	<u>MALADAPTIVE RESPONSE</u>
Work overload	Delegation. Discussion with supervisor.	Acceptance of work overload resulting in performance decrement.
Role ambiguity	Discussion and Clarification with colleagues.	Withdrawal from ambiguous aspects of work role.
Under-promotion	Enrols in appropriate upgrading course	Loses confidence in own ability.
Complaints from prisoners	Approach situation openly and seek source of discontent.	Deny that there is a problem, tighten security.

Four distinct strategies for the prevention and alleviation of stress are outlined by Webb and Smith (1980). These include:

- (1) elimination of the stressor;
- (2) avoidance of the stressful situation;
- (3) prevention of the stress from developing in the first instance; and
- (4) use of various techniques to reduce already existing stress.

It is unrealistic to expect that all stressors can be eliminated from the work of the prison officer. However, some can. For example, the development by management (preferably involving officer participation) and communication of a coherent philosophy of prisoner management should help to eliminate or at least lessen the impact of role uncertainty as a source of stress. At a more concrete level, it may be possible to eliminate stress resulting from work overload on certain assignments (e.g. gun duty) by having more frequent rotation of these assignments.

The second strategy of avoidance of the stressful situation is more difficult to achieve in the correctional situation. Nevertheless, there may be occasions where discretion may be used in the assignment of officers to allow for individual differences in their ability to cope with different situations which arise. Obviously, care must be exercised in the use of such a strategy so as not to generate more difficulties (and consequently more stress) than are avoided.

A considerable number of things can be done to prevent stress from developing in the first place. Some of these are listed below:

- (a) Education and training prior to the job. The officer who has a good understanding of what is required of him will be more confident in his actions and consequently less inclined to experience stress. An emergency situation is likely to be stressful to all concerned, but the officer who has been trained to meet such an eventuality will regain and retain his composure more readily.
- (b) Training in management. Officers who have responsibility for the supervision or direction of other officers can be taught methods of good supervision, leadership and problem resolution. Such training has benefits not only for the officers under their control, but also for the self-confidence of the supervising officers themselves.

- (c) Training in communication skills. A recurrent problem contributing to stress and emotional difficulties, both inside and outside the work environment, is the failure of individuals to communicate effectively. Techniques such as empathy training and active listening exercises may help to remedy this problem and contribute to a feeling among workers that they are 'being heard' and sympathetically understood by concerned colleagues and superiors.
- (d) Training in the recognition and awareness of stress. The adage that 'forewarned is forearmed' is appropriate to the reduction of stress. There are numerous studies in the area of anxiety reduction which demonstrate that a person who comprehends and can place in perspective what he is experiencing, is better able to cope with anxiety arousing situations. Likewise, awareness of job stress may mitigate its impact.
- (e) Improved selection and appraisal procedures. Selection of 'stress tolerant' prison officers is a procedure fraught with difficulties. However, it is reasonable to aim at establishing selection procedures which will result in more competent supervisors. Similarly, development of appraisal procedures which provide feedback to officers in a non-threatening way about their performance adequacies and inadequacies may contribute to officer development. Important here is the necessity to establish clear and unambiguous standards of performance.
- (f) Regular aerobic exercise, physical fitness and recreation. Susceptibility to cardiovascular disease and other stress-related disorders can be offset by regular aerobic exercise. In addition to physiological conditions, psychological stress reactions such as anxiety, tension and depression may be alleviated by regular exercise and adequate recreational time.

The worker who is already suffering the effects of work-induced stress may utilise a number of strategies to reduce the level of stress which he is experiencing. Seven fairly readily available

approaches will now be discussed:

- (1) Communication with and support from peers and superiors. Creation of an organisational climate which promotes openness and trust and employment of team building exercises may serve as preventative measures. The worker who already is experiencing stress may achieve considerable relief by discussing his feelings and concerns in an open, supportive environment. An important function of supervisors is to know their subordinates and to be available to listen and offer support when needed.
- (2) Referral and counselling. Colleagues and supervisors may not feel qualified or competent to assist some workers who are showing signs of stress. However, they may encourage them to seek professional help, either within or outside the organisation, or facilitate such referrals for counselling. It is desirable that organisations such as Departments of Corrections make available medical, psychological and social work services to assist staff who may require such help.
- (3) Relaxation training. The capacity of a person to cope with stress may be enhanced by techniques such as progressive relaxation training and related methods such as self-hypnosis. While progressive relaxation is available in self-instructional packages (books and tapes), the involvement of a professional person is desirable in order to achieve maximal benefits.
- (4) Meditation. A variety of meditation techniques have proven valuable for reducing physiological as well as psychological indications of stress. Transcendental Meditation or TM is a popular example of this approach which it is argued promotes a state of 'restful alertness' (Goleman and Schwartz, 1976) which in turn reduces tension, fatigue and other stress indicators.
- (5) Biofeedback. By the use of sensitive electronic recording equipment, a person under stress may learn to control or regulate his bodily functioning by attending to the feedback of his physiological functioning. Tension headaches are a good example of the kind of stress symptom which may respond well to this approach.

- (6) Stress inoculation training (Meichenbaum, 1977)
 This approach is really an example of a specific type of counselling. However, it is important enough in my view to warrant separate treatment. The person is trained through guided discussion and practice to develop sets of self-statements which will enable him to assess and prepare for the stressor (e.g. 'I can work out a solution for this problem'), to confront and handle the stressor (e.g. 'I'll be O.K. if I just take it one step at a time'), to cope with the feeling of being overwhelmed (e.g. 'Don't jump to conclusions, you've handled tougher ones than this before'), and finally, reinforcing self-statements (e.g. 'You've made it again'). Research using this technique has shown promising results. Novaco (1976) has developed a similar approach to training police officers to cope with feelings of provocation and anger reactions.
- (7) Webb and Smith (1980) list alcohol rehabilitation as one of the major programmes aimed at alleviating job stress, although they point out that the degree to which occupational stress is causally related to alcohol abuse is not known. It is probable that alcoholism and abuse of alcohol affects prison officers to the same extent that it affects workers in related fields of service such as the police. Margolis, Kroes and Quinn (1974) found that escapist drinking was related to levels of experienced job stress. Other studies (Davidson and Veno, 1977) have related alcohol abuse and alcoholism to low socio-economic status, peer pressure, job dissatisfaction, and isolation. Alcohol rehabilitation programmes for police officers in the U.S.A. (Webb and Smith, 1980) have proven valuable and could also be of assistance to prison officers with alcohol problems.

In addition to alcoholism and alcohol abuse, other behavioural excesses such as over-eating (and high fat diets) and high levels of smoking have been associated with high levels of job stress (Davidson and Veno, 1977). However, the causal connection is not clear. Nevertheless, assistance in these areas of functioning may be of benefit to affected workers.

Another way of approaching the problem of the prevention and alleviation of stress is to examine points of intervention within the system (Dahl, 1980). Three key intervention points are readily identifiable: At

the administrative level, at the middle management level, and at the prison officer level.

At the administrative level, there are a number of actions which may be taken to minimise stress. These include, the establishment of an unambiguous philosophy and set of objectives, clear communication of policy and guidelines, support for institutional stress management programmes, provision of understanding and support, open two-way communication, and provision of professional resources.

Carlin (1981, p.26) makes the point that, 'Management has the power to create a work environment in which unnecessary sources of stress are reduced to a minimum'. He lists several practical strategies: Employee participation programmes, development of an organisational climate which encourages openness, communication and mutual trust, and taking account of individual differences so as to improve the 'person/environment fit'.

Staff at the middle management level (e.g. Chief and Senior Officers in the Western Australian Prison Service) may help to alleviate work stress by fostering open and honest communication with subordinates, offering support, showing sensitivity to indications of stress in those under their supervision, seeking and offering clarification of philosophy and objectives, adopting a non-stressful leadership style, providing constructive feedback, and facilitating referrals to professional staff. In addition, staff at this level may, with the co-operation and assistance of their superiors and subordinates, identify and achieve resolution of unnecessary sources of stress within the system.

Finally, the prison officer himself has available (in some cases with the requirement of administrative backing) several methods for preventing or relieving work-induced stress. Some of these methods are the development of their personal awareness of job stress, improving their skills for the self-management of stress (e.g. relaxation training, meditation), increasing social and communication skills so as to interact more effectively with co-workers, regular aerobic exercise and recreation, participation in alcohol rehabilitation programmes such as Alcoholics Anonymous, if needed. Most workers are capable of increasing their range of adaptive responses to work stressors and should be encouraged to do so.

A PROGRAMME FOR INCREASING AWARENESS OF OCCUPATIONAL STRESS

Dahl (1980) refers to 'several exemplary programmes' around the United States which are aimed at helping to offset the impact of work stressors in the correctional field. Numerous others have been developed with relation to police officers (Webb and Smith, 1980). These will not be discussed here since most aspects of these programmes have been considered in the preceding section.

Staff of the Psychology Section of the Western Australian Department of Corrections have developed a simple training package aimed at increasing staff awareness of occupational stress in themselves and others. The package has been utilised as part of the training course for Senior Officers and has been run as a one-day workshop. The day revolves around examination and discussion of four key issues:

- (a) What is job stress?;
- (b) What are the sources of job stress?;
- (c) How can we recognise stress in ourselves and our subordinates?; and
- (d) What can we do to deal with job stress?

The five stages of the workshop are summarised in tabular form below:

<u>STAGE</u>	<u>TOPIC FOCUS</u>	<u>FORMAT</u>	<u>PROCESS</u>	<u>TIME</u>
1	Introduction to work stress	Large group	Lecture/discussion	60 mins
2	Sources of work stress in Corrections	Small groups followed by large group	Discussion/sharing	90 mins
3	Indications (symptoms) of work stress	Small groups followed by large group	Discussion/sharing	90 mins
4	Management of work stress in self and others	Small groups followed by large group	Discussion/sharing/role playing	90 mins
5	Progressive relaxation	Large group	Leader directed exercise	15 mins

The occupational stress workshop commences with a half hour lecture on various aspects of stress, followed by half hour discussion period.

For the second stage, the group of trainees divides into two sub-groups of nine each, plus a facilitator. These spend 45 minutes discussing, identifying and listing on large display sheets, the various sources of job stress which they have encountered in their work as prison officers. This activity, as with the subsequent activities listed below, is task focussed, but gradually, sharing of personal experiences takes place. Following these sub-group discussions, the full group meets again for a further 45 minutes to compare notes and further elucidate the sources of job stress.

The next stage of the workshop again requires the group to break into sub-groups. For 45 minutes, the sub-groups with the aid of their facilitator, discuss and list indicators or symptoms of stress which they have experienced themselves or which they have observed in other officers. This section of the workshop is of particular value since it not only increases the participants' awareness of stress symptoms, but also helps them to communicate more openly about usually unacknowledged signs of vulnerability. These sub-group meetings are followed by another 45 minute plenary session which reviews the outcomes of the sub-groups' deliberations.

Stage four follows the same sequence as stages two and three. This time, the topic for discussion is methods of stress reduction. Participants are asked to consider how they might better cope with their own experiences of work related stress, and also what they might do to assist a colleague or subordinate who is showing signs of stress. At times, the facilitator may encourage the trainees to use role-playing in order to illustrate their points in a more tangible manner.

The final stage is quite brief. Trainees are invited to participate in a 15 minute progressive relaxation exercise which concludes the day. This exercise, which for the vast majority of trainees is highly effective, serves to illustrate the point that feelings of tension and stress can be reduced through the application of fairly straightforward techniques.

Most officers approach the day with the 'Psychos' with some apprehension. They are not sure what to expect. Initially, there is a fair amount of nervous laughter, and it takes the participants until about the end of stage two (just before lunch) to unwind and feel comfortable. The afternoon sessions are particularly productive because of the pre-lunch preparation which has developed increased openness and trust. Although the stress awareness and management section of the four week Senior Officer's Training Course is non-examinable, it is approached in a serious manner by all trainees, and almost all participate actively with only minimal encouragement from the facilitators.

No follow-up studies have been conducted into whether or not the officers who have taken part in the stress workshop have benefited from them. Most officers report that they have found the day interesting and stimulating. Several have said that they feel that the introduction of such workshops has been long overdue. In general, the stress segment has been among the most well received of all the parts of the training course. Although popularity and good reviews do not equate with efficacy, it nevertheless is quite clear to us that we have tapped into an important and, in the minds of some, largely neglected need of prison officers.

CONCLUSIONS

The present day prison officer has a stressful occupation. Stress in Corrections arises from several sources, but possibly most importantly from role ambiguity and role conflict stemming from lack of clear

guidelines for job performance, and inadequate communication of policies. It is important that all staff from senior administrators to base-grade officers become aware of work-induced stress and take what steps they reasonably can to prevent or alleviate it. The adverse effects of work stressors on physical health, psychological functioning, social relationships and work performance are too great to be ignored.

Those who deny that work-induced stress exists are flying in the face of overwhelming evidence that it does. Both management and officers have a part to play in the reduction of occupational stress. Additionally, psychologists have an important part to play. We have the knowledge and the skills, and have a responsibility to offer our services. The stress awareness and management programmes for prison officers conducted by psychologists of the Western Australian Department of Corrections is a step in this direction.

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THE PSYCHOLOGIST IN THE COURTS¹

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There is increased demand for the services of the psychologist in court procedures but limited knowledge of the psychologist's function in the various courts by psychologists in general. This paper will consider briefly the role of the psychologist in the Children's Court and in the Family Court since these courts use psychologists in special ways. Emphasis will, however, be given to problems in court appearance as an expert witness in County and Supreme Courts, especially for those unrehearsed in courtroom procedures. To lend meaning, the approach is anecdotal. My biases are that I am speaking of the Victorian scene and as a government-employed psychologist.

The Victorian Children's Court is an in-camera court that services the age group from birth to 17 years. In this court there can be two reasons for a child's appearance - firstly, to answer charges for offences committed, like theft, and, secondly, when an application has been made because there is police concern or concern by the Children's Protection Society about care of the child. Such applications can be that the mental, physical or emotional development of the child is in jeopardy, that the child is 'being exposed' or that the parent or guardian does not exercise adequate supervision or control. Further, parents, or any person having custody of a child, may apply to the court under the Community Welfare Services Act to make an Uncontrolled Application concerning the child.

In approximately 10% of all cases passing through the Children's Court, and almost invariably in all cases of an Uncontrolled Application, a referral is made by the magistrates for a Clinic assessment, to the Children's Court Clinic. This Clinic has mandate under the Children's Court Act to provide special reports of a medical/psychiatric/psychological nature for information of the court, after charges have been proven or a Care Application has been established.

This issue of when reports are tendered by the Clinic is important because it means that the government psychologists, and those of other professional disciplines working at this clinic, are rarely involved in the process of proving guilt; they are merely to offer an assessment after that event by request of the court and to give advice about a disposition in the light of their assessment. Further, except under exceptional circumstances, there is no cross-examination of the author of that report by barristers, since it was especially commissioned for the magistrate alone. Cross-examination might well ensue concerning

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such a report in an Appeals Court, however. This situation seems to work well in practice and there is an extremely good working relationship between the Clinic and the magistrates and a good deal of consensus between Clinic recommendations and dispositions subsequently made.

On occasions, a Court Clinic psychologist may wish to offer unsolicited comments in the nature of a pre-court submission to the court when a child re-offends. However, these comments by the Clinic Psychologist as well as any other pre-court submissions tendered by Community Welfare personnel, school teachers or privately engaged professionals will not be perused until after proof is established, since extenuating circumstances in a child's life are to be considered separately from the matter of proof of a charge or acceptance of an application and generally only when it is a matter of helping the magistrate in the process of making an appropriate disposition.

Of course a barrister could potentially call the author of a pre-court submission as an expert witness to produce his/her data if he/she feels it has bearing on the acceptance of a charge or application, but in practice, this is rare. Lately, psychologists from hospital settings and from private practice are beginning to have a function in the Children's Court in that area not often entered into by Children's Court Clinic psychologists because of the nature of the Children's Court Act specifications concerning the Clinic's functions, but their court appearances are still not numerous. These 'outside' psychologists, almost exclusively in those cases where there is alleged child abuse, are being called by barristers acting on behalf of the parents or by the Children's Protection Society. (Often such cases have been initiated by the Children's Hospital in Melbourne through police or the Children's Protection Society). The psychologists are called to give evidence about the child's emotional adjustment in the light of family functioning so that the magistrate can make a decision about whether the Care Application is established.

The evidence given by these psychologists called as expert witnesses, is then, almost exclusively in relation to matters of proof. (The Children's Court does not ask advice of expert witnesses concerning recommendations for dispositions since the knowledge of legal and treatment options by professionals outside the system is generally limited).

In this potentially adversary situation counter expert witnesses can be called, they can be cross-examined and, until the legal point of proof is reached, it is usual for such cross examination to take place before child and parents. Having ruled that a Care Application is established, the magistrate may then have recourse to the Children's Court Clinic for an independent assessment and for advice about disposition.

As in the Children's Court, most reports submitted by psychologists to the Family Court are tendered by those working in the setting. However, the reports to the Family Court are almost always subject to

cross-examination and can involve barristers' attacks on expertise and competence of the psychologist to make assessments. (1)

Reportable data are presented in two forms to the Family Court - duty reports which are relatively brief, interim reports but which are, in practice, becoming most instrumental in giving direction to final custody, and full welfare reports which are ideally based on a home visit to both residences, a number of interviews and are given in the form of a psychosocial evaluation of the situation in non-technical terms. These reports may hint at directions for disposition but must not contain a recommendation.

Because there is a backlog of cases in the Family Court, psychologists outside the Family court setting are at times approached by the Director of Family Court Counselling to make assessment when there is hardship for a family on a waiting list. This seems to be particularly the case for country families. Barristers in Family Court cases may also refer to private psychologists and to psychiatrists for assessments on behalf of their clients. If one agrees to accept a Family Court case for assessment it is best to consult Family Court psychologists about protocol and to be prepared:

- (i) to be cross-examined, as it is usually inevitable,
- (ii) to give no explicit recommendations - and
- (iii) to accept the fact that the clients almost always have access to your report through their solicitors.

In comparison with Children's Court and the Family Court where the physical surrounds and proceedings are aimed at being somewhat relaxed and informal, County and Supreme Court situations can seem intimidating on first acquaintance because of the grandeur of the scene - the raised dais, the carpeting, the bewigged personages, the court attendants and the air of esoteric learnedness and the quiet that seems to pervade. To be called upon to be an expert witness in such a setting, unprepared for what is to come, can be awesome. To give a feel for this, I would like to give you an experiential account of my own, a reconstruction from memory, of my introduction to the Supreme Court as an expert witness, a time that was awesome because of my lack of knowledge of proceedings. That first time I did not even realise I was in a Supreme Court.

Brief and business-like instructions had been given to me in a telephone call that had come from a solicitor for the plaintiff, telling me that should I not choose to appear in court the next day I would be subpoenaed. I was instructed to find my way to ground-floor courtroom No.X in a specified building at 9.45am and to bring with me a copy from the Melbourne Children's Court Clinic files of a psychological assessment I had made 4 years previously, on a youth I no longer remembered.

I was told that the matter was a compensation claim in respect of a car accident and that I had given psychological tests to the youth before his accident, which were to be compared with tests given subsequently.

I will detail what happened when I got to that court, so that those who have never experienced this scene can appreciate the strangeness of it, and those who now take it for granted can let themselves remember what it was like to be thrown to the lions and to have to learn instantly how to survive.

Let me set a background scene before I go further. At the time of this court appearance, 1972, psychologists in government service in Victoria were very rarely, if ever, called to County and Supreme Courts.

There were two reasons for this, I believe: firstly, lawyers had more acquaintance with the term 'psychiatrist' and so, called psychiatrists and, secondly, the Mental Health Department in Victoria had a policy of discouraging court appearance as expert witness by anyone but psychiatrists, a policy not yet quite defunct, though somewhat relaxed at this stage.

In this situation, where colleagues in government service were not appearing in court, it was difficult to know, in that short time available to me for preparation, whom to ask about adult court protocol and what would be required of me as a psychologist, expert witness. I went to the court building 'cold', unprepared except for having re-read parts of assorted texts and the WISC manual from cover to cover the night before. And, of course, I had my report. I was pleased to note that, although I could not remember the person, the report seemed 'tight' and carefully worded, as was the customs in writing reports in the legal setting of the Children's Court.

I remember feeling apprehensive but also a little important because I had been called. I did not know at that stage what the barrister for the defence was going to try to do to me in front of the jury as part of the legal foray. I did not really understand what an adversary system meant until I experienced it.

I was met outside the court by the barrister and realised that he had not put aside time to talk with me other than to get details of who I was, my qualifications and to ask me very brief questions about my testing and how the findings were arrived at. I understood, as he talked, that he knew little about psychological tests and I wondered whether he would know what questions to ask me in court.

The court session began, and after an hour of sitting outside, I was called into the courtroom. I took a quick look at the scene - the dais, the wigs, the two rows of lay persons opposite, appraising me. I was now a performer in an intricate movement, an actor in a play with a meaning, and I was not supposed to become embroiled in the meaning, only in the movement.

I was ushered into the witness box. The steps seemed very high indeed. Before me was what I believed to be a microphone but when I took the oath my voice was almost inaudible. The judge, in a kindly way, acquainted me with the fact that the instrument was part of the recorder and would not project my voice. I remember a few members of the jury faintly smiling. I felt a little foolish.

I was asked by the barrister for the plaintiff to state my name, address, occupation and credentials then to inform the court about my findings on the WISC and education tests I had given.

I began almost to enjoy my role at that point. My anxiety had subsided, I had begun to feel accustomed to my surroundings and to feel that I had something to talk about that I knew well. It was all quite pleasant, I thought.

Then the barrister for the defence, representing the insurance company, rose to question me. This man was a very well known barrister in Victoria. His task was to try to discredit the witness as being qualified to be considered expert but at that point I was not aware of that. I thought he was only to question my findings.

There followed an onslaught of sarcasm, innuendo, clever inflections of voice and strutting body movements that were most unpleasant and potentially provoking, but I knew I could not afford to be provoked in court. My thoughts were fighting, though, and I recall bracing myself a little and holding my head slightly higher and speaking slowly to counter his thrusts.

It is interesting that I have never subsequently encountered such an onslaught from a barrister. But then, I suppose my paper credentials were more assailable, I looked quite young and even from my mistaking the recorder for a microphone the barrister would have deducted it was my first time in that court. I had a B.A.Hons. then, and the barrister wanted to try to highlight this. Let me give an example of the questioning:

"Your name is Miss Patricia Brown - it is Miss, isn't it? Miss Patricia Brown. Hmm. Yes. And you have a - what was it? a B.A. (Hons) - it was hons, wasn't it? A three year degree? No? Oh - four years! Where did you gain this - ah - qualification - Miss ah - Brown? Melbourne University. Hmm. Yes. And you are the Senior Psychologist at the Children's Court Clinic. Senior? Hmm. How old are you Miss Brown? We did say Miss, didn't we?"

I was maliciously pleased at the time that I was a little older than he had thought, I believe, and he desisted after that. However, he then turned to questioning my psychological report, and for approximately one and a half hours in all he sneeringly posed questions concerning the tests and the test results. This man went into the norming of the WISC, tried to ridicule the questions comprising various sub-tests and to see whether I knew the correct answers by heart.

When he finally began to talk about schizophrenia, most inappropriately, I really felt I had had enough. I turned to the judge and suggested that the counsel evidently did not understand the concepts he was raising at this point were not at all pertinent to my test findings, and, in the interest of clarification, might I be permitted to speak? The judge allowed that, saying it might be a good idea, since he felt the counsel's line of questioning was becoming tiresome, and I was able to give a summary of what I understood my results were indicating.

I later asked different barristers whether an appeal to the judge by an expert witness at that point of questioning was reasonable court procedure and the replies were equivocal. One suggested that expert witnesses may not know the line of questioning the barrister is about to take and should merely answer what is asked. Others suggested, and experience has verified, that it depends on the situation. So, too, does enlarging on 'yes' and 'no' responses expected by adding something like "But I think there is something further that should be said about that ..." or "I could possibly shorten this for you", when otherwise the data might become obscured. Although there are procedural constraints, the expert witness has some leeway in being able to make an adequate statement of his data.

This experiential account of parts of that first time for me in a Supreme Court highlights a number of issues that I believe should concern psychologists and the trainers of clinical psychologists in particular.

Since an expert witness has not only his own reputation at stake but that of his profession, and the welfare of the person before law is involved, it seems extraordinary that university departments are even now only showing tentative interest in post graduate clinical training for court appearance.

Those concerned with field placement of post graduate students need also to consider that although field supervisors underwrite reports, the court may subpoena the student rather than the supervisor. Negotiation can be made about this with the barristers but the judge will have the final say on whether the evidence given by the supervisor, who did not actually give the tests, or remain present throughout interviews, is admissible. If he decides it is not, deeming it hearsay, the student can be called.

Interesting questions arise concerning the issue of students appearing in court. They can be argued variously. Is it constructive for students to appear? What professional guidelines exist in a situation like that which occurred recently, where a university supervisor was engaged to conduct an assessment and act as expert witness when the supervisor's student was to be called by the opposing barrister? Professional guidelines for psychologists concerning court appearances will presumably become increasingly a point of discussion as court appearances will presumably become increasingly a point of discussion as court appearances become more numerous and issues are raised.

Psychologists who are to appear in court should be adequately prepared about their mode of presentation, the acting potential of opposing barristers and the nature of law. They should know for instance:

- (i) that the nature of litigation is not truth but to be able to arrive at a decision on the basis of admissable evidence;
- (ii) that the expert witness is one of the few people allowed to give opinion evidence but, of course, he has to show cause why he should be considered to have expertise outside of that of judge and jury, that is, he has to know how to stress his qualifications, be able to say what psychologists do and specify his training and his practical experience as an expert witness;
- (iii) that normal language, not technical language, is required;
- (iv) that at times a statement of probability rather than possibility is required for example, when evidence is to be given in the case of accident or injury the psychologist needs to suggest something is more probably so than not, so the word 'probable' rather than 'possible' should be used, if, of course, his findings are in that direction. The wording that X is a reasonable possibility may, however, be used in favour of the accused in a criminal case;
- (v) that responsibility is on the psychologist to say clearly the burden of what he has to say during evidence-in-chief or re-examination since the barrister cannot ask leading questions;
- (vi) that he is not to play judge, jury or advocate since he is charged to be an impartial witness;
- (vii) that if he does not understand or does not know, he should say so and,
- (viii) that his bearing and manner of presentation may be considered as important as the matter of what he says. He should remember that he is an expert, that a moderate manner impresses while pompousness, unconfidence or defensive interchange may minimise the value of his evidence; that he should use words with deliberation, without overstatement yet also with no over-tentativeness when he feels he has good evidence for what he is saying.

Over time, I have become sensitised to a number of issues confronting the expert witness. For instance, it has become obvious to me that, although psychologists are disadvantaged by not knowing the law, lawyers, through lack of knowledge of psychology and what psychologists do, at times do not realise what to ask of their expert witnesses, and input needs to come from both sides.

It is particularly important to negotiate time with the barrister before court. This time is essential to discuss adequately what the barrister is wanting to know, to ask about the courtroom procedures and to be able to inform him about the extent and the limitation of what the psychological data in question can supply and how he can best elicit the information in court. It is a good rule never to be hurried into court. When the tempo is slowed down, people accommodate.

On the subject of students appearing: I try to negotiate to speak for reports I have underwritten but to have the students present to observe.

Negotiating respective areas of expertise with psychiatrists can be an issue. Historically, a major problem as I see it, has been whether psychologists would be permitted by their departments, or would be asked, to appear in County and Supreme Courts because of the power accorded to and the greater visibility of psychiatrists. In government service, into the 70s, and in some hospital services, practice was to have psychological findings incorporated in a psychiatric report and to have the psychiatrist deemed by his department as the most appropriate person to speak for the report as a whole.

Although knowledge of psychologists and their work has been limited among lawyers generally, a small number of private psychologists pioneered and were ongoing in court appearance, being directly commissioned through solicitors. However, other private psychologists, working through psychiatrists' referrals, would furnish their reports to psychiatrists. It was not uncommon for a forensic psychiatrist to report the findings of a private psychologist, to whom he had made referral, under a sub-heading within his court report, much as occurred in government and hospital settings, quoting the psychologist as a kind of mental technician, and speaking for the findings of both disciplines, most often to the satisfaction of the courts.

This ethically inappropriate situation of one discipline speaking for the data of another went unchallenged for some considerable time and, of course, meant that the psychologist did not generally become known as a professional in his own right in court. In accepting this situation as a 'given', psychologists also accepted a role as merely being helpers of psychiatrists.

In recent years more private psychologists and government and hospital psychologists have begun to submit reports independently to county and supreme courts and to be called on to give evidence and the demand is slowly growing. Because the demand seems tied to psychologists submitting independent reports to court, it seems important that there be no incorporation of psychological data with the data of psychiatry

in report form, thus maintaining the right of separate voice in a separate discipline. In clinical settings (from which reports can be subpoenaed) this does not preclude a team approach to diagnosis but it does preclude a confounding of the reporting of and the speaking for the various data arrived at by different means by members of different professions. If one does not avail oneself of this right, knowledge of the profession of psychology will stay at a minimum in legal settings. Legal settings are like all others. Lawyers call whom they know and whom they know to be good. Psychologists and their work need to become more visible.

Negotiating areas of expertise in psychology and psychiatry also means negotiating in terms of evidence. When a psychiatrist is to give evidence on the same case, being called by the same barrister and has had access to the psychological report through the solicitor, I have found it appropriate to negotiate with him about the relevant domains of psychiatric and psychological evidence. In a recent case, where a solicitor had not arranged for a psychiatrist and I to meet before court but had given the psychiatrist access to my report, I heard the psychiatrist give evidence about the mental age of a mentally defective youth charged with rape, evidence that he had extrapolated from IQ estimate reported in the psychological report, and much was made of this point in front of the jury. However, the youth had been tested on a test which did not give mental ages. When the barrister was told that the evidence the psychiatrist had just given was not psychologically sound, indeed, had resulted from his talking for my data, and could be contradicted by my evidence, he adeptly handled the matter in court, then asked for a brief adjournment. The psychiatrist and I negotiated our domains and comments on psychological test findings and on findings from the psychologist's interviews were left to me. Once domains have been discussed and sensitivity is shown about whose data are being called on, more of a confrere-like working relationship tends to emerge between psychologist and psychiatrist called on the same case.

Another important issue is that of report writing. I have learned the absolute necessity of writing every report as if it were to be questioned by a highly intelligent barrister with a master's degree in psychology, and who likes intelligible language. The day is no doubt coming when barristers will be able to question cogently some of the more 'informed intuitive' reports written by psychologists and psychiatrists. Some of them are already doing this. If psychologists persist in using projective tests for court reports or for reports that might potentially become court submissions (and I do, myself, on occasions) they should take care to use words like 'the following hypotheses are suggested in relation to the data obtained from the Rorschach' or whatever projective test has been used. One is less able to be made look a fool over what is stated to be an hypothesis.

To conclude, I would return again to the question of training for court appearance. At present there is no real training except by apprenticeship for a few. I have attempted to highlight a need, and suggest that, although workshops for those already in the field would

FORENSIC PSYCHOLOGY REPORTS

R.D. Francis

Psychology has long been aware of the implications that it may hold for law and has known for some time that there is at least one area in which the discipline of psychology may make a substantial contribution. The pioneering work of Munsterberg has shown us the value of behavioural science in aiding the court to a rational decision and which involves the investigation of such processes as the re-enactment of events, the reliability of witnesses and the probablistic nature of explanation. (Eggleston, 1978)

In this paper I intend, however, to address the issue of forensic reports, the difference here being that the reports pertain to an individual or, on rare occasions, to groups, and that such case reports are on aid to the various institutions within the legal system in arriving at a just and informed decision.

To the best of my knowledge there is no comprehensive or formal guide as to how forensic reports should be written by psychologists. Indeed, it may be improper to frame rigid formal rules, since the circumstances of each report are different. That is not to say, however, that reports may follow *any* format since there are over-riding considerations which obtain in all reports, such as the need for rationality in the conclusions and the need for supportive, objective evidence.

This paper is not intended to make formal statements about the way in which forensic reports should be written, but it is intended that the point should be made that there are basic questions which should be asked before writing such a report. In other words, this paper is intended to draw attention to the issues which psychologists need to resolve before framing the forensic report.

The provision of reports may, of course, be for a variety of readers. They may be required for criminal or civil cases within the court, they may be required at different levels such as magistrates court, county court or supreme court. They may be for special kinds of courts such as Children's Court or the Family Court, or they may be required for the prison or parole system, or indeed for

certainly seem appropriate, workshops only ever reach a limited number, though psychologists in most clinical settings, including students on placement, can potentially be called to court. A more general acquaintance with issues concerning court appearance through seminars at post-graduate training levels would seem reasonable.

Inputs suggested for seminars, workshops and for disseminating knowledge about the work of psychologists among lawyers include:

- (i) Engaging psychological expert witnesses from a number of venues - Children's Court, Family Court etc. to discuss the informal rules of their settings and an experiential account of their work.
- (ii) Explanation of court procedures by a barrister who uses psychologists as expert witnesses.
- (iii) Group role-playing of courtroom procedures, including cross-examination of the expert witness for various purposes. For example Care Applications in Children's Court, custody in Family Court, accident claims, criminal hearings.
- (iv) Application to law bodies for relevant data. For example, in Melbourne there was a seminar given in 1979 by a legal group on 'The Expert Witness' and this group is said to have a videotape that might be worth viewing.
- (v) Application to police for their article on evidence in court, used in their detectives' school.
- (vi) A mutually facilitative lawyer/psychologist seminar on the Expert Witness.
- (vii) Approach to law departments and to legal associations, offering to give seminars or papers to law undergraduates or to legal professionals on the work and data of psychologists.
- (viii) Attendance at actual courtsessions.
- (ix) Examining transcripts.

It is difficult to imagine a situation where the profession is more critically on display than in court. Despite the fact that post-graduate courses seem already replete with seminars, one might order priorities for teaching in the light of the importance of competent court appearance to the profession as a whole.

aspects of social welfare in general.

In addition to the courts there is, of course, within the Criminal Justice System and, in some respects, within the civil system, the issue of the stages at which reports are required. They may be pre-trial, trial, pre-sentence or prison/parole.

Reports, too, may be done by one of two major categories of people; the independent professional or the government employee. The independent professional may not have the same backing or access to information and the government employee may have access to other information but have a number of other administrative restraints imposed upon him or her and thereby less freedom to manoeuvre in the investigation of the report.

There is, also, the problem of qualification of psychologists to do forensic examinations and to report on them. At the moment there is no basic recognised qualification which is added to the minimum psychological requirement. The reason why people do forensic reports may be because they have substantial experience in the field or because they have an additional qualification in law or in criminology and/or clinical work. Indeed, it may be difficult for the courts to recognise the aptness of the various ways in which forensic psychologists are qualified. At the moment, however, there is no consensual view and indeed the need for a paper such as this points out the inadequacy of currently available training.

The Investigation - The orientation of the psychologist's report may be clinical, forensic, historical/social or some combination of these. Notwithstanding these various orientations, there are some common features to case reports and I should like to suggest that salient ones should be recorded.

Firstly, there are logistic questions such as:

- (a) are the depositions available to be read or is there other basic factual documentary evidence that should be consulted? If there is, should the psychologist read it first on the grounds of being best informed, or should he/she deliberately avoid reading the material in order not to develop a particular perceptual set?
- (b) In addition to the client who else should be seen or interviewed? Should relatives, friends, witnesses, counsel etc. also be consulted?

It should be understood that the point of view derived from one source only may be all that is required, but it does entail the grave danger that it either misrepresents or ignores other crucial information.

- (c) Where should they be seen? Should it be in prison, Chambers of Counsel, professional consulting rooms or some other place?
- (d) Under what conditions should they be seen with respect to such features as privacy, quietness, etc?
- (e) How often and for how long should they be seen or interviewed? The circumstances of the case may, of course, dictate the answers to that. An urgent one will require completion at one sitting, or there may be an argument for seeing them on more than one occasion in order to go over some of the material again and to pursue questions that emerged from the first interview: bearing in mind the effects of fatigue and the interests of good-will if one is not using private consulting rooms.
- (f) What special psychological techniques should be employed? Indeed one would be aware that in writing a forensic psychological report one should be offering expert evidence and insights obtainable by the professional psychologist and not readily obtainable by any other means. In other words, utilising objective verifiable claims of experts.

The Report - The essential attribute of a psychological report is that it should contain a set of results which pertain to an individual or, in exceptional circumstances, a group of individuals, and that these findings are usually of the analytic kind, although one would expect there to be synthetic presentations in the report.

Commonly, case reports are commissioned for some specific purpose, in this context for referral to a barrister or for presentation in a court of law or to assist prison or social welfare authorities to optimise the disposition of the case.

If for presentation in a court of law, it is not always the case that reports for a criminal offence are the same as those for a civil one. They do, however, have in common

that the report is a tailored and focussed account that addresses particular and relevant issues. Indeed, one of questions often framed is, "Should one tell all?"; and this question is mostly answered in the negative. It is not for the psychologist to insist on saying everything he or she knows, but rather to be guided by the court for information which the court wishes to elicit and examine. The psychologist may wish to make points that he or she thinks relevant and may persuade the court of their relevance, but of course, the judge or magistrate will decide upon its admissibility.

There are objectives for a report. These include:

- (a) How long should it be and what should it contain? It may be as brief as a one-page letter or as long as a minor thesis. Most commonly, there are between 3-8 pages (say 1,000 to 2,500 words). This is not to say that appendices should not be attached. That method allows one to construct a concise and flowing report while also providing basic technical data.
- (b) In style, reports should be objective (as distinct from polemic), concise as well as precise, jargon-free and clear prose.
- (c) The orientation of a case report may be of one of three kinds; client-oriented, institution-oriented or mediational. A clinical report is usually of the first kind, a criminal report usually of the second kind and a family court report usually of the third kind. There is, of course, no fixed rule on this matter but it is an issue upon which report writers should be self-conscious.
- (d) Who is the target reader? (Magistrate/Judge/Counsel/Parole Board).
- (e) The conclusions drawn in a case report must plainly follow from the given evidence and arguments. A useful rule of thumb is to bear in mind that any report may be produced in court. Writers of case reports should imagine themselves defending their report under cross examination.

In drawing conclusions the realism of any recommendations should be considered. For example - if the case report is for a particular sort of treatment of great benefit for this kind of case the treatment should be known to be available locally, properly given, affordable, etc. It is reasonable to give a psychological recommendation but to

avoid giving ones which usurp the judicial or administrative prerogatives.

A third issue in case reports is that of being aware of pay-off issues wherein a client may be dissimulating. It is known that there are cases wherein a client/patient may wish to convey an impression of sanity or insanity in order to gain some advantage such as seeking or evading deportation, to benefit under a will or to enhance the prospects of a shorter or more appealing brevity form of incarceration.

It is often of great value to a busy court or to busy counsel to provide a convenient framework guide to the report and this may be done by judicious use of headings. People reading reports may be looking for a particular item of information which is relevant to the conduct of an enquiry and do not wish to be imposed upon with information that is not of immediate relevance to the point that they are pursuing. Some headings which may be used are:

- (a) History (Familial, educational, marital etc.)
- (b) Intelligence
- (c) Personality
- (d) Sensory functioning
- (e) Motor co-ordination
- (f) Indicators of abnormality
- (g) Psychological circumstance of the case
- (h) Experimental evidence re the offence
- (i) Neuropsychological dysfunction
- (j) Recommendations

There are some basic criteria of good reports. These will include clarity of expression and absence of jargon, concise, objective (and documentable), rational and with a report overview. Indeed, it is a sound suggestion that people writing forensic reports should follow up the reports that they have written with the counsel/administrator in order to ascertain that the reports were produced in a format which would optimise the benefit which flows from their use.

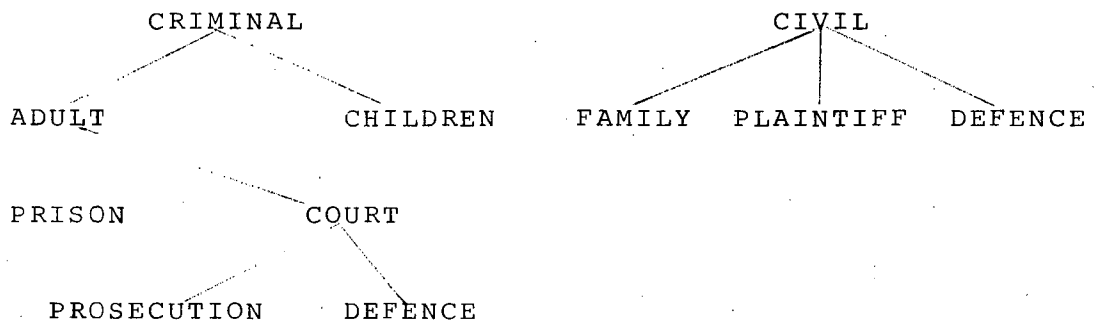
I have not included a sample of a case report because the format, for good reason, is not standard. Professionals writing case reports will have served some form of internship and will, therefore, have received models and instructions. What is outlined here are some of the fundamental issues that should be considered when preparing a case report.

In adopting a professional forensic model in the conduct of forensic interviews and the construction of forensic reports, one may adopt different models (such as should the psychologist, in the court reporting, when commissioned by the defence, act for the client (the prostitutional model), or should he act in a disinterested manner in order to be of maximum help to the court (amicus curiae)?) One of the problems influencing which model one should adopt is who is paying the bill. For instance, in a case of criminal defence, the client or a Legal Aid Commission will pay. In the case of worker's compensation claim, it may well be the insurance company, and for a case in the Family Court of Australia, it would be the Commonwealth Public Service.

It is a counsel of perfection to suppose that the source of funding makes no difference to the resultant report. If the Legal Aid Commission were to pay in every instance, one could well imagine that the reports would be of a more uniform nature.

Figure 1 is a representation of targets of reports prepared by forensic psychologists.

Fig 1



Caveats - Forensic psychologists working as they necessarily do in a practical environment and with agents of the legal system, understandably come in frequent contact with practitioners whose *modus operandi* has discernible features. Indeed, they are so compelling that on occasion one does see psychologists taken in by mannerisms of more eloquent counsel and adopt a rhetorical style delivered with one hand grasping the lapel, while the other hovers near the elegant watch-chain stretched across the well tailored waistcoat and the exhibiting of a detailed knowledge of precedent cases. (The "Mimic - the - Barrister" phenomenon). Understandably, the legal profession will not admire those

who have pretensions to be quasi-legal, and it is suggested that psychologists remain as independent professionals, adopting an appropriate psychological style and one which is palatable to the peer professionals with whom they come in frequent contact.

It was suggested earlier that writers of forensic reports should consult with the users of their reports to verify that they are providing useful information. This is not only a seemingly professional thing to do but also entails the additional benefit, particularly for those in private practice, of keeping one's legal peer professions aware of what one is offering and with a favourable view toward the sensitivity of psychologists.

For those forensic psychologists who appear in court, there are a number of ways in which their evidence may be challenged in cross-examination and some of these can be very harrowing and on occasion appear to be in the nature of personal attacks on them, which of course they are not. They are simply designed to reflect the least credit on the expert evidence being adduced. Ziskin (1970) provides some excellent examples of techniques used to demolish psychological evidence.

Everyone has their "awful experience" and it is salutary and educational to share those awful experiences with ones fellow psychologists.

Just over one quarter of the population of Australia is overseas born and a still sizeable proportion of that come from alien cultures. Thus in doing forensic investigations and writing psychological reports, psychologists should be sensitive to the need for understanding of cultural alien ways, since the failure to take this into account where there is a cultural alien client, may involve a gross perversion of the "facts". On the simplest level, for example, the greatest caution is needed in conducting psychological tests upon people who come from an environment alien to that in which the test was derived and upon which it was normed.

In dealing in the forensic field, one is necessarily dealing with circumstances in which there is aggrievement. Psychologists may wish to seriously consider providing themselves with appropriate protection by taking out an insurance of professional indemnity. In doing this, it is recommended that a practising psychologist in the private sphere give serious consideration to also ensuring in their policy that they have covered against loss of documents.

It is not difficult to imagine that an aggrieved client might arrange to have an expensive civil writ put upon the psychologist who would then need to defend him/herself at their own expense.

It is obvious to all in the forensic field that special considerations apply to confidential information. Ordinarily, in talking to professionals, clients have every right to expect that the information that they supply will be treated in confidence. However, investigations leading to the presentation of a forensic report, and with the distinct possibility that the psychologist may be examined in court, it should therefore be made plain to the clients, the nature of the relationship in forensic consulting (see also Fox, 1968). It should be noted that within the criminal field psychologists have no absolute privilege anywhere in Australia. That applies too in civil matters (with the exceptions such as Family Court Counsellors in certain specified circumstances).

One issue that has been canvassed is the confidentiality issue and Fox's (1968) article is dated (but is currently being revised) and practitioners should be aware that there are some contexts in the forensic field in which confidentiality may well be maintained, e.g. in certain aspects of Family Court counselling.

This leads to the notion of suppression of information, since it is not uncommon for psychologists to uncover information, at least in the private sphere, which is not favourable to the client, and they may be requested not to produce it. The common response to this is that you do not have to volunteer information. However, in cross-examination under oath, you may be compelled to reveal what is known.

One ethical issue is, to whom the forensic report should be made available? It is commissioned by some one or other but may of course be placed on file and might even be subpoenaed in other contexts. For example, a psychological report on a child for the purpose of the Childrens Court may be subpoenaed for another purpose in an adult court and therefore great caution should be exercised: perhaps a caveat at the beginning of the report indicating the purpose for which it was intended. Of particular relevance here is the revelation of the test scores, since the presentation of such scores can not only be misleading without proper interpretation, but in the wrong hands can be downright dangerous.

It may well be that there are a few over-riding principles which apply in this instance. For example, how may one best assist the legal system? How may one best assist the client? Is the investigation and presentation of a forensic report done in a manner and style such as will maintain the appropriate professional standing of the psychologist?

A skilfully conducted forensic psychological interview and report will, in my opinion, produce more than its apparent share to the professional standing of psychology.

Well conducted and well documented reports can withstand the vigours of a thorough cross-examination in court. A profession able to make such a contribution to the process of justice will become justly and, hopefully, admired.

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THE COURT COUNSELLOR'S ROLE IN CONFLICT RESOLUTION

P. Mark and F. Smyth

The Court Counsellors are a buffer between the public and the court. The court deals with events and facts, when in reality they are dealing with a process, one that is constantly changing. It is doubtful whether the Court can manage or control behaviour, especially when feelings are running high.

The Counselling Service attempts to reduce the disruptive effects of family breakdown and to provide an alternative to the adversarial process by promoting conciliation in the management of disputes involving children. The counsellors feel that it is necessary to develop strategies which avoid prolonging disputes or court action. We are confronting people in conflict all the time. The conflict is not necessarily overt, but there is always a conflict of emotions. Our role is to intervene in emotional conflict in a productive way in order to prevent it becoming behavioural which may be potentially damaging. We have some advantages as a result of being attached to the court, and the opportunity to see both parties and get an awareness of the total situation. We are able to see clients who would initially be reluctant to come to counselling and therefore are able to intervene at a critical point in the separation. However, there are pressures imposed on us. We see the overall picture and are expected to deal with it.

There are expectations from the court and the legal system. There are also expectations from the community who because of increased awareness now see us as the most appropriate and viable way of dealing with their disputes. The counsellors get caught up in a sense of responsibility for the children and keeping the conflict under control. The court cannot always supply alternate means for resolving such conflicts.

Role - We see our role mainly as catalysts for change. We aim to help people develop a sense of direction and reinforce behaviour which assists in resolving problems. We have to give information and provide a forum for conciliation. Our role is often like that of a traffic cop, directing people towards a workable, alternative solution which they themselves have chosen and feel happy about. We try to give them the opportunity to regain control of their own lives, in order to reduce their dependence on the authority system to provide

solutions.

Our role is also to reduce hostility so that lingering resentments and fears do not create tensions which could sabotage the situation in the future. We attempt to assist them to change their expectations and develop more realistic goals. We put emphasis on reality testing and reminders of the real issue. The solutions must be workable for both child and parents. The arrangements should be flexible enough to meet the child's changing emotional as well as material and physical needs.

We are often in the role of child advocate, presenting the needs and safeguarding the welfare of the absent child, whilst being oriented to the total family system. Rapport is maintained by the parents perceiving that Counsellors are interested in the rights of their children and care about their welfare. Instead of focusing on the conflict we try to encourage the parents' awareness of their positive qualities and get them in touch with the part of them that wants to be conciliatory, rather than blame and punish their spouse. In so doing, we attempt to provide them with a basis for an on-going relationship as parents, and acknowledge their responsibility for continuing parenting after separation.

People in conflict - Some clients can become very entrenched in their conflict. Conflict serves a purpose in their lives; often maintaining a relationship between them. Conflict can prevent stagnation and stimulate an otherwise dull life. The motivation is often to intimidate or punish the spouse, or to wreak revenge for real or perceived injustice. There is often a power struggle between the two personalities that means it is very difficult for either to let go and this perpetuates the conflict.

The adversarial system stimulates the view that the solution is the type where it is imposed on one party by the other, by the use of tactics such as deception, betrayal, resistance or sabotage. Hence a win/lose situation develops, leading to suspicious, hostile feelings and increased sensitivity to difficulties and threats. This system reinforces the idea of superiority of one over the other, and often results in a distorted perception of the other person which perpetuates the conflict.

Internal and inter-personal tension tends to reduce creative capacity, increase susceptibility to anxiety, increase defensiveness, reduce trust and polarise the partners, thus reducing their perception of the range of

possible alternate solutions. Conflict serves the purpose of keeping the other at a distance because it is too painful to relate in a positive and constructive way, and too risky in case it is misinterpreted as encouragement. Sometimes it is felt that the only way to cope with separation is to reject and disqualify the other. Some people feel that in order to avoid a sense of failure and to confirm oneself as a worthwhile person it is necessary to put the other person down. This creates further conflict and provides no basis for conciliation.

DIFFICULT CLIENTS

Some of the most difficult clients are -

- .Those who are very dependent, cannot separate or let go.
- .Those who have a very damaged self image and have few resources to help them reconstruct their lives.
- .Those who are immature and lack purpose or goals in life.
- .Those who are without hope or a basic philosophy to deal with the sorrows and losses of life.
- .Those who refuse to take responsibility for themselves, and get into a blaming or martyred stance.
- .Those whose hurt and anger results in them being out of control
- .Those who are stuck in a role with a religious or philosophical bias. They concentrate on moral disapproval and punishment, enlisting the children in a fight to make the other suffer. This self-righteous stand sabotages the relationship between the child and the other parent.
- .There are those who still want to control the spouse after their marriage is over. They cannot allow the other to have a separate life by continually interfering and making unreasonable conditions and demands.
- .Those clients who find it difficult to communicate are handicapped because this blocks effective thinking through and maintains blind spots. This leaves them with limited choices which all involve punishing their ex-spouse or confronting their own pain. This results in increased anxiety and leaves no room for positive thinking in regard to the children.

The people who are in an enmeshed parent and family relationship find it very difficult to separate. Often a parent overidentifies with the child. The child then has no choice but to introject the parent's attitudes, because holding an alternative point of view implies rejection of the loved parent. In cases like this our casework programme would be to move the parent and children towards engagement rather than enmeshment. However, this is a long term project and impossible for us to complete with present resources. Therefore, our intervention is more likely to end in disengagement rather than healthy engagement.

In a number of cases where polarisation cannot be reduced, the counsellors are in the unhappy position of seeing that access has to be abandoned, and must try to help the parties adjust. For many the major source of validation of self is in the role of parent and being part of an intact family system. There is a feeling of personal failure when the pattern changes and they struggle to maintain the structure. In order to rationalise their controlling behaviour they appeal to the moral precept of what they believe is right. They direct their anger towards the legal system and community attitudes which they believe to be encouraging permissiveness and marriage breakdown. There are difficulties now that fault is removed from divorce; they are denied the public expression of the disapproval and blame. They cannot see that the other parent can provide any positives for the children and deny the value of continued association with the other parent.

There are some parents who are so caught up in a crusade for their rights to access that they waste precious time with their children denigrating the other parent and making the children unhappy by issuing inappropriate rules and injunctions. They are asserting their role in the family, preoccupied with a sense of loss and injustice. This alienates them from their children and creates incredible stress in the family. It often degenerates into a battle for increased influence and control over the children's lives.

Some people avoid looking at themselves and do not take any responsibility for involvement in the marital breakdown. They are totally disengaged and want to be rid of their spouse as quickly as possible, leaving a lot of unfinished business to constantly re-emerge to create difficulties in the future.

When people with children remarry other people with children the resulting interfamilial dynamics provide opportunities for on-going challenges to the parents' ability

to co-operate and negotiate.

Sometimes the conflict is not improved as a result of court orders, and clients keep returning, asking the counsellors to resolve the problems and making repeated applications to the court. They see the counselling service and the court as an answer to all their problems and do not try to take any initiative or responsibility themselves.

STRATEGIES

In order to deal with these problems we have had to develop specialised skills. Counsellors do not presume to have all the answers, but they are constantly increasing their repertoire of strategies and alternate means of dealing with conflict, and working through the feelings aroused.

Because we are in a position to have greater awareness of the total situation and have the freedom to investigate the dynamics more fully, we are able to utilize strategies which are likely to be creative and helpful to both clients with both parties actually involved in the process. We try to find and exploit the common ground, and get in touch with the part of each person which wants to be conciliatory. We are able to use an experimental focus, that is, test out situations with safeguards so that clients are willing to try out possible alternatives before making irrevocable decisions. This reduces anxiety and the sense of urgency that is provoked by court action.

People often come with all or nothing, black or white attitudes about what they expect from the Service. Counselling provides a cooling down period in the transitional stage to enable ideas to be tested out. They can make a temporary agreement to try out certain arrangements, test out the art of the possible, evaluate and make appropriate changes. This reduces hostility and involves both parents in decision making.

We are effective because parents perceive us as attempting to act in the children's best interests. Parents who care about their children are therefore willing to listen and become committed to the process, and are aware of their investment in a mutually satisfactory outcome, rather than one that is imposed from above.

Our role is not neutral. We have an opinion about what happens to the children. Our focus is always on what is in their best interests. Our responsibility is to reduce

conflict and achieve the best possible arrangement for all members, taking into account the total situation. We cannot get caught up in taking sides or trying to please individual parents. Our role as facilitator is oriented not only to the relationship but to the whole family system and how it affects the children's welfare. We act as a filtering system-checking proposals in terms of the child's emotional needs and the practical application of such things as distance, frequency and reliability.

We try to get in touch with the couple as parents. They need to acknowledge to each other that both can be adequate parents, and work towards preserving that. Therefore, hurt and blaming are irrelevant. We are not interested in blame. It is necessary for each to feel that their relationship has changed, so that although their marriage has ended they can still relate as parents. We always try to focus on the problem and direct them away from dwelling on hurt unhappy feelings. We can allow only a limited amount of resolution of loss and grieving. Clients are guided towards an acceptance of change and the need for flexibility. They need to be helped to think through the consequences of what they are proposing and to present their side of the story as well as possible.

The counsellor spends a lot of time exploring and defining what the basic issues really are. Often what the clients present are not the real problems underlying the conflict. The clients are encouraged to share the problem - see it as a family problem needing joint involvement and responsibility rather than letting it develop into a them and us situation. We try to encourage and establish a system where they feel comfortable about communicating with each other, thus reducing misunderstanding, confusion and distrust. We urge clients towards cooperation, conciliation rather than competition, and the use of a creative, wider range of options. Flexible rather than rigid agreements are preferable because prescribed arrangements do not work in the long term.

In order to relieve tension, clients are assisted to look at alternative ways of dealing with personal stress. There are situations when individual stress is so great and conflict is running so high that counselling intervention effects little change and it is necessary to use strategies that prevent further escalation.

We have enough experience to know that often within a brief time, hard-line rigid attitudes can change dramatically. We are aware of a number of cases where one of the parents initially presents as intractable, but what has evolved over

time is a flexible arrangement to meet the changing needs of the children. Time is an important element which should always be considered. Proposals need to be tested and events given a chance to settle down. People need to gather their resources and get their energy restored to work on problems more constructively.

People are being encouraged to approach the counsellors early in the separation. In the first week of January, 1982 we had 19 new cases and 11 of these were just prior to separation or within eight weeks separation. Early intervention gives a chance for options to be tested out in a calm way before negative, hostile feelings increase the trauma for the child and make resolution of problems more difficult.

There are problems for the counsellor in getting into the role of rescuer in the triad 'Persecutor/Victim/Rescuer'. In order to avoid being seen as the rescuer we need to find strategies to get people to take responsibility for their own actions and future negotiations. We need to foster independence, and the use of creative solutions rather than the pragmatism within the rigid legal system. People can reach an impasse with no movement towards resolution. They remain entrenched in a dynamic system of confrontation and revenge, feeling totally justified in their position.

There are times when we feel that all our efforts towards conciliation have failed and nothing is happening to change the situation. When this occurs we sometimes have to allow a crisis to escalate, or even induce a crisis so that the parties are faced with the reality that unless they change the pattern themselves the results will be ongoing destructiveness. They have to see that the counsellor is not going to continue to support this system forever. This tends to redefine the problem and force recognition that if they choose to continue the conflict, the conflict serves a positive purpose for them. This cannot be used when clients are out of control and do not have the capacity for reflection and insight.

Timing is very important, and this stage can only be successfully reached after a series of frustrating attempts to use other techniques have resulted in increased tension for all, including the therapist. Therefore, it is most applicable when clients have good rapport with the counsellor, and after many attempts at conciliation the family still remain excessively rigid and resistant to change. We need to know when to refer people to other agencies, and when to terminate interviews. We need to be able to decide what is reasonable to expect from ourselves, what our

limitations are, and to protect ourselves from burn-out and overuse by the court and the community.

CONCLUSION

Counsellors acknowledge that they are in a powerful position to help shape clients into conciliatory rather than adversary roles in relation to the conflict. Much of our initial intervention is to shape more appropriate ways of dealing with stress, model conciliatory attitudes within the counselling interview and structure interactions between clients. Our role is instructive, facilitative and innovative, in contrast to the conservative pragmatism of the legal system. This brings us into conflict, because our risk-taking and novel proposals to cope with the same old problems give rise to anxiety in the legal profession.

We believe that it is important for people to retain power and maintain control over their own lives, rather than abdicate responsibility to the Court, thus becoming passive Participants. We believe that unless people have power over their own future their anxiety and tension increases. The more outside influence the more internal anxiety and the more likelihood of stress-generated behaviour or situations getting out of control. Therefore, we urge clients to take responsibility jointly.

A certain amount of anxiety promoted by conflict can have a positive growth promoting function. Complacency and submissiveness lead to stagnation and the denial and avoidance of problems. Anger and rage, properly harnessed can be a powerful energiser for purposeful goal directed activity.

It is imperative to recognise the importance of providing people with a forum where problems can be aired and solutions arrived at jointly. There tends to be a conflict avoidance attitude in our society which results in solutions being postponed thus creating more on-going internal and interpersonal tension which can inhibit future attempts at negotiation and cooperation.

The counsellor's role is to keep conflict within bounds and avoid reinforcing negative attitudes and expectations. We aim for compromise rather than confrontation. We believe that there should be increased knowledge and information about the harmful effects of parental conflict, the grieving process and how it effects people's reactions at the time of marital breakdown. To this end, there should be more public education about useful strategies to avoid the harmful

effects of conflict.

Counsellors also recognise that people do not necessarily achieve personal power by looking to the court for solutions and abdicating their own decision-making role. They have more committment to keeping to arrangements made by themselves.

The community should be concentrating on making facilities available when people are likely to be in conflict. People need to be trained to assist them to work out solutions jointly, rather than first seeking the assistance of an outside arbitrator. The resulting reduction in family tension would, we believe, have a far-reaching effect on the whole community.

THE ROLE OF THE EXPERIMENTAL PSYCHOLOGIST IN THE JUDICIAL SYSTEM

D.M. Thomson

The object of this paper is to describe the present role of the experimental psychologist and to outline his potential role within the judicial system. Although my remarks are directed specifically to the question of the role of experimental psychologists, much of what follows is also pertinent to psychologists in general.

It is now well established that courts can avail themselves of the opinion of expert witnesses. Thus, in *Clark v Ryan* (1960) Chief Justice Dixon indicated unequivocally the admissibility of the expert witness's opinion. He cited approvingly notes to the case of *Carter v Boehm* (1976).

'It appears to be admitted that the opinion of witnesses possessing peculiar skill is admissible whenever the subject matter of inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it without such assistance, in other words, when it so far partakes of the nature of a science as to require a course of previous habit, or study, in order to the attainment of a knowledge of it.'

The first question to be discussed, then, is whether or not the experimental psychologist qualifies as an expert witness. On the basis of criteria specified by the High Court of Australia, it will be argued that experimental psychologists do qualify as expert witnesses within the legal definition of expert. The second issue to be explored is the reason why the opinions of experimental psychologists have not been sought and in some cases have been excluded from the court room. In this section of the paper I will attempt to demonstrate that the grounds for excluding the experimental psychologist are not well founded. Finally, I will explore ways in which experimental psychologists can contribute to the attaining of a more efficient judicial system and ways in which the experimental psychologist can make important contributions in the court room.

EXPERT WITNESSES

Status of experimental psychologists - What defines an expert appears to be a matter of some contention. In *Clark v Ryan*

(1960), McTiernan J. adopted the position of Lord Russell C.J. in *R v Silverlock* (1894) that the question was whether or not the individual was skilled and knowledgeable. It was of no importance whether the individual had gained this skill or knowledge through formal training or through experience. Dixon C.J. on the other hand held the view that an individual would not qualify as an expert unless he had received some formal training. This issue is of no relevance as the experimental psychologist would qualify as an expert on the basis of his formal academic training - an undergraduate degree which includes a psychology major, and at least one further postgraduate year.

Given that the experimental psychologist qualifies as an expert witness, why has his opinion been excluded from the court room when the opinion of other experts such as psychiatrists, pathologists, physicists, mathematicians, engineers, chemists and finger-print experts have been received? The reason for the exclusion of the opinion of the experimental psychologist is not difficult to ascertain from the passage from *Carter v Boehm* (1976) quoted above. The opinion is admissible 'whenever the subject matter of inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it without such assistance...'. Since psychology is the study of human behaviour and everyone, including judge and jury, are students of behaviour, there is nothing the psychologist can contribute! Thus in *R v Fong* (1981) the Queensland Court of Criminal Appeal refused to admit psychological research on memory because an understanding of memory was well within the field of knowledge of juries. A similar position was expressed by the High Court in *Transport Publishing Co. Pty Ltd. v The Literature Board of Review* (1956), that 'ordinary human nature, that of people at large, is not a subject of proof by evidence, whether supposedly expert or not.'

The scepticism shown towards the experimental psychologist is not confined to the court room. Frequently when I describe a psychological experiment to my university classes, students react in one of two ways. On the basis of introspection they either conclude that the experimental findings must be wrong or, alternatively, they conclude that the findings are obvious. On the one hand the findings conflict with 'common sense', on the other hand, they concur.

The point that I wish to make is that common sense is not always helpful and indeed at other times it may be quite erroneous. Some years ago Tulving and I (Thomson & Tulving, 1970), published a study which pitted a 'common sense' prediction against an unlikely prediction derived from a theory of memory. The basic question being asked in that

study was what property determined whether a cue was effective in retrieving information stored in memory.

Typically, when a list of words is to be remembered, a word strongly associated to the target word facilitates recall. Table 1 contains examples of the material used in each of three conditions and Table 2 contains the mean recall of each of the conditions illustrated in Table 1.

TABLE 1

SAMPLE OF EXPERIMENTAL MATERIALS IN INPUT CONDITION 0
(THOMSON & TULVING, 1970)

<u>INPUT LIST</u>	<u>TEST CONDITION</u>	
	<u>0</u>	<u>Weak</u> <u>Strong</u>
Black	Train	White
Wind	Noise	Blow
Smoke	Drink	Tobacco
Green	Cheese	Grass
Sweet	Home	Bitter
Smooth	Butter	Rough

TABLE 2

SUMMARY OF RECALL DATA FOR INPUT CONDITION 0
Experiment 2, (Thomson & Tulving, 1970)

	<u>TEST CONDITION</u>		
	<u>0</u>	<u>Weak</u>	<u>Strong</u>
X	11.7	10.3	16.3
SD	(1.8)	(2.8)	(3.7)

The common sense explanation of the results in Table 2 was that the strongly associated cue-words automatically elicited the target words and that this elicited response was recognized as a target word. Tulving and I argued that the strongly associated cue words facilitated recall only because these strongly associated cue words were implicitly elicited when the target words had been presented for study. To test these two explanations we presented target words

accompanied by weakly-associated words in the study phase. In the test phase there were three conditions of recall: (1) non-cued recall; subjects were given a blank sheet of paper and asked to write down all the target words that they could remember; (2) the weakly associated words which accompanied the target words in the study phase were presented as retrieval cues together with instructions to write down as many target words as possible; (3) words strongly associated to the target words were introduced as retrieval cues. Examples of material employed in the three conditions are presented in Table 3.

TABLE 3

SAMPLE OF EXPERIMENTAL MATERIALS IN INPUT
CONDITION W (THOMSON & TULVING, 1970)

<u>INPUT LIST</u>	<u>TEST CONDITION</u>		
	<u>0</u>	<u>Weak</u>	<u>Strong</u>
Train BLACK		Train	White
Noise WIND		Noise	Blow
Drink SMOKE		Drink	Tobacco
Cheese GREEN		Cheese	Grass
Home SWEET		Home	Bitter
Butter SMOOTH		Butter	Rough

Mean recall in the three conditions is presented in Table 4.

TABLE 4

SUMMARY OF RECALL DATA FOR INPUT CONDITION W
EXPERIMENT 2 (THOMSON & TULVING, 1970)

	<u>TEST CONDITION</u>		
	<u>0</u>	<u>Weak</u>	<u>Strong</u>
X	7.1	19.8	5.5
SD	(3.4)	(7.1)	(4.1)

The non-cued condition provides the base line to evaluate cue effectiveness. The most important feature of the data presented in Table 4 is the poor recall in the condition where strongly associated words were provided as cues. Indeed, these cues did not facilitate recall at all. The 'common sense' prediction was quite wrong.

I have described the Thomson & Tulving study at some length because it demonstrates that common sense may be quite misleading. The outcome of this study underscores the important need for a systematic documentation of human competency and capacity. Experimental psychology is peculiarly well situated to satisfy this need. Such systematic documentation provides a framework within which the judicial system may be effectively modified and a framework within which testimony presented in court can be evaluated. It is to these contributions that I now turn.

Modification of the Judicial System - Many modifications of the judicial system are suggested by findings of experimental psychology. Here I wish to canvass briefly three such modifications. The first concerns type of testimony admitted in the courts, the second concerns identification procedures and the third concerns court room procedures.

Type of testimony admitted to Courts - The basic datum of the courts is the testimony the witness gives the court during the trial. When the witness takes the witness stand some months or even years after the event in question he is asked to recall the relevant events that occurred months or years earlier. Judge and jury listen attentively to what the witness recalls and how he recalls. The witness may, with the permission of the court "refresh" his memory by studying notes that he made about the events. The original statements, made soon after the event in question, play little part in proceedings. The original statement made soon after the event in question is largely ignored. For the most part these earlier statements are only brought to the attention of the court when gross discrepancies exist between the witnesses account in court and his earlier statements. Two well documented findings in experimental psychology suggest that the present court practice of placing heavy reliance on witnesses' courtroom accounts is questionable. The first finding is that details of the event are rapidly lost with effluxion of time (Ebbinghaus, 1885; Luh, 1922). The second finding is that as a function of time and subsequent experiences, recall of the relevant event becomes distorted (Bartlett, 1936; Loftus, 1974, 1975, 1976, 1978; Loftus, Miller & Burns, 1978; Barnes & Underwood, 1959; Underwood, 1957). The inescapable conclusion to be drawn from these studies is that greater reliance should be placed on the original statements of the witness. Thus, these original statements should be the first evidence admitted to the court with the opportunity for the witness to subsequently modify his account. However, any embellishments to the earlier account or radical departures should be treated with great caution. By adopting the practice of admitting the earlier statements a more accurate and less distorted picture of events is likely to be obtained. Objections to this course of action can and will

be raised. The most obvious objection is that the present practice allows the witness's account to be tested under cross examination whereas the proposed procedure precludes this. Four points in response to this objection can be made. First, the benefits of determining accurately the facts about the event in question by rigorous cross examination must be offset by degraded and distorted memory. Second, the credibility of the original accounts can still be tested in court by evaluating their consistency with other evidence. Third, the process of examination and cross examination may of itself distort the eye-witness report (Loftus, 1975; Loftus & Zanni, 1975). Fourth, courts already accept that the earliest response is desirable with respect to identification. Thus in *Alexander v R* (1981) Gibbs, C.J. stated 'It has accordingly become established practice for a witness to be asked to identify the accused at the earliest possible opportunity after the event, and for evidence to be given of that act of identification'.

Identification Procedures - Research from various fields of experimental psychology has demonstrated that the act of recognizing or identifying someone as a person seen before is a complex one which calls into play, among other things, inferential processes. Recognition is certainly not just a matter of matching up a present perception with some sort of memory image, a position implicit in many judicial comments. One aspect of the problem concerns the issue of conservation of identity of object constancy: what characteristics must two perceptions have in common for the representation of those perceptions to be deemed the same; conversely, what differences must two similar perceptions have for those two perceptions to be distinguished as being representations of two different persons or objects. This issue will be discussed in relation to two very different lines of evidence: child development and person recognition research.

Piaget (1954) was one of the first research workers to draw attention to the question of conservation of identity. Piaget's findings are based largely on his observation of children, particularly his own. Thus, according to Piaget for the very young child of twelve months, ball-under-the-table was different from ball-on-chair. The converse is also true in that two different objects may be responded to as if they are the same thing. This latter inability of the child to recognize two similar objects as being different is illustrated by Piaget with the following example. One day, while taking his son for a walk, his son espied a slug crossing the path. Piaget and his son stopped to observe the slug and then proceeded on their way. Further down the track the young child delightedly detected a slug and exclaimed 'There's that slug again, Daddy'.

Piaget accounts for this type of behaviour by asserting that the child cannot at this stage distinguish classes of objects from instances of objects. Now Piaget may well be right in his explanation, but I have a simpler one. Suppose I showed you two pictures of slugs and asked you whether or not they were two pictures of the same slug or pictures of two different slugs. How would you go about deciding?

I suggest that you would look carefully at such things as shape, colour and size and if there were discrepancies you would say the pictures were of two different slugs. Note, however, your conclusion is predicted on the assumption that slugs do not change colour, shape or size. With the slugs observed by Piaget and his son, Piaget would conclude that they were two different slugs because, among other things, he knew slugs could not move faster than humans. If slugs could move faster than humans, then Piaget's son may well have been correct.

The second line of research concerns person recognition studies carried out in the memory laboratories at Monash University. The research which I will briefly describe has been reported extensively elsewhere (Thomson, 1981; Thomson, Robertson & Vogt, in press). In the first phase, the study phase, of the experiments, witnesses observed a series of slides which depicted unfamiliar people undertaking various activities. In the second phase, the test phase, the witnesses' ability to recognize people observed in the first phase was tested. There were four different test conditions in the test phase: (1) a target person was depicted and this target person was wearing the same clothes and undertaking the same activity in the same background as he was in the study phase; (2) a target person was depicted and this target person was now wearing clothes different from those he wore in the study phase, was in a different pose and in a different setting; (3) a new person was depicted and this new person was wearing the same clothes as a target person, the new person was also carrying out the same activity in the same background as the target person had been; (4) a new person was depicted wearing different clothing from the target person, in a different pose and in a different background. The results presented in Table 5, are from Experiment 2 of Thomson, Robertson & Vogt (in press)

TABLE 5

MEAN PROPORTION OF HITS, FALSE POSITIVES AND MEAN CORRECTED RECOGNITION (C.R.) SCORES AS A FUNCTION OF THE SAME AND DIFFERENT CONTEXT IN EXPERIMENT 2
THOMSON, ROBERTSON & VOGT (INPRESS)

	<u>TEST CONDITION</u>	
	<u>Same Context</u>	<u>Different Context</u>
Hits	.936	.429
False Positives	.259	.167
C.R.	.677	.262

There are two noteworthy aspects of the data presented in Table 5. First, with respect to identification of relatively unfamiliar people, similarity of such things as clothing, activity and background make an important contribution. This contribution is in evidence both for the hit data, that is, recognition of target persons, and the false positive data, that is, the false recognition of new people. The second aspect of the data in Table 5 is that reinstating the original activity, clothing and background dramatically facilitated recognition.

In a further experiment we reported (Experiment, Thomson, Robertson & Vogt, in press), employing the same test conditions, we contrasted recognition of familiar people with unfamiliar people. The results of this study are contained in Table 6.

TABLE 6

MEAN PROPORTION OF HITS, FALSE POSITIVES AND MEAN CORRECTED RECOGNITION SCORES (C.R.) AS A FUNCTION OF FAMILIARITY AND CONTEXT IN EXPERIMENT 5
THOMSON, ROBERTSON & VOGT (INPRESS)

	<u>TEST CONDITION</u>			
	<u>Unfamiliar Persons</u>		<u>Familiar Persons</u>	
	<u>Context</u>		<u>Context</u>	
	<u>Same</u>	<u>Different</u>	<u>Same</u>	<u>Different</u>
Hits	.977	.386	1.000	1.000
False Positives	.273	.182	.000	.023
C.R.	.704	.204	1.000	.977

The differences of recognition as a function of familiarity are unequivocal. When we have accrued a good deal of knowledge about a person, changing the clothing, activity and background of that person has little or no effect, that is, their identity is conserved even when these sorts of changes occur.

The final point to be made about a person-recognition test is that it is sensitive to pressures to respond in a particular way. In a study (Thomson, 1981) I manipulated context and instructions given to 'witnesses' just before the identification test. For one group of witnesses the importance of identifying every person seen in the study phase was emphasised, for another group, the importance of not falsely identifying anyone was emphasised. The findings presented in Table 7 show that recognition responses have been influenced by these instructions.

TABLE 7

MEAN PERCENTAGE OF HITS AND FALSE POSITIVES AS A
FUNCTION OF CONTEXT AND INSTRUCTIONS, THOMSON, 1981

<u>Person</u>	<u>INSTRUCTIONS</u>			
	<u>Minimize</u>		<u>Maximize</u>	
	<u>Same</u> <u>Context</u>	<u>Different</u> <u>Context</u>	<u>Same</u> <u>Context</u>	<u>Different</u> <u>Context</u>
Different	85	18	93	32
Same	37	8	51	20

On the basis of the research discussed above, the following conclusions may be stated.

1. Identification of unfamiliar people can seldom beat a level of beyond reasonable doubt. This state of affairs is even more so when the circumstances and context of the identification test are very different from the circumstances and context obtaining when the offender was seen.
2. Identification procedures should be modified:
 - (a) to ensure as far as possible the participants in the identification line-up are wearing clothing similar to that worn by the offender, the line-up occurs in

the same background, and the participants be required to act in the manner that the offender did, as far as is practical. Clearly, there are great difficulties in implementing this recommendation. However, many of these problems may be overcome if the witness could view a videotape of the members of the line-up. Whether or not identifying a person on a videotape impairs recognition of a person is a question that research can answer.

(b) An authority, independent of the police force, should conduct the identification parade. This authority should not be aware of the offence the apprehended person is suspected of, nor of the strength of the evidence against him. A photograph or videotape of the conduct of the parade should be made, and copies of the photos or videotapes together with a description of all witnesses' responses be made available to prosecutor and defence. Such a procedure will ensure impartiality, and justice to the accused will not only be done but will be seen to be done.

Court room Procedures - There are two matters that I wish to briefly consider under this heading. The first matter concerns the situation where evidence is ruled inadmissible, the second concerns the implicit belief that the credibility of the witness may be judged by the confidence he exudes while testifying and the guilt of the accused may be assessed by his demeanour.

Not infrequently evidence will be tendered which is ruled by the judge as inadmissible. Where this inadmissibility is simply because the evidence is so far removed from the issue before the court no damage is likely to have occurred. But when the inadmissible evidence is prejudicial to the accused or one of the witnesses, then the fairness of the trial may be undermined. In ruling that the evidence is inadmissible, the judge will explicitly or implicitly direct the jury, or note himself, that the evidence be disregarded. Such a direction implies that humans have the ability to erase information from their memory or, alternatively, that they have the ability to hold that information in isolation of subsequent information. The problem is not just whether that particular information can be discounted but whether it contaminates the perception of subsequent information. One early study (Wishner, 1960) presented subjects with a list of words that were said to describe an individual.

After the last word was presented, the subjects were asked to finish the description. The manipulation of interest was the order in which the adjectives were presented. Although the same adjectives were presented, when the order of presentation was changed, subjects' description of the person changed considerably. Pertinent to the question as to whether people can disregard evidence is a series of unreported studies carried out in my laboratory. In these studies we employed the directed forgetting paradigm introduced by Bjork and his associates (Bjork & Woodward, 1973, Woodward & Bjork, 1971). Subjects were presented a series of lists of words to study. For some of the lists when half of the list had been presented a tone would sound. The tone was signal that subjects were to forget all items of that list prior to the tone. In some of these lists, some items appearing in the first half were repeated in the second. Despite the fact that subjects were instructed to forget the item prior to the tone, items that were repeated in the second half were always better recalled than those items not repeated. That people can disregard previous evidence when directed to do so is acknowledged by some legal writers as questionable, for example, Eggleston (1975) but even these writers tend to assume this problem is only a jury problem and not a judge one. My investigation into these aspects of directed forgetting is proceeding.

The second matter to be considered in relation to court room proceedings is the impact of physical characteristics and demeanour of the witness and the accused. A number of studies have been reported which show that physical characteristics of a person may have a strong influence on how we assess what they say and how we judge them. In a study by Landy & Sigall (1974) people were asked to grade essays. Attached to each essay was a photo of the person who was alleged to have written that essay. Essays and photos were matched in a random fashion. The main finding of this study was that the more attractive the photo, the higher the grading. In another study (Sigall & Ostrove, 1975) people were asked to specify the length of prison sentence they would mete out for a particular crime. Photos of the accused were displayed as the alleged offences were described. Again it was found that physical attractiveness played an important role in the severity of sentences.

It is often asserted that the demeanour of the witness and the accused can assist the judge and jury in determining the credibility of witness on guilt of accused. Thus the evidence of the witness who testifies unhesitatingly and confidently is adjudged as being more reliable than the evidence of a not so confident witness. While it is well established that within a particular person the greater the confidence the greater the accuracy in recall (signal

detection theory is based on this assumption, see Green & Swets, 1966) there is no consistent evidence that confidence is a predictor of accuracy across persons (Lipton, 1977; Clifford & Scott, 1978; Wells, 1978). The judge or jury member who introspects may conclude erroneously that the confidence is positively associated with accuracy. It is often asserted by members of the public, and occasionally by judges, that the demeanour of the accused indicates whether or not he is guilty. Such an assertion is completely undocumented, an assertion based on is not disputed that some people who look guilty, whatever that means, are guilty. However, if the demeanour of the accused is relied on then it must be a matter of concern that some innocent people may be found guilty because they look guilty and some guilty people are acquitted because they look innocent.

The point of this discussion about court room procedures is that some of the assumptions underlying the procedures are untested and others have already been shown to be quite erroneous. The experimental psychologist can make an important contribution to the administration of justice in the community by informing law reform bodies, members of the legal profession, politicians and members of the public at large of relevant findings and by researching areas yet unexplored. One way of improving the present judicial system is to subject the 'common sense' assumptions to close scrutiny. Many of these assumptions may well turn out to be common nonsense.

There is one inescapable implication of the above discussion. If the guilt of the accused should be determined on the basis of the relevant facts, then the decision-making body should be excluded from the court room while evidence is being gathered. The decision-making body, be it the traditional jury or an alternative body, would be provided with a typed manuscript of the evidence and the guilt or otherwise of the accused would be determined on the basis of the facts contained in that manuscript. Such a procedure would eliminate extraneous factors, such as physical characteristics and the demeanour of witnesses and the accused, known to contaminate the guilt-determining process. Further, this modified procedure would allow editing out of inadmissible evidence before the decision-making body had an opportunity to be exposed to it.

The experimental psychologist in the court room - The experimental psychologist can assist the court in three ways. First, he can advise the court of pertinent research findings. Second, he can provide the court details of the competency of a particular individual on a particular task. Thus, the experimental psychologist may describe to the court the normal parameters of visual or

auditory acuity, the capacity of running memory, the conditions under which people are likely to conform. Further, the experimental psychologist can provide the court with details of a particular individual tested under controlled conditions. The third way in which the experimental psychologist can assist the court is to evaluate certain evidence tendered to the court in light of the procedures, and to give an opinion on the likelihood of the occurrence of certain behaviours. With respect to this latter contribution, courts are less than enthusiastic on the grounds that experts should not preempt the role of the jury or the judge. The High Court in *Minnesota Mining and Manufacturing Co v Beiersdorf (Aust) Ltd.* (1979) stated:

"The court expert should not be asked questions which can only be decided by the court itself"

As an experimental psychologist I have no quarrel with this principle, but acceptance of this principle should not preclude the admission of expert evidence which can be taken into account by the court alongside all other evidence.

Finally, I want to illustrate the role of the experimental psychologist in the court that I have outlined in relation to three cases. Each of these cases involves voice recognition. Patrick Meehan was convicted by Scottish courts of the murder of an elderly woman. Masked bandits had severely assaulted the elderly woman in the presence of her elderly husband. As the woman lay on the floor bleeding, one of the bandits shouted at the protesting and distressed husband telling him to shut up and that he, the bandit, would call an ambulance. The woman subsequently died and Patrick Meehan was apprehended. Meehan had a long criminal record which included robbery. He could not document his alibi. In the identification parade, the old man asked the participant to call out what the bandit had shouted. Meehan was the first in the parade, the old man asserted that was the man. If I had been called as an expert witness I would have described a number of my unpublished reports on voice recognition. In these studies, subjects listened to recordings of a number of unfamiliar voices. In the test phase the voices of the same people were recorded saying the same or different sentences, and voices of new people were recorded saying sentences heard in the first phase or different sentences. In this experiment subjects falsely recognized 33% of the new voices. That false recognition of unfamiliar voices is high, is a factor that the court would doubtless have found useful to know. Meehan was convicted and sentenced to prison. Some time later, the true offender made a dying confession of the crime.

Leigh Ratten (*R v Ratten*, 1971) was convicted in 1970 in the Victorian Supreme Court of the murder of his wife. At the

trial, evidence was given by the telephone operator that on May 7 she received a phone call from a woman who screamed hysterically "Get me the police, please...59 Mitchell Street" Ratten claimed that it was he, not his wife, who made the call and he had requested an ambulance and not the police. The importance of the telephone operator's evidence is that it supported the position that Mrs. Ratten was being attacked by someone, and that someone was likely to be Ratten. Ratten's account on the other hand was consistent with his claim that his wife had been killed accidentally and he was calling for assistance. In preliminary studies that I carried out, male and female voices were recorded on a tape recorder. Subsequently, subjects were required to identify the voice as male or female. The results of this study showed that subjects were likely to misclassify low-pitched female voices and high-pitched male voices. Evidence given by the police of a call made by them to 59 Mitchell Street shortly after the first call was received was that the voice responding was hysterical, very quickly spoken and with a high inflexion. It was not disputed that this voice was that of Leith Ratten. However, it must be immediately conceded that the subjects in my experiment were university students who would not have had the extensive experience with respect to listening to voices as had the telephone operator. In this case it would, in my opinion, have been useful to have tested the acuity of the telephone operator in identifying male and female voices and presented this information to the court.

The final case that I wish to discuss also concerns the identification of a masked bandit by his voice *R v Wright*, (1968). The victim had previously known the accused and claimed that he recognized the voice of the bandit as being that of the accused. Subsequently to his recognition of the voice, the victim claimed that he recognized the facial features of the accused despite the hood. The victim was at no time required to identify the accused's voice in a voice line-up nor was he required to identify the accused in a line-up of masked participants. It is correct, as the court observed, that recognition of familiar people is different from recognition of unfamiliar people. However, in this case it was over 8 months since the victim had last met the accused and in a very different context. In my estimate, the identification evidence, which in this case was crucial, left much to be desired, a deficiency that an experimental psychologist could have forcefully pointed out.

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FORENSIC PSYCHOLOGY WITH ABORIGINES IN
CENTRAL AUSTRALIA

I.A. Joblin

I would like to introduce this topic by presenting two particular cases I have been involved with for Central Australian Aboriginal Legal Aid in Alice Springs. The first involves Carl, a 31 year old rural Aboriginal man of the Pintibi tribe. In 1978, at the Yinyi Iling camp near Papunya, Carl was suspected of having been responsible for the death of another Aboriginal man. When approached by the police, Carl was under a Mulga tree near a humpy at his camp. The police were unable to extract any information from Carl who answered only with silly giggling and jabbering, which no one present, including the linguist residing with the Aborigines at Yinyi Iling, could understand. The police decided he was suffering from a 'nervous disorder'. His eyes were fixed in a staring gaze. He incessantly giggled and laughed and mumbled when spoken to. He was taken into custody as a suspected mental defective.

He was taken to Alice Springs and then to the Hillcrest Psychiatric Hospital in Adelaide. Hillcrest said that there was nothing they could do for Carl and that they wished to return him to Alice Springs, which they did some weeks later. Enquiries from his people at Papunya and the outstations revealed that he was wanted back to go through the ritual payback. He returned from Adelaide to Alice with a skin brother and for some months just wandered the town, being seen by many behaving in strange ways, occasionally frothing at the mouth and shouting out. He appeared before the Alice Springs Magistrate's Court on various charges of causing annoyance and of objectionable behaviour. In September 1980 he was charged with the murder of another Aboriginal man. At that time there were questions as to his fitness to plea. The police attempted a Record of Interview, conducted in the presence of the skin brother who had travelled with him from Adelaide and who had adopted the role of the prisoner's friend. The Record of Interview went as follows:

Q. For the purposes of this interview, can you tell me your full name?

A. No answer.

Q. Referring to the other person - can you speak with Carl and ask him if he understands me? Will you do that?

A. Does not understand.

Q. Referring to the other person - will Carl speak with you at all? Will you try to speak with him?

- A. No answer to Carl to prisoner's friend. Carl tended to smile and make no further acknowledgement.

The interview terminated at this point as it was impossible to obtain an answer from Carl.

I was brought into the case at this point in the course of a consultancy in Alice Springs. I saw him in the Alice Springs gaol on a number of occasions over some days and tried to elicit some appropriate response from him. I used a variety of interpreters, including Pitjantjara, Luritja and Pintibi. He was not able to answer any questions relating to his name, background or present situation and it was concluded that he was unfit to plea. He jabbered, giggled and made extraordinary facial gestures accompanied by wild waving of his hands and arms.

I then visited the Alice Springs hospital records section to see if this man had any medical history. It was found that there were two men with similar names, both from rural outstations, both with criminal records and both with histories of mental disturbances. The records section had both men as one and I spent the best part of a day sorting these out into separate files. I must say that with great help from the hospital records staff and a very capable nursing sister from the Aerial Medical Service, we achieved some results. Carl came to the attention of the Medical Service in 1966 when he was treated for meningitis and in 1974 when he was treated for schizophrenia. In fact, 1966 was probably his first white contact.

When I appeared before the magistrate in 1980, I outlined his background and gave a diagnosis of severe psychosis with the possibility of an organic brain syndrome. I suggested that he be sent to Darwin for an EEG and/or a CAT scan. The Alice Springs gaol could not help him and the Alice Springs hospital is not equipped to handle this type of person at all. From his history, we concluded that he needed care, possibly for the remainder of his life. I then travelled to Darwin to assess facilities available for this. I spent time at the Darwin hospital, at the gaol and in discussion with various authorities there. I compiled a lengthy report and later a statement on my findings for the politicians to which I shall refer shortly¹.

My second case is Emily, a female Aborigine in her mid-twenties. Emily was born in a settlement just out of Alice Springs. She has a long history of epilepsy, has indicated an abnormal EEG, and was sent to Hillcrest hospital in 1968, where she spent some five years. She was described by a psychiatrist there as having an 'aggressive, impulsive, anti-social personality disorder'. He commented that treatment had been a complete failure and confidently predicted that any further treatment would likewise fail. In fact, he said, and I quote, 'It is wishful thinking to expect psychiatric treatment to accomplish anything with such people. There is no point for Emily's being referred for psychiatric treatment either as an inpatient or as an outpatient'. That was in 1977.

She appeared before the Alice Springs Supreme Court in 1977, charged with breaking and entering. When sentencing her, His Honour Judge Muirhead said that her return to the Alice Springs gaol, he supposed, was the nearest thing to home for her in this part of the world. He stated, and I quote, 'Thus while she has, in her confused state, committed a serious offence and must appear before me in a criminal court, she is, in fact, no criminal but a young woman, an epileptic suffering a most serious personality disorder. This manifests itself in outbursts which generally involve the property and possessions of other people as she has no home and thus, she will continue to offend'. His prognostication came true and Emily has appeared before the courts many times since then.

Past reports on Emily were confusing to say the least. In 1979 she was diagnosed as suffering from a psychotic disorder of some abnormality - a fragmented form of schizophrenia with some persisting paranoid element of considerable ferocity. In 1977 she was reported by a psychiatrist as showing no evidence of psychosis. In September 1978 she was diagnosed as a chronic psychotic. Other experts gave diagnoses focussing on her neuro-psychiatric dysfunction. In 1980 Emily continued to be a problem to the police and the prison staff of Alice Springs and questions were raised concerning appropriate placement for her.

In the course of a visit to Alice Springs I interviewed her in the female section of the Alice Springs gaol and although I found her talkative and cooperative, she appeared to be suffering a considerable degree of psychological dysfunction. She appeared to have had no remission of the symptoms of the previous diagnosis. However, I felt that she was not a human write-off and with appropriate treatment could live effectively in society, but the question was exactly where. I suggested that neurological investigation be carried out although prior EEG's had shown abnormalities, there were no abnormalities revealed on later CAT scan reports.

It appeared that while Emily's long history of attention from psychiatrists, psychologists, police and prison officers has resulted in many people writing her off, some had recognised her need for help but none appeared willing to accept the responsibility for implementing such help. Her institutionalisation had given her few abilities and skills to live effectively in society and it was my opinion that, in fact, it may have exacerbated any underlying dysfunction.

In 1981 she appeared again before the Magistrate's Court in Alice Springs. This appearance made the news. The Melbourne *Age* reported it in an article headed 'A Prisoner No One Wanted to Imprison'. At this appearance I gave lengthy evidence of her plight and drew attention to her future and the lack of facilities available to the court for her disposal. I referred to my visit to Darwin. I also referred to a previous attempt to contact the authorities at Hillcrest in an endeavour to determine the position with regard to sending such persons to South Australia. It is interesting that on the phone prior to my visiting South Australia I received a particularly obnoxious response

from the psychiatrist, indicating that for too long, in his opinion, South Australia had been the dumping ground for the Northern Territory's misfits. He thought it was time for the Territory to cater for its own.

The magistrate sentencing Emily commented that it gave him no satisfaction to sentence this person to a term of imprisonment when there might have been another way.

Again later in 1981 she was before the Alice Spring Supreme Court when her history was detailed. His Honour Judge Gallop stated, and I quote, 'The psychiatric facilities available in the Northern Territory are appallingly inadequate. One gets the impression that the health authorities are paying lip service only to the provision of any sort of facilities for the mentally ill....She is a citizen, the same as the rest of us and it is pathetic that nothing is being done for her'.

These are only two cases among many that I encounter during my visits to the Northern Territory. Petrol sniffers, psychotics, glue sniffers, alcoholics, sex offenders and neurotics are all present in the Aboriginal population, as indeed they are in the population of Victoria. The big difference is that in Victoria we have some facilities available to offer assistance, both within the prison system and outside it. In the Northern Territory, as I have indicated, such facilities are nonexistent. Can we help to explain the high recidivism rate from this fact?

Mr William Clifford, in his paper 'Aboriginal Criminology' delivered as the John Barry Memorial Lecturer on 30 September 1981 gave figures on the Aboriginal imprisonment rate. After this the following headline appeared in the Melbourne *Age*:

'ABORIGINES MAY HAVE THE WORLD'S HIGHEST JAIL RATE'

The *Age* reported Mr Clifford as outlining four possible reasons for this high imprisonment rate. They are as follows:

1. Aboriginal people are more criminal in nature.
2. The system is biased against Aborigines.
3. Aborigines have social problems which brought them into more conflict with the law.
4. Aboriginal and white law were in conflict.

I have serious doubts over the first reason and believe it should be eliminated. The second may have foundation. Certainly some people working in the area in Alice Springs would feel this to be so.

The last two are very real reasons and the scope of this paper does not allow for discussion of these. Given time in the future, I will

discuss these points with anyone and I have case after case to illustrate both of these problems.

Consider briefly the concept of double punishment from Aboriginal customary law and white law. Payback may be meted out by an offender's community even years following an offence. A court may sentence an offender heavily even after he has already received tribal sanctions. The Aborigine is often punished twice for the same offence and subjected to double jeopardy, but he is unable to plead double jeopardy. The courts are not obliged to recognise the existence of tribal law nor to ascertain whether the defendant will be or has been punished by his own community.²

What if murder is committed? The ceremonial spearing occurs, followed by banishment. Often hostilities between the two involved extended families cease after satisfaction of this tribal law but this may not occur after satisfaction of only the white man's justice. If the murderer is sentenced to life, such hostilities including fights, bashings with nulla nullas or even killings may continue for years and result in further attention to others by the white man's law. Should the white court wait until tribal dictates have been resolved or should it take responsibility for all the 'crimes' related to the instigation of hostilities and outstanding tribal sanctions?

His Honour Judge Forster was recently faced with this problem and after hearing evidence from experts, anthropologists and others, took the potential hostilities between the tribes into consideration when bail was applied for in a recent murder case. He granted bail. Giving reasons for his judgment, Forster stated, and I quote, 'I should also say for the purpose of dealing with the application of bail, I express neither approval nor disapproval for the course proposed to be taken by the family of the deceased, endorsed as it is by the community, including the family of the accused. Whether or not the proposed action constitutes an offence under the law of the land seems to me for the present purposes to be irrelevant. The order for release on bail should not be interpreted as necessarily involving approval of what will happen, nor of course should failure to approve it be interpreted as disapproval. What will almost certainly happen is simply for present purposes an important fact to be considered.'³

With respect therefore to Mr William Clifford, I propose two further reasons and do not refer to these as possible reasons but actual reasons for the high rate of imprisonment of Aborigines in the Northern Territory.

The first of these is the lack of facilities available for the criminally disturbed individual prone to recidivistic tendencies. I am not saying, of course, that all psychologically disturbed individuals have criminal tendencies nor that all criminals have psychological disturbances and, therefore, are recidivistic. But I am saying that those who have committed crimes, who have a long history of offences and who have distinct psychological abnormalities,

in my opinion, are prone to reoffending, especially if no assistance is available for them. Surely, then the recidivism rate may be lowered if some attention is paid to these persons.

The second reason I put forward is the complete conflict between tribal and white law and customs and the apparent lack of consideration for this point given by the courts and authorities in general. I have visited and worked with many indigenous people throughout the world, including the Maoris in New Zealand, some Indian tribes in the USA and various native people in South America. I would conclude that some countries are very aware of the problems their indigenous people have, but it seems to me that many turn their backs on the problems, hoping that they will, at least, remain self-contained or, at best, resolve, themselves and go away. It seems to me that in Australia, more so than in some other countries I have visited, this is the case.

Working in forensic psychology with these people includes the usual frustrations I referred to in a paper delivered to the Psychology, Psychiatry and the Law Congress in 1980 in Melbourne.⁴ But in addition we are faced with further problems. For example we have no supporting tests. I have used selected tests of the WAIS, the Weschler Memory, the Queensland Test and the Halstead-Reitan Neuro-psychological Test Battery. We are hindered by a complete lack of norms for assessing any intellectual abilities. We have problems with the lack of diagnostic facilities, the lack of previous research, a paucity of colleagues to compare notes with. We have problems with the language, a lack of skilled interpreters, a lack of understanding of the precise meaning of words. How can we ask an Aborigine, for example, if he sees things that are not there. We have problems with environmental conditions. I was sitting in the Alice Springs gaol in November of last year in 46 degree heat. Visiting outstations involves days' journeys in dust with a swag and little food.

It did appear to me that no one in authority cared enough to have a good look at what the position is with the Aboriginal people and crime, so the band-aid job of those working in organisations such as the dedicated Central Australian Aboriginal Legal Aid Service continues in its frustrating way. I am particularly grateful for the opportunity to point out some of the problems but I hasten to add that the areas of concern I have raised in this paper are but two of many. I do feel that consideration must be given to these problems or the band-aid job will continue for the Aboriginal people where customs and white law may never come to any mutual understanding.

Controlled research may provide an answer and I have recently been heartened by this Institute's considering a research proposal for investigation of links between viral infections, resulting brain syndromes and bizarre, criminal behaviour with Aborigines in the Northern Territory. For this I have been given extraordinary support by the Alice Springs Hospital and others in Alice Springs. My concern is that there may well be some organic brain syndrome in those who behave in bizarre, inexplicable ways and that this organicity could be based on some previous infection such as encephalitis, meningitis

or syphilis. Initial investigations point to an unusual prevalence in this area.

I prepared a statement in 1981⁵ regarding the facilities available for psychologically disturbed criminals in the Northern Territory. I would hope that that information and perhaps this present paper may eventually lead a Director of the Institute of Criminology to deliver an address with less tragic headlines.

What happened to Carl and Emily? Carl is presently in the Darwin Gaol and Emily is commuting between Darwin and Alice Springs at liberty in society.

NOTES

1. Unpublished monograph, Joblin, I.A., *Statement of the Situation Regarding Facilities for Psychologically Disturbed Criminals in the Northern Territory*, May 4, 1981.
2. Report of the House of Representatives Standing Committee on Aboriginal Affairs, *Aboriginal Legal Aid, Canberra*: Australian Government Publishing Service, 1980, pp99-100.
3. Forster, C.J., Reasons for Judgment in the Matter of an Application for Bail between the Queen and Joseph Murphy Jungarai, delivered June 23, 1981.
4. Joblin, I.A., 'The Frustrations of the Psychologist as an Expert Witness' *Bulletin of the Division of Clinical Psychologists, A.P.S.*, vol.13, no.1, May 1981, pp11-15.
5. See footnote 1.

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THE PSYCHOLOGIST'S ROLE IN HOSTAGE NEGOTIATIONS

G. Wardlaw

Hostage-taking has long been a way of exerting political pressure, safe-guarding one's interests, and demonstrating power over some particular audience. However, the upsurge of large-scale hostage-taking incidents as a tactic of political terrorists in the last decade or so has forced police and security authorities to evolve new techniques (and refine old ones) to enable them to deal with sophisticated hostage-takers, in well-organised incidents having serious political consequences.

The increase in politically-motivated hostage-taking has been followed by a significant increase in the incidence of criminal hostage-barricade situations (in which, typically, criminals cornered by police at the scene of a crime take hostages to use as a bargaining tool to secure their escape) and hostage-taking by mentally-deranged individuals trying to play out their fantasies, right imagined wrongs or orchestrate spectacular suicides. The record seems to indicate that the immense publicity given to hostage-taking by international terrorists has stimulated imitative behaviour in others. Such has been the increase in all types of hostage situations that almost all police forces have upgraded their general training to teach members how to respond initially to hostage-taking incidents, and most have also established special teams to conduct the negotiations needed to bring the situations to a conclusion.

Because of the emphasis on communicating with hostage-takers, the obvious high levels of stress involved in the situation, the recognition of a number of psychological processes involved in such incidents, and the presence of mentally-unstable individuals on a number of occasions, many authorities have initially thought that it might be necessary to engage a psychologist or psychiatrist to assist in the negotiations. Often this has led to suggestions that psychologists should themselves act as the negotiators, given their presumed skills in interviewing and decision-making in situations of personal crisis. Many textbooks and articles on hostage negotiations list a psychologist or a psychiatrist as a vital member of the negotiating team. But most provide no detailed justification for this assertion, nor do they set out precise roles which a psychologist (psychiatrist) might be expected to adopt. The following claims, made by Dr John Stratton, Director of Psychological Services for the Los Angeles County Sheriff's Department, are typical of those found in

the literature:

'Although intensified training is given to Special Weapons Team (SWT) members and other specialised personnel such as hostage negotiation teams, the psychologist can be of additional benefit *because of the many years of training and experience he has received in the understanding of human behaviour.* When the commanders of the field emergency and SWT units and the psychologist consult during these emergencies, the chances are better that the particular situation will resolve itself successfully without injury to anyone, officers or suspects alike.' (Stratton, 1977, p.74, emphasis added.)

Many police commanders, on the other hand, either having sought advice on hostage negotiations from a psychologist and being disappointed with it or basing their opinions on widely-held stereotypes of psychologists as theorists rather than people of practical value, are somewhat more sceptical about their usefulness. Often this scepticism is founded on misconceptions by the police as to what psychologists can usefully do and equal misconceptions by psychologists as to what roles they are expected to play. For example, Dr Harvey Schlossberg, the founder of the New York City Police Crisis Force and a pioneer in hostage-negotiation techniques for police, relates an anecdote about having tried to secure psychiatric advice during a famous siege in a Brooklyn sporting goods store in 1973. The police explained the nature of the situation to a number of experts and asked them for suggestions on negotiating strategies. The advice tendered was almost exclusively that the police should use tear gas. As Miron and Goldstein (1978) comment:

'The police obviously knew how to use tear gas and knew that it would be ineffective in this situation, but the psychiatrists perhaps as much as the police assumed that the other had the magical solution.' (p.87)

It would seem, then, that the first question we should ask is 'What do psychologists/psychiatrists know about terrorists that nobody else does?' One answer, given by Thomas Szasz, is that they either do not know anything unique, or are themselves terrorists and are therefore well-qualified. In a letter to the *New York Times* following the involvement of a psychiatrist, Dr Dirk Mulder, in negotiations in two incidents in Holland involving South Moluccan terrorists in 1976 and

and 1977, Szasz wrote in his usual dramatic manner:

'Why do psychiatrists negotiate with terrorists? What do psychiatrists know about terrorism that anyone else does not. In my opinion, there can be only two answers to these questions. One is that psychiatrists have no special expertise in terrorism, and using psychiatrists to negotiate with terrorists is simply a part of our contemporary craze of psychiatrising all human situations that involve conflict. The other is that psychiatrists have a special expertise in terrorism because they are themselves terrorists'. (Quoted by Miron and Goldstein, 1978, p.87)

Perhaps disregarding the extreme polemic contained in the last statement, Szasz is making a point which cannot lightly be dismissed. There certainly is a tendency amongst psychologists and psychiatrists to claim expertise in all areas of human behaviour, especially those involving crisis situations, without demonstrating how they have arrived at such expertise or indeed that they have added any new knowledge to the area at all. There is, of course, a corresponding willingness, and often enthusiasm, on the part of officials and decision-makers to call for advice from psychologists/psychiatrists on the assumption, often ill-founded, that they are in fact experts. When such advice turns out not to be useful in making on-the-spot decisions, the officials become disillusioned with psychologists and adopt a negative attitude toward them which may preclude their seeking relevant advice which it is within a psychologist's competence to give. It is, therefore, important to outline those areas and roles for which psychology would appear to have a legitimate claim to relevance and expertise in dealing with hostage negotiations. It is the purpose of the remainder of this paper to delineate these competencies.

The thrust of this paper is that psychologists may make some useful contributions to hostage negotiations provided that they are limited to certain specified roles and are carefully chosen in terms of appropriate experience and training. On the whole, I would agree with Powitzky (1979) who has warned that:

'... the majority of practising psychologists especially those who work outside of the criminal justice system, would not be very helpful (and some would be harmful) in a hostage-taking situation.' (p.30)

This judgement is at odds with the opinion of a significant number of psychologists, particularly clinical psychologists, who consider that their professional experience with other forms of aberrant behaviour and potentially dangerous situations would fit them for involvement in hostage situations. Their expertise is, after all, acknowledged

in other related fields such as dealing with offenders in prisons or making recommendations concerning dangerousness to courts. It thus seems perfectly logical to use psychological expertise to assist decision-makers to estimate the potential dangerousness of a hostage-taker or give advice on whether to negotiate or launch a tactical assault, for example. Poythress (1980) argues that the opinions of psychologists and psychiatrists are best *not* utilised in making such decisions.

Because of the lack of systematic research in the area, scientific data upon which an opinion could be based are very limited. The decision is usually best made on the basis of prior experience with similar situations and it is police members, not psychologists, who are likely to have had such experience. Most psychologists have not had significant field experience with such situations (and the emphasis is on *field*, because there is a world of difference between negotiating with someone down the barrel of a gun and dealing with a person, even in an agitated state, in a clinic or hospital). They, therefore, are unlikely to have developed even intuitive solutions for the sorts of specific problems facing a hostage negotiator.

The use of psychologists/psychiatrists to make assessments of dangerousness in a hostage situation is another practice fraught with danger. The literature is replete with evidence of the inability of psychologists/psychiatrists to predict dangerousness, even when assaultiveness of their own patients in their own hospitals is what is being predicted (Steadman and Cocozza, 1978). There is no good reason to believe that they would fare any better in a hostage situation (especially since their decision would be made under highly stressful conditions). As Poythress (1980) concludes:

'Given that mental health professionals truly have no expertise in this area and the fact that their 'speculations' (I won't use the term 'predictions') about such matters, though of dubious validity, are likely to be weighed heavily, it would be better for field commanders, particularly experienced ones, to make major decisions without 'opinions' of the psychiatrist (psychologist).'
(p.34)

If psychologists are not suitable advisors on such issues as dangerousness or negotiation *versus* assault, then surely they could well make ideal negotiators? The experience of a number of police departments indicates however, that on many occasions they do not, particularly if they are somehow identified as a psychologist. Many hostage-takers resent the implication that they are crazy which is inherent in having them communicate through a psychologist, and this obviously obstructs the development of the rapport which is such an important part of the negotiation process. (Probably the only positive case that can be made for the use of a psychologist as a primary negotiator is if the hostage-taker is a patient or former patient of

the psychologist.) As pointed out earlier, it is police who have most experience in dealing at 'street level' with similar situations and individuals to those confronted in a hostage situation. It thus makes more sense to train them to utilise specific techniques to affect the dynamics of the situation than to thrust a psychologist into an unfamiliar, stressful environment, even though he or she may be aware of the techniques.

Even if psychologists do not, on the whole, seem to have a role as the primary negotiator, they still have a contribution to make to the negotiation process. Most police forces have adopted the tactic of employing negotiation *teams* to deal with hostage situations. A typical team consists of a primary negotiator, secondary negotiator, negotiation team leader, and a consultant (usually a psychologist or a psychiatrist). The primary negotiator conducts all or most of the negotiations with the hostage-taker. The secondary negotiator logs the incidents, threats, or arrangements made with the hostage-taker, records the negotiations and acts as a back-up negotiator if the primary one becomes fatigued or is otherwise unable to continue. The negotiation team leader organises the team, assigns the roles, supervises the activities of the members and acts as liaison between the team and the on-the-scene commander (who would normally be located in a command centre slightly away from the scene of the actual negotiations).

As a member of such a team a psychological consultant can prove most useful. Without being stressed with the actual responsibility of negotiating, the psychologist's experience and training has been shown to be useful when he or she acts as a resource person to suggest ways of handling particular interactions with the hostage-taker, particularly in the case of a mentally-unstable hostage-taker. However, even participation in this role can be of minimal value unless the psychologist has trained with the other team members and has been exposed to specific information about hostage situations. For example, Fuselier (1981) argues that a psychologist:

'...can help you decide upon a particular approach to negotiation with a particular ...[hostage-taker] and offer recommendations during the negotiation process. His value will be greater if he expands upon his previous training and experience by seeking additional training in hostage negotiation concepts.'

(p.15)

Probably the single most important role of the psychologist as a member of a negotiation team, however, is to monitor the behaviour of other team members, particularly the primary negotiator, and assess their reactions to the stressful situation. In such a role the psychologist is able to offer emotional support to the negotiator, make suggestions on how to deal with stress and, if necessary, alert the team leader to undesirable impacts of stress on the negotiator's behaviour. The psychologist can also be of great value in providing post-event support to the negotiator, and the importance of providing post-trauma

counseling for the hostages is becoming more widely recognised. Powitzky (1979) reminds us that:

'The potentially devastating trauma of being a hostage victim should and can be ameliorated. Counselling may also help avoid the not uncommon experience of hostages refusing to testify later, either because of the fear or reliving the trauma or as a result of a 'Stockholm Syndrome' effect. The psychologist on the scene can assess the necessity for immediate action and make referrals where appropriate.'
(p.32)

A number of other roles which psychologists may fulfil at the scene of a hostage situation have been shown to be useful. Powitzky (1979) suggests that a psychologist who has been present throughout the negotiations is an ideal participant-observer who can give invaluable feedback as an evaluator of procedures, the adequacy of training and preparation, and the suitability of negotiation team members for this highly stressed role. He also suggests that, during the negotiations, the psychologist can act as an intelligence gatherer and may be useful in interviewing relatives, friends, neighbours of both the hostage-takers and hostages in order to gain information which might be useful in making tactical decisions or planning a negotiation strategy. Another role is that of acting as a liaison between the response team and other mental health resources which may be consulted or utilised (especially in situations involving mentally ill hostage-takers).

An as yet untested, but potentially useful approach to hostage situations is to construct actuarial decision aids to assist police commanders to make decisions about whether to continue negotiating or to mount a tactical assault. Such a decision aid has been proposed by Poythress (1980), and is typically based on such factors as hostage-taker typologies (for example, Goldaber, 1979), past history of arrests, and presence of psychological/psychiatric factors. Psychologists are involved in researching and constructing these decision aids and should also be utilised in estimating some of the variables to be entered into the decision-making equation during the course of a hostage situation, since clinical judgement may be necessary for estimating individual variables in some models.

Away from the actual hostage situation, psychologists have a contribution to make in the selection and training of hostage negotiators and in research into the negotiation process. Since the ability of the negotiator is a critical factor in the successful outcome of a hostage situation, the selection of the appropriate person is of the utmost importance. Experience has shown that certain broad characteristics are desirable. Crelinsten and Szabo (1979) list the following

attributes of a good negotiator as:

'good physical condition, a mature appearance, the ability to withstand prolonged stress, the ability to observe and report, communication skills, patience, calm, and the ability to poise. In addition, training and experience in dealing with different types of offenders particularly violent offenders is essential.'
(pp.47-48)

Most experts agree that, for the majority of situations, the negotiator should be a middle-ranking police member with substantial experience in interrogations and interviews (for example, Avery, 1978). Psychologists have an obvious role in devising assessment procedures to select suitable negotiators and to conduct research to refine the list of desirable attributes.

Almost all police forces also recognise the usefulness of employing psychologists in training negotiators. For example, Avery (1978) notes that the United States Federal Bureau of Investigation (FBI):

'... place great emphasis on psychological training to assist the negotiator to analyse the hostage-taker's moves and reactions to police activity. The negotiator needs psychological training so that she or he may swiftly and effectively communicate with the consultant psychologists who may be on hand to interpret the behaviour of the criminals.' (p.10)

As Davidson (1981) has noted:

'Psychologists and psychiatrists are well placed to instruct police negotiators in normal and abnormal psychology, in communication skills (including body language), and in specific techniques, such as crisis intervention.' (p.36)

In addition to these specific skills, psychologists have been particularly involved in research into hostage responses (the so-called 'Stockholm Syndrome') and stress reactions affecting negotiators and are probably the most appropriate people to give specific training to negotiators in these areas.

Finally, psychologists are usefully and appropriately engaged in research in such areas as the dynamics of the negotiation process, the development and refinement of negotiation techniques, and the construction of decision aids for police commanders.

Having outlined what seem to be legitimate roles for psychologists to play in the hostage-negotiation process we need to briefly mention the selection and training of psychologists to fill these roles.

Most experts agree that a background in clinical psychology is most appropriate for those who are to be involved in the hostage negotiation team. Ideally such a person will have had extensive experience in dealing with offenders (for example, experience as a prison psychologist) or working with police forces (for example, experience as a police psychologist). The psychologist should be familiar with police operations and especially tactical assault operations. It is important for the police force to state clearly what roles, limitations, etc. it expects the psychologist to act under and for the psychologist to accept these. Fuselier (1981) suggests that:

'It should be clearly established that he [the psychologist] is a consultant to law enforcement personnel, and as such his opinions will be asked, but he will not have the power or authority to enforce any decisions. He should be willing to accept the idea that after hours of attempted negotiation, it may be necessary to attempt to capture or even kill the [hostage-taker]. Both the agency head and the negotiator should believe that the psychologist accepts that possibility and would be willing to assist in whatever response is necessary to end the hostage incident. For example, once an assault has been decided upon, it is best to continue negotiating with the [hostage-taker] to make it appear that his demands have been met, and he has won. It may be necessary to keep him on the phone so that SWAT team members will know where he is, or get him to come to a front door or window, where a sharp-shooter can neutralise him. The psychologist should be willing to accept that his role as a consultant may involve taking part in these types of responses.'

(p.15)

Having selected an appropriate psychologist and agreed upon the conditions of the consultancy it is then necessary, if the psychologist is going to be employed to the maximum potential, for him or her to be trained as part of the negotiation team and to take part in regular team exercises designed to acquaint members with the latest techniques and information and to practice their interaction as a team.

In summary, there are a number of roles which may be filled by psychologists in the hostage negotiation process. In general, they are best employed as a consultant, not as a negotiator. Psychological consultants should be carefully selected for their relevant experience, orientation to the police mission, and knowledge of hostage negotiation theory and practice. Roles and responsibilities should be clearly delineated before a psychological consultant is engaged. A certain amount of education of both police and psychologists is needed to

reduce the unrealistic expectations that each has of the other's role in hostage negotiations. As Miron and Goldstein (1978) put it:

'... law enforcement agencies should be made more aware that there are no magic psychological bullets which will solve these situations. Psychological expertise should be viewed as simply one additional source of input into the decision-making process which is the ultimate responsibility of the law enforcement agency'. (p.88)

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TWO WAYS OF LOOKING AT CRIMINALITY¹

J. Pasmore²

FIRST WAY: *Eysenck's latest version of his theory of criminality.*

Eysenck's *latest* version is referred to since his earlier theory proposed only extraversion (E) and neuroticism (N) as the components, whereas his latest also includes psychoticism (P).

Hoghugi and Forrest (1970) summarises the earlier theory as follows:

- (1) Extroverts condition badly.
- (2) Socialisation is mediated by a process of conditioning.
- (3) Therefore, extroverts will tend to be poorly socialised.
- (4) Neurotics are high on factors of emotionality and anxiety.
- (5) This anxiety acts as a self reinforcing device.
- (6) Therefore, poorly socialised neurotics (that is neurotic extroverts) will tend to engage more frequently in anti-social behaviour than non-neurotics (note the subtle shift from 'poorly socialised' to 'anti-social' clearly implied but unexplained by Eysenck).

Hoghugi and Forrest (1970) list eight studies which *fail* to support Eysenck's theory. In four of these studies the 'delinquent' samples were significantly more introverted and neurotic whilst in the other four there was no significant difference between samples in extraversion on neuroticism, thus failing to support Eysenck's theory regarding the extraversion dimension.

However, Burgess (1972) points out earlier experiments which fail to support Eysenck's theory were unsoundly based. They had compared separately measured means of extraversion and neuroticism between prisoners and controls. However, when extraversion and neuroticism were taken together significantly more prisoners tendered to both neurotic and extravertia.

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1. This paper was not delivered at the seminar, but was prepared for participants to consider.
 2. Any views expressed are those of the author and should not in any way be attributed to the Queensland Department of Welfare Services.

Burgess (1972) goes on to relate Eysenck's concept to Hull's (1952) formulation.

$$s E r = s H r x D$$

That is, performance is a product of habit, strength and drive.

From this Burgess formulates an experimental measure which he calls the Propensity to commit Criminal Acts - Extraversion (E) x Neuroticism (N). He calls this measure Hedonism.

Burgess then points to some of the limitations of Eysenck's theory as follows:

'Having come this far in support of Eysenck, a few words of caution are necessary. First, in arguing that group mean data are not a fair test of the theory, one must conclude that the theory is far less general in its application than is sometimes thought. It is implied that criminality of most prisoners must be explainable in terms other than of extraversion and neuroticism (after all, in no case did the neurotic extraverts form a majority of criminals), and that many neurotic extraverts never become prisoners (after all, some 20 per cent of the normal population are neurotic extraverts). The behaviour accounted for by Eysenck's theory must remain problematical.'

Eysenck and Eysenck (1970) have already started to attempt to make the theory more specific when they introduce psychoticism (P) as a third contributing variable to criminal tendencies. The researchers compare four groups, prisoners, married men, students and industrial apprentices on E (extraversion) N (neuroticism) and P (psychoticism) scores from questionnaires. The study is open to the criticism that by comparing prisoners with other specialised groups such as industrial apprentices and students any differences found cannot be said to be due solely to the fact that the experimental group are prisoners but, rather, we may be looking at differences due to the homogeneity within the specialised groups.

However, if these defects are allowed for, psychoticism as measured by the Eysenck questionnaire does seem on the whole to be high in prisoners. As Eysenck points out, a large component of psychoticism is hostility; and on other measures of hostility, prisoners have been found to be high. Another criticism that can be levelled at all of the previous studies is that men actually confined to prison are compared with those not so confined. It is to be expected that such persons, deprived of many socially acceptable methods of release of aggression, may have higher hostility (and psychoticism) scores than free citizens.

SECOND WAY: Personality mapping and Delinquency

Whilst Eysenck has tended to go from the general theory of criminality to the particular, work based on the personality 'mapping' techniques of Cattell has tended to start with the particular. By the use of the 16 PF test and H.S.P.Q. (High School Personality Questionnaire) and multivariate methods it is possible to find what particular mix of personality characteristics go to make up criminals generally, or better still, those persons who commit specific classes of crime. From Cattell's H.S.P.Q., relatively independent variables are derived. In the case of the H.S.P.Q., fourteen (14) such variables are involved. These are set out below, going from variable A through to Q4. Personality characteristics of the high pole of each variable are on the right hand side, while those on the left represent characteristics of low scores on that variable.

A summary of these is listed below:

<u>Low Score</u>	<u>High Score +</u>
Schizothymia Critical, aloof	A Cyclothymia Good natured, easy going, cooperative
Dull	B Intelligent
Emotional instability Reacts emotionally, changeable in attitudes	C Ego strength Nature, calm, stable
Phlegmatic temperament Placid, deliberate	D Excitability Demanding, impatient
Submissiveness Submissive, kindly	E Dominance Assertive, self-assured
Desurgency Serious, introspective, depressed	F Surgency Enthusiastic, cheerful
Super-ego weakness Quitting, frivolous	G Character of super-ego strength Perserving, determined
Threat reactivity Shy, withdrawn	H Parasympathetic immunity Thick-skinned, gregarious
Harria Tough, realistic, selfreliant	I Premsia Aesthetically responsive, demanding, expects attention
Zeppia Group-acting	J Coasthenia Fastidious, individualistic

Low Score (contd)

Confident adequacy
Self-confident, resilient
cheerful

Group dependence
Dependent on group

Poor self-sentiment level
Lax, uncontrolled

Ergic tension low
Relaxed composed

High Score (contd)

O Guilt proneness
Timid, insecure, worrying,
anxious

Q2 Self-sufficiency
Resourceful

Q3 High self-sentiment level
Controlled, good will-power

Q4 Ergic tension high
Tense, frustrated

McQuaid (1970) found that when he compared 532 Scottish approved school youths aged eleven (11) to seventeen (17) years and 250 Scottish non-delinquent youths of similar age, there were significant differences in personality patterns. The approved school (delinquent) children tended to be of lower intelligence (B-), higher on ergic tension (Q4+), weaker on super-ego (G-), cooler towards people (A-), more group dependent (Q2-) and more obstructive and individualistic (J+), than non-delinquent children. McQuaid summarised the delinquents as being more schizoid (critical aloof), less resourceful and more obstructive. The non-delinquent sample, showed a factor characterised by sober, mature, independent, calm, control, this factor being absent in the delinquent group.

Last year forty-one (41) ('delinquent') boys who have been at River-view were compared with twenty-nine (29) Grammar School Boys (presumably largely non-delinquent) of similar age.³ While this experiment may be, like that of Eysenck be criticised on the homogeneity of the control sample (Grammar School Boys), it is felt that results still have some value.

The results found by McQuaid are set alongside those found by myself in Table 1.

3. The data for the Queensland study were collected during 1975 and 1976 at 'Endeavour Training Farm - Riverview' - an institution for 14 to 17 year old male delinquent youths. Endeavour Training Farm is no longer functioning. It closed in December 1976.

TABLE 1

<u>Scottish Approved Schools</u>	<u>P</u>	<u>Riverview</u>	<u>P</u>
B- Intelligence Low	.01	F- Depressed	.01
Q4+ Ergic tension high	.01	C- Low ego strength	.01
G- Super ego weak	.01	I+ Sensitivity high	.01
A- Cool aloof control	.02	Q2- Low resources - group dependent	
Q2- More group dependent Less resourceful	.02	Q4+ Ergic Tension High	.01
		O+ Guilt prone - anxious	.01
J+ Obstructive individualism	.02	G- Super ego weak	.01
I+ Sensitivity high	.01*	H- Timid - insecure	.01
C+ Ego strength high	.05*	E- Low self assertiveness	.01
		D+ Excitable - overactive	.01
		B- Low intelligence	NS#

* McQuaid suspects these values since the C and I scores by the 250 non-delinquent are high and low respectively as compared with 1,500 Scottish subjects reported elsewhere (McQuaid 1967).

The B result in Riverview study suspect because of reading difficulties of Riverview boys the tests were administered orally to both groups. Since the intelligence items (factor B) are unsuitable for oral administration the non-significance of B in the Riverview study is suspect.

Making allowance for the differences in culture in setting, the results bear considerable similarity. Broad agreement is shown on factors G, I, Q2, Q4 and B, though the latter is not significant in the Riverview study. From other data it is also known that Riverview boys are of lower mean intelligence than the control group.

If it is allowed that cultural factors account for some of the difference between the Scottish and Australian brands of delinquency, (it has been shown elsewhere for instance that while Scottish delinquent and obstruction (A-) tend to socially withdraw, whilst American delinquents tend to be more outgoing (A+)) it is reasonable to assume that it may be of value to look at areas of agreement between the two studies.

From comparison of results, both Scottish and Queensland delinquents have the following characteristics in common:

- (1) Weak super-ego strength that is, lack of internalised standards of conduct.
- (2) High ergic tension; that is an anxiety, excitability and restlessness. This agitation arises from sexual drive about which the person feels guilty but has not yet learned to control or channel in socially acceptable ways.
- (3) Group dependencies, a lack of inner resources arising out of inadequate parenting which forces the child to be overly dependant on peers.
- (4) Protected emotional sensitivity as a result of an overly dominant parent who is reluctant to allow the child to make decisions about his day to day life, thus retarding the development of a sense of responsibility. This makes the child immature and emotionally over-dependent on adults.

In looking at how the two studies differ, the most striking difference is that F- depression is the most prominent differentiations characteristic of the sample. It can be asked why Riverview boys should be so much more depressed than Grammar School Boys, when in the Scottish study no significant difference was found between delinquents and controls.

This could be explained in social terms in at least two ways, apart from chance. First, that the boys at Riverview were more greatly deprived of relationships with significant adults than those in Scottish institutions. This deprivation could be a function of less frequent contact with family and friends outside the institution than in the Scottish institutions, or the absence of 'family type' house parents. (At Riverview the boys are usually supervised by the duty officer on roster.)

Second, it could be explained as being due to there being differences in client population whose family relationships are more seriously disturbed than in the Scottish study. If this latter is the case, it still has to be asked if it is desirable for clients whose affiliative needs are so great, to be placed in institutions that do not meet their needs adequately, due to the absence of 'family type' house parents

Discrepancies found between the two studies in the ego strength factor, can be explained by McQuaid's sample which he admits was atypical in this regard.

In the Riverview study the findings which would be predicted from theory are supported that is, delinquents have lower ego strength, that is, a poor self image. Many Riverview residents have case histories which reveal a long history of ego-destroying criticism

from adults and peers. They have also repeatedly failed to compete adequately with classmates at school work, thus confirming the image of self worthlessness conveyed to them by others.

Other factors found to be significant in the Riverview study are guilt proneness and non-adjustive anxiety (O+), timid insecurity and lack of willingness to be socially adventurous (H-), lower self assertiveness and reluctance to speak out in a non-threatening democratic situation (E-) and demanding impatient, excitable overactivity (D+).

The first three (O+, H- and E-) taken together form a syndrome of person who has failed to develop the ability to relate socially in a mature way. Both O+ and E- previously have been found to be associated with delinquency (Cattell, 1969). Cattell's study of delinquency however suggests that they tend towards H+ (interest in opposite sex and gregariousness), not H- as indicated in this study. Again, this difference may apart from chance, be related to the type of institutional experience at Riverview where, until recently, when the children went out to school, there was little opportunity to mix with the opposite sex. H+ questions tap social adventurousness, and ability to relate to the opposite sex. I have noted a marked shyness of most Riverview boys in relation to females their own age.

It may be asked what contribution can be made by the use of tests. McQuaid makes the case for the use of testing to help in prediction and treatment as follows:

'Enough has been said, perhaps to indicate that at least some room must be left for individual diagnosis - group therapy, for example cannot be successfully undertaken on the basis of clinical guess work, otherwise the groups are likely to be so heterogeneous as to achieve more harm than good in individual cases. Therapy on scientific lines has proved successful in America'.

Personality test information can help in therapy and counselling of individual clients. However, more importantly, through research involving the utilisation of such personality measures as 16 PF & H.S.P.Q., it is possible to reach a greater theoretical understanding of criminality, its correlates and predisposing environmental factors.

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