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Edith Cowan University : developing a criminal justice research strategy : a discussion document

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Edith Cowan University

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EDITH COWAN UNIVERSITY:
DEVELOPING A CRIMINAL JUSTICE RESEARCH STRATEGY

A DISCUSSION DOCUMENT

Prepared by
Rod Morgan, Professor of Criminal Justice, University of Bristol, UK.



FOREWORD

In recent years there has been a concerted effort made by staff within the Edith Cowan University to raise the research profile of the institution. That the University is committed to this endeavour is evidenced by the creation of a research division, the appointment of staff with specific expertise in research design and statistics, the provision of funds to support research projects developed by staff, and seminars on topics such as grantsmanship, research management and proposal writing.

The field of justice studies is a potentially rewarding research area within the institution. The courses in justice studies are well established and further supported by the police studies program. These courses are complemented by awards in legal studies and youth work. A critical mass of staff has been achieved through recent appointments.

Together with the work being done by the Institute for Security Studies the University has substantial resources to deploy for research purposes in the justice field.

Professor Rod Morgan, Visiting Research Fellow, agreed to review the research infrastructure of the institution. The purpose of the review was to pinpoint ways in which the research efforts of staff may be facilitated. In his discussion paper Professor Morgan puts forward a number of suggestions - some controversial (such as staff review), some administratively insightful (such as the position of a Research Liaison Officer). Throughout his discussion it is obvious that Rod is sensitive to the needs of taking tentative steps into the field of research. He is concerned that staff should receive as much support as possible in their effort.

Almost as a bonus Professor Morgan has been able to identify a number of issues with the criminal justice arena that bear investigation. In the short period of time that he was at the University Rod was able to travel extensively throughout Western Australia. He liaised closely with the several arms of the justice system including the Crown Law Department, Corrective Services and the Police Department. Rod has pointed the way for interested researchers.

I believe colleagues will find Professor Morgan's paper stimulating. It clearly supports the confidence which the University has placed in the academic development of the justice studies field.

Professor Roderic Underwood
August, 1992.

RU/LR/533

INTRODUCTION

The Edith Cowan University Research Management Plan 1992 defines research as 'systematic and rigorous investigation aimed at the discovery of previously unknown phenomena, the development of explanatory theory, and its application to new situations or problems, and the construction of original works of significant intellectual merit'.

This definition is admirably broad. It encompasses a variety of endeavours which, for the purposes of this discussion, include: library-based work as well as fieldwork; systematic assembling and analysis of data previously not collected about criminal justice decision making; and the full gamut of empirical inquiry, historical as well as contemporaneous, ranging from the qualitatively descriptive through to the quantitatively experimental. It might also include, depending on their originality, aids to training and decision making.

This is an important observation. Research should not necessarily be thought of as an exclusive and thus intimidating endeavour, beyond the reach of all but a highly trained elite. It is, rather, something on which every member of staff can embark, no matter how limited the experience and training. There are research courses for horses. A well-founded research strategy will include mechanisms which enable each member of staff to discover the course suited to an individual's skills, interests and theoretical inclinations.

The key tasks are: to engender an expectation that staff will do research; to create a framework which makes it feasible for staff to undertake research, and thus reasonable that they should be expected to do it; to establish a climate that positively encourages staff to do research; and to provide access to facilities and training which makes it likely that staff will do scholarly research. I shall take each of these tasks in turn before examining some substantive research issues.

PART ONE:

CREATING A FRAMEWORK FOR A PROGRAMME OF RESEARCH EXPECTATIONS

a) Contracts. The starting point for the generation of expectations in any occupation is a person's contract of employment. I shall assume that the Edith Cowan University contract for all teaching staff specifies that research work is part of the job.

b) Staff Reviews. In most universities there is now some sort of annual review of individual staff performance. A lecturer's research is one aspect of that review. For those persons unfamiliar with formal review procedures, it may be worth spelling out the benefits of such a system because, contrary to initial appearances, where it is done well, colleagues generally report that the benefits stemming from regular reviews are considerable.

Reviews are generally carried out as an annual cycle. At the beginning of the academic year each member of staff completes a draft statement for completion of a fairly open-ended proforma. They describe their teaching and administrative responsibilities for the coming year. They also set out their research and writing commitments and plans. They then discuss their draft formally with a colleague. In some systems the colleague is their head of department. In others it is a colleague of their choice. As a result of this discussion they may amend their statement, which is then written up. The colleague who has engaged in the review also completes part of the proforma, setting out what advice he or she offered. At the end of the academic year progress is reviewed by the same method and recorded.

The benefits of this system are that:

- i) it ensures that every member of staff engages in a considered appraisal of his or her research commitments and aspirations, and sees how those commitments and aspirations are related to teaching and administrative duties, applications for sabbaticals, participation in further training, etc. Many members of teaching staff lack confidence when it comes to research. That fact needs to be recognised in a positive setting.
- ii) it ensures that senior members of the department are made aware of the plans/difficulties/anxieties/etc. of colleagues and have an obligation to assist them.
- iii) it ensures that departmental managers have a systematic knowledge base about teaching staff which, when it comes to allocating teaching, administrative burdens, sabbaticals and training courses, enables those decisions to be made in a manner that is fair and maximises research productivity. For example, sabbaticals will best be allocated to staff at those times when they can use them with advantage (to complete a study or book) and not just because it is their turn. The same, in reverse, is true of the allocation of an onerous administrative burden, such as taking responsibility for admissions.

PROMOTIONS

Research and writing performance will be one of several criteria used for determining promotion. How important a criterion it is will need to be spelt out for colleagues as will the procedure and criteria for assessing the quality of research and publications.

FEASIBILITY

i) Time. Scholarly research is arduous and time consuming, particularly if it involves fieldwork. Teaching loads will have to take research commitments into account. It is not possible mechanically to determine on the basis of the number of student contact hours when a teaching load is prohibitive for research (different colleagues have different capacities, some teaching requires more preparation, some teachers need to do more preparation than others (new colleagues, for example), teaching that is spread across a range of subjects is more difficult than teaching that is concentrated within a particular subject area, etc.), but a rule of thumb suggests that staff with teaching loads of less than 15 contact hours a week, and who have no administrative responsibilities, should be able to make time to embark on some sort of research.

ii) Funds. Not all research requires funding, but most research involves some additional expense. Every well-founded university will have set aside part of its income to allocate to staff to assist them with reasonable research expenses. This has been done at Edith Cowan University and each Faculty has a Research Committee accountable to a University Research Committee with responsibility for allocating research funds.

There will be members of staff, however, whose research expense needs cannot be covered by the University Research Fund, or whose University applications are unsuccessful. Their needs should be catered for by means of advice about how to get funding from other sources. The Faculty should have a Research Liaison Officer (preferably the person representing the Faculty Research Committee on the University Research Committee) whose task it should be: to collect data on alternative sources of funding (Australian Research Council, trusts, government

sources, etc.), circulate information about external funding opportunities and assist colleagues with the preparation of application for funds. Further, it would be desirable were the University Research Committees to inform applicants, when they provide reasons for refusing applications, to offer advice about the likelihood of the applicant successfully making a bid for funds elsewhere.

It should be said that the job of Research Liaison Officer (if there is not such a system generally within the University then one could be appointed specifically for Criminal Justice Studies) need not and should not be onerous. A member of staff who is already actively involved in research, will already have most of the necessary experience and information that needs disseminating. He or she just needs to see that the information is disseminated, and that colleagues are alerted to research and research funding opportunities.

Finally, there are research-related funding needs that are not explicitly provided for in the University research funding arrangements - namely assistance to attend conferences both in Australia and overseas. Conferences can be important research stimuli and participation (particularly by giving papers) needs to be vigorously encouraged.

iii) Congruence. Research becomes more feasible to the extent that its content is congruent with other duties, particularly teaching. Two aspects are worth highlighting. First, members should to the greatest possible extent be encouraged to undertake teaching in their research areas, and vice versa. Second, course units at both undergraduate and postgraduate levels can include exercises in which students themselves engage in modest research projects (dissertations at undergraduate level and theses at postgraduate level). Where students are part

-time and work in criminal justice agencies, or where they are full-time but are seconded from criminal justice agencies, student research projects can usefully open doors for staff members and sometimes provide rudimentary building blocks for the research of staff members.

CLIMATE

Research is often a lonely and uncertain business. Those who engage in it, particularly at the beginning of their careers, need positive encouragement within a climate supportive of research. Those universities and departments that develop a reputation for good research tend to have a corporate commitment to it. Colleagues talk about their research, and assist each other with their research. Engendering such a climate is not easy but a number of devices can be adopted which will almost certainly help.

First, colleagues working in the same area of research need to meet frequently. This is particularly difficult at Edith Cowan University because colleagues work on different sites.

Second, there should be a regular (I suggest fortnightly) criminal justice staff research seminar series. The series should probably include the following:

- i) outside speakers talking about research in progress or about research results.
- ii) members of staff (including research postgraduates and research officers) presenting research ideas and plans, work in progress and results. It is important that this exercise involve everyone and that the style of presentation be non-threatening. The object is not to sharpen wits on colleagues (though that is often useful) but to assist colleagues to refine plans, methods or analysis.

iii) representatives of criminal justice agencies describing what the research needs of their agencies are.

Staff research seminars should be seen as regular and important participative events attendance at which is as vital as it is for administrative meetings. Further, the Research Liaison Officer might ensure that colleagues are aware of seminars taking place at other universities on criminal justice and other matters of interest to colleagues. He or she should also inform colleagues at other universities of the Edith Cowan University programme.

Third, though the acid test of academic scholarship is the ability of colleagues to publish their research work in reputable refereed academic journals, it helps if staff constantly practice their writing skills and routinely try out their material on colleagues for comment. There may also be a case for starting a series of departmental occasional papers on criminal justice topics to build experience and circulate material which, though of interest to colleagues and some practitioners, may not be suitable for journals.

TRAINING AND FACILITIES

The variety of research methods in the social sciences means that possession of a particular research skill is not a pre-requisite of research endeavour. Nevertheless, all colleagues will not have the range of research skills they need; they either never had them, or they have lost them for want of practice. Colleagues are often singularly reluctant to admit to their deficiencies (particularly in relation to use of computers, statistics, etc.) and must be encouraged positively to do so. However, there is no point in uncovering needs unless they are subsequently to be met. The University and each Faculty therefore needs to set aside a budget for staff training or re-training and applications for such

opportunities should be encouraged through the staff review process (see page 9 above). There will also need to be a proper planning mechanism for allocating equipment (computers, tape recorders, etc.) required by researchers.

Finally, the Faculty might consider making available a small sum of money to pump-prime publication of the series of occasional papers on criminal justice topics which is suggested on page 13 above.

CONCLUSION

In conclusion, colleagues - particularly inexperienced colleagues - need constantly to be reminded that much successful research can result from collaboration and that this is often a highly desirable way of gaining experience. Collaboration need not be just with colleagues within Edith Cowan University, but with academics in other universities, or with practitioners, or persons elsewhere in Australia or overseas (there is a great need for comparative work in the criminal justice field). This is another area where advice from a Research Liaison Officer could be helpful.

PART TWO:

A SUBSTANTIVE RESEARCH PROGRAMME FOR CRIMINAL JUSTICE

It is clear that Australia generally, and Western Australia in particular, is fertile territory for research on aspects of criminal justice. Several criminal justice-related studies and interests are already developed within the department and can be built on. Others could with advantage be developed. The following are examples of research areas in which work might be done.

i) Mapping criminal justice decision making.

Many of the statistics produced by the official agencies (Crown Law, Police and Corrective Services) appear seriously deficient. Gaps need to be filled and practitioners made aware of how the 'system' of which they are a part, operates. Consider the following.

Magistrates technically exercise a degree of oversight regarding justices within their circuits. However they are provided with no statistics regarding the sentencing practices of the justices in the various courts making up their areas. We do not know how often justices in rural areas still sit alone (the last study was done 10 years ago). We do not know how much variation there is between different courts. We do not know how different offences are handled in different settings.

Among the particular issues which I think need urgently to be addressed are: The degree to which the custodial population is attributable to justices', magistrates' and the district court sentencing decisions.

The degree to which community penalties are actually available in some rural areas (probation, community service, work and development orders, etc.).

The relationship between the number of hours required by work and development orders imposed in default of fine payment and those required by community service orders, and the gravity of the original offence.

The proportion of fines collected and the proportion resulting in custodial sentences for default, and the proportion of the latter served in lock-ups as opposed to prisons.

ii) Analysing the background to criminal justice decision making.

My forays into the system here suggests numerous exciting areas for research of which I will mention a few.

How seriously should police arrest statistics be viewed? All the evidence made known to me suggests that suspects are routinely subject to forms of constraint without recourse to arrest. Thus the police claim rarely to arrest on suspicion; investigatory work is generally said to be undertaken with the 'voluntary' co-operation of suspects. In fact, of course, suspects are held against their will, but for how long, with the benefit of what safeguards, and in the knowledge of what rights? We do not know. The ground has not been covered. What proportion of suspects ask for and receive legal advice prior to arrest? How many suspects refuse to say anything? To what extent do suspects have threats or even violence used against them?

The use of financial penalties by sentencers. How are fines, orders for costs and restitution orders related one to another? How often and to what extent are they related to defendants' means? How long are defendants given to pay? How often are instalments fixed? What efforts are made to remind those fined before

warrants of commitment are executed? How many court areas do not provide the alternative of Work and Development Orders as a substitute for imprisonment for default? How many fines are fig leaves for de facto immediate custody?

What proportion of defendants are represented in different types of courts and geographical areas? Who are defendants represented by? What is the quality of that representation? What is the availability of representation in rural areas? In areas where representation is poor or non-existent, what sort of advice is offered by the police, court clerks (where present) and the court itself?

Finally, little work appears to have been done in Australia on the characteristics of decision-makers, their recruitment, attitudes, dilemmas and working cultures. There could with advantage, for example, be conducted studies of justices, magistrates, court clerks, different ranks of police officers, prison officers, etc.

iii) Monitoring Criminal Justice Policy Initiatives.

Among those brought to my attention are the following:

The new bail provisions: how are they working? Who still fails to get bail and why?

The juvenile cautioning scheme introduced recently: will it serve to reduce the number of prosecutions? How will the individual officers, on whose judgement the decision to caution will principally rest, decide that an offender should be cautioned? Will officers consult parents or the Department of Community Services before arriving at a decision, or will they decide on a basis of what they

observed the offender do and how he or she reacted to apprehension? To what extent will senior officers steer junior officers' decisions?

Are the new screening procedures (to assess prisoners' characteristics and condition) being introduced in police lock-ups reducing the degree to which self-harm takes place?

How effective is the Aboriginal Visitors Scheme in reducing the stress of custody in police lock-ups and prisons. Are Visitors still being obstructed by police personnel in their efforts to reach prisoners in prisons?

The various initiatives introduced in the wake of the Royal Commission on the Deaths of Aboriginals in Custody. Is the State of Western Australia or the Royal Commission correct in their very different assessments of the degree to which the interim recommendations of the Vincent Committee have been implemented?

Police Community Consultative Committees: what are they really achieving?

Neighbourhood Watch in WA: has it really reduced crime or the fear of crime as the police claim?

The introduction of the 'unit management' system of administration within prisons in WA. What does it mean in practice? What contradictions does it involve, what dilemmas does it pose?

The adaptation of prisoners and staff involved in the replacement of Fremantle by Casuarina Prison. How is the balance of power affected by the move? How do

both prisoners and staff adjust to the new physical conditions and the expectations that are generated?

iv) Consideration of strategic shifts in policing and criminal justice provision.

To what extent is private provision (the use of private security, sponsorship of police services, etc.) and voluntary effort (neighbourhood watch, etc.) shifting the burden. Is there a benefit reflected in changes in policing provision and the distribution of overall policing resources?

To what extent is the current recruitment policy for the WA Police and their promotional structure, denying the police access to skills which are necessary for the efficient operation of the force? What scope is there for civilianisation in the WA Police? (There is ample opportunity here for looking at the character of the 'canteen culture' in the WA police, and its relationship to a management that is still derived largely from promotion by seniority).

How effective is the current package of initiatives being introduced in WA countering the over-representation of Aboriginals in the criminal justice system. This issue could be looked at globally on the basis of published data, or it might be tackled by ethnographic micro-studies of the extent of criminalisation in particular local communities.

How equal are the opportunities presented to prisoners (cell-location, institutional placement, access to facilities, work allocation, etc.) of different ethnicity in WA prisons?

Comparative inter-state Australian studies of criminal justice. How do initiatives in one state impact on those in others? Is the trend towards convergence or divergence in different state jurisdictions in regard to: police, powers and procedures; sentencing practice; corrections policy; etc.?

SUMMARY

PART ONE

After reviewing the infrastructure which Edith Cowan University has developed to foster research it is clear that the staff are poised to make a significant contribution to the criminal justice field. I have endeavoured to identify ways in the enthusiasm and expertise of a group of dedicated staff might be supported by the University. There is an expectation that staff will do research. The basic framework is in place to make it possible for staff to do research. A positive climate to sustain the enthusiasm of staff is being fostered. The final imperative is to ensure that staff have access to facilities and training necessary for scholarly research.

PART TWO

In the brief time that I have spent in Western Australia it is obvious that there are many significant issues arising from the criminal justice system that bear investigation. I see these issues falling into four broad areas: mapping criminal justice decision making; analysing the background to criminal justice decision making; monitoring criminal justice policy initiatives; and consideration of strategy shifts in policing and criminal justice provision. There is no doubt that the research efforts of staff will be well rewarded.

Rod Morgan

Perth, August 5 1991.

RM/LR/533

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