

Mentally Ill

Except in a few enlightened situations, the mentally ill are housed as prisoners with a minimum of ongoing treatment, apart from medication used as a control measure. Prison psychologists and psychiatrists have to spend so much time preparing court classification reports that they have little opportunity for ongoing counselling of the mentally ill.

One example of the kind of program that could be developed in this area is the Special Care Unit at Malabar, Australia's first prison therapy community. The unit functions to provide a 're-education' program for both prisoners and prison officers.

The Special Care Unit was set up in 1981 to treat prisoners suffering from severe emotional disturbance. It was also seen as a means of educating prisoner officers by bringing them into a therapeutic community made up of prison officers, parole officers, psychologists and medical staff. After spending some time at the unit, the officers were to return to the prisons with a better understanding of the emotional needs of prisoners. It was expected that in this way the difficult relationships between prisoners and officers might be improved.

It was a brave initiative to break the vicious circle known as 'the prison code'. The code demanded that prisoners treat officers with a distant contempt most of the time and where circumstances demanded it with outright aggression. For the officers this meant suspecting every move a prisoner made. Pressure was also on officers to avoid any effective communication with prisoners.

According to those who observed the unit's first year it was volatile and upsetting for both prisoners and officers. The officers were insecure, and their insecurity was made worse by the hostile and cynical attitudes of colleagues who were not part of the program. The prisoners also found it difficult to adjust to an environment designed to be therapeutic.

For all its difficulties it should be affirmed that over the years since the program's inception the inmates have come to accept that the unit is a place where positive changes can occur for them.

The unit offers a modification of prison practices and, though there is great resistance, the results are encouraging. It is a program caught between two beliefs: that prisons should punish and that they should rehabilitate.

Prisons and Drugs

The problem of drugs in prison needs to be seen in the context of the informal structures within prisons. There is a specific prison culture. Because prisoners are cut off from the outside world, they become part of a community, with its own values, language and ways. Prison has its own unofficial hierarchy and economic system.

Order has been helped in prisons when prison officers have worked within the framework of unofficial structures.

The traditional informal structures of prisons are being destroyed in the 1980s by the presence of drugs. Theft among prisoners has increased as addicts become more desperate to service their habit. Assaults have increased as prisoners fail to pay off the debts they incur in buying drugs.

How do the drugs get into prison? The usual explanation is that visitors can bring them in, but this is not the only source. A large prison can only function through the entry of hundreds of people, either those who work there or those who make deliveries or have other official business. One superintendent of a maximum security prison told a group of church visitors that drugs smuggled into prisons was 'petty cash' compared with that which came through delivery vans and some prison officers.

Alcohol is relatively easy to ferment using sugar and fruit.

The drug rehabilitation programs in selected prisons are not enough to deal with the problem. It is likely that prisoners will leave gaol with a worse drug problem than when they arrived.

AIDS in Prison

Acquired Immune Deficiency Syndrome (AIDS) is increasing in the prison population. Prisoners are at risk when they share needles and engage in sexual activity.

Sharing syringes is still common, despite the initial scare which accompanied the AIDS campaign. Prisoners are in danger of becoming a means of spreading AIDS into the community.

Not all sexual activity is voluntary. Involuntary sexual activity is frequently associated with violence, either physical or psychological. Prisoners may suffer not only the rape but may also contract AIDS.

More needs to be done in prison programs to communicate and heighten awareness of the AIDS virus.

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Black Deaths in Custody

Gaol is often a harsh place. For Aboriginal people it is a terrifying place where far too many have died.

The full story of Aboriginal and Torres Strait Islander people's deaths in police and prison custody is not known. The reasons for this are many and varied. In Queensland, records are not kept on the race of prisoners—on the basis of the ridiculous claim that it would be 'racist' to keep them.

What we do know gives great cause for alarm. The 106 deaths which occurred between January 1980 and April 1988 have been referred to the Muirhead Royal Commission into Black Deaths in Custody. If a similar proportion of whites had died in custody over the same period, the figures would be over 8000 and a real outcry would have arisen.

Most of the victims have been young male Aboriginals or Torres Strait Islanders between the ages of 18 and 35. In most cases the 'victims' have been arrested for minor charges and many have died with high blood alcohol levels. The deaths have occurred largely in police watch houses in unattended cells.

(Sally Armstrong, *Sentenced to Silence: Have Prison Cells Become Death Chambers for Australia's Aborigines?*)

Several attempts have been made to explain the deaths. What is clear, as the case of Eddie Murray (NSW) indicates, is that serious questions arise about the explanations given. Issues of neglect, incompetence, violence, cover-up and corruption are raised and need investigation at least in the case of some who died in custody.

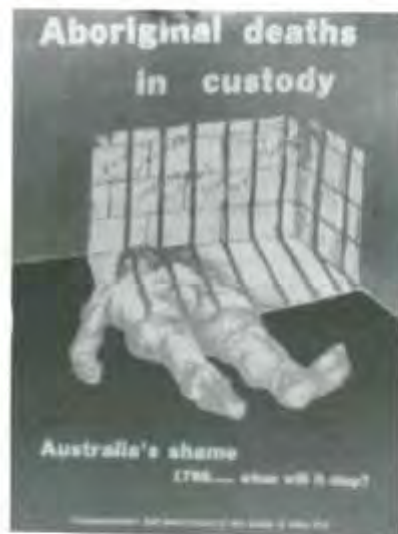
Most of the deaths have been reported as 'suicides' by press and television. This is a presumption. In many cases inquests have not been held. The proper questions had not been asked or the necessary evidence produced. Nevertheless, the deaths were quickly labelled as suicides, allowing the community to pretend that the problem lies within Aboriginal people, and not in the wider society and the justice system.

Whatever the cause of each individual, tragic death, it needs to be recognised that the fundamental cause is the 'institutionalised racism' of the general community and, hence, of law enforcement, administrative and legislative bodies.



Aboriginal deaths in custody raise various questions:

- What investigations have there been of allegations by Aboriginal people of brutal treatment and racism in prison? Who has carried out the investigations? Were the investigators independent of the system they were investigating?
- Why are Aboriginal people being gaoled for drunkenness? Why are they placed in conditions they find alienating, depressing and frightening?
- What alternative forms of law and law enforcement can be developed that will reduce the number of Aboriginal people in custody and lessen the pressures for those who are held in custody?



Prison Officers

The way prisoners are treated in the prisons is to a large extent dependent on the attitude of prison officers. They too are part of the system, contributing to its difficulties and being victims of it.

The prisoner knows that (in some cases) the prison officer has the power not only to cause the sentence to be extended, but to deny light, sound and the company of friends and family. This is dependence at its most fundamental; the behavioural training imposed in the daily request for everything from toilet paper to nourishment results in a deep lack of faith by prisoners in their own ability to keep themselves alive, let alone function in a society in which they must provide for themselves. The interaction between prisoners and their captors trains prisoners to live in resentful subservience; the longer the period of imprisonment the more difficult it is for prisoners to discard this damaging and ultimately harmful behaviour.

(Victorian Prisoner)

Today's prison officers are responsible for all matters related to the security and general welfare of prisoners. They are therefore called on to undertake a multifunctional role: police officer, security guard and welfare officer. Because of the demands of the job, prison officers face many problems.

According to a highly placed officer in the prison system, the working conditions for prison staff, although different from prison to prison, are inadequate. Prison officers suffer from a great deal of boredom and from the tensions arising from possible violence.

In New South Wales, for example, prison officers are subject to stresses beyond those of people in other work. They make up 11 per cent of the General Division of the Public Service Association but they take 35 per cent of the time of the Association's staff in relation to stress, assault, industrial relations and dispute problems.

(Source: Public Service Association)

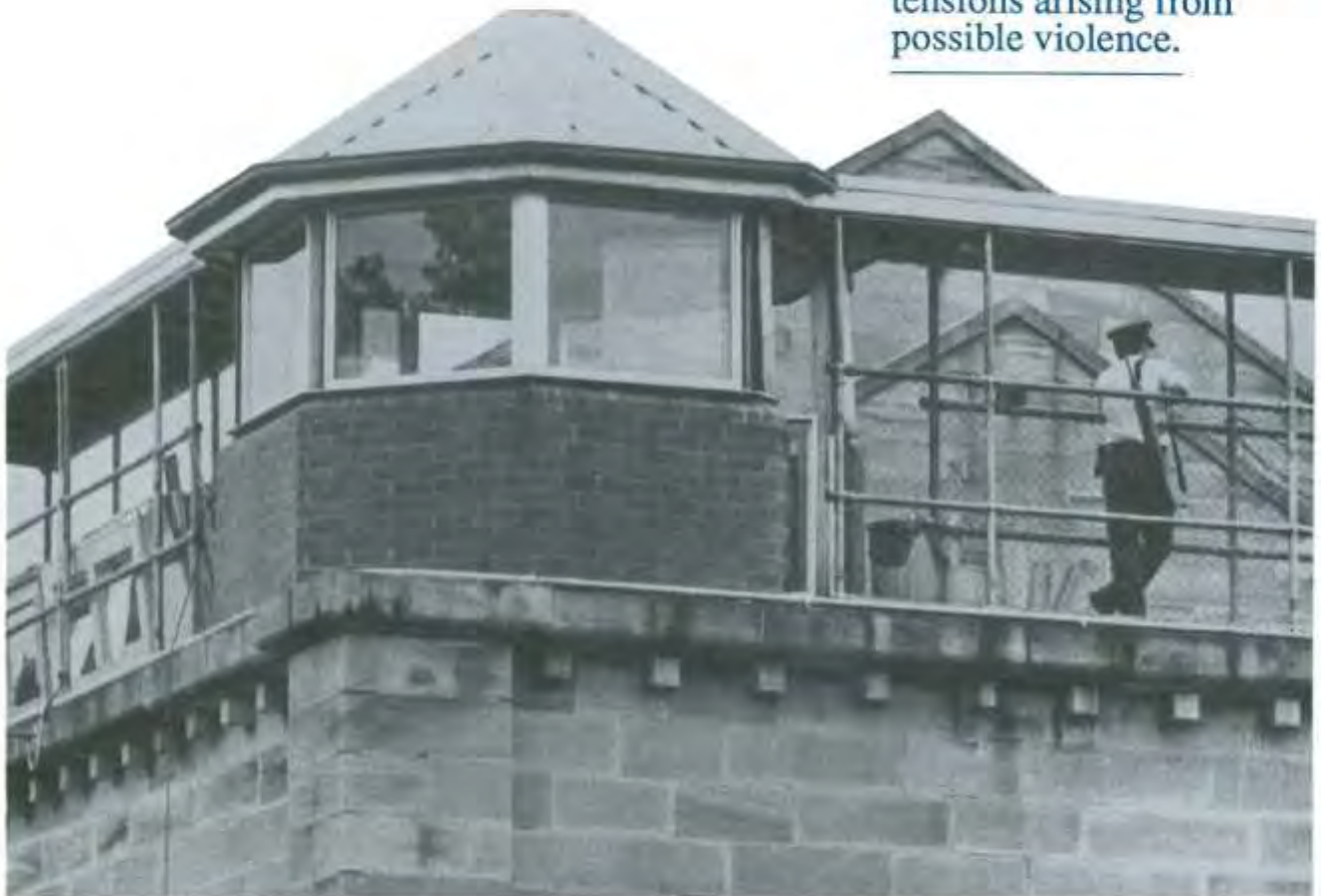
Some prison officers have said they are in a no-win situation: prisoners dislike them and the public despises them.

According to an executive officer in a large Australian prison, prison officers are now subject to verbal abuse and threats on a daily basis. The unofficial hierarchies are breaking down, making the relationship between officer and prisoner more tense. Resignations are increasing and it is becoming more difficult to enlist new officers. Standards have been relaxed to attract applicants.

Prisoners regularly complain of unjust treatment from officers. It is clear that some prison officers abuse their position. Even though most are reasonable people, the system can be dominated by authoritarian officers.

In some prisons, the prison officers, no longer able to rely on simple coercion, have retreated from the supervision and direction of prisoners. The resulting power vacuum is quickly filled by the 'prison heavies'.

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The distance separating prisoner and prison officer must be broken down, to undermine the stereotypes and the 'all crims are crims, all screws are screws' mentality. Opportunities are needed to develop mutual understanding.

The prison officer should be more than a passive keeper of the watch. Management methods need to change so that the prison officer can relate closely to a small group of prisoners in their work, education, personal development activities and recreation.

This is difficult to achieve in large prisons where there is a high turnover of staff and prisoners, and a greater concern for control. Smaller units are needed.

In those low security prisons where prisoners get together with officers in projects demanding co-operation, there is a marked improvement in the relationship between prisoners and officers. Here the prison officer is more than a passive custodian. There are fewer orders and more requests, less of an effort to assert authority, more use of first names. This can only happen if the whole rationale of imprisonment is subjected to scrutiny. Close involvement with prisoners actually enhances security and has a civilising effect on the institution.

It was argued in the previous chapter that confusion over the purpose of sentencing contributes to disparities in the sentencing of offenders. This confusion also leads to difficulties in the ways in which prisons are run.

Prisons are usually seen to serve two functions—custodial punishment and rehabilitation. However, evidence suggests that treatment-oriented and custody-oriented institutions require different and mutually incompatible organisational structures.

The confusion surfaces in the conflicts in prison management over what rights and privileges should be extended to inmates and the criteria to be used for classification of prisoners.

It also arises in the conflicts between the staff performing custodial and disciplinary roles of prisons and those (usually medical and welfare staff) concerned with prisoners gaining in self-discipline and maturity.

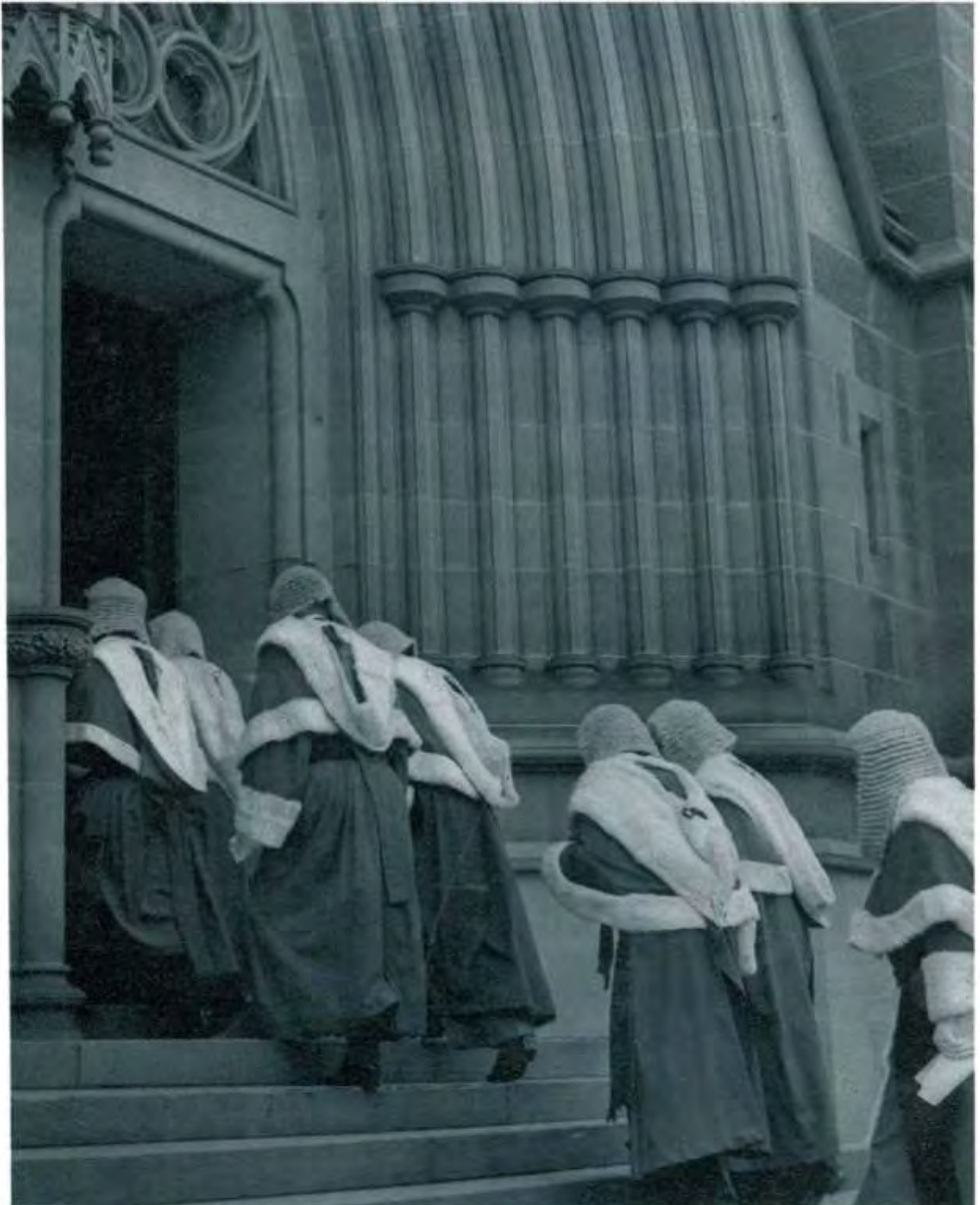
Gaols are frequently boring, brutal places, where people learn more about crime than about acceptable and responsible behaviour.

QUESTIONS FOR DISCUSSION

1. What new insights did you gain from this section?
2. There has been an effort to give a general overview of the prison system throughout Australia. Mostly there has been a concentration on the worst aspects of the system in order to highlight injustices. Some states handle some issues better than others.
Find out what you can about conditions in prisons in your state.
3. What reforms do you believe are necessary?



3. CHRISTIAN REFLECTIONS ON PRISONS AND PUNISHMENT



Law is necessary for civilized living. Through law, community is established and maintained; without it, people simply could not live together. Nor is law merely a practical instrument for social integration... Law enshrines and protects what a community holds to be sacred and partakes of the sacrality it guards. (Dale Patrick, *Old Testament Law*, p. 1)

The concern of the church for the proper administration of prisons arises from the belief in the essential, God-given dignity of all persons and the need to treat each person (victim, offender, and the whole community) justly. It is reinforced by compassion for people who are forced to live in circumstances that are often degrading and brutal, and by a concern for the rehabilitation of offenders.

Every society has laws to regulate its affairs and sanctions when the law is broken. This is not just a matter of social necessity to ensure the survival of society, but is an expression of God's graciousness in a fallen world.

The biblical witness acknowledges those who make and administer the law to be part of God's care for the world.

It also acknowledges that in this sinful world the rulers and lawmakers are also prone to selfishness, oppression and error. Rulers can only expect their laws to be obeyed if they are just. The sign that governments have their authority from God is found in the justice of their actions. When they pursue injustice they have no legitimate authority, and people may disobey the law (See, for example, Acts 4:19; 1 Kings 12:1-20).

Crime is part of the disorder of the fallen world. If allowed to go unchecked it would make life intolerable for all and result in far greater evil and injury than is the case at present. One of the legitimate functions of government is to administer the sanctions a society adopts to ensure that laws are upheld, always striving for justice.

As the previous chapter indicated, prisons are used by society to achieve a variety of goals: punishment, deterrence, incapacitation, retribution and rehabilitation. The questions for the Christian community are:

- i. When is imprisonment the proper form of penalty for those who break the law?
- ii. How should people be treated in the prison system?

A number of interrelated biblical issues have a bearing on the Christian response to these questions: an understanding that human beings are made in the image of God, the relationship between law and community, the situation in gaol, and the need to care for our neighbour.

All people are made in God's image and find their life in God, and none (even those who break the law) can be denied their rights for the convenience of others.

Human Beings Made in the Image of God

(Genesis 1:26)

Central to the biblical account of creation is the affirmation that human beings are made in the image of God. This implies, first, that human beings are created for a unique relationship with God, one that gives us our value as people. Our wholeness and worth do not depend on what we achieve or do, nor on what others may feel or believe about us.

Second, this image belongs to all people. The author of Genesis proclaimed a great and liberating message: all people are made in God's image and find their life in God, and none (even those who break the law) can be denied their rights for the convenience of others.

Even though the relationship between God and humankind has been distorted by pride and disobedience, God still cares for humankind, and all people are entitled to live life free from harassment and danger, with their rights acknowledged and protected.

God's care for humankind has found unique and ultimate expression in the saving activity of Jesus Christ. In our response to God we are called to bear within us the image of this Christ.



While some of those in gaol may have committed more serious crimes than those of us who remain outside, this provides no basis for either the claim that they are greater sinners or are any less the bearers of the image of God. The place of their very imprisonment, with its violence, deprivation and loneliness, may be where Christ invites the Christian community to understand the nature of his image upon the earth (See, for example, Matthew 25:31-46).

In Sweden, the prisoners usually use the facilities of the nearby suburb, so maintaining contact with society. This means that people see prisoners not as criminals but people who have committed a crime. That is, they are usually like us. In responding to people in prison the church needs to recognise its own brokenness and involvement in sin.

Third, as people created in the image of God, we are created for community; we are social beings. Human beings are not created for loneliness or aloneness or separation from others.

No form of penalty should remove people from human relationships, nor should life be organised in a way that so isolates people that they are deprived of their humanity. Those who are deprived of human relationships and the ability to make decisions about their own lives are hardly being prepared for re-entry into society.

Fourth, although many factors influence the way we act and the degree of culpability we bear for our actions, as people made in the image of God we are morally responsible persons, answerable to God and to each other.

For the majority of offences in the Old Testament the law is framed in a way that enables the restoration and healing of the victim, offender and community at large.

Law and Community

In the Old Testament the practice of justice arises from Israel's understanding that it was, under the covenant, a community liberated from slavery by God. God called the people to live in faithfulness to God and to be obedient to the laws that enabled people to live together as neighbours and as community.

Because it had been liberated by God, the nation should act in a way that allowed others to share that freedom (e.g. Deuteronomy 24:22; Exodus 22:21; 23:9; Deuteronomy 5:15; Exodus 22:24). This concern for a liberating community is also reflected in the concern that judges should be able, fearful of God, trustworthy and hate bribes (Exodus 18:21). When sin occurs in a community there is a need to bring the sin to light and denounce it. It is significant that for the majority of offences in the Old Testament the law is framed in a way that enables the restoration and healing of the victim, offender and community at large.

Indeed, while we deal with property and personal injury offences with the option of a gaol sentence, the Old Testament is concerned for the kind of restitution which we deal with as civil liability. (See, for example, Deuteronomy 22:1-15 and 21:18-27).

In the Old Testament the procedure is as follows.

- i. The offender is confronted with the offence.
- ii. Restitution and a penalty are paid—to satisfy the victim.
- iii. A sacrifice is made, a form of confession to God and the community.
- iv. The person is forgiven and restored to the community.

It must also be acknowledged that there were some crimes (e.g. rape, murder) for which the community believed there could be no adequate restitution. The offender was removed from the community—by either death or banishment.

In general the Christian community no longer believes that these are appropriate ways to express the community's concern over the gravity of the crime. It is suggested, rather, that imprisonment is the punishment the community considers appropriate in such serious situations.

Jesus argued that compassion always takes precedence over those laws that deny it.





The Founder of Christianity was executed you know.

One of Jesus' major battles with the religious leaders of his day was over the application of various laws. The debate was always about whether the law, as the religious leaders understood it, expressed the compassion of God and the effort to build an inclusive community. Jesus argued that compassion always takes precedence over those laws that deny it.

The debate between Jesus and the religious leaders also occurred because of a loss of the sense of covenant solidarity in the community. The law was no longer administered for the purpose of restoring the community and people.

Characteristically an offender in the eyes of a particular group was not confronted, dealt with, offered a remedy and restored, but rather ignored, despised, isolated, and relegated permanently to an outcast status.¹

In his ministry Jesus helped people to break out of the seemingly indelible labels that society had trapped them in (See, for example, the Samaritan woman in John 4:7ff; the tax collector in Luke 19:1-10; the man by the pool in John 5). Jesus confronted them with their offences—the truth of their condition—but also opened up the possibility, denied by others, that they can again belong to the community and be sons and daughters of God.

Jesus was calling for a new kind of solidarity, uniting the offender, the victim, and the community; the solidarity of the forgiven sinners. It was a solidarity that called on accusers, victims, judges, jailers, and criminals alike to examine their own motives for playing the roles they were playing, and to realize that in a sense we are all caught in the predicament that has engulfed the offender who happens to have got caught.²

Our community frequently makes scapegoats of those in gaol, placing the guilt of society on them rather than confronting the fact that we are all caught up in the predicament of society.

The central issue is the sort of community we wish to build and the sort of criminal justice system that will best protect this sort of society, one in which people are linked together by the image of God in each one. Does the present prison system—which discriminates against some social groups, allows people to die in custody, further enmeshes people in the criminal system, or causes those who run the gaols to live with tension, fear and anger—reflect the sort of society we wish to build in Australia?

Appropriate Punishment

It is contrary to the biblical concept of justice that people should be punished beyond the level of their guilt for what they might do in the future or as a way of deterring others. Punishment is a serious matter which affects relationships, self-esteem and place in the community. Every effort should be made to ensure a balance between the offence and the penalty.

The circumstances of some prisons in Australia are so bad as to impose a penalty beyond most people's offences. This has become clear from the observations of the drafting committee on their visits to prisons and the representations made during hearings and in submissions to the committee. In Australia today prisons are often cruel, inhuman places that introduce people into a criminal subculture, thus leading to more crime and the further destruction of the offender and injury to later victims.

Concern for justice for all means that there is never any justification for treating an offender on the basis of revenge. Revenge is emotional, often vindictive and cruel, usually destructive, and open to abuse.

¹ John Duff 'Biblical Background' in *Building Bridges* (Ottawa: The Church Council on Justice and Corrections)

² *Ibid.*

Does the present prison system—which discriminates against some social groups, allows people to die in custody, further enmeshes people in the criminal system, or causes those who run the goals to live with tension, fear and anger—reflect the sort of society we wish to build in Australia?

Every effort should be made to seek a prison system that upholds justice and employs forms of punishment which, as far as possible, do not cause damaging effects to the community or the offender. In many cases this will mean that non-custodial forms of punishment will be preferred.

In general, prisons should only be used as the last resort. That is, imprisonment should only be used where no other sanction can achieve the purpose intended by the law. Imprisonment may be appropriate for those who are dangerous or who will not cease offending, or where the seriousness of the offence demands it (e.g. rape or murder).

The Christian community recognises that all human beings are prisoners of evil, sin and death, and that prisons are one sign of the sin that is in each of us and society. The community also affirms that we have been granted freedom and new life through the act of God's grace in Jesus Christ.

Prisons are not Christ's way. They are a sign of the endurance of sin in the world.

The Church is called to hold up the vision of a world without prisons, to proclaim the liberty brought by the One who was imprisoned, tried and executed as a criminal outside the law.

The Treatment of Those in Gaol

Given that the vision of the year of jubilee and restoration has not yet been completed in our life, what can be said about the treatment of those in prisons?

The starting point is the doctrine of God who, as seen in the loving relationship in the Trinity, is in very essence 'love'. Because God loved us, and sent Christ to offer us the gift of life, 'we ought to love one another also' (See 1 John 4:7-21).

The love we have for our neighbour should be characterised by kindness, honour and fairness, always seeking the good of others above our own. Being in prison does not mean that a person is not entitled to be treated in this way. Indeed, being in a particularly helpless situation places an even greater obligation on the community to safeguard and advance the person's interests as a human being.

The responsibility we have for our neighbour grows also from the way in which we are all related in society, and each responsible for others. The breakdown of relationships to which we have contributed, the denial of equal place in a community that we have supported or not opposed, the atmosphere of violence that we have enabled to develop in so many ways means that we cannot stand aloof (Matthew 9:9-13).



We do not solve problems of social disruption, increased crime and increasing community fear by placing all the blame on those who express the sins of the community in acts of crime. We are all involved and we all have a responsibility to address the causes and solutions.

This is not to deny the claim that people must bear responsibility for their actions. It is simply to recognise that we are all part of a web of history and relationships.

The penalty in imprisonment is loss of freedom. The community is not entitled, either by deliberate policy or by neglect, to add other tortures or hardships to that punishment. The administration of justice requires compassion and grace.

On the whole, the prison system is organised to isolate people from one another, to take away their ability to make decisions, and to leave them with very little to do. This sort of treatment is certainly not helpful in enabling people to gain new skills to take a place in society.

At the same time, the penalty and its administration should not act in a way that penalises the family of the offender. The prison system should be organised in such a way that, as far as possible, prisoners are able to maintain family relationships while in gaol. Among other things, this should include adequate telephone and mail contact and meeting areas where wives and children and friends are not humiliated or made to feel as if they are also prisoners.

It is the community's duty to extend acceptance to a person who has already paid the penalty for a crime and to receive him or her back into society. This needs to be done in practical terms such as pre-release preparation, adequate provision of financial support at the time of leaving gaol, provision of work where possible and acceptance by family and friends and the community. The alternative is that people are driven back into a criminal subculture and trapped in criminal activity.

To ignore those who are imprisoned, to be unwilling to change the conditions of imprisonment, or to refuse to help people become part of society again is both to deny the essentially corporate nature of human existence and to ignore the presence of the living Christ.

FOR DISCUSSION AND REFLECTION

1. Is there a specifically Christian response to criminals?
2. What are the implications of these words of John Paul II for our prison system?

'The Church continues to proclaim that the principle to follow... is not that of allowing economic, social and political factors to prevail over man, but, on the contrary, for the dignity of the human person to be put above everything else, and for the rest to be conditioned by it.'

(Speech to workers, Monterrey, Mexico)

3. When is imprisonment the proper form of penalty for those who break the law?



4. WHAT CAN BE DONE?



In general, Australian prisons contain a disproportionate number of people who have committed relatively minor offences, and who are socially and economically disadvantaged.

The conditions of a number of prisons leads to the conclusion that imprisonment is generally an inappropriate penalty and that, where it is used, conditions inside prisons should be greatly improved. As a person made in God's image, each prisoner should be able to live in a way which protects his or her dignity.

The evidence suggests that while prisons may be a form of punishment, they fail to fulfil their wider purpose. They have a limited deterrent effect, they make no contribution to the restitution of those who are the victims, and they do not help to rehabilitate the prisoner. As Peter Kennedy says:

It has been shown over and over again that this destructive, costly [\$30 000 a prisoner per year], often violent and psychologically depriving mechanism does not inhibit the criminal. Quite the contrary. I believe that prison teaches prison behaviour. It often increases an offender's knowledge of criminal activities. It rarely isolates him/her from the public for very long periods and certainly does not change criminal behaviour in any way but to increase it. ('The Price of Vengeance' in Dayspring, April 1987)

Any discussion of prisons needs to begin with the realization that all of us have to live together in community, and nearly all people who are in prison will return to society. The system should be built and administered with this realization constantly in mind.

The Churches' Role in Prisons

Both prisoners and their families suffer from the experience of prison and the difficulties of returning to society. The church is called to offer two responses: to provide care for prisoners, and to press for social and political changes that will make the prison system more responsive to the needs of prisoners, their families and the wider society.



The main contact that the churches have with prisons is through prison chaplains, who are appointed and funded in differing ways in each state, and have differing rights of access. Wherever they are in the prison system, chaplains have the task of providing pastoral care to prisoners and their families, and prison officers. This may include the promotion of the rights of all concerned. Chaplains minister to those who belong to parishes but are away from them. They are available to inmates in a way that the parish priest or minister cannot be.

Chaplains are able to come alongside people in a non-threatening and confidential way. They are usually able to receive acceptance as non-establishment figures by inmates, staff and relatives, although they must always be aware of the danger of becoming part of the system. They form a vital bridge between the parish, the family, and the departments with whom they are associated. They are frequently required to be advocates, confidants, friends, facilitators or just good listeners.

Often church people do not know who are in prison or why, and are tempted to show no compassion for them. The chaplains are able to remind the church of those who are in prison, and to call the church to struggle for better conditions for prisoners and all those associated with them.

The church's task must not be left entirely to chaplains. Chaplains ought to be only one part of the community of people concerned for the prisoner and the prisoner's family, and also offering support to those who have left the prison system.

If local church people are to do something to assist prisoners and their families, they must carefully determine what they will do, be willing to take part in training and the development of appropriate skills, meet regularly to reflect on activity, and use what is learned to raise awareness in the local community.

The church has a role in challenging the truisms of politicians and media figures. For example, in a recent state election campaign both the government and opposition promised to 'get tough with prisoners' and 'make them work'. This is an obvious distortion, meant to gain votes, because the constant complaint of prisoners is that the system does not give them anything to do.

Alternatives to Prison

If the cycle of repeated crime is to be broken it is necessary to find other forms of punishment that keep people out of prison and encourage links with the community instead of cutting people off.

The penal system should provide opportunities for people to pay a penalty for their crime and take actions that provide compensation and restoration for the victims of crime. The Christian community should help to break down the prejudices and barriers that exclude people, and help them to take their place in the community.

When considering alternatives to imprisonment, we need to ask whether these attempt to develop the human dignity of all people involved or are just another name for a smaller prison: an institution, outside the walls of the prison, that aims to control and police. Alternatives need to empower and to build on co-operation and trust, rather than on control, competition and fear.

Community-based corrections not only provide appropriate sanctions; they are also important mechanisms in keeping the family unit together. Alternatives to prison include

- probation;
- community service orders (e.g. 10 to 500 hours of community work in a year);
- fines;
- suspended sentences;
- conditional or unconditional bonds;
- a set number of hours of personal development;
- the necessity of undergoing alcohol, drug, medical, psychological or psychiatric assessment and/or treatment;
- restrictions on who a person can associate with and where he or she may live;
- programs that are concerned for restitution and for reconciliation between victim and offender.

As well as these options, it is possible to have a system that assists prisoners to remain in contact with the wider society. For example, it is possible to have open prisons where prisoners go out to work during the day, or where weekend leave is taken to prepare people for 'normal' life. It is also possible to use periodic detention (mid-week or weekend) or house detention (where people live at home and work in the gaol).

Alternatives to prison are particularly important with young offenders. Treatment of young offenders should have a rehabilitative or corrective emphasis. Diversion programs such as community service should be preferred to imprisonment in most cases. In Sweden, youths under 20 are not imprisoned but are, as far as possible, kept in their own locality and given support to re-establish family ties. If needed, help is given in some form of vocational training; and drug rehabilitation programs can be made available.

There has been progress in some states along these lines, but the success of these initiatives depends on co-operation from judges and magistrates, corrective service officers and members of the community. The law needs to allow these options as appropriate penalties and responses to crime. The disturbing trend in the media and among some police and prison officer groups to call these programs 'soft options' has to be opposed.

An important option in the area of young offenders is the use of cautioning. In NSW, for example, the balance between young offenders receiving sentences and those who are cautioned has changed from 17:1 to 3.5:1. However, there are indications that cautioning is being questioned and there is talk of ending this as an option. Cautioning should be supported as a useful alternative to imprisonment.

Paul Wilson, in a paper entitled *Dealing With Youthful Offenders: Towards A New Agenda*, places great emphasis on practical assistance for those most likely to commit crimes.

Our young people need jobs, not more advice and counselling. As well, they need structured and unstructured sporting facilities (such as bike tracks) and drop-in centres. They need accommodation for those who are homeless. Most of all, though, they need to have a say about the services that are provided for them. Let us move towards a youth policy where we replace paternalism and advice with one of consultation and the provision of concrete services.

ALTERNATIVE TO PRISON

The following weekly costs of correction programs illustrate the cost effectiveness of community based correction programs.

Weekly Cost of Correctional Programs (\$ per week per capita of average annual cost)	
Program	Cost
Probation	\$18
Parole	\$40
Community Service	\$41
Attendance Centre	\$68
Prison	\$360

Source: Neilsen Associates, *Corrections Master Plan, Office of Corrections Victoria, December 1983.*

A young adult in a maximum security prison has written:

Dear Sir,

As you are a church group, you will know a little of what I am about to speak of. The prison and criminal justice should start at the beginning, boys' homes. It's too late for most adult prisoners to learn new ways, the violence is so deep rooted.

I have heard many young prisoners say how cruel the boys' homes are, not a kind word in defence of them. The kids are beaten and given cruel punishments for disciplining them. You do not teach kids by using violence on them, only that violence breeds violence. Teach kids in boys' homes self-respect and ambition to get something good out of life: that there is a future for them. Most people in gaol have no future or goal in life. So coming to prison is no threat to them.





Alternatives to prison are particularly important with young offenders. Treatment of young offenders should have a rehabilitative or corrective emphasis.

Improving Gaols

Even if various alternatives are adopted by prison authorities, there will still be a number of people in prison. What can be done to improve the situation for these people?

Remodelling Gaols

One useful alternative to the present gaol system would be gaols with small units, such as those developed at Bathurst gaol. There are two standard wings, and eight units of 16 prisoners each. Prisoners can choose which unit they join. For example, there is a unit for prisoners who are doing education units and want quiet in order to study. Prisoners can reject another prisoner from their unit for a good reason, or a prisoner can choose to leave the unit. In each case they return to a standard wing for a minimum of four weeks before moving to another unit.

Similar plans are being developed for other gaols—usually on a model of 5 x 50 prisoner units, with each unit divided into two subunits of 25. A 250-prisoner gaol is large enough to justify provision of a range of programs and facilities. Work, educational courses, and so on are run in a common area, 'the town centre' of the prison, so that prisoners benefit from the small living units

without being confined to them.

The advantages are that prisoners and officers get to know one another, and more human relationships develop; there can be better assessment; the situation is more predictable; and vulnerable people become more visible and can be offered better help. For the scheme to work, it requires that prison officers see prisoners as people. The scheme encourages prisoners to learn to live together with one another, and to develop living skills.

Prisoner Grievances

If there is any oppression, provocation or assault by those in authority in gaols, the prisoner has little hope of an independent, unbiased investigation.

A fairer and more effective and unbiased system of internal investigation and disciplinary action should be implemented.

Prisoner Activities and Programs

Prisoners generally do not like having free time with nothing to do. However, governments have a poor record in the area of prison activities and industries. Budgets for prison activities are usually inadequate.

AN EXAMPLE FROM HOLLAND

The Dutch prison system is part of an integrated prison and sentencing system that is sceptical about deterrence and rehabilitation. Its aim is not to turn the prisoner into a worse prisoner than before. The objective of the system is:

'Essentially, the maintenance of security and good order, the humane execution of the prison sentence, the provision of appropriate educational, social, creative and treatment opportunities (without subscribing to discredited notions of rehabilitation) and the minimisation of harmful effects of detention. (*Dutch Ministry of Justice*)

As part of this, the prisons have special visiting rooms, containing a bed, where prisoners can have complete privacy to entertain a wife or friend. Prison officers believe these things make the prison less tense, curb homosexuality and keep families intact. Prisoners also have the right to vote and to talk to journalists, as well as an excellent complaint system.

A great deal of effort is spent teaching prisoners to read and write (many are nearly illiterate). Little store is put in teaching a trade—valued by neither prisoners nor employers—but attention is given to resocialising prisoners and maintaining family life.

Despite high staff/prisoner ratios (112:100) the Dutch spend a lower percentage of Gross National Product on gaols than most European countries.

Whatever else may be said about it, this liberal prison system has not set off a crime wave. And while the rate of repeated crime is no better or worse, Dutch gaols are less tense and less oppressive of both prisoners and staff than most gaols throughout the world.



Classification

A significant factor in the way prisoners are treated in gaols is the way they are classified. Classification refers to the practice of grouping prisoners according to definite characteristics such as age, sex or length of sentence and more indefinite characteristics such as potential for improvement.

In 1984 guidelines for Australian prisons were drawn up. These include two provisions:

(a) to place prisoners so as to facilitate their supervision, taking into account security requirements and their social needs; and,

(b) to separate from others those prisoners, who by reason of their criminal records or personality, are likely to exercise a bad influence.

It is significant that the classification system occurs apart from the courts, so that the sentence imposed by a judge usually has little bearing upon the classification. Yet the classification has a great deal to do with a prisoner's sentence. There is a need for a process to bring sentencing and classification into some mutual arrangement.

There have been complaints that communication between disciplinary authorities and classification boards is poor, so that prisoners are sometimes moved into higher security classifications without the classification board knowing. There should be attempts to improve communication.

The classification process is quite difficult to change in an appropriate way. For example, for many prisoners assessment over several weeks—rather than by simple rule of thumb—is necessary. This process occurs now in the New South Wales system, for example, and is one reason why classification there is slow. Short term prisoners are classified more quickly.

Classification does not change the practice of the mixing of prisoners with vastly different criminal histories. Most long-term prisoners end up in in low classification gaols towards the end of their sentences.



5. RECOMMENDATIONS



Churches

That the churches use this statement as a basis for

- (a) educating parishioners
- (b) discussions with government.

That the churches encourage their parishes and agencies to explore ways of being involved in community support schemes for ex-prisoners and people on probation/parole. As far as possible, churches should support existing organisations such as Prison Fellowship, Civil Rehabilitation Committees and Prisoners Aid Societies—whose aim it is to ease former prisoners back into society.

That the churches become involved in setting up a body of people, to whom families and friends can go, as liaison between prison authorities, prisoners and their families.

That church communities become involved in supporting families of prisoners with transportation for visiting and with support in the post-release period.

That the churches encourage as much community debate as possible about the use of imprisonment as the appropriate penalty for crime, and the length of such imprisonment.

That where church and community groups become involved in community correction programs, they ensure that such programs are a genuine alternative to prison and are not simply co-opted into the prison system.

That churches help establish working parties in each state to develop a directory of organisations that assist prisoners and families in visiting, and in finding employment and accommodation.

That churches foster the building up of effective chaplaincy services in all corrective institutions.

That church communities become involved in supporting families of prisoners with transportation for visiting and with support in the post-release period.

That a system be developed that offers genuine alternatives to prison, ones that do not assume prisons to be the centre of the penal system.

Alternatives to Prison

That governments in states with high prison rates reassess their imprisonment policies as a matter of urgency, to find and implement effective ways of reducing their imprisonment rates.

That a system be developed that offers genuine alternatives to prison, ones that do not assume prisons to be the centre of the penal system—or a possible sanction within these alternatives. For example, if fines are a genuine alternative to prison, one should not end up in prison for fine default.

That Governments encourage the use of community service orders, work-release schemes, good behaviour bonds, cautions, week-end and mid-week detention, home detention and fines, by making facilities for such alternatives to incarceration available to the courts.

That the public, the police and the courts be educated in the rationale for those alternatives.

That where it exists an appropriate alternative should be pursued. Governments should budget for work-release schemes and develop links with employers. Young offenders should be cautioned for minor offences.

That the churches and other private organisations encourage members to co-operate in schemes that are alternatives to prison.

That those groups, through educating their members about prisons and the way they function, encourage a ministry of concern for prisoners and for those on probation and parole.

That the probation and parole services be adequately funded and staffed to do their jobs effectively.

Young Offenders

That governments implement/retain youth cautioning systems, and other means of dealing with juvenile crime, that keep young people out of institutions.

That systems for responding to juvenile crime

- take account of the nonviolent nature of almost all juvenile crime;
- include appropriate measures for the small minority of crimes that are violent, i.e. that such people not be placed in adult prisons.

That governments provide programs to improve educational levels; provide vocational training; ensure income is above poverty line; provide therapy for victims of child-abuse; provide help in developing family ties (and alternative adult support) for all offenders.



Remodelling Gaols

That governments should replace or modify outdated prisons so that they all meet at least the minimum standard set by the United Nations, and so that prisoners can live in the conditions appropriate to their classification. Prisoners should have a right to privacy and a right to group activity. Shower and toilet facilities should be clean and hygienic.

That prisons should cease using isolation as punishment except for brief periods to allow a prisoner to regain his or her self-control.

That within prisons, ways should be developed of encouraging prisoner decision-making, initiative and responsibility.

That prison management should be by unit management principles, with permanent staff for each unit and relatively low turnover rates of prisoners (i.e. minimal transfers between prisons or units).

That all new goals should be built to facilitate such management, but that the scheme also be introduced in older gaols (e.g. by treating separate floors of a wing as separate units).

Work Programs

That work and programs to develop skills be available to all prisoners. This would require co-operation between prison authorities, employer groups and unions to overcome fear of competition from prison industries.

Classifications

That the classification process be reviewed and alternatives be considered. Classification should be recognized as an important part of prison management. Flexibility should allow those who are assessing classification to balance security considerations against aims of humane treatment and preparation for community life.

Assistance when Leaving Prison

That prisons provide opportunities for pre-release preparation for prisoners.

That financial provisions for prisoners when they leave prison be improved and provide

- (1) an amount equal to unemployment benefits for the period until prisoners receive their first unemployment benefits payment;
- (2) the bond and first two weeks' rent where prisoners have no accommodation to return to (this to be paid direct to landlord/estate agent, but in a way that does not identify the person as an ex-prisoner);
- (3) a clothing allowance (clothes are necessary for job interviews, etc.);
- (4) an equipment allowance, where prisoners gain employment requiring that they provide such equipment.

The amount provided (and when/how it is provided) may vary with length of sentence and circumstances of prisoner. The intention is to ensure that ex-prisoners do not need to resort to crime for survival in the first weeks after release.

That prisoners when released be given help in finding work.

Educational and Training Activities

That educational and vocational training programs, programs in developing living skills and drug rehabilitation programs be available to all prisoners.

That such programs, including educational and vocational training programs, utilise properly qualified staff, and that they be based on good educational principles. They should not be a means of prisoner control.

That programs in prison such as work, education and drug rehabilitation be voluntary for prisoners.



That within prisons, ways should be developed of encouraging prisoner decision-making, initiative and responsibility.

Drug Rehabilitation

That drug rehabilitation units, preferably away from the prisons, be available for low security prisoners. Those on a high security classification and in need of treatment should have access to a unit in the prison.

Mentally Ill Prisoners

That Governments provide more special care units for those in a state of severe emotional disturbance. These units should act as further education centres for appropriate prison officers.

That people with a history of mental illness be diverted to the mental health system rather than being imprisoned for minor offences, and that appropriate programs be provided to help these people cope with being in the community.



Intellectually Disabled Prisoners

That staff of Intellectual Disability Services have a role in the education of police in regard to the needs of those who are intellectually disabled, and be in a position to assist and inform courts, advise on classification and management in prison and on after-care.

That, where applicable, intellectually disabled persons should have access to secure facilities, halfway house etc., staffed by appropriate professional persons, in the same way as the mentally ill prisoner has access to the Mental Health system.

Remand

That the housing of remand prisoners be improved. (Remand prisoners are classified as high security risks and because of the overcrowding of prisons are accommodated in unsatisfactory conditions.)

That governments take action to end the unjustifiable delays involved in initiating and completing criminal proceedings.

That funds be provided to pay for sufficient courts and court personnel to reduce the backlog of cases on remand.

That bail be refused only where it is unlikely that the accused will present himself or herself for a court appearance or there is good reason to believe that the person poses a threat to society. It should never be refused for minor offences.

That governments deal with the root causes of the disintegration and despair that contribute to Aboriginal people breaking the law.

Aboriginal People and Prisons

That there be immediate negotiations between government, police and Aboriginal communities to determine ways of reducing the number of Aboriginal people in prison, and that implementation of such programs be monitored to ensure they are implemented fully.

That police be trained to deal with their own racism and the racism of the communities in which they are placed.

That all governments monitor the charges on which police detain Aboriginal people and take appropriate action to ensure police take alternative action with Aboriginal people committing minor offences.

That police be held accountable where responsible for victimisation of Aboriginal people and be expected to use 'protective custody' as a last resort for public drunkenness.

That police who detain Aboriginal people contrary to the intention of the law be disciplined.

That governments deal with the root causes of the disintegration and despair that contribute to Aboriginal people breaking the law by implementing

- land rights;
- programs to help Aboriginal communities become economically independent and self-managing;
- programs to help Aborigines develop their own education, health and welfare programs, including means of preserving and handing on their culture.

That all Aboriginal deaths in custody be investigated fully and independently of the police associated with the death, and preferably by an outside body.

Family Ties

That prisoners be encouraged and helped to maintain family ties.

That contact of prisoners with their children be a right (except where there is reason to suggest this may be detrimental to the child, e.g. in cases of child abuse).

That recognition be given to the right of prisoners' families, i.e. spouse and children, to regular contact by visit, mail and phone. The frequency of visits should be increased to allow people better to develop and maintain relationships. This is particularly important for the family.

That visiting areas for spouse and children be such that they do not make the visitors feel as if they are in prison.

Prison Officers

That the roles and training of prison officers be reviewed, with the purpose of encouraging a role less oriented to custodial functions and more concerned for rehabilitative activity.

That the promotion system for prison officers be on merit, i.e. training, qualifications, understanding of the goals of the prison system and skills in dealing with prisoners in a constructive way, rather than being based on seniority.

That there be inservice training programs in each institution to enable officers to relate theory to practice within their institution. (Such courses would include different ranks.)

That training programs and management guidelines emphasise that the penalty involved in imprisonment is loss of freedom—not deprivation of human rights, or other hardships.

That all corrective services departments develop both strategic statements and review capacity. The strategic statement should include guidelines for gaol administration. Review personnel should visit gaols to check that there is a gaol strategic plan consistent with departmental policy and that it is being implemented.



Governments and the Media

The media

That media recognise that the issue of crime is so serious that they have an obligation to deal with it in a rational way and not to sensationalise it.

Governments

That politicians depoliticise the issue of prisons, cease using it as a means of arousing fear in the electorate, and base their policies on rational analysis of the data about who ends up in prison, for what crimes, and with what effect on their future behaviour—and on the fact that almost all prisoners eventually return to the community.

Victims

That governments, welfare agencies and communities co-operate to ensure that all victims are helped, supported and protected through the law, emotionally, financially and in other practical ways.

Preventative Action

That governments develop and implement more effective programs of support and help for families at risk of violence.

That governments reduce potential for drug addiction and drug-related crimes by providing alternative educational and vocational training programs for young people who leave school early.

This statement has been prepared by members of
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Mural at Long Bay Jail, painted by inmates of M.R.P.

In general,
prisons should
only be used as
the last resort.
Imprisonment
should only be
used where no
other sanction
can achieve the
purpose intended
by the law.



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