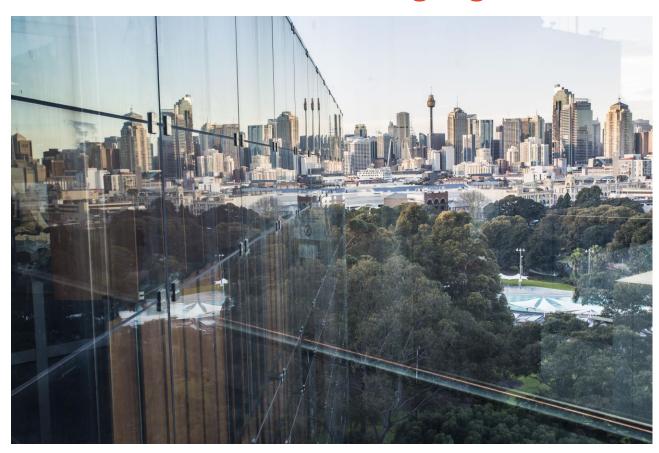


# **Sydney Institute of Criminology**

Sydney Law School

# Highlights of 2020



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**Please note:** Aboriginal and Torres Strait Islander people should be aware that this document contains names and/or references to deceased persons.

# **Directors' Statement**

2020 was a year unlike any other. However, despite the challenges presented by COVID-19, the Sydney Institute of Criminology and its members continued to deliver excellence and innovation across criminological research, engagement, policy development and teaching.

Throughout the year, the Institute pro-actively contributed to research, debate and advocacy concerning pressing issues in our criminal justice system; in particular, the novel criminological issues arising from the response to COVID-19. Institute members engaged with the over-incarceration of First Nations people, domestic and family violence, gender-based crime, proportionality and legitimacy in policing, and dignity and fairness for victims of crime and accused persons.

It was also a year of renewal and change for the Institute. 2020 marked the final year of our leadership as Co-Directors of the Sydney Institute of Criminology. We see leadership as service, and it has truly been an honour to serve as Co-Directors of the Institute and lead this remarkable and talented assembly of scholars over the past three years.

We were delighted to pass the baton to Dr Carolyn McKay and Dr Andrew Dyer, who commenced as Co-Directors of the Institute in 2021. Both Carolyn and Andrew have already made enormous contributions as Deputy Directors and will undoubtedly take the Institute from strength to strength in the years ahead. They are joined by new Deputy Directors, Dr Helen Paterson and Dr Allan McCay. As we return to membership roles, we will be cheering on this dynamic team.

Professor Murray Lee finished his reign as Editor of the Institute's journal, Current Issues in Criminal Justice in 2020 after 10 remarkable years. Murray has made a stellar contribution to criminal justice research and we thank him for his dedication and leadership. Dr Justin Ellis has taken on the Editorship of the journal and we all look forward to the energy and vision he will bring to the role.

We also welcomed new members to the Institute and our Advisory Committee in 2020, which has expanded the reach, expertise and diversity of the Institute.

The Institute continued to enjoy tremendous support from the Sydney Law School over 2020 and we wish to thank Professor Simon Bronitt, Head of School and Dean, for his keen engagement with the Institute, and the School's professional staff for their ongoing assistance, including Carla Viola, Simran Singh and Andrew Netherington. We also wish to thank our Institute Coordinators for 2020, Natalie Gouda (until mid-year) and Letitia Davy.

Finally, we wish to acknowledge the immense support the Institute receives from the broader criminological and criminal justice community: scholars, practitioners, policy-makers, students and interested members of the public. Through these relationships, we see the work of the Institute shared, challenged, translated and applied; and we are confident that these relationships will stand the test of time.

The following is a snapshot of the Institute's work in 2020. We thank and congratulate members of the Institute for their effort, dedication and achievements.

# **Professor Arlie Loughnan and Professor Rita Shackel** Co-Directors, Sydney Institute of Criminology





### Leadership in 2021

**Dr Carolyn McKay** and **Dr Andrew Dyer** commence as Co-Directors of the Sydney Institute of Criminology from 2021.

**Dr Helen Paterson** and **Dr Allan McCay** commence as Deputy Directors of the Sydney Institute of Criminology from 2021.

### Institute Leadership and Members in 2020

#### **Directors**

Professor Arlie Loughnan (Co-Director) Professor Rita Shackel (Co-Director)

#### **Deputy Directors**

Dr Carolyn McKay (Deputy Director) Andrew Dyer (Deputy Director)

#### **Members and Associate Members**

Ross Abbs

Associate Professor Jane Andrew

Jenny Bargen

Dr Louise Boon-Kuo

Dr Marlee Bower

**Emeritus Professor Terry Carney AO** 

Professor Judith Cashmore AO

Dr Louise Cauchi

Honorary Professor Duncan Chappell

Dr Jason Chin

Associate Professor Garner Clancey

Graeme Coss

Adjunct Professor Nicholas Cowdery AO QC

**Professor Thomas Crofts** 

Dr Justin Ellis

Associate Professor Salim Farrar

Dr Elaine Fishwick

Professor Susan Goodwin

Dr Rosemary Grey

Professor David Hamer

Dr Robyn Holder\*

Associate Professor Tyrone Kirchengast

Professor Murray Lee

Dr Roman Marchant Matus

Associate Professor Greg Martin

Professor Gail Mason

Dr Allan McCay

Dr Tanya Mitchell

Dr Alice Orchiston

Associate Professor Juliette Overland

Dr Helen Paterson

Dr Estrella Pearce

**Professor Kane Race** 

Dr Christopher Rudge\*
Associate Professor Rebecca Scott Bray
Michelle St Anne\*
Dr Celine Van Golde
Dr Nicole Watson
Dr Sarah Wayland\*
Adjunct Professor Don Weatherburn
Dr Scarlet Wilcock
Associate Professor Megan Williams\*

#### **Our PhD Candidates**

Pei Kong Siobhan Lawler Brenda Lin\* Tim Matthews Sarah Napier Linda Wilkin

#### Coordinators

Natalie Gouda Letitia Davy

## **Advisory Committee**

The Sydney Institute of Criminology's Advisory Committee met for its annual meeting on 19 August 2020 via Zoom. The meeting was attended by the following Advisory Committee members:

Professor Arlie Loughnan, University of Sydney (Chair and Co-Director)

Professor Rita Shackel, University of Sydney (Co-Director)

Dr Carolyn McKay, University of Sydney (Deputy Director)

Andrew Dyer, University of Sydney (Deputy Director)

Professor Thalia Anthony, University of Technology Sydney

Professor Katherine Biber, University of Technology Sydney

Dr Tessa Boyd-Caine, Health Justice Australia\*

Emeritus Professor David Brown, University of New South Wales

Professor Judith Cashmore AO, University of Sydney

Honorary Professor Duncan Chappell, University of Sydney

Alison Churchill, Community Restorative Centre

Adjunct Professor Nicholas Cowdery AO QC, University of Sydney

Deputy Commissioner Luke Grant, Corrective Services New South Wales

Robert Hoyles, Legal Aid New South Wales\*

Judge Peter Johnstone, Children's Court of New South Wales

Paul McKnight, New South Wales Department of Communities and Justice

Jane Sanders, The Shopfront Youth Legal Centre

Associate Professor Megan Williams, University of Sydney\*

Assistant Commissioner Michael Willing APM, New South Wales Police Force\*

<sup>\*</sup>We welcomed six new Members or Associate Members in 2020.

The Institute also thanks the following members of the Advisory Committee for their support of the Institute in 2020:

The Honourable Justice R O Blanch AM QC
Emeritus Professor David Brown, University of New South Wales
Professor Chis Cunneen, University of Technology Sydney
His Honour Judge Dive, Senior Judge, Drug Court of New South Wales
Emeritus Professor Richard Harding, University of Western Australia
The Honourable Justice Hidden AM, Supreme Court of New South Wales
Associate Professor Rebecca Scott Bray, University of Sydney
Professor Stephen Tomsen, Western Sydney University
Adjunct Professor Don Weatherburn, University of Sydney
His Honour Judge Woods QC, Judge of the District Court of New South Wales

# **Institute Meetings and Member Seminars**

The Institute continued its monthly program of member meetings and lunchtime research seminars. Lunchtime research seminars provide an opportunity for members and visitors to present and discuss current research projects.

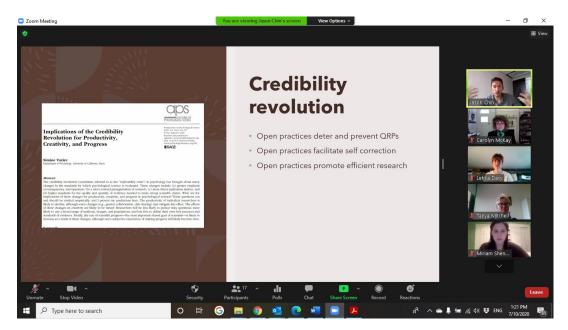
The following lunchtime research seminars were delivered by the Institute in 2020. Most of these were delivered via Zoom due to COVID-19 restrictions and many were opened up to a wider audience across the Sydney Law School and the Faculty of Arts and Social Sciences:

Month	Speaker	Topic
March	Dr Roman Marchant Matus	The effects of the Sydney lockout laws
May	Dr Carolyn McKay	Glitching Justice: Audio visual links and the sonic world of technologised courts
June	Professor Murray Lee	Pro-social responses to perceptions of crime: functional fear and community cohesion
September	Dr Allan McCay	Assault by way of neural implantation: A legal impediment to the development of invasive brain-computer interface technology
October	Dr Jason Chin	Questionable and open research practices in criminology
November	Dr Rosemary Grey	Sexual and reproductive crimes: the untold story of Cambodia's war crimes tribunal

<sup>\*</sup>We welcomed four new Members to the Institute's Advisory Committee in 2020.



Institute lunchtime research seminar, presented by Dr Allan McCay



Institute lunchtime research seminar, presented by Dr Jason Chin

# **Events and Public Education Seminars**

A key objective of the Institute is to progress public education and conversation about criminal law and criminological issues by hosting a range of seminars and events throughout the year.

COVID-19 restrictions limited the number and format of seminars and events hosted in 2020.

The **Paul Byrne SC Memorial Lecture for 2020** was postponed, however the Institute looks forward to hosting the lecture in-person in 2021, COVID-19 restrictions permitting.

The **Beyond Punishment Series** of seminars delivered in collaboration with Corrective Services NSW was also postponed. Again, the Institute looks forward to scheduling this series for 2021, COVID-19 restrictions permitting.

Notwithstanding, the following seminars and events were hosted by the Institute in 2020:

#### **Seminar:**

Image-Based Sexual Abuse in the United Kingdom: Challenges and Lessons for Law, Policy and Practice

**18 February 2020** 

**Professor Clare McGlynn** from Durham University has over 20 years' experience working with governments, policy-makers and voluntary organisations to reform laws relating to pornography, sexual violence and image-based sexual abuse, including 'revenge porn' and voyeurism.

During a visit to Sydney in February 2020, Professor McGlynn delivered a presentation on the process of developing laws to tackle non-consensual taking and/or sharing of nude or sexual images. She described this conduct as a gendered continuum of abusive behaviour, with victims experiencing it as a form of sexual abuse; although hastily introduced legislation in the UK mischaracterised the offence as a form of harassment. Professor McGlynn spoke of the legislation and its failure to cover threats to distribute images and altered images.

Professor McGlynn spoke of: the lack of automatic anonymity for complainants in the reporting of cases; the fear that publicity may discourage victims from coming forward; and concerns that some of the government educational campaigns regarding the new offence strayed into 'victim blaming' territory. She explained that the new 'up skirting' offence was introduced in haste and requires proof of a particular motive (for sexual gratification or to cause distress); and that the UK Government had announced a review by the Law Commission into image-based sexual abuse, but the review report will not be delivered until 2021. A range of questions were raised within the audience of 40 attendees.



Professor Clare McGlynn's presentation on image-based sexual abuse in the UK

#### **Seminar:**

# **Building Safer Communities: Current and Future trends**

### **24 February 2020**



Dr Stan Salagaras, Associate Professor Carolyn Day, Dr Christopher Hunt and John Maynard

'All human beings have an equal right to health and safety' according to a 1989 resolution arising from a conference in Sweden on community safety. This seminar, organised by the Sydney Institute of Criminology in conjunction with the Australian Safe Communities Foundation, focused on current and future trends impacting efforts to build safe communities. The event brought together an exciting array of experienced speakers, including:

- **Dr Stan Salagaras**, Chair of the Australian Safe Communities Foundation (ASCF). Dr Salagaras works as a consultant, researching and auditing communities and preparing comprehensive community development strategies incorporating community infrastructure and community engagement plans
- Associate Professor Carolyn Day, public health researcher in drug and alcohol, with a
  focus on illicit drug use, co-ordinating Addiction Medicine education for the Sydney
  Medical School, an Academic Leader in research Education for Sydney Central Clinical
  School, and a Director of the NSW Alcohol and Drug Foundation since 2009
- **Dr Christopher Hunt**, clinical psychologist and senior supervisor at the Gambling Treatment and Research Clinic at the University of Sydney
- John Maynard, community safety and crime prevention specialist and consultant. Mr Maynard has qualifications in Psychology and Public Health and has worked predominantly in Local Government and the private sector

**Associate Professor Garner Clancey**, Sydney Law School, chaired the seminar, which was attended by approximately 50 people.

Dr Salagaras spoke about the work of the ASCF in accrediting communities by identifying real needs at the local level. Among the developing trends are issues relating to a lack of funding, changing government prioties and opportunities to work more with school communities. Associate Professor Clay highlighted that the harm caused by alcohol far outweighs that caused by prohibited drugs, and asked why the community tolerates a higher risk of harm for alcohol than

for other voluntary or involuntary risks. Associate Professor Clay presented evidence that the lockout laws had an overall net benefit in terms of reducing the rate of non-domestic assaults and hospitalisations.

Dr Hunt discussed the financial and psychological harm caused by problem gambling, in which 1.1% of the population engages. Up to 60% of problem gamblers will engage in some form of criminal conduct to fund their gambling habits, including fraud and drug supply. Dr Hunt explained that even people who gamble but are not 'problem gamblers' can experience the negative consequences of gambling. Mr Maynard revealed the impact of architecture, planning and design on creating safer communities, including aesthetic enhancements to railway stations, and safe pedestrian and cycling areas.

#### **Book launch:**

# Professor Arlie Loughnan, Self, Others and the State: Relations of Criminal Responsibility 28 February 2020

Self, Others and the State: Relations of Criminal Responsibility, by Institute Co-Director **Professor Arlie Loughnan**, was launched at the Sydney Law School on 28 February 2020. The launch was hosted by the Sydney Institute of Criminology and the Julius Stone Institute of Jurisprudence.

Following an Acknowledgment of Country, Professor Simon Bronitt, Head of School and Dean, attested to the book's 'unputdownable' nature and proposed that it was a text scholars and readers would return to again and again.



Professor Nicola Lacey, Professor Arlie Loughnan and Professor Simon Bronitt

**Nicola Lacey**, Professor of Law, Gender and Social Policy at the London School of Economics and Political Science, described the publication as a 'bold book' that takes a historicised and contextualised approach to relations of criminal responsibility.

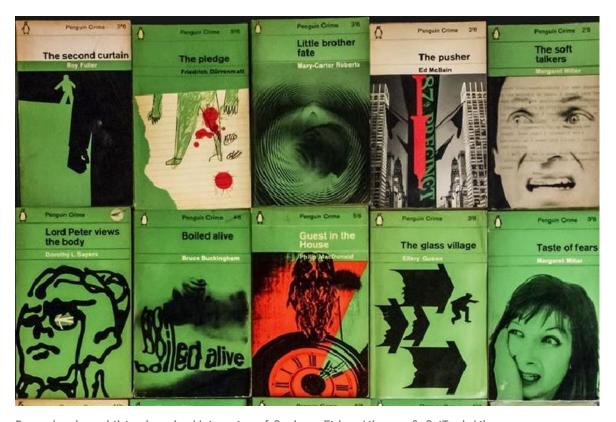
Professor Lacey said the book challenged the myth that criminal law was perfected towards the end of the 19<sup>th</sup> century by exploring developments in Australia right up to the 21<sup>st</sup> century. The book launch was attended by approximately 50 very enthusiastic colleagues, family and friends.

#### **Exhibition:**

#### Lurid: Crime Paperbacks and Pulp

February - June 2020

The Lurid: Crime Paperback and Pulp exhibition at the Fisher Library & SciTech Library was curated by **Dr Carolyn McKay**, Sydney Law School and presented in collaboration with the University of Sydney's Rare Books and Special Collections.



Paperbacks exhibited at the University of Sydney Fisher Library & SciTech Library

About: There has long been a thirst for cheap, mass produced depictions of violence and crime narratives in popular culture, from eighteenth century crime 'broadsides' sold at public executions to nineteenth century 'penny dreadfuls'.

The Lurid exhibition showcased these books and their cover designs. For instance, the mid-century, green-saturated period of Penguin crime literature paperbacks demonstrates the 'Marber Grid', with two-thirds of the layout allowing for striking modernist illustration and bold graphic design.

The exhibition explored the power in the simplicity of these designs with their limited colour palette, elements of photomontage, collage, drawing and geometric pattern, and use of sans serif font.

At the other extreme of the literary spectrum, there are the garish, titillating and often misogynistic designs that adorn pulp fiction covers. The racy titles and compositional elements of femme fatales and wanton dames, gangsters and gumshoes, and occasional homoerotic imagery, were designed to catch the eyes of disposable sleaze readers (and latter-day criminologists).

#### **Author meets reader event:**

# Dr Senthorun Raj, Feeling Queer Jurisprudence: Injury, Intimacy, Identity 4 March 2020



The Sydney Institute of Criminology hosted a seminar on the themes highlighted in the book, Feeling Queer Jurisprudence: Injury, Intimacy, Identity by **Dr**Senthorun Raj (pictured), Lecturer in Law at Keele University.

The seminar was held in discussion with **Professor Kane Race** (University of Sydney), **Dr Renata Grossi** (University of Technology Sydney) and **Anna Brown** (CEO, Equality Australia).

Drawing on emotions, queer theory and case law, Feeling Queer Jurisprudence explores how LGBT rights have been made possible, and also circumscribed, by progressive legal interventions.

The book catalogues a range of cases from Australia, the United States and the United Kingdom to explore how emotion shapes the decriminalisation of homosexuality, hate crime interventions, anti-discrimination measures, refugee protection and marriage equality.

#### Student webinar:

# Talking Research: HDR student webinar 1 July 2020

Higher degree research (HDR) students researching across criminal law, criminology and critical scholarship were invited to participate in an online webinar, hosted by the Sydney Institute of Criminology. Facilitators **Professor Arlie Loughnan** (University of Sydney) and **Dr Senthorun Raj** (Keele University) sought to check in with students to see how they and their research were faring under COVID-19 conditions.

The informal and conversational webinar explored topics like maintaining motivation, refining research topics, getting the most out of the HDR process, going into the job market and preparing for job interviews.

#### Webingr:

#### **Neurolaw in Australian Criminal Courts**

#### 30 September 2020

In neuroscience and law (neurolaw) literature, there are many debates associated with the increasing use of neuroscience in law. In this webinar, **Dr Armin Alimardani** of the University of UNSW, in conversation with **Dr Allan McCay** (University of Sydney), discussed the findings of a first of its kind empirical study into neurolaw. The study involves the collection and analysis of more than 300 Australian criminal cases involving neuroscientific evidence.

The findings of his research indicate that various forms of neuroscientific evidence (structural and functional imaging, and neuropsychological testing) have been used in Australian criminal courts for at least 40 years, including evidence explaining and predicting criminal behaviour.

Dr Alimardani discussed some interesting and important themes relevant to neurolaw in Australian criminal justice system, such as criminal responsibility and the juvenile brain, and ways in which we may be able to promote neurolaw in Australia.



Dr Armin Alimardani in conversation with Dr Allan McCay

#### Webinar:

# Right to Protest: Exploring the tension between the COVID-19 Public Health Order and the right to protest

#### **13 November 2020**

This online event was jointly hosted by the School of Social and Political Sciences, the Sydney Law School, the Sydney Institute of Criminology and Sydney Health Law. The event explored the intensified policing of protests both on and off campus during the pandemic, including protests concerning Black Lives Matters and higher education.



Leetona Dungay, mother of David Dungay Jr who died in custody. Photo: Aman Kapoor.

The expert panel examined the human rights, health and legal aspects of protest events in Australia and the appropriate scope of police power, addressing questions such as: is there a right to protest during a pandemic; what are the related health risks; what are the limits to freedom of expression; and is there space during a pandemic for peaceful resistance to legal limits?

The Right to Protest event was chaired by **Professor Danielle Celermajer**, Sociology and Social Policy, University of Sydney and speakers included:

- Associate Professor Elizabeth Hill, Political Economy, University of Sydney
- Associate Professor Anna Boucher, Government and International Relations, University of Sydney
- Felicity Graham, Barrister in Commissioner of Police v Taylah Gray
- Taylah Gray, activist at University of Newcastle and respondent in the case Commissioner of Police v Taylah Gray
- Professor Roger Magnusson, Health Law and Governance, Associate Dean Student Life, Sydney Law School
- Professor Simon Rice, Kim Santow Chair of Law and Social Justice, University of Sydney
- Georgia Carr, PhD candidate in linguistics, University of Sydney

## **Current Issues in Criminal Justice**

**Current Issues in Criminal Justice** (CICJ) is Australia's leading peer-reviewed journal on criminal justice with a focus on criminal law. First published in March 1989, the CICJ has informed critical debate in criminal justice issues in Australia and internationally, and continues to provide detailed analysis of local, regional and global issues from outstanding academic contributors.

The CICJ covers national and international issues and enjoys a diverse, global audience spanning many countries and disciplines. In addition to scholarly articles, the CICJ features 'Contemporary Comments', which are at the cutting edge of crime and justice debate, and reviews of recently released books.

The Institute would like to thank outgoing editor Professor Murray Lee for his remarkable contribution to the success and vitality of the journal over so many years. The Institute welcomes Dr Justin Ellis as editor and looks forward to seeing the direction the CICJ takes under his vision and editorship.

Four editions compromising one volume of the Current Issues in Criminal Justice journal were published in 2020. The Institute would like to acknowledge and thank contributors to the CICJ in 2020 and all reviewers for their generous input of time and expertise.

#### Volume 32 Number 1, February 2020

#### **Articles**

- 'Neither dupes, nor pipers: violent crime, public sentiment and the political origins of mass incarceration in the United States', Leonidas K. Cheliotis
- 'Predicting risk in criminal procedure: actuarial tools, algorithms, Al and judicial decision-making', Carolyn McKay
- 'Policing's 'meme strategy': understanding the rise of police social media engagement work', Mark A. Wood
- 'Copycat crime among non-incarcerated adults', Ray Surette and Derek Chadee

- 'A descriptive study of sex offending among incarcerated men with low intellectual functioning: offending parameters and sex offence characteristics in adulthood', Ulrika Athanassiou, Jesse Cale and Leanne Dowse
- 'Family violence, protection orders and systems abuse: views of legal practitioners', Ellen Reeves

#### **Contemporary Comment**

 'A commentary on the potential impact of online communities and crime-related media on the criminal justice system: 'do you know more? ... join the investigation", Andrew Childs, Amanda Robertson and Jacqueline Fullertitle

#### Volume 32 Number 2, May 2020

#### **Articles**

- 'Newsmaking criminology in the twenty-first century: an analysis of criminologists' news media engagement in seven countries', Imogen Richards, Mark A. Wood and Mary Iliadis
- 'Forensic science and the myth of adversarial testing', Gary Edmond
- 'The case for a second safe injecting facility (SIF) in Sydney', George Christopher Dertadian and Stephen Tomsen
- 'The 'future Internet' and crime: towards a criminology of the Internet of Things', Sanja Milivojevic and Elizabeth Marie Radulski
- 'The shifting landscape of post-conviction review in New Zealand: reflections on the prospects for the Criminal Cases Review Commission', Carolyn Hoyle
- 'Special measures in child sexual abuse cases: views of Australian criminal justice professionals', Nina J. Westera, Martine B. Powell, Jane Goodman-Delahunty and Rachel Zajac

#### **Contemporary Comment**

 'An awful state of affairs for you': managing the needs of older prisoners – a case study from the Australian Capital Territory', Isabella Jackson, Caroline Doyle and Lorana Bartels

#### **Book Review**

Queer histories and the politics of policing, by Emma K. Russell. Reviewed by Justin R. Ellis

#### Volume 32 Number 3, August 2020

#### **Articles**

- 'Exploring gender differences in domestic violence reported to the NSW Police Force',
   Jane Wangmann, Lesley Laing and Julie Stubbs
- 'Exploring youth radicalisation through the framework of developmental crime prevention: a case study of Ahmad Numan Haider', Adrian Cherney
- 'Building community confidence in community corrections', Lorana Bartels and Don Weatherburn
- 'Corporate liability for bribery—in favour of systematic approach', Hannah Harris

#### **Public Lecture**

2019 Paul Byrne memorial lecture, delivered by Dina Yehia SC

#### **Contemporary Comments**

- 'The New South Wales Law Reform Commission Draft Proposals on consent in sexual offences: a missed opportunity?', Rachael Burgin and Jonathan Crowe
- 'The promises and perils of developing a national sex offender recidivism database in Australia', Caroline Spiranovic, Anna Ferrante, Marie-Jeanne Buscot, Catherine Griffiths, Alfred Allan, Stephen Wong, Hilde Tubex and Frank Morgan
- 'Surveillance and the state: body-worn cameras, privacy and democratic policing', Julian
   R. Murphy and David Estcourt

#### Volume 32 Number 4, November 2020

#### **Contemporary Comment**

 'Introduction to the special issue: evidence in the intimate sphere', Jason M. Chin, Heather Douglas and Caitlin Goss

#### **Articles**

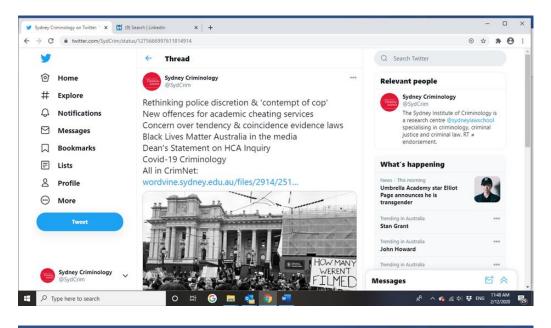
- 'Visualising violence? Capturing and critiquing body-worn video camera evidence of domestic and family violence', Bridget A. Harris
- 'Evidencing better child protection practice: why representations of domestic violence matter', Tracey De Simone and Susan Heward-Belle
- 'The impact of schemas on decision-making in cases involving allegations of sexual violence', Blake M. McKimmie, Barbara M. Masser, Faye Nitschke, Harrison Lee and Regina A. Schuller
- 'Common knowledge in the common law: challenges in domestic violence cases', Caitlin
- 'Pre-recorded expert evidence in intimate partner violence cases', Jason M. Chin
- 'Admission of evidence as proof of sexual interest: challenges for the common law and Uniform Evidence Legislation when the evidence is admissible for another purpose', Benedict J. Power
- 'Facts seen and unseen: improving justice responses by using a social entrapment lens for cases involving abused women (as offenders or victims)', Heather Douglas, Hannah McGlade, Stella Tarrant and Julia Tolmie

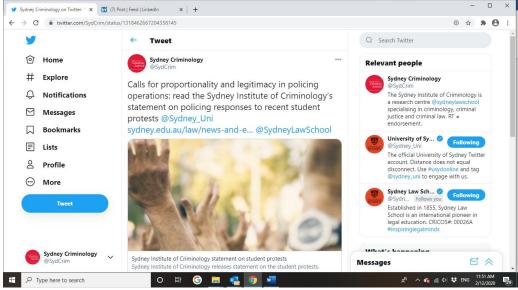
## CrimNet and Social Media

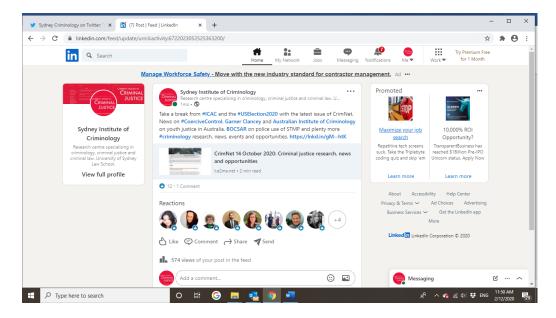
CrimNet, the fortnightly e-newsletter of the Sydney Institute of Criminology, moved to a new platform in 2020: EmmaHQ. This transition has delivered a fresh new design for CrimNet and improved readability and functionality.

The subscriber base continued to grow, with over 2,000 active subscribers receiving CrimNet directly by email. The CrimNet newsletter is also published on social media each fortnight and shared across the Institute's online community.

The Institute continued to grow its social media following, with over 2,800 followers on Twitter and 500+ connections on Linkedin. The Institute increased its activity and engagement through social media in 2020, sharing contemporary commentary on criminal justice issues, criminological research, news and events.







# **Delivery of Criminology Program**

#### **Higher Degree Research Students**

The postgraduate criminology program at the University of Sydney Law School remains among the largest and most respected in Australia. The Sydney Law School offers both a Master of Criminology and a Graduate Diploma in Criminology.

Postgraduate criminology has a long history at the University of Sydney. While the programs are well established, they are also innovative and unique. The programs attract a wide range of professional and occupational groups including lawyers, social workers, psychologists, psychiatrists, probation and parole officers, police, youth workers, correctional officers, and those engaged in research and policy work in the public sector. There were over 500 enrolments across the postgraduate criminology units of study offered in 2020.

The Master of Criminology and/or Graduate Diploma programs included the following core subjects:

- Crime Research and Policy
- Explaining Crime

The following elective units were offered in 2020:

- Anti-Terrorism Law
- Child Sexual Abuse: Diverse Perspectives
- Crime and Media
- Criminal Justice: Developments in Prevention & Control
- Death Law
- Digital Criminology: Technologies and Crime
- Forensic Psychology
- Policing: Crime, Control and Security
- Risk, Fear and Insecurity
- Young People, Crime and the Law

#### **PhD Completion**

Dr Claudia Arici was awarded a PhD from the Sydney Law School in 2020, supervised by Professor Thomas Crofts. The title of the PhD is 'Through the Looking Glass: An Analysis of the Portrayals of Child Soldiers Through the Lenses of Community Members and Key Stakeholders'.

Dr Shannon Torrens was also awarded a PhD from the Sydney Law School in 2020. The title of the PhD thesis is 'Criminal Law through the Lens of Justice as Process: From Justice Beliefs to Justice Legacies'.

#### **Honours Students**

Dr Carolyn McKay supervised Callum Vittali-Smith in 2020, Honours thesis: 'To catch a killer cousin: investigative genetic genealogy as a critical extension of familial searching in serious crime convictions in Australia'.

Dr Celine Van Golde supervised three Honours students in 2020. Rickii Lotsaris, Honours thesis: 'The Effect of Deviations on Memory Accuracy and Memory Blindness for a Repeated Event'. Alina Munoz, Honours thesis: 'The Relationship between Hypervigilance and Traumatic Life Events, and An Exploration of the Effect of Hypervigilance on Memory Recall'. Lakshmi Praveenkumar, Honours thesis: 'The Influence of Body-Worn Camera Evidence and Perceptions of Police on Juror Decision-Making.'

Associate Professor Megan Williams co-supervised Caitlin Bennett in 2020 (UNSW), Honours thesis: 'The meaning and practice of 'community' in Justice Reinvestment'.

# **Criminology Internships**

Students of the University of Sydney continued to undertake internships with the Institute at four intervals throughout the academic year: semesters 1 and 2, and the summer and winter programs. Internships are awarded through a merit-based application process administered by the Institute.

Sixteen students completed the Institute's internship program in 2020. Interns worked on a range of projects covering topics such as sexual assault, mental illness and offending, digital justice, crime prevention, hate crime, tendency and coincidence laws, covert policing, and the history and impact of the Institute. Interns also undertook editorial work on the Current Issues in Criminal Justice journal.

The program provides interns with opportunities to develop a wide range of professional, interpersonal and disciplinary skills, including research and communication, while also creating networks with members of the Institute, external collaborators, and other students.

#### **Summer 2019 - 2020:**

- Rodney Blake, supervised by Dr Carolyn McKay, undertook research on a technology in criminal justice project, Glitching Justice.
- Tate Linsay, supervised by Professor Gail Mason and the Institute, undertook research on both
  the reporting of sexual assault and the NSW Government's inquiry into the drug 'ice', and also
  contributed to the production of the CrimNet newsletter.
- Claudia Thomson, supervised by Professor Murray Lee, provided editorial assistance on the Current Issues in Criminal Justice journal.

#### **Semester 1 2020:**

- Angus Chen, supervised by Professor Murray Lee, provided editorial assistance on the Current Issues in Criminal Justice journal.
- Vin Gajanayake, supervised by Dr Tanya Mitchell and the Institute, undertook research on sentencing and table offences, and contributed to various projects for the Institute, including planning for a symposium on youth justice.
- Miranda Hutchesson, supervised by Dr Helen Paterson, undertook research on a project concerning student stress, anxiety and vicarious trauma.
- Eliza Fogel, supervised by Professor Judith Cashmore and Professor Rita Shackel, undertook research concerning judicial and practitioner guidance in sexual assault trials, and contributed to the Women Defendants Project.
- Caitlin Hooper, supervised by Associate Professor Garner Clancey, undertook research on gambling issues in the criminal justice system.
- Diana Lambert, supervised by Professor Gail Mason, contributed to the work and priorities of the Australian Hate Crimes Network.

#### Winter 2020:

- Blake Lovely, supervised by Professor Murray Lee, provided editorial assistance on the Current Issues in Criminal Justice journal.
- Jane Spencer, supervised by Dr Louise Boon-Kuo, assisted with a research project concerning covert policing and police charges and fines during COVID-19.

- Rebekah Oliver, supervised by Professor Gail Mason and Professor David Hamer, contributed
  to the work of the Australian Hate Crime Network, and undertook research concerning
  domestic and sexual violence offending and the use of tendency and coincidence evidence.
- Claris Foo, supervised by Dr Carolyn McKay, undertook research concerning the technologisation of prisons and the use of AVL in prisons during COVID-19.

#### Semester 2 2020:

- Daniel Hu, supervised by Associate Professor Garner Clancey, provided assistance on a project in collaboration with the Australian Institute of Criminology and concerning the Safe Communities grants program.
- Kiran Gupta, supervised by Marlee Bower, provided assistance on projects concerning the relationship between mental illness and offending, and the effectiveness of custodial programs.
- Miriam Shendropp, supervised by Professor Arlie Loughnan, undertook research concerning the history of the Sydney Institute of Criminology and its influence on criminal justice reform.

### **Grants and Awards**

#### **Grants**

Several Institute members were successful in securing grants in 2020, which are key to furthering research activities:

#### Louise Boon-Kuo

• University of Sydney External Engagement Accelerator Grant (2019-20) 'Migrant Sex Workers' Rights and Obligations at the Airport'.

#### **Marlee Bowers**

- COVID-19 Mental Health Response Independent Think Tank. Teesson M, Bower M, Stears M, Smout S, BHP Foundation (USA) research grant.
- 'Alone Together: the impacts of COVD-19 and housing on the mental health of Australians' (20HT01). Bower M, The Henry Halloran Trust/Festival of Urbanism research grant
- University of Sydney LifeSpan Research Network Seed Funding.

#### **Judith Cashmore**

 Australian Research Council Linkage Project, 'Fostering lifelong connections for children in permanent care', with Amy Conley Wright, Lynette Riley and Susan Collings.

#### **Duncan Chappell**

 New Zealand Marsden Fund project, 'Responding to citizens in mental distress: Exploring the preventative role of community police'.

#### Jason Chin

 Charles Perkins Centre. Funding for a conference on meta-research and open science, with Alex Holcombe and Shinichi Nakagawa.

- University of New South Wales funding for a conference on meta-research and open science, with Alex Holcombe and Shinichi Nakagawa.
- Academy of The Social Sciences in Australia funding for workshop titled Crime in the Intimate Sphere: Issues in Evidence, with Heather Douglas and Caitlin Goss.
- University of Queensland, Business, Economics and Law Faculty supplemental funding for workshop titled Crime in the Intimate Sphere: Issues in Evidence, with Heather Douglas and Caitlin Goss.

### **Garner Clancey**

- Australian Institute of Criminology commissioned research, 'What works and where in crime prevention?'.
- NSW Department of Communities and Justice commissioned research, 'Prequalification Scheme - Understanding ADVOS, bail conditions and court processes, Youth Justice NSW'.
- Australian Institute of Criminology commissioned research, 'Analysis of data on outlaw motor cycle gangs in Australia'.

#### **Justin Ellis**

- University of Newcastle Copley Bequest Research Grant 'Policing perversion: surveilling queer Newcastle 1950-1980', with Senior, K.
- University of Newcastle FEDUA funding for 2020 external engagement, Centre for 21st Century Humanities, with McIntyre, J, Ariotti, K, Arrighi, Askland, H, Coffey, J, Cushing, N, Craig, H. et al.

### **Robyn Holder**

 'Victims, Citizenship and Justice' International Research Collaboration approved by the Law and Society Association (USA) in 2020, with Elbers N. IRC for delivery at 2022 International Law and Society Conference in Lisbon.

#### **Rosemary Grey**

- Australian Research Council, Discovery Early Career Researcher Award, 'Reproductive Crimes in International Law: Lessons from Cambodia'.
- Australian Research Council, Discovery Project in collaboration with Louise Chappell and Kcasey McLoughlin, 'Reimagining Judging in International Criminal Courts: A Gendered Approach'.
- Sydney Southeast Asia Centre, Pivot Grant: Gender-sensitivity training specific to Cambodia.

#### Pei Kong

- Scholarship to attend the 14th Symposium on Child Custody, 'The Future of Child Custody: Stacking the Deck in Favour of Children, Association of Family and Conciliation Courts'.
- Awarded the University of Sydney Walter Reid Memorial Fund for PhD academic performance.

#### **Arlie Loughnan**

 Australian Research Council, Discovery Project in collaboration with Luke McNamara, Julia Quilter, Russell Hogg, David Brown and Lindsay Farmer, 'Violence, Risk and Safety: The Changing Face of Australian Criminal Laws'.

#### **Brenda Lin**

• John O'Brien Memorial Research Scholarship in Criminal Law and Criminology.

#### **Gail Mason**

• City of Sydney grant, 'Online Guide to Understanding and Reporting Hate Crime and Hate Incidents'.

#### **Carolyn McKay**

Australian Research Council, Discovery Early Career Researcher Award, 'The Digital Criminal
Justice Project: Vulnerability and the Digital Subject'.

#### Rita Shackel

 Partnership Collaboration Awards (Office of Global Engagement, University of Sydney) in collaboration with Judith Cashmore, Rosemary Grey, Nicholas Cowdery and, from the National University of Singapore, Kumaralingam Amirthalingam, Benny Zhi Peng Tan, Stella Tan Wei Ling and Narayan Ganapathy, 'Prosecuting crime: contemporary challenges and sustainable solutions in the Asia-Pacific region'.

### **Nicole Watson**

 Partnership Collaboration Awards (Office of Global Engagement, University of Sydney) in collaboration with Miranda Johnson, Pamela Klassen, Leah Lui-Chivizhe, Coel Kirkby, Mark McKenna, Emma Kluge, Krista Barclay, Susan Hill, Heidi Bohaker, Dale Turner, Jill Carter, Timothy Rowse, Heidi Norman, Aroha Harris and Janine Hayward, 'Treaty Talk and Treaty People in the Commonwealth'.

#### **Megan Williams**

- Medical Research Futures Fund Indigenous Mental Health Intervention in Prisons (IMHiP)
  Youth, in partnership with University of Queensland and Queensland Health with Ed
  Heffernan, Scott Harden, James Scott, Marshall Watson, Stephen Stathis, Stuart Kinner,
  Carla Meurk, Megan Steele and Gregory Pratt.
- NHMRC-funded Banga-mal-hana: Workforce development research to improve cultural
  competence of prison staff in partnership with University of Newcastle and Justice Health
  & Forensic Mental Health Network with Elizabeth Sullivan, Melissa Kang, Juanita
  Sherwood, Eileen Baldry, Julia Bowman, James Brown, Sungwong Chan, Faye Worner and
  Sarah Wayland.
- Commonwealth-funded National Palliative Care Project: Palliative Care in Prisons, led by University of Technology Sydney.
- Queensland Government evaluation of Shine for Kids Keeping Us Together: Mothers on Remand Parenting Program, in partnership with University of Newcastle.

### **Awards**

University of Sydney Vice-Chancellor's Awards for Excellence were received by three Institute members in 2020:

- Professor Judith Cashmore AO received a Vice-Chancellor's Award for Outstanding Research Engagement and Innovation - Research Centre for Children and Families, Faculty of Arts and Social Sciences
- Dr Helen Paterson received a Vice-Chancellor's Award for Outstanding Contribution to Diversity and Inclusion - Women at Sydney Network
- Dr Nicole Watson received a Vice-Chancellor's Award for Outstanding Mentoring and Leadership for Coaching - Mentoring Aboriginal and Torres Strait Islander Academics, Human Resources

**Professor Judith Cashmore AO** was awarded the 2020 SUPRA Supervisor of the Year for the Sydney Law School.

**Dr Justin Ellis** was awarded University of Newcastle Faculty Excellence Awards for: Equity, Diversity, and Inclusion; and Work Integrated Learning

**Professor Kane Race** was elected to the Australian Academy of the Humanities in honour of his contribution to cultural studies of sexuality, interactions between stigmatised bodies, sexuality and the politics of public health.

# **Publications**

#### **Arlie Loughnan (Co-Director)**

#### **Journal Articles**

McNamara, L., Quilter, J., Hogg, R., Douglas, H., Loughnan, A., Brown, D., Farmer, L. (2020). Understanding processes of criminalisation: Insights from an Australian study of criminal law-making. Criminology and Criminal Justice.

#### **Books**

- Brown, D., Farrier, D., McNamara, L., Steel, A., Grewcock, M., Quilter, J., Schwartz, M., Anthony, T., Loughnan, A. (2020). Criminal Laws: Materials and Commentary on Criminal Law and Process of NSW. Sydney, NSW: The Federation Press.
- Loughnan, A. (2020). Self, Others and the State: Relations of Criminal Responsibility.
   Cambridge, UK: Cambridge University Press.

#### Rita Shackel (Co-Director)

#### **Journal Articles**

Rita Shackel, The Child's Right to Participate and Be Heard: Is Research Ethics Exempted?
 (2020) UNSW 14 Law Society Court of Conscience: Rights and Representation – Children and the Law.

- Hodgson, N., Cashmore, J., Cowdery, N., Goodman-Delahunty, J., Martschuk, N., Parkinson, P., Powell, M., Shackel, R. (2020). The Decision to Prosecute: A Comparative Analysis of Australian Prosecutorial Guidelines. Criminal Law Journal, 44, 155-172.
- Maternowska, C., Shackel, R., Carlson, C., Levtov, R. (2020). The Global Politics of the Age-Gender Divide in Violence Against Women and Children. Global Public Health.

#### Conferences

Shackel, R. (2020). Ensuring Online Law School Examinations are Fit for Purpose. CUHK
LAW Directions in Legal Education 2020 - Online Conference on Teaching & Learning in Law,
Hong Kong: Presentation.

### Carolyn McKay (Deputy-Director)

#### **Journal Articles**

- McKay, C., Lee, M. (2020). Body-worn images: Point-of-view and the new aesthetics of policing. Crime, Media, Culture: An International Journal, 16(3), 431-450.
- McKay, C. (2020). Predicting risk in criminal procedure: actuarial tools, algorithms, Al and judicial decision-making. *Current Issues in Criminal Justice*, 32(1), 22-39.

#### Conferences

- McKay, C. (2020). Crime Scene Motel Project. Sydney Environment Institute, Sites of Violence: Imagination Hole, University of Sydney, NSW: Presentation.
- McKay, C. (2020). Glitching Justice. Sydney Institute of Criminology / Sydney Law School Research Seminar Series, University of Sydney, NSW: Presentation.
- McKay, C. (2020). The Crime Scene Motel: guesthouse or ghosthouse? 21st Annual Conference of the European Society of Criminology, Romania: Presentation.

#### **Andrew Dyer (Deputy-Director)**

#### Journal Articles

- Hoven, E., Dyer, A. (2020). 'Only Yes Means Yes'? Aktuelle Entwicklungen im australischen Sexualstrafrecht und Folgerungen fuer die deutsche Diskussion ('Only Yes Means Yes'? -Current Developments in Australian Sexual Criminal Law and the Consequences for the German Discussion). Zeitschrift fuer die gesamte Strafrechtswissenschaft, 132(1), 250-263.
- Dyer, A., Hamer, D. (2020). Before the High Court He 'Came Across as Someone Who Was Telling the Truth': Pell v The Queen. Sydney Law Review, 42(1), 109-121.
- Dyer, A. (2020). Irreducible Life Sentences, Craig Minogue and the Capacity of Human Rights Charters to Make a Difference. UNSW Law Journal, 43(2), 484-520.
- Dyer, A. (2020). Progressive Punitiveness in Queensland. Australian Bar Review, 48, 326-371.
- Dyer, A. (2019). The mens rea for sexual assault, sexual touching and sexual act offences in New South Wales: Leave it alone (although you might consider imposing an evidential burden on the accused). Australian Bar Review 48, 63-94.

#### **Conferences**

 Dyer, A. (2020). Irreducible Life Sentences, Craig Minogue and the Capacity of Human Rights Charters to Make A Difference. Criminal Law Workshop, Auckland Law School, Auckland, New Zealand: Presentation.

#### Jane Andrew

#### **Book Chapters**

 Andrew, J., Baker, M., Cooper, C., Tweedie, J. (2020). Privatising Corrections: Rethinking the issue. In P. Birch, L. Sicard (Eds.), Prisons and Community Corrections: Critical Issues and Emerging Controversies 72-85. New York, United States: Routledge.

#### Louise Boon-Kuo

#### **Book Chapters**

 Boon-Kuo, L. (2020). Decarceration: Legal Claims in the Pandemic in Australia. In Claudio Janotti, Flavia Fragale M. Pepino, Rafael Lara Martins (Eds.), Legal Responses to the Covid-19 around the world (215-229). Porto Alegre: Lex Magister.

#### **Conferences**

- Boon-Kuo, L. (2020). Migration politics, ethics and ethnography workshop. Invited presentation for PhD scholars Linkoping University, Sweden.
- Boon-Kuo, L. (2020). 'The Big D: data and the marginalised'. Invited talk for Queer Thinking, Sydney Gay and Lesbian Mardi Gras, Seymour Centre.
- Boon-Kuo, L and Crock, Mary. (2020). 'Immigration considerations in Criminal Sentencing'. Invited talk. Public Defenders Criminal Law Conference, Sydney.

#### **Terry Carney**

#### Journal Articles

- Carney, T., Automation in Social Security: Implications for merits review? (2020) 55(3)
   Australian Journal of Social Issues 260-274.
- Walton, M, Kelly, P., Chiarella, M., Carney, T. Management and outcomes of health practitioner complaints in Australia: A comparison of the National and New South Wales systems (2020) 44(2) Australian Health Review, 180-189.
- Carney, T., People with Dementia and other Cognitive Disabilities: Relationally vulnerable or a source of agency and care? (2020) 12(1) Elder Law Review.
- Carney, T., Artificial Intelligence in Welfare: Striking the vulnerability balance? (2020)
   46(2) Monash Law Review.
- Wiesel, I., Smith, E., Bigby, C., Then, S., Douglas, J., Carney, T. The temporalities of supported decision-making by people with cognitive disability Social and Cultural Geography Ahead.

#### **Book Chapters**

 Carney, T, Combating Elder Abuse: Any role for supported-decision-making, adult guardianship or other laws?. In Mala Kapur Shankardass (Ed.) Combating Elder Abuse in India and Australia. (2020) Nova Science: NY.

#### **Judith Cashmore**

#### **Journal Articles**

- Cashmore, J., Taylor, A., Parkinson, P. (2020). Fourteen-year Trends in the Criminal Justice Response to Child Sexual Abuse Reports in New South Wales. Child Maltreatment, 25(1), 85-95.
- Luu, B., Conley Wright, A., Cashmore, J. (2020). Sibling networks of children adopted from out-of-home care in New South Wales, Australia. Children and Youth Services Review, 119, 1-10.
- Hodgson, N., Cashmore, J., Cowdery, N., Goodman-Delahunty, J., Martschuk, N., Parkinson, P., Powell, M., Shackel, R. (2020). The Decision to Prosecute: A Comparative Analysis of Australian Prosecutorial Guidelines. Criminal Law Journal, 44, 155-172.
- Tobin, J., Cashmore, J. (2020). Thirty years of the CRC: Child protection progress, challenges and opportunities. *Child Abuse and Neglect*, 110, 104436.

#### **Jason Chin**

#### **Journal Articles**

- Chin, J. (2020). Pre-recorded expert evidence in intimate partner violence cases. Current Issues in Criminal Justice, 32(4), 458-474.
- Jason M Chin, Mehera San Roque & Rory McFadden. The new psychology of expert witness procedure (2020) 42:1 Sydney Law Review 69.
- Jason M Chin & Rory McFadden. Expert witness codes of conduct for forensic practitioners: a review and proposal for reform (2020) Canadian Journal of Law and Justice 23.
- Jason M Chin, Rory McFadden & Gary Edmond. Forensic science needs registered reports (2020) 2 Forensic Science International: Synergy 41.

#### Conferences

Jason M Chin, 'Open Law' (2020) Invited talk for the Australian Forensic Psychology
Online Conference, University of Sydney School of Psychology, Sydney, NSW, Australia,
Online.

#### **Garner Clancey**

#### **Journal Articles**

- Clancey, G., Metcalfe, L. (2020). A Review of Crime Prevention Activities in an Australian Local Government Area since the late 1980s. Crime Prevention and Community Safety, 22(1), 49-67.
- Metcalfe, L., Morgan, A., Clancey, G. (2020). Local government public space CCTV systems in Australia. Crime Prevention and Community Safety, 22(3), 210-222.
- Gainsbury, S., Black, N., Blaszczynski, A., Callaghan, S., Clancey, G., Starcevic, V., Tymula, A. (2020). Reducing Internet Gambling Harms Using Behavioural Science: A Stakeholder Framework. Frontiers in Psychiatry, 11, 598589.
- Monchuk, L., Clancey, G. (2020). What Police Say about Crime Prevention Through Environmental Design Training in Two Jurisdictions (England/Wales and New South Wales, Australia). Policing: a Journal of Policy and Practice.

#### **Book Chapters**

 Clancey, G. (2020). Teaching Crime Prevention and Community Safety. In Darren Palmer (Ed.), Scholarship of Teaching and Learning in Criminology, (59-85). Switzerland: Palgrave Macmillan.

#### Reports

 Clancey, G., Wang, S., Lin, B. (2020). Youth justice in Australia: Themes from recent inquiries. Trends and Issues in Crime and Criminal Justice, 605, 1-18.

#### **Justin Ellis**

#### **Journal Articles**

- Ellis, J, (2020). More than a trivial pursuit: Public order policing narratives and the 'social media test Crime, Media, Culture. 1-23.
- Lee, M, Jackson, J & Ellis, J (2020). Functional and Dysfunctional Fear of Crime in Inner Sydney: Findings from the Quantitative Component of a Mixed-Methods Study Australian and New Zealand Journal of Criminology. 1-22.

#### Reports

- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Victorian Report. Community Crime Prevention Unit, Victorian Department of Justice and Community Safety.
- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Liverpool Report. University of Sydney and Monash University.

#### **Book Reviews**

 Ellis, J. (2020) Queer histories and the politics of policing: by Emma K. Russell, Abingdon, Routledge, Current Issues in Criminal Justice 31 (3) 412-432.

#### **Elaine Fishwick**

#### Report

 Goodwin, S.; Stears, M; Riboldi, M.; Fishwick, E.; Fennis, L. 'All together: A new future for commissioning human services in New South Wales', Sydney Policy Lab, University of Sydney, April 2020.

#### **Rosemary Grey**

#### **Journal Articles**

- Grey, R. (2020). Seen and unseen: sexual and gender-based crimes in the Khmer Rouge Tribunal's Case 002/02 judgment. Australian Journal of Human Rights, 25(3), 466-487.
- Grey, R., Yim, S., Kum, S. (2020). The Khmer Rouge Tribunal's first reparation for gender-based crimes. Australian Journal of Human Rights, 25(3), 488-497.

#### **Book Chapters**

 Grey, R., Chappell, L. (2020). Re-writing sex and gender in international criminal law. In Margaret M. Guzman and Valerie Oosterveld (Eds.), The Elgar Companion to the International Criminal Court, (363-386). Cheltenham: Edward Elgar Publishing.

#### **David Hamer**

#### **Journal Articles**

- Dyer, A., Hamer, D. (2020). Before the High Court He 'Came Across as Someone Who Was Telling the Truth': Pell v The Queen. Sydney Law Review, 42(1), 109-121.
- Edmond, G., Cunliffe, E., Hamer, D. (2020). Fingerprint Comparison and Adversarialism: The Scientific and Historical Evidence. *The Modern Law Review*, 83(6), 1287-1327.
- Hamer, D. (2020). Propensity Evidence Reform. Queensland Legal Yearbook 2019, 102-124.
- Hamer, D. (2020). The Case for Principled and Practical Propensity Evidence Reform. Australian Law Journal, 94, 239-246.

#### **Tyrone Kirchengast**

#### **Journal Articles**

- Kirchengast, T. (2020). Deepfakes and Image Manipulation: Criminalisation and Control. Information and Communications Technology Law, 29(3), 308-323.
- Kirchengast, T. (2020). Book Review: Jo-Anne Wemmers, Victimology: A Canadian Perspective. International Review of Victimology, 26(2), 255-256.

#### **Books**

- Finlay, L., Kirchengast, T. (2020). *Criminal Law in Australia*, 2nd Edition. Chatswood, NSW: LexisNexis Butterworths.
- Crofts, P., Crofts, T., Gray, S., Kirchengast, T., Naylor, B., Tudor, S. (2020). Waller & Williams Criminal Law Text and Cases, 14th edition. Sydney, NSW: LexisNexis.

#### Conferences

- Kirchengast, T. (2020). Criminal Process for Young Offenders in NSW, Australia. Induction Training Programme for Civil Judges, Tamil Nadu State Judicial Academy, Chennai, India: Presentation.
- Kirchengast, T. (2020). The Prospects of Victims' Law: Developing a Substantive and Enforceable Framework of Rights in Response to Local Need and the Emerging forms of Victimization. Seventh International and Eleventh Biennial Conference of the Indian Society of Victimology, University of Madras, Chennai, India: Presentation.
- Kirchengast, T. (2020). The Criminalisation of Deepfakes. Auckland Criminal Law Workshop, University of Auckland, New Zealand: Presentation.

#### **Murray Lee**

#### **Journal Articles**

- Dwyer, A., Ball, M., Lee, M., Crofts, T., Bond, C. (2020). Barriers stopping LGBTI people from accessing LGBTI police liaison officers: analysing interviews with community and police. Criminal Justice Studies: A Critical Journal of Crime, Law and Society, 33(3), 256-275.
- McKay, C., Lee, M. (2020). Body-worn images: Point-of-view and the new aesthetics of policing. Crime, Media, Culture: An International Journal, 16(3), 431-450.
- Lee, M., Jackson, J., Ellis, J. (2020). Functional and dysfunctional fear of crime in inner Sydney: Findings from the quantitative component of a mixed-methods study. *Australian and New Zealand Journal of Criminology*, 53(3), 311-332.

### **Book Chapters**

- Lee, M., Tomsen, S., Wadds, P. (2020). Locking-Out Uncertainty: Conflict and Risk in Sydney's Night-Time Economy. In John Pratt, Jordan Anderson (Eds.), Criminal Justice, Risk and the Revolt against Uncertainty, (191-215). Cham: Springer.
- Taylor, E., Lee, M. (2020). The Camera Never Lies? Police Body Worn Cameras and Operational Discretion. In Bryce Clayton Newell (Eds.), Police on Camera: Surveillance, Privacy, and Accountability, (80-94). Abingdon: Routledge.

#### Reports

- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Victorian Report. Community Crime Prevention Unit, Victorian Department of Justice and Community Safety.
- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Liverpool Report. University of Sydney and Monash University.

#### **Brenda Lin**

#### Reports

- Clancey, G., Wang, S., Lin, B. (2020). Youth justice in Australia: Themes from recent inquiries. Trends and Issues in Crime and Criminal Justice, 605, 1-18.
- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Victorian Report. Community Crime Prevention Unit, Victorian Department of Justice and Community Safety.
- Lee, M., Wickes, R., Jackson, J., Keel, C., Ellis, J., Blake, R., Norman, S., Lin, B. (2020) Social Cohesion and Pro-Social Responses to Perceptions of Crime: Liverpool Report. University of Sydney and Monash University.

#### **Roman Marchant Matus**

#### **Articles**

Chin, V., Samia, N., Marchant Matus, R., Rosen, O., Ioannidis, J., Tanner, M., Cripps, S. (2020). A case study in model failure? COVID-19 daily deaths and ICU bed utilisation predictions in New York state. European Journal of Epidemiology, 35(8) 733-742.

#### **Gail Mason**

#### **Journal Articles**

- Mason G. Blue Lives Matter and Hate Crime Law. Race and Justice. June 2020.
- Gail Mason (2020) Sexual Assault Law and Community Education: A Case Study of NSW, Australian Journal of Social Issues, 1-22.

#### Allan McCay

#### **Books**

 Nicole Vincent, Thomas Nadelhoffer and Allan McCay (eds.), Neurointerventions and the Law: Regulating Human Mental Capacity. Oxford University Press (2020).

#### **Book Chapters**

- Behavioural Genetics and Sentencing in Bruce Waller, Farah Focquaert and Elizabeth Shaw (eds.), The Routledge Handbook of the Philosophy and Science of Punishment. Routledge (2020).
- Law Viewed Through the Lens of Neurointerventions (with Nicole Vincent and Thomas Nadelhoffer). In Nicole Vincent, Thomas Nadelhoffer, and Allan McCay (Eds.), Neurointerventions and the Law: Regulating Human Mental Capacity. Oxford University Press (2020).
- Neurobionic Revenge Porn and the Criminal Law: Brain-computer Interfaces and Intimate Image Abuse. In Nicole Vincent, Thomas Nadelhoffer, and Allan McCay (Eds.), Neurointerventions and the Law: Regulating Human Mental Capacity. Oxford University Press (2020).

#### **Helen Paterson**

#### Journal Articles

- Dilevski, N., Paterson, H., van Golde, C. (2020). Adult memory for instances of a repeated emotionally stressful event: does retention interval matter? *Memory*, 29(1), 98-116.
- Dilevski, N., Paterson, H., Walker, S., van Golde, C. (2020). Adult memory for specific instances of a repeated event: a preliminary review. *Psychiatry, Psychology and Law.*
- Deck, S., Paterson, H. (2020). Adults also have difficulty recalling one instance of a repeated event. *Applied Cognitive Psychology*, 35(1), 286-292.
- Dilevski, N., Paterson, H., van Golde, C. (2020). Investigating the effect of emotional stress on adult memory for single and repeated events. *Psychology, Public Policy, and Law.*
- Adams, D., Paterson, H., MacDougall, H. (2020). Law and (rec)order: Updating memory for criminal events with body-worn cameras. *PloS One*, 15, e0243226.
- Deck, S., Paterson, H. (2020). Liars are perceived as more credible than truth-tellers who recall a repeated event. Applied Cognitive Psychology, 34(3), 643-653.
- Cullen, H., Paterson, H., van Golde, C. (2020). Mock juror perceptions of witness inattentional blindness. *Journal of Police and Criminal Psychology*.
- Cullen, H., Paterson, H., van Golde, C. (2020). Stopping crime? The effect of crime reenactments on eyewitness memory. *Psychiatry*, *Psychology and Law*.

#### Conferences

- Paterson, H. Body-worn cameras: A 360° view. Invited panellist in round table discussion at the first Virtual European Association of Psychology and Law Conference.
- Paterson, H. Best practice techniques for memory retrieval while protecting psychological wellbeing. Seminar presented at the First Responder Mental Health and Wellbeing Conference, Sydney, Australia.
- Paterson, H. Memory and psychological responses to critical incidents. Seminar presented at the Mental health Strategies for First responders Conference, Melbourne, Australia.

#### **Kane Race**

#### **Articles**

 Pienaar, K., Murphy, D., Race, K., Lea, T. (2020). Drugs as technologies of the self: Enhancement and transformation in LGBTQ cultures. *International Journal of Drug Policy*, 78, 102673.

### **Book Chapters**

 Pienaar, K., Murphy, D., Race, K., Lea, T. (2020). Sexualities and Intoxication: "To Be Intoxicated Is to Still Be Me, Just a Little Blurry" - Drugs, Enhancement and Transformation in Lesbian, Gay, Bisexual, Transgender and Queer Cultures. In Fiona Hutton (Eds.), Cultures of Intoxication: Key Issues and Debates, 139-164. Cham: Springer International Publishing.

#### **Rebecca Scott Bray**

#### **Journal Articles**

 Scott Bray R (2020) Contested deaths and coronial justice in the digital age. International Journal for Crime, Justice and Social Democracy 9(4): 90-103.

#### Celine Van Golde

#### **Journal Articles**

- Dilevski, N., Paterson, H., van Golde, C. (2020). Adult memory for instances of a repeated emotionally stressful event: does retention interval matter? Memory, 29(1), 98-116.
- Dilevski, N., Paterson, H., Walker, S., van Golde, C. (2020). Adult memory for specific instances of a repeated event: a preliminary review. *Psychiatry, Psychology and Law.*
- Dilevski, N., Paterson, H., van Golde, C. (2020). Investigating the effect of emotional stress on adult memory for single and repeated events. *Psychology, Public Policy, and Law.*
- Cullen, H., Paterson, H., van Golde, C. (2020). Mock juror perceptions of witness inattentional blindness. *Journal of Police and Criminal Psychology*.
- Adam, L., van Golde, C. (2020). Police practice and false confessions: A search for the implementation of investigative interviewing in Australia. Alternative Law Journal, 45(1), 52-59.
- Cullen, H., Paterson, H., van Golde, C. (2020). Stopping crime? The effect of crime reenactments on eyewitness memory. *Psychiatry*, *Psychology and Law*.

#### **Nicole Watson**

#### **Articles**

• Watson, N. (2020). The Role of Place in Indigenous Australian Crime Fiction. *Australian Feminist Law Journal*.

#### **Don Weatherburn**

#### **Journal Articles**

- Bartels, L. & Weatherburn, D. (2020). Building community confidence in community corrections. Current Issues in Criminal Justice 32(3) 292-308.
- Sutherland, R., Weatherburn, D. & Degenhardt, L. 2020. A Trial of Criminal Infringement Penalties for Illicit Drug Offences in NSW: Estimated Savings. *Drug and Alcohol Review*.
- Rahman, S. & Weatherburn, D. (2020). Does prison deter drink drivers? Journal of Quantitative Criminology. Journal of Quantitative Criminology.
- Weatherburn, D. (2020). Is tougher sentencing and bail policy the cause of rising imprisonment rates? A NSW case study. Australian and New Zealand Journal of Criminology 53(4): 563-584.
- Williams J., Weatherburn D., 2020, Can Electronic Monitoring Reduce Reoffending? The Review of Economics and Statistics 1-46.
- Bun, M.J.G., Kelaher, R., Sarafidis, V. et al. (2020). Crime, Deterrence and Punishment Revisited. Empirical Economics 59, 2303 2333.
- Weatherburn D; Yeong S, (2020), Does correctional supervision of amphetamine users reduce the risk of re-offending? *Addiction*.

#### Reports

 McKetin R, Boden JM, Foulds J, Najman J, Ali R, Degenhardt L, Baker A, Ross J, Farrell M, Weatherburn D. (2020). The contribution of methamphetamine use to crime: Evidence from Australian longitudinal data. Drug and Alcohol Dependence.

### **Megan Williams**

#### Articles

- Williams, M. (2020). Aboriginal and Torres Strait Islander justice and health research: More than themes and stories. *Rurality, Crime and Society* 1(2), 10-17.
- Doyle, M., Guthrie, J., Butler, T., Shakeshaft, A., Conigrave, K., Williams, M. (2020). Onset and trajectory of alcohol and other drug use among Aboriginal men entering a prison treatment program: A qualitative study. *Drug and Alcohol Review*.
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## **Book Chapters**

 Bargallie, D., Cunneen, C., Marchetti, E., Tauri, J. and Williams, M. (2020) Developing Ethical Standards in Criminology and Criminal Justice Research: A Focus on Indigenous Australian Peoples. In George, L., Tauri, J. and MacDonald, L.T.A.o.T. (Eds.) Indigenous Research Ethics: Claiming Research Sovereignty Beyond Deficit and the Colonial Legacy (Advances in Research Ethics and Integrity, Vol. 6), Emerald Publishing Limited, 41-52.

# **Submissions and Evidence**

Members of the Institute are active in making submissions to, and giving evidence before, reviews and inquiries into criminological issues and criminal law reform.

Name	Submission / Evidence	Inquiry/Commission
Andrew Dyer	Final submission to the Inquiry	Queensland Law Reform Commission Review of Consent laws and the excuse of mistake of fact
Rebecca Scott- Bray	Submission to the Inquiry co- authored with Prof Phil Scraton (Queen's University Belfast); and appeared before the Committee on 27 October 2020	NSW Parliament Select Committee Inquiry into the High level of First Nations people in custody and oversight and review of deaths in custody
Gail Mason	Submission to Consultation, submitted on behalf of the Sydney Hate Crime Network	Australian Government's Consultation on a Bill for a new Online Safety Act
	Submission to Inquiry; and appeared before the Committee on 24 June 2020 in capacity as Co-Convenor of the Australian Hate Crime Network	Victorian Legislative Assembly Legal and Social Issues Committee, Inquiry into Anti-Vilification Provisions in Victoria

# **Media Commentary**

Institute members contributed to public debate throughout 2020 across a broad range of media, including online and print news, radio, television and podcasts.

#### **Arlie Loughnan (Co-Director)**

Date	Media Outlet	Topic
3 June 2020	•	Self, Others and the State: Relations of Criminal Responsibility. Cambridge University Press 2020
24 April 2020	ABC Radio National	'The Ruby Princess coronavirus saga could lead to homicide charges. These cases offer insight into a key legal issue'

# Rita Shackel (Co-Director)

Date	Media Outlet	Topic
24 June 2020	ABC News	'New Education Integrity Unit to tackle cheating and 'essay factories' in Australian universities'

# Carolyn McKay (Deputy Director)

Date	Media Outlet	Topic
4 March 2020	The Conversation	"Freshly cut grass - or bile-infused Exorcist vomit?": how crime books embraced lurid green'
18 March 2020	The Mandarin	'Freshly cut grass — or bile-infused Exorcist vomit?': how crime books embraced lurid green
22 April 2020	Nine News / AAP	'NSW COVID-19 fines 'arbitrarily applied'
Volume 7, Issue 2, 2020	PacifiCrim: The Newsletter of the Australian and New Zealand Society of Criminology	ARC DECRA Fellow: Carolyn McKay - The Digital Criminal Justice Project: Vulnerability and the Digital Subject
20 October 2020	SBS The Feed	'Families with loved ones in NSW and Victorian prisons tell The Feed about the impact of having their visitation rights put on hold due to COVID-19'

# **Andrew Dyer (Deputy Director)**

Date	Media Outlet	Topic
18 November 2020	The Sydney Morning Herald	'Sexual consent laws face overhaul to address 'freeze 'response''
5 March 2020	Lawyers Weekly	'Open to High Court to insist Pell's convictions 'were unreasonable'
7 March 2020	The Weekend Australian	'High drama and even higher stakes: it's the moment of truth for George Pell'
10 March 2020	Lawyers Weekly	'George Pell to try for final bid of appeal'

## **Marlee Bower**

Date	Media Outlet	Topic
27 April 2020	The Conversation	'Reconnecting after coronavirus – 4 key ways cities can counter anxiety and loneliness'
6 May 2020	SBS News	'How coronavirus will change the way Australians live long after restrictions are lifted'

# **Terry Carney**

Date	Media Outlet	Topic
12 February 2020	The Guardian	'Coalition warned robodebt scheme was unenforceable three years before it acted'
29 May 2020	The Conversation	'Government to repay 470,000 unlawful robodebts in what might be Australia's biggest-ever financial backdown'
16 November 2020	The Sydney Morning Herald	"Fess up': Robo-debt victims want government ministers to face grilling"
21 November 2020	The Sydney Morning Herald	'From 'no case' to \$1.2b settlement: How robo-debt scheme went so wrong'
29 November 2020	The Canberra Times	Someone needs a kick in the bum': Call for answers on robodebt 'scam"
21 December 2020	Nine News	'I want to know how this was allowed to happen': Why Robodebt victims are still seeking answers'

# Jason Chin

Date	Media Outlet	Topic
2 January 2020	GQ Magazine	'Evidence On Trial: Why The Forensic Evidence Is Less Reliable Than We Think/
22 June 2020	The Sydney Morning Herald	'Bias inadequately policed in expert witness evidence in court: experts'
24 June 2020	Lawyers Weekly	'Behavioural ethics to uphold expert bias in courts'

# **Garner Clancey**

Date	Media Outlet	Topic
5 September 2020	The Daily Telegraph	'Shopkeepers beware: You're the target for COVID crim'

### **Justin Ellis**

Date	Media Outlet	Topic
I June 2020	Newcastle 1233 Drive	'Importance of bystander video in the arrest and subsequent death of George Floyd'
4 June 2020	ABC Radio Sydney 702 Drive	'Importance of bystander video in the arrest and subsequent death of George Floyd'
4 June 2020	The Guardian	'Police took three years to make finding against officer who slammed teen to ground at 2013 Sydney Mardi Gras'
14 August 2020	University of Newcastle: Our Human Experience podcast	'Social media and police accountability'

12 September 2020	Newcastle Herald	'Police visibility and accountability in the digital age'
27 September 2020	The Sydney Morning Herald	'Scott could be awarded \$500,000 payout by NSW Police, say legal experts'

# Rosemary Grey

Date	Media Outlet	Topic
1 September 2020	ABC News	'Bangladesh's Rohingya refugees lobby ICC to sit in Asia during war crimes investigation'
August 2020	Sydney Southeast Asia Centre podcast	'Bringing Justice to Victims of Wartime Sexual Violence in Cambodia'

### **David Hamer**

Date	Media Outlet	Topic
26 February 2020`	The Age	'Jurors will be told about paedophiles' prior convictions under law change'
7 March 2020	The Australian	'High drama and even higher stakes: it's the moment of truth for George Pell'
24 November 2020	ABC Nightly News	'Time limitations to report crime'

# Tyrone Kirchengast

Date	Media Outlet	Topic
20 January 2020	Breakfast with Tim Brunero, 2SER 107.3	'Was Scott Morrison's handshake in Cobargo a battery assault?'
27 January 2020	The Daily Telegraph	'Drugs sold on popular buy and sell website as kids items'
13 March 2020	Sydney Criminal Lawyers	'COVID-19 may trigger use of liberty-restricting laws'
9 April 2020	The Guardian	'Child sexual abuse victims should not be put off by George Pell decision, experts say'
14 April 2020	Daily Mail	'Why the high-profile police investigation into the Ruby Princess coronavirus debacle is a 'waste of time' - with little prospect of ANY charges being laid'
1 May 2020	Asian Jurist	'A whole new world'
4 May 2020	Law Society Journal	'All out to sea'
29 May 2020	The Daily, 2SER 107.3	'Police brutality amongst African Americans in the United States'

# **Murray Lee**

Date	Media Outlet	Topic
17 February 2020	The Sydney Morning Herald	''Systemic unlawfulness': 88 per cent of NSW Police searches found nothing'
23 March 2020	The Age	'New figures reveal the crimes Victorians are worried about the most'
9 April 2020	The Sydney Morning Herald	'Police issue \$165,000 in COVID-19 fines, but only two in Sydney's worst-affected area'
28 June 2020	The Sydney Morning Herald	'Revealed: The suburb-by-suburb targets NSW Police use to reach crime detection goals'
29 June 2020	Crikey	'A thicker blue line: why tabloid media is standing up for the cops'
5 July 2020	The Sydney Morning Herald	'Complaints against police exceed targets in two out of three NSW districts'
21 September 2020	The Sydney Morning Herald	'NSW Police increases roadside drug testing'

# **Gail Mason**

Date	Media Outlet	Topic
1 February 2020	ABC News	'Sexual assault victims in ethnically diverse suburbs face 'tremendous hurdles' in coming forward'
8 March 2020	The Sydney Morning Herald	'Fines proposed for social media giants that host harmful material'
9 May 2020	ABC News	'COVID-19 has prompted a spike in racist attacks. We need to start tracking them better'
17 May 2020	ABC News	'Former NSW Police prosecutor says hate crime reforms 'a matter of life and death' after Scott Johnson arrest'

# Allan McCay

Date	Media Outlet	Topic
20 January 2020	The Conversation	'Cousin took a DNA test? Courts might use it to argue you are more likely to commit crimes (with Jeanette Kennett).'
22 June 2020	Fringe Legal podcase	'Neuroscience, Ethics and Criminal Law'
1 September 2020	The Australian Society for Computers & Law online interview	'Neuralink, mind control and the law'
16 October 2020	The Conversation	'Do criminals freely decide to commit crimes? How the courts decide (with Christopher Lean)'
16 October 2020	The Wire, Community & Indigenous radio	'Does freedom from free will mean freedom from the law?'

### **Helen Paterson**

Date	Media Outlet	Topic
7 October 2020	Seven News	'William Tyrrell's foster mother may have created 'false memory' of son's disappearance'
7 October 2020	The Sydney Morning Herald	'Police will never give up on William Tyrrell investigation, inquest told' – expert evidence on memory given at Coronial Inquest
7 October 2020	The Australian	'William Tyrrell inquest: 'no one's been ruled out.'
7 October 2020	The Canberra Times	'Tyrrell memories possibly false: expert'

## **Kane Race**

Date	Media Outlet	Topic
12 January 2020	The Sydney Morning Herald	'It's the next level': Sex clubs in full swing as Sydney strips down'
3 February 2020	Q News	'What you need to know about the law changes around poppers'

# Sarah Wayland

Date	Media Outlet	Topic
7 August 2020	The Conversation	"No one is truly there to help': why so little is known about the reasons people go missing'
22 September 2020	Casefile, Missing Persons Advocacy Network	'What's Missing' podcast
2020	Southern Pictures	'Expert consultant on Missing Persons documentary'

### **Don Weatherburn**

Date	Media Outlet	Topic
28 January 2021	The Sydney Morning Herald	'Rough justice: How police are failing survivors of sexual assault'
28 January 2020	Women's Agenda	'New investigation reveals how badly police have failed survivors of sexual assault'
15 June 2020	The Sydney Morning Herald	'Targeting police will do little to stop Aboriginal deaths in custody'
25 June 2020	Time	'How George Floyd Is Sparking New Awareness in Australia of Aboriginal Deaths in Custody'
26 September 2020	The Sydney Morning Herald	'The NSW court sparing offenders from prison'
22 October 2020	Mamamia	'What you need to know about AVOs and whether they actually work'

28 November	The Sydney Morning	'NSW Police chief fears crime wave from COVID-19
2020	Herald	economic hardship'

# **Megan Williams**

Date	Media Outlet	Topic
March — June 2020	Croakey.org	Prisoners and COVID-19 collaborative series
3 June 2020	Croakey.org	'Evaluating a warm and compassionate legal service for Aboriginal communities'
5 June 2020	Croakey.org	Black deaths in custody in Australia
9 June 2020	Croakey.org	Australian Black Lives Matter
16 June 2020	News Limited	'How does Australia address worsening Indigenous incarceration rates: Focus on these three things'
26 June 2020	SBS News	"Fearful for their lives": Why First Nations people are more likely to seek drug and alcohol support"
29 September 2020	Croakey Health Media	'Clear calls to action emerge from #JusticeCOVID project'
29 September 2020	Croakey Health Media	Stories from #JusticeCOVID



Launch of Professor Arlie Loughnan's book, Self, Others and the State.

# For more information:

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