**Punishment and rehabilitation in Women's Prisons: views from a community women's group in Western Australia.**

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**Abstract**

This paper explores how a small group of Western Australian women who belong to a non-political, non-sectarian club, 'talk' about how to manage women prisoners. As interviewees discuss their concerns about women offenders and talk through the contradictory positions between punishment and rehabilitation, punishment recedes, leaving issues of 'care' to overshadow the interview. A prevailing belief that rehabilitating women prisoners is possible and necessary confirms 'outside' support for both the rehabilitation agenda in women prisons and community based corrections. Yet, rehabilitation programs are unlikely to assist many prisoners in overcoming the damage prison inflicts on them and the complex social problems they face on release.

**Keywords:** female offenders, care, education, children, prison management, psychology.

## Managing female offenders in Western Australian prisons

Managing women prisoners effectively to reduce their offending behaviour on release is the hallmark of contemporary prison management in Western Australia. In a bid to improve women's life chances following release, gender specific reforms with a family friendly focus[1] are well established at Bandyup, Perth's maximum security prison and Boronia, a pre-release, 'bridging' centre that opened in 2004. Correctional psychology features strongly in the new rehabilitation agenda[2] where individualised approaches prevail. Setting aside the question as to whether correctional programs themselves are punitive or therapeutic, these reforms have appeared despite concerns about a 'new punitiveness' sweeping Western jurisdictions.[3] This paper draws on the views of a community-based, social group of women, to explore the relationship

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[1] Cheryl Clay, 'Women in prison' Government of Western Australia publication, 2002, www.correctiveservices.wa.gov.au/A/adultoffenderbrochures.aspx?uid=1827-0590-3642-6231 , 3.

[2] Mark Brown 'Corrections' in Duncan Chappell and Paul Wilson (eds) *Issues in Australian Crime and Criminal Justice*, (2005) 101-138.

[3] Ibid 134.

between rehabilitation and punishment. The interviewees' opinions reinforce the dominant understanding in wider society that women prisoners can and should be rehabilitated while in prison. Effective rehabilitation, however, is beyond the capacity of penal policies because prisons inflict further damage on an already vulnerable population. Following their release, many women re-offend within two years.[4]

To explore how prisoners, and their punishment and rehabilitation are viewed, I undertake three tasks. First, I outline briefly the management style prevailing in Western Australian women's prisons. Second, I report how a small number of women view prison management and its challenges for rehabilitating women prisoners and largely support the current prison management style and prevailing views in wider society that women can be rehabilitated. Third, in light of these views and the problems that emerge from the literature, I conclude that rehabilitation programs, while endorsed as an opportunity for women to turn lives around, are unlikely to alter dramatically their life paths following release. With their underlying ethos of punishment, prisons remain punitive places, despite priority given to rehabilitation from all directions.

**How women prisoners are managed**

In the backdrop of non-enforceable international requirements for managing prisoners, approaches to prison management shift and change according to current trends. Consequently, prison management styles, which include rehabilitative services for prisoners, are never outside history, politics and economics. Until recently, prison programs have over-looked the specific needs of women prisoners whose numbers are comparatively small, that is, 5-7% of the prisoner population. Reform groups, however, such as Sisters Inside are doing much to improve the resources for women prisoners. Yet whether the public is more punitive toward prisoners at one time than another, or

[4] Above n1, 1.

whether rehabilitation is favoured, depends as much on research design[5] as on readily identifiable and conclusive trends. However, in Western Australia we are seeing what Brown[6] calls paradoxically 'a new rehabilitation agenda' for governing prisoners, who at the same time are being punished via incarceration. It is outside the scope to this paper to discuss how punishment is justified.

Prison programs in Western Australia feature case management as the dominant mode of re-training female prisoners. The case management response is part of governing processes that rely on a prisoner's capacity to learn new skills.[7] Each newly incarcerated woman whether sentenced or on remand is assessed by a case manager who develops a treatment, work and study program plan that include 'sentencing and parole requirements, as well as study and/or work choices'.[8] Programs from the late 1990s in Western Australia and Canada, for example, are imbued with the language of the personal development and empowerment where attention is given to building self-esteem and developing personal responsibilities.[9] Prisons seek to reform women prisoners by empowering them, re-making them as responsible, conforming individuals. These ways of governing prison populations pay attention to how experts 'work' on individuals who 'need' empowering and to take responsibility for their actions.[10] The more that is known about prisoners, the more management programs are finely tuned to individual women's needs.

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[5] see Julian Roberts, Loretta Stalans, David Indermaur, Mike Hough *Penal Populism and Public Opinion Lessons from Five Countries*, (2003) Oxford University Press, Oxford 34.
[6] Brown, above n 2, 129.
[7] Nikolas Rose *Powers of Freedom Reframing Political Thought* Cambridge (1999) University Press, Cambridge, 257.
[8] Margaret Giles, Le, A T., Maria Allan, C. Lees., Ann-Claire Larsen, Lyn Bennett National Centre for Vocational Education Research (NCVER) *To train or not to train The role of education and training in prison to work transitions*, (2004) Australian National Training Authority, Adelaide , http://www.ncver.edu.au/publications/1532.html, 20.
[9] Ministry of Justice Policy and Legislation Division Report on *The Review of Services to Adult Women Offenders* (in Western Australia), (1997) May, 16.
[10] See Kelly Hannah-Moffat, 'Prisons that Empower Neo-liberal Governance in Canadian Women's Prisons', *British Journal of Criminology*, no 40, 2000, p 511.

In recognising the neglected needs of indigenous women and women with special requirements, a pilot program was introduced in August 2005 at Bandyup Prison, based on principles developed by the Canadian Correctional Services.[11] The approach combines a psychological and psycho-educational focus with empowerment and a strengths-restorative approach.[12] Treatment includes 'narrative processes, solution focussed approaches, cognitive behavioural approaches and systems understandings'.[13] Thus, prison work for the psychologists is booming.

**Prisons and the Community – a visitor program**

As rehabilitating women prisoners has become imperative, so too have the prison doors opened to volunteers and visitors, a move imprisoned women value.[14] The Western Australian Department of Justice allows over 3,000 volunteers who provide support for victims of crime, prisoners and juvenile detainees, and guardians for people with decision-making disabilities.[15] Volunteer and visitor programs seek to bridge the gap between offenders and 'the community'. It is this openness, however qualified, that enabled several interviewees to visit prisons, to assist prisoners in an educative or pastoral capacity.

For this paper, small group of informed, privileged Western Australian women, members of a community organisation with international

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[11] Department of Corrective Services Government of Western Australia (2005) Offender Programs Service Guide http://www.correctiveservices.wa.gov.au/_files/offenderprogram_serviceguide.pdf accessed 8th November 2006. p 9.
[12] Ibid.
[13] Ibid.
[14] Anne Worrall, Imprisoning women: Some International Reflections (1997) 2 *Sister In Law* 110.

[15] Department of Justice http://www.correctiveservices.wa.gov.au/_files/volunteers_brochure.pdf

connections, which fosters 'friendship and acquaintance and the advancement of intellectual interests of its membership'[16] were interviewed. Thus, several interviewees had visited and volunteered their services to women in prison. Most interviewees, however, had known, or knew of, at least one woman who had been to prison and others had met ex-prisoners in a professional capacity. But it was their sociability and community spiritedness that drove my decision to interview this group of women. I wanted interviewees who were informed, whose opinions count in the community, and who were not directly involved in managing prisoners.

How the interviewees reconcile two conflicting positions, the need to punish women offenders while advocating care or rehabilitation, is the basis of section two. These views were expressed in the wake of rising numbers of women prisoners, changes in female offending behaviour and understandings that many female prisoners have dependents.[17] For example, 43% of women prisoners surveyed in Western Australia reported that at the time of their incarceration, they were caring for dependents.[18]

The respondents' opinions add to the conglomerate of ideas circulating in society; thus, their views are cultural artefacts of political interest, particularly because public sentiment and engagement are playing an increasing role in criminal justice services.[19] Such volunteers and visitors talk about their encounters with inmates with family, friends and researchers, thereby contributing to the general pool of popular knowledge. No similar research explores these issues with informed outsiders. This research goes some way to filling that gap. As expected, the interviewees favoured rehabilitating

[16] http://www.probus.com.au/
[17] Emma Stanley & Stuart Byrne 'Mothers in Prison: Coping with separation from children'(2000).
[18] 'Profile of Women in Prison' (2002) June A Report by the Western Australian Department of Justice Community and Juvenile Justice Division Government of Western Australia. http://www.correctiveservices.wa.gov.au/P/profile_women_prison.aspx?uid=5250-5776-2796-6078
[19] See Brown Above n2, 101, 134.

prisoners, but with some qualifications. Thus, the interviewees' positions on rehabilitation are likely to mediate more punitive positions about women prisoners circulating among the general population.

This research does not seek to detect inaccuracies in participants' answers to questions about women prisoners. Instead, I see interviewees' opinions as products of their experiences, as statements that reflect ideas endorsed by some people in society. Consequently, it is possible to uncover various positions by identifying themes and generalities in the way research participants speak about others in knowing ways. The interview questions cover a range of issues including their experiences with women prisoners and opinions about where prisons should be located, prison life and their fear of crime. However, the interviewees' perceptions of prison life are the focus of this paper where I treat the interview material as reflections of knowing subjects, reflections likely to change over time.

Over several weeks in mid 2003, a research assistant and I interviewed thirteen women volunteers invited to participate by Dr Irene Froyland. The interviews, which lasted between 45 minutes to 2 hours, were tape-recorded and transcribed. As themes and issues were identified, interview data were positioned on a continuum of responses from A (the least punitive to M, the most punitive): the relevant letter appears at the end of each quotation or excerpt.

**Results**

The following discusses how the interviewees, with some understanding of prison life, attempt to reconcile punishing and rehabilitating women, two contradictory functions.

**Punishment and Care: the interviewees identify how prisons damage inmates**

The interviewees did not need telling that prisons house vulnerable, disadvantaged women. For them, prisoners are often victims of abuse and disadvantaged lives. But all interviewees expressed concern about the adverse effects a mother's imprisonment has on her dependent children. A child's biological mother is considered pivotal to a child's success, her absence the most damaging. No interviewee considered the possibility that a child may flourish under the care of anybody but his or her biological mother, so important do they perceive that relationship to a child's success and happiness. For example:

> … so for anybody I think prison ought to perhaps be a last resort as it comes at a very high cost to them and their families (Res A).

Fathers, however, do not fare so well:

> Their (female offenders) children are the main problem because they're usually the primary carer in society generally. I think things are pretty grim for kids if their mum's in prison. They accept that their dads are a hopeless case and out of their lives but they miss out even more without their mother (Res L).

For one interviewee, magistrates have a fine line to walk when children are involved:

> They (magistrates) have to look at how mothers are usually the main care givers in the family so if they've got young children I think that has to be taken into account to somehow not affect the whole family too much, without the women thinking 'huh they won't put me in prison I've got young kids'. So somewhere there has to be a middle ground (Res E).

For the interviewees, prisons that separate women prisoners in time and distance from their families add to children's disadvantage, disaffection and distress. Thus, they watch with interest attempts to address the separation issue by prison management:

> I suppose on a positive note I really applaud the government for sticking to its guns in terms of its decision to build a women's prison in a reasonable suburb where transport isn't an issue, and I also applaud the government for looking in more detail at facilities for women to enable them to keep small children (Res A).

The Standard Guidelines for Corrections in Australia[20] allow 'the child of a prisoner may be permitted to live with the prisoner provided:

- 'The prisoner requests it;
- It is in the best interests of the child;
- And the management, good order and security of the prison will not be threatened'.

Allowing a child in prison with his or her mother is a decision not taken lightly by prison authorities, but the issue is unproblematic for the interviewees: children should not be separated from their mothers. Western Australia's newest prison, Boronia, allows children up to four years of age to live in prison with their mothers.[21]

**The treatment of women prisoners: limit damage by softening**

Whether punishment or rehabilitation is uppermost in the minds of prison administrators, Genty[22] reminds us that prisons have two functions; first, to 'punish those they confine': prisoners are locked in cells and are watched by prison guards because 'it is the prisoner's relationship to these which defines the experience of incarceration'. Second, prisons are custodial and hence have similar responsibilities toward inmates as other residential institutions.[23] On this reckoning, preventing re-offending has little if any place on the prison rehabilitation agenda.

Most of the interviewees recognise as imperative the regimented, institutionalised life that prisons enforce, but suggest women's prison experience must entail a softening quality. For them, harshness, which they equate with punishment and coercion, is counter-productive to changing people. Incarceration is enough punishment:

[20] The Standard Guidelines for Corrections in Australia – 1996 (Australian Institute of Criminology), 24.
[21] Clay Above n 1, 3.
[22] Philip Genty, 'Confusing Punishment with Custodial Care: The troublesome legacy of *Estelle v Gamble* (1996) Winter 21 *Vermont Law Review,* 379-381.
[23] Ibid.

> Once you are taken into prison you've lost your freedom and that in itself is an incredible punishment. Um, yes there has to be regimes and there has to be parameters but you can't go back to the days where we had a ball and chain, and they had to go and break rocks (Res B).

Many interviewees set up a dichotomy between 'hard' and 'soft' treatment when discussing how prisoners should be managed. But softness or caring won out. One interviewee whose views fall at the 'punitive' end of the continuum, advocates rehabilitation not further punishment for prisoners, but recognises prison shortfalls:

> Instead of hardening them we actually need to soften them. I think women are easier to soften than men so I think rehabilitation is far more realistic. I think a lot of women actually need support and they don't get it (Res L).

But for one interviewee, whose 'talk' is the most 'punitive' or condemning of women prisoners, prison life must be modest: not too hard or too soft. For her, any hint that prisons provide 'luxuries' not available to women before their convictions must be ruled out:

> I wouldn't like to think that people get access to things that they don't have on the outside, say like television. Most people don't have that so I don't know why someone in prison should have access to that. Yeh, I guess it should be life, a modest life in prison (Res M).

But she qualified her position, adding nuances, being careful not to be seen as unnecessarily punitive towards all offenders. Punishment is needed, as is rehabilitation. The interviewee saw a place for offenders gaining skills and for awakening their empathy for their children and victims:

> I don't think they should have an easy life in prison, but maybe a hard life is too far in the other direction. I guess it depends on what they're in prison for. If people are in for crimes of opportunity or poverty then it would be good if they had some way of learning some skill or learning about how that (offence) affects the community and being away from their family so hopefully they can do something different when they come out (Res M).

The mother/child dyad and hard/soft (punishing/caring) featured prominently in the interviews. The interviewees perceived women prisoners as capable of learning, changing and contributing. The interviewee continues:

> I do believe they should earn their keep well and truly. They could certainly have some therapy and earn their keep as well. There's certainly ways they can be contributing (Res L).

For the interviewees, prisons are places of opportunity and learning as well as punishment.

In 2002, a new wing of cells was built at Bandyup prison in Perth, Western Australia to accommodate the rapidly growing numbers of incarcerated women. The single cell accommodation, with its patterned, colourful curtains and bed covers, well-equipped gymnasium, coffee shop, library and activities centre, stands in stark contrast to cells in the old compound. However, the new accommodation, which houses less than half the prison population, belies the reality of prison life. Prisoners are 'double-bunked' in the single cells, as Bandyup is full to over-flowing. The coffee shop idea was abandoned once it was leaked to the press that an expensive coffee machine would be installed. The image of prisoners making, serving and consuming cappuccinos was politically unacceptable. Patterned curtains and bed covers neither compensate for nor conceal the locks, keys and barbwire fences.

The interviewees know prisons are not homely spaces; instead, women as imprisoned for punishment.

> I can imagine it's enough punishment to go to prison, whatever some people tell you about it being a beautiful place. I think to go to prison is a lot of punishment and it should be; it should make sense, not just a hard life. It should make sense to really rehabilitate. I can't see any sense in saying it's just a hard life. It just gets awful, even worse, and most of them come out even worse (Res J).

An interviewee claimed, 'I think being imprisoned is enough punishment' (Res D).

Treatment programs for prisoners based on developing their skills assume that prisoners are rational beings capable of being empowered, of taking responsibility for their actions once they are reformed. Such 'self-governing'[24] processes lay blame for criminal behaviour and personal inadequacies with the offender. On release, an offender, armed with new skills, should turn her life around. However, once a prisoner has served her time and returns to the social and economic environment she left behind, her new skills, particularly self-assertive skills may not be fostered, valued by others, or retained.

The interviewees have adopted the language of prison reform that exudes 'sensibility, refined feeling and humanitarianism',[25] and it is a two-way process. As ideas about 'softening' prisoners circulate, so too does the prison administration 'tend to moderate and compromise its punitiveness'.[26] These subtle processes are multi-factorial, not simple cause and effect processes, which work in generalised ways to change attitudes and behaviour inside and outside prison.

**The way forward: primacy given to care not punishment**

The interviewees did not question offenders' capacity to change while in prison. They assumed that with appropriate intervention, women prisoners will become conforming citizens on release. As Lianos[27] suggests, we all expect ourselves and others to assimilate 'into the dominant model of behaviour' and want to do so. Further, Garland[28] points out the 'offenders

[24] Mitchell Dean Governmentality Power and Rule in Modern Society, (1999) Sage Publications Ltd., London.
[25] David Garland, *Punishment and Modern Society A Study in Social Theory*, (1990) Clarendon Press, Oxford, 198.
[26] Ibid 192.
[27] Michalis Lianos, with Mary Douglas 'Dangerization and the End of Deviance The Institutional Environment', (2000) 40 *British Journal Criminology*, 261-278, 268.
[28] David Garland, The Culture of Control Crime and Social Order in Contemporary Society, (2001) Oxford University Press, Oxford, 198.

must be deemed to be free, to be rational, to be exercising choice, because that is how we must conceive of ourselves'. For the interviewees, education is the key to turning offenders' lives around. Individualised programs that work on the mind and develop new skills are seen as the pathway to a law-abiding life style. The interviewees characterised prisoners as 'normal, rational consumers, just like us',[29] capable consumers of self-improvement programs. Great value is placed on prisoners being active, learning new skills, building self-esteem, and preparing for release. An interviewee explains:

> I come back to change and education. Education is the prime to my way of thinking. Education is the prime way of changing rather than punishing. Punishment for women would be deprivation of liberty, but that's not going to solve anything. You can take something away, and you can take the privacy away and perhaps that's a guideline to how they say 'this is what's going to happen to you if you continue to do what you're doing'. But education is the only way we are going to change the minds of perpetual recidivists (Res B).

Punishment's function is deterrence; thus, imprisonment will not change prisoners, according to this interviewee, but education and psycho-therapy will do so:

> When you say education it has to be wide ranging and it has to be about developing self confidence and self awareness and self esteem and all those things which are hard to do. It's not easy. There has to be a focus on those finding out about themselves, what's valued about themselves, because for most of them what's valued is their criminal activity (Res H).

Giles etal[30] suggest policy-makers must consider when developing prison programs responses to such questions as: 'What can be done for ex-offenders struggling to build meaningful lives in the community?' A similar concern for released prisoners was reflected in the interviews:

> I suppose firstly a deterrent to other would be criminals and also equally I could hope to rehabilitate that person so that they can become a worth-while citizen...I would hope that prison wasn't much a punishment as a rehabilitation place. That to me is important. If society decrees that we can no longer put people to death or whatever, well we've got to then try and

[29] Ibid 137.
[30] Giles etal., above n 8, 9.

> make them so they're worth-while members of society...if every person was kept occupied all day either on training or work that would be ideal (Res D).

This interviewee requires a balance between punishment and rehabilitation or caring. She recognises the tensions between these two positions, but sees prisons as a place for social engineering:

> Yes, I guess it depends on what the crime is, and then how they might get better skills, for example, budgeting, bringing a family up on government benefits, those sort of life skills as well as short courses maybe on something that might lead to a job even working a cash register or something and I guess craft type things, hobbies, gardening might be useful yea, that sort of thing (horticulture) would be good because it would give an appreciation of being outside and growing things as well as doing something useful, possibly it could lead to getting a job (Res M).

**Prisons damage**

The interviewees saw prisoners as victims of life's circumstances that are often too over-powering even for a prisoner who is 'intelligent and vibrant'.

> I've seen women in prison. There's one in particular; she's an intelligent, vibrant, great prisoner and she said "I'm not coming back'. I know she will because she hasn't been able to set any other networks in place. She's been in institutions since she was 14 (Res B).

Without 'community' support of the right type upon release from prison, all is lost. The interviewees distinguish between prison life and life following release. This position reflects a despondent attitude that any qualities or skills an inmate exhibits while in prison may not be transferable to life outside without support structures in place:

> There are some who don't want to leave because they are well looked after; they know that when they get home they could be belted up. They have to go face people again; they have to go look after all the things that probably put them in that position in the first place (Res D).

For mentally ill inmates, problems are magnified:

> I feel very sad about the fact that they (mentally ill) are being treated equal with the other prisoners and that's the type of woman I feel should not be there. But, yes, I suppose if they commit a serious crime the

> sentence should fit the crime however sad. They have to be in prison, but I think as a last resort because of the family (Res G).

Many interviewees struggled articulating a coherent position on caring for prisoners who need care, their desire to see offenders punished and to find solutions to complex social and health problems suffered by disadvantaged, ill offenders who commit serious and violent offences:

> Generally I think crime is related to socio-economic group. If we can do something to stop people being really desperate however they get to that state then I think that would help….I think there's some room for some innovative thinking there, by taking the desperation out of it so people don't feel that they have to do something, anything to get their next fix regardless of the consequences (Res M).

> Punished people will punish other people (Res J).

Further, ideas about alternatives to imprisonment surfaced:

> Anything that really isn't going to be physically harming to another person in any way, they really should be maintained in their home and on a strict program of counselling and working which might be something that they've never actually been able to access up 'til now (Res L).

In what appears to be an attempt to rehabilitate prisoner effectively, one prison administrator in Norway has instituted a social contract system whereby an offender contracts to enter a rehabilitation program following her release from prison.[31] That way, rehabilitation is separate from punishment.

**Concluding comments about the interviews**

For the interviewees, imprisonment is enough punishment. Government reports also rarely if ever refer to punishing female offenders in addition to their incarceration, although the reality of prison life is punitive. However, prison practices and management strategies do not operate in a vacuum; instead, they attempt to take account of current sensibilities and political positions of community members. How people outside prisons view the treatment of prisoners reflects 'acceptable' opinions captured during the interviews that advocate education, attention to needs and care to soften

[31] Worrall , above n 14, 100.

individuals. This research confirms that the prevailing ideas about rehabilitating women prisoners rely on people's capacity to change for the better, providing opportunities are available. Changes occur with healing, not further punishment; thus, the will to punish is subdued, relegated to the backburner while concerns predominate about the damaging effects of prison on women prisoners and their children. For as long as rehabilitation is considered possible, abolishing prisons is not on people's prison reform agenda, but alternatives for minor crimes are being discussed: '…for petty crimes there has to be something else' (Res E).

**Prisons are failing**

There is nothing wrong with the position that advocates channelling prisoners' unproductive energy into rehabilitation programs. We are told prisoners appreciate opportunities and care. No doubt, people outside prisons are comforted knowing everything is being done to transform prisoners into productive, law-abiding citizens. But attempts to provide appropriate services for prisoners often fail. One reason, Garland[32] suggests, is prison authorities and policies are informed by humanitarian and other principles made possible by cultural forces that enable often 'refined, privileged people of the upper and middling classes' 'to think and feel in these ways'. An individualistic, 'criminology of the self'[33] approach to prisoner reform is heavily imbued with middle-class values. Thus, the reform agenda has received its share of criticism for its individualism and essentialism deemed inappropriate for women from diverse cultural groups and whose prevailing ethos is community oriented.

**The reality of Prison Life**

Specifically, prison populations are managed, regulated or 'normalised', as Foucault[34] points out, by the rigours of prison life: the timetabled routines,

[32] Garland, above n 25, 198.
[33] Garland, above n 28, 137.
[34] Michel Foucault *Discipline and Punish* (1977) Harmondsworth, Penguin.

hierarchical observations and examinations that are a part of power relations and disciplinary mechanisms. Prison regimes, however, often reinforce dependency rather than self-regulating, normative behaviour. An ex-prisoner explains:

> From a situation of imposed infantile dependence, rules and regulations covering every aspect of your life; what time you get up, how to make your bed, what time you eat breakfast, what time you're allowed out to exercise, being locked in your cell - a person is then let out and expected to cope immediately.[35]

Further, the case management system that advocates appropriate programs for a diverse range of recipients aligns with the interviewees' views. But what constitutes appropriate programs is a question not easily answered. On the one hand, Bandyup has a tennis court that lies idle, abandoned, having never been used. On the other hand, the Attorney General, who feared a public outcry, removed Bandyup's cappuccino machine installed to teach prisoners marketable skills. One interviewee explains:

> I find it disappointing the decision to remove the cappuccino machine given that my understanding was that that was at least in part to provide work experience for waitressing and working in cafes that is a much more common option for women than it would be for young men I think. I was also disappointed to read in yesterday's paper that they have stopped women in Nyandi from having golfing lessons. Both of these decisions to me are quite counter productive (Res A).

Allocating resources to prisons is a political act of fine juggling, balancing public perceptions of prisons as holiday havens, while providing a safe, healing environment for a volatile population. But an interviewee recognises that top down attempts to change the situation for prisoners are unlikely to succeed:

> There are great opportunities for them to better themselves; however, I think you need to find out what constitutes the thought of bettering one's self from their point of view. We could have a point of view saying oh

[35] Anonymous woman 1988 cited by Susanne Davies & Sandy Cook 'Dying Outside: Women, Imprisonment and Post-Release Mortality' (2000) 2.

> look this is a wonderful opportunity if we were in there, but we've got to think differently as to what other women want from their time in incarceration. Most of them, a lot of them are in there because they're safe (Res B).

Whether the interviewee is correct about women prisoners feeling safe in prison is debatable. Her suggestion about asking prisoners what they want indicates some understanding of the need to grant agency to prisoners if rehabilitation is a serious option. We know that marginal people are rarely asked about what they want, despite longstanding calls to do so. However, a prisoner's request for services is likely to be dismissed when it is not cognitive psychology programs, anger management sessions, academic achievement they want, but their children or home or partner or money or drugs above all else.

Thus, women offenders' first priority is satisfying 'requirements for early parole, conjugal visits and child access'.[36] Prisoners also may lack genuine willingness to gain new knowledge and skills to improve their chances of securing work following their release. Many prisoners who are mentally ill, drug affected, under-educated, unskilled and previously unemployed are often unable to take advantage of services offered. Women who do develop new skills may be 'inappropriately' trained, with self-assertion skills for example, for the environment to which they will return. Thus, prison programs may compound problems for them. Further, as Garland notes, prisoners could also be characterised as 'the other', 'the threatening outcast, the fearsome stranger, the excluded and the embittered'.[37] Such problems call into question the possibility of any rehabilitative program having lasting positive effects if reducing recidivism is a part of penal policy. Thus, as with all programs, difficulties and failures in providing relevant services arise at

[36] Giles etal., above n 8, 35.
[37] Garland, above n 28, 137.

every turn, despite the best efforts of prison management to keep prisoners busy[38] and fulfil democratic requirements to do the best they can.

**Prisons are brutal places**

Not only are services often inadequate and inappropriate, Lumby is right to suggest that prisons are places 'beyond community'[39] if community means a supportive, cohesive social environment where individuals seek refuge, find solace and grow. In fact, social dysfunction is magnified in prisons. While some prisoners may find comfort in their 'prison families' formed among the 'gate-gays' or those who share the care of infants,[40] for others, prisons are brutal places. Accompanying intense emotional, sexual relationships are predatory, self-harming, bullying, and violent behaviours that pose a serious challenge for prison administrators. Recently, two prisoners wielding a piece of wood attacked an administrator at Bandyup; the perpetrators were charged by police with Unlawful Wounding and Threatening to Kill.[41] Thus, women prisoners are bullies or bullied cohabitating in heavily regulated, volatile[42] environments among murderers, thieves, drug addicts, the abused and those with mental health problems. Trading sex for drugs is possible amid worrying about children and partners, and feeling angry, frustrated and guilty while coping with aggressive prison officers.

But factors before women's incarceration, the social, economic and health problems that contribute to or underlay their criminal behaviour, are not addressed but are often made worse by incarceration. Having a criminal record, a poor employment history and being indigent and homeless, set up ex-prisoners for a life of crime. Further, the costs to the community of crime

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[38] Giles et al, above n 8, 6.
[39] Catharine Lumby, Televising the Invisible: Prisoners, Prison Reform and the Media in David Brown & Meredith Wilkie (eds) *Prisoners As Citizens Human Rights in Australian Prisons*, The Federation Press, Sydney, 2002.
[40] Lyn Bennett. 'Managing Sexual Relations in a Female Prison' (2000).
[41] Ibid.
[42] Debbie Kilroy, (as told to Michelle Hamer) 'How it feels ….to go to prison', (2005) December 17, Weekend Extra, The West Australian newspaper, 2.

and incarceration are huge; thus, as Giles et al conclude, it is 'incumbent on the community and its leadership to find the ways and means to improve the opportunities for all citizens to live productive lives'.[43] However, the long-term, systemic damage suffered by many individuals who face the criminal justice system is outside penal policy and cannot be addressed by self-development programs.

Prison programs are partial, inadequate responses to serious social problems, where, for example, prisoners are treated for drug abuse while other factors impinging on their lives are not addressed. Such omissions can prove disastrous. Davies and Cook[44] identified 63 women who died 'between 1990 and 1995 shortly after leaving Victorian prisons'; 45 of those deaths resulted from 'drug related causes'. Such statistics raise questions about how prison exacerbates problems for offenders and how 'needs' based programs are ineffective for many offenders with complex psychological, sociological and medical problems that persist long after they leave prison.

**Concluding comments**

Prisoners are encouraged to cooperate, to be educated and empowered, and to become responsible as they prepare for release. They are seen as capable consumers, just like any one of us. But relying on cognitive development programs to reduce imprisonment rates for women is the antithesis to the reality of their daily lives and pains in prison. Prisons, despite any appearances, are punitive places. The rehabilitation approach, though, is convenient and comforting to some prisoners, managers and outsiders, unlike more radical and arguably more realistic positions: to begin rehabilitation once prisoners are released, or abolish prisons for all but a handful of female offenders who are a danger to others. Nevertheless, while community-based group members are promulgating ideas of care for prisoners, their views

[43] Giles et al, above n 8, 36.
[44] Susanne Davies & Sandy Cook 'Dying Outside: Women, Imprisonment and Post-Release Mortality' (2000) 3 & 4.

dilute more punitive responses both within prisons and outside. Prison programs are unlikely to be lastingly therapeutic or healing, but views about their necessity contribute in intricate and unclear ways to mediating views of imprisoned women. Thus, any vitriol is soothed and the promise that rehabilitation holds for many people inside and outside prisons, keeps prisons in place.

**References**

Bennett, Lyn, *Managing Sexual Relationship in a Female Prison*, (2000) Paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology in conjunction with the Department for Correctional Services SA and held in Adelaide, 31 October-1 November 2000.

Brown, David, & Meridith Wilkie (eds) *Prisoners As Citizens Human Rights in Australian Prisons,* (2002) The Federation Press, Annadale.

Chappell, Duncan, and Paul Wilson (eds) *Issues in Australian Crime and Criminal Justice*, (2005) LexisNexis Butterworths, Chatswood, 101-138.

Clay, Cheryl, Women in prison Government of Western Australia publication, no date, www.correctiveservices.wa.gov.au/A/adultoffenderbrochures.aspx?uid=1827-0590-3642-6231

Dean, Mitchell, *Governmentality Power and Rule in Modern Society*, (1999) Sage Publications Ltd., London.

Davies, Susanne, & Sandy Cook 'Dying Outside: Women, Imprisonment and Post-Release Mortality' (2000) Paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology in conjunction with the Department for Correctional Services, South Australia, Adelaide, 31 October-1 November, 2000.

Department of Justice
http://www.correctiveservices.wa.gov.au/_files/volunteers_brochure.pdf

Department of Corrective Services Government of Western Australia (2005) Offender Programs Service Guide
http://www.correctiveservices.wa.gov.au/_files/offenderprogram_serviceguide.pdf

Foucault, Michel, *Discipline and Punish* (1977) Harmondsworth, Penguin.

Garland, David, *The Culture of Control Crime and Social Order in Contemporary Society*, (2001) Oxford University Press, Oxford.

Garland, David, *Punishment and Modern Society A Study in Social Theory*, (1990) Clarendon Press, Oxford.

Genty, Philip, 'Confusing Punishment with Custodial Care: The troublesome legacy of *Estelle v Gamble* (1996) 21 *Vermont Law Review Winter*, 379-381.

Giles, Margaret, Le, A T., Maria Allan, C. Lees., Ann-Claire Larsen, Lyn Bennett National Centre for Vocational Education Research (NCVER) *To train or not to train The role of education and training in prison to work transitions*, (2004) Australian National Training Authority, Adelaide, http://www.ncver.edu.au/publications/1532.html

Kilroy, Debbie, (as told to Michelle Hamer) 'How it feels ….to go to prison', Weekend Extra, (2005) December 17, The West Australian newspaper, 2.

Hannah-Moffat, Kelly, 'Prisons that Empower Neo-liberal Governance in Canadian Women's Prisons' (2000) 40 *British Journal of Criminology*, 510-531.

Lianos, Michalis, with Mary Douglas 'Dangerization and the End of Deviance The Institutional Environment', (2000) 40 *British Journal Criminology*, 261-278.

Lumby, Catharine, Televising the Invisible: Prisoners, Prison Reform and the Media in David Brown & Meredith Wilkie (eds) (2002) *Prisoners As Citizens Human Rights in Australian Prisons*, The Federation Press, Sydney.

Ministry of Justice Policy and Legislation Division Report on the Review of Services to Adult Women Offenders (in Western Australia), (1997) May.

Government of Western Australia, 'Profile of Women in Prison'(2002) June A Report by the Western Australian Department of Justice Community and Juvenile Justice Division, http://www.correctiveservices.wa.gov.au/P/profile_women_prison.aspx?uid=5250-5776-2796-6078

Roberts, Julian, Loretta Stalans, David Indermaur, Mike Hough *Penal Populism and Public Opinion Lessons from Five Countries*, (2003) Oxford University Press, Oxford.

Rose, Nikolas, *Powers of Freedom Reframing Political Thought* (1999) Cambridge University Press, Cambridge.

The Standard Guidelines for Corrections in Australia – 1996 (Australian Institute of Criminology).

Stanley, Emma & Stuart Byrne 'Mothers in Prison: Coping with separation from children' (2000) Unpublished paper presented at the Women in Corrections: Staff and Clients Conference. Convened by the Australian Institute of Criminology in conjunction with the Department of Corrective Services South Australia and held in Adelaide 31 October – 1 November 2000.

Department of Justice Government of Western Australia http://www.correctiveservices.wa.gov.au/_files/volunteers_brochure.pdf

Worrall, Anne. 'Imprisoning women: Some International Reflections' (1997) 2 *Sister In Law* 91-118.