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PRISON CULTURE AND THE PAINS OF IMPRISONMENT

by
Prison Action and Reform

The opinions and views expressed in this briefing paper are those of members of Prison Action and Reform, and are not directly related to the work and activities of the Criminology Research Unit. On a periodic basis, the CRU will provide space and resources for community groups such as PAR to convey their viewpoints on matters of public interest. The CRU is committed to providing a forum for community expression as well as expert commentary. RW.

Prison Action & Reform (PAR) is an independent coalition of individuals and organisations formed in response to community concern aroused by the deaths of 5 people in Tasmanian prison institutions between August 1999 and January 2000.

PAR aims to provide a forum to advocate for the improvement of existing conditions within the Tasmanian Corrections System and for the development of a Corrections System that is appropriate for Tasmania, that complies with all applicable domestic and international human rights law, and accords with world best practice benchmarks.

The aim of this paper is to provide an overview of what we feel are some of the key issues surrounding imprisonment and the problems created by locking people up. Our criticisms of imprisonment are general in nature - the issues are very often the same regardless of whether we are talking about Hobart, Sydney, New York, Toronto or London. Therefore, one of the purposes of this paper is to provide a broad survey of problems and dilemmas pertaining to the use of prisons generally. Given that we are active on prison reform issues here in Tasmania, we have also occasionally drawn upon local examples to illustrate matters of widespread concern.

TASMANIAN PRISONERS

Between 2001 and 2002 Tasmania recorded a 23% increase in the number of prisoners, the largest for any state or territory. A policy of more active opposition by police to bail contributed to an increase in remandees, while for sentenced prisoners, the number expected to serve short sentences (less than 6 months) increased by over 40% and the number expected to serve 1-2 years nearly doubled. In contrast, Western Australia recorded a 12% decrease in the number of prisoners as a result of an increase in the acquittal and dismissal rates in courts, greater use by the courts of suspended imprisonment and community orders as penalties, and a decrease in the breach rate for early release orders. The 1% decrease in total prisoner numbers in New South Wales resulted from the 15% decrease in the number of periodic detainees.
ABS Cat No. 4715.0 2002

The purpose of prison, within a correctional model of punishment, is to encourage offenders to lead a 'good and useful' life through treatment and training.

A basic principle underlying the prison system is that convicted people are sent to prison 'as' and not 'for' punishment. Unfortunately, the reality is often experienced quite differently by those who are sent to such institutions.

Who is in Prison

The 1988 Australian National Prison Census surveyed prisoners for highest known level of education and employment status per 100,000. Overall, both men and women had little education and few qualifications. It was noted that the total female prison population is twice as likely to be unemployed as employed at the time of arrest (210 per 100,000 unemployed compared to 92 per

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100,000 employed). The picture is similar with male prisoners. The total number of Australian male prisoners unemployed at the time of arrest was 4053 per 100,000 compared to 2707 male prisoners being employed at the time of arrest. The 2000 Prison Census indicates that a minority of prisoners in Australia were employed at the time of conviction (2304 compared to 5188 unemployed). Furthermore, Australian prisoners still have low levels of education. Only 1% have a tertiary or trade qualification. More disturbing is the fact that only 14% have completed secondary education and the figure for partial completion of secondary education is just 27%. Prisoners with low levels of human capital skills including numeracy and literacy are less likely to find employment. A recent report from the USA, for example, found that seven out of every ten inmates function at the lowest levels of literacy; this means that they are unable to fill out social security or job application forms, write a letter, read sufficiently, or perform many everyday tasks like reading a bus timetable.

A paper presented at the Women in Corrections Conference in 2000 found that gender differences apply to the rate of imprisonment, sentence length and nature of offence for Queensland women. A disproportionately high rate of indigenous women are found in the Queensland prison system (26% of the total female population) and the rate of imprisonment for indigenous persons (male and female) is over 14 times the rate of non-indigenous people. The most frequent length of sentence for women is two to five years (31.2 %). Women serve shorter median sentence of 1.9 years compared to 4 years for men. Almost two-thirds (61%) of male prisoners served previous prison sentences compared to 54% of females. 80% of these women are aged between 20 and 39 years and most are mothers of dependent children and head single parent households. They have relatively low levels of formal education prior to entering prison with almost one-quarter not reaching high school. Almost half were either unemployed or on pensions

at the time of arrest.

A recent study of sentencing decisions in urban Pennsylvania identified significant interrelationships among ethnicity, gender, age and sentence severity. They found that young black and Hispanic males faced greater odds of incarceration than middle-aged white males. Unemployed black and Hispanic males were substantially more likely to be sentenced to prison than employed white males. Thus, each of the three offender characteristics had a significant direct effect on both the likelihood of incarceration and the length of the sentence. It was contended that the unemployed are perceived as more dangerous and threatening than the employed. A period of incarceration further compounds the future employment prospects of these individuals. In Australia, it was found that ethnicity and country of origin had less to do with crime than the environment and the disorganised communities of alleged criminals. These migrants generally had lower levels of education, very low rates of participation in higher education, low level of English skills and higher levels of unemployment than Australian-born. Residentially and recreationally they tend to congregate around poorer and disadvantaged city neighbourhoods.

Prison Dynamics

Once the prisoner goes inside the prison, the prison people take over - and the deprivations begin. Rules and processes are usually designed to control and contain prisoners. In many instances the importance of maintaining strong and positive contact with family members is not fully appreciated. The prisoner is now isolated from their loved ones and the outside world.

The prison is a complex community- it involves health and medical workers, custodial staff, staff in general (e.g. support workers), inmates, and their families. Communication between these groups can be very limited, inconsistent, disruptive and sometimes even hostile. There are people within the system,

staff members and prisoners, who try to make it work the way it should, but unfortunately they become repeatedly worn down by the destructive force of prison culture, and the ugliness of this hybrid of destructiveness eats away at their abilities to cope. Through lack of interest by the public and lack of proactive voices to encourage the culture change, it is virtually left to its own devices.

People have different roles to play in the prison drama.

The Prisoner: acting out the role as bad – macho behaviour, to intimidate, manipulate, threaten, standover, break rules and regulations. Informing on others is unacceptable and often brings retribution.

The Prison Officer: to catch them, to control, to punish, to degrade, to humiliate, to break their spirit, to intimidate, to turn a blind eye – seeing prisoners as very different from ordinary people.

The Prisoner and the Prison Officer both wear their own uniform. With that uniform comes sets of behaviours, beliefs, attitudes and loyalties. Both sides are distrusting and suspicious of the other.

Staff in General: Connected to both sides - they are often caught in the cross fire with their loyalties and values challenged. They are guided, intimidated and threatened by the culture, so are therefore unable to perform their work duties to the best of their abilities and to their own moral standards. They become silenced by the prison culture.

Families: Doing time – The invisible victims, treated as guilty by their association with a criminal. Once the sentence is imposed on their loved one, the shared sentence begins.

They too learn how to keep the secret, not to complain or inform. They live with the fear of what may happen to their loved ones if they do not comply with the prison culture.

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Families are a valuable asset to the rehabilitation and reintegration of the prisoner. Unfortunately this is overlooked with most families being treated as insignificants by prison officials.

Drugs: Many inmates have been convicted of drug related offences and therefore at the time of entering prison they do so with drug problems.

Family members become pressured to either smuggle the drugs into the prison or to supply the money to pay the drug debt. There are some staff members who themselves become drug dealers to prisoners. Tobacco, phone cards and canteen items become currency; these items allow for prisoners to actively participate in dealing. The perceived weaker prisoners are stood over and intimidated into giving up what is theirs. They do not speak out, instead they go without, and live with the fear of prison life.

The drug controllers are a dangerous threat to the inmates who just want to do their time quietly and not get involved in anything that could jeopardise their release or parole chances. Inmates are more frightened of the drug controllers than they are of others in authority.

The prison environment, the boredom, the fear, pressures of coping with prison life and the prison culture, separation from family and the overall emotional degradation make drug use an attractive option for a temporary escape. Some prisoners enter prison having not ever used drugs and leave as drug users. Prisoners who are able to obtain and

supply drugs have a huge amount of power and control over other inmates.

Conclusion: Many inmates released from prison are far more damaged than when first entering the prison system, which in no doubt leads to re-offending behaviour, and more and more victims of crime. The reality is that society pays the ultimate price.

Prisons Breed Violence

Loss of liberty is a profoundly stressful experience, compounded by the brutal culture of most prisons and inadequate measures to protect prisoners from becoming the victim of violence while in prison. All of this is accompanied by demeaning practices and the limited availability of mental and physical health care.

Factors that Influence Prison Violence

- Prison management and accountability
- Crowding and size of prison
- Architectural design
- Staff inexperience and training
- Vulnerability to violence
- Inmate background (ie. experiences of domestic violence and street violence)

A range of factors contribute to prison violence, including inmate characteristics, prison culture, boredom, structural factors associated with the prison environment, and management practices such as staffing models, staff skills and training, and management regime. Failure to provide access to work and other programs is a major cause of unrest in prisons. Rehabilitation programs for violent offenders are rare in Australian prisons.

Victims are victimised in many ways; assault, rape, threats, thefts, abuse and being ostracised by other prisoners. Those who victimise others are often likely to have been victims themselves. Victimisation is rarely reported.

'BASHED IN JAIL - ON REMAND'
A Tasmanian man was viciously assaulted while on remand in Risdon Prison, only to have his jaw broken in a separate attack in a prison hospital. The first brutal attack by a gang of inmates happened on July 13, less than 24 hours after he was arrested on a warrant. He was being held in D4 yard, which houses some of Tasmania's most notorious maximum – security prisoners. And the man was only sent there because the Hobart Remand Centre was full. His partner rang The Mercury to say that he now had a fractured skull, a broken jaw in multiple places, a swollen brain with internal bleeding, and hearing problems. He remains in the Risdon Prison hospital and has also received treatment at the Royal Hobart Hospital. "He's going to suffer for the rest of his life from this physically", the man's partner said. "He hasn't been convicted... where is the justice in that?" The double assault comes despite a major overhaul of security at the prison after the Death in Custody Inquest 2000. The Mercury Newspaper -31/7/2002

Poor prison management resulting in dysfunctional forms of control are suggested as major causes of interpersonal violence. A range of factors is cited including: security lapses, lack of prison officer discipline and morale, officers' inability or unwillingness to intervene in instances of victimisation and violence, poor grievance and dispute resolution mechanisms, the formation of gangs and cliques, inmates relying on self-protection, staff violence for control of inmates, deterrence and payback (especially where officers feel justified in taking matters into their own hands because the administration provides limited protection from attack). It is important that there be appropriate accountability and dispute resolution mechanisms, including mediation and ombudsmen, for defusing violence.

'JAIL RAPE INVESTIGATION'
An inmate of Hobart's Risdon Prison is believed to have been raped by at least one of his fellow prisoners. The incident happened at the jail on Thursday and the inmate was taken to the Royal Hobart Hospital. A prison spokeswoman confirmed last night that police had been called to investigate a report of a sexual assault at the jail at Risdon Vale, on Hobart's Eastern Shore. The Mercury Newspaper - 14/12/2002

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We balk at hearing horrific stories of what actually happens to offenders. They are in prison to serve their time. Yet they receive assault and battery and become harmed immeasurably, which leads to despair, lack of hope and sadly in some, suicidethis is not part of the punishment society decreed.

Experiences of Incarceration

The state has a duty of care with respect to the health and well-being of those it incarcerates. How this duty of care is exercised shapes the inmate's experience of imprisonment.

Facilities and Services in Prison

To gauge the nature of prison life, it is important to consider the following kinds of provisions:

The type of 'reception'

(e.g. testing, medical examination, body search, fingerprinting, photographing, information briefings, allocation of clothing).

The living accommodation

(e.g. size of cell, toilet facilities, overcrowding, ventilation, heating & cooling, furniture, decoration)

The choice of work

(e.g. availability, industry, farming, domestic duties, maintenance, pay, skilled or unskilled)

The nature of education

(e.g. priority within prison, availability of teaching staff, privilege or right, adequate materials, library resources, culturally based)

The communication channels

(e.g. between inmates and authority figures, family access, transportation, censorship of letters, telephone privileges)

Medical & health provision

(e.g. availability of doctors, serious cases, medicalisation of prisoners, reporting of incidents, range and diet of

food)

Sport and recreation

(e.g. use and availability of TVs, videos, computers, drama groups, facilities and choices available, camps, gardens)

Treatment programs

(e.g. drug and alcohol, sex offender, anger management)

Services and programs can be evaluated on the basis of quality, availability and content of provision, and how well these match both immediate offender and management requirements, as well as international standards.

The Conditions of Imprisonment

The kinds of things which influence how an inmate responds to the prison environment include:

- Crowding (e.g., cell size, total prison population in relation to capacity)
- Denial of responsibility (e.g., 'In most prisons the inmates are told when to get up, wash and do everything else; even their lights are commonly controlled by an officer from outside the cell')
- Type of work (e.g., menial, uninteresting)
- Social isolation (e.g., correspondence, drop-off in number of outside visitors over time)
- Families (e.g., punishing of families on the outside, single parenting, poverty)
- Relationships (e.g., little choice in 'new' friends, or escape from them)
- Control (e.g., strip searches, cell searches, dependence on 'privileges')
- Deterioration (e.g., increased introversion, increased self-directed hostility)

JUST FOR AMUSEMENT

I heard the assault occurring.

Throughout conversation with my son who was also an inmate I heard the sound of men's voices roaring with approval. I asked my son what was happening he replied, "the young bloke had just received another bashing". I later spoke to other ex-inmates who admitted that they were involved in the abuse of this person. I was told, "it happens mainly because of boredom, you just sit around all day bored", "there's nothing else to do", "it's like living with 40 men on a basketball court, it's just so boring", "it gives you something to do, something to laugh at".

I questioned why this person, they replied "he was 'dumb". They told me how they would call out to him and ask would he like a smoke. He had no smokes of his own, other inmates would confiscate anything that he did have. He would approach them very hesitantly and they would encourage him to come and get it.

Once he reached out for the smoke they would all then set upon him. The young bloke would free himself and run into view of the camera. The perpetrators would crack up laughing.

Once back in society, those that acted in such a terrible way on such a vulnerable person were extremely remorseful and ashamed.

The Specific Pains of Imprisonment

The prison environment violates many of the known principles of social and psychological development. It promotes norms and practices which legitimate rather than reduce deviance. The pains of imprisonment can be summarised as follows:

- *the deprivation of liberty:* this involves massive restrictions on movement, and the cutting off of people from their friends, families and loved ones;

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- *the deprivation of goods and services:* this involves a drastic reduction in material possessions;

- *the deprivation of ordinary, loving sexual relationships:* this involves major physiological and psychological problems which call into question one's sexuality and sexual status;

- *the deprivation of autonomy:* this involves the subjection of the individual to a vast body of rules, regulations and commands which are imposed and total in nature;

- *the deprivation of security:* this involves being thrown together into anxiety-provoking situations of forced and prolonged intimacy with others who in many instances have a history of violent behaviour (including guards)

- *the deprivation of power:* this involves the power which the prison wields in controlling both formal and informal benefits and burdens in the lives of the incarcerated.

Prison Culture

The term prisonisation refers to a culture based on an adversarial relationship between guards and inmates. Generally speaking, behaviour which the institutional authorities view as conformity, is viewed by inmates as deviant and vice versa. Once an individual enters the prison system, they undergo a symbolic depersonalisation transition - they are stripped, probed, re-dressed and bestowed the status of convict. As part of this process, the individual is required to take on the mores, customs and the culture of the prison, all of which are premised upon a basic conflict between inmates and guards.

The evidence suggests that the nature of the prison regime itself is a big factor on prison culture. For example, authoritarian regimes tend to be associated with antagonistic relationships between staff and inmates, high levels of violence (inmate on inmate, as well as staff-inmate

violence), and 'codes of behaviour' which are reflected in, and reinforced by, both inmate and custodian institutional practices.

The problems associated with an antagonistic prison environment, and high levels of distrust and dishonesty, make change on either side very difficult. For example, prison officers who individually adopt a 'humane' approach to their tasks, and who wish to establish a closer more positive relationship with inmates, are invariably exploited by some prisoners. Over time, this can lead to cynicism and disenchantment about the possibilities of reform.

Prisonisation is a process which varies according to basic penal philosophy (e.g., punishment versus rehabilitation), the nature of local prison conditions (e.g., lighting, heating, adequate bed numbers), the historical relationship between the prison philosophy and inmate (e.g., control orientation versus helping hand), use of technology (e.g., level of surveillance), gender relations and different ways in which men and women identify themselves (e.g., positive or negative association with a criminal subculture), and operational management (e.g., state versus private prisons). What appears to be constant is the fact that most inmates experience prison as a 'total institution', within which their liberties and rights have been essentially taken away.

The Effects of Incarceration

The broad effects of incarceration are, in the main, negative.

- *Degradation* (e.g., lack of care and caring, restrictions, boredom, contact with meaningful things, elimination of ordinary sexual relations)

- *Violence* (e.g., suicide, attacks on others, self-mutilation)

- *Recidivism* (e.g., inability to adjust to outside world, no income or employment options, longer term effects of incarceration, reputation and stigma)

ANGER IN PRISON

*An inmate was having an argument with his girlfriend on the telephone, the inmate out of anger and frustration starts smashing the phone against the wall, he is then bashed and left unconscious with his body convulsing by another inmate who is angered that his telephone call had now been jeopardised.
February 2003*

It is rare indeed to find a prisoner who leaves the institution with the social skills, educational or vocational training, and emotional well-being suited to finding accommodation, secure full-time employment and fitting back in to conventional society.

The prison experience is far removed from the realities of outside life, and this is a central factor in why reintegration can be so difficult. The prison leaves indelible marks on the inmate - both in terms of personal agonies and frustrations, and with respect to the official blot on their record which will dog them the rest of their lives and severely affect their chances of successfully re-entering the mainstream of social life.

Parents in Prison

The prison experience affects whole families. Most male prisoners can depend on the child's mother to care for the children they have, but for mothers in prison the separation is especially painful. It has been pointed out that the pervasive ideology of 'motherhood', as compared to fatherhood, is very powerful. One consequence of this is that:

It is commonplace for a female offender to be judged a bad parent, not because of what she has done to the child but by virtue of having committed a crime. This link, flawed as it may be, is internalised by women inmates who become consumed with guilt and shame. Inmate mothers take their motherhood role as seriously as the next mother.

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The difficulty for these women is how best to cope with their parenting role (and the emotional climate surrounding their status as mothers), in the context of an environment which by its very nature is unsupportive of this role. A number of concerns may have to be addressed.

In many cases, the female inmate is a sole parent. This means that they have to farm out their children to relatives, or that the children have to be placed with foster parents or in state care.

The nature of visits varies from state to state, as do the types of visits that may be available for inmates and their families. The conditions of visiting present a number of difficulties. Relevant issues include how such visits fit in with the child's timetable (e.g., school or recreational activities), cases where security is used excessively to limit what is otherwise perfectly reasonable behaviour (e.g., use of toilets during visiting times), the level of physical contact permitted (e.g., and custodial scrutiny of this contact), searches of children, limited play equipment for children, the physical conditions of the visiting areas and so on.

Where women and their children are separated, a number of issues present themselves:

- the recurring trauma of separation that accompanies each visit, which may lead some mothers choosing not to see the child (and vice versa)
- the shame and stigma felt by older children which may lead to rejection of mothers
- the need for a more developed system of home leave, overnight stays, day parole and so on in order to provide a better way for mothers to see their children
- the impact of management practices (e.g., drug policy) on visiting conditions and rights

- the distances to travel to and from the prison for visits (e.g., especially for families which do not live in the metropolitan area)

- entitlements and access to telephones, and restrictions on location and number of telephones, and issues relating to flexibility in relation to incoming as well as outgoing telephone calls.

In some cases women are not separated from their children. For instance, in most states there is provision for mothers to have their children with them in prison up until school age. This in turn presents a number of associated issues:

- whether there are adequate facilities to cater to the needs of children, and the mother-child relationship
- whether or not children will receive adequate stimulation in an environment which is not designed with their developmental needs in mind
- provision for the learning of good mothering skills in prison, such as personal care and childcare as well as general living skills
- provision for groups of children to live and learn together in the prison environment, and perhaps to interact with other children outside of the prison walls

A sizeable proportion of women facing a sentence have the sole responsibility and care of children. In many cases, such as welfare fraud or breach of community orders, they are in prison precisely because of a concern to provide for their children as best they can with limited resources. However, post-release programmes and support agencies for women tend to be few and far between, and poorly funded. Major improvements are needed in areas such as supported accommodation, especially for women with children; employment and financial support; the management of drug and alcohol addiction; and support in dealing with emotional and personal crises,

preferably with some in-put from ex-inmates.

Human Rights and Prison Management

All State Governments within Australia have adopted the Standard Guidelines for Corrections in Australia and New Zealand. Tasmania adopted these guidelines in 1990, which follow the United Nations Standard Minimum Rules for the Treatment of Prisoners. These and other international covenants maintain particular rules on the treatment of prisoners and uphold human rights.

International Covenant on Civil and Political Rights, Article 10:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Code of Conduct for Law Enforcement Officials, Article 2:

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Standard Minimum Rules for the Treatment of Prisoners, Rule 46 (2):

The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that correctional work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

Standard Minimum Rules for the Treatment of Prisoners, Rule 48:

All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

Standard Minimum Rules for the Treatment of Prisoners, Rule 27:

Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

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Standard Minimum Rules for the Treatment of Prisoners, Rule 60(1):

The regime of the institution should seek to minimise any differences between prison life and life at liberty.

After Prison

In an analysis of two community and two government ex-offender employment programs in America, one study suggested that the use of these types of after care programs was effective in helping reduce the recidivism rate of people who were placed in them. These programs addressed not only the issue of employment for ex-offenders but also other underlying issues such as affordable housing, substance abuse, and low marketable employment skills. A main feature of one program was the follow up service provided after the ex-offender was placed into employment. The "lifeguards" is a system of case management that remains in touch with the client for a period of 12 months. This enables the ex-offender to have a support network to address issues that may arise from childcare to meeting parole conditions to attending substance abuse counselling. The author suggested that although the data was insufficient to state conclusively that the programs were effective in reducing recidivism, there was enough evidence to suggest that the programs were helpful as a part of a multi-pronged effort to reduce the re-incarceration rate.

In a study conducted by the New South Wales Department of Corrective Services during 1993 and early 1994, the supervising officers of 260 parolees were surveyed about post release employment trends. The report found that part of the explanation for high unemployment among individuals that enter the correctional system is that generally they are relatively disadvantaged socially and economically, and are very often deficient in work based skills. It was also observed that a large proportion of offenders were disadvantaged with regard to work prior to imprisonment. The results of the study indicated that

64% of parolees had not spent any time in paid employment three months after release, of parolees that had been released for more than six months 51% had still not worked, and of parolees that had been released for more than 12 months 43.5% had not commenced work.

The study also conducted personal interviews with 14 parolees to gain qualitative information on post release employment. The most common method of seeking employment nominated by the parolees was the use of informal networks such as by word-of-mouth from family, friends and neighbours, and in one case, a landlord. This appears to be the most successful means of gaining employment. Parolees were also asked about any obstacles in the way of finding work; the most common obstacle nominated by parolees was their criminal record.

The issue of criminal and prison records for people trying to gain employment has been subjected to considerable discussion in Canada. The use of these records has had a detrimental effect for ex-offenders in using the vocational and educational skills gained in correctional institutions to good effect in obtaining useful employment. To combat the adverse effects, the Canadian government introduced a system of pardons to control the use of criminal records as a barrier to employment for ex-offenders. The Criminal Records Act 1970, was a system that allowed ex-offenders to apply for pardons to the National Parole Board if the ex-offender had fulfilled the requirements of their sentence and been of good conduct, with a conviction free period, no suspicion or allegation of criminal activity. If granted, then their criminal record would be sealed but not destroyed. In 1992, new amendments were introduced that removed the need for ex-offenders to make an application to the National Parole Board for the pardon to take effect. The new system automatically seals the record when the inmate has met the pardon requirements after a set period without further involvement with the criminal justice system.

By way of comparison, record-keeping practices in many states in America mean that the offender can expect a hostile reception upon release. Eighteen states now maintain databases of the names, sentences, the photos, and criminal records of current prisoners and parolees. These databases are intended to provide citizens with information that will increase their safety; however, they also have the potential of creating further difficulties for offenders in successful re-entry.

For example, offenders are returning to a larger society that is increasingly fearful of offenders, intolerant of their failures, and better equipped through technology to know exactly who and where the ex offenders are. The financial costs and social burdens associated with maintaining and expanding prisons are enormous. Big questions need to be asked regarding their continuing popularity as a favoured sanction among politicians and other members of the wider community.

In Australia, The Commonwealth Human Rights and Equal Opportunity Commission Act gives the HREOC the power to conciliate a claim of discrimination on the ground of irrelevant criminal record. Discrimination on the ground of a person's criminal record is not lawful.

Furthermore, most jurisdictions today also provide for the annulment of some convictions. For example, in Queensland, the Criminal Law (Rehabilitation of Offenders) Act 1986 provides that a conviction recorded against a person shall lapse after a "rehabilitation period" - 10 years for adults, 5 years for children, from the date the conviction is recorded. This applies only to convictions in which there has been no period of custody or those for which the period has been no more than 30 months. There must have been no further conviction since.

Similar legislation has recently been passed in Tasmania. Big problems still exist, however, for offenders who have served time in prison. Getting a job and settling back into the community is always going to be difficult.

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Prison Action & Reform

What we think:

1. Prison should be seen as one part of a continuum, from society to the criminal justice system and back again. This continuum should provide for a range of pro-active interventions, including assessment, admission, treatment, relapse prevention and aftercare.

2. The current prison system is an expensive, degrading and antisocial institution, which fosters violent crime and fails to rehabilitate the offender and protect the community.

3. The isolation, strip searching, humiliation, social stigma and labelling, tension and violence, frustration and boredom of prison often combine to create bitter and maladjusted people who are inevitably released back into the community, many times to commit more serious crimes than those which first saw them imprisoned.

4. Young offenders should not be housed with mainstream prisoners or with those on protection for sexual related offences. We have a duty of care to our young people. Inter-action between young prisoners and their families is essential for young offenders rehabilitation.

5. It is essential that prison facilitate regular contact between parents in prison and their children. Any new prison design should include small Units that would accommodate safe over night or long term stays for children (age 0 – 16) who need to be with either their father or mother in prison.

6. Aid to victims should include compensation, counselling, protection from offenders undergoing community-based programs, and other properly resourced victim support schemes.

7. The Corrections System should include community service orders, community conferencing, specialised counselling, drug rehabilitation programs and supervised work and training programs.

8. Prisoner's health needs and subsequent treatment should be based on the same standards as offered to the wider community.

9. Programs should be provided according to individual needs. Offending behaviour may not be drug related, for example Attention Deficit Disorder. If this is the case then dual diagnosis and treatment should be given.

10. Ongoing funding must be provided for sex offenders programs.

11. Interstate and internationally there is a move away from locating psychiatric treatment facilities with Correctional facilities. When psychiatric care is provided by correctional facilities there is the risk health care will be subordinate to, and eroded by, competing priorities, such as security.

12. The needs of particular groups, such as people with disabilities, people from a non-English speaking background must be properly considered and acted upon in all facets of the correctional system.

13. Given the disproportionate number of Aboriginal people in the Correctional System, action should be taken to implement all the recommendations of the Royal Commission Into Aboriginal Deaths In Custody and Aboriginal organisations should be effectively and consistently involved in Aboriginal offender programs and sentencing matters.

14. Those who are imprisoned should be treated with respect and housed in civilised conditions, be provided with constructive work, including a strengthened work release program, and/or educational and skills program. There must be properly funded educational programs, which have community-recognised accreditations and social and inmate peer group-support programs. Prisoners must be offered the general prospect of parole to supervised community based program. The use of incentive schemes is fundamental in ensuring prisoners' rights are maintained and recidivism is addressed.

15. Drug and alcohol addiction should be included in all education and training programs for correctional staff.

16. Cell design must ameliorate suicidal distress and reduce the prisoner's risk of suicide.

17. The abolishment of current observation cells which prisoners at risk of suicide view as a punishment. That in its replacement a clear process is initiated that (1) adequately trained staff identify and are directly responsible for prisoners considered at risk of suicide; (2) that prisoners are placed in a safe environment; (3) and that a therapeutic approach including interaction with families and significant others is taken for their rehabilitation.

18. A case management policy should be developed to identify a plan for the routine assessment of vulnerable prisoners at high-risk periods, such as sentencing, parole and family bereavements.

19. Prisons are a human service and therefore, the quality of staff is crucial. Legislation and/or regulations governing the Correctional System must ensure that accredited and ongoing training and assessment of skill levels meets best practice.

20. There must be regular opportunities for exchange of information and best practice between prisons and outside agencies at all levels.

21. The Government must take into account and act upon the recommendations given by the Coroner in the 2000 Deaths in Custody Inquest and make public the full report by the State Ombudsman into Risdon Prison.

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