

National Conference on Australian Prison Issues 2010
Abstracts

International Transfer of Prisoners Scheme - Nadia David

The International Transfer of Prisoners (ITP) Scheme is a consent-based scheme that allows Australians imprisoned overseas, and foreign nationals imprisoned in Australia, to apply to serve the balance of their sentence in their home country. The core purpose of the scheme is to promote the successful rehabilitation and reintegration of a prisoner into society while preserving the original sentence as far as possible in the transfer country. This presentation will clarify key aspects of the scheme and use practical examples to illustrate why the process is sometimes lengthy and complex.

Reintegration: Lessons from the past - Terry Bartholomew & Lesley Hardcastle

In the late 1980s, the Risk, Need, Responsivity (RNR) model of offender rehabilitation emerged as a direct response to large scale evaluations that documented the poor efficacy of previous rehabilitative efforts. These evaluations highlighted the poor performance of rehabilitative endeavours and attributed this to issues such as: definitional problems, the absence of an adequate theoretical and empirical base, varied levels of professional training and expertise, and a failure to target treatment efforts appropriately. Since the late 1980s, the RNR model has been hugely influential as a framework for psychological interventions with offenders; but the approach is not without its critics. The two most common criticisms concern RNR's pathology-based ethos, and the fact that even the best interventions reduce reoffending by only 50%. It is argued here that a renewed correctional focus on reintegrative policies to reduce reoffending can be at least partially linked to these criticisms of RNR-based ideas.

As more correctional services acknowledge the importance of such psychosocial considerations, a greater policy focus on issues such as housing, employment, and education for offenders is becoming evident. However, as the number of type of post release programs that claim a reintegrative focus expand, many are vulnerable to the criticisms that were addressed at pre-1980 rehabilitative models. With the above context in mind, this paper highlights some challenges that the renewed interest in reintegration raises, and argues that, because reintegration is the only sentencing objective that requires active community support, gaining an understanding of the public's views about such matters is a crucial prerequisite to the success of this policy direction. The authors are currently undertaking Australia's largest study into community views about reintegrative ideas, and some of these findings will be presented here.

A Prison System in Crisis: Issues in South Australian prison accommodation - Elizabeth Grant

There is a paucity of research of the conditions experienced by most Australian prisoners despite their importance. Poor or inappropriate accommodation has been identified as a major catalyst for critical incidents, riots and other disturbances in prisons, higher incidences of self-harming or suicidal and other non-compliant behaviours among prisoner populations and contributes to a variety of low outcomes for prison communities and prisoners. The relationship between negative behavioural outcomes in prisoners and standards of prison accommodation has been shown to be strong and it is in the best interests of the prisoner and prison administrations that prison environments achieve and adhere to an appropriate standard. South Australian prisons are reported to be overcrowded, aspects of the environments have been termed as 'unsafe' and elements of the prison environments appear to fall outside below the level articulated in international or national standards and guidelines. This paper

seeks to partly address the lack of research on mainstream prison conditions by examining two aspects of South Australian prison environments, overcrowding and safety of the prison environments. The paper examines existing statistical data, and reviews coronial findings and existing evidence based research, concluding that the prison environments have potential adverse effects.

The state of prison environments, the failure to adopt and meet guidelines and enshrine standards in legislation means that South Australia is at serious risk of being held responsible for inhumane prison standards and all that flows from that. This paper outlines the need to adopt legislated benchmarks and mechanisms for the monitoring of South Australian custodial accommodation.

Challenging the New Punitivism: Strategies, tactics and strange allies – Richard Evans

The past twenty years has seen, in Australia as elsewhere, an increasingly dominant discourse in public debates on crime and justice, which I call the New Punitivism. This discourse has had real and damaging consequences. More people are being given custodial sentences, and social programs intended to ameliorate the experience of prison, through enlightened self-interest or simple humanity, are increasingly criticized and seen by governments as politically dangerous. In this presentation I will discuss why publicly challenging the New Punitivism is so important, and suggest some ideas on how this might best be done.

Using Collaboration and Technology to Support the Children of Incarcerated Parents – A Case Study - Melinda Spencer

The purpose of a prison sentence is to punish offenders, not their children. Our experience from working in prisons shows that it is often the families left behind, in particular the children that suffer most as a result of parental incarceration. Research demonstrates that for successful development it is crucial that children continue a relationship with their incarcerated parent/s; however this is often a difficult feat when a maximum security prison is involved.

Through the Dad's and Kid's Connect Program at Hakea Prison in WA, we identified several obstacles faced by families in maintaining meaningful connection with the incarcerated father. Our E-Visit initiative seeks to overcome some of these difficulties by expanding the visit options available to fathers and children. By utilising the internet technology SKYPE we support families to maintain regular, meaningful contact and reduce the negative impact of separation. The E-Visit program provides fathers individual and targeted support focusing on their parenting skills and the relationship with their child. These fathers are better equipped to maintain and enhance their relationships, as well as meet the needs of their children. For the children, it means being able to communicate with their father regularly from the comfort of their own home, without having to endure the rigorous procedures of visiting a maximum security facility.

This initiative is the first of its kind in WA, and is facilitated by Good Beginnings Australia, providing a great example of what can be achieved through non-government and government collaboration and progressive thinking.

Reconsidering Post-release Risk – Diana Johns

For every four thousand adults in Australia there are seven living in prison on any given day (ABS, 2009). It is hardly surprising, then, that for a large proportion of the community, the impact of imprisonment barely registers on the social barometer. Popular discourse around prison and prisoners centres on the deservedness of punishment and the need to protect the innocent from those responsible for crimes against them. Little attention is paid to the reality that all but a small number of prisoners will return to the community, or to the effects they will carry with them. The risks embedded in the penal system are overshadowed and outweighed by the notion of risk invested in the individual offender in terms of the threat of harm he (or she, though the threat is overwhelmingly male) poses to the community. In fact, this individualised notion of risk is entirely contingent upon the type of 'risky systems' (Halsey, 2007) in which prisoners and ex-prisoners become enmeshed. This paper will examine aspects of these 'risky systems', arising from data collected via interviews with released prisoners and post-release support workers.

“The Challenge” – Integrating Restorative Practice In Corrections settings - Grahame Chaseling & Terry O’Connell

The presentation will focus on using "The Challenge," a practice formerly called "The Game" and originally developed by Grahame Chaseling for use in probation settings. It seeks to build connections and widen offenders communities of care. The Challenge proceeds through several clearly defined stages: an initial introduction, an induction processes involving a facilitated meeting, participation in a range of activities or programs, and the final stage of reflection and formal acknowledgment. The involvement of offenders communities of care is critical to the success of The Challenge. Effective engagement using restorative dialogue to respectfully challenge offenders and their families is a strong feature of this practice.

Criminal Justice: A personal journey - Miriam Scurrah

Prison is a personal experience, one which is unique to each individual and imposed only upon the “offender”. However, the effects of imprisonment extend beyond the individual into the community. This paper will take a personal look at the effects of imprisonment on prisoners family members and will discuss the extension of punishment imposed upon prisoners’ families through the criminal justice system and through the media.

Punishment beyond prison – the detention and deportation of non-citizen offenders - Micheal Grewcock

Under s501 of the Australian Migration Act 1958, being imprisoned for a criminal offence can constitute grounds for visa cancellation, even for people who have spent most of their lives in Australia. ‘Non-citizens’ who have had their visas cancelled in this way are liable to detention on completion of their prison sentence; form a distinct cohort within the immigration detainee population; and are routinely deported. This paper examines a number of recent cases and draws on a series of informal discussions with s501 detainees during 2009 and a series of formal interviews, as part of a pilot study, with a sample of six current and former s501 detainees in 2010. The punitive implications of s501 are examined, including: its impact on risk assessment and the parole process; the institutionalisation of double punishment; and the multiple mechanisms of disempowerment operating through the detention regime. While this remains work in progress, it is argued that criminal convictions do not justify

detention and removal, and that the administrative transformation of lawful into unlawful subjects, rests on various forms of illegitimate penalty.

Prisoners Legal Rights: Recent Cases - Greg Barns

Brett Collins

“Risky Systems” – The Responsible Prisoner and the Management of Bodies - Maggie Hall

“We’re Alice and they’re the White Rabbit” (Prisoner J 2)

“There are also programmes and procedures which, far from working to foster desistance in offending, literally assemble the conditions for recidivism and repeat incarceration” (Halsey 2008: 1212).

My interviews with medium to long term sentenced prisoners in NSW who are close to the end of their sentence, reflect the existence of such “risky systems” not just in the post release experience of prisoners (as demonstrated by Mark Halsey and Diana Johns) but throughout imprisonment itself. Rather than relying on the official version of the sentence as a linear process of progression of reducing classification and increasing readiness for release, closer scrutiny reveals the complex interplay of systems involved in the management of bodies which often results in alienation and frustration, particularly for long term prisoners.

Prisoners entering the world of the Department of Corrective Services NSW are subjected to a variety of sorting and management processes which often have a profound effect on the way their sentence plays out. Classification, movements to different prisons (the “tour of the state”), diagnosis, risk assessment and other evaluative procedures, internal discipline, and “case management” often combine to produce a chaotic, senseless series of events which achieves nothing but a sense of frustration in all who witness it, but especially for the prisoner experiencing it. Through the experience of prisoners some of these hidden, taken for granted processes which have an impact on the sentence and the prisoner’s experience of it, are examined.

At the end of what is now known as the EPRD (earliest possible release date)- which in itself reflects acceptance that this is most probably not going to be the date of release) the prisoner is made accountable for his or her ability to carry out the prescriptions set out by the sentencing judge to rehabilitate themselves, to demonstrate their repentance and in satisfying the other vague and poorly specified aims of sentencing. The culture of accountability, while justifiable from a therapeutic point of view is easily subverted by these “risky systems” which subject the prisoner to a series of often meaningless, unanticipated and negative processes and then lay responsibility at their door for their failure to adequately access programmes and services to reduce their “risk” and rehabilitate themselves.

Certain types of prisoners suffer the most from the direct connection between reduction in classification and access to programmes and services. E classification prisoners often spend many years in maximum security and may be more likely to be released directly from maximum security. Non citizen prisoners, who will be deported at the end of their sentence, while often not “risky” in terms of management, are greatly restricted in their access to programmes and services. While the throughcare and case management discourse is minimally operationalised at the best of times, for these prisoners the ultimate outcome is warehousing until they can be deported. The rhetoric of “Throughcare” is clearly inappropriate and while many may work in trusted positions, rarely will they be offered offence specific programmes or any other rehabilitative opportunities. Other especially disadvantaged groups of

prisoners include protection prisoners, a very large group in many prisons but often with reduced access to programmes and services. Clearly, mentally ill and intellectually disabled prisoners are at a particular disadvantage despite some efforts on the part of the Department, services are uneven and poorly coordinated.