

# A PRISON'S SOCIAL CLIMATE, AND ITS IMPACT ON REINTEGRATION AND RECIDIVISM

PETER HALL\* AND MARK DAVID CHONG\*\*

## ABSTRACT

Successfully reintegrating prison inmates into society and preventing reoffending requires a much larger toolbox to allow correctional administrators to go beyond mere deterrence in order to achieve those aims of reintegration and recidivism reduction. While rehabilitative and reformative initiatives that target specific criminogenic factors are important, this paper will however, focus on measures that have primarily impacted upon the prevailing 'social climate' of the prison, that is, 'the social, emotional, organizational and physical characteristics of a correctional institution as perceived by inmates and staff'. The ensuing analysis in this paper will show that the 'social climate' of a correctional institution actually mediates between the offender and the rehabilitative or therapeutic measure. In other words, the social or institutional climate can potentially facilitate the successful rehabilitation of the inmate or it can hinder their progress. To that end, the Townsville Correctional Complex's 'social climate' programs that have been developed and/or delivered with key stakeholders will be examined, and through that analysis, will reveal insights regarding what needs to be done in the penal system so that rehabilitative or therapeutic initiatives can be more effectively implemented.

## I INTRODUCTION

Making a real difference in a problematic situation requires the delivery of solutions that are designed specifically to meet local needs and, through that approach, improved outcomes can be more readily achieved. For example, in the context of penological endeavours, the Townsville Correctional Complex has designed and/or delivered a range of offender interventions that have not only rigorously taken into account the particular prisoner cohort characteristics, risks, needs, and responsivities,<sup>1</sup> they have also actively leveraged on stakeholder resources (i.e. programs delivered and/or co-delivered by relevant non-governmental organisations), to improve the prospect of successful reintegration and recidivism reduction post-release. This more comprehensive and leveraged approach aims at prisons that are not simply tools of retribution or deterrence. In fact, successfully reintegrating prison inmates into society and preventing them from reoffending requires a much larger toolbox to allow correctional administrators to go beyond mere deterrence to achieve those reintegration and recidivism reduction aims.

While rehabilitative and reformative initiatives that target specific criminogenic factors are certainly important, this paper will focus on measures that have primarily impacted upon the prevailing 'social climate' of the prison, that is, 'the social, emotional, organizational and physical characteristics of a correctional institution as perceived by inmates and staff'<sup>2</sup> This prison social climate is a very important issue and, as the ensuing analysis will show, the 'social, emotional, organizational and physical characteristics' of a correctional institution actually mediate between the offender and the rehabilitative or therapeutic measure. In other words, the social or institutional climate can potentially facilitate the successful rehabilitation of the inmate

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\* General Manager, Townsville Correctional Complex, Queensland Corrective Services.

\*\* Senior Lecturer in Criminology & Criminal Justice Studies, College of Arts, Society & Education, James Cook University.

<sup>1</sup> D A Andrews et al, 'Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis', (1990) 28(3) *Criminology* 374-277.

<sup>2</sup> Michael W Ross, Pamela M Diamond, Alison Liebling & William G Saylor, 'Measurement of Prison Social Climate', (2008) 10(4) *Punishment and Society* 447.

— or it can hinder their progress.<sup>3</sup> How Townsville, through such local initiatives, improves the prospect of successful reintegration and recidivism reduction will be examined and, where relevant, partner organisations involved in the delivery of these programs or services will be included in the analysis. Perhaps more importantly, this paper will also uncover and highlight what needs to be done in the penal system so programs that go beyond mere deterrence can be delivered more effectively. This paper will conclude by examining some of the challenges or impediments that correctional administrators will face in this regard.

## II THE ROLE OF CORRECTIVE SERVICES

The dominant aim or use of prisons appears to have changed over time and, according to certain political viewpoints, prisons in the post-modern age are no longer places of punishment, i.e. used for the purposes of deterrence and/or retribution.<sup>4</sup> But, are those the only aims that a prison sentence is supposed to achieve? According to s 9 of the *Penalties and Sentences Act 1992* (Qld), ‘the only purposes for which sentences may be imposed on an offender are: ‘retribution or just deserts; rehabilitation; deterrence, whether specific or general; denunciation; and incapacitation or community safety’. In theory and in practice, the imposition of a prison sentence can achieve any one or more of these purposes. However, as highlighted earlier, the dominant aim or use of prisons by the state, as a form of retribution, deterrence or rehabilitation, has changed over time and place.<sup>5</sup> And this change in its primary purpose is also mirrored in changes to the physical environment and the type of social climate engendered in these prisons.

For example, many prisons in western liberal democracies, including Australia and New Zealand, have, through necessity and circumstance, become less austere, authoritative and punitive establishments, adopting instead more humane and decent environments.<sup>6</sup> This change arguably reflects a change in the primary way in which the state employs prisons when addressing the criminality of its citizens. Thus, where prisons are principally used as a tool of deterrence, retribution and/or denunciation, they will tend to be more austere, authoritative and punitive. In contrast, when the state prefers rehabilitative or therapeutic goals, then invariably prisons become more humane, in terms of the physical structures and the amenities provided, both of which influence the type of social climate promoted by senior management.<sup>7</sup>

That said, a linear historical progression from harsh to humane prisons should not be assumed and, as seen in many comparative penological studies, alternating harsh-humane approaches have been adopted by numerous countries at different periods of their history.<sup>8</sup> England’s horrific prisons and gaols in the eighteenth century, by way of illustration, experienced considerable reform through the efforts of, among others, the great penal reformer and humanitarian, John Howard (1726-1790), that ultimately led to the passing of the *Penitentiary Act 1779* (Imp). Nevertheless, appalling conditions returned once again, especially during the tenure of Sir Edmund du Cane (1830-1903), who became the chairman of the board of directors of convict prisons in England and Wales during the nineteenth century.<sup>9</sup> This proverbial ‘swinging of the pendulum’ would be seen time and time again across a range of western liberal

<sup>3</sup> Andrew Day, Sharon Casey, James Vess & Gina Huisy (2011). Assessing the social climate of Australian prisons. Trends & issues in crime and criminal justice No. 427. Canberra: Australian Institute of Criminology. <<https://aic.gov.au/publications/tandi/tandi427>>.

<sup>4</sup> Christopher Hope, ‘Prisons no longer place for punishment, ministers say’, *The Telegraph* (online), 13 April 2017 <<https://www.telegraph.co.uk/news/2017/04/13/prisons-no-longer-place-punishment-ministers-say/>>.

<sup>5</sup> *Ibid.*

<sup>6</sup> Lauren-Brooke Eisen, ‘Down Under, More Humane Private Prisons’, *The New York Times* (online) 14 November 2018 <<https://www.nytimes.com/2018/11/14/opinion/private-prisons-australia-new-zealand.html>>.

<sup>7</sup> *Ibid.*

<sup>8</sup> Terance D. Miethe & Hong Lu, *Punishment: A comparative historical perspective* (Cambridge University Press, 2005).

<sup>9</sup> David Scott, *Penology* (Sage Publications, 2008) 69.

jurisdictions.<sup>10</sup> Who can forget the heyday of the 1960s and 1970s when the rehabilitate zeal within prisons and community corrections reached its zenith, only to see it being replaced by the rallying cry of 'Nothing Works'?<sup>11</sup> This heralded the therapeutic nihilism that resulted in a proliferation of incarcerative institutions built primarily to incapacitate and warehouse to protect the community from these apparently 'irredeemable' or 'unteachable' offenders i.e. 'get tough on crime' penal policies.<sup>12</sup>

This issue concerning the 'swinging of the pendulum' between harsh and humane penological approaches is, of course, extremely complex, and a comprehensive analysis of this matter cannot be done in any great depth in this paper. It is, however, still important that the above issue be borne in mind, particularly when members of the public call for prisons to be a more effective deterrent through the imposition of tougher prison regimes.<sup>13</sup> While such a move will certainly satisfy the aims of denunciation and perhaps even of retribution and just deserts (so long as these punishments are proportional to the seriousness of the crimes committed), it should be noted that there exists a corpus of evidence contrary to the position that harsher, higher security prisons are more effective in reducing recidivism because of its deterrent quality.<sup>14</sup> Studies conducted by Ritchie,<sup>15</sup> and Sarre,<sup>16</sup> and White and Perrone<sup>17</sup> argued that prisons do not work if their primary aim is to deter incarcerated offenders from reoffending. To that end, they likened prisons, when used as a tool of deterrence, to a 'conveyor belt' or a 'revolving door'.<sup>18</sup>

It has often been argued by the more conservative segments of society that less punitive prison environments will correspondingly reduce the deterrent quality of punishment and, if this is so, the expected outcome should be an increase in recidivism.<sup>19</sup> But is this assertion empirically supported? The relevant data from the Halden and Bastøy prisons in Norway suggests otherwise.<sup>20</sup> There, the recidivism rate typically hovers around the 16% to 20% mark, making Norway a country with one of the lowest reoffending rates in the world.<sup>21</sup> In contrast, during the 2014-15 period, 44.8% of prisoners released from Australian prisons were re-incarcerated within two years.<sup>22</sup>

Deady explained that the Norwegian penological approach eschews the traditional repressive prison model in favour of one that treats inmates in a humane way because, according to their

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<sup>10</sup> D A Andrews and J Bonta, 'Rehabilitating criminal justice policy and practice' (2010) 16 *Psychology, Public Policy and Law* 39–55.

<sup>11</sup> Robert Martinson, 'What works?' Questions and answers about prison reform' (1974) *Public Interest*, 35, 22-54.

<sup>12</sup> Etienne Benson, 'Rehabilitate or Punish' (2011) 34 *Monitor on Psychology* 7, 46.

<sup>13</sup> David Barrett, 'Prisons must be tougher, says survey', *The Telegraph* (online), 2 April 2011 <<https://www.telegraph.co.uk/news/uknews/law-and-order/8423453/Prisons-must-be-tougher-says-survey.html>>.

<sup>14</sup> M K Chen and J M Shapiro, 'Do harsher prison conditions reduce recidivism? A discontinuity-based approach' (2007) 9 *American Law and Economics Review* 1, 1–29.

<sup>15</sup> Donald Ritchie, 'Does imprisonment deter? A review of the evidence' (2011) *Sentencing Advisory Council* Melbourne, Victoria <<https://www.sentencingcouncil.vic.gov.au/publications/does-imprisonment-deter>>.

<sup>16</sup> Rick Sarre, 'We get the crime we deserve: Exploring the political disconnect in crime policy' (2011)

18 *James Cook University Law Review* 144, 144-161.

<sup>17</sup> Rob White and Santina Perrone, *Crime, criminality and criminal justice* (Oxford University Press, 2<sup>nd</sup> ed, 2018) 540.

<sup>18</sup> *Ibid.*

<sup>19</sup> Hope, above n 4.

<sup>20</sup> Christina Sterbenz, 'Why Norway's prison system is so successful', *Business Insider* (online), 12 December 2013 <<https://www.businessinsider.com.au/why-norways-prison-system-is-so-successful-2014-12>>; Erwin James, 'Bastøy: The Norwegian prison that works', *The Guardian* (online), 4 September 2013 <<https://www.theguardian.com/society/2013/sep/04/bastoy-norwegian-prison-works>>.

<sup>21</sup> *Ibid.*

<sup>22</sup> Australian Government Productivity Commission (2018), Report on Government Services 2018. <<https://www.pc.gov.au/research/ongoing/report-on-government-services/2018/justice#attachables>>.

policy makers, this increases the likelihood of successful pro-social reintegration post-release.<sup>23</sup> These attempts to achieve such positive reintegrative outcomes are further scaffolded by the provision within the community of a range of post-release safety net services, including ‘housing, employment, education, as well as health care and addiction treatment, if needed’.<sup>24</sup> There, the physical environment and social climate within the prisons are guided by a ‘principle of normality’, which according to Deady means ‘that with the exception of freedom of movement, prisoners retain all other rights, and life in the prison should resemble life on the outside to the greatest extent possible.’ In fact, one of the architects of Halden, a maximum-security prison in Norway, explained how, in order to ‘create a sense of family’ among the inmates, ‘flat-screen televisions and mini-fridges, long windows to let in more sunlight, and shared living rooms and kitchens’ were included or built into the design of this incarcerative institution.<sup>25</sup>

But why is the physical environment so important in this regard? As Jewkes explained, ‘prison architecture is inscribed with meaning ... [and that one can] infer from a prison’s facade and internal organisation what the particular philosophical stance on punishment was at the time it was commissioned, designed and constructed.’<sup>26</sup> More importantly, such prison design, whether benign or beastly, can potentially impact upon the attitudes and subsequent behaviours of both the correctional staff and the inmates. For example, Jewkes argued that ‘... conventional penal aesthetics such as cage-like interiors, bolted-to-the-floor furniture and vandal-resistant surfaces overtly communicate to prisoners that ‘*you are animals*’ [emphasis added] and ‘*you are potential vandals*’ [emphasis added], respectively’.<sup>27</sup> Consequently:

... ‘hard architecture’ (bars on windows, concrete walls, hard-surface floors, drab colours, indestructible and uncomfortable furniture) not only destroys the prisoners’ ... self-esteem and influences the ways in which staff think of and behave towards the people in their custody and care but may also determine certain types of identity and behaviour.<sup>28</sup>

While the physical environment certainly appears to be important, Norwegian prisons are also very much involved in creating a positive social climate for their correctional staff and inmates, as evidenced by the need to ‘create a sense of family’ — an objective explicitly mentioned by one of the principal architects of the Halden prison.<sup>29</sup> It is therefore important to acknowledge that the type of social climate or institutional environment fostered by senior management can significantly impact upon the attitudes and behaviours of staff and inmates alike. The social climate of a prison refers to ‘the social, emotional, organizational and physical characteristics of a correctional institution as perceived by inmates and staff’.<sup>30</sup> More particularly, it is:

‘... a relatively enduring quality of an organization’s internal environments distinguishing it from other organizations; (a) which results from the behaviour and policies of members of the organization, especially management; (b) which is perceived by members of the organization; (c) which serves as a basis for interpreting the situation; and (d) acts as a source of pressure for directing activity.’<sup>31</sup>

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<sup>23</sup> Carolyn W Deady, ‘Incarceration and Recidivism: Lessons from Abroad’ (March 2014) *Pell Center for International Relations and Public Policy* <[https://salve.edu/sites/default/files/filesfield/documents/Incarceration\\_and\\_Recidivism.pdf](https://salve.edu/sites/default/files/filesfield/documents/Incarceration_and_Recidivism.pdf)> 3.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Yvonne Jewkes. ‘Just design: Healthy prisons and the architecture of hope’ (2018) 51(3) *Australian & New Zealand Journal of Criminology* 319, 321.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Deady, above n 23, 3

<sup>30</sup> Michael W Ross, Pamela M Diamond, Alison Liebling & William G Saylor, ‘Measurement of Prison Social Climate’, (2008) 10(4) *Punishment and Society* 447.

<sup>31</sup> R D Pritchard and B W Karasick, ‘The effects of organizational climate on managerial job performance and job satisfaction’ (1973) 9(1) *Organizational Behavior and Human Performance* 126, 127.

To that end, Griffin discovered that social climate variables such as: (i) perceived authority to exercise control over the inmates; (ii) fear of victimisation by the inmates; and (iii) the quality of supervision between the correctional officer and his/her supervisor had a great deal of influence over the correctional officers' readiness to use force against the inmates.<sup>32</sup> Furthermore, Day, Casey, Vess and Huisy found that the more positive the social climate — particularly in relation to factors like: (i) the inmates' social cohesion and mutual support (this refers to the inmates caring for each other); (ii) hold and support (this refers to the staff taking a personal interest in the development of the inmates); and (iii) experienced safety (whether there were any really aggressive inmates in their unit) — the more ready these inmates were to engage in offender rehabilitative programs.<sup>33</sup> In fact, it was similarly discovered that a 'more positive social climate was associated with higher levels of staff morale and lower levels of stress in the working environment'.<sup>34</sup> It is highly conceivable that, if correctional staff have higher levels of morale and lower levels of stress, this will naturally be reflected in the quality of their work, and in particular, the delivery of rehabilitative treatments or services.

This paper is not suggesting that the Norwegian model should be adopted in the Townsville Correctional Complex, whether in part or in whole, particularly when it may potentially compromise the need for secure containment. That said, it does still raise the question as to why 'successful reintegration' should be such a dominant aim of the penological enterprise in Norway. The answer could boil down to this: according to Rule 4 of the 2015 *Revised United Nations Standard Minimum Rules for the Treatment of Prisoners* (the 'Nelson Mandela Rules'):

The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the *reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life* [emphasis added].<sup>35</sup>

But what does Rule 4 really mean in practice? How should time be spent in prison to maximise the likelihood of reintegration? According to the United Nations Office on Drugs and Crime:

In its basic principles, these [Nelson Mandela] rules very clearly establish that the provision of *rehabilitation programmes in prisons, which foster the willingness and ability of prisoners to lead a law-abiding and self-supporting life upon release* [emphasis added], are crucial to reduce recidivism and to improve public safety — the ultimate objective of any sentence of imprisonment.<sup>36</sup>

It is consequently arguable that prisons should strive to improve their capacity to successfully implement rehabilitation programs by engendering a positive social climate within the prison and to put in place penal architectural designs that aesthetically foster hope in both their correctional staff members and their inmates. Thus, rehabilitation programs like educational initiatives, can be more effectively implemented in such a penal environment to 'minimize the negative impact of incarceration, and improve prospects of reintegration, self-esteem and morale'.<sup>37</sup>

At this juncture, it is worthwhile considering other important contextual factors.

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<sup>32</sup> Marie L Griffin, 'The influence of organizational climate on detention officers' readiness to use force in a county jail' (1999) 24 *Criminal Justice Review* 1, 21-2.

<sup>33</sup> Day et al, above n 3, 3 and 5.

<sup>34</sup> *Ibid* 4.

<sup>35</sup> *Revised United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN GAOR, 70<sup>th</sup> sess, UN Doc A/Res/70/175 (17 December 2015).

<sup>36</sup> Rob Allen, *Roadmap for the Development of Prison-based Rehabilitation Programmes* (2017, Vienna: United Nations Office on Drugs and Crime) <[https://www.unodc.org/documents/justice-and-prison-reform/17-05452\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/17-05452_ebook.pdf)> 1-2.

<sup>37</sup> *Ibid* 2.

Governments across the world have generally implemented greater levels of financial control and have reduced investment in prisons. This has resulted in fewer prison resources which may have led to an increase in prison incidents including violence, self-harm and suicide.<sup>38</sup> This potentially represents a significant challenge to correctional administration and the achievement of sentencing goals, with prison budgets being reduced, or at a minimum, being more tightly controlled by government, all occurring in the face of growing prisoner numbers. For example, Sarre noted that:

[i]n 1998 there were just over 18,000 adult inmates in Australian prisons. By 30 June 2008 there were some 27,600 prisoners, or a 50 per cent growth over that period. This rate of growth is around *four times* [emphasis added] that of the Australian adult population generally.<sup>39</sup>

Sarre further observed that the then imprisonment rate of 169 per 100,000 population in Australia well exceeded the rates found across Northern and Western Europe, Canada, England and Wales, as well as New Zealand.<sup>40</sup> It should be noted that current figures indicate an additional 56% increase over the past 10 years, to 43,018 in September 2018, and that the current imprisonment rate is actually 222 per 100,000 population.<sup>41</sup>

There is also growing support for the policy of ‘justice reinvestment’, a ‘criminal justice reform [that] involves a redirection of money from prisons to fund and rebuild human resources and physical infrastructure in areas most affected by high levels of incarceration and contact with the criminal justice system’.<sup>42</sup> This policy platform is premised on the notion that resources should be allocated to ‘strategies that can better address the causes of offending’ as compared to the use of prisons as a tool of deterrence.<sup>43</sup>

Juxtaposed against these fiscal pressures, also exists a growing body of public opinion that expects prisons to be more punitive based on the classical school of thought that tougher prisons will act as a tougher deterrent against crime.<sup>44</sup> According to the British Crime Survey, when:

‘[a]sked about high reoffending rates by criminals who have served short jail terms, two thirds of the public thought the best solution was to ‘make prison life harder, to make it more of a deterrent to committing further crimes’.<sup>45</sup>

These are certainly trying times for correctional institutions, but that is also precisely why there is a greater need for corrective services to consider implementing meso-level changes to the social climate and architectural design of prisons to maximise their correctional resource capacity to rehabilitate offenders and to improve inmate treatment responsibility. In tandem with this, there should be a greater use of therapeutic tools in the form of motivational change programs that are aimed at addressing local offender needs, in particular, low-risk prisoners, but which can also complement other existing programs being delivered to medium and high-risk offender cohorts.

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<sup>38</sup> HM Chief Inspector of Prisons for England and Wales (2018) Annual Report 2017-18. London: Her Majesty’s Stationary Office HC1245.  
<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/724526/HMI-Prisons\\_Annual\\_Report\\_2017-18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724526/HMI-Prisons_Annual_Report_2017-18.pdf)> 7.

<sup>39</sup> Rick Sarre, ‘The importance of political will in the imprisonment debate’ (2009) 21(1) *Current Issues in Criminal Justice* 154, 155.

<sup>40</sup> *Ibid.*

<sup>41</sup> Australian Bureau of Statistics, Corrective Services, Australia, September Quarter 2018  
<[www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0)>.

<sup>42</sup> Australian Law Reform Commission, *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Final Report No 133 (2017) 26.

<sup>43</sup> *Ibid.* 13.

<sup>44</sup> David Barrett, ‘Prisons must be tougher, says survey’, *The Telegraph* (online), 2 April 2011  
<<https://www.telegraph.co.uk/news/uknews/law-and-order/8423453/Prisons-must-be-tougher-says-survey.html>>.

<sup>45</sup> *Ibid.*

It is arguable that these recommendations would all fit appropriately under the Queensland Corrective Services' vision of being a world class, high performing, top-tier public safety agency.<sup>46</sup> In particular, the abovementioned initiatives would fall squarely under the strategic objectives (2018-22) of:

- (1) Reducing recidivism through the delivery of evidence-based rehabilitation and reintegration programs, education, training and support services;
- (2) Providing correctional environments that promote humane containment of prisoners and supervision of offenders; and
- (3) Providing leadership, training and professional development to promote safe, healthy and supportive workplaces.<sup>47</sup>

To that end, December 2017 saw the commencement of a Townsville Correctional Complex internal management review of programs and services that were being delivered to ensure that the prison's suite of interventions would achieve desired outcomes. This exercise also coincided with the recruitment of a new Manager Offender Development. The internal management review has not been a particularly easy task given that the Townsville Correctional Complex is the most diverse prison in Queensland, operating eight geographically separate but operationally interlinked sites. This is, in part, consistent with the state's geographically dispersed and diverse population, which presents quite unique challenges in regard to the location and function of prison facilities across the northern part of the state, particularly when the objective of effectively rehabilitating inmates may be adversely impacted by matters like being unable to provide throughcare services to the prisoners when released to remote areas. Another significant issue is the over-representation of Aboriginal and Torres Strait Islander peoples in prisons. According to the Australian Bureau of Statistics in 2018, Queensland accounts for 23 percent of the total Aboriginal and Torres Strait Islander prisoner population.<sup>48</sup> Another added complexity arises because Townsville operates women's and men's prisons with both high and low security sites. The Australian Bureau of Statistics in 2018 notes that '[t]he [national] average daily number of females and males in custody both increased since the September quarter 2017, with females increasing at a higher percentage (10% or 326 persons) than males (4% or 1430 persons).'<sup>49</sup> Consequently, Townsville holds a diverse, often overcrowded and over represented Indigenous population in an ever-changing prison environment, that is constantly under the scrutiny of the public and media.<sup>50</sup>

### III IMPROVING THE SOCIAL CLIMATE OF THE TOWNSVILLE CORRECTIONAL COMPLEX

There is no quick or easy solution available. Nevertheless, though there are certainly operational challenges, they are not insurmountable and in fact, they may offer opportunities to leverage on advantages and shared lessons from across the various sites. Leaving aside for the

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<sup>46</sup> Queensland Corrective Services, 'Strategic Plan 2018-2022' (2018) <<https://publications.qld.gov.au/dataset/qcs-strategic-and-other-plans/resource/1c4a7846-49df-416a-a540-d5a434a5bfa2>>.

<sup>47</sup> Ibid.

<sup>48</sup> Australian Bureau of Statistics, 'Corrective Services, Australia', (June quarter 2018) <<http://www.abs.gov.au/ausstats/abs@.nsf/0/C57B3CAC8D0EDB87CA25825000141F8F?OpenDocument>>.

<sup>49</sup> Ibid.

<sup>50</sup> Sam Bidey, 'New Jail not on the Agenda for North Qld Despite Overcrowding', *Townsville Bulletin* (online), 26 September 2018 <<https://www.townsvillebulletin.com.au/news/townsville/new-jail-not-on-the-agenda-for-north-qld-despite-overcrowding/news-story/c851cda7847e61a94ab83d302c33db6f>>; Andrew Backhouse (20 January 2018) 'A Highly Regimented Routine for Male and Female Inmates', *Townsville Bulletin* (online), 20 January 2018 <<https://www.townsvillebulletin.com.au/news/special-features/in-depth/a-highly-regimented-routine-for-male-and-female-inmates/news-story/2ddeb6ee4e7ab8286e37cd720bc16a3c>>.

moment prison architectural reforms which would require significant financial investment, the Townsville Correctional Complex has tried to adopt an approach of diversity and inclusivity in regard to program development and inmate group access that has the potential to improve on the prison's social climate. What this means is that the TCC takes into account local characteristics of the prison cohorts and has attempted to construct a suite of activities and programs with objectives that essentially go beyond mere deterrence as its outcomes are positive and enfranchising. The activities provide not just skill and knowledge development. They also aim to improve personal insight and ability to cope, adapt and thrive within the prison as well as in the community once they are released — thereby improving the prospect of reintegration into society and leading a law-abiding and self-supporting life.

Such initiatives are critical because they can considerably improve the social climate within the prison, and prime inmates to become more engaged with their rehabilitation programs and, depending on the specific measure in question, may also reduce stress and improve morale of the correctional staff. Just as importantly, a range of these programs (as will be discussed below) have been developed through local and regional partnerships with key stakeholders, and thereafter delivered by and/or jointly with those partner organisations. By leveraging on community-wide resources like these, the problems and limitations faced by the prisons outlined earlier, are to a certain extent addressed or ameliorated. This approach, to utilise and leverage off community-wide resources, is a hallmark of the way the Townsville Correctional Complex operates in often difficult circumstances. It is also consistent with the QCS' strategic goal of:

Fostering collaborative relationships with government agencies and non-government organisations to promote efficient service delivery and coordinated approaches to rehabilitation and reintegration.<sup>51</sup>

Three of these programs are especially noteworthy:

- The Indigenous Leadership Program, developed and delivered by the Bindal Sharks United Sport & Recreation Aboriginal Corporation ('Bindal Sharks Corporation' or 'BSC');
- The Shine for Kids 'belonging to family' Program; and
- The Red Cross — Prison Program.

#### A *The Bindal Sharks Indigenous Leadership Program*

The Bindal Sharks Corporation 'believe that participation in sport, recreation, cultural activities and access to employment, education and training are inextricably linked to reducing Indigenous disadvantage within the community'.<sup>52</sup> This initiative has been extended through the Indigenous Leadership program so that Aboriginal and Torres Strait Islander inmates will also be able to access these same opportunities and resources to create for themselves a more meaningful existence within the prison through building camaraderie, cultural reconnection, real-world skills upgrading, and so on. Such a program improves the prison's social climate and, because of that, creates fertile ground upon which other individually-tailored rehabilitation measures (for example, educational and vocational training, and cognitive behavioural therapy) may be better received and responded to. This, in turn, will increase the likelihood that they will be successfully reintegrated post-release, thereby ultimately enhancing community safety. What is especially edifying about this program is that non-Indigenous prisoners have likewise been able to take part in it. This collaboration between the Bindal Sharks Corporation and Queensland Corrective Services staff allows for excellent role modelling within the context of the activity, breaks down cultural barriers and potentially improves the participating inmates'

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<sup>51</sup> Queensland Corrective Services, 'Strategic Plan 2018-2022' (2018) <<https://publications.qld.gov.au/dataset/qcs-strategic-and-other-plans/resource/1c4a7846-49df-416a-a540-d5a434a5bfa2>>.

<sup>52</sup> Bindal Sharks United Sport & Recreation Aboriginal Corporation, 'Organisation Origin and Overview' (no date) <<http://www.bindalsharks.org.au/index.php?id=about>>.

## *A Prison's Social Climate, and its Impact on Reintegration and Recidivism*

chances of successful release and reintegration. This is the very essence of why the aims go beyond mere deterrence for all North Queensland prisoners, regardless of their gender and ethnicity.

### **B**      *The Shine for Kids 'belonging to family' Program*

The 'Belonging to Family' program is currently only for Aboriginal and Torres Strait Islander parents who have 6 to 12 months of imprisonment left to serve.<sup>53</sup> This initiative is a vehicle driven by the 'SHINE for Kids', a non-governmental organisation. Through group work, it strives to:

... maintain and strengthen the connections between Aboriginal inmates and their partners, their children, their children's carer, their extended family and/or their community elders.<sup>54</sup>

Here, reducing recidivism is effected through helping the inmates build closer bonds with their children, in particular, and healthier family relationships, more generally, during their prison sentence, and beyond. Further, 'it is anticipated that when the inmates have been released, the teething problems of trying to reintegrate back into their families and wider community will be much less intense, and hence manageable',<sup>55</sup> and it is anticipated that these benefits will likewise be experienced while the inmates are still serving time because of a positive impact on the prison social climate.

It should be noted that both the Indigenous Leadership program as well as the 'Belonging to Family' initiative represent some of the Townsville Correctional Complex's efforts to accomplish the QCS' strategic goal of improving 'responses to prisoners and offenders who are vulnerable or over-represented in the criminal justice system'.<sup>56</sup>

### **C**      *The Red Cross - Prison Program*

The Red Cross — Prison Program is a community-based health and first aid initiative.<sup>57</sup> This award-winning measure raises healthcare, hygiene and basic first aid awareness among prison inmates through a peer-to-peer educator volunteer framework. Extremely successful in Ireland, the Townsville Correctional Complex is currently the only prison in Australia implementing the program. This is a quintessential form of an initiative that is intended to positively impact upon the prison social climate for both inmate and correctional officer alike. This is because the Red Cross — Prison Program:

... benefits the prisoner community daily and also benefits prison staff and families of prisoners. Evaluation of the programme has demonstrated high impact in terms of *positive developments within the prison environment* [emphasis added]. Projects under the programme have led to a significant increase in healthcare awareness and prisoners' personal wellbeing.<sup>58</sup>

It is expected that improving the prison social climate by increasing the 'level of healthcare awareness and prisoners' personal wellbeing,' will then lead to a greater likelihood of successful reintegration and reduced recidivism post-release. Evaluation of the Red Cross Prison Program within the Irish Prison Service has shown:

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<sup>53</sup> SHINE for Kids, 'Belonging to Family Program' <<https://shineforkids.org.au/belonging-to-family-program/>>.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Queensland Corrective Services, 'Strategic Plan 2018-2022' (2018)

<<https://publications.qld.gov.au/dataset/qcs-strategic-and-other-plans/resource/1c4a7846-49df-416a-a540-d5a434a5bfa2>>.

<sup>57</sup> Irish Red Cross, 'Prison Program - Community Based Health & First Aid'

<<https://www.redcross.ie/CBHFA>>.

<sup>58</sup> Ibid.

[p]ersonal development and empowerment appears to have occurred with most [inmate] volunteers through their participation in the programme. In all prisons, volunteers talk of their *community* [emphasis added] rather than prison.<sup>59</sup>

This finding in relation to the inmate volunteers talking ‘of their community rather than prison’ is precisely what social climate measures are designed to do — to foster pro-social values and a sense of belonging within the prisoner population i.e. to look out for one other as one usually does with family members.<sup>60</sup>

Interestingly enough, the Irish study also discovered that relationships between staff and the volunteer prisoners also improved, and that this change led ‘to a better understanding between prisoners and staff’ which, in turn, resulted in less tension between them.<sup>61</sup> Some of the qualitative data emanating from this study was illuminating. In particular, a number of correctional Assistant Chief Officers expressed their support for this program in the following ways:

- ‘There’s a huge difference to the prisoners’;
- ‘The environment is much better and more hygienic’;
- ‘The relationship between prisoners and staff has changed for the better’;
- ‘You can see a huge change in the behaviour of prisoners. Some prisoners who were real problems have completely turned around’; and
- ‘We don’t call them prisoners any more — we call them volunteers — they are on the journey to change and reform’<sup>62</sup>

As for recidivism rates, the Irish Prison Service was a little circumspect but nevertheless noted that:

[s]tatistics showed in early 2015 that of the 680 volunteers trained in the period 2009-2014, half were now released and of that half 75% had not re-offended. Whilst it is early days to be measuring recidivism, it is an encouraging sign.<sup>63</sup>

Even though these are promising, albeit somewhat premature, results, what is not so clear is why this is happening, assuming, of course, that there is a tangible link between them. The study speculates that:

[while] [i]t has become clear from the data that empowerment and change has occurred in many prisoners as a result of being involved with the [program,] [i]t was also hoped that it would contribute to recidivism.<sup>64</sup>

It should be noted that there was no mention in the study as to whether these inmate volunteers were also undergoing other more explicitly rehabilitative programs, so any conclusions drawn here should be interpreted with some caution. However, given the fact that this initiative does not expressly address any particular criminogenic factor that could be involved in the criminality of the inmates, this paper will, as foreshadowed earlier, argue that the greatest contribution made by this program is to the improvement of the social climate of the prison. This position is supported by the data which:

... indicated the importance of developing the sense of community in prisons. Significant data bits highlighted the importance attributed to *working together* [emphasis added] and *supporting each other* [emphasis added] as well as *helping each other* [emphasis added].

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<sup>59</sup> Irish Prison Service, Irish Red Cross, Education & Training Boards Ireland and Western University Ontario Schulich Interfaculty Program in Public Health, ‘An Evaluation of the Process of the Community Based Health & First Aid in Prisons Programme (2009-2014): A Collaborative Study Using a ‘Realist Approach’’ (2016) <[https://www.redcross.ie/resources/?cat\\_id=8](https://www.redcross.ie/resources/?cat_id=8)> 7.

<sup>60</sup> Deady, above n 23, 3.

<sup>61</sup> Irish Prison Service, above n 59, 40.

<sup>62</sup> Ibid 45.

<sup>63</sup> Ibid 47.

<sup>64</sup> Ibid.

## *A Prison's Social Climate, and its Impact on Reintegration and Recidivism*

A number of volunteers talk about the life-changing experience of being part of the programme as well as a *change in identity* [emphasis added]. Others talk about prison as a 'community' [emphasis added] and the *opportunity to influence change* [emphasis added]. In this way, they become more *in charge* [emphasis added] of their own community and themselves.<sup>65</sup>

Values like 'working together', 'supporting each other', 'helping each other', 'being part of a community', and so on, are all key characteristics of a prison social climate that primes its inmates to be more engaged with their rehabilitation programs.<sup>66</sup> It is this positive change to the prison's social climate that the Townsville Correctional Complex is hoping will occur here as well.

### IV CONCLUSION

Thus far, there have been no formal outcome or process evaluations conducted in relation to the described suite of programs, although there is certainly the expectation that the Queensland Correctional Services will do so as part of its 2018-22 strategic plan becoming more and more evidenced-based.<sup>67</sup> As the above aims and objectives have shown, the task of changing the prison social climate is intimately linked more to the aims of rehabilitation and reintegration than deterrence or retribution. However, there are some in corrections and in the community who may be circumspect about these aims, for three main reasons.

First, s 9 of the *Penalties and Sentences Act 1992* (Qld) makes it amply clear that a sentence can have a range of aims that punishment is supposed to achieve. From a conceptual point of view, this creates an inherent contradiction or conflict that correctional officers may find challenging to reconcile. For example, the court may order a sentence of 7 years' imprisonment to satisfy the aim of retribution for the heinous crime that the offender had committed; deterrence in the hope that the offender will not do it again for fear of being similarly punished; and rehabilitation, where that the offender's criminogenic needs are adequately treated so that they will not reoffend in the future. However, which aim should the correctional institution seek to accomplish? As discussed earlier, a positive social climate within the prison may greatly facilitate the offender being successfully rehabilitated through a specific therapeutic program but it may be argued that a positive social climate also erodes the retributive nature of the punishment that the offender justly deserves.

White and Perrone point out that 'the prison experience is often viewed, first and foremost, as punitive in intent, which means that prisoners ought to suffer some type of deprivation due to the pain they have caused someone else.'<sup>68</sup> This same argument likewise holds true in relation to the aim of deterrence vis-à-vis rehabilitation. Thus, prisons are often tasked to accomplish 'incompatible objectives'.<sup>69</sup>

Secondly, there is a substantial risk that the correctional institution will be severely, and sometimes unfairly, criticised by the public if a positive social climate in the prison is engendered. Public dissatisfaction could be aggravated if, for example, there is 'sensationalistic news coverage of prisoners enjoying taxpayer-funded 'motel conditions', replete with television sets and swimming pools'.<sup>70</sup> Imagine having a Norwegian prison model being adopted in Townsville, and just one of its inmates goes on to commit an offence immediately

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<sup>65</sup> Ibid.

<sup>66</sup> Day et al, above n 3, 5.

<sup>67</sup> Queensland Corrective Services, 'Strategic Plan 2018-2022' (2018)

<<https://publications.qld.gov.au/dataset/qcs-strategic-and-other-plans/resource/1c4a7846-49df-416a-a540-d5a434a5bfa2>>.

<sup>68</sup> White and Perrone, above n 17, 538.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

after being released! The fallout could be devastating, and may reduce the prison's legitimacy in the eyes the community.

Thirdly, prison administrators will have to deal with the perennial issue of what Roberts et al. described as 'penal populism',<sup>71</sup> 'where changes in penal policy are the result of public pressures and political actors looking to ensure votes — often through 'get-tough' initiatives focussed on crime control'.<sup>72</sup> This is particularly relevant to correctional institutions because:

[t]he central tool of penal populism is imprisonment ... Justification for policies such as three-strikes legislation, [and] mandatory minimum sentences ... is found in this framework of penal populism, which described a punitive public fed up with crime and with the perceived leniency of the criminal justice system'.<sup>73</sup>

The implications of this are fairly evident, and measures that improve the social climate of prisons, even if they result in increased levels of successful reintegration and reduced recidivism rates, may still fall foul of this political mindset. These are the stark realities of which prison administrators must be mindful when considering whether to put in place such measures, even if they appear to be as benign as introducing 'Pups in Prison', painting the prison walls with soothing colours, employing more 'treatment focussed' staff, or increasing staff awareness of social climate issues through training in the Townsville Correctional Complex.<sup>74</sup>

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<sup>71</sup> Julian V Roberts, Loretta J Stalans, David Indermaur and Mike Hough *Penal Populism and Public Opinion: Lessons from Five Countries* (Oxford University Press, 2003), 4.

<sup>72</sup> Rose Ricciardelli, Hayley Crichton and Lisa Adams, 'Stuck: Conditions of Canadian Confinement' in M Deflem (ed) *Punishment and Incarceration: A Global Perspective* (Emerald Group Publishing, 2014) 96.

<sup>73</sup> Karen Gelb, 'Myths and Misconceptions: Public Opinion Versus Public Judgment About Sentencing' in A Freiberg and K Gelb (eds), *Penal Populism, Sentencing Councils and Sentencing Policy* (Routledge, 2013) 69.

<sup>74</sup> Day et al, above n 3, 5.