

Convict Passes Judgment on Crime and Punishment

Peter Schneidas reviews "Crime & Punishment", a computer game from Imagic

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The idea of a prisoner playing games of crime and punishment rather appealed to me so I approached Imagic's software package with somewhat biased enthusiasm. To "have fun with the experts" and "to enter their minds" is something I have never managed to do and I anticipated the experience with relish. The hype on the box invited me to change my role from prisoner to judge and then to sentence people "as in real life". It would, it said, enable me to deal with the guilty.

The package itself is attractive enough with the familiar stern-faced judge, steel bars and handcuffs. Crime and Punishment obviously meant business, and all this is accompanied by music and three screens of colour graphics that form the backdrop for the text.

I was using an IBM PC with monochrome screen, but the game can also be played on the IBM PC Jr, Commodore 64 and Apple II. It became a menu-driven text game and I had to forego the pictures of a judge at the bench, a gavel and the scales of justice. This wasn't particularly off-putting and after the first, seemingly unending, flourish of music, I found myself totally absorbed in trying to emulate the legal decisions of American judges.

The comprehensive introduction contains the essence of the game's rationale and includes comments on the criminal justice process in the United States, sentencing procedures and guidelines, and the concept behind the game's development.

The sentencing of the guilty has always been a point of contention and, as long as sentencing relies on the discretion of the judges, it will remain so. Over the years various attempts have been made to introduce some uniformity into the process and not surprisingly, computerised sentencing is presently being given serious consideration.

The authors of Crime and Punishment, two university professors and criminal justice experts, make no claim that Crime and Punishment should be seen as an alternative to current sentencing methods.

Rather, they present it as a tool to increase the awareness of the layman as to the problems faced by judges in ensuring that punishment reflects the degree and severity of the crime. It assumes a retributive stance towards justice and, even though the Introduction maintains there is no "right or wrong", a failure to perceive punishment in the same light as the program is accompanied by loud failure music. Agreement with the program's sentencing is reinforced with cheerful success tunes.

The claim that Crime and Punishment is based on the work of reformers is somewhat misleading. It is based on attempts to streamline, rather than reform, uniformity of punishment. The aim of prison reformers world-wide is to change prisons from being punitive institutions into places of rehabilitation and re-education. In this sense, the implications of Crime and Punishment for the judicial process, represent a more efficient way of maintaining the status quo.

The fact that it is based on the American legal code causes few problems and adaptation to Australian law would not be too difficult.

The millions of actual cases are randomly presented. They cover the whole spectrum of law-breaking activity and are divided into some 80 different crime categories. Cases are given to you very much as a judge would find his standard case-load. Not only does this add to the game's authenticity, it also prevents players from indulging in any particular crime fetish they might have.

My first case at the bench was to sentence a person convicted of the crime of offensive touching. "It's going to be an interesting day" I thought, only to be confronted with a pyramid seller after lunch.

The information relevant to the case falls into four categories: details of the crime, offender's criminal record, pre-sentence report, and a review of known facts.

When the time came to pass sentence, I was presented with a final menu, giving choices of probation, jail or prison. Although it went against the grain, I chose to send the offender to jail and was asked to stipulate the term of imprisonment in years and months. There was some discrepancy between my sentencing and the actual sentence in the program.

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I was given only five gavels, out of a possible ten, and the failure music, as well as a mediocre judicial IQ and an impertinant comment about kangaroo courts.

My first day at the bench was not a roaring success, but as the days progressed and I learnt what attitudes towards punishment were required, my gavels rose, my failure music turned into tunes of success on the bench of the Supreme Court and I was enthralled by the infinite number of ways people find to break the law.

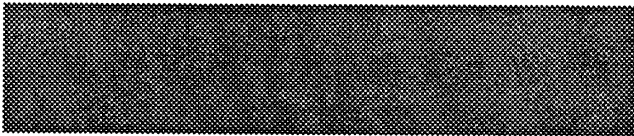
Crime and Punishment is a compelling game. It does not make any inroads or give any insights into the moral and philosophical implications of law and justice and reinforces a punitive stance towards those who get caught. In spite of this, it is good fun and sharpens my already well-developed appreciation of life's ironies.

Crime and Punishment from Imagic is available for the IBM PC, Apple (all versions except Mac) and Commodore.

Mr Schneidas comments, in a later letter to the Editor:

The thing that I found particularly interesting about the game "Crime and Punishment", which the article reviews, was how easily computerised sentencing on the scale that the writers of the game support, can turn the whole idea of justice into an objective form of revenge. Even though it can be argued that the law really only amounts to someone else taking your revenge for you, I believe that it is a little more than that; that the law, as an ideal, should incorporate the very illusive qualities of wisdom and insight into the motivations of man. In a completely detached form of computerised sentencing there is absolutely no room for the concepts of motivation and the press of circumstance.

I would be very interested to hear any comments which the article may elicit from your readers. I would hope that one day sentencing will, in fact, be the first step in a process of reclaiming social casualties. Anything less than this is a socially destructive act which, as in my case, simply leads to more people being hurt more severely.



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with the requirements of the Data Protection Act.

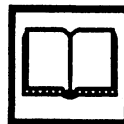
There is also a substantial amount of telecommunications news, a 'Consumer Report' on products available in the U.K., and digests of some very interesting recent cases.

In *Man Ltd v EMR Management Services*, a computer consultancy which had been sued by the client user for advising installation of an inadequate system was assigned the right to take over the user's action against the supplier as part of settlement of the action. The Court upheld the validity of the assignment on appeal, because both actions arose out of the same commercial transaction.

In *Express Newspapers v Liverpool Daily Post & Echo*, the second paper lived up to its name by copying a computer-produced sequence of winning lottery numbers from the first newspaper. Whitford J. rejected the argument that the numbers were not copyright because they had no human author, holding that the computer was merely a tool which the author uses.

As the Report points out, this is a decision of significance for all users of expert systems, not to mention CAD software and fourth generation languages.

On the strength of its first issue, the Report looks as though it will provide a very practical and interesting outlet for Stephen Saxby's energetic involvement in computers and the law.



PUBLICATIONS RECEIVED

EXPERTISES des systèmes d'information - le mensuel du droit de l'informatique, Nos. 71-74 April-July 1985 - to be reviewed next issue.

Computer Law Reporter - a bi-monthly journal of computer law and practice, Vol. 3 No.3 Nov. 1984 - to be reviewed next issue.