

**THE PRISON SYSTEM:
BACKWARDS OR FORWARDS THIRTY YEARS**

Tony Vinson

One of the State Government's proudest achievements, an enormous increase in the size of the NSW prison population, is mindless, financially draining, counter-productive and, in its human consequences, immoral. It's also taken the system back thirty years. Unless prevented, the present drift will result in the simple, unadorned, warehousing of people.

In half a parliamentary term, the Government created another 1,400 prisoners¹ – an incredible increase of 35 percent – with the resultant overcrowding and stress which that creates for both staff and inmates. Policing practices and some legislative changes probably contributed to the early increases. However, in September of last year the Government introduced its so-called truth in sentencing legislation. The Government said it didn't wish to make sentences longer but it failed to incorporate its intentions in the legislation.²

Now the Minister acknowledges that the Truth in Sentencing Act is a major contributor to the increased number of prisoners. There is almost a touch of pride in the accomplishment. Asked whether the rate of increase was likely to continue, Mr Yabsley said last month: 'As far as we look into the future, we are going to have record highs'.³

Well, we all get our highs in different ways. But it's misleading to talk about future trends as though they somehow represent the inevitable working out of community forces. The 'highs' are the direct result of Government decisions and the crude exploitation of unthinking vindictiveness in our society. We could begin tomorrow to peg the 'highs' back to the 'sensible'.

I have described the present approach as mindless, financially draining, counterproductive and immoral. Concerning the first of these qualities, mindlessness: what possible logical reasons can sustain the Government's

1 Takes account of overflow in police cells.

2 See, for example, Chan, J., "Sentencing Violent Offenders: Where Does Truth Lie?" National Conference on Violence, 10–13 October, 1989, Canberra.

3 SMH, 12/3/90.

enthusiasm for expanding the prison system? I believe arguing that offenders will be corrected by extending their sentences requires total ignorance of the findings of relevant research here and abroad. That research shows that the longer someone is held in prison the more likely that person is to incur further trouble with the law.⁴

Perhaps the population at large will be deterred from breaking the law by the well publicised increase in the number of people being thrown into our gaols. To be disabused of this belief, one need look no further than the country which seems to be the Government's inspiration in this field. America now has a million prisoners. Between 1980 and 1988 the country increased its prison population by 75 percent and in the very year of that achievement had the highest levels of violent crime on record.⁵ US experts are now unanimous in their belief that simply recruiting more police or locking up more people does not constitute effective crime control.⁶ The pity is that our Government hasn't heard – or doesn't want to hear that message.

Here in NSW, housebreakers, car stealers and thieves account for 30 percent of our prison population⁷ but only 10 percent of the almost 300,000 recorded property offences last year were 'cleared up' by the police.⁸ In other words, unless you are prepared to believe that the ones who were caught did most of the other 90 percent of the jobs, the odds are against thieves being caught. The might of the Law focuses down on a fraction of property offenders.

Those who are incompetent at their criminal trade are conscripted into a pariah group. Neither their incompetence nor their fate are reasons for overlooking the social harm done by law-breakers. But no one should confuse the ritual

4 (a) Vinson, T., *Wilful Obstruction*, Sydney, Methuen, 1982, p.86.
(b) Criminal Justice Newsletter, "NCCD Finds Low Recidivism in Massachusetts Juvenile System", Vol.21, No.1, Jan. 1990, p.1.
(c) NSW Bureau of Crime Statistics, "Two Studies of Recidivism", Report No. 6, October 1979, p.25.

5 (a) Prisoners in 1988, Bureau of Justice Statistics Bulletin, April 1989.
(b) Crimes in the USA 1988, Federal Bureau of Investigations, July, 1989.

6 Criminal Justice Newsletter:
(i) "Congressional Studies Forecast Continued Prison Overcrowding", Vol. 21, No. 1, Jan. 1990, p.4.
(ii) "Inmate Population Predicted to Surpass 1 Million This Year", Vol. 20, No. 4, Feb. 1989a, pp.5-6.

7 NSW Department of Corrective Services, NSW Prison Census – 30th June, 1988.

8 NSW Police Service Crime Statistics 1988-89, p.17.

pillorying of prisoners on our television screens with genuine crime prevention strategies. Let's assume that the Good Fairy of Public Works (or a Rich Corporate Fairy) fulfils the Minister's fondest wish and he is able to excel even the Americans and accommodate 100 percent more prisoners within a single parliamentary term. Even then we would still only be skimming the pool of law-breakers.

A savvy government that really wanted to do something about reducing crime would relocate upstream from where the criminal justice system does its ineffectual trawling. That is what a number of countries, especially France and the Netherlands, have been doing of late with measurable success.⁹ In France, local communities tender for crime prevention contracts. Crime rates have declined in towns and cities where this strategy has been concentrated. The cost of these initiatives to central government in a country with a population of 56 million is about A\$8.5 million: roughly equivalent to the annual cost of each additional 250 prisoners in NSW. And we're currently achieving that every couple of months.

The Dutch also emphasise community based approaches to crime prevention. They too have a centrally funded local crime prevention scheme. Hard-nosed evaluation of these programs indicates that they are meeting with some success.¹⁰ In Australia, the South Australian Government is leading the way by the development of a crime prevention strategy based on these approaches. There is simply no excuse for the NSW Government continuing to bury its head in a mountain of overflowing prison cells.

Financially draining

Economies in prisons often entail big risks. Cut back on prison staffing by carrying a large number of unfilled positions and slashing overtime and you are creating hazards for staff and inmates. 'No go' areas are springing up in our maximum security prisons. Prisoners are again remaining locked in cells (warehoused) for periods that were condemned by the Nagle Royal Commission. Tensions build that benefit no one. But despite such economies the Government can't keep the lid on the cost explosion. With new goals and new staff, in the next five years the tax-payers of NSW will have to find \$1.5

⁹ Confronting Crime. The South Australian Crime Prevention Strategy. Government of South Australia, 1989.

¹⁰ Van Dijk, J., "Confronting Crime: The Dutch Experience", Crime Prevention Strategy Seminar, 28 October, 1989, Adelaide.

billion dollars to fund this mindless folly. Given that one third of the expenditure is unnecessary, we will forego the chance to make a huge downpayment on a safe highway to the north. We will forego the equivalent of three new major hospitals or the chance to build and staff twenty high schools.¹¹

Counter – productive, immoral

Spreading the available funds more thinly means that prisoners are now, more than ever, being set up to fail. A third of our politically convenient pariah group have literacy skills below what is required to use a telephone book. So what has the Greiner Government done? It's cut expenditure on prison education by 20 percent at the same time as it's increased the prison population by 35 percent. *Human warehousing draws a step nearer.*

The Minister says that prison work and not education, is to be emphasised. As though the two things are mutually exclusive! In any event, where are the real jobs to fully occupy the state's prisoners? The creation of over 700 productive jobs and planned additional work – in itself commendable – is still not keeping pace with increases in the prison population.

Pariah status has been extended to the spouses and children of prisoners. Contact visiting was introduced a decade ago to help keep family and personal relationships alive. A parent could hold a child. Spouses and partners could embrace. At the same time additional security measures like metal detectors, sniffer dogs, bag security and urine analysis, were introduced. However, the burden of enabling the authorities to maintain security properly fell on the shoulders of the prisoners. They had to be prepared to undergo intensive body searches.

What has the Greiner Government done? At Parramatta gaol, in what may be the forerunner of developments elsewhere, transparent barriers have been installed which have not only removed the opportunities for contact but made communication extremely difficult. Add to that the fact that visitors, predominantly women and children, are now sometimes strip searched. It's sick, intimidating to all visitors and destructive of community ties. It's unnecessary because there are other ways of excluding visitors who traffic in contraband. Add to that the Government's decision to withdraw funding from community organisations that help transport mothers and children on prison

¹¹ Based on a possible saving of a third of the expenditure or around \$500 million.

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visits or organise family days. Add to that the construction of new prisons in areas remote from where prisoners' families live. *We draw a step nearer to the isolation and warehousing of people.*

But the litany of dehumanising and immoral measures is still incomplete. The Nagle Royal Commission observed that it was wasteful and inhuman to turn people out of prison with nowhere to go. Therefore, halfway houses began to receive a modest subsidy. That support is now to be slashed. The Minister's letter announcing this intention is mind boggling. He said, 'I have an obligation to the tax-payers of this state to ensure that the available funds are utilised to their maximum benefit'. *More money for human warehouses.*

Finally, given the climate of the institutions, it's not surprising that the NSW prison system currently is experiencing its highest recorded level of prisoner suicide – 15 so far in the current year, half of them under 24 years of age. The English Government is worried about and inquiring into, its number of prison suicides. Ours are running at a rate 4–5 times higher. Where are the deaths concentrated? Parramatta Gaol, the site of four major disturbances in recent weeks.

What Should Be Done?

Many things but most fundamentally stop *the mindless expansion of the prison system*. If gaols are used discerningly and kept to a reasonable size, they can be run in a human way. The Government should take a lead from the Thatcher Government which, in February of this year, called upon the courts to issue prison sentences sparingly.¹²

Change the Truth in Sentencing legislation so that it accords with the originally declared intention of not increasing the length of sentences. Return to the task of developing a range of punishments that are real alternatives to the use of imprisonment. It's no use belatedly inviting courts to use periodic detention when Probation Offices which supply the necessary reports are 12 percent understaffed.

Stop promoting social divisions and pariah groups. Part company from all of those American business-types who are trying to *flog off* gaols to NSW. Follow the example of truly enterprising societies that are doing crime prevention business with local communities.

¹² Government White Paper, Crime, Justice and Protecting the Public, HMSO, 6th February, 1990.

Finally, stop playing the role of Colonel Klink. The prison system doesn't revolve around the mutual antagonism of you and 5000 prisoners. It's quite possible that some of them even do things occasionally for a purpose other than to personally undermine you. If they do the wrong thing, it's enough that as Chief Gaoler you ensure that the law runs its course.

I know you would like your own Colditz but remember the last one of those that we had, Grafton, will live forever in infamy. Perhaps you could even adopt the advice recently tended by a Queensland prison official: it doesn't cost anything to be civil to prisoners and their families. Or would that entail the frightening admission that the prison political game is actually about human beings? I have here a letter from almost 300 of them at Long Bay complaining about the provocative, aggressive behaviour of special security staff. The letter conveys to your Department concern about the unwelcome danger such behaviour represents to ordinary prison officers and the majority of prisoners. Thirty years ago such a letter would have been ignored. All these years and a Royal Commission later, will you heed the request to help cool the present dangerous situation?