

Critical Criminology and Social Justice Conference 2018

Abstracts

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Exhibition: *Sorry for your loss*

Wednesday, 26th September: 4.:30 – 6:00pm

Thursday, 27th September: 8:30am – 4:45pm

Friday, 28th September: 9:00am – 3:15pm

Room LAWS101

Exhibition

'Sorry For Your Loss' is a collaborative community driven multisensory installation work giving voice to the Aboriginal and Torres Strait Islander women who have lost their lives in custody. We are more than statistics, we are mothers, sisters and daughters. We have belonging, family and place. Our absence does not go unnoticed, we do not just disappear, we will be remembered'.

The exhibition was created by Jumbunna Research UTS through the leadership of Larissa Behrendt and Pauline Clague.



Image courtesy of Jumbunna UTS

Book Celebration and Welcome Drinks

Wednesday 26th September

5.00 – 6:00pm

Room LAW Level 1 Lounge

Featured books:

- Sarah Armstrong, Jarrett Blaustein & Alistair Henry, *Reflexivity and Criminal Justice: Intersections of Policy, Practice and Research*
- Lorana Bartels, *Swift, Certain and Fair: Does Project HOPE Provide a Therapeutic Paradigm for Managing Offenders?*
- Monish Bhatia, Scott Poynting, & Waqas Tufail (eds.) *Media, Crime and Racism*
- Kerry Carrington, Russell Hogg, John Scott & Máximo Sozzo (eds) (2018) *Palgrave Handbook of Criminology and the Global South*
- Cynthia Fernandez Roich, *Media and Crime in Argentina*

Welcome to Country

Thursday 27th September

9:15 – 9:30am

Room LAWSG23

Aunty Lola Callaghan, La Perouse Land Council

Lola Callaghan is an Aboriginal woman from the La Perouse Aboriginal Community, located on the northern side of Botany Bay.

She is a devoted mother to 3 children and loves spending her spare time with her family and 2 year old granddaughter.

Lola is an Aboriginal Health Worker for the Child and Family Health Team of Sydney Children's Hospital Network Randwick, a position she has held for 14 years. Her passion is improving the health outcomes for Aboriginal families with children ages 0-5 years and to work on projects that can make a difference in engaging Aboriginal families to take care of their health and wellbeing as well as their family's needs.

Opening Plenary: *Indigenous research, activism, advocacy*

Thursday 27th September

9:30am – 10:45am

Room LAWSG23

Presenters

Larissa Behrendt

Pauline Clague

Alison Vivian

Craig Longman

Paddy Gibson

Abstract

Despite the recommendations of a number of royal commissions and national inquiries, and despite a growing base of criminological disciplinary knowledge about Indigenous criminal justice, rates of Indigenous incarceration continue to rise in Australia and around the globe. Indigenous peoples continue to die in State custody and high-profile killings of Indigenous victims of crime remain unsolved. In the face of these realities, criminologists must ask some unsettling questions: has criminology as a discipline failed Indigenous peoples? And, if so, how can we do things differently? What, if anything, does criminology have to offer these crises in criminal justice which have been the experience of Indigenous peoples around the globe?

This panel discusses a range of transformative projects in the Indigenous justice space. As a team, Jumbunna Institute for Indigenous Education and Research brings together researchers, lawyers, filmmakers, activists and community to enhance a story telling approach to legal research through various media as well as to diverse range of audiences. Its unique approach to informing and educating the legal profession, governments and advancing the causes of the Indigenous families and communities with whom it works to help strive for self-determination and voice. This panel brings together a group of advocates. The panel will reflect on their strategies and methods--involving documentary making, strategic litigation, new media, case work, creative writing and the creative arts--in agitating for accountability, change and social justice.

Panel: *Doing Policing research for social transformation*

Thursday 27th September

11:15am – 12:30pm

Room LAWSG23

Panelists

Tamar Hopkins, *Widespread community mobilisation, including the settlement of the Haile-Michael racial profiling claim led to Victoria Police's 2015 ban on racial profiling. Problem solved?*

Megan McElhone, *Critiquing, Challenging and Changing the Policing of Middle Eastern Background Communities in NSW*

Vicki Sentas, *Challenging police power and police concepts*

Abstracts

This panel reflects on doing research aimed at undoing dominant police projects. We explore the politics and practice of research with racialized and Aboriginal and Torres Strait Islander peoples in support of diverse community anti-racism agendas. We reflect on the methodologies and ideas in campaign work that arises from, (or leads to), critical police research. Against the grain of 'police partnership' research we reflect on our experiences and difficulties in trying to generate knowledge about policing from outside state institutions. Drawing on different perspectives, we ask, what does it take to decentre the received organising frames for 'change' or 'reform' in policing that continue to exclude the perspectives of power from the people who are over-policed? This panel is a dialogue around these themes, from three different research projects:

Tamar Hopkins was principal solicitor at Flemington & Kensington Community Legal Centre where she set up their police accountability project and worked on *Haile-Michael & Ors v Konstantinidis*, the first systemic racial profiling litigation against an Australian Police Force. This paper assesses Victoria Police's policy responses to this ongoing community led anti-racism campaign and how these responses narrow and contain the nature and extent of racial profiling. In contrast, I set out a framework for researching, locating and preventing racial profiling. I argue that how we go about researching racial profiling is integral to supporting strategies for challenging systemic and institutionalised racism in policing, more broadly.

Megan McElhone is engaged in research on the racialized policing of Middle Eastern background communities in NSW. One aspect of my research has been to consider the NSW Police Force's avowed multicultural approach to community policing, which includes the employment of Multicultural Community Liaison Officers (MCLOs). The Police Force maintains that MCLOs assist ethnic minority communities to communicate with the police and shape local policing priorities. However, my interviews with community spokespeople and community workers have indicated that support for the work of MCLOs within Middle Eastern background communities is ambivalent. At the same time, some interviewees have also expressed ambivalence about the value of critical police research. Drawing on these interviews, this paper reflects on the respective capabilities of MCLOs and my research to provide Middle Eastern background communities with opportunities to critique and challenge policing in NSW.

Vicki Sentas

Vicki Sentas worked in partnership with community legal centres to research the workings and impacts of NSW Police force's Suspect Targeted Management Plan - a pre-emptive form of disruption policing based on future risk of offending (co-authored with Camilla Pandolfini, *Policing Young People in NSW: A Study of the STMP*, Youth Justice Coalition 2017). This paper reflects on the process of doing research on a secret police policy and the subsequent campaign to abolish the STMP for the ways we theorise policing and think about how it could change. It considers the dominant police concepts used in scholarship (for example, procedural fairness/justice, police legitimacy) in contrast to the very different conceptions of justice that come from those subjected to the STMP. The paper also reflects on the limits and possibilities of policing research to support Aboriginal and Torres Strait Islander self-determination.

Papers: *'Terrorism across the globe'*

Friday 28th September

1:30 – 2:45pm

Room LAWS160

Presenters:

Vanessa Barolsky, *The ethics of representation: A critical approach to terrorism research*

Adeshina F Akindutire, *Causing & financing of terrorism in Nigeria*

Milda Istiqomah, *Factors contributing to terrorism sentencing outcomes in Indonesia*

Abstracts:

Vanessa Barolsky, *The ethics of representation: A critical approach to terrorism research*

Research on terrorism has experienced a 'critical' turn in the past decade in response to concerns about the quality of research post 9/11, focused on a critique of the construction of knowledge *about* terrorism. However, there has been less explicit engagement with the ethical implications of a critical approach to terrorism studies. Rather than adhering to a 'false neutrality or objectivity', Critical Terrorism Studies (CTS) argues that it seeks to actively engage with the ethico-political entailments of terrorism research by openly adhering to the 'values and priorities of universal human rights and societal security'(Jackson et al. 2007: 21).

What does this commitment actually involve when discourses on terrorism and counter-terrorism are so often characterised by fervent moral binaries that prevent lucid analysis of the causes and consequences of the phenomenon? This paper will be a preliminary exploration of what a 'critical' approach may offer to a reflection on the ethics of terrorism research. I argue that a critical method concerns an analysis of the structures of thought and affect which shape, not only *how* we do research, but preceding this, how we *think* and *feel* research as an embodied practice.

If we understand research on terrorism as not simply a factual reflection of a pre-existing empirical reality but the product of representation, of a construction of knowledge, violence in general and terrorism in particular, raise difficult ethical problematics regarding how we participate as researchers in this process of representation. Violence and terror in many ways dispute language, it makes people mute, it appears 'unspeakable'. This 'silence' of pain makes it vulnerable to political, ideological and intellectual appropriation. What are the ethical obligations of researchers in this environment? This paper will explore some of these complexities of representation and the difficulties of appropriating terror to language, in terms of ethics as an 'expression of everyday life' (Das 2015: 38) rather than an endeavour quarantined to the domain of the ethics application.

Adeshina F Akindutire, *Causing & financing of terrorism in Nigeria*

In West Africa, there are growing concerns over the rise in terrorism or terrorist activities. This is underscored by the number of terrorist attacks in some West African countries that have resulted in huge human casualties and the destruction of properties. Terrorism has been conceptualised as criminal offences which produce widespread effects, including murder, wounding and damage, through overt and ruthless cruelty. These offences are mostly committed by groups, against random

innocent victims or specific structures or resources, using military weaponry, usually in order to coerce or punish government authorities or commercial enterprises, for political or social reasons. Judging from the increasing rate and sophistication of terrorist activities in West Africa, particularly in Nigeria, more work needs to be done to counter the problem. It is in this context that this article examines causes and sources of terrorism financing and possible solutions. Deploying Social Disorganisation theory, the study uses historical-analytic method to interrogate the issue and proffer suggestions on how anti-social situations, specifically terrorism can be managed in the West African region.

Milda Istiqomah, *Factors contributing to terrorism sentencing outcomes in Indonesia*

In terrorism prosecutions, some researchers have claimed that extra-legal factors tend to influence sentencing outcomes, however, there is no adequate evidence that this tendency exists in Indonesian terrorism trials. This thesis aims to examine what factors contribute to sentencing decisions in Indonesian terrorism prosecutions. Using quantitative approach, this thesis will examine approximately 150 terrorism verdicts in Indonesia in the last ten years. The extent to which the selected independent factors predict sentence length is tested in a multiple regression analysis. This analysis suggests that the sentence can be to a large extent predicted by legal criteria. The total number of people died is the strongest predictor of sentence length in the model.

Panel: *From Nagle to Now...the Changing penal landscape*

Thursday 27th September

11:15am – 12:30pm

Room LAWS163

Panelists

Emma Colvin

Kath McFarlane

John Gaffey

Abstract

In 1974 the brutal suppression of a riot at Bathurst Gaol led to a ground-breaking review of the NSW prison service. Some 45 years ago the Nagle Royal Commission promised to fundamentally change the culture and outcomes of the prison industry. The Nagle report provided a range of recommendations concerned with issues such as prisoner numbers, prisoner rights, sentencing, and the physical treatment of prisoners. In the 40 years since Nagle's report was delivered to the government the prison landscape has changed, however many of these same issues remain. We present a critical analysis of contemporary incarceration and examine some of the pressing issues that have emerged in contemporary Australian penology since Nagle's review. We examine these issues with reference to Nagle's original findings and compare the current situation in NSW today, to focus specifically on:

- the impact of increasing remand imprisonment;
- the causes and consequences of criminalisation for care experienced people in the prison system; and,
- Law and Order mythologies, media reporting of crime and justice, and its impact on the contemporary prison.

Papers: *Indigenous Justice*

Thursday 27th September

1:30 – 3:00pm

Room LAWSG23

Presenters

Lionel Judson, Clifton Girgiba, Slim Williams, Lindsay Crusoe, Lindsay Robinson, Lewis Williams, Billy Landy, Jimmy Williams (with Melita Medcalf & Peter Johnson), **Representatives from Kanyirninpa Jukurrpa Martu Cultural Knowledge Program**, *Cross-cultural Conceptions of Criminal Justice in Remote Indigenous Australia*

Debbie Bargaille, Chris Cunneen, Elena Marchetti, Juan Tauri, Megan Williams, *'Ethical guidelines for Indigenous focused criminal justice research and evaluations - Why we need them'?*

Abstracts

Representatives from Kanyirninpa Jukurrpa Martu Cultural Knowledge Program, *Cross-cultural Conceptions of Criminal Justice in Remote Indigenous Australia*

The Martu are the traditional owners of a large part of central Western Australia which extends from the Great Sandy Desert in the north to around Wiluna in the south. Across this country, Martu share a common law, culture and language. This presentation draws a comparative analysis between the western criminal justice system and the Martu law System. We look at the conflicts between the two systems and how these can contribute to the over representation of Martu and Aboriginal people in custody.

Debbie Bargaille, Chris Cunneen, Elena Marchetti, Juan Tauri, Megan Williams, *Indigenous research ethics*

Criminology and criminal justice research that involve Aboriginal and Torres Strait Islander people or have an Aboriginal and Torres Strait islander focus, need to follow the ethical guidelines set out in the National Health and Medical Research Council (NHMRC) *National Statement on Ethical Conduct in Human Research* (2007, updated 2015) and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) *Guidelines for Ethical Research in Australian Indigenous Studies* (2012). Neither of these documents specifically focus on research or evaluations in the criminology and criminal justice space, resulting in discipline-specific gaps. The principles reflected in the guidelines are more relevant for qualitative research or evaluations (not quantitative analyses of police or court administrative data or analyses of secondary data) and focus more on the data collection phase of the research or evaluation process.

Our paper focusses on the development of the ethical guidelines which are applicable to the broader aspects of criminology and criminal justice research and evaluations in the Indigenous space.

Papers: *Responding to Gendered Violence*

Thursday 27th September

1:30 – 3:00pm

Room LAWS162

Presenters

Heather Douglas, *Policing intimate partner violence*

Elena Cama, *Conceptualising technology-facilitated sexual violence in online dating*

Bridget Harris, *Capturing coercive control? Visual representations of DV*

Erin O'Brien, *Spotting victims of human trafficking*

Abstracts

Heather Douglas, *Policing intimate partner violence*

Police are often the first responders in cases involving intimate partner violence (IPV) and in many cases women survivors are the ones to call police for assistance. How survivors of IPV experience police engagement maybe important for survivors' ongoing safety- if they feel they are not treated fairly and respectfully, they may decide not to call the police in future. This paper draws on interviews undertaken with 65 women on three occasions, over three years who had experienced IPV and engaged in some way with the legal system. Most of the women at the first interview reported that they had contact with police in response to IPV (n 54) in the 12 months before the first interview and 22 women reported police contact at all three waves of interviews. The paper explores survivors' reasons for why they did and did not call police for help, what they hoped the police would do and whether they were satisfied with the police response. The interviewees identify both positive and negative aspects about their engagements with police and explain how their relationships with police changed over time. The paper concludes with some considerations for possible changes for policing in this context.

Elena Cama, *Conceptualising technology-facilitated sexual violence in online dating*

Technology-facilitated sexual violence (TFSV) refers to the use of digital communications technologies to aid the perpetration of sexual violence. The rising popularity of dating websites and mobile applications has seen a corresponding rise in reports of TFSV in this context. However, to date there has been little work that aims to conceptualise TFSV. This presentation seeks to position TFSV in online dating as occurring within Kelly's (1987) 'continuum of sexual violence'. Using this model, TFSV is situated within the broader, diverse range of experiences of sexual violence, from casual sexism to sexual assault, which disproportionately impact women. This is not to suggest that there are hierarchies of abuse, but rather that the harms of all forms of sexual violence are serious and cannot be assumed from the categories used to define them. The idea that some experiences are 'minor' is interrogated, particularly those occurring in digital environments, as this serves to downplay and minimise sexual harms. This work challenges normative understandings of what 'counts' as sexual violence, situating TFSV experiences in the broader 'continuum of sexual violence', all of which might have harmful effects for victims, but which may not otherwise fall within the purview of the criminal justice system.

Bridget Harris, *Capturing coercive control? Visual representations of DV*

Body-worn video cameras (BWVC) have recently been trialled by police officers attending domestic violence incidents. Perceived benefits to such technology include: strengthening evidential cases; improving the probability of guilty pleas or convictions; lessening State resources in investing and prosecuting matters and reducing victim/survivor court appearances (and, potentially, secondary victimisation associated with formal responses). Internationally, evaluations have found varying rates of success in these arenas, however, some police forces have maintained that the real contribution of success of BWVC is in bringing ‘reality into the courtroom’; a claim which warrants further attention. Virtual reality programs – used by police, court and correction agencies – have similarly been celebrated and premised on the belief that the ‘reality’ of abuse can be captured and, subsequently, transform perceptions of and responses to domestic violence. This paper explores possibilities and possible consequences of creating visual representations of domestic violence. In assessing these technologies, I consider challenges in depicting the nature and dynamics of abuse and contend that expectations of victim/survivors will govern how images are understood by criminal justice agents and communities.

Erin O’Brien, *Spotting victims of human trafficking*

Human trafficking awareness campaigns are moving beyond the traditional calls to action of signing petitions or donating money. Increasingly, concerned citizens are encouraged to take more direct action through two main avenues: the use of technology to gather data; and through spotting the signs of human trafficking.

Several Apps have recently been created to enable citizens to contribute to anti-trafficking efforts. In 2015 ‘TraffikCam’ was established as a website and App where people can upload photographs of their hotel rooms to a central database, to help investigators to recognise specific hotels in advertisements promoting sexual services. Stop the Traffik has created the ‘Stop App’ which asks users to create and submit incident reports, while the ‘Truckers Against Trafficking’ App links truckers to hotlines in the USA, Canada, and Mexico to report possible instances of trafficking. Non-government organisations also promote lists of indicators of human trafficking, asking concerned citizens to ‘spot the signs’.

These activities fall somewhere on a spectrum between everyday activism and citizen policing. This paper examines this trend in anti-trafficking activism, arguing that these endeavours can conflate migration and sex work with trafficking, while casting a suspicious lens over all migrant workers.

Papers: *State power and crimes of the powerful*

Thursday 27th September

1:30 – 3:00pm

Room LAWS163

Presenters

Natalie Hodgson, *Legal responses to crimes of the powerful - What can we learn from international law*

Anthony Collins, *Decolonising Peter Dutton*

Kirstie Broadfield, *The State vs Homo Sacer: Necropolitics in the Criminal Justice System*

Abstracts

Natalie Hodgson, *Legal responses to crimes of the powerful: What can we learn from international criminal law?*

In 2003, Roberts and McMillan called for ‘criminology in international criminal justice’, that is, for greater criminological engagement with international criminal law (the body of international law that deals with individual responsibility for criminal conduct and includes genocide, war crimes and crimes against humanity). This paper advances Roberts and McMillan’s call by arguing for “international criminal justice in criminology”: the use of knowledge and concepts from international criminal law to enhance our study of the Australian legal system. International criminal tribunals focus on prosecuting the senior leaders responsible for mass atrocities. By drawing on this specialised expertise and comparing international criminal tribunals with the Australian criminal justice system, researchers could develop a better understanding of the strengths and limitations of Australian responses to crimes of the powerful.

Anthony Collins, *Decolonising Peter Dutton*

In March of 2018, the Australian Minister of Home Affairs announced his intention to fast track visas for white South African farmers, apparently believing them to be victims of a racial genocide and deserving the ‘special attention’ of a ‘civilised country.’ This raises several questions: Is there, in some identifiable empirical sense, a campaign of violence against white South African farmers? If not, how did the narrative of white genocide arise and come to shape the minister’s understanding? In what sense do these specific victims deserve the urgent response of a ‘civilised country’? This presentation pursues these questions, exploring lay criminologies, representations of victimisation, postcolonial networks of race, and populist politics in the global South. Here it attempts to understand the constructions of humanitarian responsibility, national security and personal safety, and show how these assign value to life and suffering in ways that either reinforce or disrupt global relations of inequality.

Disclaimer: Anthony Collins is, inter alia, a decolonial criminologist, descendent of white South African farmers, and recent immigrant to Australia. He is not, to the best of his current knowledge, a victim of any white genocide.

Kirstie Broadfield, *The State vs Homo Sacer: Necropolitics in the Criminal Justice System*

Societies in settler-colonial countries are quintessentially biopolitical as a direct result of their attempt to eliminate the existing Indigenous populations in order to replace them with settlers. In settler-colonial countries, all too often the death of individuals from minority groups occurs at the hands of the State's instruments of social control through the exercising of necropower. The number of such deaths is rising to a crisis point that demands greater attention and investigation. This paper aims to explore the theories of Agamben, Foucault, and Mbembe in relation to police brutality of minority groups and arguing that this is subjective violence that is not only ignored by the mass public, but also legally condoned by necropolitical, neoliberal government structures. The settler-colonial countries of Australia, Canada, Brazil and the United States of America supply ample case studies in which to situate police brutality firmly in the necropolitical space.

Panel: *Southernising Criminology: A journey*

Thursday 27th September

3:30 – 4:45pm

Room LAWSG23

Presenters

Kerry Carrington, *Violence, gender and the Global South Southern Penalties*

Russell Hogg, *Southern Penalties*

John Scott, *Rethinking Race and Crime*

Abstracts

Criminology has focused mainly on problems of crime and violence in the large population centres of the Global North. Southern Criminology is a perspective that seeks to correct this bias. It is not a new sub-discipline but rather a journey toward cognitive justice that aims to bridge global divides and enhance the democratization of knowledge. The three papers in this themed session draw on a range of case studies to illustrate the southernizing of criminology: by tracing how the coloniality of gender shapes patterns of violence in the Global South; uncovering criminology's colonial legacy, perhaps best exemplified by the over-representation of Indigenous peoples in settler societies drawn into the criminal justice system; analysing the distinctiveness of southern penalties; and re-thinking concepts of race often the product of colonial relations, reified and privileged in criminological thought.

Kerry Carrington, *Violence, gender and the Global South*

The criminological gaze has tended to maintain a highly selective focus on violence in the large population centres of the Global North to the exclusion of the many more spaces and places that lie beyond them, such as the global countryside, peripheries and antipodes. It has had little to say about the violence of state and nation building, of empire and settler colonialism, or of the particular forms of gendered violence experienced by women in the Global South. Yet countries suffer most from cycles of extreme violence (World Bank 2015) and have the highest rates of homicide, ethnic and religious violence, and violence against women and minorities in the world (United Nations Development Programme (UNDP) 2014). This ensemble of mutually reinforcing threats to human security dwarfs the problems of violence that predominate the pages of published criminology. This paper outlines the global unequal distribution of violence and considers some of the key driving forces behind it – with a particular focus on how the coloniality of gender shapes these patterns of violence.

Russell Hogg, *Southern Penalties*

The habit of viewing penalty through the dominant prism of the prison overlooks what is most distinctive and often instructive about the penal experience of particular countries in the Global South. This paper is organised around three general and closely related themes that are highlighted by adopting a Southern perspective. We first discuss the importance of an historical sociology of punishment that looks beyond national borders and the nation state. Second, we consider the value of adopting an expansive view of penalty that explicates close links with processes which have been formative in colonial rule and settler nation building. Finally, we demonstrate the need to eschew frameworks of analysis that examine penalty in Global South countries as (imperfect) exemplars of

penal narratives derived from developments in the Global North, and argue for the need for frameworks that instead attend to the specificities of Southern penalties.

John Scott, *Rethinking Race and Crime*

Post-colonial and Indigenous perspectives in criminology widen the analysis of identity and criminalisation. However the concept of race, itself often the product of colonial relations, remains a central, privileged concept in criminology. This is problematic because concepts of race are functional fictions of colonialist epistemologies. This paper argues that the concept of race is a political artefact of northern thinking. The idea of race is durable in criminology harking back to Lombrosion constructions of atavism. To illustrate this the paper examines the racialisation of indigenous Australians in criminological discourse. Further, with reference to southern epistemologies, alternative constructs of human difference and diversity are offered, which are grounded in discourses of belonging specific to Australasian cultures. The Torres Strait Island Region provides an example of how localised practices of belonging have been resistant to colonial and neo-colonial practices and have been translated into successful community policing initiatives.

Panel: *Sex, drugs and molotovs: Research, ethics & criminalised activity*

Thursday 27th September

3:30 – 4:45pm

Room LAWS162

Presenters

Paul Simpson

Nicholas Apoifis

Louise Boon-Kuo

Zahra Stardust

Annie Madden

Abstracts

Researchers face significant ethical considerations when conducting research among participants who may be involved in criminalised activity. Within a climate of increased surveillance and with the risk of data being subpoenaed, researchers are in ongoing conversations about the best methods to produce ethical, rigorous research whilst protecting participants. This process includes discussions on how this can be built into all stages of research, from conception, methodological design, data collection and analysis to reporting.

This panel brings together scholars and activists to examine ethical issues in research among five groups – prisoners, drug users, undocumented migrants, sex workers and protestors – all of whom are affected by the criminal justice system. Panellists will discuss key ethical issues in research with prisoners, conducting militant ethnography within anarchist communities, research with undocumented migrants, mitigating risks of self-incrimination in research with sex workers, and the impact of illegality and criminalisation on ethics in research involving people who inject drugs.

Ethical research among marginalised communities, particularly communities affected by criminalisation, goes beyond administrative steps (such as collecting verbal consent or destruction of audio recordings) and, in the pursuit of social justice, requires a deconstruction of the researcher vs researched relationship, a re-examination of dominant definitions of crime, a re-imagining of ‘justice’, and an exposure of the role of the state in perpetuating violence.

Papers: Risk, punishment and social justice

Thursday 27th September

3:30 – 4:45pm

Room LAWS163

Presenters

Ariel Yap and Shi Joo Tan, *Capital punishment in Singapore: Social constructions of risk from 2004-2017*

Mindy Sotiri, *Reintegration outside the lens of criminogenic need*

Natasha Graham, *Beyond Risk: Social Justice and Better Outcomes for Prisoner's Children*

Abstracts

Ariel Yap and Shi Joo Tan, *Capital punishment in Singapore: Social constructions of risk from 2004-2017*

This article examines how capital punishment in Singapore is justified by the state through political and social construct. Analysis is focused on the political construct of risk through discourse that stems largely from the war on drugs. This article seeks to understand how state support for capital punishment is generated and sustained. Data was collected from Singapore governmental documents and several non-governmental, human rights organisations (sources that constitute grey literature). Official discourse in Singapore over the last fourteen years (2004 to 2017) was analysed through coding and critical discourse analysis. Discussion will focus on the Singapore government's narrative around its application of capital punishment, which has been primarily directed against the control of drug trafficking. The state justifies breaches in human rights obligations by reiterating that such practices adhere to the 'rule of law', under a strict, zero-tolerance crime control regime. The political construct of risk, in this instance, is partly supported by the communitarian ideology of sacrificing the rights of some 'for the greater good' (public interests). Official discourse has constructed drug-related offences as a 'most serious crime'. As a result, drug offenders construed as 'deserving' of this 'most severe' and final form of punishment.

Mindy Sotiri, *Reintegration outside the lens of criminogenic need*

In 2016 the NSW government announced it would spend \$237 million over four years to reduce re-offending across the state. The raft of programs announced included multiple new projects focused on the provision of community based reintegration and diversion programs. At the time of writing, in NSW, over \$63 million has been committed to the community sector for the purpose of delivering programs to reduce recidivism and divert people from the criminal justice system. This is an unprecedented injection of justice funds into the community sector. While some attention has been paid to this investment and some optimistic claims made about the expected outcomes, very little attention has been paid to the nuts and bolts of exactly *what* these services are funded to do. This paper explores the limitations of the new funded services in terms of implementation as well as their relentless adherence to a criminogenic and individualised approach to offending. It will argue that a more thoughtful and holistic approach to building pathways out of the criminal justice system is required to impact recidivism, and to disrupt entrenched cycles of imprisonment and complex disadvantage.

Natasha Graham, *Beyond Risk: social justice and better outcomes for prisoner's children*

Children of prisoners are often understood in terms of their potential risk for future criminal behaviour and offending. However, the experience of having a parent in prison is unique to each individual and will differ based on any number of interrelated factors and circumstances. All of which can impact their future outcomes and as such, cannot be understood via the narrow lens of risk and risk factors alone. This presentation challenges underlying assumptions often evident within risk factor research by examining the lived experiences of prisoner's children, including the context in which they occur. Further to this, it will explore the broader social and structural inequalities that occur as a direct result of parental incarceration. A social justice approach recognises the lack of acknowledgment and adequate support which prisoner's children receive and how this contributes to limitations for future opportunities and potential. It also requires us to critically examine the ways in which prisoner's children are not only understood but responded to within Criminology and other related fields of study.

Panels: *Media, crime and racism*

Friday 28th September

9:30 – 10:45am

Room LAWSG23

Presenters

Chris Cunneen and Sophie Russell, *Social media, racism and vigilantism*

Monish Bhatia, *State violence and psychological harm: asylum process in the UK*

Scott Poynting, *Moral Panic, Media, Racialisation and Vigilantism*

Abstracts

Chris Cunneen and Sophie Russell, *Social media, racism and vigilantism*

Social media has become a key feature of contemporary society and has dramatically changed the way we communicate. Alongside the boom of social media has been a growth in ‘anti-crime’ Facebook pages. This research explores the ways in which community justice and vigilantism in Australia are exercised through social media in the wider context of the racialised criminalisation of young people. In this chapter we draw on a number of anticrime Facebook pages from different Australian states and territories to examine the way that social media is used to produce and reproduce racialised narratives of crime. Our analysis finds that these Facebook pages have the effect of legitimating violence and vigilantism against young people, many of whom are Indigenous. While there appears to be a direct link between the Facebook groups and incidence of violence in some cases, on a broader level, it is the constant reinforcement of an environment of racist violence that is most troubling.

Monish Bhatia, *State violence and psychological harm: asylum process in the UK*

In the context of United Kingdom’s increasingly restrictive and harsh immigration and asylum measures, legal professionals, refugee charity organisations and human rights campaigners have suggested that “culture of disbelief” permeates within the border agency. This disbelief impacts all areas of policy and decision-making. Those seeking asylum are by default portrayed as individuals abusing the hospitality of ‘soft touch Britain’ and ‘not genuine’, as opposed to vulnerable individuals fleeing danger and threats to life. Racialized knowledge is constantly applied to dismiss their suffering and the genuine nature of their claims. This has serious consequences for those experiencing mental distress. In this paper, I will use Achille Mbembe and Johan Galtung’s work to explain the state violence(s) directed against asylum seekers. The paper will bring narratives and experiences of this group to the forefront, and highlight some of the psychological impacts of neglect, denial, disbelief, surveillance and control measures. It will also outline their treatment by the criminal justice system. The aim of this paper is to show ways in which mental distress is created and exacerbated by the state, having serious (at times fatal) consequences.

Scott Poynting, *Moral Panic, Media, Racialisation and Vigilantism*

The concept of moral panic, developed in the late 1960s, has always been criticised by conservatives for minimising the supposed real danger of ‘folk devils’, and was long rendered unfashionable by poststructuralist influences, rejected as elitist for disregarding popular fears and as mechanistic for its structuralist explanations. Yet it has been rehabilitated in the new millennium by a worldwide reality of xenophobia, racialisation and scapegoating arising from global economic crisis and contradictions

in the 'empire of capital'. In the fifty-year history of the moral panic model, notwithstanding the insight and lasting impact of Stuart Hall and co-authors' *Policing the Crisis*, too little attention has been paid to processes of racialisation in the construction of folk demons. The scapegoating function of such demonisation serves in times of social crisis or disruption to project real insecurities and the resultant anxieties onto imagined causes. The feedback loop operating between mass media and the state results in heightened racialisation and calls for strong state targeting of demonised 'others'. State menacing and violence against Muslim minorities in the purported 'global war on terror' has been demanded and legitimised in media crusades. Meanwhile, media-fuelled vilification adds to state modelling of persecutory violence, to incite vigilantism.

Panels: *Drugs and the law*

Friday 28th September

9:30 – 10:45am

Room LAWS162

Presenters

Vendula Belackova, *User defined quality of illegal cannabis*

Siobhan Lawler, Lexine Stapinski, Emma Barrett, Maree Teesson, *Understanding the relationship between alcohol & other drug use and violence in the Australian judicial context*

Vivienne Moxham-Hall, Caitlin E Hughes & Alison Ritter, *Australian drug driving laws*

Abstracts

Vendula Belackova, *User defined quality of illegal cannabis*

Background: 'Quality' has been driving cannabis (and other illicit drugs) users' behavior in terms of buying from 'trusted sources', producing own drugs or resorting to purchase on cryptomarkets. Primary research on user's capacity to assess drug quality is limited. Aims: To examine how users assess the 'quality' of cannabis, we inductively coded over 100 semi-structured interviews and 10 focus groups with cannabis market participants from four jurisdictions with different cannabis policies (Florida, U.S., New South Wales, AU, Czechia, Spain) that were collected between 2008 - 2018.

Findings: Respondents assessment of cannabis 'quality' was sensorial and effect-based (both 'strong' and 'mild' cannabis was preferred; distinctions between 'energizing' and 'sedating' strains were made). Definition of cannabis 'quality' included absence of negative health effects ('not harsh on throat') and the cultivation process ('no chemicals'). There were nuances based on respondent's level of experience, access to information and the dominant sources of cannabis in jurisdictions.

Conclusions: Users' capacity to assess the quality of illegal cannabis is limited by the level of available information, yet, we suggest that their definition of 'quality' includes health-related aspects. This can inform the formulation of alternative cannabis policies to criminalization and the users' role within.

Co-authors: Michaela Brandnerova, Alexandra Tomkova, David Vechet, Tomas Zabransky, Department of Addictology, Charles University in Prague.

Siobhan Lawler, Lexine Stapinski, Emma Barrett, Maree Teesson, *Understanding the relationship between alcohol & other drug use and violence in the Australian judicial context*

The majority of young people in custody have drug and alcohol related problems where over 90% report past experiences of risky drinking and illicit drug use. Furthermore, there is strong evidence of an association between substance use and violent offending specifically. The current study seeks to examine the relationship between substance use and violence in the judicial context and contemplate judge's aims in sentencing. A cross sectional analysis of n = 220 sentencing remarks from NSW higher courts between 2014 and 2017 was conducted. Substance use involvement was identified as an offence characteristic in 3/4 of violent offence cases (n = 170). Among young adult offenders (n = 51) robbery and murder were the most common offences, and alcohol and methamphetamine were the most involved substances (37% and 35% of cases, respectively). Preliminary results suggest judges

reasons for sentencing were split into two themes, one emphasising offender agency and choice and another acknowledging the influence of the drug dependence on offending behaviour. Despite this divide, addressing substance use dependence was seen as key in successful rehabilitation in most cases. Analysis of judges remarks provides a unique opportunity to explore the decision-making processes of judges sentencing violent offenders with drug problems.

Vivienne L Moxham-Hall, Caitlin E Hughes & Alison Ritter, *Australian drug driving laws*

The criminalisation of drug driving via “drug driving laws” is evolving rapidly across many parts of the globe. The introduction of “zero-tolerance” roadside drug testing (RDT) laws has been the focus of most contemporary social justice debates concerning such laws, as they sanction drivers based on any detectable amount of a drug in their system. Alongside RDT laws there are also driving under the influence (DUI) laws. Using Australia as a case study, we present the first comprehensive analysis of a nation’s full set of drug driving laws; including DUI, RDT, non-compliance and other related drug-driving legislation, and compare the penalty options and punitiveness for the different offences.

We show that most jurisdictions treated a DUI as a more severe offence than RDT, but others had comparable penalties across DUI and RDT laws, making no distinction between laws that were impairment driven versus those that were not. We also found that within the zero-tolerance framework of RDT laws, the punitiveness of state responses varied. For example, some states allowed for a first offence to be counted as an infringement rather than criminal penalty and opted to increase the severity of penalties for repeat offenders while others did not. This brings to light some new social justice issues: namely the lack of distinction in penalty severity for more severe offences (DUI versus RDT) and repeat offenders in some states. Having revealed the diversity in approaches to the criminalisation of drug driving in the Australian context, we raise broader questions as to the intent of the laws; are they designed to improve road safety, or to penalise drug use and driving.

Panel: *Transnational and environmental crime*

Friday 28th September

9:30 – 10:45am

Room LAWS163

Presenters

Jarrett Blaustein, *Unravelling the crime-development nexus*

Laura Bedford and Reece Walters, *Transnational corporate mining in south Africa: Resistance, death and environmental crime*

Sarah Wright, *Reconsidering the Green Crime Spectrum: Are Environmental Crimes being Treated as Real Crimes?*

Abstracts

Jarrett Blaustein, *Unravelling the crime-development nexus*

This paper presents key findings from a genealogy of the 'crime-development nexus' using documentary analysis and interviews with current and former senior managers from the United Nations Office for Drugs and Crime (UNODC). It traces the origins of the nexus back to the United Nation's (UN) formative interest in the criminogenic consequences of rapid modernization and then consider how its framing of the relationship between crime and development evolved in response to the internationalization of its crime policy agenda and the onset of neoliberal globalization. The article then provides a more detailed account of UNODC's efforts to promote the idea that crime poses a threat to sustainable development following the adoption of the Millennium Development Goals. The analysis illuminates the complex origins of this simple yet powerful idea and how it has been shaped by the politics of the UN system and the international community.

Laura Bedford and Reece Walters, *Transnational corporate mining in south Africa: Resistance, death and environmental crime*

"There is an epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions, eliminate anyone who stands in the way. It [comes from] mining, agribusiness, illegal logging and dam building." (John Knox, UN Special Rapporteur, July 2017).

The role of environmental activism in preventing crimes against the environment has entered a new stage within an often competing and conflicting global politics of conservation, trade and fiscal prosperity. Here, the artificial separation of the ecological and the economic in discussions of global exchange has presented options for 'development' as a zero-sum game. The new era of environmental activism, which unites the economic and ecological, is both dynamic and dangerous. On the one hand, it has become pivotal for law enforcement, compliance and regulation; and for mobilising social movements of collective concern. On the other, environmental activism has become a threat to both transnational corporations and state actors seeking power and profit through the exploitation of natural resources at home, and abroad.

This paper examines four current environmental conflicts related to mining in Southern Africa where Australian mining interests are key players. Australia is reported to be the biggest international miner on the African continent. It is also alleged that more than 380 people died in accidents or conflicts connected to Australian mining companies in Africa in the decade to 2015 (ICIJ, 2015). This paper

identifies how the corporate tentacles of transnational mining corporations subvert and circumvent state and law to exploit land and other natural resources, with devastating environmental and social impacts. It also examines community responses and explores the power, perils, and prospects faced by localized movements of resistance or 'environmental activism'.

Sarah Wright, Reconsidering the Green Crime Spectrum: Are Environmental Crimes being Treated as Real Crimes?

In NSW numerous environmental statutes contain offences covering issues such as pollution, waste dumping, planning law breaches, native vegetation clearing, harming threatened species and damaging Aboriginal cultural heritage. For many years the Parliament, courts and authors have reiterated that environmental offences constitute 'real crimes', with serious breaches deserving significant punishment. An important question in green criminology and wider criminalisation scholarship is whether, in substance and practice, environmental harm is taken as seriously as the rhetoric suggests. Certainly, the seriousness with which the community views environmental crime is reflected through harsh maximum penalties and the availability of imprisonment for some environmental offences.

However, this paper firstly argues that recent amendments to tiered offence structures and maximum penalties has resulted in unjustified inconsistencies between environmental statutes in NSW. In particular, no clear basis exists for the stark differences in maximum penalties for the most serious offences under each statute given the similarities in potential environmental harm and financial gain to be made. Additionally, it is unclear why only some legislation provides for imprisonment, particularly given imprisonment is considered an indicator of a 'real crime'. Secondly, this paper examines whether prosecutors have failed to treat environmental breaches as real crimes given criticism regarding the rare utilisation of the most serious offence provisions. This has resulted in the highest maximum penalties and imprisonment being unavailable in the vast majority of prosecutions. Lastly, sentences are examined to determine whether the courts are treating environmental offences as real crimes.

Bio: Sarah Wright is a Lecturer and PhD Candidate with the School of Law, University of Wollongong (UOW). The subjects she teaches include environmental law, pollution law and administrative law. Sarah is near completion of her PhD which focuses on the effectiveness of the pollution regulatory system in NSW, including enforcement action taken by regulators in relation to offences and the sentencing of pollution offenders.

Prior to entering academia Sarah worked as a solicitor with the NSW Office of Environment and Heritage (which then incorporated the NSW Environment Protection Authority) and as Tipstaff to the Hon. Justice Nicola Pain of the Land and Environment Court of NSW. She holds a BSc (Environment – with Distinction)/LLB (Hons) (UOW) and Master of Environmental Law (USyd).

Panel: *Theorising and doing criminalisation research*

Friday 28th September

11:15am – 12:30pm

Room LAWSG23

Presenters

Luke McNamara

Julia Quilter

Russell Hogg

Heather Douglas

David Brown

Abstracts

‘Criminalisation’ has attracted considerable scholarly attention in recent years, much of it concerned with identifying the normative limits of criminal law-making. This panel will discuss how this momentum might be shaped, in the Australian context, so as to maximise the potential for influence on policy-making and law reform. Panellists will highlight the importance of historicised and empirical work as a foundation for normative theorising, and how researchers can build on the rich Australian tradition of interdisciplinary and contextual work on criminalisation. The panel will discuss the rationale for, and utility of, a new conceptual and methodological approach, focused on recognising a variety of *modalities* of criminalisation. Panel members will illustrate this approach with recent examples of criminal law-making in Australia, and invite audience discussion about the prospects for wider deployment of a modalities approach across a variety of sites. Panellists will also discuss other tools and approaches required for grounded theorising about criminalisation, including scrutiny of pre-enactment variables such as the *drivers* of, and *processes* leading to, criminalisation legislation, as well as post-enactment operations and impacts.

Panel: *Panics, Legitimacy and Justice*

Friday 28th September

11:15am – 12:30pm

Room LAWS162

Presenters

Leah Findlay, *Amplified deviance as a process in the construction of print media narratives of criminal trials*

Catherine Treloar, *Invisible imprisonment: Government legitimacy in television news representations of riots in Victoria's youth justice centres*

Penny Crofts, *Moral panic theory and the financial services Royal Commission*

Abstracts

Leah Findlay, *Amplified deviance as a process in the construction of print media narratives of criminal trials*

A common feature of print media narratives of criminal trials is the characterisation of the accused as a double deviant. That is, the conduct constituting the legal transgression is seen to be accompanied by a betrayal of a socially defined role. This process operates to amplify the deviance of the accused and positions them as deserving of denunciation on both a moral and legal level. Significantly, while breaches of the criminal law can be remedied through criminal justice processes including trials and sentences, a contravention of the understandings and expectations attached to particular roles in society has no formal resolution mechanism. This study expands upon research regarding the dual classification of women as being in breach of both the criminal law and tenets of femininity to explore how transgressions of other roles including masculinity, fatherhood, celebrity and police officer are constructed in print media narratives of criminal trials.

Catherine Treloar, *Invisible imprisonment: Government legitimacy in television news representations of riots in Victoria's youth justice centres*

Prison riots are a form of resistance in which rioters demand to be seen, often physically tearing down the structures that make them invisible. On television, these resistive acts are decontextualized, with the harms of the prison never entirely known to the public. Beginning from the notion that riots force a visibility upon the prison system, this research examines whether this visibility disrupts the politics of imprisonment. With a multimodal critical discourse analysis approach this research focuses on how television news representations of riots in Victoria's youth justice centres represent government legitimacy. This paper argues that, despite riots being an exercise in visibility, reports render the prison and the prisoner invisible, implicitly legitimating the harms of punitive government policies. Riots are often constructed as a crisis of youth crime, and security, but are less often seen as a crisis of the penal system. While crises of crime and security delegitimize the government in the short term, they enable a subsequent legitimation through punitive policies. Although this paints a grim picture of the contemporary operation of penal populism, a recognition of prison as harmful rather than rehabilitative does emerge, highlighting, at least, conflicting discourses in youth justice policy and punishment practices.

Penny Crofts, *Moral panic theory and the financial services Royal Commission*

As the current Australian Financial Services Royal Commission uncovers and presents evidence of malfeasance, malpractice, unethical and criminal behaviour by the banks, it is timely to consider white collar crime and criminals through the prism of moral panic and 'cultures of control' literature (Garland 2008). Goode and Ben-Yehuda (1994) list 'five crucial elements or criteria' of moral panic: concern, hostility, consensus, disproportionality and volatility. This paper analyses media reporting of the Royal Commission as a means of considering the relevance of moral panic theory and its elements to white collar crime and criminals. In 2009, Michael Levi asserted that 'it is hard to generate and to sustain a moral panic about any white-collar crimes and criminals'. Have any institutional or individual deviance unearthed by the Royal Commission, such as business loan foreclosures, misuse of children's bank accounts, and the plight of guarantors resulted in a moral panic and/or folk devilling? Do classic theories of criminology such as moral panic theory assist with the development of a critical criminology that critiques the assumption that harms caused by financial institutions are regarded and regulated as the costs of capitalism?

Panel: A Critical Criminology of Drug Policy: Politics and Practice

Friday 28th September

11:15am – 12:30pm

Room LAWS163

Presenters

Kyle Mulrooney and Katinka van de Ven, *Steroid Madness - Has the dark-side of AAS been overstated?*

Natalie Thomas, *Biting the Hand that Feeds? Examining the Politics of Non-Government Advocacy on Drug Policy Issues*

Caitlin Hughes, Alex Stevens, Monica Barratt, Jason Ferris, Larissa Maier, Adam Winstock, *Who is and who is not policed for drugs? An analysis across 26 countries*

Mali Strachan-Brown and Alyce McGovern, *Image Work and Drug Detection Dogs in the NSW Police Force*

Abstracts

Motivated by today's rapidly evolving drug policy arena and encouraged by critical discussions born out of the recent conference of the International Society for the Study of Drug Policy, the proposed panel offers a timely 'critical criminology' of drug policy. More specifically, the panel sets out to examine both the politics and practice of drug policy and social justice issues about the disjoint between who is given access to set agendas versus who is targeted by such policies. Dr. Mulrooney and Dr. van de Ven begin by documenting the 'narrative of harm' dominating mediatized and politicized discourses on steroids which are driving increasingly punitive responses to the use of these drugs and overlooking the capacity for pleasure in their consumption. Following this, Dr. Thomas draws on insights from critical policy studies to explore how the politics of drug policy shapes the ways that NGOs engage with the systems that underpin drug control. Next, Dr. Hughes offers an empirical account of who is and who is not policed for drugs, raising important questions about the equity and fairness of current approaches to policing people who use drugs. Finally, Mali and Dr. McGovern continue the critical analyses of drug law enforcement, unpacking the representation and legitimization of Drug Detection Dogs. Taken together, the panel is thematically unified by its critical engagement with criminal justice policy and practices, and state power more generally, in the context of the politics and practice of drug policy.

Kyle Mulrooney and Katinka van de Ven, *Steroid Madness - Has the dark-side of AAS been overstated?*

Political, mediatized and academic discourses on adult non-medical steroid consumption are dominated by what we call here a 'narrative of harm'. This narrative tends to revolve around three central claims; a) that steroids are harmful and pose serious health risks to their consumers; b) closely connected to this, that the choice to consume steroids is often associated with psychological dysfunction; and c) finally, that steroids are synonymous with crime and violence. Yet, the prominence of these discourses distorts the profile of the vast majority of non-medical steroid users for whom those problems have no relevance. More worrisome is that they appear to be driving increasingly punitive responses to the sale and consumption of steroids. In this paper, we ask, has the dark-side of steroids been overstated? We answer this question in the affirmative and set out to balance the

dominant ‘narrative of harm’ by offering a brief albeit more nuanced account of steroids and the people who use them. Ultimately, we aim to inject some much-needed debate into the discussions and policy-making around the use of steroids by exploring the capacity for pleasure through the consumption of these drugs.

Natalie Thomas, *Biting the Hand that Feeds? Examining the Politics of Non-Government Advocacy on Drug Policy Issues*

The non-government sector plays an important role in the Australian drug policy field, particularly in the delivery of services and policy advocacy around drug and alcohol issues. However, the sector does not represent one single, unified voice on drug policy—organisations approach drug issues from a variety of practical, discursive and philosophical positions; organisations also confront a range of barriers in trying to contribute to policy processes. Based on a critical analysis of documents and semi-structured interviews with 19 representatives from Australian non-government organisations, this paper describes the nature, forms and role of non-government action in the Australian drug policy field and some of the constraints on the ability of NGOs to contribute meaningfully to policy processes. The paper draws on insights from critical policy studies to reflect on the politics of Australian drug policy and how this shapes the ways that NGOs engage with and negotiate the systems that underpin drug control and policy in Australia.

Caitlin Hughes, Alex Stevens, Monica Barratt, Jason Ferris, Larissa Maier, Adam Winstock, *Who is and who is not policed for drugs? An analysis across 26 countries*

Drug law enforcement subsumes the majority of drug policy expenditure across the globe, but there are ongoing concerns about the justifiability of this investment. One concern is the potential for social bias: whereby some people who use drugs receive more adversarial targeting than warranted by their level of offending. To date, analyses have mainly focused on the USA or UK. Using a new drug policing module in the 2017 Global Drug Survey this study provides the first global analysis of who is policed for drugs. Across 26 countries a total of 45,942 people who had recently used illicit drugs completed the drug policing module. Multi-level logistic regressions were used to identify predictors of having a drug-related policing encounter in the last 12 months, and predictors of being policed and arrested, controlling for drug offending characteristics and clustering by country. After controlling for drug use and purchasing patterns, people subject to drug-related police encounters remained younger, male, of non-white ethnicity and unemployed. Furthermore, those policed and arrested reported higher incidence of unemployment as well as histories of mental illness. Such findings raise questions about the social justice, equity and fairness of current approaches to policing people who use drugs.

Mali Strachan-Brown and Alyce McGovern, *Image Work and Drug Detection Dogs in the NSW Police Force*

Drug Detection Dogs (DDD) have been controversial since their introduction into the New South Wales Police Force (NSWPF) in 2001. Despite a 2006 NSW Ombudsman’s report that was damning of their use, DDD policy has not only persisted, it has expanded. Contributing to academic research that has attempted to explain the persistence of DDD policy within the field of policy studies, this paper considers the social and cultural dynamics that influence the ways in which DDD can be represented, and thus legitimated. Specifically, the paper analyses how the NSWPF make use of a range of media platforms to construct DDD in particular ways in an effort to maintain the legitimacy of canines and drug detection dogs in a law enforcement context. This analysis will show that police ascribe DDD with

morality and personhood through the creation of subject-positions – the Crime Fighter Dog, the Hero Dog, the Professional Dog and the Citizen Dog – that attempt to build a positive public opinion about the use of drug detection dogs. In this way, police media activities and image work play a pivotal role in the preservation of DDD policy and, consequently, the operation of DDD from a position of authority and legitimacy in the criminal justice system.

Panel: *Conceptualising & responding to systemic criminalisation of Aboriginal & Torres Strait Islander people with mental & cognitive disability*

Friday 28th September

1:30 – 2:45pm

Room LAWSG23

Presenters

Leanne Dowse

Ruth McCausland

Peta MacGillivray

Abstracts

Aboriginal and Torres Strait Islander peoples with mental and cognitive disability are grossly over-represented in Australian criminal justice systems, often becoming entrenched in cycles of imprisonment in the absence of early intervention or support in the community. Aboriginal and Torres Strait Islander women with disability face particular structural disadvantage and discrimination. This panel will discuss the methodology and findings of a recent study informed by critical Indigenous, feminist, disability and criminology studies, bringing a structural lens to the complex interactions of individual, social and systemic factors that operate to make prisons the institutions of default. Panellists will then discuss a partnership between the Dharriwaa Elders Group and UNSW that emerged from qualitative research collaboration undertaken in Walgett as part of this study. The Yuwaya Ngarra-li partnership aims to support a community-led response to the criminalisation of Aboriginal people that is holistic, culturally connected, rights-based and strengths-focused. We will detail our recent work on a youth justice action plan led by community and engaging police, court, legal, education, health and human services in Walgett towards the Dharriwaa Elders Group's vision to restore a robust belonging to thriving families, community and country.

Panel: *#MeToo and the Possibilities for Sexual Violence Activism & Justice*

Friday 28th September

1:30pm – 2:45pm

Room LAWS162

Presenters

Elena Cama

Bianca Fileborn

Bridget Haire

Nicola Henry

Rachel Loney-Howes

Abstract

In October 2017, global social media exploded with the hashtag ‘#MeToo’. In the wake of numerous allegations of sexual harassment and assault against Hollywood producer Harvey Weinstein – who has since been charged with rape and sexual abuse after handing himself over to police – actor Alyssa Milano called on women via Twitter to share their own experiences of sexual violence using #MeToo to highlight the scale of violence against women and to shift the focus away from perpetrators onto victim-survivors. The response was phenomenal: the hashtag was used nearly a million of times in the first 24 hours and has sparked a renewed global campaign against sexual violence.

In many respects, the #MeToo campaign could be understood as a ‘global reckoning’, having led to the downfall of numerous high-profile and powerful men, and providing a platform for victim-survivors to speak out in a context in which what they say is heard and believed. The ‘license to speak’ propelled by #MeToo, however, has been criticised for privileging the voices of powerful white women, and for victimising men whose sexual misconduct has been construed as a communication failure rather than an assault. Questions have arisen as to whom the movement can and is speaking for, and whether the movement is a ‘witch hunt’ and has gone ‘too far’.

In this panel, discussants seek to unpack and interrogate the complexities, nuances, limitations, and possibilities presented by the #MeToo movement. We examine key questions related to the politics of the movement and the extent to which justice has or can be achieved. Given the long history of feminist activism seeking to ‘break the silence’ on sexual assault, perhaps most importantly, we ask ‘where to from here’? How might the movement proceed in an inclusive and ethical manner, and what further work needs to be done?

Papers: *Emotion, advocacy and community justice reform*

Friday 28th September

1:30pm – 2:45pm

Room LAWS163

Presenters

Lorana Bartels and Anthony Hopkins, *Engaging head and heart: The role of emotion in criminal justice reform*

Elaine Fishwick, *Thirty years of campaigning – a critical policy analysis of the impact of the NSW youth Justice Coalition*

Eileen Baldry, David Brown, Melanie Schwartz, Julie Stubbs & Chris Cunneen, *Rethinking Community Sanctions in the C21st: The Challenge of Imaginary Penalties for Community Sector Organisations*

Abstracts

Lorana Bartels and Anthony Hopkins, *Engaging head and heart: The role of emotion in criminal justice reform*

This paper begins from the premise that Australia has become addicted to prison and needs radical reform to become smart, rather than tough, on crime. The paper will highlight examples of recent reforms to bail, sentencing and parole laws that have resulted in increased prison populations across the country. This approach to criminal justice is unsustainable both morally and economically. Research indicates that the more information people have about the criminal justice system, the less punitive they become. However, efforts to engage with policymakers about the costs of rising imprisonment rates have yielded little support. According to Maruna and King (2008: 347), '[j]ustice is, at its heart, an emotional, symbolic process, not simply a matter of effectiveness and efficiency'. Against this background, we argue that fear is a driver of punitive law reform, a lever for those who advocate increased punitivity and an emotion that sees people turn *away* from those we imprison. We contrast this with compassion, with its potential to 'open the heart' and facilitate a turning *towards* those who are the subject of punishment, as fellow human beings. Ultimately, we suggest that compassion presents an emotive and essential ally to complement 'rational' arguments for reducing incarceration.

Elaine Fishwick, *Thirty years of campaigning – a critical policy analysis of the impact of the NSW youth Justice Coalition*

In 1988 a group of youth justice advocates including academics, youth workers, and lawyers formed the NSW Youth Justice Coalition (YJC) in a bid to campaign for legal and policy reforms informed by children's rights and social justice. Thirty years later the YJC is still an active advocacy group albeit in an altered policy landscape. Using insights from policy literature this paper will critically examine the impact of the YJC on research and policy development over the past thirty years as well as the capacity of third sector organisations with a social justice and rights agenda to influence policy decision-making today.

Eileen Baldry, David Brown, Melanie Schwartz, Julie Stubbs & Chris Cunneen, *Rethinking Community Sanctions in the C21st: The Challenge of Imaginary Penalties for Community Sector Organisations*

Compared to prisons, community sanctions have been under-researched in recent decades, which has been a significant impediment to theory building, policy and practice. Configurations of crime control have shifted markedly and in unanticipated ways signalling the need to re-examine our understanding of community sanctions. This paper presents preliminary findings from a study of community sanctions in Australia. We use the analytical frame of 'imaginary penalties', drawn from the work of Pat Carlen, to examine the experiences of community-based organisations as they strive to provide effective support and advocacy for clients subject to community sanctions at a time of substantial change in the field. Our findings point to practices and processes endorsed (and sometimes funded) by correctional authorities that appear to require community organisations to address imaginary offenders and participate in imaginary programs engaging with limited or non-existent services in the pursuit of what may be unattainable outcomes.

Papers: *Mobilities, belonging and criminalisation*

Friday 28th September

3:15pm – 4:30pm

Room LAWSG23

Presenters

Elizabeth Stanley, *Climate change and crimmigration*

Sue Davies, *Disruptive mobilities: Crime, visibility and social justice in the world's most liveable city*

Alison Gerard, *Humanitarianism: Care, control and criminalisation*

Abstracts

Elizabeth Stanley, *Climate change and crimmigration*

Anti-immigration narratives have formed an intrinsic element of 'statehood' in many modern societies. The control of immigration, the protection of borders and maintenance of citizenship hierarchies have long assisted states to maintain economic, racial and patriarchal power. In recent times, populist narratives of the risks posed by 'non-citizens' have led to extreme political antagonism to those deemed 'unknowable', 'undesirable' or 'illegal'. Subsequent measures to exclude or control 'non-citizens' have escalated forms of crimmigration (the merging of criminal and immigration laws and practices) that regularly engage systemic violations of human rights. Against this backdrop, this presentation considers the plight of those displaced as a result of climate change. It reflects upon how modern societies (such as NZ and Australia) operationalise crimmigration strategies in relation to those who have been, or are at risk from being, displaced from climate change. Further, it reflects on how this crimmigration may be challenged in ways that emphasise rights and social justice.

Sue Davies, *Disruptive mobilities: Crime, visibility and social justice in the world's most liveable city*

Melbourne has again been voted the world's most liveable city, but the experiences of its residents are diverse and often paint a very different picture. This paper considers how patterns of mobility within the city of Melbourne produce both comforting and discomfiting perceptions of crime and social justice. It will consider, in particular, recent instances in which the spatial boundaries reflecting socio-economic differences have been transgressed and contributed to perceptions of a city under siege. The focus of 'law and order' discourses and media representations on the geographically dispersed activities of the so-called 'Apex Gang' and also the visible presence of Melbourne's homeless people will be highlighted.

Alison Gerard, *Humanitarianism: Care, control and criminalisation*

Definitions of humanitarianism are often clustered around noble concerns for human suffering and human life that ignore structural violence and present tragedies as disconnected. This paper explores theoretical frameworks of humanitarianism and its intersections with securitisation, the control of at-risk populations, and practices of criminalisation. Drawing on several case studies, the paper interrogates the historical use of humanitarian notions to police Indigenous Australians, irregular migrants and young people, and their agency in resisting such attempts.

Papers: *Understanding and responding to sexual violence*

Friday 28th September

3:15pm – 4:30pm

Room LAWS162

Presenters

Nicola Henry, *Image based sexual abuse*

Phillip Wadds & Bianca Fileborn, *Carnival & sexual violence at music festivals*

Leisha du Preez, *Navigating the night: The neo-liberal responsible woman*

Abstracts

Nicola Henry, *Image based sexual abuse*

The non-consensual distribution of nude or sexual images, or image-based sexual abuse (IBSA), is facilitated by a variety of online channels, including pornography sites, image-sharing boards, community forums, social media, blogging sites, as well as purpose-built 'revenge porn' websites. IBSA has become a growing issue due to the ease with which images can be created, shared, uploaded, and downloaded; the speed in which such images can disappear after being downloaded; the difficulties associated with removing images; and the variety of platforms that popularize and support the trade and consumption of non-consensual images. This paper describes an ethnographic study on the nature and scope of IBSA on 77 different high-volume online sites. Overall, the study found that there is a growing demand for non-consensual nude or sexual imagery, including stylized representations of non-consensual acts such as rape or covert filming of an intimate or sexual act, as well as the sharing of nude or sexual images of another person without their knowledge and/or consent. While some perpetrators may be motivated out of a desire to seek revenge against another person, others are motivated by sexual gratification or proving social status among an online peer network. There is a wide diversity of sites and non-consensual sharing practices, yet our study found the majority of images contained on these sites are of women. Overall, we argue that IBSA is a gendered phenomenon that reflects cultural attitudes and beliefs that condone, support, and legitimate not only the objectification of women, but violence against women.

Phillip Wadds & Bianca Fileborn, *Carnival & sexual violence at music festivals*

The past few years have witnessed a number of high-profile incidents of sexual violence occurring at Australian and international music festivals. Sexual violence is arguably endemic, and occurs across a broad range of social and cultural contexts. Yet, research to date also indicates that the sub-cultural norms and practices within particular places or scenes can also shape how and why sexual violence occurs, and what is recognised as constituting 'sexual violence' in the first place. Despite the anecdotal occurrence of sexual violence at music festivals, no research has sought to examine the prevalence and nature of this violence, nor the particular sub-cultural norms that may facilitate and condone it.

In this presentation, we draw on findings from a pilot study undertaken with 500 patrons from the 2017-18 Falls Festival and 16 victim-survivors of sexual violence that occurred at a music festival. Specifically, we examine how particular cultural and social norms within festival space(s) create a context particularly conducive to sexual violence. Drawing on Bakhtin's concept of the 'carnavalesque', we argue that increasing social, cultural and legal regulation of 'everyday' life means that festivals often serve as liminal spaces where patrons 'let off steam' through a range of transgressive

performances. Here, heightened levels of drinking and drug consumption, combined with experimentation with sexual interaction and socio-cultural expression intersect with particular geographies that temporarily foster a sense of liberation from restrictive social norms, but which simultaneously increase opportunities for unwanted sexual attention.

Leisha du Preez, *Navigating the night: The neo-liberal responsible woman*

The neoliberal responsibilisation discourse increasingly encourages young women to 'manage' their own behaviour when participating in public space, particularly the night-time economy (NTE). While unofficially there are a myriad of 'tales' and protective strategies that young women undertake, there is a growing body of research that suggests the extent of the precautionary strategies and the possibility that they may be gendered. This study is based on the preliminary results of a research project that is considering the strategies that are promoted to young women around taking responsibility for safety in the night-time economy. The study is using visual and interview methods with young women aged 18-24, from Sydney. This study considers the precautionary strategies that young women routinely undertake to navigate the night. Young women outlined a range of strategies that they used to navigate the night, including not wearing earphones, sending the location of their Uber to friends, calling friends or family during their walk home, and various strategies to avoid drink spiking, many of which they felt their male counterparts were not required to undertake. It is important to analyse the entrenchment of these behaviours, as research suggests that women's failure to 'manage' these responsible decisions may result in victim-blaming.

Papers: *State crime and criminality*

Friday 28th September

3:15pm – 4:30pm

Room LAWS163

Presenters

Gregory Stratton & Joseph MacFarlane, *The case of Gene Gibson*

Ariel Yap, *Crime control and governance in the Straits settlements: Arbitrary detention in Singapore*

Thalia Anthony, *State crime in NT youth detention*

Abstracts

Gregory Stratton & Joseph MacFarlane, *The case of Gene Gibson*

The exoneration of Gene Gibson in 2017 exposed Australia to another conviction whereby harm is caused by the criminal justice system's exuberance to convict. Gibson's conviction was marked by repeated and significant investigative errors which combined with an efficiency-driven plea bargaining process that resulted in the incarceration of an innocent man. Despite multiple reviews of the case, many key figures have yet to be formally sanctioned for their role in convicting Gibson despite evidence of complicity.

The lack of state accountability in response to the error offers an opportunity to examine Gibson's conviction through a critical lens to better understand the cause of the error. This purpose of this paper is to argue that the failings in the Gibson case are not merely a series of unfortunate events or innocent mistakes but functioned as part of a continuum of state criminality comprised of specific acts of omission or commission. By responsabilising the state and its actors for the wrongful conviction of Gene Gibson, we can further a criminological understanding of miscarriages of justice which can uniquely affect vulnerable people.

Ariel Yap, *Crime control and governance in the Straits settlements: Arbitrary detention in Singapore*

This project analyses the practice of detention without trial under the *Internal Security Act* and the *Criminal (Temporary) Provisions Act* in Singapore. It will interrogate colonial and post-colonial modes of governance, power structures, responses to crime and disorder, and modes of resistance in former British Malaya and a newly independent Singapore. It seeks to illuminate the effects colonial practices have had on Singapore's modern-day crime control and penal approaches. It will examine how practices of punishment and policing have evolved, as a mode of governance and control as Singapore transitioned into independence from 1948 to 1965. Singapore was selected, as it is a unique case study that illustrates how patterns of colonial governance have been interwoven into penal cultures, to form a distinct modern-day regime that differs substantially from its Asian counterparts. Singapore will first be analysed as part of the Straits Settlements, as Singapore's governance, social, and political processes were heavily intertwined within the region during colonisation (Turnbull 2009; Wake 1975). Critical analysis will be conducted in a genealogical order, following the twenty-two years prior to independence, and thirty years following one-hundred and forty-six years of colonisation.

Thalia Anthony, *State crime in NT youth detention*

The analytic lens of state crime can inform our understanding of the mistreatment of Indigenous children and young people in settler colonial state institutions. This paper will examine evidence of torture and abuse of Indigenous children in Northern Territory detention as constitutive of breaches human rights laws. It will suggest, however, that state crimes in relation to Indigenous children are more than violations of individual and group human rights. It suggests that they are manifestations of structural violence that maintain the colonial state's dominant and sovereign relationship with Indigenous people. This paper will critically analyse the transcripts of proceedings and findings of the Royal Commission into the Protection and Detention of Children in the Northern Territory (2016-17) as evidence of state crimes emanating in the particular acts of violence against children in detention as well as state discourses of sovereignty that produce epistemic violence.

Panel: *Where to from here?*

Friday 28th September

4:30pm – 5:30pm

Room LAWSG23

Panelists

Kerry Carrington

Nicole Asquith

Nassim Arrage

The closing plenary is intended to invite critical reflection on the ideas and practices of critical criminology, and its connection to social justice. While this is not a new question, in the C21st it is timely to consider this question anew, recognising the changed social, economic, political and cultural contexts in which we live and work, but also new substantive concerns, diverse ways of knowing and contemporary ethics. For Pat Carlen it is also demands that we be 'Other-wise', that is, focused on those who are excluded from full participation in social and economic life, citizenship, and human rights by multiple and shifting barriers and boundaries. How might we imagine social justice into the future?